



**City Commission Regular Meeting
Tuesday, December 11, 2018
Minutes**

1. OPENING OF MEETING

Having been duly advertised as required by law, the regular meeting of the City Commission of the City of New Smyrna Beach, Florida, was held on Tuesday, December 11, 2018 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor Russ Owen called the meeting to order at 6:30 PM.

A. Call to Order

Attendee Name	Title	Status	Arrived
Jason McGuirk	Commissioner	Present	
Jake Sachs	Commissioner	Present	
Randy Hartman	Vice Mayor	Present	
Michael Kolody	Commissioner	Present	
Russell Owen	Mayor	Present	

Also present were City Manager Pamela Brangaccio, City Attorney Carrie Avallone, Assistant City Manager Khalid Resheidat, Police Chief Mike Coffin, Fire Chief Shawn Vandemark, CRA/Economic Development Director Tony Otte, Planning and Zoning Director Amye King, Leisure Services Director Nancy Maddox, Interim Finance Director Lewie Wise, Community Resource Coordinator Donna Banks, Interim Public Information Office Phil Veski and Assistant City Clerk Kelly McQuillen.

B. Invocation/Pledge of Allegiance

Police Department Chaplain Thomas Prucnal gave the invocation. Mayor Owen led those present in the Pledge of Allegiance.

C. Approval of the Agenda

City Manager Brangaccio reported one change to the published agenda. She requested that Ordinances-First Reading, 6A, Ordinance No. 59-18 be postponed until after the new year.

City Commission Consensus approved postponing the item to a later date.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Fifth (5th) Street Bridge Replacement - Design Presentation

City Engineer Kyle Fegley outlined a PowerPoint Presentation. He stated that the intent was to ask the City Commission to consider the bridge being 30'-7" to accommodate a pedestrian walkway. He stated that in February or March 2019, City staff would return to the City Commission with design options or alternatives to lengthen the bridge span as well as Florida Department of Transportation (FDOT) determinations for grant participation (75%) for the alternate design. He shared that City staff would provide an amendment to the design contract for additional design fee; as well as an amendment to the LAP agreement with FDOT the information to the City Commission for their review and approval.

John Wise, 1220 Commodore Drive, asked if the City had stopped funneling the run off from 6th Street north into that area. He distributed a copy of a photo of the original bridge. He commented on the flow running through the bridge and stated that the flow had been cut off by approximately 90% and there was silt build up over the years as a result.

Jerry Messina, 1222 Commodore Drive, spoke in support of the design presentation. He thanked Mr. Fegley for providing information about the project. He commented on the deterioration caused by the water action.

Mike O'Donnell, 1217 Commodore Drive, thanked the City Commission for conducting an invocation. He commented about the problems with the bridge and spoke in support of the design. He stated the problem should be fixed. He suggested taking a long-term environmental view.

Mark Beckwith, 1208 South Riverside, stated he witnessed troublesome problems with the bridge. He shared that the corner of the bridge was submerged in water during the last hurricane. He commented in support of the design and asked the Commission to consider some of the assets they have there. He stated that it was a good time for the project as it parallels the Coastal Community Resiliency Program.

Commissioner McGuirk asked about the silt build up around the bridge.

Mr. Fegley stated there was no dredging relating to this project. He stated they would not remove anything outside of the right-of-way of the project.

Mayor Owen asked if the increased waterflow would take care of the issue.

Mr. Fegley stated that the hydraulic analysis would indicate that.

Mr. Wise added that there was sludge the whole length of the bridge.

Commissioner Kolody asked to consider the environmental aspects. He stated that conceivably, if the sediment washed away due to the increased water flow, where the sediment would go. He stated they would have to do more of a study before a solution was provided. He looked forward to the study.

Mayor Owen stated Commissioner Kolody's analysis was good. He stated that his concern was additional modifications in the future. He asked if the funds would be from the City budget.

3. MAYOR AND COMMISSION REPORTS

Vice Mayor Hartman commented about attending the DARE graduation. He commented on the student essays relating to the DARE program. He stated that Officer Mongosa interacted well with the children. He commented on attending the Senior Luncheon and shared that it brought joy to his heart to witness the special event.

Commissioner McGuirk wished everyone a Merry Christmas and Happy Holiday Season. He reported on meeting with Florida Department of Transportation (FDOT) with City Manager Brangaccio, Assistant City Manager Resheidat and Leisure Services Director Nancy Maddox. He shared that he thought it was a productive meeting. He stated staff did a wonderful job communicating the western alignment. He stated the next meeting with FDOT would be on December 21, 2018 to respond to the western alignment and the feasibility of it.

Commissioner Sachs commented on fireworks danger. His hope was to stop illegal fireworks sales in the City. He stated there was a fireworks display. He thanked the merchants in the City that rid plastic straws. He stated that the plastic straws could cause cancer and were dangerous. He stated there were chemicals in the plastic straws. He hoped to push the message to rid plastics as much as they could. He thanked the Fire and Police Departments. He stressed the importance of fully operating the Fire Trucks. He stated that the Police Department assisted in finding a few homeless camps in the back woods. He thanked Maintenance Operations for cleaning up the camp. He commented on the Reasonable Assurance Plans and wanted to make a motion. He explained that option #1 was about \$700,000 and that option retained about 1,300 pounds of nutrients.

Motion:

Commissioner Sachs moved to consider a discussion at the Visioning Session regarding the Reasonable Assurance Plan options. Commissioner McGuirk seconded the motion and the motion was unanimously approved.

Commissioner Sachs commented about the darkness outside at night around City Hall and asked if the trees would be trimmed.

Commissioner Kolody thanked the staff for putting up with him for the past few weeks. He stated he set himself a very rigorous schedule. He commented on the Capital Improvement Tour and stated that there was a few things that could be revised and stated some items were very important to residents. He commented on working with the Engineering Department and the City Attorney about items he felt would be helpful. He commented on projects such as Coastal Woods in the Geosam area. He stated some of these areas were left unkempt. He stated there were not very strict standards on how these projects should be implemented regarding dust control and cleanup.

Mayor Owen echoed his fellow Commissioner's comments. He shared that he attended the Pearl Harbor Event in Edgewater and stated it was an honor to be there. He shared that it was a moving event. He commented on the DARE Event, was very proud of the young leaders, and

hoped the students remembered the good lessons. He stated Officer Mongosa reflected well on the City and Police Department due to the passion she puts into overseeing the DARE Program. He commented on attending the last Planning and Zoning Meeting. He commented on a future discussion about a variance that increased lot coverage. He commented on the flashing lights at the intersection near the Fire Department. He asked City staff if they could provide an update about what had been done regarding the traffic lights at the intersection. He commented on the agenda for Thursday and Friday's Strategic Planning Sessions and understood the goal was to develop a strategic plan. He asked if they could have a secondary workshop. He commented on attending the Light up Flagler Event. He noticed the street was not closed and stated he thought it changed the nature of the event.

Commissioner Sachs appreciated that the City would have a Visioning Session and commented about the agenda changes. He stated it was an important item to discuss.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 60-18: Conduct the second reading and public hearing of an ordinance, which provides the definition of compensation in the City of New Smyrna Beach Police Officers' Retirement System.

City Attorney Avallone read Ordinance No. 60-18, the second time by title only.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 60-18, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Randy Hartman, Vice Mayor
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

- B. Ordinance No. 61-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 3.64 +/- acres of property located at 2219 Doster Drive and 2820 Letha Street.

City Attorney Avallone read Ordinance No. 61-18, the second time by title only.

City Planner Bob Mathen outlined the proposed ordinance, which if adopted, would annex approximately 3.64 +/- acres of property located at 2219 Doster Drive and 2820 Letha Street.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 61-18, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jason McGuirk, Randy Hartman
SECONDER:	Michael Kolody, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

C. Ordinance No. 62-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use for approximately 3.64 +/- acres of annexed property located at 2219 Doster Drive and 2820 Letha Street.

City Attorney Avallone read Ordinance No. 62-18, the second time by title only.

City Planner Bob Mathen outlined the proposed ordinance, which if adopted, would amend the Future Land Use for approximately 3.64 +/- acres of annexed property located at 2219 Doster Drive and 2820 Letha Street.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

Commissioner Sachs asked if these properties had access to City sewer.

Mr. Mathen stated they have access to sewer, but not City water. He stated the closest water access would be the southern subdivision, Florida Days.

Mayor Owen commented on not going through this process does not fix the sewer issue.

Motion:

Vice Mayor Hartman moved to adopt Ordinance No. 62-18, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Randy Hartman, Vice Mayor
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

D. Ordinance No. 63-18: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 3.64+/- acres of annexed property located at 2219 Doster Drive and 2820 Letha Street.

City Attorney Avallone read Ordinance No. 63-18, the second time by title only.

City Planner Bob Mathen and City Planner Michael Salisbury were administered the oath, by the City Attorney. They outlined their professional and educational qualifications. As no citizens questioned her credentials, Mr. Mathen outlined the proposed ordinance, which if adopted, would rezone approximately 3.64+/- acres of annexed property located at 2219 Doster Drive and 2820 Letha Street.

Commissioner Kolody asked about the split zoning and asked if they were carrying it into the City.

Mr. Mathen concurred.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

Motion:

Commissioner Kolody moved to adopt Ordinance No. 63-18, as submitted. Commissioner Sachs seconded the motion, and the motion carried by majority vote 4-1, with Commissioner Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Michael Kolody, Commissioner
SECONDER:	Jake Sachs, Commissioner
AYES:	McGuirk, Hartman, Kolody, Owen
NAYS:	Sachs

E. Ordinance No. 64-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 3.5 +/- acres of property located on Turnbull Bay Road, parcel 7302-04-03-0010.

City Attorney Avallone read Ordinance No. 64-18, the second time by title only.

City Planner Bob Mathen outlined the proposed ordinance, which if adopted, would annex approximately 3.5 +/- acres of property located on Turnbull Bay Road.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

Motion:

Vice Mayor Hartman moved to adopt Ordinance No. 64-18, as submitted. Commissioner McGuirk seconded the motion, and the motion carried by majority vote 4-1, with Commissioner Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Randy Hartman, Vice Mayor
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Hartman, Kolody, Owen
NAYS:	Sachs

F. Ordinance No. 65-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use for approximately 3.5 +/- acres of annexed property located on Turnbull Bay Road, parcel number 7302-04-03-0010

City Attorney Avallone read Ordinance No. 65-18, the second time by title only.

City Planner Bob Mathen outlined the proposed ordinance, which if adopted, would amend the Future Land Use for approximately 3.5+/- acres of annexed property located on Turnbull Bay Road.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

Commissioner Sachs if City sewer and water could be provided in the future.

Mr. Mathen stated they do have access to water and was unsure about sewer.

Mayor Owen stated that this process was neither protecting nor not protecting this area from going to sewer. He stated that he would rather have it as part of the city.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 65-18, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried by majority vote 4-1, with Commissioner Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Randy Hartman, Vice Mayor
AYES:	McGuirk, Hartman, Kolody, Owen
NAYS:	Sachs

G. Ordinance No. 66-18: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 3.5 +/- acres of annexed property located on Turnbull Bay Road, parcel 7302-04-03-0010.

City Attorney Avallone read Ordinance No. 66-18, the second time by title only.

City Planner Bob Mathen was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned her credentials, Mr.

Mathen outlined the proposed ordinance, which if adopted, would rezone approximately 3.5 +/- acres of annexed property located on Turnbull Bay Road.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

Commissioner Kolody asked what steps that the applicant would have to go through to ensure that the proper steps are taken as far as boundaries are concerned.

Mr. Mathen stated that there would be a wetland area and that a field expert would determine it.

Commissioner Kolody asked City Attorney Avallone if there was a need to be more specific in the motion to ensure the boundaries would be adhered to.

City Attorney Avallone stated the applicant would have to be specific when they submit the application.

Mr. Mathen stated all of the information would be submitted with the applicants permit package.

Commissioner Sachs asked about septic tanks.

Mr. Mathen stated the applicant would have to apply through the Health Department to be approved for a septic tank.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 66-18, as submitted. Vice Mayor Hartman seconded the motion, and the motion was approved by majority vote 4-1, with Commissioner Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Randy Hartman, Vice Mayor
AYES:	McGuirk, Hartman, Kolody, Owen
NAYS:	Sachs

5. PUBLIC PARTICIPATION

Lisa Martin, 618 South Pine, thanked the City Commission for considering water quality. She provided statistics.

Dick Abbott, 1065 Clubhouse Boulevard, asked if anyone knew what the plans were for the property near Coastal Woods. He stated he noticed for sale signs. He was concerned about the wetlands. He asked if the City could ask Coastal Woods what their intentions were for this land.

Assistant City Manager Khalid Resheidat stated he would contact Mr. Abbott by next week with additional information.

City Manager Brangaccio provided history on the appearance of the area.

Angie Beretta-Herman, 108 Esther Street, commented on variances belonging to property owner or the property and asked if the City would be enforcing the Planning and Zoning Board regarding variance issue time limits.

Commissioner Kolody stated if we strengthen ordinances and gave tools to strengthen the construction process.

Commissioner Sachs added that there should be a constraint of time limits.

City Manager Brangaccio commented on a Utilities Commission New Smyrna Beach misinterpretation.

6. ORDINANCES - FIRST READING

- A. Ordinance No. 59-18: Conduct the first reading of an ordinance, which provides the definition of salary in the City of New Smyrna Beach Firefighters' Retirement System.

No action. The item was continued to the January 8, 2019 agenda by City Commission consensus.

RESULT:	CONTINUED NO VOTE TAKEN	Next: 1/8/2019 6:30 PM
----------------	--------------------------------	-------------------------------

- B. Ordinance No. 67-18; Conduct the first reading of an ordinance, which if adopted, would grant a non-exclusive construction and roll-off service franchise to Elliot Meadows Certified Contractors, LLC.

City Attorney Avallone read Ordinance No. 67-18 the first time, by title only.

Motion:

Vice Mayor Hartman moved to approve on the first reading Ordinance No. 67-18, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously. Mayor Owen reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 8, 2019.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]Next: 1/8/2019 6:30 PM
MOVER:	Randy Hartman, Vice Mayor
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

7. CONSENT AGENDA

- A. Approve the Minutes of the City Commission Meeting held November 27, 2018.

Motion:

Commissioner McGuirk moved to approve the Minutes of the City Commission Meeting held November 27, 2018, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- B. Approve the Purchase of Fitness Equipment/Playground Structure for Buena Vista Park, from Game Time at a total cost of \$111,992.14.

Commissioner Sachs stated he wanted to see 27th Avenue Street Park breaking ground before Buena Vista Park.

City Manager Brangaccio explained that City Commission had already approved the funding, playground equipment and the project for 27th Avenue Street Park.

Motion:

Vice Mayor Hartman moved to approve the Purchase of Fitness Equipment/Playground Structure for Buena Vista Park, from Game Time at a total cost of \$111,992.14, as submitted. Commissioner McGuirk seconded the motion, and the motion carried by majority vote 3-2, with Commissioner Kolody and Commissioner Sachs voting no.

- C. Approve authorizing staff to Solicit Requests for Proposals (RFP) for Solar Feasibility Study of City facilities.

Motion:

Commissioner McGuirk moved to approve authorizing staff to Solicit Requests for Proposals (RFP) for Solar Feasibility Study of City facilities. Vice Mayor Hartman seconded the motion, and the motion carried by majority vote 4-1, with Commissioner Kolody voting no.

- D. Resolution No. 41-18: Adopt a resolution to Increase Racquet Tennis Court Membership Fees and Proposed Revisions of the Management Agreement.

Motion:

Commissioner McGuirk moved to approve Resolution No. 41-18: Adopt a resolution to Increase Racquet Tennis Court Membership Fees and Proposed Revisions of the Management Agreement, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- E. Approve staff's recommendation to piggyback on the Collier County Contract #15-6363, Storm Drain Maintenance, in order to complete necessary repairs and replacement of stormwater pipe on Oleander Street, from Enterprise Avenue to Martin Street - Shenandoah Construction.

Motion:

Commissioner McGuirk moved to approve staff's recommendation to piggyback on the Collier County Contract #15-6363, Storm Drain Maintenance, in order to complete necessary repairs and replacement of stormwater pipe on Oleander Street, from Enterprise Avenue to

Martin Street - Shenandoah Construction, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- F. Approve entering into a Dock Easement Agreement with Curtis and Laura Hodges, owners of property at 620 South Riverside Drive, which will allow for a new wood walkway and a covered dock that would extend a total of 150 feet into the Indian River.

Motion:

Vice Mayor Hartman moved to approve entering into a Dock Easement Agreement with Curtis and Laura Hodges, owners of property at 620 South Riverside Drive, which will allow for a new wood walkway and a covered dock that would extend a total of 150 feet into the Indian River, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- G. Approve a Mooring Field design and permitting proposal by Dredging Marine Consultants in the amount of \$84,000.00

Motion:

Vice Mayor Hartman moved to approve a Mooring Field design and permitting proposal by Dredging Marine Consultants in the amount of \$84,000.00, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- H. Approve a Monthly Special Event: Monthly Flagler Avenue Wine Walk from 1 p.m. to 7 p.m.

Motion:

Commissioner McGuirk moved to approve a Monthly Special Event: Monthly Flagler Avenue Wine Walk from 1 p.m. to 7 p.m., as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- I. Approve Special Event; Southeast Volusia Chamber of Commerce Home Show and Business Expo on January 19, 2019, starting at 10 a.m. to 4 p.m., and road closures, Canal Street from Riverside Drive to Canal Street set up will begin at 6:30 a.m. and tear down will be completed by 8 p.m.

Motion:

Commissioner McGuirk moved to approve a Special Event; Southeast Volusia Chamber of Commerce Home Show and Business Expo on January 19, 2019, starting at 10 a.m. to 4 p.m., and associated road closures - Canal Street from Riverside Drive, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Discussion on Resolution 42-18: Approval to establish the framework of a Citizen's Task Force.

Commissioner Kolody commented on the qualifications of the task force members. He stated he did not want anyone with expertise. He wanted citizens to listen to what staff was discussing. He did not want a report. He wanted the Task Force to take the information and distribute it.

City Commission consensus was changing expertise to interest in the subject.

Vice Mayor Hartman was not in agreement with the task force and felt that it was premature.

Commissioner Kolody requested that this item would be placed on the January 8, 2019 agenda.

Commissioner Sachs suggested a compromise to leave it in their purview and initiate the framework for the task force.

Mayor Owen suggested that the first priority should be establishing the ordinance.

Commissioner Kolody wanted to ensure transparency for the citizens.

Mayor Owen directed City staff to include the item on the January 8, 2019 City Commission agenda as an ordinance.

City Manager Brangaccio discussed the practicalities. She stated that the Trust for Public Lands would be acquiring those properties. She clarified that there would not be any negotiations or arguing about the merits of the bond. She stated the bond was passed by 75%.

City Attorney Avallone would work on the following changes: Change the wording expertise to interest, change the start date to no definitive start date and eliminate the July ending date.

City Commission consensus was to continue the item and direct City staff to draft an ordinance for the January 8, 2019 City Commission agenda.

RESULT:	CONTINUED NO VOTE TAKEN	Next: 1/8/2019 6:30 PM
----------------	--------------------------------	-------------------------------

9. BOARDS AND COMMISSIONS

No Action.

10. CITY MANAGER'S REPORT

A. City Manager's Report

Commissioner Sachs read a part of the City Manager's Report regarding a meeting with Travous Dever. He voiced a concern about the meeting.

City Manager Brangaccio stated it came from a Strategic Planning Sessions two years ago from Commissioner Reiker.

Commissioner Sachs objected to the City Manager meeting with Travous Dever when he was a member on the Planning and Zoning Board. He mentioned Florida Ethics Law.

Commissioner McGuirk explained the history of the issue.

11. CITY CLERK'S REPORT

No Action.

12. CITY ATTORNEY'S REPORT

No Action.

13. ADJOURNMENT

As there was no other business to discuss, Mayor Owen declared the meeting adjourned at 9:44 PM.