



Tuesday, February 27, 2018
City Commission Regular Meeting

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

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, February 27, 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 6:35 PM.

A. Call to Order

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

Also present were City Manager Pamela Brangaccio, City Attorney Carrie Avallone, Assistant City Manager Khalid Resheidat, Police Chief Mike Coffin, CRA/Economic Development Director Tony Otte, Planning and Zoning Director Amye King, Leisure Services Director Nancy Maddox, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

B. Invocation/Pledge of Allegiance

Police Department Chaplain Pete Carter gave the invocation. Mayor Hathaway led those present in the Pledge of Allegiance.

C. Approval of the Agenda

City Manager Pamela Brangaccio reported no changes to the published agenda.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Proclamation: Florida Archaeology Month - March 2018

Mayor Hathaway presented Dorothy 'Dot' Moore of the Southeast Volusia Historic Society and New Smyrna Beach Museum a proclamation naming March 2018 Florida Archaeology Month.

3. MAYOR AND COMMISSION REPORTS

Commissioner Reiker commented on attending the Art Fiesta. She commented on spending two days in Tallahassee, Florida meeting with State Representatives and felt the meetings were well planned and organized. She stated it was interesting to hear the ideas of the freshmen. She attended the Committee Meeting on Short Term Rentals. She stated the takeaway was to make sure people meet with the Tallahassee staff outside of session. She commented on the Olympics stating how the world comes together for the spirit of the Olympics. She believed in "All Together-Better".

Motion:

Commissioner Sachs proposed a motion to schedule a workshop regarding residential development issues. Vice Mayor McGuirk seconded the motion, and the motion was unanimously approved.

City Manager Brangaccio tentatively scheduled a workshop regarding the possibility of future amendments in the City Code and LDR's for Tuesday, April 10, 2018 prior to the City Commission Meeting at 6:30 PM.

Commissioner Sachs moved to purchase an audiovisual system for the City Commission Meetings. Mayor Hathaway advised a motion was not necessary as this item was incorporated in the budget for next year's renovation plans for the new Commission Chambers.

Commissioner Sachs commented on a pilot program for backyard chickens. He made a motion to approve the program, but then rescinded his motion.

Vice Mayor McGuirk commented on having the opportunity to visit the New Mt. Zion AME Church and stated it was a great event.

Commissioner Hartman commented on attending Neal Coates's Retirement Party and stated he has done a lot for the Community. He commented on the growth of the Community Garden. He commented on attending Ethics Training.

Mayor Hathaway commented visiting Washington D.C. last week. He commented on being proud of Neal Coates for what he had done for the community. He commented on the data collected from citizens at the Community Resiliency Meeting. He commented on missing the Art Fiesta.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 11-18: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would amend the Venetian Bay Village Master Development Agreement to provide for Mixed Use development in the Convenience Commercial Zone. Application No. PUD-9-17.

City Attorney Avallone read Ordinance No. 11-18, the second time by title only.

Planning and Zoning Director Amye King was administered the oath, by the City Attorney. She outlined her professional and educational qualifications. As no citizens questioned her credentials, Ms. King outlined the proposed ordinance, which if adopted, would amend the Venetian Bay Village Master Development Agreement to provide for Mixed Use development in the Convenience Commercial Zone.

Mayor Hathaway opened the public hearing.

GEOSAM Capital Attorney James Stowers spoke on behalf of the applicant. He provided more information regarding the ordinance.

Mayor Hathaway closed the public hearing.

Motion:

Vice Mayor McGuirk moved to adopt Ordinance No. 11-18, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Jake Sachs, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman

- B. Ordinance No. 12-18. Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 1.77 acres located at 2397 Pioneer Trail and 1144 Corbin Park Road.

City Attorney Avallone read Ordinance No. 12-18, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would annex approximately 1.77 acres located at 2397 Pioneer Trail and 1144 Corbin Park Road.

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

Motion:

Commissioner Reiker moved to adopt Ordinance No. 12-18, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Judy Reiker, Commissioner
SECONDER:	Randy Hartman, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman

- C. Ordinance No. 13-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use of approximately 1.26 acres of annexed property located at 2397 Pioneer Trail from Volusia County Future land Use of Rural to City Future land Use of Rural, and approximately .52 acres of annexed property located at 1144 Corbin Park Road from Volusia County Future land Use of Urban Single Family Residential to City Future Land Use of Low Density Residential.

City Attorney Avallone read Ordinance No. 13-18, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend the Future Land Use of approximately 1.26 acres of annexed property located at 2397 Pioneer Trail from Volusia County Future land Use of Rural to City Future land Use of Rural, and approximately .52 acres of annexed property located at 1144 Corbin Park Road from Volusia County Future land Use of Urban Single Family Residential to City Future Land Use of Low Density Residential.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 13-18, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Randy Hartman, Commissioner
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman

- D. Ordinance No. 14-18. Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 1.26 acres of annexed property located at 2397 Pioneer Trail from Volusia County Rural Residential and Rural Agriculture to City zoning of Residential Estate and .51 acres of annexed property located at 1144 Corbin Park Road from Volusia County zoning of R-4, Urban Single Family Residential to City zoning of R-2, Single Family Residential.

City Attorney Avallone read Ordinance No. 14-18, the second time by title only.

Planning and Zoning Director Amye King was administered the oath, by the City Attorney. She outlined her professional and educational qualifications. As no citizens questioned her credentials, Ms. King outlined the proposed ordinance, which if adopted, would rezone approximately 1.26 acres of annexed property located at 2397 Pioneer Trail from Volusia County Rural Residential and Rural Agriculture to City zoning of Residential Estate and .51 acres of annexed property located at 1144 Corbin Park Road from Volusia County zoning of R-4, Urban Single Family Residential to City zoning of R-2, Single Family Residential.

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

Motion:

Vice Mayor McGuirk moved to adopt Ordinance No. 14-18, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Judy Reiker, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman

E. Ordinance No. 15-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 10 acres located at 1711 Martins Dairy Road.

City Attorney Avallone read Ordinance No. 15-18, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would annex approximately 10 acres located at 1711 Martins Dairy Road.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 15-18, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Randy Hartman, Commissioner
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Hartman
NAYS:	Sachs

F. Ordinance No. 16-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use of approximately 10 acres of annexed property located at 1711 Martins Dairy Road from Volusia County Future land Use of Rural to City Future land Use of Rural.

City Attorney Avallone read Ordinance No. 16-18, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend the Future Land Use of approximately 10 acres of annexed property located at 1711 Martins Dairy Road from Volusia County Future land Use of Rural to City Future land Use of Rural.

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

Motion:

Vice Mayor McGuirk moved to adopt Ordinance No. 16-18, as submitted. Commissioner Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Randy Hartman, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Hartman
NAYS:	Sachs

G. Ordinance No. 17-18. Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 10 acres of annexed property located at 1711 Martins Dairy Road from Volusia County A-2, Rural Agriculture to City zoning of A-2, Agriculture.

City Attorney Avallone read Ordinance No. 17-18, the second time by title only.

Planning and Zoning Director Amye King was administered the oath, by the City Attorney. She outlined her professional and educational qualifications. As no citizens questioned her credentials, Ms. King outlined the proposed ordinance, which if adopted, would rezone approximately IO acres of annexed property located at 1711 Martins Dairy Road from Volusia County A-2, Rural Agriculture to City zoning of A-2, Agriculture.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 17-18, as submitted. Commissioner Reiker seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Randy Hartman, Commissioner
SECONDER:	Judy Reiker, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Hartman
NAYS:	Sachs

5. PUBLIC PARTICIPATION

Elizabeth Bell, 412 Shorewood Lane, commented on the increase of beach traffic and asked Police Chief Coffin if there was a way to install a sign on I-95 to announce beach closures to reduce traffic.

City Manager Brangaccio confirmed the City does have signage. City Commission directed City Staff to install signage within City Entrances to inform incoming visitors' beach closure activity.

James Stowers, GEOSAM Capital, commented on Item 6A, Ordinance No. 19-18. He commented on the City submittal process. He stated at the PRC Meeting, there was a number of days to respond. He stated our current LDR has language to approve or disapprove. He requested the language be placed back and not stricken to go from 10 working days to 20 working days, while not extending the application processes.

City Commission directed City Staff to meet with GEOSAM to discuss potential amendments to the language included in Ordinance No. 19-18. City Manager Brangaccio tentatively scheduled a workshop regarding the possibility of future amendments in the City Code and LDR's for Tuesday, April 10, 2018 prior to the City Commission Meeting at 6:30 PM.

Mayor Hathaway asked Mr. Stowers to find another Ordinance with similar language from Volusia County and present it at an upcoming meeting.

Randy McHenry, 701 North Atlantic Avenue, commented on beach graffiti.

Mayor Hathaway suggested that Mr. McHenry contact Volusia County; specifically Deb Denys on the Volusia County Council, as Volusia County maintains the beaches.

Palmer Wilson, 101 Donlon Drive, commented on transparency. He would like to encourage, recommend and implore that the City Commission provide audio and visual coverage of the City Commission Meetings. He stated it would provide an opportunity for people unable to leave home.

Joel Paige, New Smyrna Beach, commented in support of Mr. Wilson and requested streaming the meetings over the internet and archiving all City Commission Meetings. He stated full transparency was necessary. He commented on the financial information for the Brannon Center. He commented on his public records requests and felt that the transparency within the City was not very good. He offered a quote he received to install an audiovisual system in the City Commission.

City Commission directed City Staff to meet with Mr. Paige to review the Brannon Center records.

Russell Owen, 609 Hidden Pines, commented on reading the Comprehensive Budget Plan. He observed that a majority of the context used in the wording and asked if there was a better way to write the context regarding benchmarks. He suggested reaching out to local cities to inquire.

Commissioner Reiker stated that she spoke with Debbie Meihls, Executive Director of the New Smyrna Beach Visitors Center, and shared that there was an app that would plug the City into Volusia County to help citizens with current travel information and updates. She stated she would contact Deb Denys, Volusia County Council Vice Chair, to discuss how to get the app functional within New Smyrna Beach.

6. ORDINANCES - FIRST READING

- A. Ordinance No. 19-18: Conduct the first reading of an ordinance, which if adopted, would modify the City Land Development Regulations under Articles II, III, IV, V, VI, VII, & VIII to update regulations relating to plan reviews; renaming the Plan Review Committee; updating City Departments, application requirements, notice requirements, and review processes.

City Attorney Avallone read Ordinance No. 19-18 the first time, by title only.

Commissioner Hartman asked if they would change the wording of 12 PM to 12 Noon and requested the projects be pushed forward as to not delay. He commented on line 462, projects ten or more outstanding. He asked if we would be better served to have less outstanding projects before they went before the Planning and Zoning Board.

Planning and Zoning Director Amye King agreed to change the language from 12 PM to 12 Noon and commented on the project timeliness.

Commissioner Sachs asked if the reason the City was extending the time out because staff was overworked and overburdened.

Motion:

Commissioner Reiker moved to approve on the first reading Ordinance No. 19-18, with language edits. Commissioner Sachs seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Hartman voting no. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on March 13, 2018.

RESULT:	APPROVED AT FIRST READING [4 TO 1]	Next: 3/13/2018 6:30 PM
MOVER:	Judy Reiker, Commissioner	
SECONDER:	Jake Sachs, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs	
NAYS:	Hartman	

7. CONSENT AGENDA

- A. Approve the Minutes of Special City Commission Meetings held June 20, 2017, December 14, 2017 and February 8, 2018; and, Regular City Commission Meeting held February 13, 2018

Motion:

Commissioner Hartman moved to approve on the minutes of Special City Commission Meetings held June 20, 2017, December 14, 2017 and February 8, 2018; and, Regular City Commission Meeting held February 13, 2018, as corrected. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- B. Approve entering into a Dock Easement Agreement with Harriet Dinker, owner of property at 720 South Riverside Drive, which if approved, would allow for a new walkway and terminal platform that would be attached to an existing City Easement.

Motion:

Vice Mayor McGuirk moved to approve entering into a Dock Easement Agreement with Harriet Dinker, owner of property at 720 South Riverside Drive, which would allow for a new walkway and terminal platform that would be attached to an existing City Easement. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- C. Approve the granting of a Utilities Easement to the Utilities Commission for the Terminal Area Vehicle Parking Expansion Project.

Motion:

Vice Mayor McGuirk moved to approve the granting of a Utilities Easement to the Utilities Commission for the Terminal Area Vehicle Parking Expansion Project. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- D. Request to purchase a replacement emergency generator for City Hall and the future City Hall annex for \$50,915, utilizing the Florida Sheriff's Association Contract. This purchase has been approved in a January 2018 Budget Transfer, along with the \$12,000 to transfer from fuel to natural gas.

Motion:

Vice Mayor McGuirk moved to approve the purchase of a replacement emergency generator for City Hall and the future City Hall annex for \$50,915, utilizing the Florida Sheriffs Association Contract. This purchase was approved in a January 2018 Budget Transfer, along with the \$12,000 to transfer from fuel to natural gas. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- E. Review application S-9-17, The Palms Phase 2A Subdivision Plat. This Plat contains 21 single-family lots out of a total 10.15 acres.

Motion:

Vice Mayor McGuirk moved to approve the Palms Phase 2A Subdivision Final Plat. This Plat contains 21 single-family lots out of a total 10.15 acres. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- F. Approve a Request for Release of Code Enforcement Liens on the Property Located at 466 Palm Street.

Motion:

Vice Mayor McGuirk moved to approve a request for Release of Code Enforcement Liens on property located at 466 Palm Street. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- G. Approve the Special Event: Flagler Tavern St. Patrick's Day - March 17, 2018 - and associated extension to include a beer garden in the parking lot.

Motion:

Vice Mayor McGuirk moved to approve the Special Event: Flagler Tavern St. Patrick's Day -March 17, 2018 -and associated extension to include a beer garden in the parking lot. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- H. Approve the Special Event: Clancy's St. Patrick's Day Celebration - March 17, 2018 - and associated extension to include a beer garden in the parking lot.

Motion:

Vice Mayor McGuirk moved to approve the Special Event: Clancy's St. Patrick's Day Celebration - March 17, 2018 - and associated extension to include a beer garden in the parking lot. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- I. Approve the Special Event: New Smyrna Beach Antique & Vintage Market - March 17, 2018 - and associated road closure of Canal Street from Riverside Drive to US1 from 6 a.m. - 7 p.m.

Motion:

Vice Mayor McGuirk moved to approve the Special Event: New Smyrna Beach Antique & Vintage Market -March 17, 2018 -and associated road closure of Canal Street from Riverside Drive to US 1 from 6 a.m. -7 p.m. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- J. Approve the Special Event: Food Trucks on Sams Avenue -March 30, 2018 - and associated road closure of Sams Avenue from Washington Street to Canal Street.

Motion:

Vice Mayor McGuirk moved to approve the Special Event: Food Trucks on Sams Avenue -March 30, 2018 -and associated road closure of Sams Avenue from Washington Street to Canal Street. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- K. Approve the Special Event: First Saturday on Canal - Art Stroll & Craft Beer Walk - approve conduct of the monthly event as outlined below.

Motion:

Vice Mayor McGuirk moved to approve the Special Event: First Saturday on Canal -Art Stroll and Craft Beer Walk - approve conduct of the monthly event as outlined below. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- L. Approve the Special Event: Flagler Avenue Wine Walk Every 4th Saturday of each month from 1 p.m. to 7 p.m.

Motion:

Vice Mayor McGuirk moved to approve the Special Event: Flagler Avenue Wine Walk Every 4th Saturday of each month from 1 p.m. to 7 p.m. Commissioner Reiker seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

No Action.

9. BOARDS AND COMMISSIONS

No Action.

10. CITY MANAGER'S REPORT

There was none.

- A. City Manager's Report

There was none.

11. CITY CLERK'S REPORT

There was none.

12. CITY ATTORNEY'S REPORT

There was none.

13. ADJOURNMENT

As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 8:00 PM.