



**Tuesday, October 10, 2017**  
**City Commission Regular Meeting**  
**Minutes**

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

**1. OPENING OF MEETING**

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- A. Call to Order
- B. Roll Call

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 10, 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.

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 Pete Carter gave the invocation. Mayor Hathaway led those present in the Pledge of Allegiance.

- D. Approval of the Agenda

City Manager Brangaccio outlined a request to continue the public hearing of Ordinance No. 76-17 to the regular meeting on December 12, 2017.

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

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### **A. Special Recognitions for Community Businesses, as well as First Responders for service during and after Hurricane Irma**

Police Chief Coffin recognized Larry Mullinax of Mullinax Ford for his support of City Staff during Hurricane Irma.

Police Chief Coffin recognized Commissioner McGuirk for his donations of food and support to the Police Department Staff during Hurricane Irma.

Mayor Hathaway and Police Chief Coffin expressed how fortunate we were to have the support of some local businesses during a major storm event.

Patricia Boswell, Administrator for Florida Department of Health, recognized the City of New Smyrna Beach for the Healthy Weight Award.

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

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Commissioner Hartman commented on having the privilege to visit the homeless camps in New Smyrna Beach. He commended the Police Department for all of their work with the less fortunate. He attended the Children's Walk and he had a wonderful time.

Commissioner McGuirk commented on the Children's Walk and visiting the third grade Government Class. He thanked Police Chief Coffin for the recognition. He commented on visiting the Edgewater Marijuana Dispensary with Police Chief Coffin.

Mayor Hathaway apologized for missing the Reed Pattillo School Event due to a vehicle issue. He commented on three different emails. The first response was directed to Mr. Abbott regarding the Sugar Mill and Pioneer Trail standing water issue, he directed City Staff to look into it Wednesday, October 11, 2017. The second response regarded the broken pump switch on 1st Avenue. He advised that it was currently being repaired. The last response was in regards to beach parking lot pass. He wanted the press to know that residents could go to the Babe James Center to complete the beach pass manually if needed. He commented on the Chisholm Gym and confirmed that the programs that once occurred at the City Gym would now be held at Chisholm Gym.

Vice Mayor Sachs commented about visiting the local schools stating he enjoyed the experience. He commented on the traffic light configuration. He stated that the City would be on a priority list to obtain the plan for the City. He commented on Paint Out Week and mentioned they were talented artists.

Commissioner Reiker had no comments.

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

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### **A. Ordinance No. 73-17: Small-Scale Annexation: Conduct the 2nd reading and public hearing of an ordinance, which if approved, would annex approximately 1.25 acres located at 465 Wildwood Drive.**

City Attorney Gummey read Ordinance No. 73-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would annex approximately 1.25 acres located at 465 Wildwood Drive.

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. 73-17, 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

B. Ordinance No. 74-17: Small-Scale CPA. Conduct the 2nd reading and public hearing of an ordinance, which if approved, would amend the Future Land Use designations on annexed property located at 465 Wildwood Drive.

City Attorney Gummey read Ordinance No. 74-17, 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 designations on annexed property located at 465 Wildwood Drive.

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. 74-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

C. Ordinance No. 75-17: Small-Scale Rezoning. Conduct the 2nd reading and quasi-judicial public hearing of an ordinance, which if approved, would rezone approximately 1.25 acres of annexed property located at 465 Wildwood Drive.

City Attorney Gummey read Ordinance No. 75-17, 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 1.25 acres of annexed property located at 465 Wildwood Drive.

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. 75-17, 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

- D. Ordinance No. 76-17: Large-Scale Annexation Application No. A-8-17, Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 55.56 acres of multiple parcels.

**Motion:**

Commissioner McGuirk moved to continue Ordinance No. 75-17 to Tuesday, September 12, 2017. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 12/12/2017 6:30 PM</b>
<b>MOVER:</b>	Jason McGuirk, Commissioner	
<b>SECONDER:</b>	Jake Sachs, Vice Mayor	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- E. Ordinance No. 79-17: ZT-7-17: LDR Amendments – Conduct the second reading and second and final of two required public hearings of an ordinance, which if adopted, would amend the Recreation and Commercial Marina Zoning Districts

City Attorney Gummey read Ordinance No. 79-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend the Recreation and Commercial Marina Zoning Districts.

Vice Mayor Sachs asked if the buffer could be removed for private or public use.

Ms. King stated the buffer was only for an impervious surface and would only be used for that purpose.

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. 79-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried 4-1 by majority vote, 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

F. Ordinance 80-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the October 1, 2016-September 30, 2017 Budget for debris removal for Hurricane Irma.

City Attorney Gummey read Ordinance No. 80-17, 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 Budget for debris removal for Hurricane Irma.

City Manager Brangaccio outlined a debris pick up map.

Mayor Hathaway stated we were doing the best we can with the resources we had, but we may have to borrow money to cover the remaining debris pickup.

Vice Mayor Sachs thanked the citizens for their patience and resilience on waiting for debris pickup.

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. 80-17, 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

## **5. PUBLIC PARTICIPATION**

Dick Abbot, Sugar Mill resident and community liaison, thanked Mayor Hathaway for speaking up for the Sugar Mill standing water issue that was attracting mosquitos. He mentioned that some residents asked if a "Stop-Water" could be placed on the community and asked if City Staff would look into it.

Mayor Hathaway asked Assistant City Manager Khalid Resheidat to investigate the issue on Wednesday, October 11, 2017.

City Manager Brangaccio stated that City Engineer Kyle Fegley was calling Mosquito Control on Wednesday, October 11, 2017.

Debra Dugas, 200 North Pine Street, delivered petitions from the residents around the area of Flagler Avenue. The petition outlined concerns such as; illegally parked cars, delivery truck sizes and buffer zones, the increase in business traffic and consistent enforcement of parking and speeding issues. She added that parking enforcement officers do a fabulous job. She stated the issues increase during summer and weekends. She suggested a proposed meeting for residents to discuss the issues described within the petition.

Commissioner Reiker suggested not rushing a meeting due to upcoming events, adding it was a good idea to have a meeting in the future.

City Manager Brangaccio commented on laying out the dialog for a year in discussion in December at the Department Head Retreat.

Mayor Hathaway commented on when Volusia County would implement the traffic pattern changes. He commented on diverting traffic into residential neighborhoods and felt it was important to plan an upcoming meeting.

City Manager Brangaccio commented that Volusia County would be visiting the area this week and planned to discuss the coastal issues.

Lisa Martin, 618 South Pine Street, asked for clarification on a couple of topic discussed earlier in the meeting.

Randy Herman, 108 Esther Street, commented on being a trained psychotherapist and commended the Planning and Zoning Staff and the interaction with residents at the meeting last week. He was impressed with the Planning and Zoning Board listening to what residents spoke about.

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

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## **7. CONSENT AGENDA**

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- A. Approve the Minutes of the following City Commission Meetings: Special Emergency Meeting held September 7, 2017; Regular Meeting held September 19, 2017; Special Meeting held September 26, 2017; and Regular Meeting held September 26, 2017

**Motion:**

Commissioner Reiker moved to approve the minutes of the following City Commission Meetings: Special Emergency Meeting held September 7, 2017; Regular Meeting held September 19, 2017; Special Meeting held September 26, 2017; and Regular Meeting held September 26, 2017, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

- B. Approve the Renewal of the Memorandum of Understanding with the Farmer's Market for one year, to expire September 30, 2018.

**Motion:**

Vice Mayor Sachs moved to approve the Renewal of the Memorandum of Understanding with the Farmer's Market for one year, to expire September 30, 2018, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- C. Approve the Renewal of the Annual Agreement with the Southeast Volusia Humane Society, to accept Animals within the City.

**Motion:**

Commissioner Reiker moved to approve the renewal of the annual agreement with the Southeast Volusia Humane Society, to accept Animals within the City, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

- D. Approve entering into a contract with Tom Donatti Building and Roofing, Inc., as a sole source vendor, for water sealing work at City property at 2650 North Dixie Freeway, in an amount not to exceed \$27,450, as funded through a budget transfer from the Building Fund.

**Motion:**

Commissioner Reiker moved to approve entering into a contract with Tom Donatti Building and Roofing, Inc., as a sole source vendor, for water sealing work at City property at 2650 North Dixie Freeway, in an amount not to exceed \$27,450, as funded through a budget transfer from the Building Fund, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

- E. Approve a Special Event: Harley Davidson Biketoberfest 2017 - October 19 -22, 2017, and associated approval of a Beer Garden.

**Motion:**

Commissioner Reiker moved to approve a Special Event: Harley Davidson Biketoberfest 2017 - October 19 -22, 2017, and associated approval of a Beer Garden, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

- F. Approve a Special Event: Run to the Sun November 25, 2017 Temporary road closure (6 a.m.) at Magnolia and Lytle for the start of the race.

**Motion:**

Commissioner Reiker moved to approve a Special Event: "Run to the Sun" on Saturday, November 25, 2017, and the temporary road closure (6 a.m.) at Magnolia and Lytle for the start of the race, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

- G. Approve a Special Event: NSB Annual Christmas Parade - Saturday, 12/2/17 - Requesting approval to close the roads on the parade line up/route, listed below, from 3 p.m. - 6 p.m. The NSBPD will assist with the road closures and traffic control.

**Motion:**

Commissioner Reiker moved to approve a Special Event: NSB Annual Christmas Parade - Saturday, December 2, 2017, as well as the approval to close the roads on the parade line up/route, from 3 p.m. - 6 p.m. The NSBPD will assist with the road closures and traffic control, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

- H. Approve a Special Event: FEC - Toys for Tots - Saturday, December 9, 2017 - Associated road closure of West Canal Street from US1 to just past the FEC railroad track.

**Motion:**

Commissioner Reiker moved to approve a Special Event: FEC - Toys for Tots - Saturday, December 9, 2017, and associated road closure of West Canal Street from US 1 to just past the railroad track, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

## 8. ADMINISTRATIVE ITEMS/NEW BUSINESS

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### A. Discussion: Medical Marijuana Dispensaries

Planning and Zoning Director Amye King commented on Medical Marijuana Dispensaries.

By consensus, Mayor Hathaway directed the Planning and Zoning Staff to continue this item in an effort to present B3 Zoning to the Planning and Zoning Board and have it returned to City Commission for future recommendation for consideration prior to January 31, 2018 as a goal. He directed the GIS staff to create a map showing parks, schools and churches within 500' of a dispensary.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman

## 9. BOARDS AND COMMISSIONS

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### A. Consider Reappointment of Commissioner Jake Sachs to serve as a member of the Police Pension Board, to represent the City Commission, to a 2-year term to expire October 1, 2019.

#### Motion:

Commissioner McGuirk moved to reappoint Vice Mayor Sachs to serve as a member of the Police Pension Board, to represent the City Commission, to a 2-year term to expire October 1, 2019. Commissioner Reiker seconded the motion and motion was unanimously approved.

<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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### A. City Manager's Report

There was none.

## 11. CITY CLERK'S REPORT

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City Clerk Johnny Bledsoe commented on Government Week during the week of October 24, 2017. He commented on visiting New Smyrna Beach High School and speaking with Mr. Woodard's History Class. He mentioned inviting Mr. Woodard's 5th period class to participate in a mock City Commission meeting. He mentioned the 5th period class selected Medical Marijuana for the topic they would like to discuss.



## **12. CITY ATTORNEY'S REPORT**

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- A. Discussion on Process and schedule for the Appointment of a new City Attorney, with the retirement of Mr. Gummey effective January 2018.

City Attorney Gummey commented on the process for appointment of the position he currently holds. He stated that an advertisement has been created. He commented on presenting a short list of applicants at the November 21, 2017 City Commission Regular Meeting. He recommended interviews should be scheduled for December 11, 2017 and December 12, 2017. He stated interviews would be conducted in open session negotiations. He said hopefully that during the end of December 2017, a new City Attorney would be chosen. He stated this is a process that can work if things go well.

## **13. ADJOURNMENT**

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As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 8:06 PM.