



**Tuesday, April 25, 2017**  
**City Commission Regular Meeting**  
**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, April 25, 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 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, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

**C. Invocation/Pledge of Allegiance**

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

**D. Approval of the Agenda**

Assistant City Manager Khalid Resheidat reported the addition of the following items to the already published agenda: Resolution No. 14-17, opposing offshore oil and natural drilling in the Atlantic Ocean, at the request of Vice Mayor Sachs; a request for approval to install "No Parking" signs along the City's retention area on Normandy Avenue and North Atlantic Avenue; a request to approve an amendment to the agreement with Sugar Mill Association, Inc. regarding the ownership of radar signs.

## 2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

### A. Recognition of the Promotion of Police Sergeant David Williams

Mayor Hathaway and Police Chief Mike Coffin conducted a promotion ceremony of Field Training Officer David Williams to the rank of Sergeant.

## 3. MAYOR AND COMMISSION REPORTS

Commissioner Reiker reported that the National Day of Prayer would be next Thursday, May 4, 2017, at noon. She commented on the Economic Development Board Meeting. She mentioned Tony Otte was looking for help establishing a group of business owners. She encouraged all to email Mr. Otte with the names of Flagler Avenue business owners.

Vice Mayor Sachs commented on volunteers. He commented that April was designated as National Volunteer Month. He stated that the Council on Aging had a program for meal delivery to elderly residents. He thanked all volunteers for their time and commitment. He mentioned problems with derelict boats. He wanted help from the County to get rid of the boats. He commented on Earth Day. He complimented Public Information Officer, Anna Hackett, for her work to help pass Resolution No. 07-17, supporting the initiatives by local municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment.

#### **Motion:**

Vice Mayor Sachs moved to adopt Resolution 14-17 Opposing Offshore Oil and Natural Gas Drilling in the Atlantic Ocean; Providing for Conflicting Resolutions; and Providing an Effective Date. Commissioner McGuirk seconded the motion, and the motion approved unanimously.

Commissioner McGuirk commented on getting business owners together for the CRA/Economic Development Director Tony Otte to assist Mr. Otte establish a group of business owners. He commented on the state funds for the counties most impacted by derelict boats and Volusia County was not one of the counties. He thanked the Board of Realtors for their contribution of donating each of the New Smyrna Beach Public Schools \$1,500. He said the Board donated annually and wanted the Board of Realtors to know their generosity was appreciated.

Commissioner Hartman commented on the Zone 4 Informational Meeting on April 18, 2017 held at Venetian Bay. He thanked Ms. Hackett for organizing and planning the event. He thanked Planning and Zoning Director Amye King for her presentation and he thanked all City Staff and Elected Officials for their support in attending.

Mayor Hathaway complimented City Staff and Commissioner Hartman for job well done at the Zone 4 Informational Meeting. He commented on New Smyrna Beach resident, Mr. Bob Tolley, son's passing and commended the Fire Department's supportive response to Mr. Tolley. ~~He commented on the trolley issue and mentioned only having fourteen months to coordinate. He asked the Commission to reconsider moving the item forward.~~

#### **Motion:**

Commissioner Reiker moved to reconsider directing staff to move this grant forward for this year, and move that item forward. Commissioner McGuirk seconded the motion, and the roll carried unanimously.

*Mayor Hathaway: The other issue that I want to bring back to the Commission tonight is the fact that I had a conversation with our Vice Chair of the County Council, Deb Denys, and our District Three Representative at the meeting in Daytona when we were listening to the State of the County. I also was introduced to the FDOT Grants Coordinator and he assured me on the trolley issue that we have like fourteen months basically if we were to get it in by May to work up a program and sort out who our partners are going to be and I've been assured the County, SVAA, as well as the City would participate originally as well as our Merchant's Associations who will come in and pick up the slack hopefully run with the ball since it's really benefitting our merchants as opposed to anyone else in this community and I would like the Commission to reconsider asking Tony to move this grant forward for this year. It is not going to be available to us until June or July next year and during that interim period of time, we will have*

the opportunity to figure out all the issues and make sure we have partners to move this thing forward. And I would certainly like the Commission to move that item forward and I'm asking for a motion in that regard.

*Assistant City Manager Khalid Resheidat:* May I just add that there is no commitment if we get the grant.

*Commissioner Reiker:* Mayor, I'll move for approval and then I have a comment.

*Commissioner McGuirk:* Second.

*Mayor Hathaway:* Yes mam, go ahead.

*Commissioner Reiker:* This obviously is on the Economic Development Plan and the rest of you were generous enough to move it forward when we were talking about the trolley and move forward on our priority list and get it on the plan so we spent about forty minutes in discussion at the Economic Development Board Meeting last week and the board was very excited about this project. The way it was originally put to us was that we had to have everything ready in a month or two and that was not possible because we started to talk about routes and parking and all the issues that would go along with it so now to hear you say that we would have time to pull all that together is a whole different story and the Economic Development Board is obviously very much in favor because it's in our plan and we have even said that under Tony's leadership that we would be willing to assist in planning for that trolley. When we talked about how often would we be talking about the trolley and Tony said well pretty much every meeting. And we would be instrumental in helping so the board is willing to jump in and assist with the planning of this because it is part of our project so that being said is I think positive and the other thing we also talked about is other ways to look at this. Maybe we don't have to jump into a \$300,000 deal right away. Maybe there's a way to start a little bit smaller to see what the interest is, how this works, is there a smaller sort of vehicle that we could use? Try different times, different routes like that. I mean when a business starts, you don't start a business and put a whole lot of money towards something that you don't even know how it's going to work out so it might be that we start smaller and then see how that works out and then grow it organically as businesses will grow. So there's all kinds of ways that we can look at this and things that we can do so I think you have the support of the Economic Development Board on this.

*Mayor Hathaway:* Thank you, Commissioner. Any other discussion? We have a motion. Do we have a second? Any other discussion? Call the roll please.

*City Clerk Johnny Bledsoe:* Vice Mayor Sachs (yes), Mayor Hathaway (yes), Commissioner McGuirk (yes), Commissioner Hartman (yes), Commissioner Reiker (yes).

*Mayor Hathaway:* Thank you all and Tony, you have your marching orders and I appreciate the work you and Debby have already put into it as well as the Economic Development Advisory Board. Okay, thank you Debby. Appreciate you being here.

**(Minutes were amended at the City Commission Regular Meeting held on April 10, 2018 as moved by Vice Mayor McGuirk and seconded by Commissioner Reiker. The motion carried by 4-1 majority vote, with Commissioner Sachs voting no).**

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

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- A. Ordinance No. 22-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend Part II, Chapter 86, Article II, of the City Code of Ordinances, as related to the operation of Taxicabs.

City Attorney Gummy read Ordinance No. 22 - 17, the second time by title only.

Planning and Zoning Director Amye King outlined the proposed ordinance, which if adopted, would amend Part II, Chapter 86, Article II, of the City Code of Ordinances, as related to the operation of Taxicabs.

Ms. King commented on updating the outdated Ordinance. She said the City Attorney's Office drafted an updated licensure ordinance. Mr. King deferred questions to Police Chief Mike Coffin.

Mayor Hathaway opened the public hearing.

Vice Mayor Sachs asked Chief Coffin about the use of seat belts as well as driver criminal background checks.

Chief Coffin stated that the same vehicle laws apply and he confirmed a criminal background check would be required.

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

**Motion:**

Commissioner Reiker moved to adopt Ordinance No. 22-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried 4-1, with Vice Mayor Sachs voting no.

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

B. Ordinance No. 28-17: 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. 28 - 17, the second time by title only.

Assistant Finance Director Lewie Wise outlined the proposed ordinance, which if adopted, would amend the adopted City Budget for the fiscal year October 1, 2016 - September 30, 2017.

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. 28-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

**5. PUBLIC PARTICIPATION**

Margaret Yarrington, 309 Florida Avenue, commended the City Commission for adopting Resolution No. 07-17, supporting the initiatives by local municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment. She questioned why a resolution regarding Styrofoam use and plastic resin chairs had not been passed. She commented on water energy, the rising tides and future water supplies.

Ryan Mahler, 231 Kirkland Road, commented on Resolution No. 07-17, supporting the initiatives by local municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment. He commended City Staff and Commission for their care in passing that resolution. He commented on his support of Resolution No. 14-17, opposing offshore oil and natural drilling in the Atlantic Ocean. He did not think such a resolution had been passed before. He commented on the leases in the Atlantic Ocean possibly being reopened in the future. He thanked City Commission for having these discussions.

Commissioner McGuirk commented on the history of considering passing Resolution No. 14-17, opposing offshore oil and natural drilling in the Atlantic Ocean. He stated that the Beach Advisory Committee passed a resolution and wanted clarification if the City followed suit.

Richard England, President of The Hub on Canal Street, commented on the 5th Birthday of the Hub. He said about 150,000 people had been through the front doors of the Hub and thanked Commission for their support and looked forward the working with the City in the future.

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

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- A. Ordinance No. 29-17: Z-1-17 1000 Live Oak Street, 1001 and 1015 S Dixie Freeway / City of New Smyrna Beach -- Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone City property from R-2 Single Family Residential and B-3 Highway Service Business to R Recreation for the purpose of making the zoning and use consistent with the comprehensive plan.

City Attorney Gummey read Ordinance No. 29-17 the first time, by title only.

**Motion:**

Vice Mayor Sachs moved to approve on the first reading Ordinance No. 29-17, 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 May 9, 2017.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 5/9/2017 6:30 PM</b>
<b>MOVER:</b>	Jake Sachs, Vice Mayor	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

- B. Ordinance No. 30-17: EV-1-17 Old Minorcan Trail - McAdams -- Conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would vacate a 15' by 156.58' drainage and utility easement bisecting the property located at 526 Old Minorcan Trail.

City Attorney Gummey read Ordinance No. 30-17 the first time, by title only.

**Motion:**

Commissioner Hartman moved to approve on the first reading Ordinance No. 30-17, 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 May 9, 2017.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 5/9/2017 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Jason McGuirk, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

C. Ordinance No. 31- 17: Conduct the second reading and public hearing of an ordinance, which if adopted, would grant a Non-Exclusive Construction & Demolition Roll-Off Service - Creech Enterprises, Inc.

City Attorney Gummey read Ordinance No. 31-17 the first time, by title only.

**Motion:**  
 Commissioner Reiker moved to approve on the first reading Ordinance No. 31-17, 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 May 9, 2017.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 5/9/2017 6:30 PM</b>
<b>MOVER:</b>	Judy Reiker, Commissioner	
<b>SECONDER:</b>	Randy Hartman, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

D. Ordinance No. 32-17: Small-Scale Annexation Application A-4-17, conduct the second reading and public hearing of an ordinance, which if adopted, would annex properties located at 410 Spruce Street and 2299 South Glencoe Road.

City Attorney Gummey read Ordinance No. 32-17 the first time, by title only.

**Motion:**  
 Commissioner Hartman moved to approve on the first reading Ordinance No. 32-17, 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 May 9, 2017.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 5/9/2017 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Jason McGuirk, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

E. Ordinance No. 33-17: Small-Scale Comprehensive Plan Amendment Application A-4-17, conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Future Land Use for properties located at 410 Spruce Street and 2299 South Glencoe Road.

City Attorney Gummey read Ordinance No. 33-17 the first time, by title only.

**Motion:**  
 Commissioner Hartman moved to approve on the first reading Ordinance No. 33-17, 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 May 9, 2017.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 5/9/2017 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Jason McGuirk, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

F. Ordinance No. 34-17: Small-Scale Rezoning Application A-4-17, conduct the second reading and quasi-judicial public hearing of an ordinance, which if adopted, would rezone properties located at 410 Spruce Street and 2299 South Glencoe Road.

City Attorney Gummey read Ordinance No. 34-17 the first time, by title only.

**Motion:**  
 Commissioner Hartman moved to approve on the first reading Ordinance No. 34-17, 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 May 9, 2017.

<b>RESULT:</b>	<b>APPROVED AT FIRST READING [UNANIMOUS]</b>	<b>Next: 5/9/2017 6:30 PM</b>
<b>MOVER:</b>	Randy Hartman, Commissioner	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

G. Ordinance No. 35- 17: Conduct the second reading and public hearing of an ordinance, which if adopted, would grant a Non-Exclusive Construction & Demolition Roll-Off Service to Halifax Wrecking Company, Inc.

City Attorney Gummey read Ordinance No. 35-17 the first time, by title only.

**Motion:**  
 Commissioner McGuirk moved to approve on the first reading Ordinance No. 35-17, 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 May 9, 2017.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 5/9/2017 6:30 PM</b>
<b>MOVER:</b>	Jason McGuirk, Commissioner	
<b>SECONDER:</b>	Judy Reiker, Commissioner	
<b>AYES:</b>	McGuirk, Hathaway, Reiker, Sachs, Hartman	

**7. CONSENT AGENDA**

A. Adopt Resolution No. 12-17, Authorizing the Mayor and City Clerk to Execute a Contract Renewal with FDOT, Contract #AR496-R1, Highway Maintenance Memorandum of Agreement for an additional three (3) year term.

**Motion:**  
 Commissioner Reiker moved to adopt Resolution No. 12 -17: FDOT Contract Renewal - Highway Maintenance, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Adopt Resolution 13-17: Approving the Local Agency Program (LAP) for the construction of the Magnolia Street Sidewalk Project from 6th to 10th Street and acceptance of the grant agreement.

**Motion:**

Commissioner Reiker moved to adopt Resolution No. 13 -17: Approving the Local Agency Program (LAP) for the construction of the Magnolia Street Sidewalk Project from 6th to 10th Street and acceptance of the grant agreement, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- C. Approve a Special Event: Derby Hat Contest at Flagler Tavern - May 6, 2017, and also approve the sale of alcohol and alcohol serve plan for outside.

Commissioner Hartman asked about the dumpsters at the event. Assistant City Manager Khalid Resheidat stated he would check.

Vice Mayor Sachs was concerned about the outdoor drinking events. He wanted to make sure the vendor owners and business owners to try to keep people on the properties.

Sherman Reed, owner of Flagler Tavern, stated they have ordered the dumpster doors on June 20, 2017.

**Motion:**

Commissioner Reiker moved to approve a Special Event: Derby Hat Contest at Flagler Tavern - May 6, 2017, and also approve the sale of alcohol and alcohol serve plan for outside, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- D. Approve a Special Event: Derby Day - May 6, 2017, and associated Road Closures: Canal Street from Live Oak to West side of the Chamber of Commerce parking lot from 12:00 p.m. - 6:00 p.m.

**Motion:**

Commissioner Reiker moved to Approve a Special Event: Derby Day - May 6, 2017, and associated Road Closures: Canal Street from Live Oak to West side of the Chamber of Commerce parking lot from 12:00 p.m. - 6:00 p.m., as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- E. Approve a Special Event: Seaside Fiesta - June 15, 2017, and associated road closure of Flagler Avenue from Peninsula Avenue to North Atlantic Avenue

**Motion:**

Commissioner Reiker moved to approve a Special Event: Seaside Fiesta - June 15, 2017, and associated road closure of Flagler Avenue from Peninsula Avenue to North Atlantic Avenue, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- F. Approve a Special Event: Parrots of the Caribbean - July 15, 2017 and associated use of alcohol in a designated area within the Flagler Tavern parking lot.

Vice Mayor Sachs commented on public drunkenness.

**Motion:**

Commissioner Hartman moved to approve a Special Event: Parrots of the Caribbean - July 15, 2017 and associated use of alcohol in a designated area within the Flagler Tavern parking lot, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

## **8. ADMINISTRATIVE ITEMS/NEW BUSINESS**

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There was none.



## **9. BOARDS AND COMMISSIONS**

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There was none.

## **10. CITY MANAGER'S REPORT**

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There was none.

### **A. City Manager's Report**

#### **Motion:**

Commissioner Reiker moved to approve the "No Parking" signage on Normandy Drive and North Atlantic. Commissioner McGuirk seconded the motion, and the motion approved unanimously.

#### **Motion:**

Commissioner McGuirk moved to amend the agreement with Sugar Mill Association, Inc. regarding the ownership of radar signs. Commissioner Hartman seconded the motion, and the motion approved unanimously.

## **11. CITY CLERK'S REPORT**

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There was none.

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

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City Attorney Gummey thanked Assistant City Attorney McDole for his service and announced the hiring of a new Assistant City Attorney and Paralegal.

## **13. ADJOURNMENT**

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As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 7:35 PM.