



**Tuesday, December 12, 2017
City Commission Regular Meeting**

Minutes

6:30 PM – City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 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, December 12, 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	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, Fire Chief Shawn Vandemark, CRA/Economic Development Director Tony Otte, Planning and Zoning Director Amye King, Leisure Services Director Nancy Maddox, Assistant Finance Director Lewie Wise, City Engineer Kyle Fegley, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

B. Invocation/Pledge of Allegiance

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

C. Approval of the Agenda

City Manager Brangaccio reported the removal of 6. B. Ordinances - First Reading, Item B: Ordinance 92-17: ZT-9-17: LDR Amendment and Item 9. A. Fire Pension Board. She reported the addition of Item under the City Manager's Report. There was an update to the Brannon Center Roof given by Assistant City Manager Khalid Resheidat.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Recognition of City Attorney Frank B. Gummey, III

The City Commission and City Staff recognized City Attorney Frank Gummey for his many years of public service. Mr. Gummey was retiring effective January 6, 2018.

Mayor Hathaway presented City Attorney Gummey with a plaque to recognize his service to the City.

Mr. Gummey recognized his wife, Susan Gummey for her support throughout his career. He stated he has been very fortunate to work here and wished everyone the best.

B. Appointment of Shawn VanDemark as Fire Chief (the Mayor will conduct the swearing in at tonight's meeting)

City Manager Brangaccio appointed Interim Fire Chief Shawn VanDemark as the New Smyrna Beach Fire Chief. She gave a brief summary of his career.

Motion:

Commissioner Sachs moved to appoint Shawn VanDemark as the New Smyrna Beach Fire Chief. Commissioner Hartman seconded the motion and the motion was approved unanimously.

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

3. MAYOR AND COMMISSION REPORTS

Commissioner Reiker stated that at the last Volusia League of Cities meeting, they decided to hire an advocacy position. She commented on traveling to Tallahassee, Florida and invited the Commissioner's to join her in travel. She wanted to send a message that they want Home Rule.

Commissioner Sachs wished all a Happy Holiday Season. He had the honor and pleasure of going to the Florida League of Cities EMO (Ethics) class. He stated he had a wish list for the upcoming year and stated at some time he would like to see un-signalized crosswalks between 9th Street and perhaps they could join the County in the future to bring signals to the crosswalks. He commented about the understory being removed from the Indian River Lagoon Park. He asked if we could collaborate with the Utilities Commission to restore some of the shrubbery. He commented on the Holland Park Opening.

Vice Mayor McGuirk wished everyone a Happy Holiday and hoped that everyone was able to spend time with their families.

Commissioner Hartman commented on attending his first DARE Graduation and stated it was amazing to watch the elementary school children take pride in achieving awards. He commented on the Holland Park Opening. He thanked City Staff for their hard work on the City Attorney Candidate Selection Process and commended them on a good job.

Mayor Hathaway commented on the Holland Park Opening and stated he looked forward to the park opening. He commented on attending the Florida League Legislative Conference in Orlando. He thanked City Staff for their work in selecting the City Attorney candidates. He wished everyone a Very Merry Christmas and hoped everyone would be safe and get to spend time with their families.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- 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 second time by title only.

Planning and Zoning Director Amye King outlined the proposed 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.

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. 93-17, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jason McGuirk, Vice Mayor
SECONDER:	Jake Sachs, Commissioner
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 second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would annex approximately 0.17 acres at 112 Bay Street.

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. 94-17, 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

- C. 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 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 approximately 0.17 acres of annexed property located at 112 Bay Street from Volusia County Urban Medium Intensity to City Future Land Use of Medium Density Residential.

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. 96-17, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

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

D. 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 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 0.17 acres of annexed property located at 112 Bay Street.

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. 97-17, 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

E. 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 second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would vacate a 5' by 116' portion of the existing 1 O' by 116' drainage and utility easement located at the rear of the property located at 702 Saxon Palm Court. Application No. EV-2-17.

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. 101-17, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

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

F. 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 second time by title only.

Assistant Finance Director Lewis Wise 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. 102-17, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

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

G. 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 second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend Ordinance 103-17 to correct a legal description for the vacation of alleyway located at 115 Washington Street and 303 Faulkner Avenue.

Mayor Hathaway opened the public hearing.

Randy Herman, 108 Esther Street, asked why the applicant could not be charged because it was public land.

City Attorney Gummey stated they could be charged and verified that the land was not public property.

Mayor Hathaway closed the public hearing.

Motion:

Vice Mayor McGuirk moved to adopt Ordinance No. 103-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

5. PUBLIC PARTICIPATION

Tamara Beamon, 24th and Saxon Drive, reported that she went to the Utilities Commission and that they did visit the area, but they only replaced four of the ten palm trees. She stated they paved the area, but made it a parking lot.

City Manager Brangaccio stated they have been in communications with the Utilities Commission.

6. ORDINANCES - FIRST READING

- A. Ordinance No. 104-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the October 1, 2017-September 30, 2018 Adopted City Budget.

City Attorney Gummey read Ordinance No. 104-17 the first time, by title only.

Motion:

Commissioner Reiker moved to approve on the first reading Ordinance No. 104-17, 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 January 9, 2018.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]	Next: 1/9/2018 6:30 PM
MOVER:	Judy Reiker, Commissioner	
SECONDER:	Randy Hartman, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- B. Ordinance No. 92-17: ZT-9-17: Conduct the first reading of an ordinance, which if adopted, would amend the Land Development Regulations regarding land clearing and burning in PUD zoning districts. (This item will not be considered at this meeting).

The City Commission would like to allow City Staff and the recently appointed Fire Chief to look at all options regarding held in absence until a future January 2018 meeting date.

RESULT:	CONTINUED [UNANIMOUS]	Next: 1/9/2018 6:30 PM
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

7. CONSENT AGENDA

- A. Approve the minutes of City Commission Meetings held Tuesday, November 28, 2017.

Motion:

Commissioner Sachs moved to approve the minutes of City Commission Meetings held Tuesday, November 28, 2017, as corrected. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- B. Approve the Purchase and Installation of Warning Tracks for Sports Complex Baseball and Softball Fields, from Trugreen, at a budgeted cost of \$54,950.

Motion:

Commissioner Hartman moved to approve the Purchase and Installation of Warning Tracks for Sports Complex Baseball and Softball Fields, from Trugreen, at a budgeted cost of \$150,150, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- C. Approve Change Order No. 1 to the Islesboro Drainage Improvement Project, for a section of water main, in the amount of \$58,815.10 (this amount will be 100% reimbursed by the UC).

Motion:

Commissioner Hartman moved to approve Change Order No. 1 to the Islesboro Drainage Improvement Project, for a section of water main, in the amount of \$58,815.10 (this amount will be 100% reimbursed by the UC), as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- D. Approve the Award of Bid RFP 09-17-PLAN for four planning firms to be utilized as needed to assist with various development reviews.

Motion:

Commissioner Reiker moved to approve award of Bid No. RFP 09-17-PLAN, for four planning firms to be utilized as needed to assist with various development reviews, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- E. Approve the Phase 2 Design Contract Award to GLE Architects for Restoration of the City Hall Annex, in the amount of \$260,000.

Motion:

Commissioner Hartman moved to approve the Phase 2 Design Contract Award to GLE Architects for Restoration of the City Hall Annex, in the amount of \$260,000, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- F. Resolution No. 29-17: Volusia County Echo Grant for the Alonzo "Babe" James Community Center Splash Park.

Motion:

Commissioner Hartman moved to adopt Resolution No. 29-17: Volusia County Echo Grant for the Alonzo "Babe" James Community Center Splash Park, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- G. Accept a Warranty Deed and Drainage Easement from TT of Smyrna Beach, LLC, for an additional 10 feet right-of-way on North Glencoe Road.

Motion:

Commissioner Hartman moved to accept a Warranty Deed and Drainage Easement from TT of Smyrna Beach, LLC, for an additional 10 feet right-of-way on North Glencoe Road, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

- H. Consider a request for Lien Reduction on property located at 550 Washington Street; staff is recommending a reduction to \$1,000 to cover the City's costs in the Code Enforcement Actions, which the new owner is in agreement with that amount.

Commissioner Sachs questioned the reason to reduce lien reductions greatly.

City Attorney Gummey stated that fines and interests on properties accrue over time and make it impossible to sell the properties. He said many buyers come forward who would like to purchase the property and make corrections to it. He stated when the buyer requests the lien reduction from City Staff, they research the request and sometimes they approve the request and sometimes they do not.

Motion:

Commissioner Hartman moved to approve a Lien Reduction on property located at 550 Washington Street; staff is recommending a reduction to \$1,000 in order to cover the City's costs in the Code Enforcement Actions, which the new owner is in agreement with that amount, as submitted. Vice Mayor McGuirk seconded the motion, and the motion carried 3-1, with Commissioner Reiker abstaining from the vote and Commissioner Sachs voting no.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Consider a Request for Sewer Assessment Abatement on property located at 806 Hamilton Street from \$6,468.02 to \$2,022.40.

City Manager Brangaccio outlined staff's recommendation that the City Commission consider a Request for Sewer Assessment Abatement on property located at 806 Hamilton Street from \$6,468.02 to \$2,022.40.

Assistant Finance Director Lewie Wise explained the charges to the City Commission. She stated they were requesting to waive the interest. Commissioner Sachs commented an abatement program. City Attorney Gummey explained this was a different program.

Motion:

Vice Mayor McGuirk moved to consider a request for Sewer Assessment Abatement on property located at 806 Hamilton Street from \$6,468.02 to \$2,022.40, with the amendment that the applicant was required to make payments current from 2013 to forward by the end of the Calendar Year. Commissioner Hartman seconded the motion, and the motion carried 4-1, with Commissioner Sachs voting no.

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

B. Staff recommendation that the City Commission approve "conceptually" a Grant-in-Aid program to assist with the abandonment of septic tank systems in an amount not to exceed \$3,800 (35 properties x \$3,800 = \$133,000) and to set 5 and 20 year payment periods, as recommended, with no pre-pay penalty. After tonight's discussion, a meeting will be scheduled with property owners after the first of the year. The Assessment would not occur until FY 19-20.

City Engineer Kyle Fegley outlined staff's recommendation that the City Commission approve "conceptually" a Grant-in-Aid program to assist with the abandonment of septic tank systems in an amount not to exceed \$3,800 (35 properties x \$3,800 = \$133,000) and to set 5 and 20 year payment periods, as recommended, with no pre-pay penalty. After tonight's discussion, a meeting will be scheduled with property owners after the first of the year. The Assessment would not occur until FY 19-20. City Manager Brangaccio stated she was not looking for a vote, but rather a conceptual nod in agreement to move forward.

Mayor Hathaway confirmed City Commission consensus that staff was authorized to move forward.

It was agreed that staff would address at a future meeting, past action that allowed temporary parking in the vicinity of Flagler Avenue and Jessamine Avenue.

9. BOARDS AND COMMISSIONS

A. Consider approval of the reappointment of a board member, as elected by the members of the Fire Department to a two-year term to expire November 1, 2019, this representative is Lieutenant Tom Lee.

No Action. Removed from the Agenda.

RESULT:	TABLED [UNANIMOUS]	Next: 1/9/2018 6:30 PM
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

B. Consider Approval of the Appointment of Police Sergeant Jason Reve to serve as a member of the Police Pension Board, to represent the Police Department, to a 2-year term to expire October 1, 2019.

Motion:

Commissioner Reiker moved to appoint Police Sergeant Jason Reve, as a Police Pension Board Member to a two-year term to expire October 1, 2019. Vice Mayor McGuirk seconded the motion, and the motion carried unanimously.

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

10. CITY MANAGER'S REPORT

City Manager Brangaccio reported

A. City Manager's Report

The City Commission acknowledged receipt of the City Manager's Report.

City Manager Brangaccio provided an update for the City Gym. She stated that the reimbursement funds should be received soon.

Commissioner Hartman requested to place the item of the liquor license on a future meeting.

City Manager Brangaccio commented on the positive response from the recovery efforts regarding Hurricane Irma.

Assistant City Manager Resheidat outlined the recommended solution regarding Brannon Center roof repair.

Motion:

Commissioner Reiker moved to recommend permanent repairs to the Brannon Civic Center roof. Commissioner Hartman seconded the motion and the motion was approved unanimously.

11. CITY CLERK'S REPORT

There was none.

12. CITY ATTORNEY'S REPORT

City Attorney Gummey thanked the Commission for a great career and he wished all of the City of New Smyrna Beach his very best regards.

13. ADJOURNMENT

As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 8:31 PM.