



Tuesday, May 9, 2017
Regular Meeting City Commission
Minutes

6:30 PM – Commission Chamber, 210 Sams Ave, New Smyrna Beach, FL 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, May 9, 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 | Late | 6:32 PM |
| 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, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

C. Invocation/Pledge of Allegiance

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

D. Approval of the Agenda

City Manager Brangaccio reported the removal of New Business Item B, Request for the Removal of Lien, from the published agenda.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Proclamation: Teacher Appreciation Week, May 8 - 12, 2017

Mayor Hathaway presented a proclamation to New Smyrna Beach High School Principal Karen Chenoweth, New Smyrna Beach Middle School Assistant Principal Alan Canetti, Chisholm Elementary School Teacher of the Year Patricia Johnson, and Read-Patillo Elementary School Counselor Laura Hemmingway in recognition of Teacher Appreciation Week, May 8 - 12, 2017.

B. Proclamation: Motorcycle Awareness Month - May 2017

Mayor Hathaway presented a proclamation to Kathryn Weldon, who represented the Leather and Lace Motorcycle Club, in recognition of Motorcycle Awareness Month - May 2017.

C. Proclamation: National Arson Awareness Week, May 7 - 13, 2017

Mayor Hathaway presented a proclamation to Fire Chief Greg Anglin and Fire Marshall Don Snell in recognition of National Arson Awareness Week, May 7 - 13, 2017.

D. Proclamation: Municipal Clerks Week - May 7 - 13, 2017

Mayor Hathaway presented a proclamation to City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen in recognition of Municipal Clerks Week - May 7 - 13, 2017.

E. 2016/2017 Youth Council Presentation to the City Commission

Youth Council Task Force Board Members Elizabeth Freshour (Chair), Andrea Rosenberg, Sharon Rosenberg and Ann Smith outlined recommendations for future City Commission consideration that included artistic improvements to City parks and facilities, and the implementation of an awareness program to educate citizens on North Causeway Drawbridge times.

3. MAYOR AND COMMISSION REPORTS

Commission Reiker commenting on attending the Board of Directors Meeting for the Volusia League of Cities on May 9, 2017. She stated that Community Resource Coordinator Donna Banks would be awarded for Economic Enrichment and Capital Improvements Manager Michelle Vallance, would be awarded for her work on Capital Projects at the upcoming awards ceremony.

Vice Mayor Sachs commented on the Fire House. He commented on Nurses Week and stated it was from May 6 - May 12, 2017. He joined the nurses at Florida Memorial Hospital for a celebration on May 8, 2017. He commented on being a judge at the Canal Street Hub for Derby Day. He commented on the Turtle Advisory: May 1st - October 31st. He cautioned citizens to be careful on the beaches and to watch out for turtle egg nests. He commented on Older Americans Month. He commented on Earth Day. He said people came together on the North Causeway and marched in honor of Earth Day. He spoke of enforcement of the speed limits on South Causeway.

Commissioner McGuirk commented on a phone call from a Venetian Bay resident. He said the resident was concerned about the 45 mph speed limit.

Commissioner Hartman commented on attending the Crystal Apple Awards; an awards ceremony for the outstanding teachers in the area. He said it was co-sponsored by Volusia County Vice Chair Deb Denys commented on speed limits along SR 44 and the South Causeway Bride. He commented on the various speed limits along SR 44.

Mayor Hathaway commented on radar signs around various locations within the City. He thanked Vice Mayor Sachs for attending the Derby Day Event in his absence. He commented on being privileged to hand out awards at New Smyrna Beach High School. He attended the Electoral Round Table; the Clerk of Court and Supervisor of Elections attended. He commented on Code Enforcement issues. He wanted Codes to do a better job investigating

before the City sends out notices and citations. He commented on monies for volunteers. He stated that the City set up a fund to cover the \$65 background check and applicants could ask Human Resources for the waiver of this fee.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- 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 second time by title only.

Planner I Steven Bapp was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned her credentials, Mr. Bapp outlined the proposed ordinance, which if adopted, would rezone City property from R-2 Single Family Residential and B-3 Highway Service Business to R Recreation for making the zoning and use consistent with the comprehensive plan.

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. 29-17, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jason McGuirk, Commissioner |
| SECONDER: | Randy Hartman, Commissioner |
| AYES: | 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 second time by title only.

Planner I Steven Bapp was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned her credentials, Mr. Bapp outlined the proposed ordinance, which if adopted, would vacate a 15' by 156.58' drainage and utility easement bisecting the property located at 526 Old Minorcan Trail.

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. 30-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Judy Reiker, Commissioner |
| SECONDER: | Jason McGuirk, Commissioner |
| AYES: | 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 second time by title only.

City Manager Brangaccio outlined the proposed ordinance, which if adopted, would grant a Non-Exclusive Construction & Demolition Roll-Off Service - Creech Enterprises, Inc.

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. 31-17, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Randy Hartman, Commissioner |
| SECONDER: | Jake Sachs, Vice Mayor |
| AYES: | 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 second time by title only.

Planner I Steven Bapp outlined the proposed ordinance, which if adopted, would annex properties located at 410 Spruce Street and 2299 South Glencoe Road.

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. 32-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Randy Hartman, Commissioner |
| SECONDER: | Judy Reiker, Commissioner |
| AYES: | 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 second time by title only.

Planner I Steven Bapp outlined the proposed ordinance, which if adopted, would amend the Future Land Use for properties located at 410 Spruce Street and 2299 South Glencoe Road.

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. 33-17, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Judy Reiker, Commissioner |
| SECONDER: | Jason McGuirk, Commissioner |
| AYES: | 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 second time by title only.

Planner I Steven Bapp was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned her credentials, Mr. Bapp outlined the proposed ordinance, which if adopted, would rezone properties located at 410 Spruce Street and 2299 South Glencoe Road.

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. 34-17, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jason McGuirk, Commissioner |
| SECONDER: | Judy Reiker, Commissioner |
| AYES: | 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 second time by title only.

City Manager Brangaccio outlined the proposed ordinance, which if adopted, would grant a Non-Exclusive Construction & Demolition Roll-Off Service to Halifax Wrecking Company, Inc.

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. 35-17, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously.

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

5. PUBLIC PARTICIPATION

Abby Johnson, Intergovernmental Coordinator for the St. Johns River Water Management District, introduced herself to City Staff and Elected Officials.

Josh Carter, Healing Zone, 515 Canal Street, addressed parking time limits on Canal Street. He said that currently there is a two-hour time limit. He commented on Flagler Avenue four hour parking, he wanted it to be consistent.

Marilyn Perron, 2625 Edgewater Avenue, commented on private organizations soliciting money at the Farmer's Market. She commented on being cautious of donating funds to the Friends of New Smyrna Beach Library.

Richard Wynchess, 509 Coral Trace, Edgewater, commended City Staff and Volusia County on beautiful parks and landscaping in New Smyrna Beach. He commented on amenities of the parks and rivers. He commented on the weekend crowd on the North Causeway. He commented on the need for more parking.

6. ORDINANCES - FIRST READING

- A. Ordinance 36-17: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the adopted October 1, 2016 - September 30, 2017 City Budget

City Attorney Gummey read Ordinance No. 36-17 the first time, by title only.

Motion:

Commissioner Reiker moved to approve on the first reading Ordinance No. 36-17, 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 23, 2017.

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| RESULT: | APPROVED AT FIRST READING [UNANIMOUS] | Next: 5/23/2017 6:30 PM |
| MOVER: | Judy Reiker, Commissioner | |
| SECONDER: | Jason McGuirk, Commissioner | |
| AYES: | McGuirk, Hathaway, Reiker, Sachs, Hartman | |

B. Ordinance 37-17: conduct the first reading of an ordinance, which if adopted, would approve the granting of a Tax Abatement per Ordinance 73-14 for TAF USA LLC

City Attorney Gummey read Ordinance No. 37-17 the first time, by title only.
 Commissioner Reiker declared a voting conflict.

CRA/Economic Development Director Tony Otte stated that the intent of TAF USA LLC is to Capital Improvements done by January 1, 2018.

Motion:
 Commissioner Hartman moved to approve on the first reading Ordinance No. 37-17, as submitted. Vice Mayor Sachs seconded the motion, and the motion carried unanimously, with Commissioner Reiker abstaining from voting due to a voting conflict. Mayor Hathaway reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on May 23, 2017.

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| RESULT: | TABLED [UNANIMOUS] | Next: 5/23/2017 6:30 PM |
| MOVER: | Randy Hartman, Commissioner | |
| SECONDER: | Jake Sachs, Vice Mayor | |
| AYES: | McGuirk, Hathaway, Sachs, Hartman | |
| ABSENT: | Reiker | |

C. Ordinance No. 39-17: conduct the second reading and public hearing of an ordinance, which if adopted, would grant a non-exclusive construction and roll-off service franchise to Fence Services, Inc., (FSI), dba AAA Fence.

City Attorney Gummey read Ordinance No. 39-17 the first time, by title only.

Motion:
 Commissioner McGuirk moved to approve on the first reading Ordinance No. 39-17, 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 23, 2017.

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| RESULT: | APPROVED AT FIRST READING [UNANIMOUS] | Next: 5/23/2017 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 April 19, 2016, April 11, 2017 and April 25, 2017.

Motion:
 Commissioner Reiker moved to approve the Minutes of City Commission Meetings held April 19, 2016, April 11, 2017 and April 25, 2017, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Approve the award of contract for pavement management services to IMS Infrastructure Management Services at a cost of \$34,976.

Motion:

Commissioner Reiker moved to approve the award of contract for pavement management services to IMS Infrastructure Management Services at a cost of \$34,976, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- C. Approve the transfer of \$2,500 from the Specialized Law Enforcement Trust Fund (SLETF) to the Save Our Daughters and Sons (SODAS) Youth Summer Work Program to be held during the period June 2 - 29, 2017.

Motion:

Commissioner Reiker moved to approve the transfer of \$2,500 from the Specialized Law Enforcement Trust Fund (SLETF) to the Save Our Daughters and Sons (SODAS) Youth Summer Work Program to be held during the period June 2 - 29, 2017, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Approve Change Order No. 3 to Le-Huu Partners for the Live Oak Cultural Center Project, specifically the design of the Live Oak Cultural Center Parking Lot, at a total cost of \$16,845.43.

Motion:

Commissioner Reiker moved to approve the Change Order No. 3 to Le-Huu Partners for the Live Oak Cultural Center Project, specifically the design of the Live Oak Cultural Center Parking Lot, at a total cost of \$16,845.43, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Approve the recommendations from City Staff and engineering firm Quentin Hampton, to award Bid No. ITB 07-17-ENG, in the amount of \$1,201,015.60, to JD Weber Construction Company, for Cunningham Drive Drainage Improvements; Lift Station No. 18 Replacement; and, Sewer and Water Main Upgrades.

Assistant City Manager Khalid Resheidat outlined the bid award.

Motion:

Commissioner McGuirk moved to approve the recommendations from City Staff and engineering firm Quentin Hampton, to award Bid No. ITB 07-17-ENG, in the amount of \$1,201,015.60, to JD Weber Construction Company, for Cunningham Drive Drainage Improvements; Lift Station No. 18 Replacement; and, Sewer and Water Main Upgrades, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously.

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

- B. Consider a Request to Release from Lien of property at 417 S. Palmetto Avenue, Daytona Beach, FL 32114

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| RESULT: | TABLED [UNANIMOUS] | Next: 5/23/2017 6:30 PM |
| AYES: | McGuirk, Hathaway, Reiker, Sachs, Hartman | |

9. BOARDS AND COMMISSIONS

- A. Appointment of a Member to the Animal Control Board to fill a vacant term expiring September 13, 2017

Vice Mayor Sachs nominated Becky DeBell to fill the vacancy.

Motion:

Commissioner Reiker moved to approve the Appointment of Becky DeBell to the Animal Control Board to fill a vacant term expiring September 13, 2017. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

- B. Consider the appointment and/or reappointment of three members to the Historic Preservation Commission to three-year terms to expire May 14, 2020. The terms of members Nora Jane Gillespie, Kay Matheny and Jean Mayo expire May 14, 2017.

Commissioner McGuirk moved to reappoint Nora Jean Gillespie and Kay Matheny.
Commissioner Reiker nominated Marvin Owen.
Vice Mayor Sachs nominated Mary Drew.

Mary Drew, Nora Jean Gillespie, Kay Matheny and Marvin Owens were nominees for consideration. Ballots were distributed to the City Commission to vote for the nominees.

Commissioner Hartman voted for Mary Drew, Kay Matheny and Marvin Owens.
Commissioner McGuirk voted for Nora Jean Gillespie, Kay Matheny and Marvin Owens.
Commissioner Reiker voted for Nora Jean Gillespie, Kay Matheny and Marvin Owens.
Vice Mayor Sachs voted for Mary Drew, Nora Jean Gillespie and Marvin Owens.
Mayor Hathaway voted for Nora Jean Gillespie, Kay Matheny and Marvin Owens.

A vote was counted by City Clerk Johnny Bledsoe and verified by City Attorney Frank Gummey. Marvin Owens received five (5) votes, Nora Jean Gillespie and Kay Matheny received four (4) votes each and Mary Drew received two (2) votes; therefore, Marvin Owens was appointed as a new member and Nora Jean Gillespie and Kay Matheny were reappointed to serve three-year terms to expire May 14, 2020 on the Historic Preservation Commission.

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

10. CITY MANAGER'S REPORT

A. City Manager's Report

There was none.

11. CITY ATTORNEY'S REPORT

There was none.

A. City Clerk's Report

There was none.

12. ADJOURNMENT

As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 7:51 PM.