



**City Commission Regular Meeting
Tuesday, February 12, 2019
Minutes**

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, February 12, 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	6:25 PM
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 Development Services and Coastal Environmental Resiliency Brian Fields, Leisure Services Director Nancy Maddox, Interim Finance Director Lewie Wise, Assistant to the City Manager and Interim Public Information Office Phil Veski and Assistant City Clerk Kelly McQuillen.

B. Invocation/Pledge of Allegiance

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

C. Approval of the Agenda

2. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

Information Technology Director Thomas Cook announced that the City Commission meetings would be lived-streamed beginning today. He stated that a company named Ant Farm would be live streaming the meetings.

A. Fire Chief Vandemark will conduct the Pinning Ceremony of four new members of the New Smyrna Beach Fire Department.

Fire Chief Shawn Vandemark introduced four new members of the New Smyrna Beach Fire Department. Their names were Devin DeCoursey - Firefighter EMT, Kyle Hoag - Firefighter EMT, Timothy Ryan - Firefighter EMT/Paramedic and Brighton Weeks - Firefighter EMT.

B. Stetson University Presentation of the Turnbull Creek Environmental Assessment Results and New Smyrna Museum History presentation of the Historical Background of the Turnbull Canal

Clay Henderson, Executive Director, Stetson Institute for Water and Environmental Resilience and his colleagues presented their results of the Turnbull Creek Environmental Assessment.

C. Update on Construction Schedule for City Hall Annex

Capital Projects Manager Michelle Vallance gave an update on the City Hall Annex Construction Schedule.

Discussion ensued by the City Commission. The consensus was to direct staff with the following ideas to be incorporated into the construction plans: a revised parking lot layout to include a pedestrian walkway from Sams Avenue, moving the electrical vehicle charging stations in between spaces 24 and 25 on the diagram instead of in front of the spaces, salvage the old wood beams to repurpose them as part of the new design, make sure there was a computer monitor at the podium for speaker presentations and a provision to create something in the design with green space.

Ms. Vallance stated that she would discuss the ideas with GLE Architects.

3. MAYOR AND COMMISSION REPORTS

Vice Mayor Hartman commented on attending the Saturday Soup Sampler Event on February 2, 2019 at the Canal Street Historic District. He stated there were 14 different varieties and they were all good. He commented on an email he received this week regarding an inquiry about urban chickens. He forwarded the concern to the City Manager. He would like the Commission to discuss on how to handle the issues in the future. He wanted to discuss pushing up concerns such as this up to the next level without duplicated efforts.

Mayor Owen stated that was a good example of the Sunshine Law and they would have to figure out something that worked.

Commissioner McGuirk concurred with Vice Mayor Hartman's ideas. He commented on a problem with driving on A1A and stated that his thoughts were a testament on what Commissioner Sachs had been working on. He shared that he had recently been driving down A1A and referenced a problem with two driving lanes on each side and a median. He noticed a problem various groups of pedestrians traveling one way and motorists traveling the opposite way and not being able to see what was going on. His concern was safety as he had witnessed many near hits. He realized that crosswalks were a great idea and thought there should be flashers on every crosswalk because it was almost proving to be more dangerous as it was giving pedestrians an assumption it was safe to work and at the same time placing an expectation on the driver. He reemphasized that all crosswalks should have flashing beacons.

Commissioner Sachs responded to Commissioner McGuirk. He commented he served on the Transportation Planning Organization (TPO). He shared that pedestrian safety was a preeminent in Volusia County. He shared that with help from Volusia County, they greatly increased the safety of pedestrians where there were flashing beacons. He stated, as they become a more pedestrian society, join with Volusia County where they have joint-jurisdiction and work towards getting flashing beacons. He

commented on an interest of the benefit of having urban chickens. He stated that he brought the motion before Commission last year to create an ordinance to approve urban chickens. He stated that some surrounding cities have pilot programs for urban chickens. He shared that there was a proposed ordinance that was going to be reviewed by the Animal Control Board soon. He commented on the Ponce Deleon Inlet Coast Guard Station and referenced the government shutdown. He expressed gratitude from the Officer in Charge and 2nd Mate in appreciation for community support. He attended the Indian River Lagoon National Program and stated the waters of the Mosquito Lagoon were challenged. He stated we must find the funds to help make our rivers cleaner. He commented on the Turnbull Creek Land Preservation Committee (TCC). He suggested planning a joint meeting once the TCC had recommendations to obtain feedback they had for the City Commission.

Commissioner Kolody commented on the Animal Control Board and stated that they do have provisions in place. He commented on the Code Enforcement Board. He looked forward to speaking with Chief Coffin to make minor changes in our operations to speed up the enforcement process. He attended the Magnolia Avenue Traffic Calming Study Meeting. He stated they were not near a solution, but still plugging away at a solution. He commented on attending the Turnbull Creek Land Preservation Committee Meeting. He stated that although this was supposed to be an information group, he stated they had shared a desire to come up with recommendations. He commented on allowing the TCC to share those recommendations with City Commission in the future.

Mayor Owen commented on live streaming. He commented on the Employee Awards Banquet and shared that it was a great chance for the Commission to serve the staff that served them. He shared that it was an honor to do so. He appreciated the hard work of all City Staff. He attended the 28th Annual Black Heritage Festival and said it was a great event. He commented on attending the Elected Officials Roundtable on February 11, 2019 and wanted to gain some ideas from surrounding cities. He shared that the Disabled Veterans Chapter 84 had old vans that they used for transportation to transport veterans to various hospitals in the state. He mentioned that Edgewater and Oak Hill contributed \$1,000 towards the purchase of new vans. He suggested that the City of New Smyrna Beach contribute \$1,500 towards the purchase of new vans. *City Commission consensus approved the contribution.* He stated there was a great presentation about recycling. He stated that Assistant to the City Manager/Public Information Officer Phil Veski planned to collaborate with other Public Information Officers to gain more recycling information. He stated that there was a great initiative on tracking citizen and Commissioner Comments during the meetings. He hoped to expand the tracking and thought there was good progress made.

4. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- 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 second time by title only.

Interim Finance Director Lewie Wise outlined the proposed ordinance, 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.

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

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 01-19, as submitted. 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

B. Conduct a public hearing on Special Exception Application No. SE-4-18, which if approved, would allow the operation of a mini warehouse business on Canal Street / Mini Warehouse Use.

Director of Development Services and Coastal Environmental Resiliency Brian Fields was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned his credentials, Mr. Fields outlined the proposed Special use Application, which if adopted, would allow the operation of a mini warehouse business on Canal Street/ Mini Warehouse Use.

Commissioner Kolody commented on reviewing the site plan. He asked if the driveway in the plan was permitted in the zone.

Mr. Fields explained those type of surface improvements would be permitted.

Commissioner Kolody commented on the landscaping. He stated there should be an exclusion included in the special exception that would prohibit boats and trailers in a certain area directly behind.

Mr. Fields stated he would speak with the applicants to ask if they would consider the suggestion made by Commissioner Kolody.

Commissioner Sachs commented on the buffers. He asked to provide the best partition to keep it quiet.

Jay Pendergast, 5900 South Atlantic Avenue, was the architect and spoke on behalf of the applicant. He explained that the area discussed regarding parking was not the intent of the owner or design of the project. He stated they would add No Parking signs.

Commissioner Sachs asked how they would contain the wastewater from the wash. Mr. Pendergast explained it was not in his expertise and deferred to the project civil engineer.

Mayor Owen commented on tree survey and asked if the site plan worked around any historic trees on the property.

Mr. Pendergast explained there was a tree survey completed and stated all of the impact would be on the sides as to preserve as many trees as possible.

Commissioner McGuirk commented on the rectangular shape of the project and the space.

Mr. Pendergast stated they were reducing the number of access to Canal Street. He explained that most of the front was buffer.

Commissioner Sachs asked if he preliminarily surveyed any of the historic trees on the property.

Mayor Owen opened the public hearing.

Gary Wilkins, 529 Prato Street, commented on a very heavily wooded area. He asked if the buffer zone would include retention of the existing wooded area.

Mr. Pendergast explained that none of the trees would be removed in the area of concern. He explained they would be adding buffers.

Carolyn Thomas, 2100 North Peninsula Avenue, stated that the city was growing and shared that the City should consider access to the storage facility.

Joe Dlubak, 35987 Casalta Circle, stated that Canal Street and SR44 represent the entrance to the City and felt that a storage facility should be located near an industrial park.

Mayor Owen closed the public hearing.

Mayor Owen asked if staff would consider adding the water requirement.

Commissioner Sachs asked if there was any way to make the entrance to the facility more esthetically pleasing.

Mr. Pendergast commented on the landscaping being more lush and extensive. He believed what they were doing was improving the look. The intention was to have a first class operation there.

Motion:

Commissioner McGuirk moved to adopt Special use Application SE-4-18, with the following recommended stipulations: 1) This approval be limited to a period of two calendar years only from the date of final approval, with a site plan application to be made to the City during that two-year period, or the approval of this specific use on this site will then expire. A subsequent application for a second and separate approval would then be required to continue approval of this Special Exception. 2) The landscape buffer materials provided within the site perimeters be sufficient to be considered "extensively landscaped to provide appropriate visual screening between the use and the road frontage", as part of that future Class II site plan, along with systems for ongoing irrigation of the required plant materials. 3) The proposed building plans shall demonstrate compliance with the City LDR Section 1200 Architectural Design Standards, as part of future site plan review. 4) The site plan design submitted for future Class II approval shall be consistent with the plan submitted as part of this application. 5) Add no parking signage to grounds at the facility and 6) Ensure that water recycling meets staffs approval. 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

C. Resolution No. 02-19: Islesboro Wastewater Assessment Area - Final

City Attorney Avallone read Resolution No. 02-19, the second time by title only.

City Engineer Kyle Fegley outlined the proposed ordinance, would approve the Islesboro Subdivision Wastewater Final Assessment.

Mayor Owen opened the public hearing.

Mark Boucher, 2563 Arlington Avenue, commented in opposition of Resolution. He commented on a parcel listed on the Property Appraiser's website as one parcel, not two.

Margaret Woodard, 2563 Arlington Avenue, commented in opposition of Resolution and stated that the property was given to her by her mother.

Mark Boucher, 2563 Arlington Avenue, commented on the culverts and explained that he felt the City was using his mother's property as their own personal retention pond.

Joseph Boucher, 2534 Arlington Avenue, commented in opposition of the resolution. He stated he has been attending the meetings since the Islesboro Project began. He stated there was not any discussion about a cost to the residents. He does not remember anything discussed about the sewer project.

Mayor Owen closed the public hearing.

Commissioner McGuirk addressed Mark and Joseph Boucher. He commented about the laterals and clarified the difference between the stormwater and sewer water project. He stated that the sewer water project was presented after the stormwater project. He stated the residents would not be charged for the stormwater project. He stated that the sewer project was not free and thought that no residents were told that the sewer water project was not free of cost to residents. He stated he would like meet further with these residents. He asked staff about the exact issue with this property.

Mr. Fegley explained the zoning classifications. He explained that the parcel was a long parcel. He stated the City was a little conservative and they did not maximize while subdividing the lots.

Commissioner McGuirk asked about putting one lateral onto the property.

Mr. Fegley explained the calculations.

Commissioner McGuirk stated this was a cost spread out over the usable properties.

Mr. Fegley confirmed that the cost was spread over the usable properties.

Mayor Owen stated that this almost induced development on a site where the property owner does not want to develop. He asked if the City could attach this as a pending assessment until there was some transference onto the property.

City Manager Brangaccio mentioned the assessment experts.

Chris Traber, Special Assessment Council, stated that from a legal standpoint, they do not look at what is currently there, rather what development could be there.

Mayor Owen asked if the assessment could be postponed until the owners decided to pull a permit if they want to develop on the property in the future.

Commissioner Kolody stated that they already addressed the issue with a five or twenty year payout and remarked that if the costs were equally spread out, the residents would be in a bigger financial issue. He preferred a citywide project that would assess everyone in one unit whether they had a main or not, at the same time in the future.

Mayor Owen asked if this was an all or nothing decision.

City Manager Brangaccio shared the history of the Islesboro Stormwater Project and explained that all New Smyrna Beach taxpayers paid for the project.

Commissioner Sachs commented on the number of septic tanks remaining in Volusia County. He stated that there should be something the City could do lessen the cost. He asked if they vote yes, could they separate out these specific property owners considerations.

City Attorney Avallone stated that perhaps they could approve the resolution and then work separately with the property owner to amend the roll.

City Staff was directed to contact Mark and Joseph Boucher regarding the ongoing issue about their property and the assessments.

Motion:

Commissioner Kolody moved to adopt Resolution No. 02-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

5. PUBLIC PARTICIPATION

Joel Paige, 827 East 12th Avenue, shared that part of his mayoral platform, while running was to live-stream the City Commission Meetings and he shared his opinion about the Brannon Center fiscal problems. He shared that there was a task force comprised of about fifteen residents that had the intention to meet regarding the Brannon Center fiscal issues. He stated that the goal of the task force was to initiate a new business plan for the Brannon Center. He asked the City Commission to approve a waiver of the meeting room fee at the Brannon Center so that the task force could meet there at no cost.

6. ORDINANCES - FIRST READING

- A. Ordinance 08-19: Conduct the First Reading of an Ordinance, which if adopted, would amend the General Fund and the Parking Fund for the transfer of \$51,000, from the Parking Fund to the General Fund, for the bid awarded for the 27th Avenue Park Project.

City Attorney Avallone read Ordinance No. 08-19 the first time, by title only.

Motion:

Commissioner McGuirk moved to approve on the first reading Ordinance No. 08-19, 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 26, 2019.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS] Next: 2/26/2019 6:30 PM
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Randy Hartman, Vice Mayor
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

- B. Ordinance No. 06-19: Conduct the First Reading of an Ordinance, which if adopted, would amend the Future Land Use for approximately 10 +/- acres of property located at 600 Greenlawn Street and 500 Brooks Street.

City Attorney Avallone read Ordinance No. 06-19 the first time, by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the special exception. He provided a brief history of events.

Mayor Owen opened the Public Hearing.

Randy Herman, 108 Esther Street, asked if it was approved at the higher density level, would it have a long term affect by increasing the density. He remarked he had seen bad projects develop due to the same issue.

Vice Mayor Hartman commented that this was a much-needed project to improve the senior housing units. He stated that there would be infrastructure improvements as well. He urged his fellow Commissioners to approve the Special Exception.

Commissioner Kolody commented on the existing zoning. He did not think it was appropriate to raise the density. He does not support raising the density. He stated he asked for a conceptual plan months ago and did not receive it and stated he did not want one now because it would be insufficient time to review it properly.

Mr. Fields clarified that the zoning was not changing.

Commissioner Sachs stated he does not want to see re-gentrification there and asked if there could be a lesser-unit project but not change the fiber and character of the neighborhood.

Commissioner McGuirk commented that he was surprised that we were asking to go from a medium to high density and was trying to reconcile how we do that. He stated it was consistent with the area now and did not mind developing in a medium density area, but does have a concern with high-density. He asked why we needed to go to high density.

City Attorney Avallone confirmed that the action tonight would send off to other agencies for review. She stated it would come back in adoption form at a later hearing. She stated CC comments could travel with this and it could return in a modified form.

Motion:

Vice Mayor Hartman moved to approve on the first reading Ordinance No. 06-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried 3-2 by majority vote with Commissioner Kolody and Commissioner Sachs voting no. Mayor Owen reported that the second reading and public hearing of the proposed ordinance would be conducted at a future meeting date.

RESULT:	APPROVED AT FIRST READING [3 TO 2]
MOVER:	Randy Hartman, Vice Mayor
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Hartman, Owen
NAYS:	Sachs, Kolody

C. Ordinance No. 07-19: Land Development Regulation Amendment Application No. ZT-7-18. Conduct the First Reading of an Ordinance, which if adopted, would amend the Land Development Regulations regarding the B-5, Planned Shopping Center Special Exception Use of Daycare.

City Attorney Avallone read Ordinance No. 07-19 the first time, by title only.

Motion:

Vice Mayor Hartman moved to approve on the first reading Ordinance No. 07-19, as submitted. Commissioner Kolody 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 26, 2019.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS] Next: 2/26/2019 6:30 PM
MOVER:	Randy Hartman, Vice Mayor
SECONDER:	Michael Kolody, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

7. CONSENT AGENDA

- A. Request for approval to renew Yellowstone Landscape contract for ground maintenance services for City properties and rights-of-way for a one (1) year period. There is no rate increase and the funds are budgeted in FY 18-19; this the last renewal allowed under the current contract.

Motion:

Vice Mayor Hartman moved to approve the renewal of the Yellowstone Landscape contract for ground maintenance services for City properties and rights-of-way for a one (1) year period. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Purchase of replacement safety radios for the Fire Department; \$143,500 was included in the FY 18-19 Budget for 1/2 of the existing radios to be replaced. The other half will be required in FY 19-20.

Motion:

Vice Mayor Hartman moved to approve the purchase of replacement safety radios for the Fire Department; \$143,500 was included in the FY 18-19 Budget for 1/2 of the existing radios to be replaced.. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- C. Approve entering into a Dock Easement Agreement with John Paradis, owner of property at 626 North Riverside Drive, which if approved, would allow for a new wood walkway and a covered boathouse that would extend a total of 34 feet into the Indian River.

Motion:

Vice Mayor Hartman moved to approve entering into a Dock Easement Agreement with John Paradis, owner of property at 626 North Riverside Drive. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Approve the purchase of two replacement 2018 Ford F-250 Utility Trucks from Coggin Ford, utilizing Florida State contract pricing of \$26,737 each for the Building and Maintenance Department

Motion:

Commissioner Kolody moved to approve the purchase of two replacement 2018 Ford F-250 Utility Trucks from Coggin Ford, utilizing Florida State contract pricing of \$26,737 each for the Building and Maintenance Department. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- E. Amendments to Ashbritt, Waste Pro and TetraTech agreements related to Hurricane Irma debris removal and monitoring services as requested by FEMA and FDEM.

Motion:

Vice Mayor Hartman moved to approve the amendments to Ashbritt, Waste Pro and TetraTech agreements related to Hurricane Irma debris removal and monitoring services as requested by FEMA and FDEM. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- F. Close Out Change Order \$46,806.97 for the Live Oak Cultural Center; funds are available within the project.

Motion:

Vice Mayor Hartman moved to approve a Close Out Change Order: \$46,806.97 for the Live Oak Cultural Center. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- G. Request approval of a Memorandum of Understanding: Law Enforcement Records Management from the RCC

Motion:

Vice Mayor Hartman moved to approve a Memorandum of Understanding: Law Enforcement Records Management from the RCC. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- H. Approve the purchase of one (1) 2019 Jeep Wrangler 4X4 from Garber CDJR, utilizing Florida Sheriff's contract pricing of \$41,743 for the Police Department. This is a replacement vehicle for an old Crown Vic.

Motion:

Commissioner Kolody moved to approve the purchase of one (1) 2019 Jeep Wrangler 4X4 from Garber CDJR, utilizing Florida Sheriff's contract pricing of \$41,743 for the Police Department. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- I. Resolution Authorizing the Mayor, City Manager, or the Finance Director to sign grant extension request forms for all FDOT projects.

Motion:

Vice Mayor Hartman moved to approve Resolution No. 04-19. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- J. Resolution No. 05-19: Authorizing the Finance Director, Interim Finance Director or the Assistant Finance Director to electronically submit grant reimbursement requests to the FAA for capital improvement projects on behalf of the Airport.

Motion:

Vice Mayor Hartman moved to approve Resolution No. 05-19. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- K. Approve a Special Event: Marine Discovery Center and Artists Workshop Lagoonacy on April 13, 2019 from 11 a.m. to 6 p.m. and beer garden.

Motion:

Vice Mayor Hartman moved to approve a Special Event: Marine Discovery Center and Artists Workshop Lagoonacy on April 13, 2019 from 11 a.m. to 6 p.m. and associated beer garden. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- L. Approve a Special Event: 11th Annual Food Festival on April 18, 2019, from 5 p.m. until 9 p.m. and road closure of Flagler Avenue from North Atlantic Avenue to Pine Street with the option to extend to Peninsula Avenue if needed from 3 p.m. - 10 p.m.

Motion:

Commissioner Kolody moved to approve a Special Event: 11th Annual Food Festival on April 18, 2019, from 5 p.m. until 9 p.m. and associated road closure - Flagler Avenue from North Atlantic Avenue to Pine Street with the option to extend to Peninsula Avenue, if needed, from 3 p.m. - 10 p.m. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- M. Approve a Special Event: Mardi Gras Parade & Celebration on March 5th, 2019 at 7 p.m. to 8 p.m. and road closures of South Atlantic Avenue from Ocean Avenue to Flagler Avenue and Flagler Avenue from South Atlantic Avenue to Pine Street from 4 p.m. to 8:30 p.m.

Motion:

Vice Mayor Hartman moved to approve a Special Event: Mardi Gras Parade & Celebration on March 5th, 2019 at 7 p.m. to 8 p.m. and associated road closures of South Atlantic Avenue from Ocean Avenue to Flagler Avenue and Flagler Avenue from South Atlantic Avenue to Pine Street from 4:00 p.m. to 8:30 p.m. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- N. Approve a Special Event: Flagler Tavern St. Patrick's Day Celebration on March 17, 2019 from 10 a.m. until 9 p.m., set up time from 8 a.m. to 10 a.m. and breakdown from 9 p.m. to 11 p.m. and a beer garden.

Commissioner Sachs asked for another way for this venue to have the beer garden without taking up the parking lots out of consideration for the neighbors. he stated there was problems with parking on residential lawns.

Motion:

Commissioner McGuirk moved to approve a Special Event: Flagler Tavern St. Patrick's Day Celebration on March 17, 2019 from 10 a.m. until 9 p.m., set up time from 8 a.m. to 10 a.m. and breakdown from 9 p.m. to 11 p.m. and associated beer garden. Vice Mayor Hartman seconded the motion, and the motion failed 2-3, with Commissioner Sachs, Commissioner Kolody and Vice Mayor Hartman voting no.

Discussion ensued about the site plan for this venue.

Commissioner Kolody stated that the site plan approved parking and asked how the parking lot could get approval for anything else other than parking.

City Manager Brangaccio would direct staff to address Commissioner Kolody's concern.

Motion:

Vice Mayor Hartman moved to revisit and reconsider the item for discussion. Commissioner Sachs seconded the motion, and the motion was unanimously approved.

Motion:

Vice Mayor Hartman moved to table this item to the next City Commission Meeting scheduled on February 26, 2019 directing City Staff to present a report to the City Commission regarding the request to close the parking lot when having a parking lot is inclusive in the LDR and Site Plan Approval. Commissioner Sachs seconded the motion, and the motion was unanimously approved.

- O. Approve special event; South Volusia Chamber Challenge 5k, April 4, 2019 from 5 a.m. to 7:30 a.m., and to have street closures Canal Street, from Riverside to Magnolia, and Chamber Parking Lot beginning at 1 a.m. until 9 p.m.

Motion:

Vice Mayor Hartman moved to approve a Special Event: South Volusia Chamber Challenge 5k, April 4, 2019 from 5 a.m. to 7:30 a.m., and associated street closures - Canal Street, from Riverside Drive to Magnolia Street, and Chamber Parking Lot beginning at 1 a.m. until 9 p.m. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- P. Approve a Special Event; Flagler Avenue Shrimp & Seafood Festival on August 1, 2019 from 5 p.m. until 9 p.m. and street closures of Flagler Avenue from North Atlantic Avenue to Pine Street with an option to Peninsula Avenue if needed, beginning on August 1, 2019 from 5 p.m. to 9 p.m., set up will be from 3 p.m. to 5 p.m. and breakdown is from 9 p.m. to 10 p.m.

Motion:

Commissioner Kolody moved to approve a Special Event: Flagler Avenue Shrimp & Seafood Festival on August 1, 2019 from 5 p.m. until 9 p.m. and street closures - Flagler Avenue from North Atlantic Avenue to Pine Street with an option to Peninsula Avenue if needed, beginning on August 1, 2019 from 5 p.m. to 9 p.m., set up will be from 3 p.m. to 5 p.m. and breakdown is from 9 p.m. to 10 p.m. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- Q. Approve a Special Event: Flagler Tavern Summer Solstice and approval to have a beer garden on June 22, 2019, from 10 a.m. until 9 p.m.

Motion:

Vice Mayor Hartman moved to approve a Special Event: Flagler Tavern Summer Solstice and approval to have a beer garden on June 22, 2019, from 10 a.m. until 9 p.m. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Approval of a proposal from GAI Community Group to prepare a FISCAL IMPACT STUDY, to determine the net fiscal impact from density in relationship to cost of city services vs/ revenues collected for \$23,500 (Funds are available in FY 18-19 Budget) This item is within the CM's expenditure authority but as priority goal of the Commission, is being bought forward to the Commission to ensure that the intent of the goal has been captured in the attached scope of services.

Motion:

Commissioner Sachs moved to approve a proposal from GAI Community Group to prepare a fiscal impact study. Vice Mayor Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Kolody voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jake Sachs, Commissioner
SECONDER:	Randy Hartman, Vice Mayor
AYES:	McGuirk, Sachs, Hartman, Owen
NAYS:	Kolody

- B. Discussion of a future resolution, which if adopted, would suspend Small Scale Annexation fees, Rezoning fees, Comprehensive Plan amendment fees, and advertising fees as part of an overall Small Scale Annexation for properties located in the Interlocal Service Boundary Agreement, (ISBA) area.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the discussion.

Motion:

Vice Mayor Hartman moved to approve a proposal from GAI Community Group to prepare a fiscal impact study. Commissioner McGuirk seconded the motion, and the motion carried 3-2 by majority vote with Commissioner Kolody and Commissioner Sachs voting no.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Randy Hartman, Vice Mayor
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Hartman, Owen
NAYS:	Sachs, Kolody

- C. Discussion re: Voluntary Discontinuance of Single-Use Plastics

City Attorney Avallone outlined the report.

Discussion ensued about the effective date, any challenges that would have to be adjusted and regulations.

Motion:

Commissioner Sachs moved to approve giving staff direction to expand the initiative for the discontinuance of single-use plastics. Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Mayor Owen voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jake Sachs, Commissioner
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody
NAYS:	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 stated that the most formal and clear way to include proposed suggestions would be to approve Resolution No. 21-18, as is, with the changed effective date to April 1, 2019 with the stipulation to direct staff to prepare the agenda in the proposed format and then at the beginning of the meetings prior to the effective date, City Commission can make a motion to approve the proposed format during the City Manager changes to the agenda section.

Motion:

Commissioner Kolody moved to approve Resolution No. 21-18. Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Hartman voting no.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Michael Kolody, Commissioner
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Sachs, Kolody, Owen
NAYS:	Hartman

9. BOARDS AND COMMISSIONS

No action.

10. CITY MANAGER'S REPORT

- A. City Manager's Report

No action.

- B. Request for additional topics from the City Commission for 2/19/19 6pm Utility Commission Joint Meeting

11. CITY CLERK'S REPORT

No action.

12. CITY ATTORNEY'S REPORT

- A. Settlement Agreement

City Attorney Avallone outlined the Settlement Agreement.

Motion:

Commissioner McGuirk moved to approve the settlement agreement. Commissioner Kolody seconded the motion, and the motion carried unanimously.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Michael Kolody, Commissioner
AYES:	McGuirk, Sachs, Kolody, Owen
NAYS:	Hartman

13. ADJOURNMENT

As there was no other business to discuss, Mayor Owen declared the meeting adjourned at 10:24 PM.