



**City Commission Regular Meeting
Tuesday, February 26, 2019**

**6:30 PM – City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, FL 32168
PLEASE USE THE SOUTH ENTRANCE FROM THE JULIA STREET SIDE OF CITY HALL**

1. OPENING OF MEETING

- A. Call to Order

2. INVOCATION/PLEDGE OF ALLEGIANCE

Police Department Chaplain will give the invocation. Mayor Owen will lead those present in the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

- A. Presentation--Magnolia Street traffic calming recommendations

5. PUBLIC PARTICIPATION

In accordance with Resolution No. 32-13, citizens are provided the opportunity to address the City Commission regarding any topic, for up to three minutes.

6. CONSENT AGENDA

- A. Approve City Commission Regular Meeting Minutes for January 22, 2019 and February 12, 2019.
- B. Approval of a direct employee agreement with the Chief Building Official, rather than a continued consulting firm contract for the services
- C. Approval of Change Order #1 to S&ME's Contract for a Development Density Study in the amount of \$5,080.00

- D. Resolution No. 06-19: JPA Agreement regarding Saxon Drive - Pedestrian Crossing Improvements at 8th Avenue and Sandpiper Street; a budget transfer from the General Fund Reserves would follow for the \$10,000 in City costs for installation.
- E. Recommendation to Award RFP 15-18-PARKS Resurfacing Sports Courts at Detwiler Park to Sport Surface Pros, LLC for \$30,700.
- F. Approve the purchase of one (1) 2018 Kubota M7060HDC from Florida Coast Equipment, utilizing Florida State contract pricing of \$56,883.23 for the Streets Department
- G. Approve Resolution No. 07-19: Entering into a Joint Project Agreement with Volusia County regarding the new proposed SR 44/3rd Ave to Walmart Plaza Votran bus Route.
- H. Approve the Live Oak Cultural Center Contract with Council on Aging, Memorandum of Understanding with Atlantic Center for the Arts, Proposed Policy and Fees for Other Users.
- I. Purchase of 611 Jefferson (Pettis Park Parking)
- J. Stacy Lane - Accepting Stormwater and Vehicular Access Easements
- K. APPROVE THE ROAD CLOSURE REQUEST - 100 BLOCK OF DOWNING STREET BETWEEN MAGNOLIA STREET AND S. RIVERSIDE DRIVE FOR A DURATION OF APPROXIMATELY 1 WEEK. THE CLOSURE IS REQUIRED IN ORDER TO PROVIDE SANITARY SEWER SERVICE TO THE JANE'S FINE ART BUILDING CURRENTLY UNDER CONSTRUCTION AT 199 DOWNING STREET.
- L. Approve Special Event: Veterans of Foreign Wars post 4250 Requests permission to allow camping, at 2350 Sunset Drive, During Bike Week 2019 starting on March 8, 2019, from 8 a.m. and ending on March 17, 2019, at 5 p.m.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. 1/2 CENT SALES TAX-- Update on the Special Election Schedule and a Representative City Project List to be Forwarded to the Volusia County Council
- B. Discussion Regarding Commissioners Responses to Constituents
- C. Approve a Special Event; Flagler Tavern St. Patrick's Day Celebration on March 17, 2019 from 10 a.m. until 9 p.m., set up time from 8 a.m. to 10 a.m. and breakdown from 9 p.m. to 11 p.m. and a beer garden.
- D. Approve Special Event: Bike Week 2019 and beer garden on March 7th through the 17th of 2019 from 8 a.m. to 8 p.m.
- E. Approve a Special Event: St. Patrick's Day at Clancy's Cantina and approval to have a beer garden on March 16th-17th, 2019 from 11 a.m. on March 16th to 11 p.m. on March 17th

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 07-19: Land Development Regulation Amendment Application No. ZT-7-18. Conduct the First Reading of an Ordinance, which if adopted, would amend the Land Development Regulations regarding the B-5, Planned Shopping Center Special Exception Use of Daycare.
- B. Ordinance 08-19: Conduct the First Reading of an Ordinance, which if adopted, would amend the General Fund and the Parking Fund for the transfer of \$51,000, from the Parking Fund to the General Fund, for the bid awarded for the 27th Avenue Park Project.
- C. Special Exception Application No. SE-5-18: 1890 SR 44: Conduct a public hearing on a request for Special Exception, which if approved, would allow a new child daycare on property located at 1890 SR 44.
- D. Conduct a public hearing on Special Exception Application No. SE-1-19, which if approved, would allow a tattoo parlor on property located at 210 Magnolia Street.

9. ORDINANCES - FIRST READING

- A. **ORDINANCE NO. 09-19: CONDUCT THE FIRST READING OF AN ORDINANCE TO IMPLEMENT AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS TO STRENGTHEN AND CLARIFY THE CRITERIA FOR REMOVAL OF HISTORIC AND SPECIMEN TREES**
- B. Conduct the first reading of Ordinance No. 10-19, which, if adopted, would be the 1st Amendment to Ocean Way Village PUD Master Development Agreement

10. BOARDS AND COMMISSIONS

- A. Code Enforcement Board - Consider the appointment/reappointment of two members to the Code Enforcement Board to three-year terms to expire March 3, 2022.
- B. Consider approval of the reappointment of a board member, as elected by the members of the Fire Department to a two-year term to expire November 1, 2020, this representative is David Newell.

11. MAYOR AND COMMISSION REPORTS

12. CITY MANAGER'S REPORT

- A. City Manager's Report

13. CITY CLERK'S REPORT

14. CITY ATTORNEY'S REPORT

15. ADJOURNMENT

Pursuant to *Florida Statutes* 286.0105, 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) 410-2630, prior to the meeting.