



Tuesday, January 24, 2017
Regular Meeting City Commission

6:30 PM – Commission Chambers, 210 Sams Ave, New Smyrna Beach, FL 32168
PLEASE USE THE SOUTH ENTRANCE FROM THE JULIA STREET SIDE OF CITY HALL

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, January 24, 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	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 Greg Anglin, CRA/Economic Development Director Tony Otte, Planning and Zoning Director Amye King, Leisure Services Director Nancy Maddox, Finance Director Althea Philord, Capital Improvements Project Manager Michelle Vallance, 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 announced that the following agenda items were pulled:

2B: Announcements/Presentations: Presentation to Update the City Commission on the planned AirFair event for the Fall of 2017

7B: Consent Agenda Item: Approve Phase I Design Contract Award to GLE Architects for Restoration of the City Hall Annex, at the negotiated cost of \$18,030.





7F: Consent Agenda Item: Approve Easement Agreement Application No. EA-1-17: An Easement Agreement to Allow For a required 10 foot sidewalk to be placed on private property, with a public access easement, for the Coastal Woods Commercial Subdivision.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Concept Design Presentation & Request for Approval to continue into Design Development for the Live Oak Cultural Center

Capital Improvement Project Manager Michelle Vallance outlined the Live Oak Cultural Center request for approval. She commented on the the goal of bringing forward construction in August 2017.

Mayor Hathaway stated that he hopes the City does its best to stay on the timeline because he would like for citizens to be able to use the center as soon as possible; preferably a planned construction completion in May 2018. He said the design is really different and it is something the City can be proud of.

Mr. Kha Le-Huu, Kha Le-Huu and Partners, PA Architects Urbanists Design Firm, presented a concept design presentation and slide show to request the approval to continue into the design development for the Live Oak Cultural Center.

Motion:

Commissioner Reiker moved to approve the Request for Approval for the 30% Concept Design Development for the Live Oak Cultural Center. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

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

B. Presentation to Update the City Commission on the planned AirFair event for the Fall of 2017

No action. Item was pulled from the agenda.

RESULT:	MEETING CANCELLED
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3. MAYOR AND COMMISSION REPORTS

Commissioner Hartman commented on his recent trip to Guatemala. He stated that the church he attends had an original purpose of helping build a dental clinic, but they are now helping to provide schooling to the children. He was able to help teach Spanish to preschool children. He said that the first two children they helped in previous years have just graduated from the Guatemalan Public School System. He mentioned attending the Institute for Elected Municipal Officials coordinated by the City Clerk.

Commissioner McGuirk attended the Chisholm Elementary School information gathering. He stated that there is a Fifteen Million Dollar budget to renovate/build a new school. He hoped the Volusia County School Board can expedite the process. He mentioned the tornado warnings over the last weekend and was glad to know the City was safe.

Vice Mayor Sachs commented about the Martin Luther King Day Celebration. He was happy to be a part of the march across Martin Luther King Bridge. He stated that it was heartfelt to see people come together for the celebration. He mentioned that his zone has been experiencing problems with traffic and speeding. He mentioned that Saxon Drive and Atlantic Avenue are busy thoroughfares. He said that new Smyrna Beach Police have been very helpful. He stated that he tried to attend all of the D.A.R.E. graduations and complimented Jennifer Fike, New

Smyrna Beach Police D.A.R.E. Officer. He said she is great at engaging the children. He also commented on a proposed resolution to help the environment by decreasing the use of plastic bags.

Mayor Hathaway asked the Commission if they wanted to consider a resolution.

Motion:

A motion to propose a resolution to decrease the usage of plastic bags to help save the environment was proposed by Vice Mayor Sachs. The motion was seconded by Commissioner Hartman. The motion carried 3 - 2 by majority vote with , with Commissioner McGuirk and Mayor Hathaway voting no.

Commissioner Reiker commented on the nice, new sidewalks she has been seeing in town.

Mayor Hathaway commented on how nice it was for the Martin Luther King March to end at the Babe James Community Center. He stated it was important to have an evacuation center and supported the Chisholm Elementary School renovation. He extended his appreciation to Commissioner's Reiker and McGuirk for all of their help and work involved with the Pension Plan meetings. He commented on how nice the weather was and how great the turnout was for the Business Expo last weekend.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 69-16: SV-1-16 - Conduct the second reading and second and final of two required public hearings of an ordinance, which if adopted, would vacate an alleyway generally located East of Faulkner Street and North of Washington Street and in the vicinity of 115 Washington Street and 303 Faulkner Street – Formerly known as “Alba Court.”

City Attorney Gummey read Ordinance No. 69-16, the second time by title only. He advised the City Commission that it would conduct a quasi-judicial public hearing.

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 vacate an alleyway generally located East of Faulkner Street and North of Washington Street and in the vicinity of 115 Washington Street and 303 Faulkner Street - Formerly known as “Alba Court.”

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. 69-16, as submitted. Commissioner Reiker seconded the motion. The motion carried 4 - 1 by majority vote, with Vice Mayor Sachs voting no.

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

- B. Ordinance No. 77-16: Conduct the second reading and public hearing of an ordinance, which if adopted, would add the Historic Building Overlay District (HBOD) overlay to the property address as 801 North Atlantic Avenue.

City Attorney Gummey read Ordinance No. 77-16, the second time by title only.

Planning and Zoning Director Amye King outlined the ordinance, which if adopted, would add the Historic Building Overlay District (HBOD) overlay to the property address as 801 North Atlantic Avenue.

Vice Mayor Sachs stated that he received correspondence regarding property zone violations. City Manager Brangaccio provided clarification stating it was an email sent out from City Staff.

Applicant, Mark Rakowski, was sworn in by City Attorney Gummey. Mr. Rakowski provided his credentials and gave a summary of the ordinance. He outlined the criteria to deem a building zoned historic has having to be the following:

1. Had to be a historic building
2. Zoning had to make it unlivable
3. Must have compatibility to surrounding areas
4. Reasonable necessary to preserve historic resource
5. Conformed to the City Comprehensive Plan

Mayor Hathaway opened the public hearing.

Margaret Yarranton, 309 Florida Avenue, was administered the oath and spoke in support of the overlay stating it did not set a precedence. She commented on her fear that condominiums would replace what was in that area now.

Jennifer Frankenstein, represented Greatoceancondos.com, spoke in support of the overlay stating revenue was important. Commissioner Hartman questioned Ms. Frankenstein regarding the typical length of stay in a short term rental property. Ms. Frankenstein stated that the minimum was usually seven days.

Dennis Hanks, Executive Director of the Florida Vacation Rental Managers Association, stated that the industry was fairly new and he supported the overlay.

Richard Gant, 223 Crawford Road, felt City Commissioners and the Community were in favor of saving the historical value of the property. He commented on going to the beach daily and never had cause for complaint regarding the property. He felt the building was very well managed and suited the charm of the City.

John Junkin, 507 Goodwin Avenue, felt it was a beautiful piece of property and hoped those types of buildings could stay on our beachside.

Frances Henry, 314 Crawford Road, was a winter resident now. Commented on walking by the property every day and liked seeing it in good standing. She thought allowing people to do what was appropriate in the neighborhood was encouraged.

Peggy Belflower, 505 South Cooper Street, opposed the proposed ordinance and felt the application did not comply with the ordinance stating that a plan was not submitted with the application. Ms. Belflower stated that the Planning and Zoning Board should have provided recommendations, but that there was no plan for the development of the property.

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

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 77-16, as submitted. Commissioner Reiker seconded the motion. The motion carried 3 - 2 by majority vote, with Commissioner Hartman and Vice Mayor Sachs voting no.

Vice Mayor Sachs stated that as a resident, in his opinion, he saw the action as a step for personal gain. Commissioner Hartman felt there had been no attempt by the owner to rezone the property; therefore, the only thing they tried to preserve was the short term rental.

Mayor Hathaway disclosed he met with the applicant prior to the meeting.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Judy Reiker, Commissioner
AYES:	McGuirk, Hathaway, Reiker
NAYS:	Sachs, Hartman

C. Ordinance No. 03-17: Small-Scale Annexation Application A-17-16, conduct the second reading and public hearing of an ordinance, which if adopted, would annex properties located at 2645 Cone Lake Drive, 204 Howard Avenue, 312 Oak Street, 475 Howard Avenue, 310 Hickory Street, 304 Hickory Street.

City Attorney Gummey read Ordinance No. 03-17 the second time, by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would annex properties located at 2645 Cone Lake Drive, 204 Howard Avenue, 312 Oak Street, 475 Howard Avenue, 310 Hickory Street, 304 Hickory Street.

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. 03-17, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

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

D. Ordinance No. 01-17: Small-Scale Comprehensive Plan amendment Application A-17-16, conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use category for annexed properties located at 2645 Cone Lake Drive, 204 Howard Avenue, 312 Oak Street, 475 Howard Avenue, 310 Hickory Street, 304 Hickory Street.

City Attorney Gummey read Ordinance No. 01-17 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 category for annexed properties located at 2645 Cone Lake Drive, 204 Howard Avenue, 312 Oak Street, 475 Howard Avenue, 310 Hickory Street, 304 Hickory 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. 01-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

- E. Ordinance No. 02-17: Rezoning Application A-17-16, conduct the second reading and public hearing of an ordinance, which if adopted, would rezone annexed properties located at 2645 Cone Lake Drive, 204 Howard Avenue, 312 Oak Street, 475 Howard Avenue, 310 Hickory Street, 304 Hickory Street.

City Attorney Gummey read Ordinance No. 02-17 the second time, by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would rezone annexed properties located at 2645 Cone Lake Drive, 204 Howard Avenue, 312 Oak Street, 475 Howard Avenue, 310 Hickory Street, 304 Hickory Street.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 02-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

- F. Ordinance No. 04-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would approve the Planned Unit Development Application No. PUD-4-16: Sarinna Lakes PUD, as revised.

City Attorney Gummey read Ordinance No. 04-17 the second time, by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would approve the Planned Unit Development Application No. PUD-4-16: Sarinna Lakes PUD, as revised.

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

Commissioner McGuirk commented on his concerns about small lots wrapped around a stormwater pond. He thought new lots had to be a minimum of 75 feet wide. He did not believe it was consistent with what was out there.

Ms. King said there was an upcoming meeting planned for February 6, 2017, with lot coverage being one of the topics. Commissioner McGuirk looked forward to the outcome of the upcoming meetings and appreciated Ms. King's expertise.

Vice Mayor Sachs questioned buffers and whether staff had received a request to reduce the number of sidewalks from 2 to 1. Ms. King stated she would take the question forward to one of the upcoming joint meetings.

Commissioner Reiker commented on how she shared Commissioner McGuirk's concerns.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 04-17, as submitted. Commissioner Reiker seconded the motion. The motion carried 4 - 1 by majority vote, with Vice Mayor Sachs voting no.

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

G. Ordinance No. 05-17: Conduct the second reading and public hearing of An Ordinance Amending the October 1, 2016 - September 30, 2017 Adopted Budget

City Attorney Gummey read Ordinance No. 05-17 the second time, by title only.

Finance Director Althea Philord outlined the proposed ordinance. She commented on the current funds and the appropriations for each. She further added that all purchase order change orders were previously approved by the City Commission.

Mayor Hathaway opened the Public Hearing. As no citizen wished to speak, Mayor Hathaway closed the public hearing.

Motion:

Commissioner Reiker moved to adopt Ordinance No. 05-17, 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

H. Ordinance No. 06-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would approve Local Landmark Application No. LD-1-17: 200 Faulkner Street/214 Sams Avenue and would designate the existing contributing structure as a Local Landmark.

City Attorney Gummey read Ordinance No. 06-17 the second time, by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance., which if adopted, would approve Local Landmark Application No. LD-1-17: 200 Faulkner Street/214 Sams Avenue and would designate the existing contributing structure as a Local Landmark.

Mayor Hathaway opened the Public Hearing. As no citizen wished to speak, Mayor Hathaway closed the Public Hearing.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 06-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

I. Ordinance No. 07-17: CPA-4-16 Capital Improvement Element Update - Conduct the second reading and public hearing of an ordinance regarding an Annual Optional Update to the City's Comprehensive Plan.

City Attorney Gummy read Ordinance No. 07-17 the second time, by title only.

Planning and Zoning Director Amye King outlined the ordinance, which if adopted, would approve an Annual Optional Update to the City's Comprehensive Plan.

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

Mayor Hathaway questioned funds and financials within the ordinance. Ms. King assured Mayor Hathaway that the City had a Capital Grants Manager, and it serves as value added service to the City.

Motion:
Commissioner McGuirk moved to adopt Ordinance No. 07-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

J. Ordinance No. 08-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would approve an eight (8) month moratorium from the date of the moratorium passage, on the growing, processing, distributing, delivering, and retailing of Medical Marijuana.

City Attorney Gummy read Ordinance No. 08-17 the second time, by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would which if adopted, would approve an eight (8) month moratorium from the date of the moratorium passage, on the growing, processing, distributing, delivering, and retailing of Medical Marijuana.

Mayor Hathaway opened the Public Hearing. As no one wished to speak, Mayor Hathaway closed the Public Hearing.

Commissioner McGuirk felt the proposed action was a mandate by the state, and was reluctant, but willing to support the moratorium if workshops were scheduled.

Commissioner Reiker felt the City Commission should take its' time regarding the matter. She understood it was a mandate by the state, but wanted to ensure the City took action the correct way.

Vice Mayor Sachs supported the City Commission complying with state guidelines.

Commissioner Hartman stressed the importance of the City Commission maintaining compliance.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 08-17, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

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

5. PUBLIC PARTICIPATION

Sally Gillespie, 233 N. Causeway, stated her appreciation for approving Ordinance No. 77-16.

Chad Truxall, Director of the Marine Discovery Center, commented on micro plastics. He appreciated the concern to alleviate single use plastics. He commented on the large amount of plastics found in waterways and he spoke about performing necropsy's performed and finding plastic in the animals stomachs.

Ryan Mahler, 231 Kirkland Road, wanted to provide clarity about the environmental issues and economics about the micro plastic issues and concerns. He said essentially, it creates inefficiency with waste collection. He also stated the plastics tend to clog the drainage.

John Caylor, 4160 Saxon Road, stated plastics is a universal issue. Said he volunteers picking up plastics and garbage. He had a concern about bottled water. He suggested starting a refund/recycle program for the City to earn revenue. He stated concerns with the speeding on Saxon Avenue.

Mayor Hathaway stated the reason New Smyrna Beach does not have a Mooring Field is because of the cost.

6. ORDINANCES - FIRST READING

- A. Ordinance No. 09-17: Small-Scale Annexation Application A-1-17, conduct the second reading and public hearing of an ordinance, which if adopted, would annex properties located at 460 Spruce Street and 2438 Hazel Bishop Drive

City Attorney Gummey read Ordinance No. 09-17 the first time, by title only.

Motion:

Commissioner Reiker moved to approve on first reading Ordinance No. 09-17, as submitted. Vice Mayor 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 February 14, 2017.

RESULT:	TABLED [UNANIMOUS]	Next: 2/14/2017 6:30 PM
MOVER:	Judy Reiker, Commissioner	
SECONDER:	Jake Sachs, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- B. Ordinance No. 10-17: Small-Scale Comprehensive Plan amendment Application A-1-17, conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use category for annexed properties located at 460 Spruce Street and 2438 Hazel Bishop Drive

City Attorney Gummey read Ordinance No. 10-17 the first time, by title only.

Motion:

Commissioner Hartman moved to approve on first reading Ordinance No. 10-17, as submitted. Vice Mayor 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 February 14, 2017.

RESULT:	TABLED [UNANIMOUS]	Next: 2/14/2017 6:30 PM
MOVER:	Randy Hartman, Commissioner	
SECONDER:	Jake Sachs, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- C. Ordinance No. 11-17: Rezoning Application A-1-17, conduct the second reading and public hearing of an ordinance, which if adopted, would rezone annexed properties located at 460 Spruce Street and 2438 Hazel Bishop Drive

City Attorney Gummey read Ordinance No. 11-17 the first time, by title only.

Motion:

Commissioner Hartman moved to approve on first reading Ordinance No. 11-17, 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 February 14, 2017.

RESULT:	TABLED [UNANIMOUS]	Next: 2/14/2017 6:30 PM
MOVER:	Randy Hartman, Commissioner	
SECONDER:	Judy Reiker, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- D. Ordinance No. 12-17: Conduct the second reading and public hearing of an Ordinance, which if adopted, would approve the borrowing of funds in order to finance a portion of the Islesboro Stormwater Project.

City Attorney Gummey read Ordinance No. 12-17 the first time, by title only.

Mayor Hathaway opened the Public Hearing. As no one wished to speak, Mayor Hathaway closed the Public Hearing.

Motion:

Commissioner McGuirk moved to approve on first reading Ordinance No. 12-17, 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 February 14, 2017.

RESULT:	TABLED [UNANIMOUS]	Next: 2/14/2017 6:30 PM
MOVER:	Jason McGuirk, Commissioner	
SECONDER:	Judy Reiker, Commissioner	
AYES:	McGuirk, Hathaway, Reiker, Sachs, Hartman	

7. CONSENT AGENDA

- A. Approve the Minutes of City Commission Meetings held November 15, 2016, November 29, 2016 and December 13, 2016
- B. Approve Phase 1 Design Contract Award to GLE Architects for Restoration of the City Hall Annex, at the negotiated cost of \$18,030.

No action; removed from agenda.

- C. Approval for the \$235,344.01 purchase of replacement Self Contained Breathing Apparatus (SCBA), which is budgeted in FY 16-17 for the Fire Department
- D. Approve entering into an Agreement with the Flagler Avenue Business Association (FABA) for directional sign displays on selected street light poles.

Commissioner Reiker stated she is very glad to see this happening. She stated she has worked hard for this for the past few years.

- E. Award of Bid for Railroad Street Paving to Halifax Paving, Inc for \$51,777. This work is being funded by the new US 1/Historical Westside CRA, in support of the partnership with the Housing Authority for new homes built.
- F. Approve Easement Agreement Application No. EA-1-17: An Easement Agreement To Allow For a required 10 foot wide sidewalk to be placed on private property, with a public access easement, for the Coastal Woods Commercial Subdivision.

No action; removed from agenda.

- G. Approval of the Historic Tree Removal Application No. HTR-9-16: 703 Saxon Drive
Vice Mayor Sachs stated this property is close to where he lives and stated his discontent with killing a tree just because it was sick.

Ms. King stated they did bring out a biologist/arborist who was brought out to examine the tree.

Commissioner Reiker moved to approve the Historic Tree Removal Application. Commissioner McGuirk seconded the motion. The motion carried 4 - 1 by majority vote, with Vice Mayor Sachs voting no.

- H. Approval of Baseball Field #1 plaque at the Sports Complex in Memory of Dave Fernandez at the request of the Southeast Youth Sports League
- I. Approval of three Brannon Civic Center non-profit Grant Requests for 25% discount on rental fee; and approval for future requests to be approved by the City Manager, or her designee.
- J. Approval of the "Bill of Sale" - City Hall Underground Electric Assets to the UC
- K. Approve an additional ten hours per week for the position of Public Information Officer adjusting from 30 hours/week to 40 hours/week, effective date February 5, 2017.
- L. Approval of the Special Event Application for the 55th Annual Arts Fiesta on Feb 18-19th, with the use of Old Fort Park, and adjacent Street Closures of Sams Avenue and Julia Street.
- M. Approval of the Special Event Application for the Black Heritage Festival - February 3-5, 2017, as well as the associated street closure, adjacent to Pettis Park.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Discussion on the 2016/17 ECHO Grant Applications: Recreational improvements at 27th Avenue Beach Park and Phase II-New Smyrna Beach City Hall Historical Annex, and then approval of Resolution No. 01-17 for both projects.

Leisure Services Director Nancy Maddox outlined the Grant Resolution. She stated the water is recyclable and is filtered.

Commissioner Reiker stated this is not a good place for a water feature. She said if the City does not get the grant to build the water park, then she would vote no; reason being she does not think it is a good idea.

Mayor Hathaway stated he owned a laundry mat years ago and he remembered having to shovel sand from the sand traps. He is in agreement with Commissioner Reiker. He thought it would be a better idea away from beach side; perhaps inland.

Commissioner Hartman asked if the City would be responsible for maintenance for this. Ms. Maddox stated that the quoted amount is \$11,000 for annual maintenance.

Commissioner McGuirk stated that he did not like the idea.

City Attorney Gumme stated that 02-17 would have to be revised for improvements of the 27th Street Park.

Motion:

Motion to approve the resolution as amended made by Commissioner Hartman. Motion seconded by Commissioner Reiker, and the motion carried unanimously.

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

- B. Continued Discussion on Regulations of Vessels Mooring at City Docks, Piers and Seawalls, in order to address the problem of extended stays.

City Manager Brangaccio stated they needed a quorum to approve mooring. She said it was an open dock.

Commissioner Reiker suggested we propose something the City could live with.

Vice Mayor Sachs asked if we have a model from another community.

Commissioner Reiker stated that Titusville, Florida marina does have a model; comparing it to a hotel. She said boaters must pay to use, then leave when their time is up.

Commissioner McGuirk questioned the intent of why we are proposing this. City Manager Brangaccio stated that the problem is that currently, anyone can dock their boat there and there is not a time limit. She said the residents in the surrounding are upset because it brings down the property value and causes irritation because some boats are unsightly.

Commissioner McGuirk moved to approve the Regulations of Vessels Mooring at City Docks, Piers, and Seawall by enforcing a mooring time of a maximum of ten hours within a twenty-four hour period. Commissioner Reiker seconded the motion. The motion carried 4 - 1 by majority vote, with mayor Hathaway voting no.

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

C. Agreement between the City of New Smyrna Beach and the Utilities Commission for the Islesboro project

City Manager Brangaccio outlined staff's recommendation that the City Commission approve entering into an interlocal agreement with the Utilities Commission to provide \$1.337 M in upgrades to existing UC sewer and water infrastructure, as well as converting septic systems within the area to central sewer (up to \$850,000). City Manager Brangaccio reported staff had no issues with the agreement and recommended approval. She highlighted that 2 public meetings were held; the agreement would result in the City paying a lower interest rate and a five-year payment schedule.

Motion:

Commissioner Hartman moved to approve the Islesboro Agreement with the Utilities Commission, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

9. BOARDS AND COMMISSIONS

A. Building Trades Board: Consider appointments for three-year terms to expire January 1, 2020.

Discussion ensued regarding the consideration to appoint and reappoint members to a three year term, expiring on January 1, 2020. The reappointment of William Cowherd and Paul Heer and the appointment of Allan J. Charles was approved.

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

10. CITY MANAGER'S REPORT

A. City Manager's Report

There were none.

11. CITY CLERK'S REPORT

There were none.

12. CITY ATTORNEY'S REPORT

There were none.

13. ADJOURNMENT

As there was no other business to conduct, mayor Hathaway declared the meeting adjourned at 9:18 PM.