



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

## **SUMMARY OF ACTION**

**TUESDAY, JUNE 12, 2012 – 6:30 P.M.**

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

**I. Call to Order/Roll Call:**  
**Commissioner Plaskett excused.**

**II. Invocation/Pledge of Allegiance:**  
**Police Chaplain Pete Carter gave the invocation.**

**III. Approval of the Agenda:**  
**New Business Item B, Resolution No. 16-12 Rescheduling the August 14, 2012 Regular Meeting, was added. The First Reading of Ordinance No. 54-, Wind Load and Wind Borne Debris, was removed for future consideration.**

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

- A. New Smyrna Beach Middle School “Greenovation” Program – A brief presentation by Principal Joe Rawlings and Agricultural Science Teacher William Smith, regarding support for the middle school’s “Greenovation” Program, which has already garnered strong support from the City of Edgewater, local businesses, the Parent/Teacher Association and parents.

**No Action.**

**V. Mayor and Commission Reports:**  
**City Attorney Gummey was directed to negotiate an employment agreement with City Clerk Johnny Bledsoe.**

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

- A. Agreement with the SE Volusia Humane Society – Approve the annual contract with the Southeast Volusia Humane Society for the fiscal year ending September 30, 2013.

**Approved per staff recommendation.**

- B. Bid Award/Wayfinding Sign System Project – Approve the bid award of the City Wayfinding Sign System Project to Allied Environmental Signage for the budgeted amount of \$248,050, as funded through the Community Redevelopment Agency.

**Approved per staff recommendation.**

- C. Addition of Building Maintenance II Positions – Approve the addition of two (2) Building Maintenance II position in order to support new maintenance operations at

Flagler Avenue Park bathrooms, 27th Street and Esther Street Parks. If approved the estimated cost of the positions would be \$64,606, which would be funded through a future budget amendment.

**Approved per staff recommendation.**

- D. Sovereignty Submerged Land Lease/Riverside Park – Approve entering into a new sovereign submerged land lease with the Florida Department of Environmental Protection due to changes made to the footprint over State governed land as a result of the Riverside Park Seawall, Pier and Lighting Replacement project.

**Approved per staff recommendation.**

- E. CRA Opportunity Site Designation/431 Canal Street – Approve the granting of an opportunity site designation to property at 431 Canal Street in order to support the proposed development of a two-story building with professional office/retail uses on the first floor and residential uses on the second floor. This is a second request for such designation for this property.

**Approved per staff recommendation.**

- F. CRA Housing Initiative Partner Application/Habitat for Humanity – Approve an application from Habitat for Humanity to become a partner in the CRA Housing Initiative Program.

**Approved per staff recommendation. Commissioner Hathaway declared a voting conflict and abstained.**

- G. Special Events – Approve the following planned special events and related street closure requests:

1. Spirit of 76 Fireworks on Flagler – Approve the conduct of the Spirit of 76 Fireworks on Flagler, low profile fireworks display on Friday, July 6, 2012, at approximately 9:00 p.m. to 9:30 p.m., as hosted by the Merchants of Flagler Hospitality Group. Associated road closure requests from 8:30 p.m. to 9:30 p.m. are: Jessamine between South Atlantic Avenue and Cooper Street; Cooper Street from Flagler Avenue to Jessamine; Flagler Avenue from South Atlantic Avenue to Cooper Street; and, Jessamine Parking Lot from 5:00 p.m. to 9:30 p.m. in order to serve as a fireworks launching area.

**Approved per staff recommendation.**

2. Christmas in July – Approve the conduct of the “Christmas in July” and “Christmas on Canal Street” events on Saturday, July 7, 2012, as hosted by the Merchants of Canal Street and City Recreation/Special Events Department. If approved, it is further requested to close Sams Avenue from Julia Street to Canal Street; Live Oak Street, from Downing to Canal Street; and, Canal Street from Riverside Drive to Orange Avenue, from 1:00 p.m. to 6:00 p.m., the day of the event.

**Approved per staff recommendation.**

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

- A. Annexation/A-3-12/Wray/2060 Waterford Estates Drive – 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 2.5 acres located at 2060 Waterford Estates Drive, south of the intersection of Waterford Estates Drive and Rossmore Court.

1. Ordinance No. 55-12 – Annexing approximately 2.5 acres located at 2060 Waterford Estates Drive, south of the intersection of Waterford Estates Drive and Rossmore Court.

**Adopted per staff recommendation. Commissioner Hathaway declared a voting conflict and abstained.**

2. Ordinance No. 56-12 – Changing land use designation on approximately 2.5 acres located at 2060 Waterford Estates Drive, south of the intersection of Waterford Estates Drive and Rossmore Court, from Volusia County Low Impact Urban (LIU) to City Low Density Residential.

**Adopted per staff recommendation. Commissioner Hathaway declared a voting conflict and abstained.**

3. Ordinance No. 57-12 – Rezoning approximately 2.5 acres located at 2060 Waterford Estates Drive, south of the intersection of Waterford Estates Drive and Rossmore Court, from Volusia County Residential Planned Unit Development (RPUD) to City Planned Unit Development (PUD).

**Adopted per staff recommendation. Commissioner Hathaway declared a voting conflict and abstained.**

- B. Ordinance No. 58-12/Annexation/A-2-12/Bolling/2536 Paige Avenue – Conduct the second reading and public hearing of ordinance, which if adopted, would annex approximately 12.3 acres located at 2536 Paige Avenue, east of the intersection of Paige Avenue and Glencoe Road.

**Adopted per staff recommendation.**

- C. Ordinance No. 61-12/Arts Overlay District – Conduct the second and final of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* by creating boundaries for an Arts Overlay District and establish regulations regarding permitted activities and other requirements within the Overlay District.

**Adopted per staff recommendation.**

- D. Ordinance No. 62-12/Fortune Telling Businesses – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* by allowing fortune telling businesses in the Mixed Use (MU), Highway Service Business (B-3), and Planned Shopping Center (B-5) zoning districts. At its meeting on April 2, 2012, the Planning and Zoning Board, acting as Local Planning Agency, by majority voted of 6 – 1, recommended adoption of the proposed ordinance, with changes.

**Approved per staff recommendation. Staff directed to provide more site specific alternatives for consideration of allowable locations within the City. The second and final of two required public hearings will be conducted at the regular meeting on June 26, 2012.**

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

**No action.**

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

- A. Ordinance No. 54-12/Wind Load and Wind Borne Debris – Conduct the first reading of an ordinance, which if adopted, would amend the City Code by creating a new section entitled Wind Load and Wind Borne Debris, to increase requirements for issuance of building permits.

**No action. Removed from the agenda for future consideration.**

- B. Ordinance No. 63-12/Increasing City Stormwater Fee – Conduct the first reading of an ordinance, which if adopted, would amend the City Code by increasing the Stormwater Utility Fee from \$5.00 per Equivalent Drainage Unit (EDU) to \$7.00 per EDU.

**Approved on first reading per staff recommendation. The second reading and public hearing of the proposed ordinance will be conducted at the regular meeting on June 26, 2012.**

- C. Ordinance No. 64-12/Budget Amendment – Conduct the first reading 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.

**Approved on first reading per staff recommendation. The second reading and public hearing of the proposed ordinance will be conducted at the regular meeting on June 26, 2012.**

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

- A. Resolution No. 14-12/Parking Systems Task Force – Consider adoption of a resolution, which if adopted, would create a Parking Systems Task Force.

**Adopted per staff recommendation.**

- B. Resolution No. 16-12/Rescheduling of Meeting – Consider adoption of a resolution, which if adopted, would reschedule the City Commission Regular Meeting from August 14, 2012 to August 15, 2012. The purpose of the rescheduling is a direct conflict with the City Primary Election on August 14, 2012 and related Board of Election commitments.

**Adopted rescheduling the August 14, 2012 regular meeting to August 15, 2012.**

- C. Sidewalk Construction/Replacement Recommendations – Consider approval of staff's recommended sidewalk construction/replacement priority listing, and authorize staff to proceed with surveying, design and construction of sidewalks and handicap ramps. If approved, the proposed project would cost \$736,179.06 and would be funded through general obligation bond funds.

**Deferred consideration to the regular meeting on June 26, 2012.**

- D. CRA Large Grant Awards – Consider approval of the following CRA Large Grant Awards as recommended by staff and the CRA.

1. Final Payment/Grant Reimbursement/Dolphin View Restaurant – Consider approval of reimbursement payment for a CRA Large Grant to the Dolphin View Restaurant, and associated extension of the grant period, as recommended and funded.

**Approved per staff recommendation. Commissioner Hathaway declared a voting conflict and abstained.**

2. Proposed Revisions to CRA Grant Program/Reimbursement – Consider approval of proposed revisions to all CRA Grant Program descriptions as recommended by staff regarding reimbursement. If approved, the effective date of the revisions would be for all CRA grants that receive initial approval after August 13, 2012.

**Approved per staff recommendation.**

3. CRA Large Grant Application/"Corks on Canal"/132 Canal Street – Consider approval of a CRA Large Grant Application from the owner of "Corks on Canal", in the amount of \$21,600 for renovations of leased space from "The Hub" at 132 Canal Street, in order to operate a wine and coffee bar.

**Approved per staff recommendation.**

**XI. Boards and Commissions:**

- A. Historic Preservation Commission – Consider the reappointment of members Ron

Sayyah and Lianne Bennett, whose current terms expired May 14, 2012. Reappointment would be for a 3-year term to expire May 14, 2015.

**Reappointed Lianne Bennet as a member of the Historic Preservation Commission to a term to expire May 14, 2015.**

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

**No action.**

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

**No action.**

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

**Approved entering into a joint stipulation to dismiss litigation between NSB Hill and the City of New Smyrna Beach, and the County of Volusia, with each party being responsible for its own expenses.**

**XV. Adjournment:**

**8:12 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 June 12, 2012, pending approval of the official minutes of the meeting.**

---

**Johnny R Bledsoe, CMC, City Clerk.**