



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

SUMMARY OF ACTION

TUESDAY, FEBRUARY 26, 2013 – 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 Chaplain Charles Acheson will be present and give the invocation.

No action.

III. Approval of the Agenda:

No action.

IV. Announcements/Presentations/Recognition:

- A. Proclamation/2013 Archaeological Month – Presentation of a proclamation naming March 2013 as Archaeological Month in the City of New Smyrna Beach.

Dorothy “Dot” Moore and Leigh Finner, Executive Director of the Southeast Volusia Historic Society, were present and accepted the proclamation.

- B. Citizen’s Service Medal – Presentation of the Police Department’s Citizen’s Service Medal to William “Billy” Powell, an employee of the United Parcel Service for bravery, courage and heroism.

No action.

V. Mayor and Commission Reports:

No action.

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

- A. Cancellation of Lease/F.E.C. Property South of Canal Street – Approve the cancellation of lease for F.E.C. property located south of Canal Street, west of U.S. Highway 1 in order to allow the Florida Department of Transportation (FDOT) to expand the existing right-of-way.

Postponed consideration until the regular meeting on March 26, 2013.

- B. Utilities Easement to the Utilities Commission – Approve the granting of a ten-foot wide utilities easement to the Utilities Commission in order to facilitate power to the storm water pumps associated with the Esther Street Beachfront Park and Stormwater Improvements

Project.

Approved as recommended.

- C. Western States Contracting Alliance/AT&T Wireless Contract – Approve the “piggy back” off of the current Volusia County Western States Contracting Alliance (WSCA) Wireless Communication Services Addendum, in order to allow the City to open an account with AT&T Wireless.

Approved as recommended.

- D. Office Supplies Contract/Capital Office Products – Approve the “piggy back” off of the current Volusia County contract with Capital Office Products for office supplies for the remainder of the current fiscal year and to begin exclusive use of Capital Office Products for the fiscal year beginning October 1, 2013.

Approved as recommended.

VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 08-13/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 amended.

- B. Ordinance No. 09-13/Density Calculations and Rights-of-Way – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the *Land Development Regulations* to clarify that lands sold or dedicated to a governmental entity or condemned by a governmental entity for the purpose or right-of-way widening and improvements shall be allowed to be used for calculating density on the privately owned adjacent property.

Adopted as submitted.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Ordinance No. 10-13/Code Enforcement Board – Conduct the first reading of an ordinance, which if adopted, would amend the *City Code* by establishing a new Article XVI, Code Enforcement Board; establish membership and qualifications of a new Code Enforcement Board; provide for the appointment and qualifications of Special Magistrates; and provide for powers of the board and special magistrates.

Approved. The second reading and public hearing of the proposed ordinance will be conducted at the regular meeting on March 12, 2013.

- B. Annexation Application A-1-13/1609 Canal Street – Conduct the first reading of the following ordinances, which if adopted, would annex, establish land use and establish zoning of approximately 0.3 acres located north of the western terminus of Canal Street at 1609 Canal Street.
1. Ordinance No. 11-13 – Annexation of approximately 0.3 acres located north of the western terminus of Canal Street at 1609 Canal Street.
 2. Ordinance No. 12-13 – Changing land use on approximately 0.3 acres annexed, located north of the western terminus of Canal Street at 1609 Canal Street, from Volusia County Commercial to City Commercial land use designation.
 3. Ordinance No. 13-13 – Rezoning approximately 0.3 acres annexed, located north of the western terminus of Canal Street at 1609 Canal Street, from Volusia County Heavy Commercial, Thoroughfare Overlay Zone (B-5 (C)) to City Highway Service Business, Corridor Overlay Zone (B-3 (C)) zoning district.

Approved. The second reading and public hearing of the proposed ordinances will be conducted at the regular meeting on March 12, 2013.

- C. Ordinance No. 14-13/Utilities Commission Refunding Revenue Certificates – Conduct the first reading of an ordinance, which if adopted, would approve the issuance of Utilities Commission Refunding Revenue Certificates in an aggregate amount not to exceed \$10 million, for the purpose of refinancing the outstanding Utilities System Revenue Certificates, Series 2007. Also consider approval of the Utilities Commission utilizing the City's maximum eligibility for calendar year 2013 for \$10 million in bank qualified loans.

Approved. The second reading and public hearing of the proposed ordinance will be conducted at the regular meeting on March 12, 2013.

- D. Ordinance No. 15-13/Amendment to Ordinance No. 01-13 – Conduct the first reading of an ordinance, which if adopted, would amend Ordinance No. 01-13, as adopted January 22, 2013, changing the City Commission Zone from Zone 3 to Zone 4, of which annexed property was located.

Approved. The second reading and public hearing of the proposed ordinance will be conducted at the regular meeting on March 12, 2013.

- E. Annexation Application A-9-12/2120 Pioneer Trail – Conduct the first reading of the following ordinances, which if adopted, would annex, establish land use and establish zoning of approximately 0.8 acres located south of Pioneer Trail, between the intersection of Pioneer Trail, Bay Drive and Turnbull Creek.

1. Ordinance No. 16-13 – Annexation of approximately 0.8 acres located south of Pioneer Trail, between the intersection of Pioneer Trail, Bay Drive and Turnbull Creek.
2. Ordinance No. 17-13 – Changing land use on approximately 0.8 acres located south of Pioneer Trail, between the intersection of Pioneer Trail, Bay Drive and Turnbull Creek from Volusia County Urban Low Intensity and water to City Low Density Residential and Conservation land use designations.
3. Ordinance No. 18-13 – Rezoning approximately 0.8 acres located south of Pioneer Trail, between the intersection of Pioneer Trail, Bay Drive and Turnbull Creek from Volusia County Urban Single Family Residential and Resource Corridor, to City Single Family Residential (R-2) and Conservation (C) zoning districts.

Approved. The second reading and public hearing of the proposed ordinances will be conducted at the regular meeting on March 12, 2013.

- F. Annexation Application A-10-12/2140 Pioneer Trail – Conduct the first reading of the following ordinances, which if adopted, would annex, establish land use and establish zoning of approximately 0.9 acres located south of Pioneer Trail, west of the intersection of Pioneer Trail and Bay Drive.

1. Ordinance No. 19-13 – Annexation of approximately 0.9 acres located south of Pioneer Trail, west of the intersection of Pioneer Trail and Bay Drive.
2. Ordinance No. 20-13 – Changing land use on approximately 0.9 acres located south of Pioneer Trail, west of the intersection of Pioneer Trail and Bay Drive from Volusia County Urban Low Intensity to City Low Density Residential land use designation.
3. Ordinance No. 21-13 – Rezoning approximately 0.9 acres located south of Pioneer Trail, west of the intersection of Pioneer Trail and Bay Drive from Volusia County Urban Single Family Residential, to City Single Family Residential (R-2) zoning district.

Approved. The second reading and public hearing of the proposed ordinances will be conducted at the regular meeting on March 12, 2013.

- G. Annexation Application A-11-12/2110 Pioneer Trail – Conduct the first reading of the following ordinances, which if adopted, would annex, establish land use and establish zoning of approximately 1.8 acres located south of Pioneer Trail and immediately west of the bridge over Turnbull Creek.
1. Ordinance No. 22-13 – Annexation of approximately 1.8 acres located south of Pioneer Trail and immediately west of the bridge over Turnbull Creek.
 2. Ordinance No. 23-13 – Changing land use on approximately 1.8 acres located south of Pioneer Trail and immediately west of the bridge over Turnbull Creek from Volusia County Urban Low Intensity and Environmental Systems Corridor to City Low Density Residential and Conservation land use designations.
 3. Ordinance No. 24-13 – Rezoning approximately 1.8 acres located south of Pioneer Trail and immediately west of the bridge over Turnbull Creek from Volusia County Urban Single Family Residential and Resource Corridor, to City Single Family Residential (R-2) and Conservation (C) zoning districts.

Approved. The second reading and public hearing of the proposed ordinances will be conducted at the regular meeting on March 12, 2013.

X. Administrative Items/New Business:

- A. Award of Bid/Swoope Site Boat Ramp, Parking and Restroom Facilities Project – Consider approval of staff's recommendation to award the bid for the Swoope Site Boat Ramp, Parking and Restroom Facilities Project to Saboungi Construction, Inc. of Ormond Beach, for the budgeted amount of \$1,286,164.83.

Approved as recommended.

- B. Lease of Property/323 and 325 Canal Street – Consider approval of entering into a lease for property at 323 and 325 Canal Street to house the Building and Code Enforcement Departments and funded through the Building Department account.

No action. Staff directed to review alternative properties and lease options.

- C. 2013 ECHO Grant Applications – Discuss policy and direction regarding 2013 ECHO Grant Applications.

No action.

XI. Boards and Commissions:

No action.

XII. City Manager's Report:

No action.

XIII. City Clerk's Report:

No action.

XIV. City Attorney's Report:

No action.

XV. Adjournment:

8:10 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 February 12, 2013, pending approval of the official minutes of the meeting.

Johnny R Bledsoe, City Clerk