



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

**SUMMARY OF ACTION**

**TUESDAY, OCTOBER 16, 2012 – 6:30 P.M.**

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

**I. Call to Order/Roll Call:**

**6:30 p.m. – Commissioner Hathaway was excused.**

**II. Invocation/Pledge of Allegiance:**

Police Department Chaplain Pete Carter will give the invocation.

**No action.**

**III. Approval of the Agenda:**

**City Manager Brangaccio reported the addition of Consent Agenda Item M – Extension Request/CRA Opportunity Site Grant Award/237-239 Canal Street; and, the removal of Administrative Items/New Business Item D – Bid Award/Washington Street Streetscape Project.**

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

- A. Breast Cancer Awareness Month/Pink Fire Engine – Acknowledgement of the Fire Department's support of Breast Cancer Awareness Month by painting of Engine No. 51 pink.

**No action.**

- B. Police Officer Promotion Ceremony – Recognition of police officers Christopher Kirk and Lisa Hamm-Gundrum on their recent selection for promotion to the rank of Sergeant.

**No action.**

- C. One Mill School Tax Referendum – Presentation by Volusia County School Board Representatives Annette Martinson, Area Superintendent and Greg Akin, Director of Transportation Services, regarding the proposed One Mill School Tax Referendum, on the ballot for the upcoming general election on November 6, 2012.

**No action.**

**V. Mayor and Commission Reports:**

**No action.**

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

- A. Approval of Minutes – Approve the minutes of the regular meetings held August 28, September 11 and September 25, 2012; and, the special meeting held September 25, 2012.

**Approved as submitted.**

- B. Sidewalk Café Application No. SC-01-12/501 Canal Street – Approve the Sidewalk Café Application, allowing six additional outdoor seats at three tables, within the Canal Street right-of-way on property at 501 Canal Street, as submitted by Victoria Wray on behalf of Richard Rosedale, owner.

**Approved per staff recommendation.**

- C. Change Order No. 6/Riverside Park Seawall, Pier and Lighting Replacement Project – Approve Change Order No. 6 in the amount of \$8,639.36, amending the existing contract with C & L Landscaping, Inc. for a total cost of \$953,611.47.

**Approved per staff recommendation.**

- D. License Agreement/916 South Riverside Drive – Approve entering into a license agreement with Brett Smith, owner of property at 916 South Riverside Drive, to install landscaping, irrigation, landscape lighting and a brick terrace with pathways, within the South Riverside Drive and Second Street rights-of-way.

**Approved per staff recommendation.**

- E. Contract Renewal/Street Sweeping Services – Approve the renewal of the contract with USA Services for Street Sweeping services at a lower rate than previous years due to action to piggyback the renewal from the City of Jacksonville. The cost of the contract.

**Approved per staff recommendation.**

- F. Blanket Purchase Order/Landfill Services – Approve a blanket purchase order, payable to Volusia County, in the amount of \$729,577, for landfill services.

**Approved per staff recommendation.**

- G. Engineering Consulting Services/Municipal Airport – Approve the Tenth Amendment for Consulting Services for the design of Runway 11/29 and Taxiway “D” and “E” Rehabilitation to Airport Engineering Company (AEC), at a cost of \$117,050, with 90% funding from an FAA AIP Grant, a 5 percent matching grant from the Florida Department of Transportation; and, the remaining 5 percent to be paid from Airport funds.

**Approved per staff recommendation.**

- H. Bid Award/Airport Sewer Improvements – Approve the award of bid to R.A. Scott Construction for the installation of an 8-inch sewer line at airport property at 1996 Aero Circle, at a cost of \$70,952.

**Approved per staff recommendation.**

- I. Bid Award/Airport Building Improvements – Approve the award of bid to McNeal and White Contractors, Inc. for the construction/rehabilitation of airport property at 1996 Aero Circle, at a cost of \$110,779.

**Approved per staff recommendation.**

- J. CRA Revision to Opportunity Site Guidelines – Consider approval of revisions recommended by staff to existing opportunity site guidelines, specifically an administrative change made to ensure only the City Commission approved contracts.

**Approved per staff recommendation.**

- K. Extension Request/CRA Opportunity Site Grant Award/426 Canal Street – Approve a sixty-day extension request by the property owner of property at 426 Canal Street, for the purpose of obtaining building permits. The request was required due to a change in the site plan.

**Approved per staff recommendation.**

L. Special Events – Approve the special events outlined below as submitted by the Special Events Committee for consideration:

1. Annual Halloween Parade – Approve the conduct of the Annual Halloween Parade, scheduled to be held Wednesday, October 31, 2012 from 4 p.m. to 8 p.m., as hosted by the Recreation and Special Events Department. If approved, further approve the closure of the Chamber of Commerce parking lot and Canal Street, from Orange Street to River-side Drive from 3 p.m. to 8 p.m., the day of the event.

**Approved per staff recommendation.**

2. Annual Flamingo Follies Holiday Art Show – Approve the conduct of the Annual Flamingo Follies Holiday Art Show, scheduled to be held Saturday and Sunday, November 10 and 11, 2012 from 9 a.m. to 5 p.m. each day, as hosted by the Recreation and Special Events Department. If approved, further approve the closure of Flagler Avenue, from Peninsula Avenue from Buenos Aires from 3 a.m. Saturday through 7 p.m. Sunday, with Atlantic Avenue being open from 5:30 p.m. Saturday to 6 a.m. Sunday.

**Approved per staff recommendation.**

3. Annual Christmas on Canal Street Event – Approve the special events “Spark the Spirit” to be held Friday, November 23, 2012; and, “Coastal Christmas Market” to be held Saturday, November 24, 2012. Both events will be hosted by the Canal Street Historic District Association. If approved, further approve the closure of Canal Street from east of Magnolia Street to the east side of Orange Avenue, and also close Live Oak Street between Downing Street and Canal Street, from 3 p.m. Friday, November 23, 2012 through 6 p.m. Saturday, November 24, 2012.

**Approved per staff recommendation.**

4. Outdoor Movies at Christmas Park – Approve the conduct of Outdoor Movies at Christmas Park, scheduled to be held Friday, November 30, 2012 from 5 p.m. to 8:30 p.m., as hosted by the Recreation and Special Events Department. If approved, further approve the closure of Live Oak Street, from Canal Street to Downing Street from 5 p.m. to 10 p.m., the day of the event.

**Approved per staff recommendation.**

M. Extension Request/CRA Opportunity Site Grant Award/237-239 Canal Street – Approve a 90-day extension request by the property owner of property at 237 & 239 Canal Street, for the completion of the project and move the closing date to January 29, 2013.

**Approved per staff recommendation.**

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

- A. Ordinance No. 54-12/Wind Load and Wind Borne Debris – Conduct the second reading and public hearing 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.

**Unanimously adopted, as submitted.**

- B. Ordinance No. 85-12/Turnbull Colony Park Large Scale Future Land Use Amendment - Conduct a transmittal public hearing of an ordinance, which if adopted, would change land use on approximately 23 acres located north of S.R. 44, west of Jungle Road and Otter Boulevard, from County Urban Medium Intensity and Commercial land use designations to City Recreation land use designation.

**Unanimously approved for transmittal, as submitted.**

- C. Ordinance No. 87-12/Mobile Food Vendors – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the Land Development Regulations, by creating a definition and regulations for “Mobile Food Vendor”, by allowing mobile food vendors as a conditional use in the Commercial or Industrial zoning districts.

**Unanimously denied, as recommended by staff and the Planning and Zoning Board.**

- D. Ordinance No. 88-12/Marina Future Land Use Designation – Conduct a transmittal public hearing of an ordinance, which if adopted, would revise the Marina Future Land Use Designation.

**Unanimously approved for transmittal, as amended to change “Planned Unit Development (PUD)” to read “Planned Unit Development (PUD) Agreement”; and to add language regarding goals, objectives and policies.**

- E. Ordinance No. 90-12/Otter Creek Properties Large Scale Future Land Use Amendment - Conduct a transmittal public hearing of an ordinance, which if adopted, would change land use on approximately 26.2 acres located south of Pioneer Trail, west of Otter Boulevard and north of S.R. 44, from County Urban Low Intensity and Urban Medium Intensity to City Medium Density Residential land use designation.

**Unanimously approved for transmittal, as submitted.**

- F. Ordinance No. 93-12/Holland Colony Park Large Scale Future Land Use Amendment - Conduct a transmittal public hearing of an ordinance, which if adopted, would change land use on approximately 28.7 acres located south of Pioneer Trail, east of Otter Boulevard and west of Old Minorcan Trail, from County Environmental Systems Corridor and Urban Low Intensity land use designations to City Conservation and Recreation land use designations.

**Unanimously approved for transmittal, as submitted.**

- G. Ordinance No. 94-12/Holland Park Acquisition – Conduct the first of two required public hearings of an ordinance, which if adopted, would rezone approximately 28.7 acres of annexed property, located south of Pioneer Trail, east of Otter Boulevard and west of Old Minorcan Trail, from County Resource Corridor and Urban Single Family Residential to City Conservation (C) and Recreation (R) zoning districts.

**Unanimously approved on first reading and first public hearing, as submitted. The second and final of two required public hearings will be conducted at a later date, yet to be determined.**

- H. Ordinance No. 95-12/Otter Boulevard Large Scale Future Land Use Amendment - Conduct a transmittal public hearing of an ordinance, which if adopted, would change land use on approximately 12 acres located south of Pioneer Trail, east of Otter Boulevard and north of S.R. 44, from Low Density Residential designation to Recreation land use designation.

**Unanimously approved for transmittal, as submitted.**

- I. Ordinance No. 96-12/Rezoning/Otter Boulevard - Conduct the first of two required public hearings of an ordinance, which if adopted, would rezone approximately 12 acres of annexed property located south of Pioneer Trail, east of Otter Boulevard and north of S.R. 44, from Single Family Residential to Recreation (R) zoning district.

**Unanimously approved on first reading and first public hearing, as submitted. The second and final of two required public hearings will be conducted at a later date, yet to be determined.**

- J. Special Exception Application No. SE-4-12/Sun Coast Roofing/843 North Dixie Freeway – Conduct a public hearing to consider an application, which if approved, would allow outdoor storage of materials and vehicles within an existing commercial facility zoned Highway Service Business District (B-3) for property at 843 North Dixie Freeway. At its meeting held September 10, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended approval of the application, with conditions.

**Approved by 3-1 majority vote, as submitted, with Commissioner Plaskett voting no.**

## **VIII. Public Participation:**

**No action.**

**IX. Ordinances – First Reading:**

- A. Annexation Application No. A-4-12/Denny’s, 1830 S.R. 44 – Conduct the first reading of the following ordinances, which if adopted, would annex, designate City land use and designate City zoning classification for approximately 0.05 acres, located north of Vic’s Way and west of Mission Road.

1. Ordinance No. 81-12 – Annexing approximately 0.05 acres, located north of Vic’s Way and west of Mission Road.

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at the regular meeting on October 30, 2012.**

2. Ordinance No. 82-12 – Changing land use on annexed property, located north of Vic’s Way and west of Mission Road, from County Commercial land use designation to City Commercial land use designation.

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at the regular meeting on October 30, 2012.**

3. Ordinance No. 83-12 – Rezoning annexed property, located north of Vic’s Way and west of Mission Road, from County Heavy Commercial (Thoroughfare Overlay Zone) to City Highway Service Business District (Corridor Overlay Zone) (B-3)(C).

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at the regular meeting on October 30, 2012.**

- B. Annexation Application No. A-1-09/Turnbull Colony Park – Conduct the first reading of the following ordinances, which if adopted, would annex and rezone approximately 23 acres, located north of S.R. 44, west of Jungle Road and Otter Boulevard.

1. Ordinance No. 84-12 – Annexing approximately 23 acres, located north of S.R. 44, west of Jungle Road and Otter Boulevard.

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at the regular meeting on October 30, 2012.**

2. Ordinance No. 86-12 – Rezoning annexed property, located north of S.R. 44, west of Jungle Road and Otter Boulevard from County Shopping Center, Shopping Center (Thoroughfare Overlay Zone) and Urban Single Family Residential to City Recreation (Corridor Overlay Zone) (R)(C) zoning district.

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at the regular meeting on October 30, 2012.**

- C. Annexation Application No. A-12-11/Otter Creek Properties – Conduct the first reading of the following ordinances, which if adopted, would annex and rezone approximately 26.2 acres, located south of Pioneer Trail, west of Otter Boulevard and north of S.R. 44.

1. Ordinance No. 89-12 – Annexing approximately 26.2 acres, located south of Pioneer Trail, west of Otter Boulevard and north of S.R. 44.

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at the regular meeting on October 30, 2012.**

2. Ordinance No. 91-12 – Rezoning annexed property, located south of Pioneer Trail, west of Otter Boulevard and north of S.R. 44 from County Single Family Residential and Urban Single Family Residential to City Multi Family Residential (R4) zoning district.

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at a later date, yet to be determined.**

- D. Ordinance No. 92-12/Annexation Application No. A-5-12/Holland Park Acquisition – Conduct the first reading of an ordinance, which if adopted, would annex approximately 28.7 acres, located south of Pioneer Trail, east of Otter Boulevard and west of Old Minorcan Trail.

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at the regular meeting on October 30, 2012.**

- E. Ordinance No. 97-12/Firefighter's Retirement System – Conduct the first reading of an ordinance, which if adopted, would amend the City Firefighter's Retirement System, by adding the definition of "Average Final Base Compensation" and "Base Compensation", and amending the definition of "Salary", and other amendments of an administrative nature to the system.

**Unanimously approved on first reading, as submitted. The second reading and public hearing will be conducted at the regular meeting on October 30, 2012.**

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

- A. CRA Opportunity Site Grant Application/309 Flagler Avenue – Consider approval of an opportunity site grant application for property at 309 Flagler Avenue, as submitted by Tamara Messina, owner. The amount requested is \$173,559.10 for new construction of a building for future development as a Bed and Breakfast business.

**Approved by 3-1 majority vote, the award of a \$75,000 CRA Opportunity Site Grant to the applicant, with Commissioner Plaskett voting no.**

- B. Gateway Features/U.S. 1 and Canal Street – Consider approval of designs for intersection hardscape, mast arm footing and mast arm decorative concepts.

**Consensus of the Commission was to direct staff to move forward with the project designs, as recommended, and stressed that staff remains consistent with other designs approved in the past.**

- C. License Agreement/Daytona Beach Aqua Safari, Inc. – Consider approval of entering into a license agreement with Daytona Beach Aqua Safari, Inc. to operate a water taxi in New Smyrna Beach.

**Unanimously approved as recommended.**

**XI. Boards and Commissions:**

- A. Housing Authority – Accept the mayoral appointment of William Maul as a member of the Housing Authority, to a term expiring August 31, 2013.

**Unanimously accepted the mayoral appointment of William Maul as a member of the Housing Authority, for a term to expire August 31, 2013.**

- B. Police Pension Board – Accept the reappointment of Mark Severance to a two-year term to expire October 1, 2014, as selected by the Police Department.

**Unanimously accepted the reappointment of Mark Severance, as a Police Department representative to the Police Pension Board, to a term to expire October 1, 2014.**

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

**No action.**

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

**No action.**

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

**No action.**

**XV. Adjournment:**

**9:02 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 October 16, 2012, pending approval of the official minutes of the meeting.**

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**Johnny R Bledsoe, City Clerk**