



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

SUMMARY OF ACTION

TUESDAY, AUGUST 28, 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 William Chegwin was present and gave the invocation.

III. Approval of the Agenda:

The following items were added to the agenda:

Consent Agenda Item H – Change Order Items/Riverside Park Seawall, Pier and Lighting Replacement Project; and, Administrative Items/New Business Item A – Discussion regarding the appointment of members to the Utilities Commission on August 15, 2012, and adopted City advisory board appointment procedures, as requested by Commissioner Plaskett.

IV. Announcements/Presentations/Recognition:

- A. 2013 Balloon and Sky Fest – A presentation by the Balloon and Sky Fest Foundation outlining the planned events of the 2013 Balloon and Sky Fest, scheduled for the weekend of April 5, 6 and 7, 2013.

V. Mayor and Commission Reports:

No action.

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, June 12, 2012, and June 26, 2012; special meetings held January 18, 2012, February 14, 2012, April 24, 2012, May 22, 2012, June 26, 2012, and July 31, 2012; and, meetings of the Board of Elections held May 8, 2012 and June 12, 2012.

Approved with corrections to scriveners' errors.

- B. Request for Qualifications/Surveying Services – Approve the RFQ for Surveying Services Continuing Contract in order to select three firms to be on retainer and rotate the surveying services as needed.

Approved as recommended.

- C. Request for Qualifications/Engineering Services – South Atlantic Avenue Beach Park – Approve the RFQ for Engineering Services for South Atlantic Avenue Beach Park in order to select a firm for the design, permitting and construction document preparation for future bidding purposes.

Approved as recommended.

- D. CRA Grants-in-Aid Program Revision – Approve a recommended revision to the current CRA Grants-in-aid program, eliminating the requirement that private businesses submit tax returns with applications for grants-in-aid.

No action. Item referred to the Community Redevelopment Agency for review at its next meeting on September 11, 2012.

- E. Bid Award/2012 Ditch Cleaning Program – Approve the award of bid for the 2012 Ditch Cleaning Program to United Land Service, for the amount of \$46,400.

Approved as recommended.

- F. Compromise and Settlement Agreement/Hawks Cove Subdivision – Approve entering into a Compromise and Settlement Agreement with North American Specialty Insurance Company in the amount of \$13,559, to be dedicated to paving the roadway at Hawks Cove Subdivision.

Approved as recommended.

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

1. Flagler Avenue Food Truck Bazaar – Approve the conduct of Food Truck Bazaars to be held on Flagler Avenue on Friday, August 31, 2012; Thursday, November 15, 2012; and, Thursday, February 21, 2013, as sponsored by the City Recreation/Special Events Department. Also approve the closure of Flagler Avenue from Peninsula to Buenos Aires from 3 p.m. to 9 p.m., the same days of the events.

Approved as recommended.

2. SEV Chamber of Commerce 80th Anniversary Celebration – Approve the conduct of the Southeast Volusia Chamber of Commerce 80th Anniversary Celebration on Monday, October 8, 2012 from 4 p.m. to 8 p.m. Also approve the closure of Canal Street, from Sams Avenue to Riverside Drive, from 12 p.m. to 10 p.m. the day of the event.

Approved as recommended.

3. Cookies for Kids Fundraiser/Team Logan Bake Sale – Approve the conduct of the fundraiser titled, Cookies for Kids, on Saturday, October 13, 2012, as requested by Team Logan in order to make a Guinness Book of World Records attempt for “World’s Largest Bake Sale”. Also approve the closure of Canal Street from U.S. 1 to Riverside Drive from 12:00 p.m. to 8 p.m. the day of the event.

Approved as recommended.

4. IMAGES: A Festival of the Arts – Approve the conduct of the annual IMAGES: A Festival of the Arts, event, sponsored by the Atlantic Center for the Arts, to be held January 25 through January 27, 2013. Also approve the closure of Riverside Drive, from Andrews to Canal Street; and, Canal Street from Riverside Drive to Faulkner Street, from Friday January 25, 2013 to Sunday, January 27, 2013.

Approved as recommended.

5. SEV Chamber of Commerce Corporate Run – Approve the conduct of the Southeast Volusia Chamber of Commerce Corporate Run on Saturday, April 4, 2013 from 1 p.m. to 10 p.m. Also approve the closure of Canal Street, from Sams Avenue to Riverside Drive, from 4 p.m. to 10 p.m. the day of the event.

Approved as recommended.

- H. Change Order Items/Riverside Park Seawall, Pier and Lighting Replacement Project - Approve Change Order Nos. 1, 2, 3, 4 & 5, in the amount of \$32,247.11, amending the contract with C & L Landscape, Inc., increasing the total cost of the project to \$944,972.11.

Approved as recommended.

VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 59-12/Large Scale Comprehensive Plan Amendment – Bolling/2536 Paige Avenue – Conduct the second reading and public hearing of an ordinance, which if adopted, would change land use designation on approximately 12.3 acres located at 2536 Paige Avenue, east of the intersection of Paige Avenue and Glencoe Road, from Volusia County Low Impact Urban to City Residential Estate land use designation.

Adopted as recommended.

- B. Ordinance No. 60-12/Rezoning – Bolling/2536 Paige Avenue – Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 12.3 acres located at 2536 Paige Avenue, east of the intersection of Paige Avenue and Glencoe Road, from Volusia County Urban Single-Family Residential (R-3) to City Rural Agricultural Estate (RA) zoning district.

Adopted as recommended.

- C. 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.

Adopted as amended to allow fortune telling businesses in the Highway Service Business (B-3) zoning district, only as a special exception.

- D. Ordinance No. 67-12/Canal Calore Dredging District – Conduct the second reading and public hearing 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.

Adopted as recommended. Staff was directed to not take further assessment action until instructed by the Commission to move forward.

- E. Resolution No. 19-12/Resolution of Intent/Canal Calore Dredging Assessment – Conduct a public hearing of a resolution, which if adopted, would express the City's intent to utilize the uniform method for collection of non-ad valorem special assessments for the dredging and maintenance of the Canal Calore.

Adopted as recommended.

- F. Ordinance No. 68-12/Tour Boats – Conduct the second and final 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.

Adopted as recommended.

- G. Ordinance No. 71-12/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.

Adopted as recommended.

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

Adopted as recommended.

- I. Ordinance No. 73-12/Sign Regulation Revisions – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the City *Land Development Regulations* by amending the sign regulations to consolidate and correct signage regulations and transfer responsibility for sign variances from the Planning and Zoning Board to the City Commission.

Approved on first reading and first public hearing as amended to remove language transferring responsibility for sign variances from the Planning and Zoning Board to the City Commission. The second and final of two required public hearings will be held on September 11, 2012.

- J. Ordinance No. 74-12/Utilities Commission Revenue Certificates – Conduct the second reading and public hearing 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.

Adopted as recommended.

- K. Ordinance No. 75-12/Historic Westside Neighborhood Future Land Use Map and Text Amendments – Conduct a transmittal public hearing of an ordinance, which if adopted, would amend the Future Land Use map of the City's *Comprehensive Plan* to implement land use changes based on the Historic Westside Neighborhood Plan and to update text in the Future Land Use Element related to the Historic Westside.

Adopted as recommended.

- L. Ordinance No. 76-12/Historic Westside Neighborhood Rezoning – Conduct the first of two required quasi-judicial public hearings of an ordinance, which if adopted, would implement zoning changes based on the Historic Westside Neighborhood Plan.

Approved on first reading and first public hearing as recommended. The second and final of two required public hearings will be held on September 11, 2012.

- M. Ordinance No. 77-12/Amendments to Zoning Districts – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the City *Land Development Regulations* by amending the Mixed Use (MU), Single-Family (R-3) and Two-Family zoning districts, to addition development standards and permitted and prohibited uses, as recommended in the Historic Westside Neighborhood Plan.

Approved on first reading and first public hearing as recommended. The second and final of two required public hearings will be held on September 11, 2012.

- N. Appeal of Land Development Regulations Interpretation – Conduct a public hearing regarding the appeal submitted by Mark Rakowski, on behalf of the business owner, Gary Zollo, of property at 539 North Dixie Freeway, regarding staff's interpretation of the *Land Development Regulations* regarding an outdoor vehicle lift.

Approved the appeal, allowing Mr. Zollo to maintain an outdoor vehicle lift.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

No action.

X. Administrative Items/New Business:

- A. Advisory Board Appointment Procedures – Discussion regarding the appointment of members to the Utilities Commission on August 15, 2012, and adopted City advisory board appointment procedures, as requested by Commissioner Plaskett.

No action.

XI. Boards and Commissions:

- A. Airport Advisory Board – Consider the appointment/reappointment of three members to terms to expire September 9, 2015. The terms of regular members Robert Abbaticchio, William Feger, III and Alan Norris will expire September 9, 2012.

Reappointed regular members Robert Abbaticchio, William Feger, III and Alan Norris to three-year terms to expire September 9, 2015.

- B. Animal Control Board – Consider the appointment/reappointment of two members to terms to expire September 13, 2014. The terms of regular members Robert Leonard and Robert Voshell will expire September 13, 2012.

Reappointed regular members Robert Leonard and Robert Voshell two-year terms to expire September 13, 2014.

- C. Golf Advisory Board – Consider the appointment/reappointment of three members to terms to expire September 1, 2015. The terms of regular members Leo Kernica, Morley Pearce and Richard Workman will expire September 1, 2012.

Reappointed regular members Leo Kernica, Morley Pearce and Richard Workman to three-year terms to expire September 1, 2015.

XII. City Manager's Report:

No action.

XIII. City Clerk's Report:

No action.

XIV. City Attorney's Report:

No action.

XV. Adjournment:

10:03 p.m.