



**CITY OF NEW SMYRNA BEACH  
CITY COMMISSION REGULAR MEETING**

**SUMMARY OF ACTION**

**TUESDAY, OCTOBER 11, 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 Charles Acheson will be present and give the invocation.

**No action.**

**III. Approval of the Agenda:**

**Consent Agenda Item H was removed from the agenda.**

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

A. Proclamation/National Breast Cancer Awareness Month – Presentation of a proclamation to acknowledge October, 2011 as National Breast Cancer Awareness Month. The Fire and Emergency Services Department will also be recognized for their activities in support of the programs provided.

**No action.**

B. Proclamation/National Community Planning Month – Presentation of a proclamation naming October, 2011 Community Planning Month to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City.

**No action.**

**V. Mayor and Commission Reports:**

**No action.**

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

A. Approval of Minutes – Approve the minutes of the regular meetings held May 10 and May 24, 2011.

**Approved per staff recommendation.**

- B. Purchasing Card Policy – Approve the Purchasing Card Policy as recommended by staff, which established the basis for the City’s purchasing card program, and is designed to improve efficiency in processing purchases from any authorized vendor that accepts the Visa credit card.

**Approved per staff recommendation.**

- C. Extension of Historic Building Overlay District/532 North Riverside Drive – Approve a six-month extension to the approval granted on April 12, 2011 with conditions, of a Historic Building Overlay District for property at 532 North Riverside Drive, in order to operate an assisted living facility.

**Approved per staff recommendation.**

- D. License Agreement/Marine Discovery Center Signage – Approve entering into a license agreement with the Marine Discovery Center for signage at its new location at 100 Barracuda Boulevard, as recommended by staff with conditions.

**Approved per staff recommendation.**

- E. Bid Award/Esther Street Seawall Project – Approve the award of bid in the amount of \$248,325 to S.E. Cline for the Esther Street Seawall Project, a project included in the CRA budget.

**Approved per staff recommendation.**

- F. Bid Award/Flagler Avenue Boardwalk Improvements – Approve the award of bid in the amount of \$899,495 to A.G. Pifer for the Flagler Avenue Boardwalk Improvements Project, a project included in the CRA budget.

**Approved per staff recommendation.**

- G. Expansion of Professional Services Contract/Donna Gray-Banks – Approve the expansion of the existing professional services contract with Donna Gray-Banks for services as a “community resource” for the historic Westside community, at an annual cost of \$50,000 funded 50% by the general fund and 50% by the CRA.

**Approved per staff recommendation.**

- H. VOTRAN Christmas Park Transfer Point Relocation – Approve a two-phase project to relocate the VOTRAN Transfer Point from its current Christmas Park location, to a location at the eastern side of Sams Avenue, south of Julia Street, at no cost to the City as VOTRAN has committed to fund both phases of the proposed relocation.

**No action. Staff removed the item from consideration.**

- I. 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/Grill Master Classic BBQ Festival – Approve the conduct of the Grill Master Classic BBQ Festival event on Thursday, November 10, 2011 from 3 pm to 10 pm, hosted by the Merchants of Flagler Hospitality Group. Further approve the requested street closure of Flagler Avenue between Pine Street and South Atlantic Avenue, during the same time period.

**Approved per staff recommendation.**

2. Special Event/Mayor’s Stand Up Paddle Boarding Cup – Approve the conduct of the Mayor’s Stand Up Paddle Boarding Cup on Saturday November 19, 2011 from 10 am to 1 pm, and setting up for the event on Friday, November 18, 2011 from 6 pm to 8 pm, as hosted by Paddleboard New Smyrna Beach.

**Approved per staff recommendation.**

3. Special Event/New Year's Eve on Flagler Fireworks – Approve the conduct of the Annual New Year's Eve on Flagler on Saturday December 31, 2011 from 9 pm to 9:10 pm, hosted by the Merchants of Flagler Hospitality Group. Further approve the requested street closures of portions of Flagler Avenue and Cooper Street during the time of the fireworks.

**Approved per staff recommendation.**

4. Special Event/Images: A Festival of the Arts – Approve the conduct of the 36th Annual Images: A Festival of the Arts beginning Friday January 27, 2012 and running through Sunday, January 29, 2012 from 9 am to 5 pm each day, hosted by the Atlantic Center for the Arts. Further approve numerous street closures in the downtown area in support of the event from 6 am Friday through 10 pm Sunday.

**Approved per staff recommendation.**

5. Special Event/Relay for Life – Approve the conduct of the Annual American Cancer Society Relay for Life event on Saturday April 21, 2012 through Sunday April 22, 2012 from 7 am Saturday through 8 am Sunday, hosted by the Southeast Volusia County American Cancer Society. Further approve the closure of Riverside Drive from Canal Street to Lytle Avenue for the duration of the event.

**Approved per staff recommendation.**

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

- A. Ordinance No. 02-11/Platted Lots – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the *Land Development Regulations* to allow parcels to be subdivided along platted lot lines, even if the lot does not meet the minimum dimensions required by the current zoning district.

**Adopted as recommended. Staff directed to pursue an intern to conduct an inventory of all parcels affected by the ordinance.**

- B. Ordinance No. 05-11/1700 South Glencoe Road – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the *Comprehensive Plan* by changing the land use designation on approximately 80.63 acres, located north and south of Paige Avenue, and east of South Glencoe Road, Volusia County Urban Low Intensity and Low Impact Urban to City Public Grounds and Building, and Residential Estate land use designations.

**Adopted as recommended.**

- C. Ordinance No. 06-11/1700 South Glencoe Road – Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 80.63 acres located north and south of Paige Avenue, east of South Glencoe Road, from Volusia County Urban Single-Family (R-3) and Transitional Agriculture (A-3) to City Prime Agriculture (A-1), Agriculture (A-2) and Residential Estate (RE) zoning districts.

**Adopted as recommended.**

- D. Ordinance No. 14-11/Dahl-Paige Avenue – Conduct the second reading and public hearing of an ordinance, which if adopted, would change land use on approximately 3 acres located south of Paige Avenue, west of Mission Drive, from Volusia County Urban Medium Intensity to City High Density Residential land use designation.

**Adopted as recommended.**

- E. Ordinance No. 15-11/Dahl-Paige Avenue – Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 3 acres located south of Paige Avenue, west of Mission Drive, from Volusia County Urban Single-Family (R-3) to City Multi-Family Residential (R-4) zoning district.

**Adopted as recommended.**

- F. Ordinance No. 43-11 – Conduct the second reading and public hearing of an ordinance, which if adopted, would change land use of approximately 1.216 acres of annexed property located north of S.R. 44, between Mission Drive/Wallace Road and Eddie Road from Volusia County Urban Medium Intensity designation to City Commercial land use designation.

**Adopted as recommended.**

- G. Ordinance No. 58-11/Hospitality Future Land Use Category – Conduct the second of two required public hearings of an ordinance, which if adopted, would amend the *Comprehensive Plan* by amending the Hospitality land use category by allowing non-residential and multi-family residential uses.

**Adopted as recommended.**

- H. 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.

**Adopted as amended by staff.**

- I. Ordinance No. 101-11/Pain Management Clinics – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* by creating a definition for Pain Management Clinic and establishing related regulations.

**Continued to the regular meeting to be held January 10, 2012.**

- J. Ordinance No. 102-11/Internet Cafes – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* by creating a definition for Internet Cafe and establishing related regulations.

**Continued to the regular meeting to be held January 10, 2012.**

- K. CCSL-4-11/Esther Street Beachfront Park Stormwater and Park Improvements – Conduct a public hearing regarding an application submitted by the City of New Smyrna Beach, which if approved, would allow the installation of stormwater improvements, a dune walkover, observation platforms and a sand volleyball court east of the City's Coastal Construction Setback Line (CCSL).

**Adopted as recommended.**

#### **VIII. Public Participation:**

**No action.**

#### **IX. Ordinances – First Reading:**

- A. Ordinance No. 100-11/Police Officer's Retirement Plan – Conduct the first reading of an ordinance, which if adopted, would amend and restate the City Municipal Police Officer's Retirement Plan.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

- B. Ordinance No. 103-11/Off-Street Parking Regulations – Conduct the first reading of an ordinance, which if adopted, would amend Land Development Regulations by increasing the maximum allowed distance for off-site parking in the Mixed Use (MU) zoning district from 1,000 feet to 1,500 feet.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

- C. Ordinance No. 104-11/Second Amendment to the Regency PUD – Conduct the first reading of an ordinance, which if adopted, would amend the Master Planned Unit Development Agreement with New Smyrna Regency, LLC, and Wal-Mart Stores East, LP, for approximately 43 acres, located northwest of the intersection of S.R. 44 and I-95, in order to modify signage, architectural and landscaping requirements for future development.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

- D. Annexation: Hall/389 Otter Boulevard – Conduct the first reading of the following ordinances, which if adopted, would annex, and assign City land use and zoning of approximately 0.83 acres generally located east of Otter Boulevard, south of Pioneer Trail and north of S.R. 44, as requested by John Hall, owner.

1. Ordinance No. 105-11 – Annexing approximately 0.83 acres located at 389 Otter Boulevard.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

2. Ordinance No. 106-11 – Amending the Comprehensive Plan by changing land use on approximately 0.83 acres of annexed property at 389 Otter Boulevard from Volusia County Urban Low Intensity to City Low Density Residential land use designation.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

3. Ordinance No. 107-11 – Rezoning approximately 0.83 acres of annexed property at 389 Otter Boulevard from Volusia County Suburban Single Family Residential (R-1) to City Single Family Residential (R-1) zoning classification.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

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

- A. Resolution No. 41-11/Police and Fire Impact Fees – Consider the adoption of a resolution, which if adopted, would extend the suspension of the imposition of police and fire impact fees for non-residential construction permitted before December 31, 2012 and constructed before December 31, 2013.

**Adopted as recommended.**

- B. Resolution No. 42-11/Historic Westside Neighborhood Plan – Consider the adoption of a resolution, which if adopted, would adopt the Historic Westside Neighborhood Plan.

**Adopted as recommended.**

- C. Resolution No. 44-11/Volusia ECHO Water Access Acquisition Applications – Consider the adoption of a resolution, which if adopted, would authorize the City Manager to execute an application to the Volusia ECHO Grant Program for grant moneys to fund the acquisition of properties to provide public access to the Atlantic Ocean and Halifax/Indian River.

**Adopted as recommended.**

- D. Volusia ECHO Grants-in-Aide Application/Pioneer Trail and Otter Boulevard - Consider authorizing staff to prepare and submit a grants-in-aid application to the Volusia ECHO Committee for consideration regarding future acquisition and development of property located in the vicinity of Pioneer Trail and Otter Boulevard for recreational use. If approved, staff further requests authority to obtain property appraisals of two parcels identified in the ECHO application.

**Approved per staff recommendation.**

**XI. Boards and Commissions:**

**No action.**

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

**No action.**

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

**No action.**

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

**No action.**

**XV. Adjournment: 9:01 p.m.**