

MINUTES OF THE REGULAR CITY COMMISSION MEETING
HELD ON TUESDAY, JANUARY 28, 2014
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, January 28, 2014, 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 Andrew J. McGuirk
Commissioner Judith A. Reiker
Commissioner Jack S. Grasty
Commissioner Kirk E. Jones

Also present were: City Manager Pamela Brangaccio; Assistant City Manager Khalid Resheidat; City Attorney Frank Gummey; Police Chief George Markert; Finance Director Althea Philord; Planning Manager Gail Henrikson; CRA Director Tony Otte; Chief Building Official Mike Knotek; City Engineer Kyle Fegley; Airport Manager Rhonda Walker; and, City Clerk Johnny Bledsoe.

xxx

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

xxx

APPROVAL OF AGENDA – City Manager Brangaccio reported the addition of the presentation of Life Saving Awards by the U.S. Coast Guard; and, the addition of Announcements/Presentations/ Recognition Item B, an update on Sports Complex utilization by the Molina Group and results of meetings with Southeast Volusia Youth Sports.

xxx

ANNOUNCEMENTS/PRESENTATIONS/RECOGNITIONS:

Life Saving Award Presentations – U.S. Coast Guard Captain Tom Allan, accompanied by staff, represented U.S. Coast Guard Sector Jacksonville, presented the U.S. Coast Guard Silver Lifesaving Medal to Mayor Barringer, and the U.S. Coast Guard Certificate of Valor to Victor Guzman, Wayne Mechtal and New Smyrna Beach Police Officer Christopher Kirk, for their actions in January 2010 in response to a vehicle accident in the Indian River Lagoon, adjacent to the Brannon Center.

xxx

Update on Sports Complex Utilization by the Molina Group – City Manager Brangaccio outlined past concerns received from the Southeast Volusia Youth Sports Organization concerning future utilization of the City Sports Complex facilities by the Molina Group. Ms. Brangaccio reported that meetings were scheduled and held with representatives of the Southeast Volusia Youth Sports Organization, members of City staff and representatives of the Molina Group. Ms. Brangaccio advised that results of those meetings resulted in a compromise with schedules between the two organizations, which eliminated initial conflicts that were identified.

Billy Posik, Chairman of Southeast Volusia Youth Sports, thanked the City for having the meetings with Molina Group representatives and was pleased with the compromise reached between the two organizations. Mr. Posik outlined his organization programs and appreciated the lasting relationship and partnership his organization had with the City. He commented on the competitive nature of sports with the overall purpose being to prepare young athletes for high school sports programs. Mr. Posik invited the members of the City Commission to Baseball Opening Day activities, at the sports complex on March 8, 2014.

xxx

MAYOR AND COMMISSION REPORTS:

Vice Mayor McGuirk – Commented on the recent passing of Neighborhood Council member Mike Eader and his efforts to make the community a better place, specifically his recent efforts to have improvements made to the Turnbull Bay Bridge. As such, Vice Mayor McGuirk recommended the City Commission support an initiative to rename the Turnbull Bay Bridge, in honor of Mike Eader.

xxx

Commissioner Jones – Commented on his attendance at the recent Business Expo conducted by the Chamber of Commerce. He also reported on his attendance at other recent events, which included the Police Department Awards Banquet; and, the Volusia/Flagler Central Labor Council, and information obtained regarding wage theft and other programs.

Commissioner Jones thanked all youth coaches for helping kids learn the wonderful game of baseball.

xxx

Commissioner Reiker – Reported on her attendance at recent Dr. Martin Luther King Day activities. She also commented on her attendance at the recent “Images, a Festival of the Arts” conducted by the Atlantic Center for the Arts, and recommended inviting representatives of the Atlantic Center for the Arts to outline their many programs and planned activities for the upcoming year, at a future meeting.

Commissioner Reiker was pleased with the recent attendance at the Business Expo, and she was also excited to see a rebirth on Canal Street and commented on the new parking lot, located at the intersection of Canal Street and U.S. Highway 1, already being full. She was proud of our police officers and firefighters.

xxx

Commissioner Grasty – Felt we all lived in and great town and reported on his recent attendance at the opening of “The Trails” in Edgewater; and, the Police Department Awards Banquet. He then thanked the United States Coast Guard for all they did to protect us.

xxx

Mayor Barringer – Acknowledged District 3 Volusia County Council Representative Deb Denys in attendance at the meeting. He then reported on his attendance at many events, which included the recent Volusia League of Cities Dinner Meeting, which he felt was great; “Images, a Festival of the Arts” and Arts on Douglas; the recent CUDA Achiever Awards and NSBCAPS Spaghetti Dinner; the Taste of the 24; the recent Volusia Council of Governments Meeting where discussions took place regarding Quality of Water through the Indian River Lagoon, where he felt should become a priority in the near future; the Creative Film Alliance; and, the Police Awards Banquet where he thanked all police department personnel for their hard work.

xxx

ORDINANCES SECOND READING AND PUBLIC HEARINGS:

Ordinance No. 222-13 – City Attorney Gummey read Ordinance No. 222-13, the second time by title only, for a public adoption hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would change land use designations on approximately 39 acres generally described as: 1210 North Golf Lake Drive; 2204 Doster Drive; 2216 Magnolia Drive; 1210 Mission Drive; 1216 Mission Drive; 699 Old Mission Road; north of Canal Street and south of Enterprise Avenue at Hickory Street; 188 Hickory Street; 200 Spruce Street and Spruce Street; 483 Howard Avenue; 2008 Woodland Avenue; 650 Palm Drive; 1112 Canal Street; 350 Timberlane Drive; 2230 Davis Drive; 345 Wildwood Drive; 2555 Glencoe Farms Road; the east side of Timberlane Drive; northeast of the intersection of Spruce Street and Jefferson Street; and 2572 Pioneer Trail.

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

Motion:

Commissioner Reiker moved to adopt Ordinance No. 222-13, as submitted. Commissioner Jones seconded the motion, and the motion carried unanimously, by voice vote.

xxx

Ordinance No. 223-13 – City Attorney Gummey read Ordinance No. 223-13, the second time by title only and advised the City Commission that it would conduct the second reading and quasi-judicial public hearing of an ordinance. City Attorney Gummey then administered the oath to Planning Manager Gail Henrikson. Ms. Henrikson outlined her professional and educational qualifications. As no citizen questioned her credentials, Ms. Henrikson was considered an expert in planning and zoning.

Ms. Henrikson outlined the proposed ordinance, which if adopted, would rezone approximately 39 acres of annexed properties, generally described as: 1210 North Golf Lake Drive; 2204 Doster Drive; 2216 Magnolia Drive; 1210 Mission Drive; 1216 Mission Drive; 699 Old Mission Road; north of Canal Street and south of Enterprise Avenue at Hickory Street; 188 Hickory Street; 200 Spruce Street and Spruce Street; 483 Howard Avenue; 2008 Woodland Avenue; 650 Palm Drive; 1112 Canal Street; 350 Timberlane Drive; 2230 Davis Drive; 345 Wildwood Drive; 2555 Glencoe Farms Road; the east side of Timberlane Drive; northeast of the intersection of Spruce Street and Jefferson Street; and 2572 Pioneer Trail.

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

Motion:

Vice Mayor McGuirk moved to adopt Ordinance No. 223-13, as submitted. Commissioner Grasty seconded the motion, and the motion carried unanimously, by voice vote.

xxx

Ordinance No. 01-14 – City Attorney Gummey read Ordinance No. 01-14, the second time by title only, for a public adoption hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would annex into the City approximately 152.345 acres generally described as: on the south side of Pioneer Trail east of Sugar Mill Drive (Sabal Lakes), 2027 Pioneer Trail, 1881 Bayview Drive, vacant land on Mayport Avenue, 381 Wildwood Drive, 464 Judy Street, 2441 Tecca Drive, 479 Judy Street, 215 Ingham Road, 1407 Enterprise Avenue, 117 Wallace Road, 2574 Pioneer Trail, 2554 Pioneer Trail, 795 Williams Road, 281 Williams Road, 2568 Myra Street, and vacant land on the west side of Glencoe Road south of Pioneer Trail, and to the centerline of all surrounding rights-of-way.

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

Motion:

Commissioner Grasty moved to adopt Ordinance No. 01-14, as submitted. Commissioner Reiker seconded the motion, and the motion carried unanimously, by voice vote.

xxx

Ordinance No. 04-14 – City Attorney Gummey read Ordinance No. 04-14, the second time by title only, for a public adoption hearing. Finance Director Althea Philord outlined the proposed ordinance, which if adopted, would amend the City’s Budget for Fiscal Year 2013-2014.

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

Motion:

Commissioner Reiker moved to adopt Ordinance No. 04-14, as submitted. Commissioner Grasty seconded the motion, and the motion carried unanimously, by voice vote.

xxx

Ordinance No. 05-14 – City Attorney Gummey read Ordinance No. 05-14, the second time by title only, for a public adoption hearing. Chief Building Official Mike Knotek outlined the proposed ordinance, which if adopted, would revise the City Code, Chapter 26, Article VIII, Floodplain Management.

Vice Mayor McGuirk questioned the process for renovation of property identified as being below grade. Mr. Knotek clarified the provisions of the regulation regarding improvement criteria and minimum requirements related to the proposed ordinance.

Commissioner Jones questioned Floodplain Maps and how citizens were notified of changes to the floodplain classification of their property. City Engineer Kyle Fegley commented on ways to verify property classification. City Manager Brangaccio commented on press releases sent out to the public.

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

Motion:

Vice Mayor McGuirk moved to adopt Ordinance No. 05-14, as submitted. Commissioner Jones seconded the motion, and the motion carried unanimously, by voice vote.

xxx

Ordinance No. 06-14 – City Attorney Gummey read Ordinance No. 06-14, the second time by title only and advised the City Commission that it would conduct the second reading and quasi-judicial public hearing of an ordinance. Planning Manager Gail Henrikson remained under oath and outlined the proposed ordinance, which if adopted, would approve the first amendment to Bishop’s Auto Planned Unit Development (PUD) and Master Development Agreement (MDA).

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

Motion:

Commissioner Jones moved to adopt Ordinance No. 06-14, as submitted. Commissioner Grasty seconded the motion, and the motion carried unanimously, by voice vote.

xxx

Ordinance No. 08-14 – City Attorney Gummey read Ordinance No. 08-14, the first time by title only, for a public transmittal hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would amend the *City Comprehensive Plan* by changing the land use designations of approximately 28 acres generally described as: on the north side of State Road 44, west of Airport Road and east of Hunting Camp Road, 1200 Washington Street, 406 Spruce Street, 1925 Jungle Road, 2550 Pioneer Trail, 395 Sugar Mill Drive, 1751 Bayview Drive, 1873 Bayview Drive, 1875 Bayview Drive, 1879 Bayview Drive, 817 Bolton Road, 785 South Timberlane Drive, 274 South Walker Drive, 2520 Cone Lake Drive, 2585 Glencoe Farms Road, 2815 Turnbull Bay Road, 756 Bay Drive, and vacant land on North Golf Lake Drive, and to the centerline of all surrounding rights of way.

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

Motion:

Commissioner Reiker moved to transmit to reviewing entities for review and comments, Ordinance No. 08-14, as submitted. Commissioner Grasty seconded the motion and the roll call was:

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

The motion carried unanimously. Ordinance No. 08-14 would be transmitted to governmental reviewing entities for review and comments. The second reading and adoption public hearing would be scheduled for a future meeting upon completion of the review process.

xxx

PUBLIC PARTICIPATION –

Deb Denys, District 3 Volusia County Council Representative, commented on the recommendation by Vice Mayor McGuirk, to rename the Turnbull Bay Bridge in honor of the late Mike Eader. She advised that the bridge was part of a Volusia County Road, and that the matter would be on the February 20, 2014 County

Council Meeting Agenda. Ms. Denys requested the City Commission provide a resolution, supporting the renaming of the bridge in honor of Mr. Eader, to take back to the Volusia County Council for consideration.

City Attorney Gummey advised that a resolution would be placed on the agenda for consideration at the next scheduled City Commission meeting on February 11, 2014.

Mitch Moore, Daytona Beach, commented on business opportunity in New Smyrna Beach for a potential concierge service in central New Smyrna Beach. Mr. Moore also commented on opportunities to make fire stations serve a dual purpose as community centers.

xxx

ORDINANCES – FIRST READING:

Ordinance Nos. 07-14 and 09-14 – City Attorney Gummey read Ordinance Nos. 07-14 and 09-14, the first time by title only. Ordinances, which if adopted, would annex and rezone approximately 28 acres generally described as: on the north side of State Road 44, west of Airport Road and east of Hunting Camp Road, 1200 Washington Street, 406 Spruce Street, 1925 Jungle Road, 2550 Pioneer Trail, 395 Sugar Mill Drive, 1751 Bayview Drive, 1873 Bayview Drive, 1875 Bayview Drive, 1879 Bayview Drive, 817 Bolton Road, 785 South Timberlane Drive, 274 South Walker Drive, 2520 Cone Lake Drive, 2585 Glencoe Farms Road, 2815 Turnbull Bay Road, 756 Bay Drive, and vacant land on North Golf Lake Drive, and to the centerline of all surrounding rights-of-way.

Motion:

Commissioner Reiker moved to approve on first reading, Ordinance Nos. 07-14 and 09-14, as submitted. Commissioner Grasty seconded the motion and the motion unanimously on first reading by voice vote. Mayor Barringer announced that the second reading and public hearing of Ordinance No. 07-14 would be conducted at the regular meeting scheduled for February 11, 2014. He then announced that the second reading and public hearing of Ordinance No. 09-14 would be scheduled at a later date with Ordinance No. 08-14, the associated large scale comprehensive plan amendment.

xxx

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

A. City Commission Meeting Minutes – Approve the minutes of regular meetings held August 27, September 10 and September 24, 2013; and, special meetings held August 26 and August 27, 2013.

B. Resolution No. 03-14 – Adopt a resolution announcing the City’s intent to vacate a portion of the platted but unopened 15th Street Right-of-Way.

C. Equipment Purchase Approval – Approve the utilization of the City of Tallahassee’s Contract to purchase one 12-foot Flatbed Truck through Mike Davidson Ford of Jacksonville at the price of \$43,885.80.

D. Award of Bid: Purchase of Ford Taurus Sedan – Approve the Bid Award to Don Reid Ford, Inc. for the purchase of a Ford Taurus Sedan in the amount of \$21,378.

E. Award of Bid: Purchase of Ford Escape – Approve the Award of Bid to Don Reid Ford for the purchase of a Ford Escape at the State Contract Price of \$21,882.

F. Award of Bid: Janitorial Services – Approve the award of bid for Janitorial Services to High Tech Commercial Cleaning for the annual cost of \$35,436.

G. Special Event: 2014 Art Fiesta – Approve the conduct of the 52nd Annual Art Fiesta, and requested street closures, to be held on Saturday February 15 & 16, 2014.

H. Special Event: 2014 New Smyrna Beach Balloon & Sky Fest – Approve the conduct of the 6th Annual New Smyrna Beach Balloon and Sky Fest, and requested street closures, to be held on March 28-30, 2014

Motion:

Commissioner Grasty moved to approve all items on the Consent Agenda, as submitted. Vice Mayor McGuirk seconded the motion and the motion carried unanimously, by voice vote.

xxx

ADMINISTRATIVE ITEMS – NEW BUSINESS:

Resolution No. 02-14: Establishing Permit Parking Fees for Oceanfront City Facilities – Assistant City Manager Khalid Resheidat outlined staff’s recommendation that the City Commission consider the adoption of a resolution establishing the parking fees and hours of operation. He highlighted that the resolution adopted by reference the daily and annual Beach access fees adopted by the Volusia County Council, which were currently \$5.00 a day; and an annual resident pass of \$20.00. The regulations for administration of the fees were similar to County regulations as well. Mr. Resheidat clarified that adopting this rate would reduce any confusion with regard to the two systems, as cars drive by the free City parking lots each hour to pay to park on the beach.

Mayor Barringer thanked Mr. Resheidat and staff for their efforts regarding the matter. He supported moving forward and felt City residents should only pay \$10 for an annual pass.

Commissioner Jones agreed with the \$10 annual pass for City residents. He did not feel a pilot program would be necessary. Mayor Barringer commented on future maintenance repairs and reminded the Commission that CRA funding for future repairs would not be available. Mr. Resheidat commented on the costs associated with maintaining service levels.

Commissioner Grasty opposed parking fees and felt something else could be done. Commissioner Reiker felt it was an issue of revenue and whether a pilot program would work for revenue, or not. She was concerned whether proposed fees to be charged would pay the bills, and suggested analyzing the revenue and fees and starting the program when the tourist season would begin.

Vice Mayor McGuirk questioned the length of the proposed pilot program and felt it should be one year. He also supported the \$10 annual fee for residents. Commissioner Reiker would support deferring the item to a future meeting. City Manager Brangaccio commented on the use of Volusia County's fee structure.

City Attorney Gummey read Resolution No. 02-14, by title only.

Motion:

Commissioner Jones moved to adopt Resolution No. 02-14, as amended to not have a pilot program, and to have a \$10 annual pass for City residents. Vice Mayor McGuirk seconded the motion and the roll call was:

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

The motion carried by 3 to 2 majority vote with Commissioners Grasty and Reiker voting no.

xxx

Request for Direction: Structures Allowed East of the Coastal Construction Setback Line (CCSL) – Planning Manager Gail Henrikson outlined staff's request for direction with regard to how the City Commission wished to allow structures east of the City CCSL.

Ms. Henrikson outlined that On August 27, 2013, staff reviewed an appeal from Architect Sidney D. Corhern, regarding installation of fencing east of the City's Coastal Construction Setback Line (CCSL). The appeal was to allow fencing east of the CCSL that was not immediately adjacent to a pool deck, as required by code. She reported that the City Commission upheld the interpretation of both staff and the City Manager, and directed staff to review existing regulations regarding structures and accessories located east of the CCSL.

Ms. Henrikson then reported that subsequent to the August 27, 2013 meeting, staff received an application to allow construction of a fence east of the CCSL that would not be immediately adjacent to a pool or pool deck.

Ms. Henrikson reported that staff was requesting direction from the City Commission as to whether to proceed with an administrative amendment to the *Land Development Regulations*, in order to allow fences to be constructed east of the CCSL.

Architect Sid Corhern commented on current regulations regarding fencing on the CCSL. He suggested not to prevent a fence, but rather control the type and color of the fence.

Mayor Barringer felt Volusia County regulations should be reviewed for future consideration. Vice Mayor McGuirk was concerned with possible unintended consequences and questioned whether staff could provide the City Commission a listing of all possible unintended consequences. Mayor Barringer restated that he felt Volusia County regulations should be reviewed. Commissioner Grasty suggested comparing the State to the City CCSL.

City Attorney Gummey commented on past direction that highlighted only two things that should be allowed east of the CCSL, be allowed east of the CCSL.

After further discussion by the City Commission, Commissioner Reiker commented on how the Old Florida Charm should always be maintained.

Mr. Corhern restated that he felt there was a need for fences, and felt the impact should be kept to a minimum by keeping fences west of the dune system.

Mayor Barringer confirmed Commission direction was to research similar regulations of Volusia County and to compare F.E.M.A. coverage.

City Manager Brangaccio acknowledged direction that she would check with the Federal Emergency Management Agency (F.E.M.A.), whether fences would be covered. She also acknowledged that staff would review standards for the south beach area with existing City standards.

xxx

Letter of Intent: White Challis Redevelopment Co. for City property at 103 Faulkner Street (former shuffleboard/tennis court/fire station) – CRA Director Tony Otte outlined staff's recommendation that the City Commission consider approval of the official Letter of Intent from the firm White Challis for the development of property at 103 Faulkner Street, and to provide direction to staff to prepare a contract for formal approval by the CRA and City Commission at a future meeting.

Jack White and Chris Challis represented the firm White Challis, were each present and gave a brief presentation, which outlined the proposed development of City property at 103 Faulkner Street.

Commissioner Jones questioned the concept of improvements to the existing fire station. Mr. White commented on current uncertainty of the use and need to seek out a user in order to help design the facility. Commissioner Jones hoped to keep the fire station theme. Mr. White commented on branding of the property, and Mr. Challis felt the fire station design would be brought forward.

Vice Mayor McGuirk questioned what direction the developer would go if the proposed 18 brownstone units would not sell. Mr. Challis commented on unforeseen circumstances and the need for building flexibility.

Commissioner Reiker was delighted and commented on the commitment to urban living. She questioned who would build the units. Mr. Challis clarified that the firm White Challis would construct the first unit and other contractors would construct the remaining structures, to the White Challis specifications, and architectural design guidelines.

Commissioner Reiker questioned why so much time had passed during the current process. Mr. Challis commented on a commercial transaction due diligence. Commissioner Reiker would love to see the fire station retained for public use.

Motion:

Commissioner Grasty moved to approve the official Letter of Intent from the firm White Challis for the development of property at 103 Faulkner Street, and to provide direction to staff to prepare a contract for formal approval by the CRA and City Commission at a future meeting. Commissioner Reiker seconded the motion and the roll call was:

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

The motion carried unanimously.

xxx

Request for Proposal for City property on 450 3rd Avenue – Assistant City Manager Resheidat outlined staff’s recommendation that the City Commission consider approval of the issuance of a Request for Proposal for the city property on 450 3rd Avenue adjacent to Fire Station # 52 to include sale as well as lease.

Mayor Barringer questioned the appraised value of the property, less the retention property. Mr. Resheidat did not have the amount, but gave the Mayor an estimate. Vice Mayor McGuirk questioned whether any revenue from the transaction would return to the Public Safety General Obligation Bond account.

Motion:

Commissioner Grasty moved to approve the issuance of a Request for Proposal for the city property on 450 3rd Avenue adjacent to Fire Station # 52 to include sale as well as lease. Commissioner Reiker seconded the motion and the rollcall was:

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

The motion carried unanimously.

xxx

Discussion regarding an Agreement with Volusia County for the development of South Atlantic Beach Park – City Manager Brangaccio outlined staff’s recommendation for the City Commission review, discuss and provide staff policy direction regarding whether or not to enter into an agreement with Volusia County for the development of South Atlantic Beach Park.

Ms. Brangaccio outlined that in 2012, the City worked within the County's ECHO initiatives for the purchase of waterfront properties to provide increased public access. Numerous properties within Volusia County were submitted for consideration. The County in August 2012 purchased one acre of vacant beachfront property (between Flagler Avenue, 3rd Avenue and South Atlantic Avenue) within New Smyrna Beach. The City expressed its' support for the County's purchase of the property, through proposing site development, long term parking management and maintenance of the site by the City. The City submitted, in the Fall of 2012, an ECHO grant for 50% of the development cost of the new facility; however the ECHO program was suspended by the County for all grants for one year. We have now resubmitted for a 2014 ECHO grant (ranking will occur in February 2014 by the ECHO Advisory Committee). This project had been included in the 2014 Debt Service Issue, but with the decision to limit the issue to a fixed rate twenty year term; 50% of the costs of South Atlantic Beach Park will need to be funded by the General Fund. Of note, CRA monies cannot be used to match ECHO grants.

Ms. Brangaccio outlined the proposed agreement, which contained a forty year lease of the property, for the construction of a restroom facility, parking lot, landscaping, shade structures (if desired) and any related on-site improvements.

An estimated total cost for the project is \$670,000, with ECHO funds, collected county-wide, providing 50% of the total costs. The lease is dependent on the City receiving the ECHO grant. The lease does not require an annual lease payment and can be renewed for four (4) five (5) year options for a total of 60 years. The City will be able to charge for parking at the facility (if the City Commission proceeded with the development of an off-beach parking system). The County will be able to place a lifeguard base tower either on the premises, and/or beach in front of the premises at a location chosen by the County. The agreement does not commit the County to approve an ECHO grant for the project. The City has six months for design & permitting, and one year for construction (in keeping with the ECHO grant conditions, but noting that permit delays may occur. The City in 2013 selected an engineering firm for the project, so as soon as the ECHO grants are awarded in 2014, the City can begin the design process for South Atlantic Beach Park. Commissioner Reiker suggested making the park a parking lot.

Ms. Brangaccio felt the development of South Atlantic Beach Park, for off beach parking, was a win-win for residents of Volusia County, the City of New Smyrna Beach, and visitors to New Smyrna Beach.

Motion:

Commissioner Reiker moved to approve entering into an agreement with Volusia County the development of South Atlantic Beach Park., as recommended. Commissioner Grasty seconded the motion and the roll call was:

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

The motion carried unanimously.

xxx

Request for Direction: Disk Golf Activity on Municipal Airport Property as an Interim Utilization; with authorization to work on a permanent site at the new Otter Lake Park – City Manager Brangaccio outlined staff’s request for direction as to whether to allow a Disk Golf activity on municipal airport property, as an interim utilization; with authorization for staff to work on a permanent site for the activity at the new Otter Lake Park.

Ms. Brangaccio commented on concerns received from staff upon its completion of the review of the request from the proprietor Mr. Gene Verano. She outlined staff’s recommendation that if the Commission desired to approve the requested utilization, that it would be temporary only (with no capital outlay from the City, so there would be no parking added, or restrooms, or trash cans, et.al.) until Otter

Lake Park was developed. Also, it would be recommended that this would be a pilot project and staff would monitor the activity on a weekly basis.

City Manager Brangaccio reported that If the operation was found to be creating risks for people or property, the site would be shut down immediately, or if the Federal Aviation Administration (FAA) objected to the use. She then reported that Mr. Varano met with the City staff, and was aware of the conditions for approval at the municipal airport location. Mr. Verano was also willing to work on the long term course at Otter Lake Park, and staff had included the sport utilization in the revised E.C.H.O. grant application, as staff was having to resubmit to Volusia County in February,2014, additional information on the project.

City Manager Brangaccio reported that it remained unclear in terms of the cost to the City; staff believed that Mr. Varano was donating the baskets; staff would install as removable objects (for liability reasons, this would be a City operation, as a lease with a private resident was not a realistic option for this property).

Even with the concerns on the North U.S. Highway 1 site, staff was excited long term about the activity of disk golf, and its' future at Otter Lake Park.

Airport Manager Rhonda Walker outlined the size of the property proposed for the use at the municipal airport.

Commissioner Jones thanked Mr. Verano for his assistance, vision and passion for disk golf, and commented on direction received from Rebecca Henry at the FAA, as well as staff concerns received.

Vice Mayor McGuirk questioned possible lease requirements. Mayor Barringer supported moving forward with the proposed activity at Otter Lake Park. Commissioner Reiker agreed and commented on the need to put the activity permanently at Otter Lake Park, and did not support putting the activity at the municipal airport on a temporary basis.

Mayor Barringer suggested that staff continue working with Mr. Verano in order to make the permanent location at Otter Lake Park a reality.

Gene Verano thanked the City Commission for its time and commented on the need for funding at Otter Lake Park. Mr. Verano looked forward to working with the City on this endeavor.

Mayor Barringer clarified Commission direction was to move forward with work on a permanent site for the activity at the new Otter Lake Park.

xxx

New Capital Improvements Project Manager Position – Assistant City Manager Khalid Resheidat outlined staff’s recommendation that the City Commission consider approval of authorizing a new full-time position of Capital Improvements Project Manager.

Commissioner Grasty urged staff to conduct a thorough background check of the candidate selected for the position.

Motion:

Commissioner Reiker moved to approve the authorization of staff to fill a new full time position of Capital Improvement Project Manager, as outlined in the staff recommendation. Vice Mayor McGuirk seconded the motion and the roll call was:

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

The motion carried unanimously.

xxx

BOARDS AND COMMISSIONS:

Volusia Growth Management Commission – Mayor Barringer outlined staff’s recommendation that the City Commission accept the voluntary resignation of Kenneth Bohannon as the City’s representative to the Volusia Growth Management Commission. Discuss and consider possible nominees as a replacement of Mr. Bohannon.

Motion:

Commissioner Grasty moved to accept the resignation of Kenneth Bohannon as the City of New Smyrna Beach representative on the Volusia Growth Management Commission. Commissioner Reiker seconded the motion and the motion carried unanimously, by voice vote.

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 9:06 p.m.

THE MINUTES OF THE REGULAR MEETING OF THE CITY COMMISSION HELD JANUARY 28, 2014 WERE APPROVED AT THE REGULAR MEETING HELD AUGUST 12, 2014.

ADAM R. BARRINGER, MAYOR

ATTEST:

JOHNNY R. BLEDSOE, CITY CLERK