



CITY OF NEW SMYRNA BEACH CITY COMMISSION REGULAR MEETING AGENDA

TUESDAY, FEBRUARY 28, 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:**
- III. Approval of the Agenda:**
- IV. Announcements/Presentations/Recognition:**
- V. Mayor and Commission Reports:**
- VI. Consent Agenda (Approval of Minutes/Routine Resolutions):**
 - A. Approval of Minutes – Approve the minutes of special meetings held August 17, August 23 (2), September 13, September 14 and September 27, 2011.
 - B. Community Development Block Grant Funds Reallocation – Approve the reallocation of \$20,000 of CDBG funds from the Alonzo “Babe” James Community Center Electronic Sign and Pettis Park Trail projects to the Dugout project at Pettis Park, bringing the total allocated to the Pettis Park Dugout project to \$34,307.
 - C. Interlocal Agreement/Fire Rescue Mutual Aid – Approve the First Amendment to the Interlocal Agreement with Volusia County for Fire Rescue Mutual Aid.
 - D. Sports Complex Chemical Maintenance Outsourcing – Approve the award of bid to Trugreen for chemical maintenance at the Sports Complex for the annual amount of \$54,530.52.
 - E. Upcoming Special Events – Approve the following upcoming special events and associated requests for street closures, etc. in support of the events as outlined:
 1. Easter Bonnet Pet Parade – Approve the conduct of the Easter Bonnet Pet Parade Event and Activities on Saturday, March 31, 2012, as hosted by the Southeast Volusia Humane Society, Inc. If approved, it is further requested that Flagler Avenue be closed from the beach approach to Peninsula Avenue from 1:30 pm to 3 pm, the day of the event.

Regular Meeting 2. ~~February 28, 2010~~ February 28, 2012 Pleasant Grove Gospel Festival – Approve the conduct of the Pleasant Grove Gospel Festival on Saturday, May 19, 2012, as hosted by the Pleasant Missionary Baptist Church. If approved, it is further requested that Julia Street, from Riverside Drive to Sams Avenue, and Sams Avenue from Washington Street to Julia Street, be closed from 7am to 8 pm, the day of the event.

3. FishStock 5K and Festival – Approve the conduct of the FishStock 5K running event and associated festival from Thursday, May 24, 2012 to Sunday, May 27, 2012, as hosted by the Bonnier Corporation of Winter Park, Florida. If approved, it is further requested the closure of Riverside Drive from Lytle Avenue to Canal Street on Sunday, May 27, 2012 from 6 am to 10 am for the 5K race.

VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 19-12/Vacation of Pescado Street – Conduct the second and final of two required quasi-judicial public hearings of an ordinance, which if adopted, would vacate a portion of Pescado Street, a platted but unopened 100-foot right-of-way located south of the North Causeway on property known as 160 North Causeway. The Planning and Zoning Board, at its meeting held January 9, 2012, unanimously recommended adoption of the proposed ordinance. The first of two required public hearings was conducted on February 14, 2012.
- B. Ordinance No. 21-12/Business Tax Fee Schedule – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Code of Ordinances by updating the Local Business Tax Fee Schedule. At its regular meeting on February 14, 2012, the City Commission unanimously approved this ordinance on first reading.
- C. Ordinance No. 22-12/Historic Designation – Conduct the second reading and public hearing of an ordinance, which if adopted, would establish 529-533 Washington Street as a Historic Landmark in the City of New Smyrna Beach. At its regular meeting on February 14, 2012, the City Commission unanimously approved this ordinance on first reading.
- D. Ordinance No. 23-12/Rural Agriculture Zoning – Conduct the second and final of two required public hearings of an ordinance, which if adopted, would amend the Land Development Regulations by establishing a new zoning district to be entitled Rural Agriculture Estate (RA). The Planning and Zoning Board, at its meeting held January 9, 2012, unanimously recommended adoption of the proposed ordinance. The first of two required public hearings was conducted on February 14, 2012.
- E. Annexation/SR 44 and Hughes Road – Conduct the second reading and public hearing of ordinances, which if adopted, would annex, assign land use and assign zoning to approximately 5 acres located northeast of the intersection of S.R. 44 and Hughes Road. At its meeting on January 9, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinance.
 1. Ordinance No. 24-12 – Annexing approximately 5 acres located northeast of the intersection of S.R. 44 and Hughes Road.
 2. Ordinance No. 25-12 – Changing land use on approximately 5 acres of annexed property located northeast of the intersection of S.R. 44 and Hughes Road from Volusia County Environmental Systems Corridor to City Agriculture designation.

Regular Meeting ~~3 February 28, 2012~~ February 28, 2012 – Rezoning approximately 5 acres of annexed property located northeast of the intersection of S.R. 44 and Hughes Road from Volusia County Resource Corridor (Thoroughfare Overlay Zone) (RC (C) and Resource Corridor (RC) to City Agriculture (A-2) district.

At its meeting on January 9, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinances. At its regular meeting on February 14, 2012, the City Commission unanimously approved these ordinances on first reading.

- F. Ordinance No. 27-12/Rezoning – 1569 Lewis Lane – Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 5.32 acres located south of Lewis Lane, between Raylyn Drive and White Street from Volusia County Rural Agriculture (A-2) to City Agriculture (A-2) zoning district. At its meeting on January 9, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinance. At its regular meeting on February 14, 2012, the City Commission unanimously approved this ordinance on first reading.
- G. Ordinance No. 28-12/Rezoning – 2800 Conway Road – Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 2.5 acres located south of Turnbull Bay Road at 2800 Conway Road from Volusia County Rural Agricultural Estate (RA) to City Rural Agricultural Estate (RA) zoning district. At its meeting on January 9, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinance. At its regular meeting on February 14, 2012, the City Commission unanimously approved this ordinance on first reading.
- H. Ordinance No. 29-12/Rezoning – 1576 Lewis Lane – Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 3.3 acres located south of Turnbull Bay Road at 1576 Lewis Lane from Volusia County Rural Agricultural Estate (RA) to City Rural Agricultural Estate (RA) zoning district. At its meeting on January 9, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinance. At its regular meeting on February 14, 2012, the City Commission unanimously approved this ordinance on first reading.
- I. Ordinance No. 30-12/Spay-Neuter Regulations – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the City Code regarding spay/neuter programs within the City. At its regular meeting on February 14, 2012, the City Commission unanimously approved this ordinance on first reading.
- J. Ordinance No. 31-12/S.R. 44 Sanitary Sewer Assessment District – Conduct the second reading and public hearing of an ordinance, which if adopted, would establish the S.R. 44 Sanitary Sewer Improvements Assessment District. At its regular meeting on February 14, 2012, the City Commission unanimously approved this ordinance on first reading.
- K. Ordinance No. 32-12/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 on February 14, 2012, the City Commission unanimously approved this ordinance on first reading.

In accordance with Resolution No. 43-10, a three-minute limitation will be imposed unless otherwise granted by the City Commission.

IX. Ordinances – First Reading:

- A. Ordinance No. 33-12/Floodplain Management – Conduct the first reading of an ordinance, which if adopted, would amend the City Code by repealing Article VII, Flood Damage Prevention, and create a new Article VIII, Floodplain Management.
- B. Ordinance No. 34-12/McDonald Contraction/2275 Turnbull Bay Road – Conduct the first reading of an ordinance, which if adopted, would contract approximately 2 acres located east of Turnbull Bay Road, south of the Intersection of Turnbull Bay Road and Bayview Drive at 2275 Turnbull Bay Road.
- C. Ordinance No. 35-12/Detwiler Cemetary – Conduct the first reading of an ordinance, which if adopted, would establish Detwiler Cemetery on property at 750 Oakwood Avenue as a Historic Landmark in the City of New Smyrna Beach.
- D. Ordinance No. 36-12/1st Amendment to PUD/Hampton Inn – Conduct the first reading of an ordinance, which if adopted, would amend the Hampton Inn New Smyrna Beach Planned Unit Development Master Development Agreement with HIHO, LLC/Premier Development Group, for approximately 2 acres located between Flagler Avenue and Florida Avenue, east of North Peninsula Avenue and west of North Pine Street, at 214 Flagler Avenue, and 207 and 215 Florida Avenue, to incorporate approximately 0.3 acres of additional property into the PUD and specify additional property into the PUD and specify minimum dimensional requirements for parking spaces within the PUD. At its meeting on February 6, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended approval of the proposed ordinance.
- E. Ordinance No. 37-12/B-5 Setbacks – Conduct the first reading of an ordinance, which if adopted, would amend the *Land Development Regulations* to revise the minimum building setbacks required for outparcels within the Planned Shopping Center (B-5) zoning district. At its meeting on February 6, 2012, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinance.
- F. Ordinance No. 38-12/Capital Improvements Element – Conduct the first reading of an ordinance, which if adopted, would modify the City Capital Improvements Element.
- G. Ordinance No. 39-12/CRA Governing Body – Conduct the first reading of an ordinance, which if adopted, would amend the governing body of the Community Redevelopment Agency to be the City Commission and two citizens.

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Administrative Items/2012 Business:

- A. CRA Opportunity Site Grant/Badcock Building, 524 Canal Street – Consider approval of a CRA Opportunity Site Grant for property at 524 Canal Street.
- B. CRA Opportunity Site Designation/426 Canal Street – Discuss and consider the request to designate property at 426 Canal Street as a CRA opportunity site.
- C. Brownfields Task Order/Kimley Horn/225 South Dixie Freeway – Consider approval of a brownfields task order to Kimley Horn in the amount of \$97,150 for property at 225 South Dixie Freeway.
- D. Disposition of City Property/Sams Avenue and Julia Street – Discussion and review of four recommended actions for the Sams Avenue & Julia Street City-owned property for 2012.
- E. Proposed Actions to the AOB Site – Discuss and provide staff direction regarding proposed actions related to the AOB property for short term utilization and long term uses.

XI. Boards and Commissions:

XII. City Manager's Report:

XIII. City Clerk's Report:

XIV. City Attorney's Report:

XV. Adjournment:

Pursuant to *Florida Statutes* 286.0150, if an individual decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 424-2112, prior to the