



Tuesday, October 23, 2018
City Commission Regular Meeting
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 23, 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 Lieutenant Shane Riggle, Fire Chief Shawn Vandemark, 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, City Engineer Kyle Fegley, Maintenance Operations Director Faith Miller 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 no changes to the published agenda.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Fire Chief VanDemark will conduct the Pinning Ceremony of the new Deputy Chief of the New Smyrna Beach Fire Department

Fire Chief Vandemark conducted the Pinning Ceremony of Deputy Chief Ted Shistle of the New Smyrna Beach Fire Department.

B. Proclamation: Recognizing Jimmy Harrell Day to honor the life and legacy of Mr. Jimmy Harrell

Mayor Hathaway recognized Jimmy Harrell for his years of dedication and service to the citizens of New Smyrna Beach. He presented Mr. Harrell with a proclamation declaring October 28, 2018 "Jimmy Harrell Day".

Mr. Harrell thanked the City Commission and citizens and appreciated the recognition.

Reverend Jeffrey Dove thanked the City Commission for their service and was grateful that Mr. Harrell was recognized.

C. Presentation: Southeast Volusia Chamber of Commerce

Sue Williams, Executive Vice President of the Southeast Volusia Chamber of Commerce and Bliss Jamison, Chamber of Commerce Board Member, gave a brief update of chamber activities and outlined a presentation regarding the Southeast Volusia Marketing Initiative.

3. MAYOR AND COMMISSION REPORTS

Commissioner Hartman stated that it was an honor and privilege to have served with Commissioner Reiker and Mayor Hathaway for the past two years. He remarked that they were both kind, forgiving and they offered him their friendship. He appreciated that and commented on Commissioner Reiker's passion for action on the State level, her involvement in the Volusia League of Cities and compassionate side-sharing those attributes would be missed. He commented on Mayor Hathaway's amazing commitment to the City and its residents, his knowledge of how city government has worked along historical guidance he provided and shared that would be missed. He wished them both the best as they closed this chapter of their lives.

Vice Mayor McGuirk commented on joining the City Commission six years ago and remarked that it was a life changing event and something he would always remember. He cherished the integrity and professionalism that Commissioner Reiker and Mayor Hathaway exhibited. He thanked them for making the City Commission and City a much better place. He thanked them for being such solid commissioners.

Commissioner Sachs commented on being the luckiest on the dais because he sat in between Commissioner Reiker and Mayor Hathaway. He stated they made a difference for the good and hoped to take some of their thoughts and go forward with his other colleagues. He hoped that they would visit in the future. He thanked them for their patience, time and assistance.

Commissioner Reiker was thankful for the opportunity to serve for the past nine years. She thanked the City Manager and Assistant City Manager for their leadership. She expressed her gratitude to the City Clerk, City Attorney and Commissioners for their assistance over the years. She reflected on the past and was proud of the accomplishments they were able to achieve as a team. She stated it was a bittersweet night. She stated she would miss her political family, but was looking forward to what God had next for her as she closed this chapter of her life. She wished everyone well and the best as she sailed her ship to new places.

Commissioner Reiker addressed Mayor Hathaway and stated he led a progressive Commissioner. She commented on the various city improvements that he was a part of; to include the redevelopment of US1, Islesboro projects, local park development and various other projects. She stated there was never a meeting he missed or a citizen call that he did not return and shared that his stewardship to the City of New Smyrna Beach was 24/7. She asked the Mayor to pass the gavel to Vice Mayor McGuirk so that she

could make a motion.

Motion:

Commissioner Reiker moved to formally name the City Hall Annex Commission Chamber the "James W. Hathaway Commission Chambers". Vice Mayor McGuirk seconded the motion and the motion was unanimously approved.

Vice Mayor McGuirk presented Mayor Hathaway with a proclamation formally naming the "James W. Hathaway Commission Chambers".

City Manager Brangaccio presented Mayor Hathaway with a plaque on behalf of the employees of the City of New Smyrna Beach.

Assistant City Manager Resheidat presented Commissioner Reiker with a plaque on behalf of the employees of the City of New Smyrna Beach.

Planning and Zoning Director Amye King and City Engineer Kyle Fegley presented Mayor Hathaway and Commissioner Reiker each with a metal photo panel of the City of New Smyrna Beach on behalf of the Planning, Engineering and Building Departments.

Mayor Hathaway stated that it had been quite a journey. He thanked the citizens for allowing him to serve the community for the past twenty-two years. He shared that it was his privilege and honor to do so. He expressed his gratitude to City Staff and fellow Commissioners and stated that he would miss everyone. He wished nothing but the best for the new coming commission, hoped that they have much success, and believed that things would only get brighter and better in New Smyrna Beach in the future. He thanked everyone present and thanked his wife for her support over the years.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

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 second time by title only.

Interim Finance Director Lewie Wise outlined the proposed ordinance, which if adopted, would amend the FY 2018-2019 Budget for Swoope Boat Ramp Parking Expansion and a replacement vehicle in the Building Division.

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. 54-18, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jason McGuirk, Vice Mayor
SECONDER:	Randy Hartman, 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 second time by title only.

City Manager Brangaccio outlined the proposed ordinance, which if adopted, would repeal and replace in its entirety City Code Appendix A, Policy and Procedures for employees.

Mayor Hathaway thanked Commissioner Hartman for his diligent work reviewing the policy changes.

Mayor Hathaway opened the public hearing.

Steve Provost, 1805 Beacon Street, thanked Mayor Hathaway and Commissioner Reiker for their service to the City of New Smyrna Beach.

Mayor Hathaway closed the public hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 55-18, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

5. PUBLIC PARTICIPATION

Lillian Conrad, 212 Palmetto Street business owner, thanked the City Commission for all they have done to serve the citizens over the years. She commented on the 10th Anniversary of the Christmas on Canal Event. She was thankful for the City providing the holiday lighting and hoped that the City Commission would approve the application to close the street during the upcoming holiday event.

Randy Herman, 108 Esther Street, shared a joke with the City Commission. He thanked them for their service throughout the years. He thanked Commissioner Reiker and Mayor Hathaway for their deep commitment to the City. He asked the City Commission to support the reappointment of two members of the Planning and Zoning Board.

Spencer Hathaway, Mayor Hathaway's son, gave a very touching speech in honor of his father. He stated that he was a young child when his father took office and remarked that he was happy his father would be spending more time at home. He stated he was proud of his father and what he has done for the City.

Mike Kolody, 105 Via Capri, shared that he has attended many meetings in the past and recognized that the members of the City Commission always had the City's and citizens best interest. He commented in support of the reappointment of two members to the Planning and Zoning Board.

6. ORDINANCES - FIRST READING

No action.

7. CONSENT AGENDA

- A. Approve the Minutes of City Commission Meeting held October 9, 2018.

Motion:

Commissioner Sachs moved to approve the minutes of City Commission Meeting held October 9, 2018, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- B. Approval of Proposal for Development Density Definition/ Calculation study submitted by S&ME, Inc. in the amount of \$22,731.00

Motion:

Commissioner Sachs moved to approve a proposal for the Development Density Definition/Calculation Study submitted by S&ME, Inc. in the amount of \$22,731.00, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- C. Approval of Sole Source for NDI Technologies for a FY 18-19 Police Dept. Impact Fee Purchase (Budget Amendment and Contract to be on future agendas for Commission approvals as well)

Motion:

Commissioner Sachs moved to approve a Sole Source request for NDI Technologies for a FY 18-19 Police Department Impact Fee Purchase, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- D. Change Order - Swoope Boat Ramp Phase 2 Improvements to Saboungi Construction, Inc. in the amount of \$39,836.71

Motion:

Commissioner Sachs moved to approve a Change Order - Swoope Boat Ramp Phase 2 Improvements to Saboungi Construction, Inc. in the amount of \$39,836.71, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- E. Approval of a grant agreement with the Florida Inland Navigation District (FIND) for mooring field phase I (Design & Permitting)

Motion:

Commissioner Sachs moved to approve a grant agreement with the Florida Inland Navigation District (FIND) for Mooring field phase I (Design & Permitting), as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- F. Agreement with the City of Edgewater to exchange services between the two maintenance operations departments for two specific tasks.

Motion:

Commissioner Sachs moved to approve an agreement with the City of Edgewater to exchange services between the two Maintenance Operations Departments for two specific tasks, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- G. Approval of a Special Event: Antique and Vintage Market and associated road closure, 6:00 a.m. - 7:00 p.m., Saturday, November 3, 2018

Motion:

Commissioner Sachs moved to approve a Special Event: Antique and Vintage Market and associated road closure from 6:00 a.m. - 7:00 p.m. on Saturday, November 3, 2018, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- H. Approval of a Special Event: Spark the Spirit/ Coastal Market and road closure beginning at 3:00 p.m. November 23, 2018 - 7:00 p.m., November 24, 2018.

Motion:

Commissioner Sachs moved to approve a Special Event: Spark the Spirit/Coastal Market and road closure beginning at 3:00 p.m. on November 23, 2018 through 7:00 p.m. on November 24, 2018, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Resolution No. 35-18: Consider the adoption of a resolution in support of establishing a No Wake Zone Minimal Speed from Mile Marker 43 at the North End of Yacht Club Island to the southerly city limits of New Smyrna Beach.

City Attorney Carrie Avallone read Resolution No. 35-18 the first time by title only. She commented on the first draft of the resolution and explained the revisions. She stated this tied in with the report scheduled on the agenda under the City Attorney's Report. She remarked that she researched what it would take to establish a minimal speed. She commented on a provision in the Florida State Statute that provided a process. She stated she had to gather data, create an ordinance, and meet with the US Army Corps of Engineers and the US Coast Guard to request their approval. She stated once approval was granted, she would present the ordinance back to the City Commission. She explained that if the City Commission approved the ordinance, it would be sent to Florida Fish and Wildlife for approval and they would have ninety days to grant approval.

Commissioner Sachs asked if the mooring fields would be so far south that it would justify a no wake zone.

City Attorney Avallone stated she would look into that to possibly use as further justification.

Motion:

Commissioner Reiker moved to approve Resolution No. 35-18: a resolution in support of establishing a No Wake Zone Minimal Speed from Mile Marker 43 at the North End of Yacht Club Island to the southerly city limits of New Smyrna Beach, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

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

9. BOARDS AND COMMISSIONS

- A. Planning and Zoning Board: Appoint/Reappoint members to three-year terms to expire October 31, 2021. The terms of members Jamie Calkins and Stephen Danskine expire on October 31, 2018.

Motion:

Vice Mayor McGuirk moved to reappoint Stephen Danskine and Jamie Calkins to serve three-year terms to expire on October 31, 2021 to the Planning and Zoning Board. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

10. CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Brangaccio commented that City Staff would be wearing bracelets in support of the Florida panhandle in the aftermath of Hurricane Michael. She encouraged all to go online and contribute any way they could in support of the disaster.

11. CITY CLERK'S REPORT

Assistant City Clerk Kelly McQuillen extended best wishes and congratulations to Commissioner Reiker and Mayor Hathaway from City Clerk Johnny Bledsoe who was unable to be present at the meeting.

12. CITY ATTORNEY'S REPORT

City Attorney Avallone expressed her gratitude to the City Commission sharing that they changed her life. She thanked them for taking a chance on her. She commented on Commissioner Reiker's and Mayor Hathaway's grace and intellect while serving and stated that their legacy has been left.

13. ADJOURNMENT

As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 7:59 PM.