



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

SUMMARY OF ACTION

TUESDAY, OCTOBER 25, 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 Beverly Richardson will be present and give the invocation.

No action.

III. Approval of the Agenda:

No action.

IV. Announcements/Presentations/Recognition:

Recognition of Promoted Firefighters – Recognition of the recent promotions of the following Fire and Emergency Services Department members: Battalion Chief Shawn Vandemark, Lieutenant Roy Hodgins, and Driver/Engineers Tom Bull and Mike Greene. Also recognize new employee, Firefighter/EMT Brandon Hazelwood.

No action.

V. Mayor and Commission Reports:

Commission discussed for future consideration, the creation of a Student Advisory Council consisting of local high school and middle school students.

Staff directed to address the following issues: stop sign down at Brooks and Roper Street and related parking concerns; speeding on Mary Avenue and Brooks Street; and, a general need for tree trimming.

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

- A. Amendment of Lease Agreement/Black Historical Museum and Historical “Shot Gun” Home – Approve the first amendment to the lease agreement between the City and the Black Historical Museum, approved September 13, 2011 to include the reimbursement of all utility charges, excluding telephone bills.

Approved.

- B. Landfill Disposal Fees – Approve the issuance of a blanket purchase order, in the amount of \$664,968, payable to Volusia County for payment of landfill disposal fees.

Approved.

- C. Groundworks Purchase Order – Approve the issuance of a blanket purchase order, in the amount of \$40,400, payable to Groundworks for payment of the Magictouch Date Palm Rejuvenation Program.

Approved.

- D. Annual Pistol Range Agreements – Approve entering into an agreement with the City of Casselberry, Florida, for the utilization of City pistol range facilities.

Approved.

- E. Sole-Source Vendor Equipment Repair/Fire Department ARFF Vehicle – Approve the sole-source vendor repair of the Aircraft Rescue and Firefighting (ARFF) Vehicle assigned to the fire department at a not to exceed cost of \$24,000, payable to Florida Detroit Diesel of Orlando, Florida.

Approved.

- F. 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/Inlet Shores HOA Halloween Trick or Treating – Approve the conduct of the Halloween Trick-or-Treating event on Monday, October 31, 2011 from 5:30 pm to 9:30 pm, as hosted by the Inlet Shores Homeowners Association. Further approve the requested street closure of Inlet Shores Drive east of the Mangrove subdivision, during the same time period.

Approved.

2. Special Event/Light Up Flagler Avenue – Approve the conduct of the annual Light Up Flagler Avenue event on Friday, December 2, 2011 from 5 pm to 8 pm, as hosted by the Merchants of Flagler Hospitality Group. Further approve the requested street closure of Flagler Avenue from Peninsula to Buenos Aires, during the same time period.

Approved.

3. Special Event/Norwood's Holiday Food and Wine Festival – Approve the conduct of the Annual Norwood's Holiday Food and Wine Festival on Friday and Saturday December 2 and 3, 2011 from 7 pm to 9:30 pm on Friday and 1 pm to 5 pm on Saturday, as hosted by Norwood's Restaurant and Wine Shop. Further approve the requested street closure of 2nd Avenue from Goodwin Avenue to Cooper Street, on December 3, 2011 from 10 am to 6 pm.

Approved.

VII. Ordinances – Second Reading and Public Hearings:

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

Adopted.

- B. Ordinance No. 103-11/Off-Street Parking Regulations – Conduct the second reading and public hearing 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.

Adopted.

- C. Ordinance No. 104-11/Second Amendment to the Regency PUD – Conduct the second reading and public hearing 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.

Adopted.

- D. Annexation: Hall/389 Otter Boulevard – Conduct the second reading and public hearing 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.

Adopted.

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.

Adopted.

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.

Adopted.

- E. Ordinance No. 108-11/Sign Regulations – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the Land Development Regulations by updating the City sign regulations.

First of two required public hearings conducted. Second and final public hearing scheduled for November 8, 2011. Staff directed to obtain similar ordinances from other municipalities regarding how flashing signs were regulated.

- F. Ordinance No. 111-11/Comprehensive Plan Amendment No. 7-11/Colony Park East/S.R. 44 – Conduct a public hearing of an ordinance to determine whether to transmit a proposed ordinance to the State Department of Community Affairs for review, which would amend the Comprehensive Plan by changing the land use designation on approximately 41 acres, located north of S.R. 44 and east of Colony Park Road from Volusia County Commercial and Urban Medium Intensity to City S.R. 44 PUD land use designation.

Adopted.

VIII. Public Participation:

Staff directed to draft a letter to Volusia County supporting the enhancement and/or addition of pedestrian crosswalks along South Atlantic Avenue. Staff directed to schedule meetings with representatives of Volusia County, the Volusia County TPO and State Department of Transportation in an effort to discuss alternatives to the removal of crosswalks along South Atlantic Avenue, in the name of safety.

IX. Ordinances – First Reading:

- A. Ordinance No. 109-11/Levels-of-Service Standards – Conduct the first reading of an ordinance, which if adopted, would amend the Land Development Regulations to allow for the revision of level-of-service standards regarding sanitary sewer concurrency and potable water facility concurrency.

Approved on first reading. Second reading and public hearing scheduled for November 8, 2011.

- B. Ordinance No. 110-11/Budget Amendment – Conduct the first reading of an ordinance, which if adopted, would amend Ordinance Nos. 40-10, 61-10, 65-10, 03-11, 17-11, 26-11, 36-11, 56-11 and 75-11, current expenses and capital outlay required by the City of New Smyrna Beach, during the fiscal year ending September 30, 2011.

Approved on first reading. Second reading and public hearing scheduled for November 8, 2011.

X. Administrative Items/New Business:

- A. Sugar Mill Landings HOA/No Parking Signs – Consider approval of the installation of “No Parking” signs at the intersection of Mount Olympus and the following streets; Gibrather, Carthage and Sicily, all within the Sugar Mill Landings subdivision.

Approved.

- B. Variance Application Fees Waiver Request/1422 Southard Avenue – Consider the request of applicant Shawn Buchanan to waive application and advertising fees related to a variance application regarding property at 1422 Southard Avenue.

Denied.

- C. Opportunity Site Grant/Pennysaver Building – Consider approval of the opportunity site grant award to property known as the “Pennysaver” building. Property owner Robert Wiley has requested a two-phased opportunity site grant award in the amount of \$400,000 with \$175,000 awarded in phase one and the balance in phase two.

Approved.

- D. Gates and Signage/City Marina – Consider the approval of the installation of gates and signage at the municipal marina on Riverside Drive in order to improve security, at an estimated cost of \$6,600.

Approved.

- E. Addition to Scope of Work/North Myrtle Avenue Improvements Project – Consider the approval of an addition to the scope of work for the North Myrtle Avenue Improvements Project in order to allow paving from Enterprise to Ronnoc Streets, at a cost of approximately \$59,792.48 and payable to D2 Paving.

Approved.

- F. Central Fire Station Architectural Firm - Consider the approval of ranking of firms for the Central Fire Station Architectural Request for Qualifications, in accordance the guidelines of the Consultant Competitive Negotiation Act. Also, consider approval of the selection of the firm Hawkins, Hall and Ogle Architects from all firms reviewed for contract negotiations.

Approved.

- G. Waiver of Application Resubmittal Time Limit/KGI Properties – Consider approval of waiving the application resubmittal time limit, which if approved, would allow the resubmittal of an application to change land use designation on property located east of the intersection of South Atlantic Avenue and Maralyn Avenue from Commercial to Hospitality.

Approved.

XI. Boards and Commissions:

- A. Fire Pension Board – Appoint/reappoint a regular member to a two-year term to expire November 1, 2013. Also, accept the election results for a regular member to represent fire department employees, for appointment to a two-year term to expire November 1, 2013.

No action. Item removed from agenda for consideration at a future meeting.

- B. Historic Preservation Commission – Consider the appointment of Nora Jane Gillespie as a regular member to fill a vacancy with a term to expire May 14, 2014. The Southeast Volusia Historical Society has nominated Ms. Gillespie for appointment.

Appointed Nora Jane Gillespie as a member to a term to expire May 14, 2014.

- C. Planning and Zoning Board – Appoint/reappoint three regular members to three-year terms to expire October 31, 2014. The terms of current members Jessie Clark, Travous Dever and Ian Ratliff will expire October 31, 2011.

Reappointed members Jessie Clark, Travous Dever and Ian Ratliff to three-year terms to expire October 31, 2014.

- D. Resolution No. 45-11/Appointment of Vice Mayor – Adopt a resolution appointing a vice mayor to serve in the absence of the mayor for a period of one year, commencing November 8, 2011.

Adopted naming Zone 1 Commissioner Judy Reiker as Vice Mayor effective November 8, 2011.

XII. City Manager’s Report:

Approved the payment of \$50,000 to the Department of Transportation for the distribution of funds from the recent sale of two water taxi vessels.

XIII. City Clerk’s Report:

No action.

XIV. City Attorney’s Report:

No action.

XV. Adjournment:

8:30 p.m.

The foregoing summary of action is a true and accurate record of action taken by the New Smyrna Beach City Commission at its regular meeting on October 25, 2011, pending approval of the official minutes of the meeting.

Johnny R. Bledsoe, CMC, City Clerk