



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

SUMMARY OF ACTION

TUESDAY, NOVEMBER 29, 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 William Chegwin will be present and give the invocation.

No action.

III. Approval of the Agenda:

Consent Agenda Item E, Sub-recipient Agreement/Police Athletic League, was removed from the agenda for consideration at a future meeting.

IV. Announcements/Presentations/Recognition:

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 August 8 and 23, 2011, special meeting held July 27, 2011 and Budget Workshop held July 27, 2011.

Approved with corrections to scrivener's errors.

- B. 2011/2012 Florida League of Cities Legislative Priorities – Adopt the 2011 Legislative Action Agenda from the Florida League of Cities 51st Annual Legislative Conference on November 18, 2011.

Approved as recommended.

- C. Annual Pistol Range Agreements – Approve entering into agreements with the Cities of South Daytona, Daytona Beach Shores and the Flagler County Sheriff’s Office, for the utilization of City pistol range facilities.

Approved as recommended.

- D. Bid Award/Pettis Park Sidewalk Construction – Approve entering into a contract with Astor Construction Services, Inc. for the construction of sidewalks in Pettis Park. The budgeted cost of the construction is \$55,750.02 as funded through FY 2010/2011 Community Development Block Grant (CDBG) funds.

Approved as recommended.

- E. Sub-recipient Agreement/Police Athletic League (P.A.L. Track Team) – Approve entering into a Sub-recipient Agreement with the Police Athletic League in order to reallocate Community Development Block Grant funds in the amount of \$5,000 from the remaining Pettis Park CDBG Funds to the P.A.L. track program.

No action. Removed from agenda for future consideration.

- F. License Agreement Application No. LA-5-11/2548 Crestwood Avenue – Approve entering into a License Agreement with LaNell Haughton of 2548 Crestwood Avenue, in order to allow xeriscaping within the Crestwood Avenue right-of-way, in an area that contains approximately 1,274 square feet, is zoned Single-Family Residential (R-2), and is located on the west side of Crestwood Avenue.

Approved as recommended.

- G. 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/4th Annual Go Dog Go – Approve the conduct of the 4th Annual Go Dog Go 5K Run, Dog Dash and Pet Walk Fundraiser to be held Saturday, January 21, 2012 from 5 am to 12 pm. The event is sponsored by the Southeast Volusia Humane Society and will perform a rolling barricade during the event only stopping traffic for runners to pass by.

Approved as recommended.

2. Special Event/Home Show and Business Expo – Approve the conduct of the Home Show and Business Expo to be held Saturday, January 21, 2012 from 10 am to 4 pm. The event is sponsored by the Southeast Volusia Chamber of Commerce and will be held in the downtown Canal Street area. The applicant further requests streets closures in support of the event that are the Closure of Canal Street from Riverside Drive to U.S. Highway 1; the first block of Live Oak Street adjacent to Christmas Park; also, the Chamber of Commerce parking lot. Requested closures would be from 4 am to 8 pm the day of the event.

Approved as recommended.

VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 27-11/Nuisances – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Code of Ordinances by creating a new article entitled “Nuisance Properties”.

Adopted as recommended.

- B. Ordinance No. 108-11/Sign Regulations – Conduct the second and final of two required public hearings of an ordinance, which if adopted, would amend the Land Development Regulations by updating the City sign regulations. At its meeting on September 12, 2011, the Planning and Zoning Board unanimously recommended approval of the proposed ordinance.

Adopted as recommended.

- C. Ordinance No. 112-11/Fairmont and Westwood Avenue Paving District – Conduct the second reading and final public hearing of an ordinance, which if adopted, would establish the 2600 blocks of Fairmont and Westwood Avenue Paving District.

Adopted as recommended.

- D. Special Exception Application No. SE-2-11/Columbus Avenue Parking – Consider an application from the City of New Smyrna Beach, which if approved, would allow public parking on City-owned property within a residential zoning district at 305 Columbus Avenue. At its meeting on November 7, 2011, the Planning and Zoning Board unanimously recommended approval of the application.

1. Conduct a public hearing regarding the City's request to allow public parking on City-owned property within a residential zoning district at 305 Columbus Avenue.

Denied.

2. Temporary Parking Lot/305 Columbus Avenue – Consider approval of a temporary shell parking lot, containing 28 parking spaces, with associated landscaping and drainage improvements, for City property at 305 Columbus Avenue.

No action. Not considered due to the denial above.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Annexation: Strahman/1569 Lewis Lane – Conduct the first reading of the following ordinances, which if adopted, would annex, and assign City land use and zoning of approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane, as requested by Peggy Strahman, owner.
1. Ordinance No. 113-11 – Annexing approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane.
 2. Ordinance No. 114-11 – Amending the Comprehensive Plan by changing land use on approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane from Volusia County Rural to City Rural land use designation.
 3. Ordinance No. 115-11 – Rezoning approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane from Volusia County Rural Agriculture (A-2) to City Agriculture (A-2) zoning classification.

At its meeting on November 7, 2011, the Planning and Zoning Board, acting as local planning agency, voted unanimously to adopt the proposed ordinances.

All three ordinances were approved on first reading. The second reading and final public hearing was scheduled for the regular meeting on December 13, 2011.

- B. Ordinance No. 116-11/ Fire Pension Plan Restatement – Conduct the first reading of an ordinance, which if adopted, would amend and restate the City Firefighters’ Retirement System.

Approved on first reading. The second reading and final public hearing was scheduled for the regular meeting on December 13, 2011.

- C. Ordinance No. 117-11/ Utilities Commission Series 2011 Revenue Certificates – Conduct the first reading of an ordinance, which if adopted, would approve the issuance by the Utilities Commission, City of New Smyrna Beach, of Utilities System Revenue Certificates in an aggregate principal amount not exceeding \$9,100,000.

Approved on first reading. The second reading and final public hearing was scheduled for the regular meeting on December 13, 2011.

- D. Ordinance No. 118-11/Budget Amendment – Conduct the first reading of an ordinance, which if adopted, would amend Ordinance No. 98-11, current expenses and capital outlay required by the City of New Smyrna Beach, during the fiscal year ending September 30, 2012.

Approved on first reading as amended to removed the appropriation of \$50,000 for a proposed temporary parking lot on City property on Columbus Avenue. The second reading and final public hearing was scheduled for the regular meeting on December 13, 2011.

X. Administrative Items/New Business:

- A. Resolution No. 46-11 – Consider adoption of a resolution amending fee policies for the Building Department, Building Department Fee Schedule and Administrative Fee Schedule.

Adopted as recommended.

- B. Resolution No. 47-11 – Consider adoption of a resolution authorizing the City Manager to execute an application to Volusia ECHO Program for grant moneys to fund the purchase of approximately 30 acres of property located on Pioneer Trail and Otter Boulevard for use as a trailhead for the multi-use trail.

Adopted as recommended.

- C. Andrews Street – Consider approval of making Andrews Street one way from U.S. Highway 1 east to Orange Street, as requested by the Department of Transportation due to safety concerns associated with the S.R. 44 and U.S. Highway 1 Intersection Improvement Project.

Approved as recommended.

- D. Lease Agreement/Halifax Urban Ministries – Consider approval of entering into a four-month lease with Halifax Urban Ministries for lease of City property on Julia Street. If approved, the facility will be utilized for food pantry with distribution to individual clients, administrative office with meetings for individual clients, and receipt and storage of items for distribution to clients.

Approved a 60-day lease with authority granted the City Manager to grant an additional 60 days at her discretion. Also, approved hours of operation of 8:00 a.m. to 5:00 p.m.

XI. Boards and Commissions:

- A. Fire Pension Board – 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.

Accepted and approved the election results naming Tom Lee as Fire Department representative to the Fire Pension Board to a two-year term to expire November 1, 2013.

XII. City Manager's Report:

Approved the demolition of two small gazebos located at the north and south ends of the Flagler Boardwalk.

XIII. City Clerk's Report:

No Action.

XIV. City Attorney's Report:

Approved the addition of the language to CRA Grant Criteria, limiting those receiving grants from the CRA to those who are not officers or employees of the City of New Smyrna Beach, and/or the New Smyrna Beach Community Redevelopment Agency.

XV. Adjournment:

9:20 p.m.