



**City Commission Regular Meeting  
Tuesday, September 25, 2018  
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, September 25, 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.

**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, Interim Finance Director Lewie Wise, Community Resource Coordinator Donna Banks, Interim Public Information Office Phil Veski, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

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**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 published agenda.

**2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS**

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- A. Proclamation: Recognizing Volusia County Council At-Large Member Joyce Cusack for her years of service to the citizens of New Smyrna Beach and Volusia County as a Member of the Volusia County Council.**

Mayor Hathaway presented a proclamation recognizing Volusia County Council At-Large Member Joyce Cusack for her years of service to the citizens of New Smyrna Beach and Volusia County as a Member of the Volusia County Council.

**B. Proclamation: Smyrna Yacht Club Day 2018 on the club's 90th anniversary.**

Mayor Hathaway presented the Founders Day Proclamation to Jeannie Vogel, Commodore of the Smyrna Yacht Club, in recognition of the Smyrna Yacht Club on its 90th Anniversary, as well as the numerous community contributions the club made throughout the years.

**C. Presentation: FDOT Grant Application: US 1 and SR 44 Median Landscaping and consider adoption of Resolution No. 34-18.**

**Motion:**

Vice Mayor McGuirk moved to approve Resolution 34-18: for inclusion in the high concept plan for landscaping medians on US 1 (from 10th St to Industrial Park Drive) and SR 44 (from Eddie Rd to Sugar Mill Dr). 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

**3. MAYOR AND COMMISSION REPORTS**

Commissioner Hartman commented on items projecting for the future.

Vice Mayor McGuirk commented on two Code Enforcement cases. He stated he was not happy with the outcome on either outcome at the previous City Commission Meeting. He believed those fees were important, especially when the owners arrogantly ignore the rules. He stated historically they had not passed along the fees. He stated that in both cases, they were third parties, not the owners. He was uncomfortable with hitting the owners with that high of a fine. He stated there might be an issue with derelict properties.

**Motion:**

*Vice Mayor McGuirk moved to reconsider the amount of the lien. Commissioner Reiker seconded the motion, and the motion approved by majority vote 4-1, with Commissioner Hartman voting no.*

Commissioner Sachs shared that he attended two events at Reed Patillo Elementary School and was proud of the teachers for giving the children the confidence to handle themselves well in the real world. He stated that the School Board would not be closing the school for now. He commented on the Magnolia Street residents waiting for the roadway improvements for safety. He asked if they could move this along and get results for the results.

City Manager Brangaccio stated there was an upcoming meeting on October 3, 2018 to address the Magnolia Street traffic issue.

Commissioner Reiker commented on the apartments and the millennials were not purchasing homes. She attended a presentation about lots and developers and stated the builder stated the lot sizes were decreasing because they wanted more density in the future so that more people could reside in townhomes.

Mayor Hathaway congratulated Commissioner Sachs for his reelection.

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

- A. Conduct the second reading and public hearing of Ordinance No. 49-18, which if adopted, would amend the Land Development Regulations Article V, Section 504.02 Corridor Overlay Zone Landscaping Regulations.

City Attorney Avallone read Ordinance No. 49-18, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend the *Land Development Regulations* Article V, Section 504.02 Corridor Overlay Zone Landscaping Regulations.

John Jones, Architect, outlined a PowerPoint Presentation.

Commissioner Sachs asked Mr. Jones if they utilized any local resources in their decision making process.

Ms. King explained how they chose the types of landscape.

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. 49-18 of the latest draft from the Architect; to include a 50' setback west of Eddie Road, 35' setback east of Eddie Road, and to clarify that the passing of this ordinance ends the SR44 Moratorium. 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. 50-18: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend Land Development Regulations Article VI and X, Section 604.02.A.9 Utilities, Section 604.04.C.5 Landscaped Buffer Requirements and Section 1007.00.D.2 Plat Requirements.

City Attorney Avallone read Ordinance No. 50-18, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend *Land Development Regulations* Article VI and X, Section 604.02.A.9 Utilities, Section 604.04.C.5 Landscaped Buffer Requirements and Section 1007.00.D.2 Plat Requirements.

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. 50-18, as submitted. Commissioner Hartman 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>	Randy Hartman, Commissioner
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman

- C. Conduct a quasi-judicial public hearing of a request for construction east of the City Coastal Construction Setback Line (CCSL) to install brick pavers and a brick paver wall east of the CCSL to replace an existing concrete walkway at 711 South Atlantic Avenue.

City Attorney Avallone read the request for construction east of the City Coastal Construction Setback Line (CCSL), 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 request, which if approved, would approve the construction east of the City Coastal Construction Setback Line (CCSL) to install brick pavers and a brick paver wall east of the CCSL to replace an existing concrete walkway at 711 South Atlantic Avenue.

Mayor Hathaway opened the public hearing.

Attorney Glenn Storch spoke on behalf of the applicant. He gave a brief history of the structure and explained they would like to upgrade and enhance the structure.

Randy Herman, 108 Esther Street, commented on a concern about the wall and was troubled it was constructed without a permit.

Mayor Hathaway closed the public hearing.

**Motion:**

Commissioner Hartman moved to approve the request for construction east of the City Coastal Construction Setback Line (CCSL), as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</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

**5. PUBLIC PARTICIPATION**

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No action; no citizens wished to speak.

**6. ORDINANCES - FIRST READING**

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No action.

## 7. CONSENT AGENDA

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- A. Approve the minutes of the regular meeting held on September 11, 2018, as well as the special and board of elections meetings held on September 12, 2018.

**Motion:**

Commissioner Reiker moved to approve the minutes of the regular meeting held on September 11, 2018, as well as the special and board of elections meetings held on September 12, 2018, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- B. Approve entering into a License Agreement with NSB Disc Golf, Inc. to add Disc Golf as an amenity at Holland Park.

**Motion:**

Commissioner Reiker moved to approve entering into a License Agreement with NSB Disc Golf, Inc. and to add Disc Golf as an amenity at Holland Park. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- C. Approve entering into a Continuing Services Interlocal Agreement with Volusia County (Public Works Divisions of Road & Bridge and Traffic Engineering) for a one-year term--FY 18-19.

**Motion:**

Commissioner Reiker moved to approve entering into a Continuing Services Interlocal Agreement with Volusia County (Public Works Divisions of Road & Bridge and Traffic Engineering) for a one-year term for Fiscal Year 2018/2019, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- D. Approve the Palms Phase 3 Subdivision Plat and authorize the Mayor to execute the Contract for Plat Recording. This Plat contains 108 single-family lots out of a total 66.09 acres. Application No. S-2-18.

**Motion:**

Commissioner Reiker moved to approve the Palms Phase 3 Subdivision Plat and authorize the Mayor to execute the Contract for Plat Recording. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- E. Approve the Acceptance of 2018-2019 VOCA Grant Funds for the Police Department

**Motion:**

Commissioner Reiker moved to approve the acceptance of the Fiscal Year 2018/2019 VOCA Grant Funds for the Police Department, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- F. Approve Blanket Purchase Orders of Over \$25,000, for Fiscal Year 2018/2019. The total list of Blanket Purchase Orders that exceed \$25,000, totals \$10.5 million within the City's Total Budget.

**Motion:**

Commissioner Reiker moved to approve Blanket Purchase Orders of Over \$25,000, for Fiscal Year 2018/2019. Commissioner Hartman seconded the motion, and the motion carried unanimously.

**G. Approval of Amendment No. 1 to Residential Curbside Recycling Collection Agreement with Waste Pro**

**Motion:**

Commissioner Reiker moved to approve Amendment No. 1 to the Residential Curbside Recycling Collection Agreement with Waste Pro, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

**H. Approve entering into a Memorandum of Understanding - School Guardian Program with the Volusia County School Board, for the 2018-2019 School Year.**

**Motion:**

Commissioner Sachs moved to table the item until more information could be obtained. Commissioner Hartman seconded the motion, and the motion was denied 1-4, with Commissioner Reiker, Commissioner Hartman, Vice Mayor McGuirk and Mayor Hathaway voting no.

**Motion:**

Commissioner Hartman moved to approve entering into a Memorandum of Understanding - School Guardian Program with the Volusia County School Board, for the 2018-2019 School Year, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

**I. Approval of a Revised 2018-2019 CDBG Program Capital Improvement Project Application for the replacement of playground equipment at Pettis Park.**

**Motion:**

Commissioner Reiker moved to approve a revised 2018-2019 CDBG Program Capital Improvement Project Application for the replacement of playground equipment at Pettis Park, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

**J. Approve the Ratification of the Collective Bargaining Agreement with LIUNA Local 630, effective October 1, 2018 to September 30, 2019**

**Motion:**

Commissioner Reiker moved to approve the Ratification of the Collective Bargaining Agreement with LIUNA Local 630, effective October 1, 2018 to September 30, 2019, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

**8. ADMINISTRATIVE ITEMS/NEW BUSINESS**

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**A. Review and approve the proposed landscaping and monument sign plans for the Beacon Apartments that will be located at the southwest corner of SR 44 and South Glencoe Road.**

**Motion:**

Commissioner Hartman moved to approve the proposed landscaping and monument sign plans for the Beacon Apartments that will be located at the southwest corner of SR 44 and South Glencoe Road, as submitted. 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

## 9. BOARDS AND COMMISSIONS

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- A. Golf Advisory Board: Consider the appointment of a citizen to serve as a member to a term to expire September 1, 2021.

**Motion:**

Commissioner Hartman moved to appoint Ann Bowman to serve a term expiring September 1, 2021 on the Golf Advisory Board. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

## 10. CITY MANAGER'S REPORT

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- A. City Manager's Report

No action.

## 11. CITY CLERK'S REPORT

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No action.

## 12. CITY ATTORNEY'S REPORT

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No action.

## 13. ADJOURNMENT

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As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 8:08 PM.