



CITY OF NEW SMYRNA BEACH CITY COMMISSION REGULAR MEETING

SUMMARY OF ACTION

TUESDAY, APRIL 24, 2012 – 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:

Invocation given by Police Department Chaplain Thomas Burleson

III. Approval of the Agenda:

Boards and Commissions Item C – Consideration of the nomination of Rick Tresher for reappointment to the Volusia Growth Management Commission was removed from the agenda.

IV. Announcements/Presentations/Recognition:

A. Boys and Girls Clubs, Volusia/Flagler Counties – Update by new Community Relations Director, Neal Coates.

No action.

B. Presentation of Proclamation – To acknowledge the period April 22 through 28, 2012, as National Crime Victims' Rights Week.

No action.

V. Mayor and Commission Reports:

Authorized Commissioner Plaskett to send a letter to the Florida Department of Transportation requesting the deletion of a planned project in the vicinity of the Red Dog Surf Shop, in the amount of approximately \$400,000. Directed the City Attorney to draft a resolution supporting the prohibition of smokeless/flavored tobacco products.

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

A. Approval of Minutes – Approve the minutes of the regular meeting held November 8, 2011, and special meeting held November 8, 2011.

Approved per staff's recommendation.

B. Award of Bid/Fuel Site Underground Secondary Piping Repairs Project – Approve the award of bid for Fuel Site Underground Secondary Piping Repairs Project at the Public Works Fleet Maintenance Facility on Industrial Park, to TRAC Environmental

Services for the amount of \$76,295.

Approved per staff's recommendation.

- C. Large CRA Grant Application/711,713,715 Canal Street – Approve a CRA Large Grant Application, in the amount of \$48,557.50, for property at 711,713 and 715 Canal Street, which if approved, would assist the applicant in the development of a homebrew/winery establishment.

Approved per staff's recommendation.

- D. Large CRA Grant Application/311, 315 Live Oak Street – Approve a CRA Large Grant Application, in the amount of \$50,000, for property at 311 and 315 Live Oak Street, which if approved, would assist the applicant in the development of an eclectic furniture store and small beer/wine bar establishment.

Approved per staff's recommendation. Vice Mayor Reiker disclosed a voting conflict and did not vote.

- E. Flagler Boardwalk Improvement Project – Approve the payment of \$9,308.34 to Brighthouse Networks, for the conversion of underground lines as part of the Flagler Boardwalk Improvements Project.

Approved per staff's recommendation.

- F. Pedestrian Traffic Light/Matthews and South Atlantic Avenues – Authorize Volusia County to initiate the design for a pedestrian traffic light at the intersection of Matthews Avenue and South Atlantic Avenue, at a cost of \$8,500.

Approved per staff's recommendation.

VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 02-12/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. At its meeting held September 12, 2011, the Planning and Zoning Board, by 3 to 3 vote, did not recommend adoption of the proposed ordinance. If approved, the second and final of two required public hearings would be conducted at the regular meeting on May 8, 2012.

Approved on first reading and first of two required public hearings, as amended to restrict Internet Cafes to the I-1 and I-2 zoning districts only. Staff directed to notify area organizations of the second and final public hearing.

- B. Ordinance No. 20-12/Alternative to Demolition of Contributing Structures – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Code of Ordinances by creating a new Article III, entitled, Historic Preservation Grant Program. At its regular meeting on April 10, 2012, the Commission unanimously approved this ordinance on first reading as moved by Commissioner Plaskett and seconded by Commissioner Grasty. The second reading and public hearing of the proposed ordinance will be held May 8, 2012.

Adopted per staff recommendation.

- C. Ordinance No. 48-12/Dummett Grave/Canova Drive – Conduct the second reading and public hearing of an ordinance, which if adopted, would establish the Charles Dummett Grave Site located in the Canova Street Right-of-Way, as a historic landmark. At its meeting on January 25, 2012, the Parks and Recreation Board unanimously recommended the designation of the site as a local landmark. At its meeting on March 14, 2012, the Historic Preservation Commission unanimously recommen

ded adoption of the proposed ordinance. At its regular meeting on April 10, 2012, the Commission unanimously approved this ordinance on first reading as moved by Commissioner Hathaway and seconded by Commissioner Plaskett.

Adopted per staff recommendation.

- D. Ordinance No. 49-12/Budget Amendment – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the current expenses and capital outlay required by the City for the fiscal year October 1, 2011 through September 30, 2012. At its regular meeting on April 10, 2012, the Commission unanimously approved this ordinance on first reading as moved by Commissioner Grasty and seconded by Commissioner Plaskett.

Adopted per staff recommendation.

- E. Ordinance No. 50-12/Fortune Telling Businesses – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* to allow fortune telling businesses in the Mixed Use (MU), Highway Service Business (B-3), and Planned Shopping Center (B-5) zoning districts. At its meeting held April 2, 2012, the Planning and Zoning Board, acting as local planning agency, by 6-1 majority vote, recommended adoption of the proposed ordinance. If approved, the second and final of two required public hearings would be conducted at the regular meeting on May 8, 2012.

Approved on first reading and first of two required public hearings, as amended to restrict Fortune Telling Businesses to the I-1 and I-2 zoning districts only.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Ordinance No. 45-12/412 Old Mission Road – Conduct the first reading of an ordinance, which if adopted, would rezone approximately 0.42 acres located at 412 Old Mission Road from Volusia County Urban Single Family Residential (R-4) to City Multi-Family Residential (R-4) zoning classification. At its meeting held April 2, 2012, the Planning and Zoning Board, acting as local planning agency, unanimously recommended adoption of the proposed ordinance.

Approved on first reading. Second reading and public hearing scheduled for the regular meeting on May 8, 2012.

- B. Ordinance No. 51-12/Minor Subdivisions – Conduct the first reading of an ordinance, which if adopted, would amend the *Land Development Regulations* by revising the requirements for administrative approval of minor subdivisions. At its meeting held April 2, 2012, the Planning and Zoning Board, acting as local planning agency, by 5-2 majority vote, recommended adoption of the proposed ordinance.

Approved on first reading. Second reading and public hearing scheduled for the regular meeting on May 8, 2012.

X. Administrative Items/New Business:

- A. Fee Waiver Request/545 Washington Street – Consider the approval of a waiver request of the \$500 application fee and \$200 advertising fee for a variance application from Shui Kung, the owner of property at 545 Washington Street.

Approved \$500 application fee waiver only. Applicant remains responsible for the payment of the \$200 advertisement fee.

- B. Draft Request for Proposal/Development of the AOB Site – Consider approval of a draft RFP for the lease and development of City-owned property at 160 North Causeway, also known as the AOB site.

Approved per staff recommended, as corrected.

XI. Boards and Commissions:

- A. Animal Control Board – Consider the appointment of a member to fill a vacancy to expire September 13, 2013.

Appointed Lori Crain to fill a vacant position to expire September 13, 2013.

- B. Personnel Board – Consider the appointment/reappointment of a member to a term to expire May 1, 2015.

Reappointed member Diane Shelby to another three-year term to expire May 1, 2015.

XII. City Manager's Report:

Approved per staff recommendation, the submitted site plan for the time capsule plaza on City Hall property at 210 Sams Avenue.

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 April 24, 2012, pending approval of the official minutes of the meeting.

Johnny R Bledsoe, CMC, City Clerk.