



City Commission Regular Meeting Tuesday, January 22, 2019

**6:30 PM – City Hall Commission Chamber, 210 Sams Avenue, 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 22, 2019 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor Russ Owen called the meeting to order at 6:30 PM.

Attendee Name	Title	Status	Arrived
Jason McGuirk	Commissioner	Present	
Jake Sachs	Commissioner	Present	
Randy Hartman	Vice Mayor	Present	
Michael Kolody	Commissioner	Present	
Russell Owen	Mayor	Present	

Also present were City Manager Pamela Brangaccio, City Attorney Carrie Avallone, Assistant City Manager Khalid Resheidat, Police Chief Mike Coffin, Fire Chief Shawn Vandemark, CRA/Economic Development Director Tony Otte, Director of Developmental Services and Coastal Community Resiliency Brian Fields, Interim Finance Director Lewie Wise, Community Resource Coordinator Donna Banks, Public Information Officer/Assistant to the City Manager Phil Veski and Assistant City Clerk Kelly McQuillen.

B. Invocation/Pledge of Allegiance

Police Department Chaplain Sheila Turner gave the invocation. Mayor Owen led those present in the Pledge of Allegiance.

C. Approval of the Agenda

City Manager Pamela Brangaccio reported no changes to the published agenda.

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Proclamation: 28th Annual Black Heritage Festival

Mayor Owen presented a proclamation declaring the 28th Annual Black Heritage Festival to Jimmy Harrell and the Board of the Black Heritage Museum of Allen Chapel AME.

B. Proclamation: Celebrate Literacy Week, Florida!

Mayor Owen presented a proclamation declaring Celebrate Literacy Week, Florida! to Assistant Principal Tracy Hines of Read Pattillo Elementary School.

C. Proclamation: 2019 Martin Luther King Jr. Day, January 21, 2019

Mayor Owen presented a proclamation declaring the Martin Luther King Day 2019 to Pastor Pete Carter and resident Jimmy Harrell of Bethel Baptist Church in New Smyrna Beach.

3. MAYOR AND COMMISSION REPORTS

Vice Mayor Hartman commented on his involvement in a Mission Trip in Guatemala recently. He stated that due to his absence last meeting, he hoped everyone had a great New Year. He reviewed the meeting and was encouraged that they would be reviewing annexation fees in the future. He stated that all Commissioners were present at the Martin Luther King, Jr. Event and remarked what a nice event it was. He thanked the Chamber of Commerce for the Home Show event. He stated that there was a nice plaque by Turnbull Creek commemorating it as historical.

Commissioner McGuirk appreciated the Police presence at the Martin Luther King, Jr. Event. He extended a thank you to Pastor Pete Carter, Reverend Jeffrey Dove and Jimmy Harrell for coordinating the event.

Commissioner Sachs echoed his fellow Commissioners comments regarding Martin Luther King, Jr. Event. He was thankful for the Police presence as well. He commented on the No Plastic Straw Ban last year and suggested a motion to voluntarily omit and lessen the use of single use plastics.

Mayor Owen suggested that the City Attorney Carrie Avallone research on this topic and bring it back to the City Commission for review as a discussion item on the February 12, 2019 agenda.

Commissioner Kolody enjoyed participating in the Martin Luther King, Jr. Events. He attended the Boys and Girls Club Pavilion Dedication. He commented about receiving calls about missing meetings. He suggested showing a calendar on the City Website to list upcoming meetings. He was concerned about the recycling program. He mentioned speaking with Waste Pro during the Home Show Event. He hoped that the City's Public Relations Staff would coordinate information with the intent of reminding citizens about the proper way to recycle by following the rules.

Mayor Owen commented on the Strategic Planning Session, attending the Home Expo on Canal Street and his favorite event, Martin Luther King, Jr. Event held on Monday, January 21, 2019. He commented on upcoming Town Hall Events. He was working on finalizing the dates. He commented on having the first one in February. He commented on the Federal Government shut down. He commented on fire department staffing levels and stated he wanted to hear from the Fire Chief about the topic. He requested that the Fire Chief specifically attend a March 19, 2019 Special City Commission Meeting and conduct a swat analysis of the Fire Department regarding staffing levels. He wanted to establish a date for the Half Cent Sales Tax Open House. He requested that City Staff work on finalizing Resolution No. 21-18: Rules & Procedure for City Commission Meetings.

Commissioner Sachs added that he was joining Edgewater Councilman Gary Conroy at a Coast Guard Event on January 23, 2019.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 03-19: Conduct the Second Reading of an Ordinance, which if adopted, would amend the Code of Ordinances Chapter 1 - General Provisions, Section 1-14 General penalty; continuing violations; adjudging fines.**

City Attorney Avallone read Ordinance No. 03-19, the second time by title only.

City Attorney Carrie Avallone outlined the proposed ordinance, which if adopted, would amend the Code of Ordinances Chapter 1 - General Provisions, Section 1-14 General penalty; continuing violations; adjudging fines.

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

Motion:

Vice Mayor Hartman moved to adopt Ordinance No. 03-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

- B. Ordinance No. 04-19: Conduct the Second Reading of an Ordinance, which if adopted, would establish an Idle Speed No Wake Zone in a specified portion of the Indian River and authorize City staff to submit an application to the Florida Fish and Wildlife Conservation Commission for approval of the zone.

City Attorney Avallone read Ordinance No. 04-19, the second time by title only.

City Attorney Carrie Avallone outlined the proposed ordinance, which if adopted, would establish an Idle Speed No Wake Zone in a specified portion of the Indian River and authorize City staff to submit an application to the Florida Fish and Wildlife Conservation Commission for approval of the zone.

Mayor Owen opened the public hearing.

Buddy Davenport, 106 Grandview Drive, thanked City Staff: specifically Assistant City Attorney Chris Ryan, City Attorney Carrie Avallone and City Manager Pam Brangaccio. He researched the problem because it directly affected his home. He spoke on behalf of Curt White, 1205 Commodore Drive, and expressed Mr. White's gratitude toward City Commission and City Staff and the Utilities Commission. He stated to Commissioner McGuirk that the Utilities Commission was looking into the light problem at South Atlantic Avenue and Flagler Avenue.

Peter Satterly, 354 DeSoto Drive, thanked Buddy Davenport for the effort he put into creating the No Wake Zone.

Keith Able, 1224 Commodore Drive, commented about seeing the need due to the effects of the larger boats. He stated that the boaters' rights should do what they can to slow the mileage down.

Mayor Owen closed the public hearing.

Commissioner Sachs asked if a mooring field were established in the area, would Florida Fish and Wildlife have to take into regard that the City had an additional concern.

City Attorney Avallone suggested moving forward with Ordinance No. 04-19 and tackle the mooring field issue at a later time.

Motion:

Commissioner Kolody moved to adopt Ordinance No. 04-19, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Kolody, Commissioner
SECONDER:	Jake Sachs, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

C. Approval of the Master Plan Update and Airport Layout Plan for the New Smyrna Beach Airport

Assistant City Manager Khalid Resheidat provided a brief history of the Airport Master Plan. He introduced

Phil Jufko, Michael Baker Consultant, outlined the Airport Master Plan Update.

Mayor Owen opened the public hearing.

Rick Hawes, Chamber of Commerce, commented in support of the Airport Master Plan. He stated it was crucial for the health of the airport.

Robert Regia, 400 South Palmetto, Daytona Beach represented Kathy and Lee Griffith. He commented on the Airport Layout Plan and stated there were four of them. The fourth was adjacent to the Griffith property. He stated there was a myriad of regulations pertaining to uses.

Joe Zitzka, Airgate Aviation, commented on the City being a sponsor of the airport and had been for years. He commented on the Master Plan doing a great job with being a reliever airport for Orlando Airport. He thought that the Airport Master Plan captured this. He stated that it was an adverse impact on his business. He hoped to take active role in airport preservation now and in the future.

Vernon Kurt, 1052 Red Maple Way, wanted to know if there was any type of extension. He commented on what kind of study could be done or which runway would be affected.

Gary Norville, owner of AmeriServices, commented in support of the Airport Master Plan. He commented on needing three runways.

Celeste Lester, hanger owner at the New Smyrna Beach Airport, stated she has been a hangar owner for over twenty years. She stated that she understood the need for jets to utilize the airport and referenced revenue. She stated that the runways should be longer. She commented on insurance liabilities. She shared that the airport needed to grow. She mentioned that the hangars are bad, that there was water damage and that more space was needed to place aircraft. She commented on considering having two fuel stations.

Kathy Griffith, 214 Golf Club Drive, submitted photos to the City Commission for review. The photos outlined a safety concern. She commented on the takeoff protection zone, clearance issues and the unsafe slope.

Mayor Owen closed the public hearing.

Commissioner McGuirk commented on the slope clearances. He asked Mr. Jufko if the clearances were accurate.

City Manager Brangaccio stated that the Griffin's issue was one of land use and that the language adopted at the time was accurate. She mentioned that they have not submitted a formal plan.

Assistant City Manager Resheidat commented on FAA.

Commissioner Sachs asked if the Airport Master Plan was approved, would the City avert giving back monies to the FAA. He hoped for a happy conclusion to allow growth that would not negatively affect residents.

Mr. Jufko explained that the Airport Master Plan was compatible with the surrounding environment. He added that the Land Use issue was something that needed to be worked out.

Mayor Owen echoed a few comments. He requested a close monitoring of the process from now on. He asked the Assistant City Manager and City Manager to keep him abreast of the situation and requested a flowchart to always know where we were at in process.

Motion:

Commissioner McGuirk moved to approve the Airport Master Plan Update and Layout, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Michael Kolody, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

D. Resolution No. 21-18: Consider a resolution, which if adopted, would amend the Rules of Procedure for City Commission meetings.

City Attorney Avallone read Resolution No. 21-18, by title only.

City Attorney Carrie Avallone outlined the proposed resolution, which if adopted, which if adopted, would amend the Rules of Procedure for City Commission meetings.

Mayor Owen stated that he agreed with lines 79, 80 and 84. He agreed with prohibiting audience members from interrupting the speaker. He stated that Roll Call Votes would be continued as Commissioner McGuirk and Vice Mayor Hartman accepted Voice Votes and Commissioner Sachs and Commissioner Kolody did not accept Voice Votes.

Commissioner Kolody preferred the current agenda format.

Mayor Owen preferred that the Consent Agenda was moved to the beginning of the format.

Commissioner Sachs shared that he does not to rush through the proposed changes. He suggested that when the Mayor and Commissioners shared their reports, perhaps the City Manager would as well.

Commissioner McGuirk preferred to move Public Participation to the beginning and Mayor and Commissioner Reports towards the end. He stated this would allow for discussion of any issues that they would want to readdress.

City Commission consensus was not to include remote attendance.

City Commission consensus was to request that this item was continued to the February 12, 2019 meeting to allow the City Attorney time to craft Resolution No. 21-18 with the requested changes and suggestions.

RESULT:	CONTINUED NO VOTE TAKEN	Next: 2/12/2019 6:30 PM
----------------	--------------------------------	--------------------------------

5. PUBLIC PARTICIPATION

Mark Steighner, 1405 Fern Palm Drive, complained to the City Commission about the bid process and was concerned that his company was not considered for the videography quotes included on the January 22, 2019 agenda.

Lisa Martin, 618 South Pine Street, commented on the parking lot return on investment if citizen tax dollars were used to fund it.

Randy Herman, 108 Esther Street, commented on the lamplighter. He would like in the spirit of volunteerism, a smart growth group working early in the morning. He commented on the Neighborhood Council. He commented on the advantage of members from each zone on the Neighborhood Council.

Donna Athearn, 68 Corbin Park Rd, thanked the City Commission for recognizing Turnbull Creek. She stated her main goal was to get the creek cleaned out because it was a vital part of the drainage system. She extended an invitation to the City Commissioners to attend the Swamp Stomp.

6. ORDINANCES - FIRST READING

- A. Ordinance No. 01-19: Conduct the second reading and public hearing of an ordinance, which if adopted, would approve a Budget Amendment to roll forward certain operating and capital projects encumbrances for the Year Ended September 30, 2018 into Fiscal Year 2018-2019. Additionally this ordinance amends the budgets for the Stormwater Fund, the Capital Projects Fund and the Park Impact Fee Fund for Fiscal Year 2018-2019.

City Attorney Avallone read Ordinance No. 01-19 the first time, by title only.

Motion:

Commissioner McGuirk moved to approve on the first reading Ordinance No. 01-19, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously. Mayor Owen reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on February 12, 2019.

RESULT:	ADOPTED [UNANIMOUS]	Next: 2/12/2019 6:30 PM
MOVER:	Jason McGuirk, Commissioner	
SECONDER:	Randy Hartman, Vice Mayor	
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen	

7. CONSENT AGENDA

- A. Approve the City Commission Regular Meeting held on January 8, 2019.

Motion:

Vice Mayor Hartman moved to approve the minutes of the City Commission Regular Meeting held on January 8, 2019, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Approving the Ranking and Awarding Contracts for Continuing Transportation Engineering Services

Motion:

Vice Mayor Hartman moved to approve the Ranking and Awarding Contracts for Continuing Transportation Engineering Services, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- C. Southeast Volusia Corridor Improvement Coalition (SVCIC) EPA Application for an additional \$600,000 Brownfield Assessment Grant with the two other SEV cities

Motion:

Vice Mayor Hartman moved to approve the Southeast Volusia Corridor Improvement Coalition (SVCIC) EPA Application for an additional \$600,000 Brownfield Assessment Grant with the two other SEV cities, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Approval of Construction Contract Award for Site & Drainage Improvements at 27th Ave Beachfront Park (playground equipment was purchased earlier and its' installation is awaiting this contract)

Motion:

Vice Mayor Hartman moved to approve a Construction Contract Award for Site & Drainage Improvements at 27th Ave Beachfront Park, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- E. Approval of Purchase Order Increase (\$92,000) Change Order #3 for contractual services for Mead and Hunt for Building Inspection Division Professional Services in FY 2019

Motion:

Vice Mayor Hartman moved to approve a Purchase Order Increase (\$92,000) Change Order #3: for contractual services for Mead and Hunt for Building Inspection Division Professional Services in FY 2019, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- F. Approval of RFP Ranking for the design and engineering for the Splash Park at the "Alonzo" Babe James Community Center

Motion:

Vice Mayor Hartman moved to approve the RFP Rankings for the design and engineering for the Splash Park at the "Alonzo" Babe James Community Center, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

A. Update on 3rd Ave and S. Atlantic property lease agreement for parking

No action. City Commission did not like the agreement by consensus.

B. 1/2 CENT SALES TAX--Update on Draft Project List and Policy Direction to Hold a Public Open House before the list is finalized by the City Commission.

Director of Developmental Services and Coastal Resiliency Brian Fields outlined the projects and showed a PowerPoint presentation.

Assistant City Manager Resheidat described some of the projects.

Commissioner Kolody commented on some of the projects. He stated that Washington Street looked good. He requested a project extension regarding the bridge at Barracuda Blvd. from Quay Assisi to North Causeway. He commented on a Pioneer Trail Intersection; specifically Pioneer Trail, Enterprise Avenue and Wayne Avenue being made into a way to navigate to US1. He commented on an extension of Corbin Park Road from Magnolia Street to Old Mission Road. He stated that North peninsula and Flagler Avenue was the biggest bottleneck.

Vice Mayor Hartman shared that roads were his number one concern.

Commissioner Sachs stated water quality and an extension of 7th Street were his concerns.

Commissioner McGuirk commented about the transportation issue.

C. Resolution 01-19: Consider the adoption of a resolution, which if adopted, would approve the initial assessment of the Islesboro Subdivision Wastewater Assessment Area.

City Engineer Kyle Fegley outlined Resolution No. 01-19.

Commissioner McGuirk asked if there were any remedies if a resident was unable to pay the fee. He confirmed it would be on their tax bill.

Motion:

Commissioner McGuirk moved to approve Resolution No. 01-19. Commissioner Sachs seconded the motion, and the motion carried unanimously.

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

9. BOARDS AND COMMISSIONS

- A. Consider the Appointment of a Member to the Neighborhood Council to terms expiring May 28, 2019

Motion:

Commissioner McGuirk moved to appoint Marvel Richards as a member of the Neighborhood Council to serve a term expiring on May 28, 2019. Commissioner Kolody seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Michael Kolody, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

- B. Consider the Appointments of five Members to the Turnbull Creek Land Preservation Committee to serve six-month terms beginning at a date determined by the City Commission.

- Mayor Owen appointed Katie Tripp.
- Vice Mayor Hartman appointed Donna Athearn.
- Commissioner McGuirk appointed Cathleen Planson.
- Commissioner Sachs appointed Lamont Ingalls.
- Commissioner Kolody appointed Chip Weston.

Motion:

Commissioner McGuirk moved to approve the appoints of Katie Tripp, Donna Athearn, Cathleen Planson, Lamont Ingalls and Chip Weston as members of the Turnbull Creek Land Preservation Committee to serve six-month terms effective February 1, 2019. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

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

- C. Youth Council: Appoint five New Smyrna Beach High School Students to serve as members of the Youth Council for the remainder of the 2018/2019 school year.

Motion:

Commissioner Sachs moved to appoint Shelby Balmer, Morgan Hibel, Tahmina Tisha, Payton Zitzka, Olivia Graeff-Fanelli as a members of the Youth Council to serve terms expiring at the end of the 2019 School Year. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jake Sachs, Commissioner
SECONDER:	Randy Hartman, Vice Mayor
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

10. CITY MANAGER'S REPORT

- A. City Manager's Report

No action.

- B. Videography Quote - Ant Farm

11. CITY CLERK'S REPORT

No action.

12. CITY ATTORNEY'S REPORT

No action.

13. ADJOURNMENT

As there was no other business to discuss, Mayor Owen declared the meeting adjourned at 10:04 PM.