



CITY OF NEW SMYRNA BEACH CITY COMMISSION REGULAR MEETING

SUMMARY OF ACTION

TUESDAY, MARCH 13, 2012 – 6:30 P.M.

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

I. Call to Order/Roll Call:

All present. Commissioner Hathaway departed the meeting at 6:47 p.m. due to an illness.

II. Invocation/Pledge of Allegiance:

Vice Mayor Reiker gave the invocation.

III. Approval of the Agenda:

City Manager Brangaccio outlined the removal of two agenda items: Item IV C – FDOT “Rethink” Program presentation was rescheduled for the regular meeting on March 27, 2012, and Item VI F – Housing Authority Request for waiver of payment in lieu of taxes was rescheduled to a future meeting.

IV. Announcements/Presentations/Recognition:

- A. Proclamation – Naming March 2012 as Archaeological Month in the City of New Smyrna Beach.

Dorothy “Dot” Moore was present and accepted the proclamation on behalf of the Southeast Volusia Historic Society and Museum.

- B. 2012 Donnadine Miller Memorial Historic Preservation Awards – Presentations of the 2012 Donnadine Miller Memorial Historic Preservation Award to the residential winner at 641 Faulkner Street, and nonresidential winner at 512 South Riverside Drive.

Mr. And Mrs. Charles Nighswonger, owners of the Night Swan Bed and Breakfast at 512 South Riverside Drive were present and accepted the nonresidential award. The residential winner was unable to be present.

- C. FDOT Presentation – Presentation outlining the “ReThink” Program of the Florida Department of Transportation (FDOT).

No action. The presentation was rescheduled for the regular meeting on March 27, 2012.

V. Mayor and Commission Reports:

Staff was directed to schedule a joint meeting with the Planning and Zoning Board to discuss the City Commission vision, mission and strategic goals.

The City Attorney was directed to draft a letter to Dr. Johnnie Canady regarding Dr. Canady's efforts to add his brother's name to a memorial in Riverside Park honoring those who died in the Republic of Vietnam.

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

- A. Approval of Minutes – Approve the minutes of regular meetings held September 13 and September 27, 2011, and special meeting held September 14, 2011.

Approved per staff's recommendation.

- B. Bid Award/Airport Fuel Farm Equipment Installation – Approve the award of bid to Fuel Tech, Inc. for the supply and installation of fuel farm equipment at the municipal airport at a cost of \$258,128.

Approved per staff's recommendation.

- C. Bid Award/2012 Street and Stop Sign Program – Approve the award of bid to Allmac Signs, in the amount of \$34,456, for the implementation and installation of fifty percent of all signs identified in the 2012 Street and Stop Sign Program.

Approved per staff's recommendation.

- D. Contract Change Order/Esther Street Seawall – Approve the award of a contract change order to S.E. Cline Construction, in the amount of \$37,325 for the construction of a walkway, stairway and handicapped ramp, east of the Esther Street Seawall.

Approved per staff's recommendation.

- E. Resolution No. 08-12/Municipal Golf Course Rules – Adopt a resolution amending Resolution No. 44-10, Establishing Rules and Policies for the municipal golf course.

Adopted as amended to add language allowing citizens the opportunity to redress issues with elected officials.

- F. Waiver of Payment In Lieu of Taxes – Approve the request from the Housing Authority of New Smyrna Beach that payment in lieu of taxes to the City be waived for FY 2010, FY 2011 and FY 2012. The total amount requested to be waived for the entire period is \$42,333.88.

No action. Removed from the agenda for consideration at a future meeting.

- G. Speed Limit Recommendation/7th Avenue to 27th Avenue – Approve the Police Department's recommendation for a 25 mph speed limit for 11th Avenue and the avenues north and south of 11th Avenue, being 7th Avenue to 27th Avenue.

Approved per staff's recommendation.

- H. Special Event/Food Truck Bazaar on Flagler Avenue – Approve the creation of the Fifth Friday, Food Truck Bazaar on Flagler Avenue, hosted by the Parks and Recreation Department, on Friday, March 30, 2012, from 5 to 8 p.m. If approved, also approve the closure of Flagler Avenue from Peninsula Avenue to North and South Atlantic Avenue from 3 to 9 pm, the day of the event.

Approved per staff's recommendation.

VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 33-12/Floodplain Management – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the City Code by repealing Article VII, Flood Damage Prevention, and create a new Article VIII, Floodplain Management.

Adopted per staff's recommendation.

- B. Ordinance No. 35-12/Detwiler Cemetery – Conduct the second reading and public hearing of an ordinance, which if adopted, would establish Detwiler Cemetery on property at 750 Oakwood Avenue as a Historic Landmark in the City of New Smyrna Beach.

Adopted per staff's recommendation.

- C. Ordinance No. 36-12/1st Amendment to PUD/Hampton Inn – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Hampton Inn New Smyrna Beach Planned Unit Development Master Development Agreement with HIHO, LLC/Premier Development Group, for approximately 2 acres located between Flagler Avenue and Florida Avenue, east of North Peninsula Avenue and west of North Pine Street, at 214 Flagler Avenue, and 207 and 215 Florida Avenue, to incorporate approximately 0.3 acres of additional property into the PUD and specify additional property into the PUD and specify minimum dimensional requirements for parking spaces within the PUD.

Adopted per staff's recommendation.

- D. Ordinance No. 37-12/B-5 Setbacks – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the *Land Development Regulations* to revise the minimum building setbacks required for out-parcels within the Planned Shopping Center (B-5) zoning district.

Adopted per staff's recommendation.

- E. Ordinance No. 38-12/Capital Improvements Element – Conduct the second reading and public hearing of an ordinance, which if adopted, would modify the City Capital Improvements Element.

Adopted per staff's recommendation.

- F. Ordinance No. 39-12/CRA Governing Body – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the governing body of the Community Redevelopment Agency to be the City Commission and two citizens.

Adopted per staff's recommendation.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Ordinance No. 34-12/McDonald Contraction/2275 Turnbull Bay Road – Conduct the first reading of an ordinance, which if adopted, would contract approximately 2 acres located east of Turnbull Bay Road, south of the intersection of Turnbull Bay Road and Bayview Drive at 2275 Turnbull Bay Road.

Approved on first reading. Second reading and public hearing will be held at the regular meeting April 10, 2012.

- B. Ordinance No. 40-12/Waste Management/Roll-Off Service – Conduct the first reading of an ordinance, which if adopted, would grant a non-exclusive franchise to Waste Management, Inc. of Florida, to provide roll-off container collection and disposal of waste within the City.

Approved on first reading. Second reading and public hearing will be held at the regular meeting March 27, 2012.

- C. Ordinance No. 41-12/Easement Vacation/702 Saxon Palm Court – Conduct the first reading of an ordinance, which if adopted, would vacate approximately 3' x 117' of a drainage and utility easement at 702 Saxon Palm Court.

Approved on first reading. Second reading and public hearing will be held at the regular meeting March 27, 2012. Mayor Barringer declared a voting conflict and abstained.

X. Administrative Items/New Business:

- A. License Agreement, FECR, Mary Avenue Phase II – Consider approval of a license agreement between the City and the Florida East Coast Railway (FECR) for Phase II of the Mary Avenue Streetscape Project, specifically the Mary Avenue railroad crossing.

Approved per staff's recommendation.

- B. License Agreement/703 Fairway Drive – Approve entering into a license agreement with the owner of property at 703 Fairway Drive, allowing for the replacement of a golf cart bridge to municipal golf course property.

Approved per staff's recommendation. Mayor Barringer declared a voting conflict and abstained.

- C. License Agreement/Isles of Sugar Mill HOA – Approve entering into a license agreement with the Isles of Sugar Mill Home Owners Association, allowing various landscaping improvements, including decorative landscape curbing, decorative landscape fencing and plantings, within the Aeolian Drive, Mount Olympus Boulevard, Atlantis Drive and Sparta Drive rights of way.

Approved per staff's recommendation.

XI. Boards and Commissions:

- A. Code Enforcement Board – Consider the appointment/reappointment of two members whose terms expired March 3, 2012. The terms of members Kathy Cooley and Michael Slayton expired March 3, 2012.

Regular member Michael Slayton was reappointed for a three-year term to expire March 3, 2015. Susan Allocco was appointed as a regular member for a three-year term to expire March 3, 2015. The City Clerk was directed to send a letter of appreciation to former member Kathy Cooley acknowledging her service as a member.

XII. City Manager's Report:

No action.

XIII. City Clerk's Report:

No action.

XIV. City Attorney's Report:

No action.

XV. Adjournment:

7:40 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 March 13, 2012, pending approval of the official minutes of the meeting.

Johnny R. Bledsoe, CMC, City Clerk