



**Tuesday, August 22, 2017**  
**Regular Meeting City Commission**

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

**1. OPENING OF MEETING**

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**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 22, 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, Interim 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, Community Resource Coordinator Donna Banks, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

**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 reported the following changes to the agenda: Removal of Consent Agenda Item O, Special Event: Great Candy Race October 14, 2017 and the addition of Administrative Item B- Approve the releasing of 44 slips from the City's slip pool in support of the Swoope Boat Ramp Project.

## **2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS**

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- A. Presentation: Saralee L. Morrissey, Director of Planning for Volusia County Schools will give an update regarding the Chisholm Elementary Replacement School Plans.

Volusia School Board Director of Planning Saralee Morrissey outlined a PowerPoint Presentation for the City Commission to showcase the Chisholm Elementary replacement school plans. She introduced Chisholm Elementary School Principal Craig Zablo, Chisholm Elementary School Assistant Principal Leigh Reischmann, Planning Specialist Rob Brinson- Zev Cohen and Associates, Planner Brian Simms and Rhodes and Brito Architect Byron Lastrapes.

## **3. MAYOR AND COMMISSION REPORTS**

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Commissioner Reiker commented on attending the Police and Fire Open House. She commented on the Florida League of Cities Conference. She commented on possible new visions for New Smyrna Beach. She commented on the character of the City and the design concepts for how the City would look with new developments. She commented on trust; referring to a book named "Moving at the Speed of Trust". She stated it was an important book to read. She commented on follow up comments from the last City Commission meeting. She heeded the suggestion to decrease advertising and stated she would meet with the Southeast Volusia Tourism Society.

Vice Mayor Sachs congratulated the citizens who lobbied to keep the drawbridge opening times from three times an hour to two times an hour. He commented on the Saxon Avenue maintenance work. He commented on Webster Creek and stated they are hydro leveling the area and using the rest as a mitigation bank. He commented on Christmas on Canal Street. He stated he received an alarming email about the decrease of holiday lights. He urged the City to enhance the lights this season, perhaps to highlight the lights this season.

Commissioner McGuirk commented on the Florida League of Cities Conference. He attended a seminar on home rule, stating the tremendous problems we are having. He commented on the outstanding speech that retired Dallas Police Chief David Brown gave. He commented on the sessions that Commissioner Reiker referenced and supported her vision of the City.

Commissioner Hartman extended his thoughts to the Law Enforcement Agency due to all of the recent tragedies. He commented on the Florida League of Cities fireworks show. He reminded all of Saturdays Community Garden workday.

Mayor Hathaway agreed with Vice Mayor Sachs about the Christmas tree lighting. He requested staff coordinate the placement of holiday lighting up into the palm fronds. He wanted to revisit the holiday lighting on Canal Street. He commented on the Public Safety event. He commented on the Florida League of Cities Conference, stating this was his 20th conference. He stressed the importance of maintaining Home Rule at the local level and urged citizens to contact their local legislative delegation.

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

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- A. Ordinance No. 65-17: Conduct the second reading and second and final of two required public hearings of an ordinance, which if adopted, would amend Section 504.01 of the Land Development Regulations to prohibit medical marijuana dispensaries within the boundaries of the City.

City Attorney Gummey read Ordinance No. 65-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, conducting the first of two required public hearings of an ordinance, which if adopted, would amend Section 504.01 of the Land Development Regulations to prohibit medical marijuana dispensaries within the boundaries of the City.

Mayor Hathaway opened the public hearing.

Lea Bartos, 2831 Kumquat Drive, spoke in support of the dispensaries referencing personal loss.

John Schommer, 4160 Saxon Drive, spoke in support of the dispensaries.

Mayor Hathaway closed the public hearing.

Commissioner McGuirk asked City Attorney Gummey to clarify the terminology about the LDR's.

City Attorney Gummey outlined the regulations and explained the boundaries of the City. He stated we could include the repeal language. He stated it was relatively cumbersome and suggested choosing a period of time to ensure accuracy. He spoke with some members of Commission about possibly having a workshop.

Commissioner McGurk's recommendation would be to extend the moratorium for five months.

Vice Mayor Sachs stated he was convinced that this is imperative to enact this today. He commented on remedies and cures for the ailments of cancer.

Commissioner Reiker commented on the state making this a zoning issue versus the citizens. She commented on this being a new type of thing trying to fit into an old type of zoning.

**Motion:**

Commissioner McGuirk moved to adopt Ordinance No. 65-17, as amended to add a provision that the prohibition would sunset January 31, 2018. Commissioner Reiker seconded the motion, and the motion carried 3-2, with Vice Mayor Sachs and Commissioner Hartman voting no.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [3 TO 2]</b>	<b>Next: 9/19/2017 6:30 PM</b>
<b>MOVER:</b>	Jason McGuirk, Commissioner	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker	
<b>NAYS:</b>	Sachs, Hartman	

- B. 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 second time by title only.

City Manager Brangaccio outlined the proposed ordinance, which if adopted, would grant a Non-exclusive Construction and Roll-off Service Franchise to GEL Recycling.

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. 52-17, as submitted. 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

- C. 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 second time by title only.

City Manager Brangaccio outlined the proposed ordinance, which if adopted, would grant a Non-exclusive Construction and Roll-off Service Franchise to Bob Randolph Trucking.

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. 54-17, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

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

- D. 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 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 approximately 15.7 acres of property addressed as 2310 Doster Drive.

Mayor Hathaway opened the public hearing.

Richard Weaver, property owner, commented about the rezoning.

Mayor Hathaway closed the public hearing.

**Motion:**

Commissioner Reiker moved to adopt Ordinance No. 55-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

- E. 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 second time by title only.

Planning and Zoning Director Amye King outlined the proposed 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.

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. 57-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

- 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, conducting 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.

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. 58-17, as amended to change the time from 2:00 am to midnight on Friday and Saturday nights. Commissioner Reiker seconded the motion, and the motion carried 4-1, with Vice Mayor Sachs voting no.

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

G. 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 second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would annex approximately 1.48 acres of property addressed as 1192 North Golf Lake Drive and 2297 South Glencoe Road.

Commissioner Hartman asked if there was sewer service available. Ms. King answered there was not.

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. 60-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

H. 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 second time by title only.

Planning and Zoning Director Amye King outlined the proposed 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.

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. 61-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

- I. 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 second time by title only.

Mayor Hathaway reminded Planning and Zoning Director Amye King that she remained under oath. She outlined the proposed ordinance, which if adopted, would rezone approximately 1.48 acres of annexed properties at 1192 North Golf Lake Drive and 2297 South Glencoe Road.

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. 62-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

- J. 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 second time by title only.

City Manager Brangaccio outlined the proposed ordinance, which if adopted, would amend Ordinance No. 89-06, to establish user charges for the collection of garbage and household trash.

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. 63-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

- K. 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 second time by title only.

Finance Director Althea Philord outlined the proposed ordinance, which if adopted, would amend the October 1, 2016 - September 30, 2017 adopted City budget.

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. 64-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

- L. Ordinance No. 66-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would increase the public service tax on the purchase of electricity and metered or bottled gas from 9% to 10%, effective January 1, 2018.

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

Finance Director Althea Philord and City Manager Brangaccio outlined the proposed ordinance, which if adopted, would increase the public service tax on the purchase of electricity and metered or bottled gas from 9% to 10%, effective January 1, 2018.

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. 66-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

**5. PUBLIC PARTICIPATION**

Lillian Conrad, 2700 N. Peninsula Avenue #416, commented on the support that the City gave her business. She was appreciative.

Edward Barnes, 107 Washington Street, commented on the prohibition of medical marijuana dispensaries. He stated he is against drugs and alcohol; however, he does support the medicinal use of marijuana.

John Schommer, 4160 Saxon Drive, commented on the marijuana dispensary locations. He stated he researched the location of the pharmacies and asked about grandfathering in the present pharmacies. He commented on the prescription versus recreational use. He commented on garbage collection and asked about saving money by curbing back the pickup times per week. He commented on the increase of the KCG contract. He agreed with Commissioner Reiker's vision for City Development.



Dawn Whiteley, 2071 Marsh Harbor Drive, suggested a moratorium regarding the prohibition of medical marijuana dispensaries.

Shyriaka Morris, 535 Washington Street, thanked the City Commission for their support in the Community Garden.

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

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## **7. CONSENT AGENDA**

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### **A. Approval of the Minutes of City Commission Meetings**

**Motion:**

Commissioner McGuirk moved to approve the minutes of the regular meeting of the City Commission held August 8, 2017, as corrected. Commissioner Reiker seconded the motion, and the motion carried unanimously.

### **B. Lien reduction on the property located at 2549 Crestwood Avenue to \$600.00; which there is agreement to be paid.**

**Motion:**

Commissioner McGuirk moved to approve the lien reduction on the property located at 2549 Crestwood Avenue to \$600.00; which there was agreement to be paid, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

### **C. Approve the Bid Award for Sidewalk project (Milford Place and Sheldon Street) to Sparks Concrete, LLC as well as approval to utilize 2005 General Obligation Funds, and the CDBG grant award to complete the project.**

**Motion:**

Commissioner McGuirk moved to approve the bid award for the sidewalk project (Milford Place and Sheldon Street) to Sparks Concrete, LLC as well as approval to utilize 2005 General Obligation Funds, and the CDBG grant award to complete the project, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

### **D. Approve the Removal of Obsolete Asset Inventory from the City's current Capital Equipment Assets (five vehicles to be offered for sale at auction).**

**Motion:**

Commissioner McGuirk moved to approve the removal of Obsolete Asset Inventory from the City's current Capital Equipment Assets (five vehicles to be offered for sale at auction), as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

### **E. Approve a One-Year Contract Renewal with TD Bank for the period October 17, 2017 through October 17, 2018**

**Motion:**

Commissioner McGuirk moved to approve a one-year contract renewal with TD Bank for the period October 17, 2017 through October 17, 2018, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

### **F. Approve entering into a Standard Rental Agreement with Cintas Corporation for uniforms for Maintenance Operations Department employees**

**Motion:**

Commissioner McGuirk moved to approve entering into a Standard Rental Agreement with Cintas Corporation for uniforms for Maintenance Operations Department employees, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- G. Approve an increase to the purchase order for Kelly, Collins and Gentry (KCG) from \$24,000 to \$ 49,000 to assist with the review of the large volume of development applications.

**Motion:**

Commissioner McGuirk moved to approve an increase to the purchase order for Kelly, Collins and Gentry (KCG) from \$24,000 to \$49,000 in order to assist with the review of the large volume of development applications, as submitted. Commissioner Reiker seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Sachs voting no.

- H. Approve a one-year extension to the Health Insurance Broker Services Agreement with Brown and Brown of Florida, Inc., for the period of September 1, 2017 to August 31, 2018

**Motion:**

Commissioner Hartman moved to approve a one-year extension to the Health Insurance Broker Services Agreement with Brown and Brown of Florida, Inc., for the period of September 1, 2017 to August 31, 2018, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried 4-0, with Commissioner McGuirk abstaining due to a declared voting conflict.

- I. Adopt Resolution No. 20-17: Adopting Stormwater Non-Ad Valorem Special Assessment Roll - Fiscal Year 2017-18 (this reflects the \$1 increase approved by the Commission in July 2017)

**Motion:**

Commissioner McGuirk moved to adopt Resolution No. 20-17: Approving the Stormwater Non-Ad Valorem Special Assessment Roll - for Fiscal Year 2017/2018, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- J. Approve 2017-2018 CDBG Substitute Project - Parking Lot for the New Smyrna Beach Housing Authority's Community Resource Center located at 600 Greenlawn Street, NSB, Florida

**Motion:**

Commissioner McGuirk moved to approve the 2017-2018 CDBG Substitute Project - Parking Lot for the New Smyrna Beach Housing Authority's Community Resource Center located at 600 Greenlawn Street, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- K. Approve the Ratification of the Collective Bargaining Agreement with LIUNA Local 630, effective October 1, 2017 to September 30, 2018

**Motion:**

Commissioner McGuirk moved to approve the ratification of the Collective Bargaining Agreement with LIUNA Local 630, effective October 1, 2017 to September 30, 2018, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- L. Approval of Subdivision Plat application S-3-17: The Palms Phase I

**Motion:**

Commissioner McGuirk moved to approve subdivision plat application S-3-17: The Palms Phase I, Final Plat, as submitted. Commissioner Hartman seconded the motion, and the motion carried 4-1 majority vote, with Vice Mayor Sachs voting no.

- M. Approve the granting of a temporary Easement to the County of Volusia in the right-of-way from the City along Sapphire Road for an under and above ground dredging pipeline.

**Motion:**

Commissioner McGuirk moved to approve the granting of a temporary Easement to the County of Volusia in the right-of-way from the City along Sapphire Road for an under and above ground dredging pipeline, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- N. Approve a Special Event: Blocktoberfest & Public Power Day - October 7, 2017 - Requesting road closure: Canal Street from Orange Street to the west side of Sams Avenue as well as Live Oak Street from Downing Street to Canal Street.

**Motion:**

Commissioner McGuirk moved to approve a Special Event: Blocktoberfest & Public Power Day - October 7, 2017, as well as the requested road closures: Canal Street from Orange Street to the west side of Sams Avenue as well as Live Oak Street from Downing Street to Canal Street, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- O. Approve the Special Event: The City of New Smyrna Beach Great Candy Race - October 14, 2017, and associated road closure requested on Pine Street between Flagler Avenue and Jessamine Avenue 6 a.m. - 11 a.m.

- P. Approve the Special Event: Biketoberfest Camping at VFW - October 19 - 22, 2017

**Motion:**

Commissioner McGuirk moved to approve the Special Event: Biketoberfest Camping at VFW - October 19 - 22, 2017, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- Q. Approve the Special Event: Night at the Museum - October 20, 2017 - A road closure has been requested for Sams Avenue from Julia Street to Canal Street from 2 p.m. - 11 p.m. In addition, permission is being requested to have a beer garden in front of the museum.

**Motion:**

Commissioner McGuirk moved to approve the Special Event: Night at the Museum - October 20, 2017 - A road closure has been requested for Sams Avenue from Julia Street to Canal Street from 2 p.m. 11 p.m., as well as the requested beer garden in front of the museum, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

- R. Approve a Special Event: Flamingo Follies - November 11 & 12, 2017, and associated road closure of Flagler Avenue from Peninsula Avenue to N Atlantic Avenue from 3 a.m. on Saturday, 11/11/17 through 7 p.m. on Sunday, 11/12/17.

**Motion:**

Commissioner McGuirk moved to approve a Special Event: Flamingo Follies - November 11 & 12, 2017, and associated road closure of Flagler Avenue from Peninsula Avenue to North Atlantic Avenue from 3 a.m. on Saturday, 11/11/17 through 7 p.m. on Sunday, 11/12/17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

## 8. ADMINISTRATIVE ITEMS/NEW BUSINESS

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- A. Consider Giving Staff Direction Regarding a Citizen Request to Amend Section 10-3 of the City Code, Distance Requirement from Churches and Schools for Places of Business where Alcoholic Beverages are served.

City Manager Brangaccio outlined staff's request for direction regarding a citizen request to amend section 10-3 of the City Code, Distance Requirement from Churches and Schools for Places of Business where Alcoholic Beverages are served.

Dale Williams, the applicant, commented on how he felt the existing regulations was not fair in all cases. He also commented on the existing licensing requirements, as well as his suggestion for a rewritten code.

Commissioner Hartman asked if the current restriction was 500 ft. City Attorney Gummey clarified it was 300 ft.

Commissioner McGuirk commented on the issue being very muddy and large.

Commissioner Hartman asked what the distance was now.

Commissioner McGuirk asked about the flip-flopping of tenants.

**Motion:**

Commissioner Hartman moved to direct staff to draft legislation to amend section 10-3 of the City Code, Distance Requirement from Churches and Schools for Places of Business where Alcoholic Beverages are served. Commissioner McGuirk seconded the motion, and the motion was denied 2-2, with Commissioner Reiker abstaining from the vote due to a declared voting conflict and Vice Mayor Sachs and Mayor Hathaway voting no.

<b>RESULT:</b>	<b>DENIED [2 TO 2]</b>
<b>MOVER:</b>	Randy Hartman, Commissioner
<b>SECONDER:</b>	Jason McGuirk, Commissioner
<b>AYES:</b>	McGuirk, Hartman
<b>NAYS:</b>	Hathaway, Sachs
<b>ABSTAIN:</b>	Reiker

## 9. BOARDS AND COMMISSIONS

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- A. Consider Approval of Mayor Hathaway's Reappointment's of Members Charles Licata and William Maul for reappointment as members to the Housing Authority to four-year terms to expire August 31, 2021.

**Motion:**

Vice Mayor Sachs moved to consider approval of Mayor Hathaway's reappointments of Members Charles Licata and William Maul for reappointment as members to the Housing Authority to four-year terms to expire August 31, 2021. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

B. Accept the Voluntary Resignation of a Member and Consider the Appointment of a Citizen as a Member of the Code Enforcement Board to complete the term to expire March 3, 2019

Mayor Hathaway outlined staff's recommendation that the City Commission accept the voluntary resignation of member Justin Traub, and consider the appointment of a citizen to complete Mr. Traub's unexpired term, which would expire March 3, 2019.

Motion:

Commissioner McGuirk moved to accept, with regrets, the voluntary resignation of Justin Traub, as a member of the Code Enforcement Board. Commissioner Reiker seconded the motion and it carried unanimously.

Nomination:

Commissioner Reiker nominated Gregg Nathan for appointment. Vice Mayor Sachs nominated Clifford Wharin for appointment. City Clerk Bledsoe distributed ballots, and then collected them. Mr. Bledsoe reported the results of voting as follows:

Mayor Hathaway voted for Clifford Wharin.

Vice Mayor Sachs voted for Clifford Wharin.

Commissioner Reiker voted for Gregg Nathan.

Commissioner Hartman voted for Gregg Nathan.

Commissioner McGuirk voted for Gregg Nathan.

Gregg Nathan was appointed by majority vote 3-2, as a member to the Code Enforcement Board for the remainder of the term to expire March 3, 2019.

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

## 10. CITY MANAGER'S REPORT

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There was none.

A. City Manager's Report

City Manager Brangaccio reported there were numerous public meetings coming up; such as, The Community Garden on August 26, 2017, a public meeting of SR 44 and Mission Road, FDOT workshops and the joint meeting Utilities Commission and City Commission August 23, 2017.

City Manager Brangaccio introduced Interim Fire Chief Shawn Vandemark.

**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 9:07 PM.