



**City Commission Regular Meeting
Tuesday, October 9, 2018
Minutes**

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, October 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 6:30 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, Leisure Services Director Nancy Maddox, Interim Finance Director Lewie Wise, Community Resource Coordinator Donna Banks, Interim Public Information Office Phil Veski 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 Pam Brangaccio reported that there would be a discussion during the City Attorney's report to determine what date Item HTR-0-18 would be included on the agenda.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Proclamation honoring Dorothy Hukill's service to Southeast Volusia County

Mayor Hathaway presented a proclamation to Lindsey Swindle and Edith Little, Legislative Assistants', honoring Dorothy Hukill's service to Southeast Volusia.

B. Proclamation: Head Start Awareness Month - October 2018

Mayor Hathaway presented a proclamation to Education Manager Glynne Pascal of the Headstart Program proclaiming October as Head Start Awareness Month.

C. **Recognition: Zone 1 City Commissioner Judy Reiker for her service as a member of the Fire Pension Board**

Mayor Hathaway recognized Commissioner Judy Reiker for her outstanding service as a member of the Fire Pension Board and presented her with a plaque.

Lt. Mike Lynn from the Fire Department expressed his gratitude for Commissioner Reiker's service on the Board.

D. **Recognition of Nancy Maddox: Recipient of the Tippen Davidson Award from the Volusia County Cultural Alliance for her contributions to the arts in Volusia County.**

Mayor Hathaway recognized Leisure Services Director Nancy Maddox for being the recipient of the Tippen Davidson Award from the Volusia County Cultural Alliance and for her contribution to the arts in Volusia County.

3. MAYOR AND COMMISSION REPORTS

Commissioner Hartman commented on riding with the Parking Enforcement Officers last week. He stated there was quite a bit of maintenance involved. He commented on the Turnbull Creek Watershed presentation and stated it was impressive and provided a general idea of what the bond was.

Vice Mayor McGuirk reported with sadness that New Smyrna Beach resident Gene Sheldon passed away on October 8, 2018. He stated that Mr. Sheldon had tremendous roots in the community and was a great supporter of Relay for Life.

Commissioner Sachs gave thanks to the residents, City Staff, and colleagues of New Smyrna Beach for the chance to work with the City and was looking forward to his next four-year term and hoped they could all work together to continue to keep the City a wonderful, growing place.

Commissioner Reiker commented on attending the Volusia League of Cities Dinner last week along with Commissioner Hartman, Assistant City Manager Resheidat and City Attorney Avallone and stated that the topic of recycling was discussed. She hoped that it would be possible to re-educate citizens on what materials to recycle in the future. She hoped that the next City Commission would work on the recycling issue. She suggested that the City publish recycling information on the website in terms of how to better recycle.

Mayor Hathaway commented on being contacted by a citizen who would be speaking during public participation. He stated there was a concern about the No Wake Zone speeding issue and would ask City Staff what could be done to assist. He mentioned that a year ago, the City hired City Attorney Carrie Avallone. He wanted the current City Commission to consider approving her salary increase now instead of placing that responsibility on the new City Commissioner's.

Motion:

Vice Mayor McGuirk moved to approve a \$5,000 annual raise for City Attorney Carrie Avallone; effective January 7, 2019. Commissioner Reiker seconded the motion and the motion was unanimously approved.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

A. Review Slip Allocation Application SA-1-18. Request for two slips from the City Slip Allocation Fund for property located at 1307 & 1311 N Dixie Freeway.

City Attorney Avallone read Slip Allocation Application SA-1-18 for the public hearing.

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 application, which if approved, would approve two slips from the City Slip Allocation Fund for property located at 1307 and 1311 North Dixie Freeway.

Commissioner Sachs asked what the use would be for the slips.

Ms. King stated it was for used boat sales.

Commissioner Sachs asked if the waters are navigable and asked if there would be future dredging.

Ms. King stated the waters were navigable and there would not be dredging.

Commissioner Sachs asked if the mangroves would be removed.

Ms. King stated they would not be removed.

The applicant, Mark Ausley, was sworn in and provided testimony.

Mr. Ausley stated that the slips were in a shallow draft boat area.

Vice Mayor McGuirk commented on the shallow waters.

Commissioner Sachs asked the applicant to abide by the speed laws as to not erode the banks.

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

Motion:

Vice Mayor McGuirk moved to approve Slip Allocation Application SA-1-18, including the stipulations of no dredging, cutting mangroves or speeding. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

5. PUBLIC PARTICIPATION

Gary Conroy, Edgewater Florida Councilman, extended an open invitation to the Commission to an upcoming program, Pearl Harbor Remembrance Day Concert, to honor World War II veterans and remember their sacrifices to ensure our freedom. He stated that the concert would be held on Sunday, December 2, 2018 at 1:00 PM at Hawks Park in Edgewater, Florida. He distributed flyers for the event.

Charlotte Smith, representing the Kiwanis Club, asked for permission to display flags at Riverside Park during the month of November to honor veterans for an event "Field of Honor".

The City Commission gave their blessing to Ms. Smith and supported the events purpose.

Mike Kolody, 105 Via Capri, commented on the consent agenda item for the homeless grant. He thought it was a miniscule amount of money and he commented on an issue with the homeless. He wanted the Commission to prepare some type of discussion as to how the private individuals could be better protected. He asked that the City double the funds distributed for the homeless grant.

Shy Morris, 541 Washington Street, read a letter about the events she has provided to the community. She commented on all of the projects that her business PEACE Arts provided the community. She encouraged the City Commission to vote in favor of the Peace Market.

Michael Woods, Cobb Cole Attorney, gave an update on the Historic Tree Request, HTR-9-18. He stated they were able to save two additional trees. He hoped to have the opportunity to show the changes to City Commission on October 23, 2018. He stated Mayor Hathaway asked them to try again and they set to work to do so. He stated he resubmitted the application again. He stated that he would have their staff engineer present on the 23rd Hearing.

Minister Barnes, 107 Washington Street, commented in support of the PEACE Markets. He stated if Ms. Morris had all of the documentation then she should be able to be approved to have the market. He commented about this not being a racial issue and asked the City Commission to take her request into consideration.

Cheryl Wilde, resident, commented on the City asking the Southeast Volusia Humane Society (SEVHS), for an independent audit. She stressed her concerns about the audit. She stated Karen Morgan, former Director of SEVHS, was terminated after she asked for an independent audit.

City Manager Brangaccio stated that the SEVHS was independent entity and clarified that the City could not enforce an audit. She stated they were not in the position to demand anything further than their contractual terms and confirmed SEVHS was in compliance as of recently. She stated Sgt. Claudio would be attending the upcoming SEVHS Annual Meeting.

Darlene Gillette, SEVHS member and volunteer, asked for clarification on who the SEVHS Director was. She asked for an audit. She believed there was a misappropriation of funds. She commented on incomplete projects and stated concerns about funds. She stated that the SEVHS reached out to volunteers and fosters to help raise funds. She stated that the SEVHS Board dismissed her concerns and told her to be quiet. She stated the Board dismissed the Director and Manager based upon hearsay and not facts because the police report could not be released until the case was closed.

Buddy Davenport, New Smyrna Beach resident, thanked the Mayor and City Commissioners for everything they do. He commented on the No Wake Zone from the North End of the Yacht Club. He stated that he wrote to the Governor and he received an answer to his concerns. He stated he was willing to work with a City Staff Member to work on this complicated issue.

Mayor Hathaway stated that City Staff would bring it back at the next meeting to determine what steps to take.

Yvonne C. Jefferson, 500 Brooks Street Apt. 5, commented on the need for street bumpers on Brooks Road stating that there were children on the road and that was a danger.

Mayor Hathaway asked Police Chief Coffin and Assistant City Manager Resheidat to look into Ms. Jefferson's request.

6. ORDINANCES - FIRST READING

- A. Ordinance No. 54-18 Amending the 2018-2019 Budget for Swoope Boat ramp Parking Expansion and a replacement vehicle in the Building Division.

City Attorney Avallone read Ordinance No. 54-18 the first time, by title only.

Motion:

Vice Mayor McGuirk moved to approve on the first reading Ordinance No. 54-18, 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 October 23, 2018.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 10/23/2018 6:30 PM
MOVER:	Jason McGuirk, Vice Mayor	
SECONDER:	Judy Reiker, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- B. Ordinance No. 55-18: Conduct the first reading of an ordinance, which if adopted, would repeal and replace in its entirety City Code Appendix A, Policy and Procedures for employees.

City Attorney Avallone read Ordinance No. 55-18 the first time, by title only.

Motion:

Commissioner Reiker moved to approve on the first reading Ordinance No. 55-18, 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 October 23, 2018.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 10/23/2018 6:30 PM
MOVER:	Judy Reiker, Commissioner	
SECONDER:	Randy Hartman, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

7. CONSENT AGENDA

- A. Approve the Minutes of City Commission, Community Redevelopment Agency and Board of Elections Meetings held September 25, 2018.

Motion:

Commissioner Hartman moved to approve the minutes of City Commission, Community Redevelopment Agency and Board of Elections Meetings held September 25, 2018, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- B. Approve an extension for one (1) year, the existing contract with Ashbritt, Inc. for Disaster Recovery Services and debris removal services on an as needed basis in the event of a natural disaster.

Motion:

Commissioner Hartman moved to approve an extension for one (1) year, the existing contract with Ashbritt, Inc. for Disaster Recovery Services and debris removal services on an as needed basis in the event of a natural disaster, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- C. Change order in the amount of \$40,000 / Mead & Hunt for contractual services in the building division

Motion:

Commissioner Hartman moved to approve a change order in the amount of \$40,000: Mead & Hunt for contractual services in the building division, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- D. Renewal of street sweeping contract with USA Services of Florida, Inc.

Motion:

Commissioner Hartman moved to approve the renewal of street sweeping contract with USA Services of Florida, Inc., as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- E. Road Closure Request – South Riverside Drive between 4th and 5th Street for a duration of approximately four months.

Motion:

Commissioner Hartman moved to approve a road closure request - South Riverside Drive between 4th and 5th Street for a duration of approximately four (4) months. The closure is required in order to replace Lift Station #11 and upgrade the sanitary sewer infrastructure into and out of the lift station, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- F. Interlocal Airport Zoning Agreement between the City of New Smyrna Beach and the Town of Ponce Inlet: Florida Statutes, Chapter 333

Motion:

Commissioner Hartman moved to approve an Interlocal Airport Zoning Agreement between the City of New Smyrna Beach and the Town of Ponce Inlet: Florida Statutes, Chapter 333, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- G. Review Purchase Order Change (\$1,600) for S&ME Inc. for a total amount of \$26,158 for consulting services on the SR 44 Corridor Overlay Zone (COZ)

Motion:

Commissioner Hartman moved to approve a Purchase Order Change (\$1,600) for S&ME Inc. for a total amount of \$26,158 for consulting services on the SR 44 Corridor Overlay Zone (COZ), as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- H. Approval of the recommendations for the third year of not-for-profit Homeless and Disadvantaged Grants to seven different programs totaling \$25,000 in grant funds.

Commissioner Sachs asked if the funds could be increased.

City Manager Brangaccio stated that a serious conversation needed to happen in the future and this would be a discussion topic. She stated there was still some moving pieces.

Community Resource Coordinator Donna Banks stated that everyone was funded and no one was excluded. She stated that since they all got together, they found they were not talking to each other and stated it was a positive difference to have a meeting with everyone, communication improved. She thanked Chief Coffin for his help.

Mayor Hathaway shared that the City Commission worked very hard on the budget and from his perspective, City Staff did a great job.

Commissioner Reiker stated that if the new commission were to vote on items like this in the future, then they need to approve the millage rate increases.

Motion:

Vice Mayor McGuirk moved to approve the recommendations for the third year of not-for-profit Homeless and Disadvantaged Grants to seven different programs totaling \$25,000 in grant funds, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- I. Approve the Palms Phase 4 Subdivision Plat and authorize the Mayor to execute the Contract for Plat Recording. This Plat contains 118 townhome lots and 64 modern duplex lots out of a total 42.52 acres. Application No. S-3-18.

Motion:

Commissioner Hartman moved to approve Application No. S-3-18: The Palms Phase 4 Subdivision Plat and authorize the Mayor to execute the Contract for Plat Recording, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- J. Approval of Live Oak Cultural Center Change Order #3 for \$50,788.30 to the \$2.1M Construction Contract

Motion:

Commissioner Hartman moved to approve the Live Oak Cultural Center Change Order #3 for \$50,788.30 to the \$2.1M Construction Contract, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- K. **Approved a Special Events: Bike Week Camping at the VFW, October 18, 2018 to October 21, 2018**

Motion:

Commissioner Hartman moved to approve a Special Event: Bike Week Camping at the VFW, October 18, 2018 to October 21, 2018, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- L. **Approve a Special Event: New Smyrna Beach Annual Christmas Parade, December 1, 2018, and associated street closure of A1A from 3rd Avenue to Flagler Avenue, Flagler Avenue from A1A to the North Causeway to Riverside Drive, Riverside Drive to the South Side of Canal Street, Canal Street to Orange Avenue, beginning at 5:30 a.m. to completion of the parade**

Motion:

Commissioner Hartman moved to approve a Special Event: New Smyrna Beach Annual Christmas Parade, December 1, 2018, and associated street closure of A1A from 3rd Avenue to Flagler Avenue, Flagler Avenue from A1A to the North Causeway to Riverside Drive, Riverside Drive to the South Side of Canal Street, Canal Street to Orange Avenue, beginning at 5:30 a.m. to completion of the parade, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- M. **Approve Special Event: The Great Candy Race, October 13, 2018 from 8 a.m. to 11 a.m. and associated street closure of Pine Street from Jessamine and Flagler Avenue**

Motion:

Commissioner Hartman moved to approve a Special Event: The Great Candy Race, October 13, 2018 from 8 a.m. to 11 a.m. and associated street closure of Pine Street from Jessamine and Flagler Avenue, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- N. **Approve a Special Event: Halloween Parade and Costume Contest and associated street closure of Canal Street from US1 to Riverside Drive on October 31, 2018, from 7 a.m. to 8 p.m.**

Motion:

Commissioner Hartman moved to approve a Special Event: Halloween Parade and Costume Contest and associated street closure of Canal Street from US1 to Riverside Drive on October 31, 2018, from 7 a.m. to 8 p.m., as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- O. **Approve Special Event; Flamingo Follies and associated street closure of east side of Peninsula Avenue to the west side of A1A from 5 a.m. Saturday, November 10, 2018 to 7:30 p.m. Sunday, November 11, 2018**

Motion:

Commissioner Hartman moved to approve a Special Event: Flamingo Follies and associated street closure of east side of Peninsula Avenue to the west side of A1A from 5 a.m. Saturday, November 10, 2018 to 7:30 p.m. Sunday, November 11, 2018, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- P. **3593: Special Events: Peace Market**

Motion:

Commissioner Hartman moved to approve a Special Event: Peace Market, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Consider Two Code Enforcement Lien Reduction Requests - 707 Cheston Street - Marshall C. Fields and 673 Middlebury Loop - Amanda Hurst

Motion:

Vice Mayor McGuirk moved to approve Code Enforcement Lien Reduction Requests for 707 Cheston Street with a total amount due of \$6,816.15 and 673 Middlebury Loop with a total amount due of \$15,102.79. Commissioner Reiker seconded the motion, and the motion carried 3-2 by majority vote, with Commissioner Hartman and Commissioner Sachs voting no.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Jason McGuirk, Vice Mayor
SECONDER:	Judy Reiker, Commissioner
AYES:	McGuirk, Hathaway, Reiker
NAYS:	Sachs, Hartman

- B. Interlocal Agreement with Volusia County for 10th Street Widening and Authorization for Mayor to Execute Quit Claim Deed

Motion:

Commissioner Hartman moved to approve an Interlocal Agreement with Volusia County for 10th Street Widening and Authorization for Mayor to Execute a Quit Claim Deed, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

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

- C. Transportation Impact fee proposal by Traffic Engineering Data Solutions Inc. (TEDS), which utilizes Duncan Associates as a sub-contractor, for \$41,000, to be funded with Transportation Impact Fees.

Commissioner Sachs wondered if he could get some consensus about getting traffic signals at the Fire Stations. He stated that he was hoping for a consensus to push the Florida Department of Transportation (FDOT) to help us with flashing yellow lights.

City Manager Brangaccio stated that the problem has never been money. She stated FDOT was not requiring a light at the Hyatt Hotel and added that the good news was that SR44 and Mission Road would be realigned.

Motion:

Commissioner Reiker moved to approve the Transportation Impact fee proposal by Traffic Engineering Data Solutions Inc. (TEDS), which utilizes Duncan Associates as a sub-contractor, for \$41,000, to be funded with Transportation Impact Fees, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

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

9. BOARDS AND COMMISSIONS

- A. Consider the Appointment of a Member to the Animal Control Board to two-year terms to expire September 13, 2019.

Motion:

Commissioner Sachs moved to appoint Kathy Blackman as a member of the Animal Control Board to a two-year term expiring on September 13, 2019. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

10. CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Brangaccio thanked Public Information Officer Phil Veski for a job well done concerning the Turnbull Bay Bond Information. She asked for prayers for Bay County residents during the hurricane.

11. CITY CLERK'S REPORT

Mayor Hathaway provided an update on City Clerk Johnny Bledsoe's medical condition.

12. CITY ATTORNEY'S REPORT

City Attorney Avallone stated that it was the decision of the current City Commission to decide what date the item of the Historic Tree Removal, HTR-9-18 would be on placed on the agenda.

City Commission consensus was to place the item of Historic Tree Removal HTR-9-18 on the November 27, 2018 agenda.

13. ADJOURNMENT

As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 8:23 PM.