



**CITY OF ORMOND BEACH  
CITY COMMISSION MEETING**

FEBRUARY 2, 2010

7:00 PM

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**PURSUANT TO SECTION 286.0105, 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.**  
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**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 IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES. LISTENING DEVICE AVAILABLE FOR HEARING IMPAIRED.**  
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**A G E N D A**

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
  - A) Proclamation in honor of the PAL Youth Director's Council.
  - B) Proclamation in honor of the Ormond Beach Daisy's Soccer Team.
  - C) Proclamation in honor of the Boys Soccer Teams.
  - D) Certificate for "Achievement of Civic Excellence" presented to Kevin Scheiber, Ormond Beach Middle School and Chelsey Gonzales, Hinson Middle School.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the January 19, 2010, meeting.
- 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. 2010-11 authorizing the submittal of a grant application to the Florida Department of Agriculture and Consumer Services under the 2009-2011 Forest Health Improvement Initiative Grant Program for funding assistance relative to a tree planting project at the Division Avenue stormwater pond; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (\$24,000 maximum available funding) (Acting City Engineer) **APPROVED**

B) Resolution No. 2010-12 authorizing the execution of a Utility Master Agreement between the City and Florida Department of Transportation, regarding the relocation of City of Ormond Beach utilities located within Florida Department of Transportation's right of ways. (Acting City Engineer) **APPROVED**

C) Budget results for the FY 2008-09 General Fund and Water/Wastewater Fund. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated January 28, 2010.

D) Quarterly Report on Alternative Standards and Administrative Relief Granted. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated January 28, 2010.

E) Follow up regarding the City Commission Goals Workshop. **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated January 28, 2010.

8) **PUBLIC HEARINGS:**

A) Resolution No. 2010-13 of the City Commission of the City of Ormond Beach, authorizing the City to enter into a Stipulated Settlement Agreement with the Florida Department of Community Affairs regarding the Ormond Crossings Comprehensive Plan – remedial amendments. (Economic Development Director) **TABLED UNTIL FEBRUARY 19, 2010 MEETING**

B) Ordinance No. 2010-06 of the City of Ormond Beach, Florida, adopting the Remedial Amendments for the City of Ormond Beach Comprehensive Plan; amending Goals, Objectives and Policies of the Future Land Use Element by creating and establishing the "Activity Center" land use category and establishing specific permitted uses, development intensities and required improvements for all "Activity Centers"; amending the Future Land Use Map to assign the designation of "Highway Tourist Commercial" and "Industrial" to approximately 155 acres of land located on the south side of US Highway 1, and spanning east and west of Interstate 95 (I-95); amending the Future Land Use Map to assign the designation of "Activity Center" to approximately 2,940 acres located south of the FEC railroad line, spanning east and west of Interstate 95 (I-95); amending the Goals, Objectives and Policies of the Transportation Element for the "Ormond Crossings Activity Center" by designating that area as a Transportation Concurrency Exception Area (TCEA) and establishing specific mobility strategies and improvements to the transportation network to mitigate for impacts resulting from the Ormond Crossings Activity Center; deleting previous provisions approved in 2005 pertaining to wetland and floodplain impacts in the Conservation and Coastal Management Elements; amending Objectives and Policies in the Recreation and Open Space Element by identifying specific improvements to be funded by the developer to mitigate for the impacts resulting from the development of the Ormond Crossings Activity Center; amending the Capital Improvements Element by including specific improvements required of the developer of the Ormond Crossings Activity Center in order to mitigate for impacts to the Emergency Management, Transportation, Utilities and Recreational Facilities of the City of Ormond Beach. **APPROVED ON FIRST READING**

- C) Ordinance No. 2010-07 of the City Commission of the City of Ormond Beach, Florida, approving a Development Agreement between the City of Ormond Beach and Tomoka Holdings, LLC, as owner and developer; providing for the development of a 2,924 acre mixed-use development on property located on the south side of the Florida East Coast Railroad, spanning both sides of I-95, and north of the Ormond Beach Municipal Airport within the City of Ormond Beach, to be known as "Ormond Crossings"; authorizing the execution of the Development Agreement. (Economic Development Director) **APPROVED ON FIRST READING**
- D) Ordinance No. 2010-08 of the City of Ormond Beach, Florida, rescinding the Ormond Crossings Development of Regional Impact (DRI) Development Order (DO) approved by Resolution No. 2006-269. (Economic Development Director) **APPROVED ON FIRST READING**
- E) Resolution No. 2010-14 of the City Commission of the City of Ormond Beach, Volusia County, Florida, also acting as the North Mainland/Ormond Crossings Community Redevelopment Agency, approving and adopting the Amendment/Update to the Master Redevelopment Plan for North Mainland/Ormond Crossings Community Redevelopment Area; implementing actions taken by the City Commission in Resolution Number 2006-35; further implementing the provisions of the Community Redevelopment Act of 1969 (as amended); providing for legislative findings; providing for definitions; providing for capital projects and programs to be implemented as part of said Redevelopment Plan. (Economic Development Director) **APPROVED**
- F) Resolution No. 2010-15 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, accepting the bid of Traffic Control Devices, Inc., regarding the rehabilitation of two traffic signals (Bid No. 2010-05); rejecting all other bids; authorizing the execution of a contract and payment thereunder. (\$75,935.30) (Acting City Engineer) **APPROVED**
- G) Resolution No. 2010-16 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Cassen Park Boat Ramp Extension project. (\$31,845) (Acting City Engineer) **APPROVED**
- H) Resolution No. 2010-17 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, authorizing the execution of a contract between the City of Ormond Beach and Hall Construction Company, Inc., regarding the Granada Beach Approach Improvements project. (\$210,109) (Acting City Engineer) **APPROVED**
- I) Ordinance No. 2010-12 granting to Florida Power & Light Company, its successors and assigns, a non-exclusive electric franchise for a period of thirty (30) years, imposing provisions and conditions relating thereto. (Public Works Director) **APPROVED ON STAFF VERSION ON FIRST READING**

9) **SECOND READING OF ORDINANCES:**

- A) Ordinance No. 2009-57 amending Chapter 4, Alcoholic Beverages, Section 4-3, Sale, consumption, possession, etc., prohibited except on licensed premises; exceptions, of the Code of Ordinances by providing an application process for persons desiring to use City property for social events; providing conditions for the use thereof; restricting the use, sale or

consumption of alcoholic beverages at such events to beer, wine or champagne. (Leisure Services Director) **APPROVED ON SECOND READING**

- B) Ordinance No. 2010-02 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 147 unit building located at 205 South Atlantic Avenue, known as Best Western Castillo Del Sol, granting certain vested rights relative thereto. (Planning Director) **APPROVED ON SECOND READING**
- C) Ordinance No. 2010-03 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing 98 unit building located at 711 South Atlantic Avenue, known as the Coral Beach Motel, granting certain vested rights relative thereto. (Planning Director) **APPROVED ON SECOND READING**
- D) Ordinance No. 2010-04 of the City of Ormond Beach, Florida, making determinations regarding the height of an existing building and the proposed building located at 915 Ocean Shore Boulevard, known as Shoreham Condominium apartments; granting certain vested rights relative thereto. (Planning Director) **APPROVED ON SECOND READING**
- E) Ordinance No. 2010-05 amending Chapter 2, Administration, Article VI, Boards, Commissions, Committees and other agencies, Division 2, Enumerated, of the Code of Ordinances, by adding a new section to be numbered and entitled Section 2-228, Public Works Advisory Board; creating a Public Works Advisory Board; establishing terms and conditions of membership; establishing powers and duties. (Assistant City Manager) **APPROVED ON SECOND READING AMENDING TERMS OF BOARD MEMBERS TO COINCIDE WITH THE TERMS OF THE COMMISSION**

10) **FIRST READING OF ORDINANCES:**

- A) Ordinance No. 2010-09 of the City of Ormond Beach, Florida, amending and restating Article I, in General, of Chapter 16, Pensions and Retirement, Sections 16-1 through 16-21.8 inclusive of the Code of Ordinances; amending definitions; amending terms of office of board members; amending conditions for investing fund assets; amending conditions for optional forms of benefits; amending conditions pertaining to contributions, vesting, benefit amounts and eligibility requirements, and pre-retirement death requirements; amending conditions pertaining to maximum pension and minimum distribution of benefits; amending provisions pertaining to the forfeiture of pension benefits, direct transfers of eligible rollover distributions, separation of employment for military service, and prior government service; amending conditions pertaining to Deferred Retirement Option Plan; providing for codification. (Finance Director)

**APPROVED AS AMENDED, ABSENT PROPOSED CHANGES TO SECTION 16-3.(A), BOARD OF TRUSTEES AND PROPOSED CHANGE TO SECTION 16-15(I)(1), SERVICE CREDIT PURCHASE LIMITS**

- B) Ordinance No. 2010-10 of the City of Ormond Beach, Florida, amending and restating Article III, Firefighters' Pension Trust Fund, of Chapter 16, Pensions and Retirement, Sections 16-40 through 16-69 inclusive of the Code of Ordinances; amending definitions, amending conditions pertaining to Deferred Retirement Option Plan (DROP), investment of fund assets, contributions, benefit amounts and eligibility, pre-retirement death requirements, disability and vesting; amending provisions pertaining to optional forms of benefits, maximum pension and minimum distribution of benefit requirements; amending conditions pertaining to forfeiture of pensions, direct transfer of eligible rollover distributions, and separation from employment for

military service; amending conditions pertaining to the purchase of prior years of service. (Finance Director)

**APPROVED EXCLUDING PROPOSED CHANGES TO SECTION 16-42, BOARD OF TRUSTEES; SECTION 16-63, MILITARY SERVICE PRIOR TO EMPLOYMENT; AND SECTION 16-66, PRIOR FIRE SERVICE**

- C) Ordinance No. 2010-11 of the City of Ormond Beach, Florida, amending and restating Article IV, Police Officers' Pension Trust Fund, of Chapter 16, Pensions and Retirement, Sections 16-71 through 16-99 inclusive of the Code of Ordinances; amending definitions; extending terms of office of board members; establishing a Partial Lump Sum Payment (PLOP) Option; amending conditions for the purchase of prior years of service; establishing a Deferred Retirement Option Plan (BAC-DROP); providing optional forms and distribution of benefits; providing for investment of fund assets; providing conditions regarding forfeiture of pensions.

**APPROVED EXCLUDING PROPOSED CHANGES TO SECTION 16-73, BOARD OF TRUSTEES; SECTION 16-80, OPTIONAL FORMS OF BENEFITS; SECTION 16-94, MILITARY SERVICE PRIOR TO EMPLOYMENT; SECTION 16-95, PRIOR POLICE SERVICE; AND SECTION 16-98, DEFERRED RETIREMENT OPTION PLAN**

11) **DISCUSSION ITEM:**

- A) Project Development and Environment (PD&E) Study for Hand Avenue Extension.

**APPROVED STUDY AND BUDGET ADJUSTMENT TO COVER COST OF STUDY**

- B) SR40 Multi-use Trail – Phases 2A and 3.

**APPROVED DESIGN OF TRAIL FROM I-95 TO AIRPORT ROAD**

- 12) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

- 13) **CLOSE THE MEETING.**