



Tuesday, April 10, 2018
City Commission Regular Meeting
Minutes

1. OPENING OF MEETING

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, April 10, 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 6:30 PM.

Attendee Name	Title	Status	Arrived
Jason McGuirk	Commissioner	Present	
Jim Hathaway	Mayor	Present	
Judy Reiker	Commissioner	Late	6:47 PM
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, Fire Chief Shawn Vandemark, CRA/Economic Development Director Tony Otte, Planning and Zoning Director Amye King, Public Information Officer Anna Hackett, Community Resource Coordinator Donna Banks, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

B. Invocation/Pledge of Allegiance

Police Department Chaplain Beverly Richardson 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 agenda.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Proclamation: Prevent Child Abuse Awareness Month - April 2018

Mayor Hathaway presented the Prevent Child Abuse Awareness Month Proclamation to Charles Puckett, Department of Children and Families and Sarah Sheppard, Healthy Start Coalition of Flagler and Volusia Counties.

B. Proclamation: Florida's Water Conservation Month - April 2018

Mayor Hathaway read the proclamation for Florida's Water Conservation Month.

C. Presentation of City Hall Annex Concept Plans, to then move on to the next step in the design process.

Capital Improvements Manager Michelle Vallance gave a PowerPoint presentation outlining the renderings of the City Hall Annex. She outlined the design and gave an update of the project.

Vice Mayor McGuirk remarked that this was his favorite project the City has done and he complimented Ms. Vallance for her hard work.

Mayor Hathaway shared that he was baptized in the church that was previously located at this property.

D. Southeast Volusia Chamber of Commerce Presentation

Donna Snow, President of the Southeast Volusia Chamber of Commerce, provided an update on the Southeast Volusia Marketing Initiative (SEVMI) to the City Commission.

She thanked Commissioner Reiker for her help and involvement with their organization.

Vice Mayor McGuirk thanked Ms. Snow about her presentation and shared that he was excited about the group being proactive in their mission and he was supportive of the project.

Commissioner Reiker commended Ms. Snow on her hard work over the past two years.

3. MAYOR AND COMMISSION REPORTS

Commissioner Hartman commented on attending Oretha Bell's funeral service. He stated there were four plots left at the Community Garden and encouraged all to participate.

Vice Mayor McGuirk commented on Oretha Bell's funeral service and stated that she was a wonderful person. He commented on the Sugar Mill burning issue and stated that the wind was causing a problem making the dirt transform into a sandstorm.

Commissioner Sachs commented on Oretha Bell's viewing. He attended the Marine Discovery Center Groundbreaking Ceremony. He stated that the oysters could filter fifty gallons of water per day. He commented on attending the Relay for Life and thought it was great when the community and families get together for the cause. He commented on the TPO meeting and stated he would attend their next meeting. He commented on the coyote problem and encouraged all to protect their pets, especially in residential areas. He commented on a water goat, explaining it was a barrier across the Gabordy Canal. He thanked the Water Goat manufacturers and the Marine Discovery Center for their work. He requested staff to draft legislation for future consideration regarding construction site dirt and dust control.

Commissioner Reiker commented on attending the Chamber of Commerce 5K. She commented on looking forward to the upcoming Planning and Zoning Joint City Commission Meeting because of Sugar Mill burning issues.

Vice Mayor McGuirk addressed the Riverside Drive or Faulkner Avenue one-way streets. He said there were not any plans to make these streets one-way.

Mayor Hathaway commented on attending Oretha Bell's funeral. He commended her for being the driving force of initiating many projects to benefit the community. He commented on the upcoming Mayor's Round Table.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 23-18: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 26 acres to PUD and approve a Restated Master Development Agreement for a future Florida Power & Light utility substation located on Pioneer Trail.

City Attorney Avallone read Ordinance No. 23-18, 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 26 acres to PUD and approve a Restated Master Development Agreement for a future Florida Power & Light utility substation located on Pioneer Trail.

FPL Attorney Glenn Storch spoke on behalf of his client. He commented on the Pioneer Trail Fire and informed the City Commission that they would see a burning stipulation in the PUD.

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. 23-18, as amended to earmark the funds for the trail for the use of the trail only. 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

5. PUBLIC PARTICIPATION

Craig Epps, 485 Sweet Bay Avenue, commented on being a new homeowner in the Sugar Mill neighborhood. He commented on the debris brought into his home and stated it was not dust, it was dirt.

Nora Jane Gillespie, 2263 Candlewood Lane, stated that she was the Citizen's Advisory Committee's representative for the Transportation Planning Organization and commented on recent events.

Michael Kolody, 105 Via Capri, commented on the Sugar Mill burning issue.

Lisa Martin, 618 South Pine, commented on her confusion with the meeting minute approval process.

John Dlubac, 3587 Casalta Circle, commented on the Sugar Mill burning issue. He commented on an attempt from the City to involve the residents with City development. He commented on the Planning Board applications, which were recognized to be over-staffed. He recommended exploring the option of holding a moratorium of all plans currently in the Planning and Zoning Department until a plan was set. He asked if it was an option for a citizen to request a moratorium.

Mayor Hathaway answered that there had to be a legal reason to request a moratorium.

Vincent Snowden, 2103 Ocean Drive, commented on the confusion with the meeting minute approval process and asked why the City Commission was approving minutes from 2016.

Dick Abbot, 1065 Clubhouse Drive, thanked Vice Mayor McGuirk for bringing up the Sugar Mill burning issue.

6. ORDINANCES - FIRST READING

7. CONSENT AGENDA

- A. Approve City Commission Regular Meeting Minutes for April 25, 2017 and March 13, 2018 and Special Meeting Minutes for September 13, 2016, September 14, 2016 and July 27, 2016

Motion:

Vice Mayor McGuirk moved to approve the regular meeting minutes for April 25, 2017 and March 13, 2018 and special meeting minutes for September 13, 2016, September 14, 2016 and July 27, 2016, as corrected. Commissioner Reiker seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

- B. Approve the Pistol and Training Range Facility Agreements with the Cities of Daytona Beach and South Daytona.

Motion:

Commissioner Reiker moved to approve the Pistol and Training Range Facility Agreements with the Cities of Daytona Beach and South Daytona, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- C. Approve the Special Event: Original Wailers at Beachside Tavern - Saturday, April 28, 2018 - and associated approval to operate a beer garden with a noise extension request.

Motion:

Commissioner Reiker moved to approve the Special Event: Original Wailers at Beachside Tavern - Saturday, April 28, 2018 - and associated approval to operate a beer garden with a noise extension request, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- D. CDBG 2018-2019 Application-Approval of submittal of two projects for replacement playground and basketball courts, located at the NSB Housing Authority.

Motion:

Commissioner Reiker moved to approve the submittal of two projects for replacement playground and basketball courts, located at the NSB Housing Authority. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- E. Consider a Request for Lien Reduction for property at 554 Josie Street-an amount of \$500 has been agreed to by the property owner and City staff.

Motion:

Commissioner Reiker moved to consider a request for lien reduction for property at 554 Josie Street-an amount of \$500 has been agreed to by the property owner and City staff. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- F. Holland Park Close Out Change Order #3 to Bean Construction in the amount of \$7,730.30

Motion:

Commissioner Reiker moved to approve the Holland Park Close Out Change Order #3 to Bean Construction in the amount of \$7,730.30, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- G. Approval of contract terms, and amount for the July 4th Fireworks

Motion:

Commissioner Reiker moved to approve the contract terms, and amount for the July 4th Fireworks, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

There was none.

9. BOARDS AND COMMISSIONS

- A. Consider the appointment and/or reappointment of two members of the Code Enforcement Board to 3-year terms to expire March 3, 2021.

Motion:

Vice Mayor McGuirk moved to reappoint Rex Huffman and Michael Slayton to the Code Enforcement Board to 3-year terms to expire March 3, 2021. 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

10. CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Brangaccio added a report item regarding the list of homes to be submitted to the Volusia County-wide LMS Committee. She stated it was a necessary step before the FEMA Grant

Application and since the Countywide Committee meets on April 16, 2018, the item had to be reported at this meeting.

11. CITY CLERK'S REPORT

City Clerk Johnny Bledsoe commented on the 2018 Elections Information.

Motion:

Commissioner Hartman moved to approve the replacement of Michael Sanjanin with Tahmina Tisha as a member of the Youth Council. Commissioner Reiker seconded the motion, and the motion was unanimously approved.

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 8:11 PM.