



Tuesday, August 8, 2017
Regular Meeting City Commission
Minutes

6:30 PM – Commission Chamber, 210 Sams Ave, New Smyrna Beach, FL 32168

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, August 8, 2017 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.

B. Roll Call

Attendee Name	Title	Status	Arrived
Jason McGuirk	Commissioner	Present	
Jim Hathaway	Mayor	Present	
Judy Reiker	Commissioner	Present	
Jake Sachs	Vice Mayor	Present	
Randy Hartman	Commissioner	Present	

Also present were City Manager Pamela Brangaccio, City Attorney Frank B. Gummey, III, Assistant City Manager Khalid Resheidat, Police Chief Mike Coffin, CRA/Economic Development Director Tony Otte, Planning and Zoning Director Amye King, Leisure Services Director Nancy Maddox, Assistant City Clerk Kelly McQuillen and City Clerk Johnny Bledsoe.

C. Invocation/Pledge of Allegiance

Police Department Chaplain Sheila Turner gave the invocation. Mayor Hathaway led those present in the Pledge of Allegiance.

D. Approval of the Agenda

City Manager Brangaccio announced the following changes to the agenda: Removal of Announcements 2A: Citizen Appreciation award, Consent Item# 7 B Subdivision Plat Application No. S-3-17: The Palms Phase I and Administrative Item C Historic Tree Removal Request HTR-4-17 Publix Shopping Center.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

- A. Presentation of the Citizen Appreciation Award to Citizen Nic Berry for his assistance to local public safety personnel

RESULT: WITHDRAWN

- B. Presentation: Certificate of Appreciation on the occasion of the 50th Anniversary of the National Historic Preservation Act of 1966, which created the Certified Local Government (CLG) program.

Mayor Hathaway presented a Certificate of Appreciation on the occasion of the 50th Anniversary of the National Historic Preservation Act of 1966 to the Historic Preservation Commission. Commission Members Lianne Bennett, Nora Jane Gillespie and Marvin Owens as well as Dorothy "Dot" Moore from the Southeast Volusia Historical Society accepted the certificate.

3. MAYOR AND COMMISSION REPORTS

Commissioner Reiker commented on working with City Clerk Johnny Bledsoe and Public Information Officer Anna Hackett for ideas about City Government Week. She commented on the number of visitors that were in New Smyrna Beach over the Independence Day Holiday. She stated there were approximately 15,000 visitors. She commented that the number of visitors is the reason for the traffic.

Vice Mayor Sachs commented on public safety issues. He addressed some issues, which included adding 15 seconds to the traffic light transition on the southbound Peninsula Avenue traffic light. He commented on flashing beacons to be installed at 8th Avenue and Saxon Avenue. He stated he is trying to get them placed around the City as safety aids. He commented on safety improvements on South Atlantic Avenue. He stated that the problem has not improved. He commented on short term rental properties. He commented on delivery trucks and road space. He commented on smoke in the Sugar Mill area and was concerned about the hardship for nearby residents, such as the elderly. He commented on water quality of the lagoon. He commented on algae blooms. He supported the study to find out what researchers and scientists would discover in the lagoon. He commented on his doctor and mentioned her care and work with the homeless population. He commented on sending a second letter of concern to the Army Corps of Engineers regarding the Webster Creek Development. He commented on hydro blasting.

Commissioner McGuirk commented on the Turnbull Bay Bridge Groundbreaking Ceremony.

Commissioner Hartman commented on the Florida Brownfield Association in Cocoa, Florida. He stated that the Community Gardens was part of the meeting.

Mayor Hathaway commented on the City giving over \$25,000 in grants for the homeless community. He commented on the Community Garden and remarked how the produce will be able to help feed the homeless community. He commented on the Sugar Mill burning issue. He commented on meeting with the CEO of Florida Hospital. He stated the hospital would be located downtown at least for the next ten years. He requested that the first reading of Ordinance No. 66-17 be conducted later in the meeting. He asked Police Chief Coffin to introduce Deputy Chief Jessica Paugh.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 47-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 0.248 acres of property located at 1324 Buck Lane.

City Attorney Gummey read Ordinance No. 47-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would annex approximately 0.248 acres of property located at 1324 Buck Lane.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 47-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

- B. Ordinance No. 48-17: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone annexed property located at 1324 Buck Lane.

City Attorney Gummey read Ordinance No. 48-17, 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 annexed property located at 1324 Buck Lane.

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

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 48-17, as submitted. 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

- C. Ordinance No. 49-17: Conduct the second reading and public hearing of an ordinance, which, if adopted, would amend the Future Land Use of annexed property addressed as 1324 Buck Lane.

City Attorney Gummey read Ordinance No. 49-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend the Future Land Use of annexed property addressed as 1324 Buck Lane.

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

Motion:

Commissioner Reiker moved to adopt Ordinance No. 49-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

- D. Ordinance No. 50-17: PUD-1-17 Florida Days 4th Amendment - Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would approve an amended and restated Master Development Agreement for the Florida Days Planned Unit Development.

City Attorney Gummy read Ordinance No. 50-17, 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 approve an amended and restated Master Development Agreement for the Florida Days Planned Unit Development.

Vice Mayor Sachs commented about the landscape buffer and CCSL.

Ms. King explained the lot description in detail.

The applicant, Mark Rakowski, 22 East 8th Avenue, commented on the CCSL. He commented on buffer sizes.

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

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 50-17, as submitted. 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

- E. Ordinance No. 56-17: Conduct the second reading and second and final of two required public hearings of an ordinance, which if adopted, would amend the Land Development Regulations according to Application No. ZT-5-17 -- Proposed Amendments to the Land Development Regulations Regarding Mini Storage Warehouses, also, Impervious Ratios in the B-3 District.

City Attorney Gummy read Ordinance No. 56-17, 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 according to Application No. ZT-5-17 -- Proposed Amendments to the Land Development Regulations Regarding Mini Storage Warehouses, also, Impervious Ratios in the B-3 District.

Vice Mayor Sachs asked Ms. King to describe the zoning requirements. He believed the structure should be located in an industrial area.

Commissioner McGuirk commended the Planning Staff for taking the initiative to beautify US1.

Glenn Storch, Attorney, outlined a PowerPoint Presentation describing the structure and property.

Mayor Hathaway opened the public hearing.

Susan Bradley, Keller Williams Realty, commented in support of the applicants, Mr. and Mrs. Taylor.

Ellen Darden, 6325 River Road, spoke in support of the ordinance.

Mayor Hathaway closed the public hearing.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 56-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Judy Reiker, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Hartman
NAYS:	Sachs

- F. Ordinance No. 58-17 - Conduct the second reading and second and final of two required public hearings of an ordinance, which if adopted, would amend the Land Development Regulations, Section 504.02 to add Wedding Venues as a Conditional Use in the A-1 Prime Agriculture and A2 Agriculture Zoning Districts. ZT- 4-17.

City Attorney Gummey read Ordinance No. 58-17, 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, Section 504.02 to add Wedding Venues as a Conditional Use in the A-1 Prime Agriculture and A2 Agriculture Zoning Districts. ZT- 4-17.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 58-17, as submitted. The second reading and second of the two required public hearings will be held at the regular meeting on Tuesday, August 22, 2017. Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Sachs voting no.

RESULT:	APPROVED AT FIRST READING [4 TO 1]	Next: 8/22/2017 6:30 PM
MOVER:	Randy Hartman, Commissioner	
SECONDER:	Jason McGuirk, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Hartman	
NAYS:	Sachs	

- G. Ordinance No. 59-17: CPA-1-17 - Conduct a Transmittal Public Hearing of an ordinance, which if approved, would make amendments for specific additions to Goal 5 – Residential Development and Neighborhoods of the City's Comprehensive Plan.

City Attorney Gummey read Ordinance No. 59-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would make amendments for specific additions to Goal 5 - Residential Development and Neighborhoods of the City's Comprehensive Plan.

Vice Mayor Sachs commented on concerns with the ordinance text.

Commissioner Reiker commented on sharing ideas.

Discussion ensued about the comprehensive plan.

Mayor Hathaway opened the public hearing.

Debra Dugas, 200 North Pine Street, spoke about the vision statement. She read the vision statement of Coronado Island.

Randy Herman, 108 Esther Street, commented on the ordinance verbiage.

Mayor Hathaway closed the public hearing.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 59-17, as amended to include within the body of the ordinance, the vision statement of Coronado Island. The second reading and public hearing of the proposed will be scheduled for a future meeting. Commissioner Reiker seconded the motion, and the motion carried 4 -1. with Vice Mayor Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Judy Reiker, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Hartman
NAYS:	Sachs

5. PUBLIC PARTICIPATION

Nancy Vaughan, League of Women Voters of Volusia County, commented on the Solar Co-op Launch and stated it would help homeowners learn how to reduce electric bills.

Christel Saylor, 645 Ball Street, commented on the situation about the fence issue at Brilliance Assisted Living Facility. She stated a permit has not been issued yet. She commented on the Blackbeard's Restaurant parking situation.

John Lloyd, 2565 Belmont Street, commented on code enforcement issues on his street.

Curtis Boulware, owner of George Baker Aviation at the airport, commented on an adjustment of his lease agreement. He approved of the provisions, if they are equally and properly shared as the same with his airport neighbor.

Steve Provost, 1805 Beacon Street, commented on the Lake Waterford cul-de-sac. He commented on the mini warehouse tree and encouraged keeping the tree even though it was struck by lightning.

Shyriaka Morris, 541 Washington Street, proposed an after school program to correlate with the Community Garden Program. She commented on offering a program to host children from 5:15 pm - 6:15 pm at no cost for youth up to age of seventeen. She outlined an idea for the after school program. She stated she wanted to use the Pettis Park Pavilion from Monday through Friday and be granted open access to the bathrooms and supply closets at Pettis Park during those times.

Mike Scheer, 3364 Stefano Street, commented on his first encounter with City staff yesterday. He commented on the tree clearing near Venetian Bay. He voiced his concerns about City Staff and Elected Officials not returning his calls.

City Manager Brangaccio suggested coordinating a meeting with Venetian Bay residents. Staff was directed to meet with Mr. Scheer regarding citizen concerns with land clearing activity by Geosam south of their property.

Lisa Martin, 618 South Pine Street, commented on the City of New Smyrna website and requested that staff update the telephone numbers on the site. She commented on reducing traffic in the City by reducing the amount of taxpayer money spent on advertising for the City. She commented on supporting Ms. Morris's proposal for the after school program.

Annette Taylor, 87 Cunningham Drive, commented in support of Ms. Morris's after school program proposal.

Jill Dempsey, 1519 North Peninsula Avenue, commented on the City's Comprehensive Plan. She asked if the plan was self-enforcing. She commented on the hydro blasting in Mosquito Lagoon.

Dale Williams, 1048 Clubhouse Boulevard, commended the City staff for job well done on the US1 redevelopment. He asked the City Commissioners for their support on US1 redevelopment.

6. ORDINANCES - FIRST READING

- A. Ordinance No. 52-17; Conduct the second reading and public hearing of an Ordinance, which if adopted, would grant a Non-exclusive Construction and Roll-off Service Franchise to GEL Recycling

City Attorney Gummey read Ordinance No. 52-17 the first time, by title only.

Motion:

Commissioner McGuirk moved to approve on the first reading Ordinance No. 52-17, 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 6:30 PM
MOVER:	Jason McGuirk, Commissioner	
SECONDER:	Randy Hartman, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- B. Ordinance No. 54-17; Conduct the second reading and public hearing of an Ordinance, which if adopted, would grant a Non-exclusive Construction and Roll-off Service Franchise to Bob Randolph Trucking & Loader Service, Inc.

City Attorney Gummey read Ordinance No. 54-17 the first time, by title only.

Motion:

Commissioner Reiker moved to approve on the first reading Ordinance No. 54-17, as submitted. Commissioner 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 6:30 PM
MOVER:	Judy Reiker, Commissioner	
SECONDER:	Jason McGuirk, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- C. Ordinance No. 55-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 15.7 acres of property addressed as 2310 Doster Drive.

City Attorney Gummey read Ordinance No. 55-17 the first time, by title only.

Motion:

Commissioner Hartman moved to approve on the first reading Ordinance No. 55-17, as submitted. Commissioner 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 6:30 PM
MOVER:	Randy Hartman, Commissioner	
SECONDER:	Jason McGuirk, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- D. Ordinance 57-17 ZT-3-17 - Temporary Parking Lots - Conduct the second reading and public hearing of an ordinance, which if adopted, would amend Section 604.09 H of the Land Development Regulations to Change the Maximum Time Period from Five to Two Years.

City Attorney Gummey read Ordinance No. 57-17 the first time, by title only.

Motion:

Vice Mayor Sachs moved to approve on the first reading Ordinance No. 57-17, 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 6:30 PM
MOVER:	Jake Sachs, Vice Mayor	
SECONDER:	Randy Hartman, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- E. Ordinance No. 60-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 1.48 acres of property addressed as 1192 North Golf Lake Drive and 2297 South Glencoe Road.

City Attorney Gummey read Ordinance No. 60-17 the first time, by title only.

Motion:

Commissioner Reiker moved to approve on the first reading Ordinance No. 60-17, 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 6:30 PM
MOVER:	Judy Reiker, Commissioner	
SECONDER:	Randy Hartman, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- F. Ordinance No. 61-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use Categories on the following annexed properties addressed as 1192 North Golf Lake Drive and 2297 South Glencoe Road.

City Attorney Gummey read Ordinance No. 61-17 the first time, by title only.

Motion:

Commissioner Hartman moved to approve on the first reading Ordinance No. 61-17, as submitted. Commissioner 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 6:30 PM
MOVER:	Randy Hartman, Commissioner	
SECONDER:	Jason McGuirk, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- G. Ordinance No. 62-17: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 1.48 acres of annexed properties at 1192 North Golf Lake Drive and 2297 South Glencoe Road.

City Attorney Gummey read Ordinance No. 62-17 the first time, by title only.

Motion:

Vice Mayor Sachs moved to approve on the first reading Ordinance No. 62-17, 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 6:30 PM
MOVER:	Jake Sachs, Vice Mayor	
SECONDER:	Judy Reiker, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- H. Ordinance No. 63-17: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend Ordinance No. 89-06, to establish user charges for the collection of garbage and household trash

City Attorney Gummey read Ordinance No. 63-17 the first time, by title only.

Motion:

Commissioner McGuirk moved to approve on the first reading Ordinance No. 63-17, 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 6:30 PM
MOVER:	Jason McGuirk, Commissioner	
SECONDER:	Judy Reiker, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- I. Ordinance 64-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the October 1st, 2016 - September 30, 2017 budget

City Attorney Gummey read Ordinance No. 64-17 the first time, by title only.

Motion:
 Commissioner Reiker moved to approve on the first reading Ordinance No. 64-17, 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 August 22, 2017.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 8/22/2017 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 Special Meetings held April 26, 2016, March 1, 2017, March 28, 2017 and July 25, 2017; and, Regular Meeting held June 27, 2017

Motion:
 Commissioner McGuirk moved to approve the minutes of City Commission Special Meetings held April 26, 2016, March 1, 2017, March 28, 2017 and July 25, 2017; and, Regular Meeting held June 27, 2017, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- B. Approve Subdivision Plat Application No. S-3-17: The Palms Phase I - the Preliminary & Final Plat for phase I of a proposed residential subdivision, and associated infrastructure improvements, as the initial residential phases, for a proposed total 107 lots within a 27.96 total acre area.

- C. Approve Preliminary and Final Plat Application No. S-2-17: Hawks Cove Preliminary and Final Plat subdivision of Hawks Cove Phase II, for the final seven townhouse units.

Motion:
 Commissioner McGuirk moved to approve the preliminary and final Plat Application No. S-2-17: Hawks Cove Preliminary and Final Plat subdivision of Hawks Cove Phase II, for the final seven townhouse units, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- D. Approve entering into a Dock Easement Agreement with William C. and Kathy Jo Douglass, owners of property at 1200 South Riverside Drive, which if approved, would allow for a new boat dock that would be attached to an existing City Easement.

Motion:

Commissioner McGuirk moved to approve entering into a Dock Easement Agreement with William C. and Kathy Jo Douglass, owners of property at 1200 South Riverside Drive, which if approved, would allow for a new boat dock that would be attached to an existing City Easement, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- E. Approve entering into a Field Rental Agreement with the Professional Soccer Academy / Southeast Volusia Soccer Club, for use of Sports Complex Soccer Facilities.

Motion:

Commissioner McGuirk moved to approve entering into a Field Rental Agreement with the Professional Soccer Academy / Southeast Volusia Soccer Club, for use of Sports Complex Soccer Facilities, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- F. 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 McGuirk 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.

- G. Approve Historic Tree Removal Application No. HTR-5-17: for the removal of a historic tree (41-inch DBH Oak) from the front yard area of an existing undeveloped and wooded parcel generally located north of Juanita Drive and west of Corbin Park Road.

Motion:

Commissioner McGuirk moved to approve a Historic Tree Removal Application No. HTR-5-17: for the removal of a historic tree (41-inch DBH Oak) from the front yard area of an existing undeveloped and wooded parcel generally located north of Juanita Drive and west of Corbin Park Road, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- H. Consider the Adoption of Resolution No. 18-17, to revise the Airport Access Permit Fee for Commercial Through-The-Fence Aviation Users, repealing Resolution 06-17, Airport Access Permit Fee for Commercial Through-The-Fence Aviation Users.

Motion:

Commissioner McGuirk moved to consider the adoption of Resolution No. 18-17, to revise the Airport Access Permit Fee for Commercial Through-The-Fence Aviation Users, repealing Resolution 06-17, Airport Access Permit Fee for Commercial Through-The-Fence Aviation Users, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- I. Consider the Approval and Acceptance of a Federal Aviation Administration Wildlife Hazard Assessments Grant AIP 3-12-0054-021-2017, in the amount of \$89,993.

Motion:

Commissioner McGuirk moved to consider the approval and acceptance of a Federal Aviation Administration Wildlife Hazard Assessments Grant AIP 3-12-0054-021-2017, in the amount of \$89,993, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- J. Approve the purchase of Nine (9) New Scoreboards for the Sports Complex, and complete the replacement of all scoreboards at the facility; this item was included in the FY16-17 Budget.

Motion:

Commissioner McGuirk moved to approve the purchase of Nine (9) New Scoreboards for the Sports Complex, and complete the replacement of all scoreboards at the facility; this item was included in the FY16-17 Budget, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- K. Approve a Special Event: Cheeseburger Paradise - Saturday, August 26, 2017, and associated road closure of Lytle Avenue from Riverside Drive to Magnolia Street from 8 a.m. - 11 p.m., as well as a beer garden.

Motion:

Commissioner McGuirk moved to approve a Special Event: Cheeseburger Paradise - Saturday, August 26, 2017, and associated road closure of Lytle Avenue from Riverside Drive to Magnolia Street from 8 a.m. - 11 p.m., as well as a beer garden, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- L. Approve a Special Event: Halloween Parade and Costume Contest - Tuesday, October 31, 2017, and requested road closure of Canal Street from US1 to Riverside Drive and Chamber of Commerce parking lot from 3 p.m. - 7:30 p.m.

Motion:

Commissioner McGuirk moved to approve a Special Event: Halloween Parade and Costume Contest - Tuesday, October 31, 2017, and requested road closure of Canal Street from US1 to Riverside Drive and Chamber of Commerce parking lot from 3 p.m. - 7:30 p.m., as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Review and Consider Special Exception Application No. SE-2-17, a request for a Special Exception Use to allow for a mini-storage warehouse and outdoor storage in a B-3, Highway Business Service Zoning District for property addressed at 1300 North Dixie Freeway.

Motion:

Commissioner McGuirk moved to review and consider Special Exception Application No. SE-2-17, a request for a Special Exception Use to allow for a mini-storage warehouse and outdoor storage in a B-3, Highway Business Service Zoning District for property addressed at 1300 North Dixie Freeway, as submitted. Commissioner Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Randy Hartman, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Hartman
NAYS:	Sachs

- B. Consider Variance Application No. V-14-17, which if granted, would allow an Increase in the maximum cul-de-sac length from 1000 feet to 2000 feet; Eliminate the provision for sidewalks on both sides of the street, and replace with a perimeter trail made of crushed shell or some other non-concrete surface; and, Reduce the required number of subdivision access points from two to one, on property located in the vicinity of Old Mission Road and Eslinger Road. A request for variances in accordance with Section 1010.00 (Subdivisions) of the Land Development Regulations.

Mark Rakowski, consultant for the applicant, spoke in support of the application.

Lisa Martin, 618 South Pine Street, commended the Planning Department for good reasoning.

James Kern, 1105 Adams Avenue, commented on meeting with the developer several times.

Motion:

Commissioner McGuirk moved to Consider Variance Application No. V-14-17, which if granted, would allow an increase in the maximum cul-de-sac length from 1,000 feet to 2,000 feet. Commissioner Reiker seconded the motion, and the motion carried 4-1 with Vice Mayor Sachs voting no.

Motion:

Commissioner Reiker moved to eliminate the provision for sidewalks on both sides of the street, and replace with a perimeter trail made of crushed shell or some other non-concrete surface, as amended to include a single sidewalk on only one side of the street with no more than fifty lots and a donation to the City Sidewalk Mitigation Fund for the Eslinger Road portion only. Commissioner McGuirk seconded the motion and the motion carried 3-2 by majority vote, with Vice Mayor Sachs and Commissioner Hartman voting no.

Motion:

Commissioner Hartman moved to reduce the required number of subdivision access points from two to one. Commissioner McGuirk seconded the motion, and the motion carried 3-2 by majority vote, with Vice Mayor Sachs and Commissioner Reiker voting no.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman

C. Consider Historic Tree Removal Application No. HTR-4-17: a request to remove two Historic Oak trees, measuring 37.5" and 44" DBH, within existing parking lot islands in the front yard area of a 20+ acre eastern portion of an existing shopping center, generally located on the south side of State Road (SR) 44 addressed as 1900 SR 44 1900 SR 44 - Publix Shopping Center Expansion. Staff recommends denial.

RESULT:	TABLED [UNANIMOUS]	Next: 9/12/2017 6:30 PM
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

D. Consider Historic Tree Removal Application No. HTR-6-17: to remove a Historic Oak Tree measuring 42 inches DBH, within a proposed parking driveway on property at 1300 North Dixie Freeway. Staff has recommended denial of the request; and recommends that the site plan be modified.

Glenn Storch, Attorney, commented on the tree and stated that he believed eleven 4" oak trees would last one hundred years and the tree that is currently there will only last a few more years.

Jack Holcomb, 417 Quay Assisi, commented on the tree and said he had seen lightning strike it.

Mr. Randy Herman, 108 Esther Street, commented about the landscaping.

Steve Provost, 1805 Beacon Street, supported removing the historic tree.

Motion:

Commissioner McGuirk moved to consider Historic Tree Removal Application No. HTR-6-17: to remove a Historic Oak Tree measuring 42 inches DBH, within a proposed parking driveway on property at 1300 North Dixie Freeway, as submitted. Commissioner Reiker seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Sachs voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Judy Reiker, Commissioner
AYES:	McGuirk, Hathaway, Reiker, Hartman
NAYS:	Sachs

9. BOARDS AND COMMISSIONS

- A. Leisure Activities Advisory Board - Appoint/Reappoint members to three-year terms to expire June 22, 2020

Motion:

Commissioner Reiker moved to appoint Noel Bickford and Patricia Gray and reappoint Shyriaka Morris and Marilyn Stephens to a three-year term to expire on June 22, 2020 to the Leisure Activities Advisory Board. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

10. CITY MANAGER'S REPORT

There was none.

- A. City Manager's Report

11. CITY CLERK'S REPORT

There was none.

12. CITY ATTORNEY'S REPORT

City Attorney Gummey read Ordinance No. 66-17 the first time, by title only.

Motion:

Commissioner Reiker moved to approve Ordinance No. 66-17, which if adopted, would, amend Section 74-106, *City Code*, to increase the public service tax on the purchase of electricity and metered or bottled gas from 9% to 10%, effective January 1, 2018. Commissioner McGuirk seconded the motion, and the motion carried unanimously. The second reading and public hearing will be held at the regular City Commission meeting scheduled for August 22, 2017.

13. ADJOURNMENT

As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 10:33 PM.