



**CITY OF NEW SMYRNA BEACH  
CITY COMMISSION REGULAR MEETING  
SUMMARY OF ACTION  
TUESDAY, SEPTEMBER 27, 2011 – 6:30 P.M.**

**CITY COMMISSION CHAMBER, CITY HALL,  
210 SAMS AVENUE, NEW SMYRNA BEACH, FLORIDA**

**I. Call to Order/Roll Call:**

**II. Invocation/Pledge of Allegiance:**

Police Department Chaplain Peter Carter, Jr. will be present and give the invocation.

**No action.**

**III. Approval of the Agenda:**

**The second reading and final public hearing for Ordinance No. 68-11 (Tattoo Parlors) was removed from the agenda and rescheduled for consideration at the regular meeting October 11, 2011.**

**IV. Announcements/Presentations/Recognition:**

- A. James Moore and Company/Municipal Golf Course – A presentation by the City auditing firm, to address the current status of the municipal golf course ability to repay a past loan from the City.

**Approved the transfer of approximately \$2.75 million from municipal golf course assets to the general fund; approved holding the note for approximately \$750,000 representing the remaining balance owed the general fund by the municipal golf course; approved the classification of both municipal golf course and marina as enterprise funds.**

**V. Mayor and Commission Reports:**

**No action.**

**VI. Consent Agenda (Approval of Minutes/Routine Resolutions):**

- A. Resolution No. 39-11/Fund Balance Policy – Adopt a resolution amending existing policy regarding the defining of fund balances managed by the finance department.

**Adopted per staff's recommendation.**

- B. Amendment to Purchasing Policies and Procedures – Approve proposed amendments to the existing City Purchasing Policies and Procedures.

**Approved per staff's recommendation.**

- C. Non-Bargaining Employee Policy Changes – Approve the non-bargaining employee policy changes for fiscal year 2011/2012, which include no salary increases; suspension of longevity payments and cash-in of personal leave; and, the addition of two personal days for fiscal year 2011/2012 only.

**Approved per staff's recommendation.**

- D. Blanket Purchase Orders/FY 2011/2012 – Approve the proposed blanket purchase orders that exceed \$25,000, for the fiscal year ending September 30, 2012.

**Approved per staff's recommendation.**

- E. Bad Debt Write-Off – Approve staff's recommendation to write off \$4,925.24 of general fund accounts receivable balances that are not collectible and should be classified as bad debt, for fiscal year 2010/2011.

**Approved per staff's recommendation.**

- F. Bid Award/South Orange Street Drainage Improvements Project – Approve the bid award for the South Orange Street Drainage Improvements Project to Masci Corporation for an amount not to exceed \$284,699.40.

**Approved per staff's recommendation.**

- G. CRA Grant/Merchants of Flagler Hospitality Group – Approve the award of a grant in the amount of \$62,175 from the CRA to the Flagler Hospitality Group, for the fiscal year ending September 30, 2012. If approved, the grant would be funded through the CRA Grants and Aids Program.

**Approved per staff's recommendation.**

- H. Change Order No. 4/Mary Avenue Streetscape Project – Approve Change Order No. 4 to the Mary Avenue Streetscape Project in the amount of \$15,710.63, payable to Masci Corporation in order to fund seven changes to subject project.

**Approved per staff's recommendation.**

- I. System Maintenance Agreement – Approve entering into a renewal agreement with Harris Corporation for system maintenance of mobile and portable radios assigned to the police department at a budgeted cost of \$15,045.

**Approved per staff's recommendation.**

- J. Volusia County Mosquito Control Lease Renewal – Approve a five-year extension of the existing lease with the Volusia County Mosquito Control Department for its utilization of City property at 801 South Street, in support of operations. Further request appraisal requirement be waived and annual lease payment remain at the existing amount of \$54,900.

**Approved per staff's recommendation.**

- K. Acceptance of Promissory Note/Past Due Lease Payments – Approve the acceptance of a promissory note from Epic Aviation, Inc. for repayment of past due lease payments of \$73,896.11, at a rate of \$2,050 monthly for 36 months, less interest.

**Approved per staff's recommendation.**

- L. Fuel Service Agreement/Municipal Airport – Approve entering into a fuel service agreement with Wilkinson Aviation, Inc. for aviation fuel service operations at the municipal airport

**Approved per staff's recommendation.**

- M. Purchase of Property/1070 South Glencoe Road – Approve the purchase of 0.228 acres, characterized as "Gap" property located at 1070 South Glencoe Road, for the amount of \$2,775.92.

**Approved per staff's recommendation.**

N. Special Events Committee Recommendations – Approve the following special event applications as submitted by the Special Events Committee with approval of each event recommended with associated street closures:

1. Special Event/2nd Annual Blues Festival – Approve the conduct of the 2nd Annual Blues Festival event on Saturday October 29, 2011 from 10 am to 10 pm, hosted by Michael Lopez Productions/South Star Productions. Further approve the requested street closure of Buenos Aires between the south side of Wild Sides and south side of the Fish House; the partial closure of the Flagler Parking Lot between the south side of Wild Sides and the south side of the Fish House, from 7 am Saturday, October 29, 2011 to 6 am Sunday, October 30, 2011.

**Approved per staff's recommendation.**

2. Special Event/Annual Ed Root 5K/10K Run – Approve the conduct of the Annual Ed Root 5K/10K Run on Saturday December 3, 2011 from 8 am to 10:30 am, hosted by the Parks and Recreation Department. Further approve the requested street closure of Pine Street at Flagler Avenue near the shuffle board court and the performance of a rolling barricade for the run only stopping traffic for the runners to pass by.

**Approved per staff's recommendation.**

3. Special Event/Annual Christmas Parade – Approve the conduct of the Annual Christmas Parade Run on Saturday December 3, 2011 from 4 pm to 6 pm, hosted by the Parks and Recreation Department. Further approve the requested street closures along the parade route and associated traffic control.

**Approved per staff's recommendation.**

4. Special Event/50th Annual Art Fiesta – Approve the conduct of the 50th Annual Art Fiesta on Friday February 24, 2012 and Saturday February 25, 2012 from 9 am to 5 pm each day, hosted by the Parks and Recreation Department. Further approve the requested street closures of Julia Street from Riverside Drive to Faulkner Street and Sams Avenue from Washington Street to Canal Street from 6 am Friday to 8 pm Sunday, February 26, 2012.

**Approved per staff's recommendation.**

## **VII. Ordinances – Second Reading and Public Hearings:**

- A. Ordinance No. 68-11/Tattoo Parlors – Conduct the second of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* to establish regulations regarding the establishment of tattoo parlors within the I-2 zoning district.

**No action. Public hearing rescheduled for the regular meeting on October 11, 2011.**

- B. Ordinance No. 96-11/1st Amendment to the South Village PUD Master Development Agreement – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend and restate the South Village Planned Unit Development (PUD) Master Development Agreement with South Village Developers, LLC, for approximately 1,363 acres located south of State Road 44, east of Hunting Camp Road and west of I-95.

**Adopted as amended by staff.**

- C. Ordinance No. 99-11/U.C. Budget – Conduct the second reading and public hearing of an ordinance, which if adopted, would approve the annual budget for the Utilities Commission, City of New Smyrna Beach for fiscal year ending September 30, 2012.

**Adopted as submitted by the Utilities Commission.**

**VIII. Public Participation:**

**No action.**

**IX. Ordinances – First Reading:**

**No action.**

**X. Administrative Items/New Business:**

- A. Resolution No. 40-11/Suspension of Transportation Impact Fees – Consider the adoption of a resolution suspending the imposition of transportation impact fees for non-residential construction permitted before December 31, 2011 and constructed before December 31, 2012.

**Adopted as amended to allow for non-residential construction permitted before December 31, 2012 and constructed before December 31, 2013, with police and fire service fees to be addressed separately.**

- B. CRA Large Grant Program Boundaries – Consider approval of the expansion of the CRA Large Grant Program boundaries from the existing boundaries that include Flagler Avenue, Canal Street and the Historic Westside, predominately, to include all properties within the boundaries of the entire CRA.

**Approved per staff's recommendation.**

- C. CRA Large Grant Award/545 Washington Street – Consider approval of the award by the CRA, of a large grant in the amount of \$50,000 for improvements to property at 545 Washington Street in order to convert a condemned house into a habitable living structure.

**No action. Staff directed to resubmit for consideration, at a future meeting if/when the Planning and Zoning Board approves a site plan.**

- D. Update of CRA Opportunity Site List – Consider approval of an amendment of the CRA Opportunity Site List to add property at 177 North Causeway, and authorize staff to assist applicant in applying for an opportunity site grant award.

**Approved per staff's recommendation.**

- E. Chamber of Commerce Building Renovation/Phase II – Consider approval of interior improvements that represent Phase II of the Chamber of Commerce Building Renovation Project for a cost not to exceed \$200,000, as funded through the CRA.

**Approved per staff's recommendation.**

**XI. Boards and Commissions:**

- A. Sports Complex Task Force – Appoint five members to serve on the Sports Complex Task Force for a temporary six-month term from October 1, 2011 to March 31, 2012.

**Amended Resolution No. 36-11 to allow for eight (8) members to the Sports Complex Task Force.**

**Appointed Max Dugas, James Haynes, Sr., Kenny Kane, Lionel Long, PhD., Mark Pernel, Sid Peterson, Jr., Robert Wall and R. Alan Weaver, as members of the Sports Complex Task Force to serve temporary six-month terms from October 1, 2011 to March 31, 2012.**

- B. Police Pension Board – Consider the reappointment of Commissioner Grasty to a two-year term to expire October 1, 2013. Approve the reappointment of Sergeant Eugene Griffith as a member of the Police Pension Board to another two-year term to expire October 1, 2013.

**Reappointed Commissioner Grasty to a term to expire October 1, 2013.**

**Accepted and approved the reappointment of Master Sergeant Eugene Griffith to a term to expire October 1, 2013, as elected by the police department.**

**XII. City Manager's Report:**

**No action.**

**XIII. City Clerk's Report:**

**No action.**

**XIV. City Attorney's Report:**

**Approved the negotiated settlement of litigation with General Mechanical for a cost of \$22,500.**

**Approved the negotiated settlement of litigation with Volusia Homebuilders regarding City Building Department operations resulting in the internal transfer of funds between the building department fund and general fund and other clarified direct and indirect costs.**

**XV. Adjournment:**

**8:25 p.m.**