



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

SUMMARY OF ACTION

WEDNESDAY, AUGUST 15, 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.

II. Invocation/Pledge of Allegiance:

Police Department Chaplain Charles Acheson. Members of Boy Scout Troop 453 led those present in the Pledge of Allegiance.

III. Approval of the Agenda:

Public Hearings Item A – Ordinance No. 62-12/Fortune Telling was continued to the regular meeting on August 28, 2012; First Reading Item A – Ordinance No. 54-12/Wind Load and Wind Borne Debris was removed from the agenda; New Business Item A – Resolution No. 21-12/Stormwater Assessment Roll was removed from the agenda and was scheduled for the regular meeting on September 12, 2012; and, the Special Board of Elections Meeting was rescheduled from August 15, 2012 to August 28, 2012.

IV. Announcements/Presentations/Recognition:

None.

V. Mayor and Commission Reports:

Commissioner Hathaway requested an explanation from the Florida Department of Transportation regarding a right of way complain from the owner of Smyrna Fence Supply Company on West Canal Street; Commissioner Plaskett requested Fire Chief Dave McCallister and Planning Manager Gail Henrikson accompany her to the next meeting of the Volusia County Transportation Planning Organization to give a brief presentation regarding the preemption project.

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

- A. Approval of Minutes – Approve the minutes of regular meetings held January 10, 2012, January 24, 2012, February 14, 2012, February 28, 2012, March 13, 2012, March 27, 2012, April 10, 2012, April 24, 2012, May 8, 2012, May 22, 2012, and June 12, 2012; special meetings held January 18, 2012, February 14, 2012, April 24, 2012, May 22, 2012, and June 26, 2012; and, meetings of the Board of Elections held May 8, 2012 and June 12, 2012.

No action. Deferred to the regular meeting on August 28, 2012.

- B. Addendum to Contract/H.S. Consulting, LLC – Approve an addendum to the existing contract with H.S. Consulting, LLC for professional services related to marketing of non-CRA/Loop City services, activities, events, etc. at an additional cost to the existing contract of up to \$10,000.

Approved an additional cost to the existing contract of up to \$5,000.

- C. “Parallel Parking Only” Signs/North Pine Street – Approve the installation of “Parallel Parking Only” signs along North Pine Street.

Approved as recommended.

- D. Amendment of Purchase Order/Volusia County Landfill Charges – Approve an amendment to the existing purchase order with Volusia County for landfill charges, an increase to the existing purchase order of \$76,000.

Approved as recommended.

- E. Dump Truck Purchase – Approve the purchase of a 2013 Freightliner 18-yard dump truck through the Florida State Contract, from Tampa Truck Center, for the budgeted amount of \$118,814.

Approved as recommended.

- F. Award of Bid/Pettis Park Multi-Use Field Dug Outs Replacement Project – Approve the award of bid to PATL/Dolphin Construction for the Pettis Park Multi-Use Field Dug Outs Replacement Project, in the amount of \$22,500. The project is fully funded with CDBG funds.

Approved as recommended.

- G. Award of Bid/Formal Fuel Site Assessment – Consider approval of the award of bid for a Formal Fuel Site Assessment to Universal Engineering Sciences, for the amount of \$14,076. The assessment is due to soil/water contamination found during the fuel site infrastructure repairs made in June 2012.

Approved as recommended.

- H. Acceptance of Grant Funds/Esther Street Beach Front Park and Stormwater Improvements – Approve entering into a 319 Grant Agreement with the Florida Department of Environmental Protection for grant funds in the amount of \$275,000 in support of the Esther Street Beach Front Park and Stormwater Improvements Project.

Approved as recommended.

- I. Debris Management Contractor Proposal Evaluation and Award – Approve 2012 contracts for Debris Removal, Reduction and Disposal to AshBritt, Inc. as the primary contractor and Philips and Jordan, Inc. as secondary contractor. No funds are requested as resources would be committed as a result of a declared disaster and would then be FEMA reimbursable.

Approved as recommended.

- J. City Welcome Signs/U.S. Highway 1 – Authorize staff to solicit direct quotes from different vendors for the north and south, U.S. Highway 1 City Welcome Signs project. Bids were requested and none received. If authorized, the City Manager will purchase by negotiation, under conditions most favorable to the public interest and will result in the lowest ultimate costs for the goods or services obtained.

Approved as recommended.

- K. Badcock Building Permit Deadline Extension and Verification of Design – Approve an administrative extension of the deadline for issuance of permits to September 15, 2012. Also approve the verification of the structure design.

Approved as recommended.

- L. Definition of “starting work” – Approve an amendment to CRA Grant Regulations regarding definitions of “starting work” and “work”. CRA staff also recommends that the expenditure referred to as a “deposit”, made prior to grant award for the small-scale grant at 306 Flagler Ave, be approved (the recommended change in grant regulations would prohibit the eligibility of such expenditures in the future).

Approved as recommended.

- M. Amendment to Large Grant Award for “The Nest” – Approve a revision of the grant award for “The Nest” at 35 Live Oak Street, in order to allow the cost of the construction of the open plaza, landscaping, and exterior features that are grant eligible to be added to the list of items that may be reimbursed with the \$50,000 grant that was previously awarded for the site.

Approved as recommended.

- N. Upcoming Special Events – Approve the following special events as recommended by the Special Events Committee:

1. 5th Annual New Smyrna Beach Shrimp and Seafood Festival – The Merchants of Flagler Hospitality Group requests approval to hold their Fifth Annual New Smyrna Beach Shrimp and Seafood Festival on Thursday, August 16, 2012 from 5 to 9 pm. If approved, also requested is the closure of Flagler Avenue from Pine Street to Buenos Aires from 3 to 10 pm, the day of the event.

Approved as recommended.

2. Relay for Life/Riverside Park – The Southeast Volusia American Cancer Society’s Relay for Life has requested approval to hold its 2013 Relay for Life in Riverside Park from 5 pm, May 3, 2013 to 8 am, May 4, 2013. If approved, also requested is the closure of Riverside Drive from Canal Street to Lytle Avenue from 10 am, May 3 to 6 am, May 4.

Approved as recommended.

VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 62-12/Fortune Telling Businesses – Conduct the second and final 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 vote of 6 – 1, recommended adoption of the proposed ordinance, with amendments.

No action. Continued to the regular meeting on August 28, 2012.

- B. Ordinance No. 68-12/Tour Boats – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the City *Land Development Regulations* by amending the definition of Tour Boats to include Water Taxis and Water Ferries, and by allowing tour boats as a conditional use in the Recreation zoning district.

Approved on first reading and first public hearing. The second and final of two required public hearings will be conducted on August 28, 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. Deferred to a future meeting.

- B. Ordinance No. 67-12/Canal Calore Dredging District – Conduct the first reading of an ordinance, which if adopted, would establish the Canal Calore Dredging District; defining the areas included in the district; and, estimating the costs of services and improvements.

Approved on first reading. The second reading and public hearing will be conducted on August 28, 2012.

- C. Ordinance No. 71-12/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. The second reading and public hearing will be conducted on August 28, 2012.

- D. Ordinance No. 72-12/Easement Vacation/725 East 3rd Avenue – Conduct the first reading of an ordinance, which if adopted, would surrender and relinquish approximately 4 x 273 feet of a utility easement at 725 East 3rd Avenue.

Approved on first reading. The second reading and public hearing will be conducted on August 28, 2012.

- E. Ordinance No. 74-12/Utilities Commission Revenue Certificates – Conduct the first reading of an ordinance, which if adopted, would approve the issuance by the Utilities Commission of Utilities System Revenue Certificates in an aggregate principal amount not exceeding \$19,950,000.

Approved on first reading. The second reading and public hearing will be conducted on August 28, 2012.

X. Administrative Items/New Business:

- A. Resolution No. 21-12/Stormwater Non-Ad Valorem Special Assessment Roll - Consider adoption of a resolution, which if adopted, would adopt the stormwater non-ad valorem special assessment roll, specifying the unit of measurement, and, certifying the roll to Volusia County.

No action. Removed by staff for consideration at the regular meeting on September 12, 2012.

- B. Draft Correspondence/RFP Response/AOB Site – Consider approval of draft correspondence to the sole respondent to the request for proposal for the AOB site on North Causeway.

Approved as recommended.

- C. Requested Designation as an Opportunity Site/Alba Court - Consider approval of a request for opportunity site designation for property at 115 Washington Street, the former Alba Court Hotel.

Approved as recommended.

- D. Requested Designation as an Opportunity Site/Feger's Marine – Consider approval of a request for opportunity site designation for property at 248 North Causeway, the former Feger Seafood Commercial Market.

Approved as recommended.

XI. Boards and Commissions:

- A. Utilities Commission – Consider applicants for appointment to the Utilities Commissions. The terms of members Walter Allen and William Hall expire September 7, 2012.

Reappointed William Hall to a three-year term to expire September 7, 2015; and, appointed Lee Griffith to a three-year term to expire September 7, 2015.

- B. Parking Systems Task Force – Consider applicants for appointment to the Parking Task Force.

Appointed members Adele Aletti-Hodson, Wade Mahood, Marc Monteson, John Vazquez and Ernest Yarborough.

- C. Volusia Growth Management Commission (VGMC) – Consider the appointment of a citizen to represent the City as a member of the Volusia Growth Management Commission for the remainder of a three-year term to expire June 30, 2015.

Appointed Kenneth Bohannon as City representative, to a three-year term to expire June 30, 2015.

- D. Municipal Code Enforcement Board – Accept the voluntary resignation of member Beverly Palmer.

Accepted Ms. Palmer's resignation with regrets.

XII. City Manager's Report:

No action.

XIII. City Clerk's Report:

No action.

XIV. City Attorney's Report:

No action.

XV. Adjournment:

7:57 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 August 15, 2012, pending approval of the official minutes of the meeting.

Johnny R Bledsoe, City Clerk