



**Tuesday, January 9, 2018  
City Commission Regular Meeting**

**Minutes**

**6:30 PM – City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168**

**1. OPENING OF MEETING**

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**A. Call to Order**

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, January 9, 2018, at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor James W. Hathaway called the meeting to order at 6:31 PM.

Attendee Name	Title	Status	Arrived
Jason McGuirk	Vice Mayor	Present	
Jim Hathaway	Mayor	Present	
Judy Reiker	Commissioner	Present	
Jake Sachs	Commissioner	Present	
Randy Hartman	Commissioner	Present	

Also present were City Manager Pamela Brangaccio, Assistant City Manager Khalid Resheidat, City Attorney Carrie Avallone, 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, Capital Improvement Project Manager Michelle Vallance, Assistant Finance Director Lewie Wise, Community Resource Coordinator Donna Banks, and City Clerk Johnny Bledsoe.

**B. Invocation/Pledge of Allegiance**

Police Department Chaplain Sheila Turner was present and gave the invocation. Mayor Hathaway led those present in the Pledge of Allegiance.

**C. Approval of the Agenda**

City Manager Brangaccio reported the removal from the agenda, the first reading of Ordinance No. 92-17: Conduct the first reading of an ordinance, which if adopted, would amend the Land Development Regulations regarding land clearing and burning in PUD zoning districts. City Manager Brangaccio commented on alternative ways staff was addressing how land clearing and burning was being addressed.

**2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS**

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**A. Fire Chief VanDemark will conduct the Pinning Ceremony of five new members of the New Smyrna Beach Fire Department**

Fire Chief VanDemark, assisted by family members, conducted the pinning ceremony for five new members of the New Smyrna Beach Fire Department. The new members were:

Bradley A. Aycoth - Firefighter EMT  
Matthew A. Baznos - Firefighter EMT  
Christopher R. McNary - Firefighter EMT/Paramedic  
Joshua L. Powers - Firefighter EMT  
John D. West - Firefighter EMT

The City Commission congratulated each new firefighter.

**B. Presentation of donated oil painting, "Feger's Seafood Marina" (Circa. 1960) from Plein Air Landscape Oil Painter Frank Ferrante of Port Orange.**

Local Plein Air Landscape Oil Painter Frank Ferrante of Port Orange, presented to the City of New Smyrna Beach, an oil painting titled, "Feger's Seafood Marina" (Circa. 1960). Mayor Hathaway accepted the art on behalf of the City. Mr. Ferrante was accompanied by Emma Feger and two sons. Richard England of the HUB on Canal Street commented on the history of the painting, as well as that of Feger's Seafood Marina. Mr. Ferrante commented on things that took place during the three months it took him to create the painting.

Mayor Hathaway thanked Mr. Ferrante for the gift and commented on the upcoming 250th Anniversary Celebration planned activities in New Smyrna Beach.

**C. Proclamation: 2018 Martin Luther King Jr. Day, January 15, 2018**

Mayor Hathaway read a Proclamation, in recognition of Martin Luther King Jr. Day, January 15, 2018. Jimmy Harrell, Percy Williamson and Reverend Jeffrey Dove were present to accept the proclamation.

Mr. Harrell commented on activities ongoing at the Mary Harrell Black History Museum in recognition of Martin Luther King, Jr. Day. Percy Williamson commented on county-wide activities planned for the 50-year Anniversary of Dr. King's death.

**D. Presentation of Florida Planning and Zoning Association Awards for Outstanding Planning Initiative and Outstanding Innovation and Design**

The Florida Planning and Zoning Association has awarded the City of New Smyrna Beach its Outstanding Planning Initiative Award for 2017 for the Coronado Island Neighborhood Plan. Planning Director Amye King outlined and presented the award to the City Commission.

The Florida Planning and Zoning Association has awarded the City of New Smyrna Beach, jointly with the firm White/Challis, its Outstanding Innovation and Design Award for 2017 for the Tabby House Project. CRA/Economic Development Director Tony Otte outlined and presented the award to the City Commission.

Mayor Hathaway accepted the awards on behalf of the City Commission. He thanked staff for its efforts, and commented on staff's hard work and dedication, which led to such positive recognition.

**E. Presentation on Flood Mitigation and funding options to assist with Flood Mitigation.**

David Hamstra of the firm Pegasus, gave a presentation, which outlined that as a result of the storm surge associated with Hurricanes Irma & Matthew and the impact it had, particularly Central Beach District and Islesboro, staff along with the Stormwater Consultant have been reviewing options to mitigate the flooding in areas, impacted by the storm surge.

The presentation of the ongoing activities included the following information:

1. Findings of the first & second questionnaire mailed/mailed to the property owners that request participation in grant funding to either raise their structure or demolish and re-build.
2. Provide Notice of Available Funding (NOFA) from FEMA and the sequence/steps that follow regarding the Hazard Mitigation Grant Program (HMGP).

3. City optional participation with partial funding of the property owners 25% grant participation cost, and the fiscal impact.

4. Review grant options: HMGP vs. FMA (Flood Mitigation Assistance), and

5. Review of pros & cons on "in-the-field" design modifications as well to the existing system.

### **3. MAYOR AND COMMISSION REPORTS**

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Commissioner Reiker commented and thanked Mayor for joining her at VLC Advocacy Program meeting. She outlined the advocacy program for Home Rule, and she outlined sample correspondence; she outlined the need to bring in the citizenry and commented on strategies to do such; she outlined a trip to Tallahassee to the legislature; she commented on building relationships; urged all to attend the Volusia League of Cities Dinner.

Commissioner Sachs wished everyone a healthy and happy new year. He commented on the Mayor's Fitness Challenge and urged citizens to sign up. He congratulated all New Smyrnan's on its 250th Anniversary; he commented on the Art Walk.

Vice Mayor McGuirk wished everyone a happy new year; thanked Commissioner Reiker on her update; he commented on the importance of Home Rule; he welcomed new City Attorney Carrie Avallone

Commissioner Hartman commented on the City Attorney selection process and welcomed Carrie Avallone; he commented on a recent visioning session and commented on learning new things about each other; he commented on the Coastal Community Resiliency Program; wished everyone a happy new year.

Mayor Hathaway welcomed Carrie Avallone to New Smyrna Beach; reported on attending the elected official round table; commented on the importance of all Cities to join into a survey program; thanked Commissioner Reiker on allowing him to join her at the Volusia League of Cities Advocacy Committee meeting.

Local Self Governance instead of Home Rule for letter to legislative delegation.

### **4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS**

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A. Ordinance No. 104-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the October 1, 2017-September 30, 2018 Adopted City Budget.

City Attorney Avallone read Ordinance No. 104-17, the second time by title only.

Finance Director Althea Philord outlined the proposed ordinance, which if adopted, would amend the October 1, 2017-September 30, 2018 adopted City Budget.

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

Commissioner Sachs questioned whether the Utilities Commission should be approached regarding infrastructure.

**Motion:**

Vice Mayor McGuirk moved to adopt Ordinance No. 107-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jason McGuirk, Vice Mayor
<b>SECONDER:</b>	Judy Reiker, Commissioner
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman

- B. Ordinance No. 01-18: Conduct the first reading and public transmittal hearing on an ordinance, which if adopted, would approve a text amendment to the Coastal Management Element of the City Comprehensive Plan as mandated by Florida Statutes. Application No. CPA-6-17.

City Attorney Avallone read Ordinance No. 01-18, the first time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would approve a text amendment to the Coastal Management Element of the City Comprehensive Plan as mandated by Florida Statutes. Application No. CPA-6-17.

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

**Motion:**

Commissioner Sachs moved to transmit to reviewing agencies, Ordinance No. 01-18, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously. Commissioner McGuirk was concerned with language within the ordinance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jake Sachs, Commissioner
<b>SECONDER:</b>	Jason McGuirk, Vice Mayor
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman

**5. PUBLIC PARTICIPATION**

Crystal Saylor, Ball Street resident, commented on possible code violations at a neighboring adult care facility. She commented on her concern for future traffic flow within the neighborhood, and she was concerned with safety. She commented on the importance of following zoning regulations. She requested code enforcement action. Mayor Hathaway directed City Manager to meet with Ms. Saylor regarding the matter, as well as parking by Blackbeards. Vice Mayor McGuirk commented on Land Development Regulations and unintended consequences of having churches in residential areas.

Mark Rakowski, 822 E. 8th Avenue, read into the record, a letter from David Kosmas, a candidate for possible appointment as a member of the Planning and Zoning Board.

Randy Herman, 108 Esther Street, commented on the selection process for boards and commissions.

Mayor Hathaway commented on communicating with elected officials regarding board membership.

**6. ORDINANCES - FIRST READING**

- A. Ordinance No. 92-17: ZT-9-17: Conduct the first reading of an ordinance, which if adopted, would amend the Land Development Regulations regarding land clearing and burning in PUD zoning districts. (This item will not be considered at this meeting).

No action. This item was removed from the agenda for future consideration.

- B. Ordinance No. 95-17: Conduct the first reading of an ordinance, which if adopted, would approve the 1st Amendment to the Reserve at Lake Waterford Master Development Agreement with the City of New Smyrna Beach. Application No. PUD-3-17.

City Attorney Avallone read Ordinance No. 95-17 the first time, by title only. Planning Director Amye King clarified that the proposed subdivision would have 45 residential lots.

**Motion:**

Commissioner McGuirk moved to approve on the first reading Ordinance No. 95-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 2/13/2018 6:30 PM</b>
<b>MOVER:</b>	Jason McGuirk, Vice Mayor	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- C. Ordinance No. 02-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 1.54 acres at 906 Cavado Street.

City Attorney Avallone read Ordinance No. 02-18 the first time, by title only.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 02-18, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Jason McGuirk, Vice Mayor	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- D. Ordinance No. 03-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use of approximately 1.54 acres of annexed property located in the ISBA addressed as 906 Cavado Street from Volusia County Urban Low Intensity to City Future Land Use of Low Density Residential.

City Attorney Avallone read Ordinance No. 03-18 the first time, by title only.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 03-18, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- E. Ordinance No. 04-18: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 1.54 acres of annexed property at 906 Cavado Street.

City Attorney Avallone read Ordinance No. 04-18 the first time, by title only.

**Motion:**

Commissioner Reiker moved to approve on the first reading Ordinance No. 04-18, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Randy Hartman, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- F. Ordinance No. 05-18: Conduct the second reading and public hearing of and ordinance, if adopted, would annex approximately 0.72 acres of property located on Wallace Road.

City Attorney Avallone read Ordinance No. 05-18 the first time, by title only.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 05-18, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- G. Ordinance No. 06-18: Conduct the second reading and public hearing on an ordinance, if adopted, would amend the Future Land Use from Volusia County Urban Medium Intensity to City Commercial on annexed property located on Wallace Road.

City Attorney Avallone read Ordinance No. 06-18 the first time, by title only.

**Motion:**

Vice Mayor McGuirk moved to approve on the first reading Ordinance No. 06-18, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Jason McGuirk, Vice Mayor	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

H. Ordinance No. 07-18: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 0.72 acres of annexed property located on Wallace Road from Volusia County R-4, Urban Single Family Residential to City B-2, Neighborhood Business.

City Attorney Avallone read Ordinance No. 07-18 the first time, by title only.

**Motion:**

Commissioner Sachs moved to approve on the first reading Ordinance No. 07-18, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Jake Sachs, Commissioner	
<b>SECONDER:</b>	Jason McGuirk, Vice Mayor	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

I. Ordinance 08-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the October 1, 2017-September 30, 2018 adopted City Budget.

City Attorney Avallone read Ordinance No. 08-18 the first time, by title only.

**Motion:**

Commissioner Reiker moved to approve on the first reading Ordinance No. 08-18, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

Commissioner Sachs was concerned with the amount of money being allocated to the golf course. Mayor Hathaway was also concerned and commented on the need to maintain the product and City financial obligations.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Jake Sachs, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- J. Ordinance No. 09-18: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would approve the Master Development Agreement for Rolling Hills, a Planned Unit Development for 196 Single Family Lots. Application No. PUD-7-13.

City Attorney Avallone read Ordinance No. 09-18 the first time, by title only. Planning Director Amye King reported that the Sugar Mill Home Owners Association and Developer Agreements, and proposed conditions regarding burning and cul-de-sacs. She outlined the City site plan and conceptual plan process, and commented on Fire Marshall Standards regarding access. Ms. King then commented on possible sharing of amenities between Rolling Hills and Sugar Mill, then clarified a 5-foot requirement for sidewalks, and amenities above street lights.

Vice Mayor McGuirk commented on proposed lot size within developments. He was concerned with aspects of the proposed development. Commissioner Hartman was concerned with eve overhangs and water placement. Commissioner Sachs felt the proposed lots were too narrow. Commissioner Reiker questioned whether underground utilities would be available.

Mayor Hathaway was concerned with access onto Mooningham Drive, and with 3-foot setback requirements for air conditioner units and associated noise.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 09-18, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried by 4-1 majority vote, with Commissioner Sachs voting no. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [4 TO 1]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Jason McGuirk, Vice Mayor	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Hartman	
<b>NAYS:</b>	Sachs	

- K. Ordinance No. 78-17: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would change zoning designations on 55.56 acres of multiple annexed parcels addressed as 2635 Pioneer Trail. Rezoning Application No. Z-6-17 - Grooms.

City Attorney Avallone read Ordinance No. 78-17 the first time, by title only. Planning Director Amye King clarified that infrastructure would be available to the applicant. She also commented on proposed subdivision.

Commissioner Sachs questioned planned water feature. Attorney Glen Storch clarified there was a planned water feature. Commissioner Sachs questioned whether anyone had complained about the proposed subdivision.

**Motion:**

Commissioner Reiker moved to approve on first reading Ordinance No. 78-17, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on January 23, 2018.



<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Jason McGuirk, Vice Mayor	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

## 7. CONSENT AGENDA

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- A. Approve the minutes of two special meetings held on December 12, 2017; and, a special meeting held December 19, 2017.

**Motion:**

Commissioner Reiker moved to approve the minutes of two special meetings held on December 12, 2017; and a special meeting held December 19, 2017, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- B. Resolution No. 1-18: adopt a resolution accepting a Florida Department of Transportation Grant in the amount of \$34,143 and entering into a Joint Project Agreement (JPA) FM No. 438473-1-94-01 for the Construction and Engineering Services to Rehabilitate Taxiway "E" Phase III.

**Motion:**

Commissioner Reiker moved to adopt Resolution No. 1-18: a resolution accepting a Florida Department of Transportation Grant in the amount of \$34,143 and entering into a Joint Project Agreement (JPA) FM No. 438473-1-94-01 for the Construction and Engineering Services to Rehabilitate Taxiway "E" Phase III, at the New Smyrna Beach Municipal Airport, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- C. Approve the award of contract to Halifax Paving, Inc. for the Construction and Paving of the Terminal Area Vehicle Parking Lot and Aero Circle, in the amount of \$228,233.25.

**Motion:**

Commissioner Reiker moved to approve the award of contract to Halifax Paving, Inc. for the Construction and Paving of the Terminal Area Vehicle Parking Lot and Aero Circle, in the amount of \$228,233.25, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- D. Approve the Award of Contract to Halifax Paving, Inc. for the Reconstruction of a portion of Taxiway 'E' at New Smyrna Beach Airport in the amount of \$395,095.35.

**Motion:**

Commissioner Reiker moved to approve the award of contract to Halifax Paving, Inc. for the Reconstruction of a portion of Taxiway 'E' at New Smyrna Beach Municipal Airport in the amount of \$395,095.35, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- E. Approve the transfer of \$1,000 from the Specialized Law Enforcement Trust Fund (SLETF) to sponsor the Back the Blue fundraiser event to benefit the Police Athletic League to be held January 18, 2018.

**Motion:**

Commissioner Reiker moved to approve the transfer of \$1,000 from the Specialized Law Enforcement Trust Fund (SLETF) to sponsor the Back the Blue fundraiser event to benefit the Police Athletic League to be held January 18, 2018, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- F. CDBG Subrecipient Agreement With NSB Housing Authority for additional parking which will be located on the corners of Oleander and Wilkins Streets.

**Motion:**

Commissioner Reiker moved to approve entering into a CDBG Sub recipient Agreement with the New Smyrna Beach Housing Authority for additional parking which will be located on the corners of Oleander and Wilkins Streets. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- G. Approve the granting of a Utility Easement to the Utilities Commission, as required for the existing water main and underground electric at 1000 Live Oak Street. The easement would support the water main and electric for property at 1000 Live Oak Street.

**Motion:**

Commissioner Reiker moved to approve the granting of a Utility Easement to the Utilities Commission, as required for the existing water main and underground electric at 1000 Live Oak Street. The easement would support the water main and electric for property at 1000 Live Oak Street. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- H. Approve submission of the Utility Connection Application to the Utilities Commission for the Live Oak Cultural Center Project, and payment of fees that total \$32,674.15.

**Motion:**

Commissioner Reiker moved to approve the submission of the Utility Connection Application to the Utilities Commission for the Live Oak Cultural Center Project, and payment of fees that total \$32,674.15. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- I. Approve entering into a Temporary Lease Agreement with Masci Construction, Inc. in order to utilize airport property on South Street for storage during the Islesboro Subdivision stormwater improvement project.

**Motion:**

Commissioner Reiker moved to approve entering into a Temporary Lease Agreement with Masci Construction, Inc. in order to utilize airport property on South Street for storage during the Islesboro Subdivision stormwater improvement project. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- J. Approve the utilization of CRA funds for the installation of a new roof on the Mary S. Harrell Black Heritage Museum per the quote submitted by AWS roofing in the base amount of \$43,400, as recommended by the CRA.

**Motion:**

Commissioner Reiker moved to approve the utilization of CRA funds for the installation of a new roof on the Mary S. Harrell Black Heritage Museum per the quote submitted by AWS roofing in the base amount of \$43,400, as recommended by the CRA. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- K. Special Event: Art Fiesta - February 24 & 25, 2018 Associated road closure of Julia Street from Faulkner Street to Riverside Drive and Sams Avenue from Canal Street to Washington Street from 6 a.m. on Friday, February 23, 2018 until 8 p.m. on Sunday, February 25, 2018.

**Motion:**

Commissioner Reiker moved to approve a Special Event: Art Fiesta - February 24 & 25, 2018, and associated street closures of Julia Street from Faulkner Street to Riverside Drive, and Sams Avenue from Canal Street to Washington Street from 6 a.m. on Friday, February 23, 2018 until 8 p.m. on Sunday, February 25, 2018. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- L. Special Event: Edgewater Rotary Club Mardi Gras Ball on February 9, 2018 at the New Smyrna Beach Women's Club. Request Approval of Road Closure of Lytle Avenue from Riverside Drive to Magnolia Avenue from 9 a.m. to 11 p.m.

Commissioner Sachs requested that this particular agenda item be considered separately from all other consent agenda items, and questioned length of street closures within the request. City Manager Brangaccio confirmed the requested time the applicant had asked that Lytle Avenue be closed from Riverside Drive to Magnolia Avenue.

**Motion:**

Commissioner Reiker moved to approve a Special Event: Edgewater Rotary Club Mardi Gras Ball on February 9, 2018 at the New Smyrna Beach Women's Club. Also approve the closure of Lytle Avenue from Riverside Drive to Magnolia Avenue from 9 a.m. to 11 p.m., the day of the event, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- M. Special Event: Flock to Flagler - 1st Thursday of every month. There are no street closures or open containers involved.

**Motion:**

Commissioner Reiker moved to approve a recurring Special Event: Flock to Flagler - 1st Thursday of every month. There are no street closures or open containers involved. Commissioner Hartman seconded the motion, and the motion carried unanimously.

## **8. ADMINISTRATIVE ITEMS/NEW BUSINESS**

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- A. Conduct a public hearing to reconsider Temporary Parking Lot Application No. TPL-6-17, for property at 403 Flagler Avenue.

**Motion:**

Commissioner Hartman moved to reconsider Temporary Parking Lot Application No. TPL-6-17 for property at 403 Flagler Avenue. Commissioner Reiker seconded the motion, and the motion carried by 4-1 majority vote, with Commissioner Sachs voting no.

<b>RESULT:</b>	<b>TABLED [4 TO 1]</b>	<b>Next: 1/23/2018 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Hartman	
<b>NAYS:</b>	Sachs	

B. Consider entering into a construction contract with A.G. Pifer Construction Co., Inc. for the Live Oak Cultural Center project in the amount of \$2,126,998.69 which includes the base scope amount of \$2,074,706.69 plus \$52,019 in add alternates (alternates #1,4, and 8).

Capital Improvement Project Manager Michelle Vallance outlined staff's recommendation that the City Commission approve entering into a construction contract with A.G. Pifer Construction Co., Inc. for the Live Oak Cultural Center project in the amount of \$2,126,998.69 which includes the base scope amount of \$2,074,706.69 plus \$52,019 in add alternates (alternates #1,4, and 8). She then outlined recommendation to make repairs on the City Gym.

Mayor Hathaway wanted to encourage the use of solar panels.

Commissioner Hartman recommended the future installation of electrical charging stations for electric vehicles in different locations throughout the City.

Commissioner Sachs questioned whether there would be a second community garden project in the future.

**Motion:**

Commissioner Reiker moved to approve entering into a construction contract with A.G. Pifer Construction Co., Inc. for the Live Oak Cultural Center project in the amount of \$2,126,998.69 which includes the base scope amount of \$2,074,706.69 plus \$52,019 in add alternates (alternates #1,4, and 8). Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Judy Reiker, Commissioner
<b>SECONDER:</b>	Jason McGuirk, Vice Mayor
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman

C. Update regarding the possible future purchase of the First Nazarene Church property on Orange Street and request to attain two appraisals.

Assistant City Manager Resheidat reported that the City Commission directed staff to explore the idea of purchasing of the First Church of the Nazarene on the 200 block of Orange Street. He reported that the property fell within the Canal Street Business District, and was approximately 40,500 square feet. Mr. Resheidat reported that the need for additional parking within the Canal Street Business District was evident, which would be the intended use for the property. He then reported that the City already had one parking lot, located directly off of Orange Street.

Mr. Resheidat then reported that City staff had explored the idea and felt the following were important points to consider:

- the property size was approximately 40,500 square feet.
- after the buildings were demolished, approximately 39 parking spaces could be utilized (37 regular parking spaces, and 2 handicap spaces).

- The total cost involved with demolition, clearing, asbestos survey and removal if any, archeological, and construction of a parking lot was approximately \$301,736.
- The church minimum asking price was \$750,000. However, the City would need to have two appraisals completed to base an offer upon.
- Total cost, including purchasing cost, demolition, and construction was approximately \$1,051,736.
- Total cost per parking space was \$26,968 (which was within industry parking norms).

If the City Commission was interested in going further, staff recommended obtaining two appraisals. Mr. Resheidat advised that if approved, staff would proceed with obtaining the appraisals and report back to the City Commission as soon as the results of the appraisals would become available. He also reported that staff would also provide funding options, if the City Commission decided to move forward with the purchase, after appraisals were attained.

Vice Mayor McGuirk commented on his desire to separate the value of the land from the value of all buildings on that land. Commissioner Sachs questioned what should be paid per parking spot. City Manager Brangaccio commented on negotiation strategies and language.

**Motion:**

Commissioner Reiker moved to approve staff moving forward in obtaining two separate appraisals on the First Church of the Nazarene property located on the 200 block of Orange Street. Vice Mayor McGuirk seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Judy Reiker, Commissioner
<b>SECONDER:</b>	Jason McGuirk, Vice Mayor
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman

**9. BOARDS AND COMMISSIONS**

- A. 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, 2019, this representative is Lieutenant Tom Lee.

Mayor Hathaway outlined staff's recommendation that the City Commission consider approval of the reappointment of Tom Lee as a member of the Fire Pension Board, as elected by the members of the Fire Department to a two-year term to expire November 1, 2019.

**Motion:**

Vice Mayor McGuirk moved to approve the reappointment of member Tom Lee, as a member of the Fire Pension Board, as elected by the members of the Fire Department to a two-year term to expire November 1, 2019. Commissioner Sachs seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jason McGuirk, Vice Mayor
<b>SECONDER:</b>	Jake Sachs, Commissioner
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman

- B. **Planning and Zoning Board:** Appoint a citizen to serve as a member of the Planning and Zoning Board to a term expiring October 31, 2018.

Mayor Hathaway outlined staff's recommendation that the City Commission appoint a citizen to serve as a member of the Planning and Zoning Board to a term expiring October 31, 2018. The

appointment would be to fill a vacancy left by the voluntary resignation of Carrie Avallone, which was accepted at the special meeting held December 19, 2017. The following citizens had submitted volunteer applications to the City Clerk's Office for appointment consideration:

Elizabeth Bell, 412 Shorewood Lane  
Noel Bickford, 456 Bouchelle Drive  
Michael Cummings, 1307 Peninsula Avenue  
Steven Danskine, 1100 Live Oak Street  
Eugenia Huxel Flynn, 108 Ocean Drive  
Claudia Franek, 402 Bouchelle Drive  
Noah Herbert, 915 Club House Boulevard  
Douglas Hunt, 911 E. 2<sup>nd</sup> Avenue  
David Kosmas, 506 Yupon Avenue  
Lisa Martin, 618 S. Pine Street  
Carlo Monetti, 1111 Hill Street  
Shyriaka Morris, 541 Washington Street  
Joel Paige, E. 12th Avenue  
Valli Perrine, 1216 S. Riverside Drive  
Peter Satterlee, 354 DeSoto Drive  
LaChelle Wright, 823 Phillip Drive

Commissioner Reiker nominated Steven Danskine for appointment. Commissioner Hartman nominated Eugenia Huxel Flynn. Commissioner Sachs nominated Douglas Hunt. Vice Mayor McGuirk nominated David Kosmas. City Clerk Johnny Bledsoe distributed ballots and retrieved them when the elected officials had completed them. The results of the first ballot were as follows:

Commissioner Hartman - Eugenia Huxel Flynn  
Commissioner Reiker - Steven Danskin  
Commissioner Sachs - Douglas Hunt  
Vice Mayor McGuirk - David Kosmas  
Mayor Hathaway - Steven Danskin

As no citizen received at least three votes, a second ballot was necessary. City Clerk Bledsoe distributed ballots and retrieved them when the elected officials had completed them. The results of the second ballot were as follows:

Commissioner Hartman - Eugenia Huxel Flynn  
Commissioner Reiker - Steven Danskin  
Commissioner Sachs - Eugenia Huxel Flynn  
Vice Mayor McGuirk - Steven Danskin  
Mayor Hathaway - Steven Danskin

The results of the second ballot was 3 votes for Steven Danskin and 2 votes for Eugenia Huxel Flynn. As such, Mr. Danskin was declared appointed as a member of the Planning and Zoning Board in order to fill the vacancy created by the resignation of Carrie Avallone, a term to expire October 31, 2018.

## **10. CITY MANAGER'S REPORT**

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### **A. City Manager's Report**

The City Commission acknowledged receipt of the City Manager's Report. No further action was taken.

## **11. CITY CLERK'S REPORT**

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City Clerk Johnny Bledsoe welcomed newly appointed City Attorney Carrie Avallone, and wished her luck in her new assignment.

## **12. CITY ATTORNEY'S REPORT**

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City Attorney Carrie Avallone outlined a recommendation that the City Commission consider entering into an agreement with Former City Attorney Frank B. Gummey, III, to serve as a legal consultant, in a part time status, at a rate of \$150 per hour.

**Motion:**

Vice Mayor McGuirk moved to approve entering into an agreement with Former City Attorney Frank B. Gummey, III, to serve as a legal consultant, in a part time status, at a rate of \$150 per hour. Commissioner Reiker seconded the motion and it carried unanimously.

## **13. ADJOURNMENT**

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As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 8:45 PM.