



**Tuesday, April 24, 2018**  
**City Commission Regular Meeting**  
**Minutes**

**1. OPENING OF MEETING**

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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 24, 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 6:32 PM.

**A. Call to Order**

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, 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, Finance Director Althea Philord, City Engineer Kyle Fegley, Airport Manager Rhonda Walker, Maintenance Operations Director Faith Miller, 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 Brangaccio reported no changes to the published agenda.

**2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS**

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**A. Presentation: Capital Improvement Revenue Note, Series 2013 Refunding**

Mark Galvin, Hilltop Security Director, gave a presentation outlining the firms' recommendations regarding borrowing of money in the amount not to exceed \$10 million for refunding the City's Outstanding Capital Improvement Revenue Note, Series 2013.

**B. Proclamation: Teacher Appreciation Week, May 7 - 11, 2018**

Mayor Hathaway presented the National Teacher Appreciation Week Proclamation.

**C. Proclamation: the Presentation of a Proclamation naming April 2018 as General Aviation Appreciation Month in New Smyrna Beach.**

Mayor Hathaway presented a proclamation to Airport Manager Rhonda Walker naming April 2018 as General Aviation Appreciation Month in New Smyrna Beach.

**D. Proclamation: Read and present a proclamation to recognize April 27, 2018 as Arbor Day in New Smyrna Beach.**

Mayor Hathaway read and presented a proclamation to Maintenance Operations Manager Faith Miller recognizing April 27, 2018 as Arbor Day in New Smyrna Beach.

**E. Annual Presentation: Oretha Bell/New Smyrna Beach Boys & Girls Club**

Joe Sullivan, Unit Director for the Boys & Girls Clubs of Volusia/ Flagler Counties, gave an annual report of the Club's activities over the past year. The annual report was distributed to the City Commission. He requested continued financial support from the City.

**3. MAYOR AND COMMISSION REPORTS**

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Commissioner Reiker apologized for her absence during the last Coastal Resiliency Meeting. She commended Maintenance Operations Director Faith Miller for a great job with the Adopt a Park Volunteer Picnic last weekend. She commented on the Special Event Lagoony and stated it was a great event. She commented on attending a fashion show that benefited the League of Women Voters.

Commissioner Sachs congratulated the "Lagoonatics" at the Lagoony Special Event. He commented on the Adopt a Park Volunteer Picnic and stated it was a great event. He commented on Earth Day. He commented on area coyotes and stated it was beginning to be a problem on the trails. He commented on area speeding. He asked staff to help resolve speeding issues and for a solution to the coyote problem.

City Manager Pamela Brangaccio stated that City Staff does not control coyotes and mentioned there would be a public meeting regarding coyotes sponsored by the Florida Fish and Wildlife Conservation Commission on May 10, 2018 at 6:00 PM at the Coronado Civic Center.

Vice Mayor McGuirk concurred with the thoughts of Commissioner Reiker and Commissioner Sachs. He clarified the Faulkner Avenue concern regarding one-way streets and discovered that it was only a suggestion made by a few citizens at a prior meeting.

Commissioner Hartman commented on attending the Department of Transportation (DOT) Meeting and stated it was a good meeting. He stated that the Coastal Community Resiliency (CCR) Meeting was a wonderful time and thanked staff for all that they do.

Mayor Hathaway commented on the good turnout at the Coastal Community Resiliency (CCR) Meeting. He thanked Ms. Miller for a great Adopt a Park Volunteer Picnic and stated it was a good turnout. He commented on meeting with the Humane Society and stated that the City Commission could cover some of the permitting costs for \$789.67.

**Motion:**

Commissioner McGuirk moved to approve a grant for \$789.67 for the Southeast Volusia Humane Society. Commissioner Sachs seconded the motion, and the motion was unanimously approved.

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

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- A. Conduct a public hearing on Special Exception Application No. SE-1-18, which if approved, would allow the operation of a daycare business at 901 South Dixie Freeway.

Planning and Zoning Director Amye King outlined the proposed application, which if approved, would allow the operation of a daycare business at 901 South Dixie Freeway.

Commissioner Sachs asked about the safety of the perimeters surrounding the property.

Ms. King confirmed all safety precautions would be taken regarding the movement of children.

Mayor Hathaway opened the public hearing.

Glenn Storch, Attorney for the applicant, commented on the property safety steps taken by the applicant to ensure the safety of the children. He requested that the stipulation that the property owner would install a safety barrier to better protect children be added to the approval.

Jessica Realin, New Smyrna Beach resident, commented on the safety options of the property.

Mayor Hathaway closed the public hearing.

**Motion:**

Commissioner Hartman moved to approve Special Exception Use Application: SE-1-18, with the stipulation that the property owner would install a safety barrier to better protect children. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

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

#### 5. PUBLIC PARTICIPATION

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Dick Abbott, 1065 Club House Boulevard, distributed photographs to the City Commission. He stated the reason for the photos was to try to prevent any future development mistakes. He requested that Coastal Woods Developers are required to plant trees and he recommended a hedge wall. He suggested that City Inspectors visit the site to ensure proper compliance.

Marvel Richards, 1099 Club House Boulevard, asked the City Commission to test the dust present at Sugar Mill due to the development of Coastal Woods. She commented about the toxicity of the dust and stated it was detrimental to ones health. She stated that a few selected residents received a letter with a gift card from Geosam Capital Attorney James Stowers. The letter offered cleanup services due to the dust. She took offense to the letter. She submitted a copy of the letter to the City Commission. She filed a complaint with Florida Air Resource Management regarding the dust and she stated they would be monitoring the issue.

City Manager Brangaccio and Mayor Hathaway stated that they have met with Geosam Capital and that they are taking the matter very seriously. Mayor Hathaway ensured there would be no

future burning on any Planned Unit Developments (PUD's) within the City of New Smyrna Beach.

Vice Mayor McGuirk empathized with the Sugar Mill residential concerns and he apologized. He understood citizen concerns and assured Ms. Richards that the City was taking the matter seriously; he stated it was a learning experience.

Chris Reinhard, 1902 South Atlantic Avenue, commented on a crosswalk safety problem between 7th and 27th Avenue, beach side. He commented on numerous intersection accidents. He commented on accident residue presence post accident cleanup.

Commissioner Sachs addressed Mr. Reinhard and wanted him to know he has made many efforts to improve road safety in this particular area.

John Batza, 211 Bromely Circle, commented on the Sugar Mill dust issue. He thanked Vice Mayor McGuirk, City Manager Brangaccio and the City Engineers for their quick response. He asked what the consequences were for developer violations. He asked that staff continue their vigilance regarding the Coastal Woods development. He commented on his concern with the future Rolling Hills development. He asked who paid for the fire that shut down 195.

Mayor Hathaway answered that if the developers were in violation, they would be coded. He stated that no future burning was permitted on any future Planned Unit Developments (PUD's) within the City of New Smyrna Beach. He stated that the fire was permitted by the Department of Forestry and that they agreed to reimburse the City for the overtime worked by City Staff Emergency Personnel to maintain and control that particular fire.

Greg Epps, 485 Sweet Bay Avenue, commented on the Sugar Mill issue. He distributed aerial photographs of Sugar Mill and Coastal Woods. He commented on the severity of the dust issue.

Travous Dever, 1212 Magnolia Street, commented on the South Atlantic crosswalk safety issue. He felt as though there was not enough pressure placed on Volusia County or Florida Department of Transportation (FDOT) regarding crosswalk safety. He commented on speeding issued on Magnolia Avenue. He commented in support of Ordinance No. 27-18, stating that a new apartment development would be a great addition to the City.

Jerrald Bedenk, 1162 Club House Boulevard, commented that he was a ninety-two year old World War II Veteran that resided in Sugar Mill. He showed the City Commissioner's two white cloths that were blackened by dust and dirt used to wipe down a table at his residence. He stated he was not exercising outside because of the pollution.

Kevin Ragsdale, 1616 Magnolia Street and Betty Wright, 1605 Magnolia Street, commented on the speeding problem on Magnolia Street. Mr. Ragsdale appreciated the Police presence and City Commissioner's help to assist in controlling and monitoring the problem. He asked the City Commission for a better solution before a greater liability, such as a death, occurred. He stated that the City would absorb the cost of a death and it would be more of a financial burden than it would be to fix the problem on their street. Ms. Wright commented on a traffic study done on Magnolia Street.

City Manager Brangaccio stated that they should have a meeting in the future with residents to discuss the issue.

Dana Womelsdorff, 117 6th Street #A, commented on the Magnolia Street safety concerns.

Barbara Coomber, 1412 Magnolia Avenue, thanked the City Commissioner's each for their contributions to the community. She commented on development issues. She commented in support of Ordinance No. 27-18 and stated it would be a great development. She stated it was a better quality of life issue and not a development issue. She asked the City Commission to vote yes.

Trisha Aldridge, 206 Douglas Street, commented in support of Ordinance No. 27-18. She stated she was a resident and a property manager. She asked the City Commission to consider the positive impact of this development.

Paul Heer, 1021 South Glencoe Road, commented in support of Ordinance No. 27-18. He commented on the Paige Avenue Extension Project. He suggested making Paige Avenue an operable road running east to west as an alternative route to SR44.

Ronny Hull, 1989 South Glencoe Road, commented in opposition of Ordinance No. 27-18. He commented on the zoning not fitting the Rural Residential Area. He mentioned crime and location as problems.

Donna Banas, 2517 Glenhaven Street, commented in opposition of Ordinance No. 27-18. She disagreed with the location and stated it should be located elsewhere, not near a rural road.

Patty Devlin, 810 South Glencoe Road, commented in opposition of Ordinance No. 27-18. She commented on issues such as traffic, crime, local business evening lighting and air quality issues.

Ellen Darden, 6325 River Road, commented in support of Ordinance No. 27-18. She urged the City Commission to approve the ordinance.

Jack Holcomb, 417 Quay Assisi, commented in support of Ordinance No. 27-18.

Sue Williams, Southeast Volusia Chamber of Commerce, commented in support of Ordinance No. 27-18. She stated the Chamber of Commerce unanimously supported the addition of the Beacon Luxury Apartments at their last meeting.

Rick Hawes, Southeast Volusia Chamber of Commerce, commented in support of Ordinance No. 27-18. He stated that by the City Commissioner's thoughtful actions, they helped changed the legacy of the City. He thanked the City Commission for doing their job well.

Karen Thompson, 2635 Pioneer Trail, commented in support of Ordinance No. 27-18. She stated she was new to the area and an apartment development such as this would provide an affordable lifestyle for her.

Stacey Chisholm, 2065 South Glencoe Road, commented in opposition of Ordinance No. 27-18.

Dale Williams, 1048 Club House Boulevard, commented in support of Ordinance No. 27-18. He commented on mixed-use projects on SR44. He felt it was a logical and compatible development.

Nancy Grooms, 2635 Pioneer Trail, commented in support of Ordinance No. 27-18. She mentioned property buffers and some of the history of trying to sell this property. She stated that the previous property owner was selective in selling the property and preferred to sell residentially versus commercially because it would be a better fit to the surroundings.

Joe Dlubac, 3587 Casalta Circle, commented on the Sugar Mill dust issue. He commented on Live Oak trees being planted in Venetian Bay. He stated the trees are lifting the sidewalks up and would increase maintenance fees.

Michael Kolody, 105 Via Capri, commented in support of Ordinance No. 27-18. He commented on the new developments. He commented on Arbor Day.

Lee Griffith, 214 Golf Club Drive, commented in support of Ordinance No. 27-18. He suggested that the residents and City Staff work together to resolve issues.

Glenn Storch, Attorney for the SR44 Rezoning Project, commented in support of Ordinance No. 27-18. He expressed that the project meets all of the City's criteria. He stated there was no need for a variance.

Mayor Hathaway addressed a disruptive citizen, Patty Devlin. He asked Police Chief Coffin to escort Ms. Devlin outside and called for a five-minute recess.

Mayor Hathaway called for a five-minute recess at 8:42 PM.

Mayor Hathaway reconvened the meeting at 8:48 PM.

Randy Richenberg, 1402 North Peninsula Avenue, commented on a question he asked the Commissioner's at a previous meeting. He commented on past issues; to include previous voting and funds spent. He commented on the suggestion at the last City Commission Meeting to consider an Ethics Committee.

Vice Mayor McGuirk defended his position regarding an Ethics Committee.

## **6. ORDINANCES - FIRST READING**

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- A. Ordinance No. 28-18: Conduct the first reading of an ordinance, which if adopted, would authorize the Borrowing of Money in the Amount not to Exceed \$10M for the Purpose of Refunding the City's Outstanding Capital Improvement Revenue Note, Series 2013. This note was impacted by IRS Changes.

City Attorney Avallone read Ordinance No. 28-18 the first time, by title only.

**Motion:**

Commissioner Reiker moved to approve on the first reading Ordinance No. 28-18, 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 May 8, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 5/8/2018 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Randy Hartman, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- B. Ordinance No. 25-18: Conduct the first reading of an ordinance, which if adopted, would amend the October 1, 2017 - September 30, 2018 Fiscal Year Budget.

City Attorney Avallone read Ordinance No. 25-18 the first time, by title only.

**Motion:**

Commissioner Reiker moved to approve on the first reading Ordinance No. 25-18, 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 May 8, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 5/8/2018 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	

- C. Ordinance No. 26-18: Conduct the first reading of an ordinance, which if adopted, would create Article XII of the Land Development Regulations pertaining to Architectural Design Standards.

City Attorney Avallone read Ordinance No. 26-18 the first time, by title only.

**Motion:**

Commissioner Reiker moved to approve on the first reading Ordinance No. 26-18, 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 May 8, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 5/8/2018 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Randy Hartman, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- D. Ordinance No. 27-18: Conduct the first reading of an ordinance, which if adopted, would rezone approximately 22 acres from PUD and R-1 to PUD with a Master Development Agreement for the property located on the southwest corner of SR 44 and South Glencoe Road.

City Attorney Avallone read Ordinance No. 27-18 the first time, by title only.

**Motion:**

Commissioner Reiker moved to approve on the first reading Ordinance No. 27-18, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously. Mayor Hathaway reported that the second reading and quasi-judicial public hearing of the proposed ordinance would be conducted at the regular meeting on May 8, 2018.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 5/8/2018 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Randy Hartman, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

## 7. CONSENT AGENDA

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- A. Approve the Minutes of the City Commission meetings held February 27, 2018 and March 27, 2018 (3).

**Motion:**

Commissioner Hartman moved to approve the minutes of the City Commission meetings held February 27, 2018, March 27, 2018 and April 10, 2018, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- B. Approve staff's recommended Mid-year Fiscal year addition of a Planner I and Civil Engineer positions.

**Motion:**

Commissioner Hartman moved to approve staff's recommended Mid-year Fiscal year addition of a Planner I and Civil Engineer positions, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- C. Approve a Change in Personnel Status from Part-time to Full-time for the existing Fire Inspector position in the Fire Department.

**Motion:**

Commissioner Reiker moved to approve staff's change in personnel status from part-time to full-time for the existing Fire Inspector position in the Fire Department, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- D. Approve the Pistol and Training Range Facility Agreements with the City of Casselberry and City of Port Orange.

**Motion:**

Commissioner Hartman moved to approve entering into Pistol and Training Range Facility Agreements with the Cities of Casselberry and City of Port Orange, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- E. Special Event: Derby Day - May 5, 2018, and associated Road Closures of Canal Street from Live Oak to West side of the Chamber of Commerce parking lot from 11:00 a.m. - 6:00 p.m.

**Motion:**

Commissioner Hartman moved to approve a Special Event: Derby Day - May 5, 2018, and associated Road Closures of Canal Street from Live Oak to West side of the Chamber of Commerce parking lot from 11:00 a.m. - 6:00 p.m., as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- F. Special Event: Food Trucks on Sams Avenue - May 26, 2018, and associated road closure of Sams Avenue from Washington Street to Canal Street and a portion of Julia Street from 1 p.m. - 10 p.m.

**Motion:**

Commissioner Hartman moved to approve a Special Event: Food Trucks on Sams Avenue - May 26, 2018, and associated road closure of Sams Avenue from Washington Street to Canal Street and a portion of Julia Street from 1 p.m. - 10 p.m., as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.



- G. Special Event: July 4th Food Trucks, Music and Fireworks - July 4, 2018 and associated road closure of Riverside Drive from Canal Street to Lytle Avenue.

**Motion:**

Commissioner Hartman moved to approve a Special Event: July 4th Food Trucks, Music and Fireworks - July 4, 2018 and associated road closure of Riverside Drive from Canal Street to Lytle Avenue, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- H. Approve a Special Event: Flagler Tavern Cinco de Mayo/Kentucky Derby Celebration - Saturday, May 5, 2018 at the Flagler Tavern Parking Lot, 414 Flagler Avenue, from 8 a.m. to 11 p.m.

**Motion:**

Commissioner Reiker moved to approve a Special Event: Flagler Tavern Cinco de Mayo/Kentucky Derby Celebration - Saturday, May 5, 2018 at the Flagler Tavern Parking Lot, 414 Flagler Avenue, from 8:00 am to 11:00 pm, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

**8. ADMINISTRATIVE ITEMS/NEW BUSINESS**

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- A. Resolution No. 11-18: Discuss and consider a resolution, which if adopted, would amend regulations pertaining to annual parking passes.

**Motion:**

Vice Mayor McGuirk moved to approve Resolution No. 11-18, which if adopted, would amend regulations pertaining to annual parking passes, 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

**9. BOARDS AND COMMISSIONS**

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There was none.

**10. CITY MANAGER'S REPORT**

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- A. City Manager's Report

There was none.

**11. CITY CLERK'S REPORT**

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There was none.

**12. CITY ATTORNEY'S REPORT**

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There was none.

**13. ADJOURNMENT**

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As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 9:17 PM.