



**Tuesday, March 14, 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**

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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, March 14, 2017 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor James W. Hathaway called the meeting to order at 6:30 PM.

**B. Roll Call**

| Attendee Name | Title        | Status  | Arrived |
|---------------|--------------|---------|---------|
| Jason McGuirk | Commissioner | Present |         |
| Jim Hathaway  | Mayor        | Present |         |
| Judy Reiker   | Commissioner | Present |         |
| Jake Sachs    | Vice Mayor   | Present |         |
| Randy Hartman | Commissioner | Present |         |

Also present were City Manager Pamela Brangaccio, City Attorney Frank B. Gummey, III, Assistant City Manager Khalid Resheidat, Police Chief Mike Coffin, 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, Community Resource Coordinator Donna Banks and Assistant City Clerk Kelly McQuillen.

**C. Invocation/Pledge of Allegiance**

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

**D. Approval of the Agenda**

City Manager Brangaccio reported that no changes were made to the agenda.

**2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS**

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**A. Conduct the Pinning Ceremony for new Firefighter/EMT's within the City Fire Department, Stephanie Griffin, Cody Shum and Chris Tubens.**

Mayor Hathaway conducted the Pinning Ceremony for new Firefighter/EMT's within the City Fire Department; Stephanie Griffin, Cody Shum and Chris Tubens.

**B. Recognition of the Retirement of Police Lieutenant Christopher Roos**

Mayor Hathaway recognized the Retirement of Police Lieutenant Christopher Roos. Police Chief Mike Coffin presented Lieutenant Roos with a Shadowbox commending his last twenty-two years with the Police Department.

**C. Presentation: Daytona State College Center for Women and Men**

Erin LeDuc, Director I - Daytona State College Center for Women and Men, gave a brief presentation in order to talk about services the Center for Women and Men are able to provide citizens.

Ms. LeDuc stated that they are celebrating forty years. She represented the New Smyrna Beach/Edgewater campus. She commented on the Fresh Start program and explained what the workshop did. She described some programs. She said the program was free and that anyone could benefit from it. She said the center wanted to break down barriers.

**D. Proclamation: Recognizing the Merritt Island National Wildlife Refuge Community Conservation and Education Center**

Mayor Hathaway presented a proclamation for Recognizing the Merritt Island National Wildlife Refuge Community Conservation and Education Center.

**3. MAYOR AND COMMISSION REPORTS**

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Commissioner Reiker commented on the Ribbon Cutting for the Gabordy Canal. She commented on the Volusia League of Cities Dinner is coming up and hoped some Commissioners will join her. She commented on Bill 425 dealing with Short Term Rentals and Senate Bill 80 that dealt with public records.

Vice Mayor Sachs commented on having the pleasure of sending off the Show Dolls. He said they are effervescent girls. He said he had the pleasure of running in the Night 5K. He thanked City Staff, Leisure Services Director Nancy Maddox, Planning and Zoning Director Amye King and Public Information Officer Anna Hackett and some staff from the Police Department for running in the 5K. He said unfortunately, during the Mayor's Fitness Challenge, a woman fell ill and rescue units were called. He thanked Fire Fighters for their work supporting calls like this. He commented on noise complaints on Flagler Avenue and said they are working with Code Enforcement to help with the situation.

Commissioner McGuirk commented on the Dollar General on US 1. He thanked Planning and Zoning Director Amye King for the job that she did for making the store look nice.

Commissioner Hartman had no report.

Mayor Hathaway complimented Public Information Officer Anna Hackett for setting the Gabordy Canal Event up. He attended the event. He reported that Economic Development Director Tony Otte and he met with Volusia County Vice Chair Deb Denys about traffic and will meet on regular basis and will report back to City Commission

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

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- A. Ordinance No. 13-17: Conduct the second reading and public hearing of Ordinance No. 13-17, which if adopted would add Article VI (Special Events) to Chapter 70 of the City Code of Ordinances.

City Attorney Gummy read Ordinance No. 13-17, The second time by title only.

Leisure Services Director Nancy Maddox outlined the proposed ordinance, which if adopted, would add Article VI (Special Events) to Chapter 70 of the City Code of Ordinances.

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. 13-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

**Motion:**

Commissioner McGuirk moved to approve giving the Leisure Services Director the authority to approve a 25% discount off the proposed special event fee and for any City facility rates for non-profit organizations. Commissioner Reiker seconded the motion, and the motion carried unanimously

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| <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 |

- B. Ordinance No. 18-17: Small-Scale Annexation Application A-2-17, conduct the second reading and public hearing of an ordinance, which if adopted, would annex properties located at 461 Howard Avenue, 400 Oak Street, 1707 Enterprise Avenue, 2003 Caldwell Street, 2011 Caldwell Street, 1890 Pioneer Trail, vacant parcel on West Street, 310 Oak Street, and 1480 Mary Avenue.

City Attorney Gummey read Ordinance No. 18-17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would annex properties located at 461 Howard Avenue, 400 Oak Street, 1707 Enterprise Avenue, 2003 Caldwell Street, 2011 Caldwell Street, 1890 Pioneer Trail, vacant parcel on West Street, 310 Oak Street, and 1480 Mary Avenue.

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. 18-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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| <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 |

- C. Ordinance No. 19-17: Small-Scale Comprehensive Plan Amendment Application A-2-17, conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use for properties located at 461 Howard Avenue, 400 Oak Street, 1707 Enterprise Avenue, 2003 Caldwell Street, 2011 Caldwell Street, 1890 Pioneer Trail, vacant parcel on West Street, 310 Oak Street, and 1480 Mary Avenue.

City Attorney Gummey read Ordinance No. 19-17, 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 for properties located at 461 Howard Avenue, 400 Oak Street, 1707 Enterprise Avenue, 2003 Caldwell Street, 2011 Caldwell Street, 1890 Pioneer Trail, vacant parcel on West Street, 310 Oak Street, and 1480 Mary Avenue.

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. 19-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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| <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 |

- D. Ordinance No. 20-17: Small-Scale Rezoning Application A-2-17, conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone properties located at 461 Howard Avenue, 400 Oak Street, 1707 Enterprise Avenue, 2003 Caldwell Street, 2011 Caldwell Street, 1890 Pioneer Trail, vacant parcel on West Street, 310 Oak Street, and 1480 Mary Avenue.

City Attorney Gummey read Ordinance No. 20-17, the second time by title only. City Attorney Gummey advised staff this was a quasi-judicial 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 rezone properties located at 461 Howard Avenue, 400 Oak Street, 1707 Enterprise Avenue, 2003 Caldwell Street, 2011 Caldwell Street, 1890 Pioneer Trail, vacant parcel on West Street, 310 Oak Street, and 1480 Mary Avenue.

Vice Mayor Sachs asked if things like hooking up sewer is considered at this point. Ms. King stated whether or not it's available.

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. 20-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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| <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 |

- E. Resolution No. 04-17: Approving The Agreement Between The City and TD Bank to borrow funds for the construction of the Islesboro Stormwater Project

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

Finance Director Althea Philord outlined the proposed resolution, which if adopted, would approve entering into an agreement with TD Bank to borrow funds for the construction of the Islesboro Stormwater Project. \$560,872 annual payments and first payment November 1, 2017.

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. 04-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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| <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 |

**5. PUBLIC PARTICIPATION**

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Robert Withington, speaking on behalf of Island Hopper Co. He would like a temporary permit for park and ride. He is seeking a way to help with traffic. City Manager Brangaccio commented on the speed limit and upcoming meetings.

Eddie Tomlinson, Wayne Avenue, stated he goes to Breakers daily for lunch and had a suggestion to help serve business on Flagler. He suggested putting an electronic sign up[ west on Flagler to help speed up flow of traffic; ultimately assisting in serving merchants better and helping people get to the beach faster.

Donna Akers, 654 Athens Creek Rd, spoke of deserving a sign for recognition. She wants time to present more for Turnbull Creek and Community Service Project. Would like for it to be an agenda item, needs more time. Turnbull Creek Cleanout.

Christel Saylor, 645 Ball Street, spoke of issues with Blackbeard's Restaurant using the church parking lot to park. She would like a fence back to where it was originally. City Manager Brangaccio stated that City Staff will look into this and contact her.

Donna Akers, 654 Athens Creek Rd, wanted to be invited to speak with the City Commission about the issues of concern. City Manager Brangaccio stated that the only topic the City Commission will be discussing is a Feasibility Study on March 28, 2017 at 5:30 PM.

Robert Withington, Island Hopper Co., suggested to the City Manager to look at contract they had with Flagler Avenue.

**6. ORDINANCES - FIRST READING**

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- A. Ordinance No. 23-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the adopted City Budget for the fiscal year October 1, 2016 - September 30, 2017.

City Attorney Gummey read Ordinance No. 23-17 the first time, by title only.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 23-17, as submitted. Commissioner 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 March 28, 2017.

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| <b>RESULT:</b>   | <b>APPROVED AT FIRST READING [UNANIMOUS]</b> | <b>Next: 3/28/2017 6:30 PM</b> |
| <b>MOVER:</b>    | Randy Hartman, Commissioner                  |                                |
| <b>SECONDER:</b> | Jason McGuirk, Commissioner                  |                                |
| <b>AYES:</b>     | McGuirk, Hathaway, Reiker, Sachs, Hartman    |                                |

## 7. CONSENT AGENDA

- A. Approve City Commission Regular Meeting Minutes for February 28, 2017, April 12, 2016 and April 26, 2016.

**Motion:**

Commissioner Hartman moved to approve City Commission Regular Meeting Minutes for February 28, 2017, April 12, 2016 and April 26, 2016. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- C. Approve the addition of a Construction Inspector Position within the Engineering Division to be funded from the Stormwater Fund.

**Motion:**

Commissioner Hartman moved to approve the addition of a Construction Inspector Position within the Engineering Division to be funded from the Stormwater Fund. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Approve the outdoor selling of alcohol for a Special Event: St. Patrick's Day at Clancy's Cantina, on Friday, March 17, 2017.

**Motion:**

Commissioner Hartman moved to approve the outdoor selling of alcohol for a Special Event: St. Patrick's Day at Clancy's Cantina, on Friday, March 17, 2017. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- E. Approve a Special Event: Spring Fest 2017, on Saturday, April 1, 2017, and associated road closures.

**Motion:**

Commissioner McGuirk moved to approve a Special Event: Spring Fest 2017, on Saturday, April 1, 2017, and associated road closures. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- F. Approve a Special Event: the Marine Discovery Center's Annual "Lagoonacy" Event, on Saturday, April 1, 2017, and associated operation of a "Beer Garden".

**Motion:**

Commissioner Hartman moved to approve a Special Event: the Marine Discovery Center's Annual "Lagoonacy" Event, on Saturday, April 1, 2017, and associated operation of a "Beer Garden". Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- G. Approve a Special Event: The Annual Fundraiser for the Friends of Babe James, on Friday, May 5, 2017, with the associated closure of 10th Street.

**Motion:**

Commissioner Hartman moved to approve a Special Event: The Annual Fundraiser for the Friends of Babe James, on Friday, May 5, 2017, with the associated closure of 10th Street. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- H. Approve a Special Event: Antique & Vintage Market within the Canal Street Historic District, on Saturday, November 4, 2017.

**Motion:**

Commissioner Hartman moved to approve a Special Event: Antique & Vintage Market within the Canal Street Historic District, on Saturday, November 4, 2017. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

**8. ADMINISTRATIVE ITEMS/NEW BUSINESS**

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- A. Resolution No. 07-17: Consider the adoption of a resolution, supporting initiatives of local municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment.

Commissioner Reiker asked about what the wording enable meant in the resolution. City Manager Brangaccio stated they used the wording from the resolution from other municipalities. Commissioner Reiker thanked Vice Mayor Sachs for bringing this topic forward. She also stated the wording made her hesitant. She said that if the state isn't participating in an initiative like this, then we should not do it either. Commissioner McGuirk concurred. The specific paragraph made it sound like the Commission was taking some sort of action. Commissioner McGuirk wanted to support the resolution. Commissioner Reiker stated we have to take an active role especially if Waste Pro and Marine Discovery Center are involved as partners, we could really build momentum and make change.

Ms. Hackett stated we have 1,500 reusable bags that we can approach different stores with to ask if we can do a Swap Campaign.

Vice Mayor Sachs recognized the efforts of Chad Truxall, Marine Discovery Center and Ryan Mahler from Surfriders as well as members from the Volusia Indian River League Council and members from the Indian River Lagoon Council. He explained Coral Gables has banned Styrofoam. He would like awareness because lagoons are plagued with plastic bags and supported a City-wide campaign.

Mayor Hathaway commented on the excess of reusable plastic bag use. He spoke from personal experience and stated that bacteria will grow inside of plastic bags over time. He commented on moving forward with a resolution that educates our community.

**Motion:**

Vice Mayor Sachs moved to adopt Resolution No. 07-17: Consider the adoption of a resolution, supporting initiatives of local municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment with corrections to a paragraph by removing the last occurrence of the word "whereas" and removing the word "enable" from the bottom paragraph. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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

**9. BOARDS AND COMMISSIONS**

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- A. Code Enforcement Board: Appoint/Reappoint members to three-year terms to expire March 3, 2020. The terms of members Zachary Bass, Georgina Nelson and Andrea Truslow expired March 3, 2017.

**Motion:**

Commissioner McGuirk moved to reappoint Zachary Bass to the Code Enforcement Board. Commissioner Reiker seconded the motion, and the motion carried unanimously.

Commissioner Reiker nominated Dan Copfer and Steven Sheriff for appointment as members to three-year terms to expire March 3, 2020.

Commissioner McGuirk nominated Lisa Martin for appointment as a member to a three-year term expiring March 3, 2020.

Vice Mayor Sachs nominated Lisa Martin for appointment as a member to a three-year term expiring March 3, 2020.

Lisa Martin, Dan Copfer and Steven Sheriff were nominees for consideration. Ballots were distributed to the City Commission to vote for the nominees.

Commissioner Hartman voted for Lisa Martin and Steven Sheriff.

Commissioner McGuirk voted for Dan Copfer and Lisa Martin.

Commissioner Reiker voted for Dan Copfer and Steven Sheriff.

Vice Mayor Sachs voted for Lisa Martin and Steven Sheriff.

Mayor Hathaway voted for Lisa Martin and Steven Sheriff.

A vote was counted by Assistant City Clerk Kelly McQuillen and verified by City Attorney Frank Gummy. Lisa Martin and Steven Sheriff received four (4) votes and Dan Copfer received two (2) votes; therefore, Lisa Martin and Steven Sheriff were appointed as new members to serve three-year terms expiring March 3, 2020 on the Code Enforcement Board.

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| <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 |

- B. Economic Development Advisory Board - Accept the Voluntary Resignation of Member Michael Kolody, and appoint a citizen to serve as a member for the remainder of his term, which expires June 8, 2018.

**Motion:**

Commissioner Reiker moved to appoint Zachary Bass to a term expiring June 8, 2018 on the Economic Development Advisory Board with the condition that if Mr. Bass was selected to serve on the Economic Development Advisory Board, then he is automatically removed from the Code Enforcement Board. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

Vice Mayor Sachs nominated Noel Bickford for appointment as a member to a term expiring June 8, 2018.

Commissioner Hartman nominated Lisa Martin for appointment as a member to a term expiring June 8, 2018.

Zachary Bass, Noel Bickford and Lisa Martin were nominees for consideration. Ballots were distributed to the City Commission to vote for the nominees.

Commissioner Hartman voted for Lisa Martin.

Commissioner McGuirk voted for Zachary Bass.

Commissioner Reiker voted for Zachary Bass.

Vice Mayor Sachs voted for Noel Bickford.

Mayor Hathaway voted for Zachary Bass.

A vote was counted by Assistant City Clerk Kelly McQuillen and verified by City Attorney Frank Gummy. Zachary Bass received three (3) votes. Noel Bickford and Lisa Martin received one (1) vote each; therefore, Zachary Bass was appointed as a new member to serve a term expiring on June 8, 2018 on the Economic Development Advisory Board.



**Motion:**

Commissioner Reiker moved to appoint Dan Copfer as a member to a three-year term expiring March 3, 2020 on the Code Enforcement Board. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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| <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 |

**C. Leisure Activities Advisory Board - Appoint a member to fill an unexpired term to expire June 22, 2017**

Commissioner McGuirk nominated Shy Morris for appointment as a member to a term expiring June 22, 2017. Commissioner Hartman nominated Shy Morris for appointment as a member to a term expiring June 22, 2017. Mayor Hathaway nominated Patricia Gray for appointment as a member to a term expiring June 22, 2017.

Patricia Gray and Shy Morris were nominees for consideration. Ballots were distributed to the City Commission to vote for the nominees.

Commissioner Hartman voted for Shy Morris.  
Commissioner McGuirk voted for Shy Morris.  
Commissioner Reiker voted for Shy Morris.  
Vice Mayor Sachs voted for Shy Morris.  
Mayor Hathaway voted for Patricia Gray.

A vote was counted by Assistant City Clerk Kelly McQuillen and verified by City Attorney Frank Gummey. Patricia Gray receive one (1) vote. Shy Morris received four (4) votes; therefore, Shy Morris was appointed as a new member to serve a term expiring on June 22, 2017 on the Leisure Activities Advisory Board.

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

**10. CITY MANAGER'S REPORT**

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**A. City Manager's Report**

There were none.

**11. CITY CLERK'S REPORT**

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There were none.

**12. CITY ATTORNEY'S REPORT**

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There were none.

**13. ADJOURNMENT**

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As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 8:37 PM.