



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

SUMMARY OF ACTION

TUESDAY, JANUARY 8, 2013 – 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.

II. Invocation/Pledge of Allegiance:

Police Department Chaplain Pete Carter, Jr. will be present and give the invocation.

No action.

III. Approval of the Agenda:

Consent Agenda Item B, Negotiated Lease of Building to House the Building and Code Enforcement Departments, was removed from the agenda. Announcements/Presentations/Recognition Item A, Islesboro Area Drainage Study, was moved to Item B. Item A, recognition of Police Chief Ron Pagano was added.

IV. Announcements/Presentations/Recognition:

A. Recognition of Police Chief Ron Pagano – Presentation of a certificate of appreciation to Police Chief Ron Pagano upon his retirement from City service.

No action.

B. Islesboro Area Drainage Study – Presentation by the firm, Environmental Consulting and Technology (ECT), on stormwater management in the Islesboro community.

Approved the priority list as presented and authorized staff to enter into the design phase of the Islesboro Area Drainage Project.

V. Mayor and Commission Reports:

Mayor Barringer was presented with a proclamation acknowledging his being named a “Cuda Achiever” by the organization NSB CAPS.

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

A. Approval of Meeting Minutes – Approve the minutes of the regular meetings held November 27 and December 11, 2012.

Approved as submitted.

- B. ~~Negotiated Lease of Building to House the Building and Code Enforcement Departments~~ – Approve entering into a lease with the owner of property at 323 and 325 Canal Street in order to relocate the Building and Code Enforcement Departments.

Removed from the agenda.

- C. Purchase of Vehicles/Building Department – Approve the purchase of two Ford Focus Hatchback Sedans from Hub City Ford of Crestview, Florida. The amount of the purchase is \$33,432.50 through a Florida State Contract and the Florida Sheriff's Contract.

No action. Staff directed to provide local vendors opportunities to bid.

- D. Fee Proposal/Sports Complex Bleacher Improvements – Approve the fee proposal as submitted by the firm, Parker Mynchenberg and Associates, Inc., for the investigation and preparation of plans and specifications for the repair/replacement of visitors bleachers at the Sports Complex football stadium. The budgeted cost, if approved, is \$29,930.

Approved per staff's recommendation.

- E. License Agreement/1322 South Riverside Drive – Approve entering into a license agreement with the owner of property at 1322 South Riverside Drive, which would allow landscaping and coquina rocks within the public right-of-way of 6th Street.

Approved per staff's recommendation.

- F. License Agreement/2401 South Atlantic Avenue – Approve entering into a license agreement with the owner of property at 2401 South Atlantic Avenue (Pelican Condominium), which would allow landscaping within the public right-of-way of Hill Street.

Approved per staff's recommendation.

- G. Addition of Part Time Marketing and Public Information Manager Position – Approve the addition of a part-time employee position titled Marketing and Public Information Manager to serve 30 hours weekly at an annual salary of \$52,500. This is a reclassification of the current contractual position.

Approved per staff's recommendation.

- H. Resolution No.04-13/Ban of Texting While Driving – Adopt a resolution, urging the 2013 Florida Legislature to ban the act of texting while driving.

Adopted as submitted.

- I. 2012/2013 Concurrency Management Report – Accept and approve the 2012/2013 Concurrency Management Report.

Accepted and approved per staff's recommendation.

- J. CRA Small Scale Grant Requirements – Approve revisions to small scale grant requirements as recommended by the CRA at its meeting on December 11, 2012.

Approved per staff's recommendation.

- K. Special Event/New Smyrna Beach Balloon and Sky Fest – Approve the conduct of the Annual New Smyrna Beach Balloon and Sky Fest on April 5, 6 and 7, 2013 hosted by the Balloon and Sky Fest Foundation, Inc., at the municipal airport. In-kind services and street closures are also requested for the 2013 event.

Approved per staff's recommendation.

VII. Ordinances – Second Reading and Public Hearings:

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

Adopted as submitted.

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

Adopted as submitted.

- C. SE-7-12/Special Exception Application/1407 Canal Street/Calvary Chapel – Conduct a public hearing on an application to operate a church in the Highway Service Business District (B-3) zoning district, on approximately 0.61 acres at 1407 Canal Street.

Approved per staff's recommendation, with conditions.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Annexation Application A-8-12/1101 Sugar Mill Drive – Conduct the first reading of the following ordinances, which if adopted, would annex, establish land use and establish zoning of approximately 3.8 acres located on the eastern side of the northern terminus of Sugar Mill Drive.
1. Ordinance No. 01-13 – Annexation of approximately 3.8 acres located on the eastern side of the northern terminus of Sugar Mill Drive.
 2. Ordinance No. 02-13 – Changing land use on approximately 3.8 acres located on the eastern side of the northern terminus of Sugar Mill Drive from Volusia County Rural land use to City Residential Estate land use.
 3. Ordinance No. 03-13 – Rezoning approximately 3.8 acres located on the eastern side of the northern terminus of Sugar Mill Drive from Volusia County Transitional Agricultural (A-3) zoning to City Residential Estate (RE) zoning district.

Approved on first reading. The second reading and public hearing was scheduled for the regular meeting on January 22, 2013.

- B. Ordinance No. 04-13/Annexation/Colony Park Road and Otter Boulevard Rights-of-Way – Conduct the first reading of an ordinance, which if adopted, would annex approximately 5 acres of right-of-way, located north of S.R. 44, south of Pioneer Trail and west of Jungle Road.

Approved on first reading. The second reading and public hearing was scheduled for the regular meeting on January 22, 2013.

- C. Ordinance No. 05-13/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. The second reading and public hearing was scheduled for the regular meeting on January 22, 2013.

- D. Ordinance No. 06-13/Rezoning/Ocean Gate Commerce Center – Conduct the first reading of an ordinance, which if adopted, would rezone approximately 184 acres, located southwest of the intersection of S.R. 44 and Interstate Highway 95, from Planned Unit Development (PUD) to Planned Unit Development (PUD) and approving the Master Development Agreement and Conceptual Development Plan.

Approved on first reading. The second reading and public hearing was scheduled for the regular meeting on January 22, 2013.

- E. Ordinance No. 07-13/Bath Salts and Herbal Incense – Conduct the first reading of an ordinance, which if adopted, would amend the *City Code* to define and prohibit the sale, display and distribution of herbal incenses and bath salts.

Approved on first reading. The second reading and public hearing was scheduled for the regular meeting on January 22, 2013.

X. Administrative Items/New Business:

- A. Resolutions/Continued Suspension of Impact Fees – Consider adoption of the following resolutions regarding the continued suspension of impact fees.
1. Resolution No. 01-13/Annexation Fees – A resolution, which if adopted, would extend the suspension of the imposition of application fees for voluntary annexations and associated amendments to future land use map and rezoning, for applications made through December 31, 2013.

Adopted as submitted.

2. Resolution No. 02-13/Transportation Impact Fees – A resolution, which if adopted, would extend the suspension of the imposition of transportation impact fees for non-residential construction permitted before December 31, 2013 and constructed before December 31, 2014, and non-residential changes in use requiring payment of transportation impact fees.

Adopted as submitted.

3. Resolution No. 03-13/Police and Fire Impact Fees – A resolution, which if adopted, would extend the suspension of Police and Fire Impact fees for non-residential construction permitted before December 31, 2013 and constructed before December 31, 2014.

Adopted as submitted.

- B. Internet Cafes – Discuss issues regarding internet cafes, and provide policy direction for 2013.

Directed staff to bring back proposed legislation that would include the requirement to have separation between businesses, and to prohibit the activity in the Mixed Use (MU) zoning district.

XI. Boards and Commissions:

- A. Code Enforcement Board – Consider the appointment of a member to fill a vacancy with a term to expire March 3, 2015.

Appointed Rex Huffman as a member to a term to expire March 3, 2015.

- B. Historic Preservation Commission – Consider the appointment of John Coffin as a member to a term expiring May 14, 2015, as nominated by the Southeast Volusia Historical Society.

Appointed John Coffin as a member to a term to expire May 14, 2015.

XII. City Manager's Report:

Approved the purchase of two Ford Focus Hatchback Sedans from Hub City Ford of Crestview, Florida. The amount of the purchase is \$33,432.50 through a Florida State Contract and the Florida Sheriff's Contract (Consent Agenda Item C).

XIII. City Clerk's Report:

No action.

XIV. City Attorney's Report:

Approved the settlement agreement between HJH, LLC and the City of New Smyrna Beach, as negotiated by the City and the Florida Municipal Insurance Trust.

XV. Adjournment:

8:18 p.m.