



**Tuesday, November 28, 2017**  
**Regular Meeting City Commission**  
**Minutes**

**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, November 28, 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>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
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 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, Finance Director Althea Philord, Public Information Officer Anna Hackett, Capital Projects Manager Michelle Vallance, Airport Manager Rhonda Walker, City Engineer Kyle Fegley, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

**B. Invocation/Pledge of Allegiance**

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

**C. Approval of the Agenda**

City Manager Brangaccio reported no changes to the agenda.

**2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS**

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Mayor Hathaway presented Commissioner Reiker with a gift and card congratulating her for her new position as the President of the Volusia League of Cities.

- A. Presentation of the Florida League of Cities Mayor John Land Years of Service Award to Mayor Hathaway for attaining 20 years of elected municipal service.**

Florida League of Cities League Ambassador for Northeast and Central Florida, Mark Sittig presented Mayor Hathaway the Mayor John Land Years of Service Award for attaining the 20-year milestone as an elected municipal official.

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

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Commissioner Hartman commented on the Thanksgiving Holiday weekend.

Vice Mayor McGuirk commented on the Thanksgiving Holiday and hoped all had a good time. He experienced the Canal Street Holiday Lights and encouraged everyone to attend.

Commissioner Sachs thanked everyone that recently participated in beach clean ups. He attended one recently and stated the cleanup efforts made the beach look pristine. He was delighted to join colleagues at the SUN Ribbon Cutting Ceremony in Edgewater, Florida on November 18, 2017. He commented on the Canal Street Holiday Lights and stated it was a rewarding experience to view the local merchant businesses thriving. He commented on a speeding problem on Magnolia Street and 10th Street.

Commissioner Reiker commented on her Thanksgiving Holiday with family. She enjoyed the SUN Trail Ribbon Cutting Ceremony in Edgewater, Florida.

Mayor Hathaway commented on attending the SUN Trail Ribbon Cutting Ceremony in Edgewater, Florida. He commented on the Spark the Spirit Tree Lighting Ceremony held on November 24, 2017 and was pleased with the events.

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

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- A. Ordinance No. 81-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the City of New Smyrna Beach Firefighter Pension System.

City Attorney Gummey read Ordinance No. 81-17, the second time by title only.

City Manager Brangaccio outlined the proposed ordinance, which if adopted, would amend the City of New Smyrna Beach Firefighter Pension System.

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. 81-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

B. Ordinance No. 85-17: Conduct the second reading and public hearing of an ordinance, if adopted, would amend the Code of Ordinances, Chapter 10, Section 3, Sale prohibited near church or school, by deleting a distance requirement for restaurants selling liquor, beer, or wine for on-site consumption.

City Attorney Gummey read Ordinance No. 85-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend the Code of Ordinances, Chapter 10, Section 3, Sale prohibited near church or school, by deleting a distance requirement for restaurants selling liquor, beer, or wine for on-site consumption.

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. 85-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried by majority vote 3-1, with Commissioner Sachs voting no and Commissioner Reiker abstaining from the vote due to a voting conflict.

<b>RESULT:</b>	<b>ADOPTED [3 TO 1]</b>
<b>MOVER:</b>	Jason McGuirk, Vice Mayor
<b>SECONDER:</b>	Randy Hartman, Commissioner
<b>AYES:</b>	McGuirk, Hathaway, Hartman
<b>NAYS:</b>	Sachs
<b>ABSTAIN:</b>	Reiker

C. Ordinance No. 86-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the October 1, 2016-September 30, 2017 Adopted City Budget.

City Attorney Gummey read Ordinance No. 86-17, 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 Hartman moved to adopt Ordinance No. 86-17, as submitted. Vice Mayor 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, Vice Mayor
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman

- D. Ordinance No. 87-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the October 1, 2017-September 30, 2018 Adopted Budget.

City Attorney Gummey read Ordinance No. 87-17, the second time by title only.

Finance Director Althea Philord outlined the proposed ordinance, which if adopted, would amend the October 1, 2017 - September 30, 2018 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. 87-17, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

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

- E. Ordinance No. 88-17: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would amend the Sabal Key Master Development Agreement for the Sabal Lakes Subdivision.

City Attorney Gummey read Ordinance No. 88-17, 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 amend the Sabal Key Master Development Agreement for the Sabal Lakes Subdivision.

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

Commissioner Sachs commented on lot coverage.

**Motion:**

Commissioner Hartman moved to adopt Ordinance No. 88-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried by majority vote 4-1, with Commissioner Sachs voting no.

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

- F. Ordinance No. 90-17: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would approve Application No. PUD-8-16, and enter into a Master Development Agreement for the proposed Hyatt Place development, on property at 429 3rd Avenue.

City Attorney Gummey read Ordinance No. 90-17, 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 Application No. PUD-8-16, and enter into a Master Development Agreement for the proposed Hyatt Place development, on property at 429 3rd Avenue.

Glen Storch, Attorney representing the Daniel Corporation, outlined a PowerPoint presentation highlighting the positive changes to the Master Development Agreement. He stated he is continuing to consider changes, as he was willing to listen to citizen concerns.

Mayor Hathaway opened the public hearing.

Steve Provost, 1805 Beacon Street, commented in support of the Hyatt Place Project, suggesting three changes to the Master Development Agreement. He requested that the Master Development Agreement (MDA) Section 5, Permitted Uses, Page 4, be changed so that only restaurant types A and D are permitted on both Parcels 1 and 2, he requested changing MDA, Section 6C, Page 5 to reflect the St. John's River Water Management District (SJRWMD) criteria for discharge into Class II waters and he requested that MDA, Section 10, Page 7 was modified to delete the wall sign on the west face of the hotel. He distributed handouts to the City Commission outlining his ideas.

Donna Snow, 4502 Doris Drive, commented on behalf of the Southeast Volusia Chamber of Commerce. She spoke in support of the Hyatt Place Project, citing increases in tax revenue and business for local merchants.

Rick Hawes, Southeast Volusia Chamber of Commerce, spoke in support of the Hyatt Place Project. He commented on the environmental issues and the redevelopment of the area.

Gary Wilkins, 529 Prato Street, represented the New Smyrna Beach Residents Coalition and spoke in support of the Hyatt Place Project. He commented on the signage.

Sue Williams, Executive Vice President of the Southeast Volusia Chamber of Commerce, commented in support of the Hyatt Place Project. She commented on a personal experience and stated she was grateful for hotel signage.

Debbie Meihls, Executive Director of the Southeast Volusia Advertising Authority, commented in support of the Hyatt Place Project. She commented on Leadership in Energy and Environmental Design (LEED) Certification and green elements that the developer could apply for.

Rebecca Simmons, 4025 Saxon Avenue, commented in support of the Hyatt Place Project. She stated that the Hyatt Place Hotel was doing a good job at maintaining the charm of New Smyrna Beach.

Kate Canfield, 108 North Pine Street, commented in support of the Hyatt Place Project stating change was the one constant. She commented on the impact of the project, specifically traffic. She stated her concerns about the fast food restaurants. She requested removal of the B and C categories of restaurants from the PUD.

Michael Kalody, 105 Via Capri, commented in support of the Hyatt Place Project. He stated he would like to have the MDA Provision, the Developer would get vested rights in storm water pollution, removed from the MDA.

Kelley DeSoto, Ocean Properties and Management at 3500 South Atlantic Avenue, commented in support of the Hyatt Place Project. He supported the influx of jobs and the property investment.

Lisa Martin, 618 South Pine Street, requested that the signage would not cause a disturbance to nearby residential neighborhoods.

Linda Mays, 836 Evergreen Street, commented on the U-turn near 3rd Avenue and the dangers it presented. She commented about pedestrian traffic and encouraged consideration of the impact on 2nd Avenue.

John Schommer, 4160 Saxon Drive, commented in support of the Hyatt Place Project and stated the developer has done a terrific job communicating with the community about this project. He commented on traffic concerns.

Randy Herman, 108 Esther Street, commented about the criteria of pursuing LEED certification and asked how the City followed up on this.

Travous Dever, 1212 Magnolia Street, representing the sellers of the property: the Capalupo Family, commented on his support of the Hyatt Place Project. He commented on the quality of a good project. He reiterated the support letters he collected from local residents and business owners supporting the project.

Mark Rakowski, 822 East 8th Avenue, commented in support of the Hyatt Place Project. He commented about the taxable value of the hotel. He stated the sign should face west.

Mark Dam, New Smyrna Beach Sea Shack, commented in support of the Hyatt Place Project. He stated the project was a great compromise and appreciated Mr. Storch and the applicant's willingness to work with the community.

Lashelle Wright, 823 Phillip Drive, commented on the vagueness of some aspects on the Hyatt Place Project. She stated that lighting, seating and designation of fast food restaurants was vague. She stated that there were no bylaws to enforce the dim lighting change of the hotel sign at 10:00 pm. She stated the outparcels are not included in the photographs.

Joel Paige, 827 East 12th Avenue, commented on the Hyatt Place Project. He commented on the term "minimize impact". He compared the Marriott Hotel with the Hyatt Hotel and commented on the wages of the hotel stating that the wages would be much less than what was presented. He commented on parking issues and traffic problems.

Mr. Storch commented that he would consider some of the suggestions. He would remove the wording as requested by Mr. Kalody. He commented on LEED certification and asked the Architect for the project to address City Commission.

The architect for the Hyatt Place Project, explained how to obtain LEED certification.

Mr. Storch stated that a conservation easement would be built in response to Ms. Wright's concerns. He addressed Ms. Martin's concerns about the signage and assured the signage would be discreet with softer luminosity. He stated there would be an automatic timer set for 10:00 pm to dim the lights.

Vice Mayor McGuirk commented on the median and asked if it was a DOT requirement and thought it was important for citizens to understand that it is a State road, not a City road. He commented that we would work as a City as well as we can.

Mr. Storch addressed the U-turn concerns and pedestrian crossway and stated that additional lighting and automatic lights would be implemented.

Commissioner Sachs asked if putting in a median was mandated and if it was incumbent on level of use.

Mr. Storch explained that a change of use was implemented and caused the change to incorporate a median.

Commissioner Reiker commented on her appreciation of the attorney and developers working with the citizens and City Commission. She stated her concern was the addition of the Hyatt Place Hotel signage replacing the natural beauty of the estuary as the first thing travelers see when they drive over the bridge.

Mr. Storch commented on getting the franchise to agree with signage. He was concerned that if there was not some indication that this was a commercial property, he believed there needed to be signage there. He stated he would work with the developer to make it as discreet as possible.

Mayor Hathaway suggested displaying the Hyatt Place Hotel logo in lieu of the word Hyatt Place as the displayed signage on the building. He stated he would prefer a small square logo.

The Daniel Corporation Architect, commented on the logos provided from the Hyatt Place Hotel. He stated they could not manipulate the logo. He confirmed Mayor Hathaway's wishes to create the sign as a square logo instead of a rectangle and stated they would be allowed to change that.

Mayor Hathaway commented on the fast food restaurants in the area. He asked to consider longevity of fast food restaurants based upon past history.

Vice Mayor McGuirk shared his appreciation for all involved and stated he noticed progress. He commented on fast food restaurants. He anticipated that due to demographics, fast food restaurants have not been able to sustain on beachside. He was comfortable allowing one regular restaurant and one fast food restaurant.

Commissioner Hartman commented about the signage and was pleased to know the attorney and developers would work to decrease the size of the signage.

Mayor Hathaway closed the public hearing.

**Motion:**

Vice Mayor McGuirk moved to adopt Ordinance No. 90-17, with suggested changes to include; the pursuit of LEED Certification, enhanced landscape buffering, construction of a median on 3rd Avenue with emergency vehicle access, adjustments in the proposed signage and the removal of language regarding "No Vested Uses" in the Master Development Agreement. Commissioner Hartman seconded the motion, and the motion carried 4-1, with Commissioner Sachs voting no.

Commissioner Sachs moved to strike the word three, substituting with two and strike the word west from MDA, Section 10 and moved to modify the MDA, Section 5, Parcel 2, striking B and C and also to require it as a LEED certified building.

The motion was denied as Vice Mayor McGuirk chose not to amend his original motion.

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

G. Ordinance No. 99-17: Conduct the first reading and public transmittal hearing, which if adopted, would amend the City Comprehensive Plan, Future Land Use Map, for approximately 17.49 acres of annex located west of South Glencoe Road on the south side of SR 44; Sugar Mill Community LLC, MHP.

City Attorney Gummey read Ordinance No. 99-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend the City Comprehensive Plan, Future Land Use Map, for approximately 17.49 acres of annex located west of South Glencoe Road on the south side of SR 44; Sugar Mill Community LLC, MHP.

Commissioner Hartman asked if sewer was available to the site.

Ms. King stated no.

Mayor Hathaway asked if this would open up to mobile homes.

Ms. King stated it was not in the plans, but shared that it was adjacent to a mobile home park currently.

Vice Mayor McGuirk asked if the owner would consider designating it at a higher and better use to prohibit a mobile home park.

City Attorney Gummey asked if they could develop it as a mobile home park without sewer available.

Ms. King stated no.

Commissioner Sachs asked if the City could change over to sewer.

Ms. King stated if it was in a certain period such as a year and linear footage availability.



Mayor Hathaway opened the public hearing.

Julian Kodo, applicant, commented on the the City providing the water and sewer being provided by. He stated they would be intending to develop more homes and extend the mobile home park.

Mayor Hathaway would not encourage more mobile homes in the area and stated it would be a detriment to the Fire Department due to the responsibility of taking care of these properties.

Vice Mayor McGuirk concurred with Mayor Hathaway.

Mayor Hathaway closed the public hearing.

**Motion:**

Commissioner Reiker moved to adopt Ordinance No. 99-17, as submitted. Commissioner Hartman seconded the motion, and the motion was denied 2-3, with Commissioner Reiker, Commissioner Sachs and Mayor Hathaway voting no.

<b>RESULT:</b>	<b>DENIED [2 TO 3]</b>
<b>MOVER:</b>	Judy Reiker, Commissioner
<b>SECONDER:</b>	Randy Hartman, Commissioner
<b>AYES:</b>	McGuirk, Hartman
<b>NAYS:</b>	Hathaway, Reiker, Sachs

H. Resolution Numbers 25-17 and 26-17: Conduct the Second of Two Required Public Hearings and Consider the Resolutions, which if adopted, would Designate Portions of the US 1 Corridor as a Brownfield Area

City Attorney Gummey read Resolution Numbers: 25-17 and 26-17, the second time by title only.

CRA/Economic Development Director Tony Otte outlined the proposed resolutions, which if adopted, would Designate Portions of the US 1 Corridor as a Brownfield Area.

Vice Mayor McGuirk confirmed with Mr. Otte that there were no residents with negative designations.

Mr. Otte verified that there was none.

Commissioner McGuirk asked about the eligible Brownfield programs.

Mr. Otte explained that it was in the packet and mailed to all property owners.

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 Resolution Numbers: 25-17 and 26-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

## 5. PUBLIC PARTICIPATION

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Steve Provost, 1805 Beacon Street, commented on the Coastal Construction Setback Line (CCSL).

Gary Wilkins, 529 Prato Street, commented on the development studies and asked if a comprehensive traffic plan for all the homes planned to be built along Pioneer Trail.

Vice Mayor McGuirk explained the Transportation Planning Organization (TPO) plans to Mr. Wilkins and suggested that he meet with Planning and Zoning Director Amye King. He stated he would like to be present at the meeting and planned to invite the bring the TPO Executive Director to discuss Mr. Wilkin's concerns.

## 6. ORDINANCES - FIRST READING

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- A. Ordinance No. 93-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Land Development Regulations, Article V and Article VIII, to add pharmacies as a permitted use in the B-3 Highway Service Business Zoning District. Application No. ZT-10-17.

City Attorney Gummey read Ordinance No. 93-17 the first time, by title only.

Planning and Zoning Director Amye King outlined the maps for the B-3 portion of the pharmacies. She stated for clarification purposes, would City Commission like the B-3 district to be along US1 or the entire B-3 district.

Vice Mayor McGuirk answered his intention was to only have the B-3 district along US1.

Commissioner Sachs commented on some cities indicating exactly where to place the pharmacies.

City Attorney Gummey stated that they would have to create wording within the B3 category that would limit the placement, such as a caveat, that would be used.

Consensus agreement to limit placement of pharmacies along the US1 corridor. Mayor Hathaway suggested staff make some changes and bring them back for second reading on December 12, 2017.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 93-17, with consensus to limit the use to the US1 Corridor. Vice Mayor 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 December 12, 2017.

**RESULT:** APPROVED AT FIRST READING [UNANIMOUS] Next: 12/12/2017 6:30 PM  
**MOVER:** Randy Hartman, Commissioner  
**SECONDER:** Jason McGuirk, Vice Mayor  
**AYES:** McGuirk, Hathaway, Reiker, Sachs, Hartman

- B. Ordinance No. 94-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would annex approximately 0.17 acres at 112 Bay Street.

City Attorney Gummey read Ordinance No. 94-17 the first time, by title only.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 94-17, as submitted. Commissioner Sachs 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 December 12, 2017.

**RESULT:** APPROVED AT FIRST READING [UNANIMOUS] Next: 12/12/2017 6:30 PM  
**MOVER:** Randy Hartman, Commissioner  
**SECONDER:** Jake Sachs, Commissioner  
**AYES:** McGuirk, Hathaway, Reiker, Sachs, Hartman

- C. Ordinance No. 95-17: Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would approve the 1st Amendment to the to the Reserve at Lake Waterford Master Development Agreement with the City of New Smyrna Beach. Application No. PUD-3-17.

City Attorney Gummey read Ordinance No. 95-17 the first time, by title only.

Planning and Zoning Director explained the variances and stated the applicant asked for a two-prong approach. She commented on the sidewalk paving and stated it was standard procedure to have the variances organized prior to writing the PUD.

Commissioner Sachs asked if one of the proposals included filling in the lake.

Ms. King answered yes.

Commissioner Hartman commented on the process confusion.

Mark Rakowski, 822 E. 8th Avenue, stated he wanted to do the larger lot subdivisions. He wanted to have the ability to have less than fifty lots. He stated the Utilities Commission has not provided answers as of yet. His intentions was to have a smaller subdivision with larger lots and have the flexibility to make changes.

**Motion:**

Commissioner Reiker moved to continue the item on the first reading Ordinance No. 95-17 to a future meeting in January 2018. Commissioner Sachs seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 1/9/2018 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Jake Sachs, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

D. Ordinance No. 96-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use of approximately 0.17 acres of annexed property located in the ISBA addressed as 112 Bay Street from Volusia County Urban Medium Intensity to City Future Land Use of Medium Density Residential. Scale Comprehensive Plan Amendment for 112 Bay Street

City Attorney Gummey read Ordinance No. 96-17 the first time, by title only.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 96-17, 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 December 12, 2017.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 12/12/2017 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

E. Ordinance No. 97-17: conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone approximately 0.17 acres of annexed property located in the ISBA addressed as 112 Bay Street. Small Scale Rezoning for 112 Bay Street

City Attorney Gummey read Ordinance No. 97-17 the first time, by title only.

**Motion:**

Vice Mayor McGuirk moved to approve on the first reading Ordinance No. 97-17, as submitted. Commissioner Sachs 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 December 12, 2017.

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

F. Ordinance No. 98-17: Conduct the first reading of an ordinance, which if adopted, would annex approximately 17.49 acres, located west of South Glencoe Road on the south side of SR 44. Sugar Mill Community LLC, MHP.

No action taken due to the denial of Ordinance No. 99-17: Large Scale Comprehensive Plan Amendment

- G. Ordinance No. 100-17: Conduct the first reading of an ordinance, which if adopted, would rezone 17.49 acres of annexed property located west of South Glencoe Road on the south side of SR 44. Sugar Mill Community LLC, MHP.

No action taken due to the denial of Ordinance No. 99-17: Large Scale Comprehensive Plan Amendment

- H. Ordinance No. 101-17: EV-2-17 702 Saxon Palm Court - Catanzariti -- Conduct the second reading and public hearing of an ordinance, which if adopted, would vacate a 5' by 116' portion of the existing 10' by 116' drainage and utility easement located at the rear of the property located at 702 Saxon Palm Court.

City Attorney Gummey read Ordinance No. 101-17 the first time, by title only.

**Motion:**

Commissioner Reiker moved to approve on the first reading Ordinance No. 101-17, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried 4-1, with Commissioner Sachs voting no. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on December 12, 2017.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [4 TO 1]</b>	<b>Next: 12/12/2017 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Jason McGuirk, Vice Mayor	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Hartman	
<b>NAYS:</b>	Sachs	

- I. Ordinance No. 102-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the October 1, 2017-September 30, 2018 Adopted Budget.

City Attorney Gummey read Ordinance No. 102-17 the first time, by title only.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 102-17, as submitted. Vice Mayor 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 December 12, 2017.

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

- J. Ordinance No. 103-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend Ordinance 69-16 to correct a legal description for the vacation of alleyway located at 115 Washington Street and 303 Faulkner Avenue.

City Attorney Gummey read Ordinance No. 103-17 the first time, by title only.

**Motion:**

Commissioner Reiker moved to approve on the first reading Ordinance No. 103-17, as submitted. Vice Mayor 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 December 12, 2017.

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

**7. CONSENT AGENDA**

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- A. Approve the minutes of the regular City Commission meeting held November 14, 2017, and the Community Redevelopment Agency special meeting held November 14, 2017.

**Motion:**

Commissioner Hartman moved to approve the minutes of the regular City Commission meeting held November 14, 2017 and the Community Redevelopment Agency special meeting held November 14, 2017, as corrected. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- B. Approve staff's recommendation to implement the EZ Links Tee Sheet automated starting time tee sheet, at the municipal golf course.

**Motion:**

Commissioner Hartman moved to approve staff's recommendation to implement the EZ Links Tee Sheet automated starting time tee sheet, at the municipal golf course, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- C. Approve entering into a Lease Agreement with Peninsula Pipeline Company for the period ending January 31, 2018, in order to install pipeline along Industrial Park Avenue.

**Motion:**

Commissioner Hartman moved to approve entering into a Lease Agreement with Peninsula Pipeline Company for the period ending January 31, 2018, in order to install pipeline along Industrial Park Avenue, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- D. Approve Historic Tree Removal Application No. HTR-7-17 – 1309 Live Oak Street: the removal of one Historic Oak Tree measuring 40” DBH within the rear yard of a 20,540 sq. ft. (0.47 acre) property, generally located on the east side of Live Oak Street between 5th and 6th Streets.

Vice Mayor McGuirk commented on the damage done to particular trees on the property. He commented on proposing fines when residents damage trees. He recommended setting up an anonymous telephone line that citizens could use to report abuse of trees.

Ms. King stated staff recommended approval to remove the tree due to the tree threatening residents and surrounding oak trees.

**Motion:**

Vice Mayor McGuirk moved to approve Historic Tree Removal Application No. HTR-7-17 - 1309 Live Oak Street: the removal of one Historic Oak Tree measuring 40" DBH within the rear yard of a 20,540 sq. ft. (0.47 acre) property, generally located on the east side of Live Oak Street between 5th and 6th Streets, as submitted. Commissioner Reiker seconded the motion, and the motion carried 4-1, with Commissioner Sachs voting no.

- E. Approve a one (1) year extension for existing Traffic Engineering Services Agreements With Traffic Engineering Data Solutions, Inc., Ghyabi and Associates, Inc. (Alfred Benesch & Company new company name) and Lassiter Transportation Group, Inc.

**Motion:**

Commissioner Hartman moved to approve a one (1) year extension for existing Traffic Engineering Services Agreements With Traffic Engineering Data Solutions, Inc., Ghyabi and Associates, Inc. (Alfred Benesch & Company new company name) and Lassiter Transportation Group, Inc., as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- F. Consider approval of the new Submerged Lands Lease for Riverwalk Land, LLC.

**Motion:**

Vice Mayor McGuirk moved to consider approval of the new Submerged Lands Lease for Riverwalk Land, LLC., as submitted. Commissioner Hartman seconded the motion, and the motion carried 3-1, with Commissioner Sachs voting no and Commissioner Reiker abstaining from the vote due to a voting conflict.

**8. ADMINISTRATIVE ITEMS/NEW BUSINESS**

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- A. Discuss and Consider Staff Direction regarding a proposed amendment to the City Charter, which if adopted, would add a section to Chapter 13 of the City Charter that would require electronic filing of campaign treasurers reports with the Volusia County Supervisor of Elections Offices' electronic filing system.

City Clerk Johnny Bledsoe outlined the proposed amendment to the City Charter.

Mayor Hathaway asked City Clerk Bledsoe to research the item for further information regarding procedural matters.

City Clerk Bledsoe suggested inviting the Supervisor of Elections to an upcoming meeting to explain in detail about the changes.

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

**9. BOARDS AND COMMISSIONS**

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There was none.

**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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There was none.

**12. CITY ATTORNEY'S REPORT**

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There was none.

**13. ADJOURNMENT**

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An unidentified citizen commented about parking concerns at the Boat and Ski Parking Lot.

City Manager Brangaccio asked the citizen to contact her office on November 29, 2017.

As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 10:21 PM.