

**MINUTES OF THE REGULAR CITY COMMISSION MEETING**  
**HELD ON TUESDAY, APRIL 9, 2013**  
**CITY HALL COMMISSION CHAMBER, 210 SAMS AVENUE**  
**NEW SMYRNA BEACH, FLORIDA 32168**

Having been duly advertised as required by law, the regular meeting of the City Commission of the City of New Smyrna Beach, Florida, was held on Tuesday, April 9, 2013, in the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

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

Mayor Adam R. Barringer  
Vice Mayor Jack S. Grasty  
Commissioner Andrew J. McGuirk  
Commissioner Kirk E. Jones

Also present were: City Manager Pamela Brangaccio; Assistant City Manager Khalid Resheidat; City Attorney Frank Gummey; Interim Police Chief Michael Brouillette; Assistant Finance Director Emily Ollila; Planning Manager Gail Henrikson; CRA Director Tony Otte; and, City Clerk Johnny Bledsoe. Commissioner Judy Reiker was excused.

xxx

INVOCATION/PLEDGE OF ALLEGIANCE – Police Department Chaplain Beverly Richardson was present and gave the invocation. Mayor Barringer led those in attendance in the Pledge of Allegiance to the Flag.

xxx

APPROVAL OF AGENDA – City Manager Brangaccio outlined the following changes made to the published agenda for the meeting:

The addition of a presentation regarding the upcoming 2013 Law Enforcement Torch Run event; and, the removal of the presentation on the Multi-Use Trails Feasibility Study.

xxx

ANNOUNCEMENTS/PRESENTATIONS/RECOGNITIONS:

2013 Law Enforcement Torch Run – Police Motor Officer Michael Delahanty gave a brief overview of the schedule for the upcoming 2013 Law Enforcement Torch Run, as the torch will make its way through the streets of New Smyrna Beach on April 10, 2013.

xxx

2013 Lipton Cup Regatta – David Smith represented the Smyrna Yacht Club and gave an overview of the upcoming 2013 Lipton Cup Regatta planned activities, scheduled for April 12, 13 and 14, 2013.

xxx

MAYOR AND COMMISSION REPORTS:

Vice Mayor Grasty – Commented on his recent attendance at the 2013 New Smyrna Beach Balloon and Sky Fest, held at the municipal airport. He wished to thank all the many of volunteers that helped make the event a huge success.

xxx

Commissioner McGuirk – Commented on how he felt the Balloon and Sky Fest served as a phenomenal asset to the City.

Commissioner McGuirk read a recent letter from the Florida Department of Transportation, which granted additional funding for improvements to the Turnbull Bay Bridge. He thanked the City Commission and staff for their efforts in support of gaining the additional funds. He thanked the Turnbull Bay Home Owners Association and residents of the area for their efforts and patience throughout the government process. He felt the results served as an example of what working together could accomplish. Lastly, he thanked County Council-woman Deb Denys for her efforts in gaining the additional funding.

Mayor Barringer introduced Volusia County Council Member Deborah Denys. Councilwoman Denys clarified that the obtaining of additional funding for the bridge project was a group effort, and she outlined the legislative process that was necessary to gain final approval for the additional funding.

xxx

Commissioner Jones – Commented on the recent Balloon and Sky Fest and felt the event was an awesome experience. He also commented on the upcoming 5K run as sponsored by the Southeast Volusia Chamber of Commerce.

xxx

Mayor Barringer – No report.

xxx

Consent Agenda – Mayor Barringer read the following consent agenda items, as submitted by staff for consideration:

- A. Resolution No. 16-13/TPO Reapportionment – Adopt a resolution supporting the Planning Area Boundary adjustment and Membership Reapportionment Plan to expand the Metropolitan Planning Area Boundary and to reapportion the voting membership of the Volusia Transportation Planning Organization.
- B. Resolution No. 17-13/Military Family and Community Covenant Day – Adopt a resolution proclaiming April 17, 2013 as Military Family and Community Covenant Day.
- C. Police Motorcycle Lease – Approve entering into a lease agreement with Bruce Rossmeyer’s New Smyrna Harley Davidson, for a period of two years commencing May 1, 2013, and at a cost of \$400 monthly per motorcycle.
- D. Washington Street Streetscape Project/Request for Time Extension – Approve staff’s recommendation to grant a ten-day extension to the required completion date for the Washington Street Streetscape Project, due to unforeseen utilities delays. There is no fiscal impact.
- E. Award of Bid/Mary Avenue Tot Lot – Approve the award of bid for the Mary Avenue Tot Lot Project to A.G. Pifer Construction Company, Inc., for buildings and concrete work, in the amount of \$65,805; and, Jim’s Fencing, for installation of 4-foot white vinyl picket fencing, in the amount of \$6,400. Staff continues to accept bids for playground equipment.
- F. Request for Proposal to Lease City Property/450 3rd Avenue – Approve staff’s recommendation to issue a “Request for Proposal” for the lease of City-owned property at 450 3rd Avenue, the undeveloped portion of the beachside fire station).
- G. Amendment to the Opportunity Site Grant Agreement/Canal Street Center – Consider approval of staff’s recommended amendment to the Opportunity Site Grant Agreement for Canal Street Center, the former Badcock Furniture Store. The proposed amendments would outline two phases for expenditure reimbursements with the first phase being prior to April 1, 2013, and the second phase being from April 1, 2013.
- H. Special Events – Approve the following special events as recommended by the Special Events Committee:
  - 1. “Waves of Grace” Film Production – Grant permission to utilize several venues in the City for the filming of a feature length film entitled “Waves of Grace”, intended for future commercial release by the company C. Joy Productions. The period of filming is April 11 through May 10, 2013.

Also approve the closure of Flagler Avenue from South Cooper Street to South Atlantic Avenue on Monday, April 15, 2013, from 6 am to 6 pm.

2. 5th Annual New Smyrna Beach Food Festival – Approve the conduct of the 5th Annual New Smyrna Beach Food Festival on Thursday, April 18, 2013 from 5 to 9 pm, as hosted by the Merchants of Flagler Hospitality Group. Also approve the closure of Flagler Avenue from Pine Street to South Atlantic Avenue from 3 to 10 pm, the day of the event.
3. 6th Annual New Smyrna Beach Shrimp and Seafood Festival – Approve the conduct of the 6th Annual New Smyrna Beach Shrimp and Seafood Festival on Thursday, August 15, 2013 from 5 to 9 pm, as hosted by the Merchants of Flagler Hospitality Group. Also approve the closure of Flagler Avenue from Pine Street to South Atlantic Avenue from 3 to 10 pm, the day of the event.
4. Founder’s Day Celebration – Approve the conduct of the Founder’s Day Celebration on Friday and Saturday, November 1 and 2, 2013 from 6 to 10 pm on Friday and 8 am to 4 pm Saturday, as hosted by the Southeast Volusia Historical Society. Also approve the closure of Sam’s Avenue and Julia Street from Riverside Drive to Sams Avenue from 8 am to 5 pm on Saturday, November 2, 2013.

Motion:

Commissioner Jones moved to approve all items of consent, as recommended. Vice Mayor Grasty seconded the motion and the roll call was:

Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner McGuirk	yes
Commissioner Jones	yes

The motion carried unanimously.

xxx

**ORDINANCES SECOND READING AND PUBLIC HEARINGS:**

Ordinance No. 29-13/ New Smyrna Harbor Marina PUD Master Development Agreement and Conceptual Development Plan – City Attorney Gummey read Ordinance No. 29-13 the second time 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 educational qualifications.

As no citizens wished to question Ms. Henrikson's credentials, she was considered an expert witness and outlined the proposed ordinance, which if adopted, would rezone approximately 4 acres generally located south of the North Causeway, east of Boatyard Street and west of Marina Bay Drive, from a Commercial Marina (CM) to a Planned Unit Development (PUD) zoning district, and approving the New Smyrna Harbor Marina PUD Master Development Agreement and Conceptual Development Plan.

Mayor Barringer opened the public hearing.

Attorney Glenn Storch represented the property owner, outlined the proposed project. He commented on working together with City staff.

Tim Phillips, the applicant, thanked the City staff, and Planning and Zoning Board for their treatment throughout the process.

Mayor Barringer closed the public hearing.

Vice Mayor Grasty disclosed that he had met with the applicant prior to the public hearing.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 29-13, as submitted. Vice Mayor Grasty seconded the motion and the roll call was:

Mayor Barringer	yes
Commissioner McGuirk	yes
Commissioner Jones	yes
Vice Mayor Grasty	yes

The motion carried unanimously.

xxx

Ordinance No. 30-13/ 3403 South Atlantic Avenue/HJH, LLC – City Attorney Gummey read Ordinance No. 30-13 the second time by title only. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would rezone approximately 1 acre located at 3403 South Atlantic Avenue from Ocean Commercial with a maximum building height of four stories (B-4(4)) to Ocean Commercial with a maximum building height of eight stories (B-4 (8)).

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

Motion:

Vice Mayor Grasty moved to adopt Ordinance No. 30-13, as submitted. Commissioner McGuirk seconded the motion and the roll call was:

Commissioner McGuirk	yes
Commissioner Jones	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes

The motion carried unanimously.

xxx

Ordinance No. 31-13/CCSL Relocation/903 Lazy Sago Lane – City Attorney Gummey read Ordinance No. 31-13 the first time by title only. Mr. Gummey advised the Commission that it was to conduct the first of two required public hearings. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would amend the *Land Development Regulations* regarding development seaward of the City’s Coastal Construction Setback Line (CCSL), by moving the line eastward toward the ocean for property located at 903 Lazy Sago Lane, east of 903 South Atlantic Avenue. Ms. Henrikson outlined that at its meeting held March 4, 2013, the Planning and Zoning Board, acting as Local Planning Agency, unanimously recommended adoption of the proposed ordinance, and that If approved, the second and final of two required public hearings of the proposed ordinance would be conducted at the regular meeting on April 23, 2013.

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

Motion:

Commissioner Jones moved to approve on first reading and first public hearing, Ordinance No. 31-13, as submitted. Vice Mayor Grasty seconded the motion and the roll call was:

Commissioner Jones	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner McGuirk	yes

The motion carried unanimously. Mayor Barringer announced that the second and final of two required public hearings of the proposed ordinance would be conducted at the regular meeting on April 23, 2013.

xxx

PUBLIC PARTICIPATION –

Dick Abbott, Sugar Mill resident, commented on his opposition of the construction of a proposed interchange at Pioneer Trail and I-95.

Mayor Barringer acknowledged receipt of a letter outlining citizen concerns regarding the proposed future construction of an interchange at Pioneer Trail and I-95.

Eric Hill, represented citizens of the Turnbull Bay Community, opposed the construction of a proposed interchange at Pioneer Trail and I-95. Mr. Hill commented on his concerns with the plans, and a past feasibility study conducted on the construction of such an interchange in the future.

Bob Baker, 2225 Turnbull Bay Road, commented on past efforts in opposition to the proposed interchange, and proposed development reported recently in the Daytona Beach News Journal.

Ed Sandor, Turnbull Estates resident, commented on alternatives to the construction of the proposed interchange.

Bob White, Sugar Mill resident, commented on concerns with impacts to Pioneer Trail and other arteries located further to the east of I-95.

Tom Friend, Turnbull Bay Road resident, commented on ongoing planning by Volusia County for the 2040 Long Range Transportation Program.

Jacob Sachs, 816 East 8th Avenue, opposed the proposed Pioneer Trail and I-95 Interchange, and commented on environmental concerns. Mr. Sachs also urged the Commission to consider making the Administrative Office Building site on North Causeway, public.

Peggy Stromen, 1566 Lewis Lane, opposed the proposed Pioneer Trail and I-95 interchange.

Margaret Yarranton, 309 Florida Avenue, commented on meeting notification procedures and recreational alternatives on the North Causeway.

Glenn Storch, supported long range planning and urged the Commission to see things with a long term in mind.

Randy Richenberg, 1402 North Peninsula, commented on a past question asked by citizen Bob Tolley regarding the City official complaint process, specifically the City Manager.

Martha Woods, Sugar Mill resident, opposed the construction of a proposed interchange at Pioneer Trail and I-95.

Susan Hill, Turnbull Bay resident, opposed construction of a proposed interchange at Pioneer Trail and I-95 and commented on safety concerns.

Bob Tolley, 803 Fairway Drive, commented on previous remarks made by Randy Richenberg.

Larry Crawford, Sugar Mill resident, opposed the construction of a proposed interchange at Pioneer Trail and I-95.

Volusia County Chairman Jason Davis, advised those present that the Volusia County Council listened to their concerns and the matter about the proposed interchange at Pioneer Trail and I-95 would be a topic of discussion at the next meeting of the Volusia County Transportation Planning Organization.

xxx

**ORDINANCES – FIRST READING:**

Ordinance No. 32-13/CRA Plan Amendment – City Attorney Gummey read Ordinance No. 32-13 the first time by title only. An ordinance, which if adopted, would amend and modify the City’s Community Redevelopment Plan to incorporate amendments to the January 2010 Community Redevelopment Agency Master Plan Update.

Motion:

Commissioner McGuirk moved to approve on first reading, Ordinance No. 32-13, as submitted. Vice Mayor Grasty seconded the motion and the roll call was:

Vice Mayor Grasty	yes
Mayor Barringer	yes
Commissioner McGuirk	yes
Commissioner Jones	yes

The motion carried unanimously. Mayor Barringer announced that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on April 23, 2013.

xxx

Ordinance No. 36-13/Interlocal Service Boundary Agreement with Volusia County – City Attorney Gummey read Ordinance No. 36-13 the first time by title only. An ordinance, which if adopted, would enter into an Interlocal Service Boundary Agreement with Volusia County.

Motion:

Vice Mayor Grasty moved to approve on first reading, Ordinance No. 36-13, as submitted. Commissioner Jones seconded the motion and the roll call was:

Mayor Barringer	yes
Commissioner McGuirk	yes
Commissioner Jones	yes
Vice Mayor Grasty	yes

The motion carried unanimously. Mayor Barringer announced that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on April 23, 2013.

xxx

**ADMINISTRATIVE ITEMS – NEW BUSINESS:**

Citizen Survey – 2013 – City Manager Brangaccio outlined staff’s recommendation that the Commission consider approval of entering into a contract with the University of Central Florida Institute for Social and Behavioral Sciences, in order to conduct a Citizen’s Survey of City Services for 2013, at the approximate cost of \$10,112.

Commissioner Jones supported obtaining citizen input, but questioned feedback received during the previous citizen survey in 2009. Ms. Brangaccio commented on the results of the previous survey that reflected an overall support by citizens and their satisfaction with City services.

Motion:

Commissioner Jones moved to approve entering into a contract with the University of Central Florida Institute for Social and Behavioral Sciences, in order to conduct a Citizen’s Survey of City Services for 2013, at the approximate cost of \$10,112. Vice Mayor Grasty seconded the motion and the roll call was:

Commissioner McGuirk	yes
Commissioner Jones	yes
Vice Mayor Grasty	yes
Mayor Barringer	yes

The motion carried unanimously.

xxx

Pioneer Trail-Interstate 95 Interchange – Planning Manager Gail Henrikson outlined staff’s recommended support of the inclusion of the Interstate 95 interchange at Pioneer Trail as an unfunded project on the Volusia County Transportation Planning Organization 2035 Long Range Transportation Plan.

Vice Mayor Grasty commented on existing utilities hazards in the vicinity of the proposed interchange.

Commissioner McGuirk thanked citizens who spoke earlier in the meeting and commented on past meetings with citizens regarding the matter. He felt the 2007 policy did not allow the City to have a “seat at the table”, and wanted to take a similar approach to the issue that was taken with the Turnbull Bay Bridge issue. Commissioner McGuirk requested citizen support that would allow the City to have a position that would result in being part of negotiations.

Mayor Barringer supported Commissioner McGuirk’s efforts as a representative of the City on the Volusia County Transportation Planning Organization (TPO). He commented on relationships with other municipalities, and the possibility of future commercial development moving northward to the vicinity of the proposed interchange. Mayor Barringer supported the notion of the City having a “seat at the table” regarding the issue.

Commissioner Jones supported Commissioner McGuirk being part of future negotiations. Vice Mayor Grasty supported the future extension of Williamson Road, being the priority and Commissioner McGuirk being part of any future negotiations.

Mayor Barringer clarified that direction was that a representative must be made part of all future discussions regarding a proposed interchange at Pioneer Trail. He further clarified that the Williamson Road Extension was more important to New Smyrna Beach.

Commissioner McGuirk requested clarification of the City Commission’s official position regarding the proposed interchange at Pioneer Trail. City Attorney Gummey recommended future discussion on the issue at the next meeting on April 23, 2013. Commissioner McGuirk was concerned that the issue may go to a vote at the TPO prior to any further discussions by the City Commission. City Attorney Gummey clarified that the City of New Smyrna Beach had an adopted position on the matter.

Planning Manager Gail Henrikson reported that the City of Port Orange and Volusia County had each adopted resolutions supporting the TPO adding the Pioneer Trail I-95 Interchange to the 2035 Long Range Transportation Plan, as an unfunded project.

Motion:

Commissioner McGuirk moved to adopt a resolution supporting the TPO adding the Pioneer Trail I-95 Interchange to the 2035 Long Range Transportation Plan, as an unfunded project. Commissioner Jones seconded the motion and the roll call was:

Commissioner Jones	yes
Vice Mayor Grasty	no
Mayor Barringer	no
Commissioner McGuirk	yes

The motion failed by a vote of 2 to 2 with Mayor Barringer and Vice Mayor Grasty voting no. Mayor Barringer confirmed direction that staff would move forward with the existing position of the City Commission.

xxx

BOARDS AND COMMISSIONS – No action.

xxx

CITY MANAGER'S REPORT – The City Commission acknowledged receipt of the City Manager's written report.

xxx

CITY CLERK'S REPORT – No report.

xxx

CITY ATTORNEY'S REPORT – No report.

xxx

With no further business to address, Mayor Barringer declared the meeting adjourned at 8:30 p.m.

**MINUTES OF THE CITY COMMISSION REGULAR MEETING, HELD APRIL 9, 2013, WERE APPROVED AT THE REGULAR CITY COMMISSION MEETING HELD ON AUGUST 13, 2013.**

ATTEST:

\_\_\_\_\_  
ADAM BARRINGER, MAYOR

\_\_\_\_\_  
JOHNNY R. BLEDSOE, CITY CLERK