

**MINUTES OF THE REGULAR CITY COMMISSION MEETING**  
**HELD ON TUESDAY, JANUARY 22, 2013**  
**CITY HALL COMMISSION CHAMBER, 210 SAMS AVENUE**  
**NEW SMYRNA BEACH, FLORIDA**

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, 2013, in the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida.

Mayor Barringer called the meeting to order at 6:30 p.m. and the following answered present to the roll call:

Mayor Adam Barringer  
Vice Mayor Jack S. Grasty  
Commissioner Judith A. Reiker  
Commissioner Kirk Jones

Also present were: City Manager Pamela Brangaccio; Assistant City Manager Khalid Resheidat; City Attorney Frank Gummey; Interim Police Chief Mike Brouillette; Fire and Emergency Services Chief David McCallister; Planning Manager Gail Henrikson; CRA Director Tony Otte; Recreation and Special Events Manager Elizabeth Yancey; and, City Clerk Johnny Bledsoe. Commissioner McGuirk was absent.

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Police Department Chaplain Pete Carter, Jr. was present and gave the invocation. Mayor Barringer led those present in the Pledge of Allegiance to the Flag.

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APPROVAL OF THE AGENDA - City Manager Brangaccio reported that Consent Agenda Item C, the proposed Suspension of the CRA Parking Lease Program, was moved to Administrative Items/New Business Item H.

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ANNOUNCEMENTS/PRESENTATIONS/RECOGNITION: None

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MAYOR AND COMMISSION REPORTS:

Vice Mayor Grasty - Reported on his attendance at a recent meeting of the Florida Inland Navigation District. Vice Mayor Grasty also reminded the Commission of the upcoming Volusia League of Cities Dinner Meeting, hosted by New Smyrna Beach.

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Commissioner Reiker - Reported on her recent attendance at a meeting of the Parking Systems Task Force. Commissioner Reiker commented on her partic

icipation in the Martin Luther King Day Celebrations and activities in New Smyrna Beach over the past weekend.

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Commissioner Jones - Commented on his participation in the Martin Luther King Day Celebrations and activities in New Smyrna Beach over the past weekend.

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Mayor Barringer - Commented on his participation in the Martin Luther King Day Celebrations and activities in New Smyrna Beach over the past weekend. Assistant City Manager Resheidat was directed to contact Mike Madden regarding insurance programs.

Mayor Barringer suggested the Commission consider renaming Colony Park Road, running south of S.R. 44, "Jim's Way", in recognition of the efforts of resident Jim Humphries.

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#### CONSENT AGENDA:

Mayor Barringer read the following consent agenda items submitted and recommended by staff for approval:

- A. Contract Renewal/Janitorial Services - Approve entering into the second one-year renewal with High Tech Cleaning to provide janitorial services for City Hall, Connor Library, the Police Department, Public Works Administrative Offices, Airport Tower, and the Golf Course Pro Shop and Locker Rooms. The renewal term will be effective February 1, 2013 through January 31, 2014 with no increase in costs.
- B. North Causeway Boat Ramp Design Services - Approve entering into a contract with the firm Quentin L. Hampton, for the contract amount of \$39,620, for design services for repairs to the North Causeway Boat Ramp.
- D. City-wide Storm Sewer Rehabilitation - Approve acceptance of the proposal from Miller Pipeline Company, to utilize the City of Largo, Florida contract for the repair and/or lining of many existing stormwater pipes within the City, at a cost not to exceed \$83,240.70.
- E. Reclassification of Community Resources Coordinator Position - Approve the reclassification of the existing Community Resources Coordinator position in order to support the Commission Strategic Goal to sustain and expand community service and housing initiatives, working with multi-community partners.
- F. Special Events - Approve the following special events and related street closure requests, as outlined below:
  - 1. First United Methodist Church Snow Festival - Approve the conduct

of a Snow Festival, conducted by the First United Methodist Church, on Saturday, February 9, 2013, from 9 a.m. to 5 p.m. on the church property at 310 Douglas Street. Further approve the requested closure of Douglas Street from Live Oak Street to Palmetto Street, and the alleyway between Downing Street and Lytle Avenue from 8 a.m. to 6 p.m., the day of the event.

2. 6th Annual Flagler Avenue Mardi Gras Parade and Celebration - Approve the conduct of the 6th Annual Flagler Avenue Mardi Gras Parade and Celebration, conducted by the Merchants of Flagler Hospitality Group, on Tuesday, February 12, 2013, from 7 p.m. to 8 p.m., with the parade route running from the Flagler Avenue Parking to Peninsula Avenue. Further approve the requested closure of the Flagler Avenue Parking Lot and Flagler Avenue from Peninsula Avenue to the Beach Ramp, and South Atlantic Avenue from Flagler Avenue to 2nd Avenue, from 6 p.m. to 8 p.m. or as necessary for starting the parade lineup.
3. 51st Annual Art Fiesta - Approve the conduct of the 51<sup>st</sup> Annual City sponsored Art Fiesta on the weekend of February 23 and 24, 2013, held in and around the Old Fort Park area daily from 9 a.m. to 5 p.m. Further approve the closure of Julia Street from Riverside Drive to Faulkner Street and Sams Avenue from Washington Street to Canal Street from 6 a.m. Friday February 22, 2013 until 8 p.m. Sunday, February 24, 2013; and, Canal Street from U.S. Highway 1 to Riverside Drive from 6 a.m. Saturday, February 23, 2013 to 6 p.m. Sunday, February 24, 2013.

Commissioner Jones wished to discuss item F2 separately.

Motion:

Vice Mayor Grasty moved to approve all consent agenda items, less item F2, per staff's recommendation. Commissioner Reiker seconded the motion and the roll call was:

Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes

The motion carried unanimously.

Consent Agenda Item F2 - 6th Annual Flagler Avenue Mardi Gras Parade and Celebration - Approve the conduct of the 6th Annual Flagler Avenue Mardi Gras Parade and Celebration, conducted by the Merchants of Flagler Hospitality Group, on Tuesday, February 12, 2013, from 7 p.m. to 8 p.m., with the parade route running from the Flagler Avenue Parking to Peninsula Avenue. Further approve the requested closure of the Flagler Avenue Parking Lot and Flagler Avenue from Peninsula Avenue to the Beach Ramp, and South Atlantic Avenue

from Flagler Avenue to 2nd Avenue, from 6 p.m. to 8 p.m. or as necessary for starting the parade lineup.

Commissioner Jones felt the Police Chief and/or Fire Chief should sign-off on any future agenda items regarding public safety. He felt public safety was a matter that required the attention of the leader, prior to Commission consideration. Regarding the specific agenda item, Commissioner Jones commented on high numbers of people in small, confined spaces, and felt the Fire Chief should have signed off on the item prior to Commission consideration.

City Manager Brangaccio acknowledged the mistake by staff, in not having the Police and Fire Chiefs sign the document. She advised that both Fire Chief McCallister and Interim Police Chief Brouillette were present to answer any questions.

Motion:

Commissioner Jones moved to approve Consent Agenda Item F2, per staff's recommendation. Vice Mayor Grasty seconded the motion and the roll call was:

Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes

The motion carried unanimously.

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**ORDINANCES - SECOND READINGS AND PUBLIC HEARINGS:**

Ordinance Nos. 01-13 and 02-13/Annexation Application A-8-12/1101 Sugar Mill Drive - City Attorney Gummey read Ordinance Nos. 01-13 and 02-13, the second time by title only. Planning Manager Gail Henrikson outlined the proposed ordinances, which if adopted, would annex and change land use on approximately 3.8 acres located on the eastern side of the northern terminus of Sugar Mill Drive from Volusia County Rural land use to City Residential Estate land use.

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

Motion:

Commissioner Reiker moved to adopt Ordinance Nos. 01-13 and 02-13, as submitted. Vice Mayor Grasty seconded the motion and the roll call was:

Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes
Vice Mayor Grasty	yes

The motion carried unanimously.

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Ordinance No. 03-13/Rezoning/1101 Sugar Mill Drive - City Attorney Gummey read Ordinance No. 03-13, by title only. As it was a public hearing of a quasi-judicial nature, City Attorney Gummey administered the oath to Planning Manager Gail Henrikson. Ms. Henrikson outlined her professional and academic credentials. As no citizens questioned her qualifications, Ms. Henrikson outlined the proposed ordinance, which if adopted, would rezone approximately 3.8 acres located on the eastern side of the northern terminus of Sugar Mill Drive from Volusia County Transitional Agricultural (A-3) zoning to City Residential Estate (RE) zoning district.

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

Motion:

Commissioner Jones moved to adopt Ordinance No. 03-13, as submitted. Vice Mayor Grasty seconded the motion and the roll call was:

Commissioner Jones	yes
Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes

The motion carried unanimously.

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Ordinance No. 04-13/Annexation/Colony Park Road and Otter Boulevard Right-of-Way - City Attorney Gummey read Ordinance No. 04-13, the second time by title only. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would annex approximately 5 acres of right-of-way, located north of S.R. 44, south of Pioneer Trail and west of Jungle Road.

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

Motion:

Commissioner Jones moved to adopt Ordinance No. 04-13, as submitted. Commissioner Reiker seconded the motion and the roll call was:

Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes

The motion carried unanimously.

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Ordinance No. 05-13/Budget Amendment - City Attorney Gummey read Ordinance No. 05-13, the second time by title only. Finance Director Althea Philord outlined the proposed ordinance, which if adopted, would amend the current expenses and capital outlay required by the City for the fiscal year October 1, 2012 through September 30, 2013.

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

Motion:

Commissioner Reiker moved to adopt Ordinance No. 05-13. Commissioner Jones seconded the motion and the roll call was:

Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes

The motion carried unanimously.

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Ordinance No. 06-13/Rezoning/Ocean Gate Commerce Center - City Attorney Gummey read Ordinance No. 06-13, the second time by title only. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would rezone approximately 184 acres, located southwest of the intersection of S.R. 44 and Interstate Highway 95, from Planned Unit Development (PUD) to Planned Unit Development (PUD) and approving the Master Development Agreement and Conceptual Development Plan.

Mayor Barringer opened the public.

Attorney Jim Morris represented the applicant and outlined the proposed development. Mr. Morris made himself available to answer questions.

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

Motion:

Commissioner Jones moved to adopt Ordinance No. 06-13. Commissioner Reiker seconded the motion and the roll call was:

Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes
Vice Mayor Grasty	yes

The motion carried unanimously.

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Ordinance No. 07-13/Bath Salts and Herbal Incense - City Attorney Gummey read Ordinance No. 07-13, the second time by title only. Interim Police Chief Brouillette outlined the proposed ordinance, which if adopted, would amend the *City Code* to define and prohibit the sale, display and distribution of herbal incenses and bath salts.

Mayor Barringer commented on similar legislation being considered by municipalities nationwide.

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

Motion:

Commissioner Jones moved to approve on first reading, Ordinance No. 07-13. Commissioner Reiker seconded the motion and the roll call was:

Commissioner Jones	yes
Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes

The motion carried unanimously.

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PUBLIC PARTICIPATION -

Sally Gillespie, 610 North Peninsula Drive, represented the group “New Smyrna Beach Citizens for Smart Growth, LLC”, read a position statement that highlighted the group’s support of the Planning and Zoning Board’s recommendation of January 7, 2013, regarding the proposed “Causeway Landings” project on the North Causeway.

Michael Kolody, 105 Via Capri, represented the group “New Smyrna Beach Citizens for Smart Growth, LLC”, read a position statement that highlighted the group’s support that development should not be fast-tracked to suit the needs of the developer without full compliance with City codes and the input from local residents. He urged the Commission to allow residents full access to the planning process.

Dr. Peggy Rivers, 115 Lagoon Court, represented the group “New Smyrna Beach Citizens for Smart Growth, LLC”, read a position statement that highlighted the group’s support of the City Commission 2013 Goal 5-G, “Work with Volusia County School Board so all NSB schools can be identified as excellent schools.” Dr. Rivers commented on the statement made, which outlined that education had to improve and not make decisions that would harm education.

Martin Danaher, 115 Lagoon Court, represented the group “New Smyrna Beach Citizens for Smart Growth, LLC”, read a position statement that highlighted the

group's support of the City Commission supporting the findings of the Planning and Zoning Board regarding the proposed development, "Causeway Landings".

Carol Hargy, Director of Human Resources, reported that, by a vote of 17 to 11, the Teamsters Union just ratified a labor agreement.

City Attorney Gummey advised the Commission that the *ex-parte* communications outlined above would need to be disclosed at the next regular meeting.

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ORDINANCES FIRST READING: None

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ADMINISTRATIVE ITEMS/NEW BUSINESS:

Resolution No. 05-13/Plat Vacation/2590 S.R. 44 - City Attorney Gummey read Resolution No. 05-13, by title only. A resolution, which if adopted, would vacate a remnant portion of the D.S. Whitesides First Subdivision, located at 2590 S.R. 44.

Motion:

Commissioner Reiker moved to adopt Resolution No. 05-13, a submitted. Vice Mayor Grasty seconded the motion and the roll call was:

Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes

The motion carried unanimously.

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Lease or Sale of City-owned Property at 500 3rd Avenue - City Manager Brangaccio outlined staff's recommendation that the City Commission discuss and consider approval of staff's recommendation to sale or lease City-owned property at 500 3rd Avenue. Ms. Brangaccio outlined the request for proposal process and commented on projected time length that would be necessary to either sale or lease the property.

Vice Mayor Grasty supported the recommended action. Commissioner Jones also supported the action, but questioned how lease money would be managed. City Attorney Gummey reported that he would clarify the process and report back to the Commission. Mayor Barringer felt the Commission consensus was to move forward with the proposed request for proposal process for future consideration.

Mayor Barringer felt another property that should be considered for sale or lease was property at 305 Columbus Avenue. He also felt property at 706 Francis Street should also be considered for future sale or lease. Assistant City Manager

Resheidat commented on ongoing stormwater matter in the Francis Street area and recommended the Commission not consider that property for sale or lease at the time.

Mayor Barringer agreed and confirmed Commission consensus to direct staff to move forward with the development of a draft request for proposal for the sale or lease of City-owned property at 500 3rd Avenue and 305 Columbus Avenue, for future consideration.

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2013 City Commission Strategic Policy Goals Action Plans - City Manager Brangaccio outlined staff's recommendation that the City Commission approve City Staff Action Plans for the 2013 City Commission Strategic Policy Goals.

Motion:

Commissioner Reiker moved to approve City Staff Action Plans for the 2013 City Commission Strategic Policy Goals, as submitted. Vice Mayor Grasty seconded the motion and the roll call was:

Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes

The motion carried unanimously.

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ECHO Grant Application Consulting Services - City Manager Brangaccio outlined staff's recommendation that the City Commission approve entering into a contract with the firm Brooks and Duns Grant Consulting for the preparation of a Volusia County ECHO Grant application for the expansion of the Brannon Center, at a cost of \$15,000.

Commissioner Jones commented on required timelines for submittal of grant applications. Commissioner Reiker commented on the current community center in the City of Winter Park and was excited with the future development potential of the Brannon Center.

Motion:

Commissioner Reiker moved to approve entering into a contract with the firm Brooks and Duns Grant Consulting for the preparation of a Volusia County ECHO Grant application for the expansion of the Brannon Center, at a cost of \$15,000. Vice Mayor Grasty seconded the motion and the roll call was:

Mayor Barringer	yes
Commissioner Jones	yes

Commissioner Reiker	yes
Vice Mayor Grasty	yes

The motion carried unanimously.

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Establishment of a Neighborhood Council - Planning Manager Gail Henrikson outlined staff's recommendation that the City Commission discuss and consider approval of moving forward with the establishment of a Neighborhood Council to serve as a touchstone for staff in its neighborhood planning efforts, and to establish a network of neighborhood representatives.

Commissioner Jones questioned planned communications. Ms. Henrikson outlined planned actions to notify property owners of information and upcoming meetings.

Motion:

Vice Mayor Grasty moved to approve moving forward with the establishment of a Neighborhood Council to serve as a touchstone for staff in its neighborhood planning efforts, and to establish a network of neighborhood representatives. Commissioner Jones seconded the motion and the roll call was:

Commissioner Jones	yes
Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes

The motion carried unanimously.

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AOB Visioning with Commission and Community, and the Process for the Updating of the North Causeway Plan - City Manager Brangaccio outlined staff's recommendation that the City Commission discuss and consider approval of utilizing Pete Sechler of AECOM to facilitate future workshops with the Community and Commission regarding the process for the update to the North Causeway Plan and visioning for the AOB property.

City Manager Brangaccio advised that a workshop would be conducted in late February 2013 to further discuss the topic, and a citizen workshop would be scheduled for March 2013. Mayor Barringer wanted to ensure that a full report from the consultant would be provided within thirty (30) days of the completion of the information gathering. Commissioner Jones hoped the results of the report would be utilized rather than placed on a shelf.

Motion:

Commissioner Reiker moved to approve utilizing Pete Sechler of AECOM to facilitate future workshops with the Community and Commission regarding the process for the update to the North Causeway Plan and visioning for the AOB property, as amended to require a full report from the consultant within thirty (30) days of the completion of information gathering. Vice Mayor Grasty seconded

the motion and the roll call was:

Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes

The motion carried unanimously.

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Annexation Marketing Plan - Assistant City Manager Resheidat outlined staff's recommendation that the City Commission discuss and consider approval of staff's recommended Annexation Marketing Plan.

Commissioner Reiker commented on various types of marketing brochures and techniques.

Motion:

Commissioner Jones moved to approve the Annexation Marketing Plan, as recommended by staff. Commissioner Reiker seconded the motion and the roll call was:

Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes

The motion carried unanimously.

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Suspension of the CRA Parking Lease Program - CRA Director Tony Otte outlined staff's recommendation that the City Commission consider approval of the continuation of the CRA Parking Lease Program suspension for an additional year to expire January 12, 2014 in order to facilitate economic development. Mr. Otte reported that the Parking System Task Force, at its last meeting, recommended that the suspension be extended until April 30, 2013 or until the Parking System Task Force sunset.

Motion:

Vice Mayor Grasty moved to approve the continuation of the CRA Parking Lease Program payments suspension for an additional four months, to April 30, 2013, as recommended by the Parking System Task Force. Commissioner Reiker seconded the motion and the roll call was:

Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes
Vice Mayor Grasty	yes

The motion carried unanimously.

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BOARDS AND COMMISSIONS:

Building Trades Board - Mayor Barringer outlined staff's recommendation that the City Commission consider the appointment/reappointment of two members to 3-year terms to expire January 1, 2016. He reported that the terms of members Joseph Blanchette, Jr. and Randy Beach expired January 1, 2013.

Motion:

Vice Mayor Grasty moved to reappoint members Joseph Blanchette, Jr. and Randy Beach to terms expiring January 1, 2016. Commissioner Reiker seconded the motion and the roll call was:

Commissioner Jones	yes
Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes

The motion carried unanimously.

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Fire Pension Board - Mayor Barringer outlined staff's recommendation that the City Commission consider the acceptance and approval of the reappointment of member Don Snell, as selected by the employees of the Fire and Emergency Services Department to a term to expire November 1, 2014.

Motion:

Commissioner Jones moved to accept the reappointment of member Don Snell to a term expiring November 1, 2014. Vice Mayor Grasty seconded the motion and the roll call was:

Commissioner Reiker	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner Jones	yes

The motion carried unanimously.

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Historic Preservation Commission - Mayor Barringer outlined staff's recommendation that the City Commission accept the voluntary resignation of member Carol Edelberg, effective January 1, 2013, vacating a term to expire May 14, 2015.

Motion:

Vice Mayor Grasty moved to accept with regrets, the voluntary resignation of member Carol Edelberg, effective January 1, 2013, vacating a term to expire May 14, 2015. Commissioner Jones seconded the motion and the roll call was:

Vice Mayor Grasty	yes
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Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes

The motion carried unanimously.

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CITY MANAGER'S REPORT - The City Commission acknowledged receipt of the City Manager's Report. City Manager Brangaccio commented on correspondence received from the Federal Aviation Administration, and advised that a future joint meeting with the Airport Advisory Board would be scheduled.

City Manager Brangaccio reported that the Volusia County Council would hold two budget mini-workshops on January 24 and January 31, 2013, regarding proposed Community Redevelopment Agencies.

Assistant City Manager Resheidat outlined staff's recommendation that the City Commission consider extending the Parking System Task Force to April 30, 2013.

Motion:

Vice Mayor Grasty moved to extend the Parking System Task Force to April 30, 2013. Commissioner Jones seconded the motion and the roll call was:

Mayor Barringer	yes
Commissioner Jones	yes
Commissioner Reiker	yes
Vice Mayor Grasty	yes

The motion carried unanimously.

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CITY CLERK'S REPORT - No. report.

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CITY ATTORNEY'S REPORT - City Attorney Gummey reminded the Commission of its responsibility to fully disclose any and all *ex parte* communications received regarding considerations of a *quasi-judicial* manner.

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With no further business to address, Mayor Barringer declared the meeting adjourned at 8:03 p.m.

**MINUTES OF THE CITY COMMISSION REGULAR MEETING, HELD JANUARY 22, 2013, WERE APPROVED AT THE REGULAR CITY COMMISSION MEETING HELD ON FEBRUARY 12, 2013.**

**ATTEST:**

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**ADAM BARRINGER, MAYOR**

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**JOHNNY R. BLEDSOE, CITY CLERK**