



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

SUMMARY OF ACTION

TUESDAY, DECEMBER 11, 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 Senior Chaplain Donald Horne will be present and give the invocation.

No action.

III. Approval of the Agenda:

Consent agenda items G, H and I were added. The second reading and public hearing of Ordinance No. 70-12 was removed, and the recognition of Police Chief Ron Pagano's service was removed.

IV. Announcements/Presentations/Recognition:

- A. Citizen Recognition/"Toys for Tots"/"Operation Christmas Cheer" Donations – Recognize Ruth Seel for her generosity in donating over 600 stuffed animals from for the "Toys for Tots" and "Operation Christmas Cheer" holiday programs.

No action.

- B. Capital Project Update/Swoope Site Improvements Project – Presentation of design and construction plans for the Swoope Site Improvements planned for 2013.

No action.

V. Mayor and Commission Reports:

No action.

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

- A. Police Chief Recruitment Process – Approve entering into a professional services contract with the International Association of Police Chiefs for the New Smyrna Beach Police Chief Recruitment Process, at a cost of \$32,000 plus travel expenses.

Approved per staff's recommendation.

- B. Lease Agreement/604 Skyline Drive & 2022 Aero Circle – Approve entering into a lease agreement with AirGate Aviation, Inc. to lease airport property at 604 Skyline Drive & 2022 Aero Circle. Specific lease include lease payments of \$117,664.92 annually for five years, beginning January 1, 2013.

Approved per staff's recommendation.

- C. Resolution No. 27-12/Pedestrian Trail – Adopt a resolution authorizing the Mayor to make, execute and deliver to the Florida Department of Transportation, a supplemental Local Agency Program Agreement for the design of the Pedestrian Trail.

Adopted per staff's recommendation.

- D. Award of Contract/Nuisance Abatement – Approve the award of contract for the nuisance abatement program (lot mowing and debris removal) to FCG, Inc.

Approved per staff's recommendation.

- E. Central Beach Flood Mitigation Phase III – Approve entering into an agreement with the Federal Emergency Management Agency (FEMA) for 75% funding of the Central Beach Flood Mitigation Project, Phase III for an amount equal to 75% of the \$5.04 million required to complete the project.

Approved per staff's recommendation.

- F. Professional Engineering Services/Colony Park Road – Approve the negotiated scope of services and fee proposal by Infrastructure Engineers, Inc. for professional services related to the Colony Park Road Extension Project for an amount not to exceed \$165,226.22, and authorize the City Manager to sign the corresponding Professional Services Standard Agreement.

Approved per staff's recommendation.

- G. Interlocal Agreement/State Attorney's Office – Approve entering into an interlocal agreement with the State Attorney's Office to represent the City at arraignments and first appearances for violations of City ordinances at an annual cost of approximately \$50.00. If approved, the agreement would expire December 31, 2013, with a one-year extension authorized.

Approved per staff's recommendation.

- H. Change Order No. 5/Esther Street Beachfront Park and Stormwater Improvements Project – Approve Change Order No. 5 to the Esther Street Beachfront Park and Stormwater Improvements Project in the amount of \$15,004.34.

Approved per staff's recommendation.

- I. Purchase of Right-of-Way/Esther Street – Approve the contract for sale and purchase of a 9-foot strip of property adjacent to the Esther Street Park from the Ocean View Condominium for a purchase price of \$52,195 as funded from parks impact fees. *Added to the agenda.*

Approved per staff's recommendation.

VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 70-12/Fire Prevention and Protection – Conduct the second reading and public hearing 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.

No action. Removed from the agenda.

- B. Ordinance No. 75-12/Historic Westside Neighborhood Future Land Use Map and Text Amendments – Conduct the second reading and 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 submitted.

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

Adopted as submitted.

- D. Ordinance No. 85-12/Turnbull Colony Park Large Scale Future Land Use Amendment - Conduct the second reading and 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.

Adopted as submitted.

- E. Ordinance No. 86-12/Rezoning/Jungle Road and Otter Boulevard – Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 23 acres located north of S.R. 44 and west of Jungle Road and Otter Boulevard from County Shopping Center Thoroughfare Overlay Zone (B-3C) and Urban Single Family Residential (R-4) zoning districts, to City Recreation (R) and Recreation (Corridor Overlay Zone) (R (C) zoning districts.

Adopted as submitted.

- F. Ordinance No. 88-12/Marina Future Land Use Designation – Conduct the second reading and public hearing of an ordinance, which if adopted, would revise the Marina Future Land Use Designation.

Adopted as submitted.

- G. 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.

Adopted as submitted.

- H. Ordinance No. 91-12/Rezoning of Otter Creek Properties – Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 26.2 acres of annexed property located south of Pioneer Trail, west of Otter Boulevard and north of S.R. 44, from County Suburban Single Family Residential (R-1) and Urban Single Family Residential (R-4) to City Multi Family Residential (R-4) zoning district.

Adopted as submitted.

- I. Ordinance No. 93-12/Holland Colony Park Large Scale Future Land Use Amendment - Conduct the second reading and 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.

Adopted as submitted.

- J. Ordinance No. 94-12/Rezoning/Holland Park Acquisition – Conduct the second and final of two required quasi-judicial 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.

Adopted as submitted.

- K. Ordinance No. 95-12/Otter Boulevard Large Scale Future Land Use Amendment - Conduct the second reading and 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.

Adopted as submitted.

- L. Ordinance No. 96-12/Rezoning/Otter Boulevard – Conduct the second and final of two required quasi-judicial 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 (R-1) to Recreation (R) zoning district.

Adopted as submitted.

- M. Ordinance No. 101-12/Annual Capital Improvements Element Update – Conduct the second reading and public hearing of an ordinance, which if adopted, would modify the City's Capital Improvements Element.

Adopted as submitted.

- N. Ordinance No. 102-12/Annexation/Jungle Road – Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 3.5 acres, located west of Jungle Road and north of S.R. 44.

Adopted as submitted.

- O. Ordinance No. 103-12/Master Development Agreement/Promenade Parke PUD – Conduct the second reading and public hearing 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.

Adopted as submitted.

- P. Promenade Parke Partial Replat – Conduct a public hearing to consider the request to partially replat the Promenade Parke recorded subdivision, contingent upon approval of the requested 2nd Amendment to the Planned Unit Development (PUD) Master Development Agreement (MDA).

Approved per staff's recommendation.

- Q. Ordinance No. 104-12/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, 2012 through September 30, 2013.

Adopted as submitted.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Ordinance No. 105-12/Nuisance Properties – Conduct the first reading of an ordinance, which if adopted, would amend the City Code regarding Nuisance Properties.

Approved on first reading. The second reading and public hearing will be conducted on January 8, 2013.

- B. Ordinance No. 106-12/Historic Landmark Designation/317 Sheldon Street – Conduct the first reading of an ordinance, which if adopted, would establish property at 317 Sheldon Street as a Historic Landmark.

Approved on first reading. The second reading and public hearing will be conducted on January 8, 2013.

X. Administrative Items/New Business:

- A. Relocation of Building and Code Enforcement Departments – Consider approval of staff's recommendation to relocate the Building and Code Enforcement Departments to leased property at 323 and 325 Canal Street.

Approved the conceptual aspects of the proposed project. Further consideration will take place at the regular meeting on January 8, 2013.

- B. Inventory and Condition Assessment/City-Owned Historic Landmarks and Monuments – Consider approval of staff’s recommended priority listing of projects for maintenance, repairs and preservation, for future budget consideration.

Staff directed to collaborate with the Historical Preservation Commission in order to solidify a priority listing of projects and to identify funding sources, for future Commission consideration.

- C. Amendment/CRA Significant Façade Improvements Program – Consider approval of an amendment to the existing CRA Significant Façade Improvements Program to allow properties to apply for funds to improve 3 sides of buildings, as well as other considerations.

Approved per staff’s recommendation.

- D. CRA Significant Façade Improvements Grant Application/Trader’s/317 Flagler Avenue – Consider approval of the award of \$39,588 to the owner of property at 317 Flagler Avenue, Trader’s, CRA Significant Façade Improvements Grant.

Approved per staff’s recommendation.

XI. Boards and Commissions:

- A. Resolution No. 28-12/Parks and Recreation Board – Consider adoption of a resolution changing the name of the Parks and Recreation Board to the Leisure Activities Advisory Board.

Adopted per staff’s recommendation.

XII. City Manager’s Report:

No action.

XIII. City Clerk’s Report:

No action.

XIV. City Attorney’s Report:

No action.

XV. Adjournment:

8:24 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 December 11, 2012, pending approval of the official minutes of the meeting.

Johnny R Bledsoe, City Clerk