



**ACTION REPORT
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING
July 30, 2013
7:00 PM**

Mayor Ed Kelley

Zone 1 – Commissioner James Stowers

Zone 3 – Commissioner Rick Boehm

Zone 2 – Commissioner Troy Kent

Zone 4 – Commissioner Bill Partington

COMMISSION CHAMBERS

22 South Beach Street, Ormond Beach, FL 32174

Phone: 386-677-0311

Web: www.ormondbeach.org

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF FY 2013-14 PROPOSED MILLAGE RATES**
 - A. RESOLUTION NO. 2013-113 : A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR THE 2013-2014 FISCAL YEAR; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING ON THE PROPOSED MILLAGE RATES AND THE TENTATIVE BUDGET; DIRECTING COMMUNICATION; EXPRESSING LEGISLATIVE INTENT; AND SETTING FORTH AN EFFECTIVE DATE.**

Staff Contact: Kelly McGuire, Finance Director (386-676-3226)

APPROVED

- 5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**
- 6. APPROVAL OF MINUTES**
 - A. Minutes from City Commission meeting – June 18, 2013 **APPROVED****
- 7. CONSENT AGENDA**

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

- A. **RESOLUTION NO. 2013-114** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE AND PURCHASE BETWEEN THE CITY OF ORMOND BEACH AND FLORIDA COMMUNITY BANK, N.A., FOR THE PURCHASE OF CERTAIN PROPERTY LOCATED AT HAMMOCK LANE AND OLD KINGS ROAD; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

APPROVED

- B. **RESOLUTION NO. 2013-115** : A RESOLUTION ACCEPTING THE BID OF MASCI GENERAL CONTRACTOR, INC. REGARDING CONSTRUCTION SERVICES FOR THE JOHN ANDERSON DRIVE ROADWAY IMPROVEMENT PROJECT, UNDER BID NO. 2013-07; REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND MASCI GENERAL CONTRACTOR, INC. AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

APPROVED

- C. **RESOLUTION NO. 2013-116** : A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT NO. 3 TO THE AGREEMENT BETWEEN THE CITY AND GHYABI & ASSOCIATES, INC. REGARDING THE JOHN ANDERSON DRIVE ROADWAY IMPROVEMENTS PROJECT; AUTHORIZING PAYMENT THEREFORE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

APPROVED

- D. **RESOLUTION NO. 2013-117** : A RESOLUTION ACCEPTING A PROPOSAL FROM MCKIM & CREED TO PROVIDE ENGINEERING DESIGN SERVICES REGARDING THE DIVISION WELLFIELD RAW WATER MAIN PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Dave Ponitz, Utilities Manager (386-676-3305)*

APPROVED

- E. **RESOLUTION NO. 2013-118** : A RESOLUTION ACCEPTING A BID FROM P & S PAVING, INC. FOR CONSTRUCTION SERVICES REGARDING THE 2013 ROADWAY RESURFACING PROJECT, UNDER BID NO. 2013-29; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *John Noble, City Engineer (386-676-3269)*

APPROVED

- F. **RESOLUTION NO. 2013-119** : A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT IN FAVOR OF ST. JOHNS RIVER WATER MANAGEMENT DISTRICT OVER APPROXIMATELY 30.8 ACRES AT THE ORMOND BEACH SPORTS COMPLEX; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

APPROVED

- G. **RESOLUTION NO. 2013-120** : A RESOLUTION ACCEPTING A PROPOSAL FROM A.M. WEIGEL CONSTRUCTION, INC. TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES REGARDING THE CONSTRUCTION OF TWO MULTI-USE FIELDS AT THE ORMOND BEACH SPORTS COMPLEX; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: John Noble, City Engineer (386-676-3269)

APPROVED

- H. **RESOLUTION NO. 2013-121** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY GLORIA POWERS LOCATED AT 188 TOMOKA AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4215-14-21-0190) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069) **APPROVED**

- I. **RESOLUTION NO. 2013-122** : A RESOLUTION PURSUANT TO SECTION 14-98, LIENS, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF A LIEN AGAINST THE REAL PROPERTY OWNED BY FRED UPTHAGROVE A/K/A FREDERICK JAMES UPTHAGROVE AND MISTY UPTHAGROVE LOCATED AT 345 SOUTH CENTER STREET, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA (PARCEL ID NO. 4242-01- 06-0320) FOR COSTS INCURRED BY THE CITY TO TERMINATE OR ABATE A SITE MAINTENANCE VIOLATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069) **APPROVED**

- J. **RESOLUTION NO. 2013-123** : A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE STATE ATTORNEY OF THE SEVENTH JUDICIAL CIRCUIT FOR PROSECUTION OF VIOLATIONS OF CITY ORDINANCES PUNISHABLE BY INCARCERATION; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Randal Hayes, City Attorney (386-676-3217)*

APPROVED

- K. **RESOLUTION NO. 2013-124** : A RESOLUTION APPROVING A REVISED COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2013-2014 FISCAL YEAR; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Loretta Moio, Grants Coordinator/PIO (386-676-*

3315) **APPROVED**

- L. **RESOLUTION NO. 2013-125** : A RESOLUTION ACCEPTING A BID FROM ALS GROUP USA, CORP., FOR LABORATORY SERVICES REGARDING SAMPLE COLLECTION AND TESTING ON THE CITY'S POTABLE WATER, SEWER AND RECLAIMED WATER, UNDER BID NO. 2013-24; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Dave Ponitz, Utilities Manager (386-676-3305)*

APPROVED

- M. **Caterpillar Grader/ Caterpillar Skid Steer 259B2**

Staff Contact: *Facundo Tassara, Fleet Operations Manager (386-676-3506)*

Disposition: Approve as recommended in the City Manager memorandum dated July 30, 2013. **APPROVED**

- N. **Purchase of Computers from Dell Marketing L.P.**

Staff Contact: *Ned Huhta, IT Manager (386-615-7031)*

Disposition: Approve as recommended in the City Manager memorandum dated July 30, 2013. **APPROVED**

- O. **Administrative Variances Report**

Staff Contact: *Ric Goss, Planning Director (386-676-3238)*

Disposition: Approve as recommended in the City Manager memorandum dated July 30, 2013. **APPROVED**

- P. **Approval of Travel by the City Commission**

Staff Contact: *Scott McKee, City Clerk (386-676-3340)*

Disposition: Approve as recommended in the City Manager memorandum dated July 30, 2013. **APPROVED**

Q. **A1A Force Main Cleaning - Contractor Specialty Services**

Staff Contact: Dave Ponitz, Utilities Manager (386-676-3305)

Disposition: Approve as recommended in the City Manager memorandum dated July 30, 2013. **APPROVED**

8. **PUBLIC HEARINGS**

- A. **ORDINANCE NO. 2013-40** : AN ORDINANCE AMENDING ORDINANCE NO. 2013-21 PERTAINING TO THE JULIE DEAL REVOCABLE TRUST U/A DATED JUNE 26, 2001 (250 WILLIAMSON BOULEVARD) ANNEXATION, BY AMENDING THE LEGAL DESCRIPTION TO CORRECT A SCRIVENER'S ERROR; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: Ric Goss, Planning Director (386-676-3238)
APPROVED ON SECOND READING

- B. **ORDINANCE NO. 2013-43** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTS OF APPROXIMATELY +9.71 ACRES AND BEING GENERALLY LOCATED ALONG THE WEST SIDE OF WILLIAMSON BOULEVARD APPROXIMATELY 1,950 LINEAR FEET SOUTH OF WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 260 WILLIAMSON BOULEVARD, INCLUDING THAT PORTION OF WILLIAMSON BOULEVARD ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; RE-DESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)
APPROVED ON FIRST READING

- C. **ORDINANCE NO. 2013-44** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE SOUTH SIDE OF GRANADA BOULEVARD APPROXIMATELY 450 LINEAR FEET EAST OF THE INTERSECTION OF SEMINOLE DRIVE AND WEST GRANADA BOULEVARD AND BEING COMMONLY LOCATED AT 1298 WEST GRANADA BOULEVARD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 4 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON FIRST READING

- D. **ORDINANCE NO. 2013-45** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1 APPROXIMATELY 850 LINEAR FEET SOUTH OF THE I-95 AND NORTH U.S. HIGHWAY 1 INTERCHANGE RAMP AND BEING COMMONLY LOCATED AT 1535 NORTH U.S. HIGHWAY 1; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON FIRST READING

9. FIRST READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-46** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 11.14± ACRES AND BEING GENERALLY LOCATED ALONG THE SOUTH SIDE OF STATE ROAD 40 APPROXIMATELY 1,450 LINEAR FEET WEST OF STATE ROAD 40 AND INTERSTATE 95 RAMP BEING COMMONLY LOCATED AT 200-208 BOOTH ROAD, 1720 AND 1760 WEST GRANADA BOULEVARD; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON FIRST READING

- B. **ORDINANCE NO. 2013-47** : AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY CONSISTING OF APPROXIMATELY 0.90 ± ACRES AND BEING GENERALLY LOCATED AT 1740 WEST GRANADA BOULEVARD; SETTING FORTH ZONING, PRIVILEGES AND OBLIGATIONS REGARDING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 3 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Ric Goss, Planning Director (386-676-3238)

APPROVED ON FIRST READING

- C. **ORDINANCE NO. 2013-48** : AN ORDINANCE AMENDING SECTION 2-262, SCHEDULE OF CIVIL FINES, OF CHAPTER 2, ADMINISTRATION, ARTICLE VII, CODE ENFORCEMENT, DIVISION 3, CLASSIFICATION OF VIOLATIONS AND FINES, OF THE CITY OF ORMOND BEACH CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Joanne Naumann, Neighborhood Improvement Manager (386-615-7069)

APPROVED ON FIRST READING

- D. **ORDINANCE NO. 2013-49** : AN ORDINANCE AMENDING SECTION 5-69, RUNNING AT LARGE PROHIBITED, OF CHAPTER 5, ANIMALS AND FOWL, ARTICLE III, DOGS AND CATS; OTHER ANIMALS, OF THE CITY OF ORMOND BEACH, FLORIDA, CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Andy Osterkamp, Police Chief (386-677-0731)*

APPROVED ON FIRST READING

10. SECOND READING OF ORDINANCES

- A. **ORDINANCE NO. 2013-41** : AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE VI, OVERLAY DISTRICTS, SECTION 2-71, HISTORIC DISTRICTS AND LANDMARKS, OF THE LAND DEVELOPMENT CODE BY REMOVING ONE (1) PROPERTY FROM THE ORMOND BEACH HISTORIC LANDMARKS LIST; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: *Ric Goss, Planning Director (386-676-3238)*

APPROVED ON SECOND READING

- B. **ORDINANCE NO. 2013-42** : AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2012-2013 BY AMENDING THE GENERAL FUND; THE STORMWATER FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE WATER & WASTEWATER FUND; AND THE GENERAL LIABILITY FUND; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

Staff Contact: *Kelly McGuire, Finance Director (386-676-3226)*

APPROVED ON SECOND READING

11. RESOLUTIONS

- A. **RESOLUTION NO. 2013-126** : A RESOLUTION CONSENTING TO AND AUTHORIZING THE ERECTION OF A FENCE AND AUTOMATIC ENTRANCE GATE OVER AND UPON A CERTAIN VEHICULAR ACCESS EASEMENT ON CITY PROPERTY LOCATED AT 317 HAND AVENUE; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: *Ric Goss, Planning Director (386-676-3238)*

APPROVED ON FIRST READING

12. STAFF ACTION ITEMS

- A. ORMOND BEACH SPORTS COMPLEX MULTIPURPOSE BUILDING

Staff Contact: *Robert Carolin, Leisure Services Director (386-676-3279)* **APPROVED STAFF RECOMMENDATION**

13. DISCUSSION ITEMS

A. DURRANCE LANE

Staff Contact: *Joyce Shanahan, City Manager (386-676-3200)*

APPROVED STAFF RECOMMENDATION

14. REPORTS, SUGGESTIONS, REQUESTS

15. ADJOURNMENT

Website Address – www.ormondbeach.org

NOTICE – Pursuant to Section 286.0105 of the Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance.
Phone: 386-677-0311



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons with a disability, such as a vision, hearing or speech impairment, or persons needing other types of assistance, and who wish to attend City Commission meetings or any other board or committee meeting may contact the City Clerk's Office in writing, or may call 386-677-0311 for information regarding available aids and services.