



**CITY OF NEW SMYRNA BEACH
CITY COMMISSION REGULAR MEETING AGENDA
SUMMARY OF ACTION**

TUESDAY, OCTOBER 30, 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:

Police Department Chaplain Pete Carter will give the invocation.

No action.

III. Approval of the Agenda:

Administrative Items/New Business Item B was added regarding the streamling of the permitting process.

IV. Announcements/Presentations/Recognition:

- A. Atlantic Center for the Arts – A presentation by Community Education and Outreach Manager Ren Morrison, accompanied by Community Artist Tory Tepp, of the organizations programs and planned activities for the upcoming year.

No action.

- B. New Smyrna Beach Citizens for Smart Growth – A presentation by Sally Gillespie and Martin Dannehower, representing the group “New Smyrna Beach Citizens for Smart Growth”, to outline the group’s principles and desire to work with the City in planning the City’s future development.

A petition was submitted to the City Commission from residents, business and property owners, objecting to the proposed Causeway Landing Project – Convenience Store and Apartments – on the 100 block of the North Causeway.

V. Mayor and Commission Reports:

Commissioners Hathaway and Plaskett were each recognized for their service to the City of New Smyrna Beach.

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

- A. Interlocal Agreement with Volusia County for Municipal Services – Approve entering into an Interlocal Agreement with Volusia County for the maintenance and operation of traffic control devices and auxiliary equipment in the City for the budgeted cost of \$21,000.

Approved per staff's recommendation.

- B. Interlocal Agreement with Volusia County/Otter Boulevard Right of Way Transfer– Approve entering into an Interlocal Agreement with Volusia County for the transfer of a portion of the Otter Boulevard right-of-way to be included as part of the future Colony Park Road Expansion Project.

Approved per staff's recommendation.

- C. Annual Renewal/Cooperative Economic Development Agreement/Team Volusia – Approve entering into the annual renewal of the Cooperative Economic Development Agreement with the Team Volusia Economic Development Corporation, at the budget cost of \$25,000.

Approved per staff's recommendation.

- D. Agreement with the Florida Inland Navigation District/Phase II – Swoope Site Project – Approve entering into an agreement with the Florida Inland Navigation District for Phase II of the Swoope Site Waterways Assistance Program Project.

Approved per staff's recommendation.

- E. Agreement to Utilize a Portion of Property as a Pocket Park/331 Canal Street – Approve entering into an agreement with the property owner of 331 Canal Street in order to utilize a portion of the property as a pocket park.

Approved per staff's recommendation.

- F. Right of Way Utilization Permit/Canal Street Arterial Dynamic Message Sign – Approve granting a right-of-way utilization permit to the Florida Department of Transportation for the utilization of a 10' x 8' area of the corner of Canal Street and Citron Street, within the City right-of-way for its Canal Street Arterial Dynamic Message Sign.

Approved per staff's recommendation.

- G. Change Order Nos. 1 and 2/S.R. 44 Gateways Construction Engineering Services – Approve two change orders to the contract with Tetra Tech, Inc. for construction oversight service, changing the total contract costs from \$112,000 to \$140,000, in order to close out the project.

Approved per staff's recommendation.

- H. Ranking of Respondents to the Request for Qualifications/Continuing Professional Surveying Providers – Approve the ranking of respondents to the recent request for qualifications for continuing professional surveying providers. The three providers selected were Daniel W. Cory Surveyor, LLC, Bowyer Singleton and CPH.

Approved per staff's recommendation.

- I. Contract Extension/Demolition Services – Approve a two-year extension to the existing contract with DBI Demolition for services in demolition of structures.

Approved per staff's recommendation.

- J. CRA Contract Extension/Donna M. Gray-Banks – Approve the extension of the existing contract with Donna M. Gray-Banks for services as Community Resource Coordinator, at a cost of \$55,363.20, funded by the CRA and the general fund.

Approved per staff's recommendation.

- K. Resolution No. 24-12/Authorization for the City Manager to submit an ECHO Grant Application to Volusia County – Adopt a resolution authorizing the City Manager to submit an ECHO Grant Application to Volusia for 50% funding of the proposed Otter Lake Improvements Project, and to approve the allocation of the City’s 50% match, not to exceed \$350,000.

Approved per staff’s recommendation.

- L. Letter of Interest/Brownfields Coalition Assessment Grant – Approve the submission of a letter of interest for participation in the application process for a Brownfields Coalition Assessment Grant with the Cities of Edgewater and Oak Hill, and grant authorization to the City Manager to sign an interlocal agreement for the purpose of applying for the coalition grant.

Approved per staff’s recommendation.

- M. Revision to CRA Grants and Aids Program Requirements/Advertising Costs – Approve an amendment to the CRA Grants and Aids Program , that requires any costs that does not pay directly for advertising, be detailed in the application so that the CRA may have a better understanding as to the costs and benefit of the promotional program being proposed.

Approved per staff’s recommendation.

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

1. Request for Beer Gardens/Flagler Avenue Food Truck Bazaars – Approve the establishment of beer gardens during the conduct of Food Truck Bazaars to be held on Flagler Avenue on Thursday, November 15, 2012 and, Thursday, February 21, 2013, as sponsored by the City Recreation/Special Events Department. The events were previously approved at the City Commission regular meeting on August 28, 2012.

Approved per staff’s recommendation.

2. Paddle Out Poverty – Approve the conduct of the event, Paddle Out Poverty, to be conducted Saturday, November 10, 2012, as hosted by Entrust Enterprise Development, Inc. Further approve the utilization of City property at 160 North Causeway (the Old AOB Site) for parking during the event.

Approved per staff’s recommendation.

3. 2012 Annual Christmas Parade – Approve the conduct of the Annual Christmas Parade, from 2 to 6 p.m. on Saturday, December 1, 2012, as hosted by the City Recreation and Special Events Department. Further approve street closures as necessary to safety conduct the event on the route identified.

Approved per staff’s recommendation.

VII. Ordinances – Second Reading and Public Hearings:

- A. Annexation Application No. A-4-12/Denny’s, 1830 S.R. 44 – Conduct the second reading and public hearing 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.

Adopted per staff’s recommendation.

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.

Adopted per staff’s recommendation.

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).

Adopted per staff’s recommendation.

- B. Ordinance No. 84-12/Annexation Application No. A-1-09/Turnbull Colony Park – Conduct the second reading and public hearing of the following ordinances, which if adopted, would annex approximately 23 acres, located north of S.R. 44, west of Jungle Road and Otter Boulevard.

Adopted per staff’s recommendation.

- C. Ordinance No. 89-12/Annexation Application No. A-12-11/Otter Creek Properties – Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 26.2 acres, located south of Pioneer Trail, west of Otter Boulevard and north of S.R. 44.

Adopted per staff’s recommendation.

- D. Ordinance No. 92-12/Annexation Application No. A-5-12/Holland Park Acquisition – Conduct the second reading and public hearing 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.

Adopted per staff’s recommendation.

- E. Ordinance No. 97-12/Firefighter’s Retirement System – Conduct the second reading and public hearing 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.

Adopted per staff’s recommendation.

- F. Special Exception Application/SE-03-12/Assisted Living Facility/1020 Claudia Street – Conduct a public hearing regarding the special exception application, which if granted, would allow an assisted living facility on property at 1020 Claudia Street.

Disapproved.

- G. Special Exception Application/SE-05-12/Marine Specialties/2800 North Dixie Freeway – Conduct a public hearing regarding the special exception application SE-05-12, which if granted, would allow outdoor storage of vehicles, boats and other equipment on property at 2800 North Dixie Freeway. If approved, it is further requested that the applicant be allowed to install a six foot high chain link fence, rather than the required four foot high solid fence, with a two foot high open fence for aesthetic and security reasons.

Approved per staff’s recommendation.

- H. Special Exception Application/SE-06-12/DC7 Grille/NSB Municipal Airport – Conduct a public hearing regarding special exception application SE-06-12, which if granted, would allow the establishment of a restaurant in an Industrial Park (I-3) zoning district.

Approved per staff’s recommendation.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Ordinance No. 98-12/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, 2012 through September 30, 2013.

Approved per staff’s recommendation. The second reading and public hearing will be conducted on November 13, 2012.

X. Administrative Items/New Business:

- A. Bid Protest/Washington Street Streetscape Project – Consider the bid protest submitted by the Masci Corporation, in response to the recommendation that C.E. James be awarded the contract for the Washington Street Streetscape Project, at a cost of \$776,505.

Protest denied with bid award to C.E. James, Inc. approved for the bid amount of \$776,505, contingent upon approval by the CRA.

- B. Discussion/Streamlining the Permitting Process – Discuss and provide guidance/direction regarding staff’s recommendation to participate in a regional permitting process designed to streamline the process called, “Open for Business”.

Approved staff’s recommendation to pursue participation in a regional permitting process designed to streamline the process called, “Open for Business”.

XI. Boards and Commissions:

- A. Economic Development Advisory Board – Accept the voluntary resignation of member Jill Carlton. Ms. Carlton’s term expires June 8, 2014.

Accepted Jill Carlton’s voluntary resignation, with regrets.

- B. Planning and Zoning Board – Consider the appointment of two members to three-year terms to expire October 31, 2015. The terms of members Kenneth Bohannon and R. Brooks Casey will expire October 31, 2012. Neither member wishes to be reappointed.

Appointed Jamie Calkins and Stephen Sather as members of the Planning and Zoning Board to three-year terms to expire October 31, 2015.

- C. Youth Council – Appoint five members to the Youth Council to serve until the end of the 2012/2013 New Smyrna Beach High School academic year, in May 2013.

Appointed New Smyrna Beach High School students Bryonna Butler, McKayla Ely, Samuel Alexander, Elena Brandner and Brad Jollie, as members of the Youth Council Task Force to terms to expire at the end of the 2012/2013 school year.

XII. City Manager’s Report:

Approved entering into an agreement with Police Chief Ron Pagano to affect his voluntary retirement from City service, effective December 31, 2012.

XIII. City Clerk’s Report:

No action.

XIV. City Attorney’s Report:

No action.

XV. Adjournment:

8:45 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 30, 2012, pending approval of the official minutes of the meeting.

Johnny R Bledsoe, City Clerk