



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

**SUMMARY OF ACTION**

**TUESDAY, NOVEMBER 27, 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. – All present.**

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

Police Department Chaplain Beverly Richardson will be present and give the invocation.  
**No action.**

**III. Approval of the Agenda:**  
**Announcements/Presentations/Recognition Item B was added – an update by David Swentor of Premier Development on the construction progress of the Hampton Inn on Flagler Avenue.**

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

A. Capital Project Update/New Fire Station – Presentation of design and construction plans for the new Fire Station No. 50 located on S.R. 44.

**No action.**

B. Hampton Inn Construction Progress Update – Presentation by David Swentor, Premier Development, on the construction progress and anticipated opening date of the Hampton Inn Hotel on Flagler Avenue.

**No action.**

**V. Mayor and Commission Reports:**  
**No action.**

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

A. Approval of Meeting Minutes – Approve the minutes of the regular meeting held November 13, 2012; special meeting held October 30, 2012; and, organizational meeting held November 13, 2012.

**Approved as submitted.**

- B. Culvert Maintenance/Quay Assisi – Approve the piggyback of an existing contract between Collier County and Shenandoah Construction, for stormwater system maintenance cleaning of a 60-foot culvert laying underneath the street on Quay Assisi, at a budgeted cost not to exceed \$16,550.

**Approved per staff's recommendation.**

- C. Award of Bid/Flagler Avenue Repair and Repaving – Approve the bid award for Flagler Avenue Repair and Repaving to Masci Corporation, at a budgeted cost not to exceed \$196,795.32.

**Approved per staff's recommendation.**

- D. Design and Permitting Contract/West Canal Street Parking – Approve entering into a contract with Finley Engineering Group for the design and permitting for improvements and parking on City owned property located northwest of the intersection of U.S. Highway 1 and Canal Street, at a budgeted cost of \$12,595.

**Approved per staff's recommendation.**

- E. License Agreement No. LA-5-12/317 Flagler Avenue – Approve entering into a license agreement with the property owner at 317 Flagler Avenue, which would allow a projecting sign over the public sidewalk in front of the business at 317 Flagler Avenue.

**Approved per staff's recommendation.**

- F. CRA Brownfields Coalition Assessment Grant – Approve the submission of a Brownfields Coalition Assessment Grant with the Cities of Edgewater and Oak Hill, with the City of Edgewater being the lead entity.

**Approved per staff's recommendation.**

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

1. New Year's Eve Fireworks Display – Approve the conduct of the New Year's Eve Fireworks Display, scheduled for Monday, December 31, 2012 from 9 p.m. to 9:10 p.m., as hosted by the Flagler Hospitality Group. Further approve the closure of Flagler Avenue from South Atlantic Avenue to Cooper Street; Jessamine between South Atlantic Avenue and Cooper Street; and Cooper Street from Flagler Avenue to Jessamine from 8:30 p.m. to 9:30 p.m., the day of the event, and the closure of the Jessamine Parking Lot from 5 p.m. to 9:30 p.m., the day of the event in order to be utilized as the fireworks launching area.

**Approved per staff's recommendation.**

2. 5th Annual Go Dog Go – Approve the conduct of the 5th Annual Go Dog Go 5K Run, Dog Dash and Pet Walk Fundraiser to be held Saturday, January 19, 2013 from 7 a.m. to 12 p.m. The event is sponsored by the Southeast Volusia Humane Society and will perform a rolling barricade during the event only stopping traffic for runners to pass by.

**Approved per staff's recommendation.**

3. Home Show and Business Expo – Approve the conduct of the Home Show and Business Expo to be held Saturday, January 19, 2013 from 10 a.m. to 4 p.m. The event is sponsored by the Southeast Volusia Chamber of Commerce and will be held in the downtown Canal Street area. The applicant further requests streets closures in support of the event that are the Closure of Canal Street from Riverside Drive to U.S. Highway 1; the first block of Live Oak Street adjacent to Christmas Park; and also, the Chamber of Commerce parking lot. Requested closures would be from 2:30 a.m. to 6 p.m. the day of the event.

**Approved per staff's recommendation.**

4. Martin Luther King Celebration & Parade – Approve the conduct of the Annual Martin Luther King Celebration and Parade on Monday, January 21, 2013 from 9 a.m. to 12 p.m., as hosted by the Black Heritage Museum. Also requested is the use of a rolling road block conducted by the New Smyrna Beach Police Department.

**Approved per staff's recommendation.**

5. Pleasant Grove Gospel Festival – Approve the conduct of the Annual Pleasant Grove Gospel Festival on Saturday, May 18, 2013 from 7 a.m. to 8 p.m., as hosted by the Pleasant Grove Missionary Baptist Church. Also requested are street closures of Julia Street, from Riverside Drive to Sams Avenue, and Sam Avenue from Washington Street to Julia Street from 7 a.m. to 8 p.m. the day of the event.

**Approved per staff's recommendation.**

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

- A. Ordinance No. 99-12/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. **At its regular meeting held November 13, 2012, the City Commission unanimously approved the proposed ordinance on first reading, as moved by Commissioner Reiker and seconded by Vice Mayor Grasty.**

**Adopted.**

- B. Special Exception Application/SE-08-12/Garriques/919 Canal Street – Conduct a public hearing regarding special exception application SE-08-12, which if approved, would allow outdoor display, storage or sale of vehicles (boats), on approximately 0.36 acres at 919 Canal Street, and in the Highway Service Business District (B-3). At its meeting held November 5, 2012, the Planning and Zoning Board recommended approval by 5-1 majority vote.

**Approved per staff's recommendation.**

**VIII. Public Participation:**

**No action.**

**IX. Ordinances – First Reading:**

- A. Ordinance No. 70-12/Fire Prevention and Protection – Conduct the first reading of an ordinance, which if adopted, would amend the *City Code* by repealing the existing Chapter 42, and creating a new Chapter 42 to be entitled, Fire Prevention and Protection.

**Approved on first reading per staff's recommendation. Second reading and public will be conducted at the regular meeting on December 11, 2012.**

- B. Ordinance No. 101-12/Annual Capital Improvements Element Update – Conduct the first reading of an ordinance, which if adopted, would modify the City's Capital Improvements Element. At its meeting held November 5, 2012, the Planning and Zoning Board unanimously recommended approval of the proposed ordinance.

**Approved on first reading per staff's recommendation. Second reading and public will be conducted at the regular meeting on December 11, 2012.**

- C. Ordinance No. 102-12/Annexation/Jungle Road – Conduct the first reading of an ordinance, which if adopted, would annex approximately 3.5 acres, located west of Jungle Road and north of S.R. 44. At its meeting held November 5, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinance.

**Approved on first reading per staff's recommendation. Second reading and public will be conducted at the regular meeting on December 11, 2012.**

- D. Ordinance No. 103-12/Master Development Agreement/Promenade Parke PUD – Conduct the first reading of an ordinance, which if adopted, would amend the Residential Planned Unit Development Master Development Agreement for approximately 172 acres, located south of Pioneer Trail, west of I-95, north of S.R. 44 and east of Airport Road, in order to reflect a change in ownership of the property, and modify public street and walkway lighting standards. At its meeting held November 5, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinance.

**Approved on first reading per staff's recommendation. Second reading and public will be conducted at the regular meeting on December 11, 2012.**

- E. Ordinance No. 104-12/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 on first reading per staff's recommendation. Second reading and public will be conducted at the regular meeting on December 11, 2012.**

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

**No action.**

**XI. Boards and Commissions:**

- A. Fire Pension Board – Appoint for terms ending November 1, 2013 and November 1, 2014, two members of the City Commission to serve ex officio as members of the Fire Pension Board, in accordance with Section 2-148, *City Code*. This item was continued from the regular meeting on November 13, 2012.

**Commissioner Reiker resigned as a member of the Police Pension Board and was appointed as a member of the Fire Pension Board to a term expiring November 1, 2014. Commissioner Jones was appointed as a member of the Police Pension Board to a term expiring October 1, 2014. Commissioner McGuirk was appointed as a member of the Fire Pension Board to a term expiring November 1, 2013.**

- B. Volusia Transportation Planning Organization – Appoint a member of the City Commission to serve ex officio as a member of the Volusia Transportation Planning Organization Board.

**Commissioner McGuirk was selected to represent the City Commission as a member of the Volusia Transportation Planning Organization Board.**

- C. Planning and Zoning Board – Appoint a member to fill the seat vacated by Commissioner McGuirk, effective November 6, 2012. The vacancy is for a term to expire October 31, 2013.

**Robert Wohn was appointed as a member of the Planning and Zoning Board to a term expiring October 31, 2013.**

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

**No action.**

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

**No action.**

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

**No action.**

**XV. Adjournment:**

**7:41 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 November 27, 2012, pending approval of the official minutes of the meeting.**

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**Johnny R Bledsoe, City Clerk**