

MINUTES OF THE REGULAR CITY COMMISSION MEETING
HELD ON TUESDAY, FEBRUARY 11, 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, February 11, 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; Planning Manager Gail Henrikson; CRA Director Tony Otte; Chief Building Official Mike Knotek; Airport Manager Rhonda Walker; and, City Clerk Johnny Bledsoe.

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INVOCATION/PLEDGE OF ALLEGIANCE – Police Department Chaplain William Chegwin, 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 AGENDA – City Manager Brangaccio reported the addition of remarks from Steve Harrell, President/ CEO of Bert Fish Medical Center, in appreciation for the service and support of City public safety personnel on February 6, 2014, in the aftermath of an accident on hospital property.

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ANNOUNCEMENTS/PRESENTATIONS/RECOGNITIONS:

Recognition of First Responders by Bert Fish Medical Center – Steve Harrell, President and Chief Executive Officer of Bert Fish Medical Center, read a statement, on behalf of the staff of Bert Fish Medical Center, in appreciation for the service and support of City police and fire first responders on February 6, 2014, in the aftermath of a tragic accident on hospital property.

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Fire Department Pinning Ceremony – Fire Chief McCallister, accompanied by Mayor Barringer and Commissioner Jones, conducted a pinning ceremony to recognize the appointment of new department personnel Rachel Gavigan, Sheri Keers and Paul Nelson. Also recognized was 6 year old Cameron Fulling, who was named an honorary New Smyrna Beach Firefighter.

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MAYOR AND COMMISSION REPORTS:

Vice Mayor McGuirk – Reported on his attendance at the recent Black Heritage Festival, and commented on the bad weather experienced. He commented on the great Historic Westside history available for everyone. Vice Mayor McGuirk appreciated the recent removal of the clothing box from Art Center Boulevard.

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Commissioner Reiker – Commented on her attendance at a recent Black Heritage Festival, and commented on the wonderful food that was available. She also commented on her hopes that all elected officials joined her at the upcoming Boy Scout Golden Eagle Award Dinner.

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Commissioner Grasty – Thanked all City first responders for their response to last week's tragic accident at Bert Fish Medical Center. He reported on his attendance at the recent Black Heritage Festival. Commissioner Grasty urged all citizens to conserve water and be mindful to protect the Indian River Lagoon, and commented on his recent attendance at a meeting regarding the need to place emphasis on the protection of our waterways, specifically the Indian River Lagoon.

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Commissioner Jones – No report.

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Mayor Barringer – Reported on his recent attendance at the ribbon cutting ceremony for the Daytona State College Barber School. He also reported on his attendance at the ribbon cutting ceremony at the new Mullinax Ford Dealership on S.R. 44.

Mayor Barringer commented on citizen concerns received regarding impact fees for new residential construction on newly annexed vacant lots, and directed staff to review the matter and report back to the City Commission at a future meeting. City Manager Brangaccio commented on the differences between the impact fee policies of the City and Volusia County.

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ORDINANCES SECOND READING AND PUBLIC HEARINGS:

Ordinance No. 228-13 – City Attorney Gummey read Ordinance No. 228-13, the first time by title only. Planning Manager Gail Henrikson outlined the proposed ordinance, which adopted, would transmit for review and comments by reviewing agencies, an ordinance to change the land use of approximately 11.35 acres generally described as: 2820 Turnbull Bay Road; 2930 Turnbull Bay Road; 1100 Bay Street; 420 Patricia Drive; 430 Patricia Drive; 501 South Timberlane Drive; 183 Spruce Street; 187 Spruce Street; and 2620 Cone Lake Drive.

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

Motion:

Commissioner Grasty moved to transmit, as submitted, Ordinance No. 228-13 to reviewing agencies for review and comments. Vice Mayor McGuirk seconded the motion, and the motion unanimously carried by voice vote.

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Ordinance No. 229-13 – City Attorney Gummey read Ordinance No. 229-13, 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 academic qualifications. As no citizen questioned her credentials, Ms. Henrikson was then considered to be an expert in Planning and Zoning.

Ms. Henrikson then outlined the proposed ordinance, which if adopted, would rezone approximately 11.35 acres generally described as: 2820 Turnbull Bay Road; 2930 Turnbull Bay Road; 1100 Bay Street; 420 Patricia Drive; 430 Patricia Drive; 501 South Timberlane Drive; 183 Spruce Street; 187 Spruce Street; and 2620 Cone Lake Drive.

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. 229-13, as submitted. Commissioner Reiker seconded the motion, and the motion unanimously carried by voice vote.

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Ordinance No. 07-14 – City Attorney Gummey read Ordinance No. 07-14, the second time by title only. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would annex 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.

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. 07-14, as submitted. Commissioner Reiker seconded the motion, and the motion unanimously carried by voice vote.

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Ordinance No. 10-14 – City Attorney Gummey read Ordinance No. 10-14, the first time by title only, and advised the City Commission that it would conduct the first of two required quasi-judicial public hearings. Planning Manager Gail Henrikson remained under oath and outlined the proposed ordinance, which if adopted, would vacate a portion of the Platted but unopened 15th Street Right-of-Way, a right-of-way approximately 25 feet x 515 feet, and is generally located north of State Road 44 and west of Timberlane Drive, with the Subdivision of the Napier and Hull Grant.

Mayor Barringer opened the public hearing.

Attorney Glenn Storch represented the applicant and outlined the purpose of the application. He made himself available for any questions the public or Commission would have.

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

Motion:

Commissioner Grasty moved to approve on first of two required public hearings, Ordinance No. 10-14, as submitted. Commissioner Reiker seconded the motion, and the motion unanimously carried by voice vote.

The proposed ordinance was approved on first reading and first of two required quasi-judicial public hearings, as submitted. Mayor Barringer advised that the second reading and final of two required quasi-judicial public hearings will be held at the regular City Commission meeting scheduled for February 25, 2014.

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Ordinance No. 11-14 – City Attorney Gummey read Ordinance No. 11-14, the first time by title only. Planning Manager Gail Henrikson outlined the proposed ordinance, which adopted, would transmit for review and comments by reviewing agencies, an ordinance, which if adopted, would amend the City's *Comprehensive Plan* to revise the Sustainable Community Development Future Land Use designation by reducing the mandatory ratio of office and retail development to residential development from 25-50 square feet of retail and 100-250 square feet of office and service commercial development for each dwelling unit to 20 square feet of non-residential development for each dwelling unit.

Commissioner Reiker notified the City Commission that a possible voting conflict existed, and she would not participate in any discussion nor would she participate in any vote regarding the proposed ordinance.

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

Motion:

Commissioner Jones moved to transmit, as submitted, Ordinance No. 11-14 to reviewing agencies for review and comments. Vice Mayor McGuirk seconded the motion, and the motion carried by majority voice vote, 4 to 0, as Commissioner Reiker abstained from voting. Mayor Barringer announced that the public adoption hearing would be scheduled at a later date.

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CCSL Application No. 1-13 – Planning Manager Gail Henrikson outlined the quasi-judicial public hearing of an application to construct an approximately 6' x 130' walkway and dune walkover east of the City's Coastal Construction Setback Line (CCSL) on approximately 0.77 acres, generally located east of South Atlantic Avenue at 811 South Atlantic Avenue, and zoned B-4(5), Ocean Commercial.

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

Motion:

Commissioner Reiker moved to approve CCSL Application No. 1-13, as submitted. Commissioner Jones seconded the motion, and the motion unanimously carried by voice vote.

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Appeal of Historic Preservation Commission Ruling on the Demolition by Neglect of the structure on property at 409 Magnolia Street – Planning Manager Gail Henrikson the submitted appeal of a decision by the Historic Preservation Commission, as made on property at 409 Magnolia Street.

The original request was to demolish a contributing historic structure located at 409 Magnolia Street. The applicant also requested any and all fines, penalties, fees, and conditions be waived.

Mayor Barringer disclosed that he had met with the applicants brother regarding the matter.

Chief Building Official Mike Knotek reported that the subject property had been identified for condemnation by the Building Trades Board. He commented on the list of code enforcement fines that had been levied on the property. Mr. Knotek reported that the City had taken steps to maintain the property for over two years, and felt it was overly expensive to clean up the property. Mr. Knotek reported that staff recommended the demolition of the property.

Vice Mayor McGuirk clarified the time staff had addressed the matter. Mayor Barringer clarified whether code enforcement liens existed against the property. City Manager Brangaccio clarified that staff had recommended the City Commission only approve the waiver of 22 months to either sell or develop the property at 409 Magnolia Street.

Mayor Barringer opened the public hearing.

Timothy Troin outlined a request to escrow \$4,000 for demolition; and, requested 22 months to either develop or sell the property.

City Manager Brangaccio restated the applicant's request was for the City Commission to waive the requirement to wait 22 months prior to obtaining a permit on the property.

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

Motion:

Vice Mayor McGuirk moved to waive the 22-month waiting period in order to apply for a permit for property at 409 Magnolia Street. Commissioner Jones seconded the motion, and the motion unanimously carried by voice vote.

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PUBLIC PARTICIPATION –

Jay Pendergast, outlined a concept for a practical solution to the dilemma of not enough parking. Mr. Pendergast commented on the plan to get more parking in downtown districts, and requested staff be directed to work on an outline for parking partnerships for discussion at the next CRA meeting.

Mayor Barringer commented on a conversation with Mr. Pendergast, and to bring a plan back to the CRA and City Commission.

Commissioner Jones and Vice Mayor McGuirk both supported the concept.

Robin King, President and Chief Executive Officer of Career Source, Volusia/ Flagler Counties introduced herself and outlined briefly the organization operations and services. She outlined the name change from Center for Business Excellence. Mayor Barringer thanked Ms. King for introducing herself.

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ORDINANCES – FIRST READING:

Ordinance No. 12-14 – City Attorney Gummey read Ordinance No. 12-14, the first time by title only. An ordinance, which if adopted, would approve the eleventh amendment to the Village Planned Development, Planned Unit Development Master Development Agreement with Geosam Capital US (Venetian Bay) LP, as successor to Venetian Bay of New Smyrna Beach, L.L.C.

Motion:

Commissioner Grasty moved to approve on first reading, Ordinance No. 12-14, as submitted. Commissioner Jones seconded the motion. Commissioner Reiker disclosed a conflict with this particular ordinance and advised she would not vote. The roll call was:

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

The motion carried by 4 to 0 majority vote with Commissioner Reiker abstaining.

Mayor Barringer announced that the second reading and quasi-judicial public hearing will be held at a later date (after adoption of Ordinance No. 11-14, the large scale *Comprehensive Plan* amendment-Sustainable Community Development Future Land Use Category).

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Ordinance No. 13-14 – City Attorney Gummey read Ordinance No. 13-14, the first time by title only. An ordinance, which if adopted, would amend previously adopted annexation ordinances that designated the incorrect City Commission zones.

Motion:

Commissioner Reiker moved to approve on first reading, Ordinance No. 13-14, as submitted. Vice Mayor McGuirk seconded the motion, and the motion unanimously carried by voice vote. Mayor Barringer announced that the second reading and public hearing will be held at the regular City Commission meeting scheduled for February 25, 2014.

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Ordinance No. 14-14 – City Attorney Gummey read Ordinance No. 12-14, the first time by title only. An ordinance, which if adopted, would rezone approximately 9 acres generally located northwest of the intersection of State Road 44 and Timberlane Drive, and approving the New Smyrna Chevrolet PUD Master Development Agreement and Conceptual Development Plan with TT of Smyrna Beach, Inc., a Florida corporation, and Judith Smith, the current property owner.

Motion:

Commissioner Grasty moved to approve on first reading, Ordinance No. 14-14, as submitted. Vice Mayor McGuirk seconded the motion, and the motion unanimously carried by voice vote. Mayor Barringer announced that the second reading and public hearing would be held at the regular City Commission meeting scheduled for February 25, 2014.

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

- A. Approve the minutes of special meetings on September 11, September 12, September 24, September 25, and October 8, 2013; and, a regular meeting on October 8, 2013.
- B. Barbed Wire Fence Request: BW-1-14 Fiber Optics Facility/Julia and Railroad Streets.
- C. Approve entering into an agreement with the New Smyrna Beach Police Athletic League in order to assist in providing affordable youth crime and drug prevention programs and a safe and secure environment for residents in the community.
- D. Approve entering into a License Agreement, allowing for a paver parking area in the East 14th Avenue right-of-way, in front of property located at 835 East 14th Avenue.
- E. Approve a third year grant request in the amount of \$40,000 for rental assistance at 132 Canal St through the Rental Assistance Program: Small Independent Retail Businesses and Non-Profit Cultural Arts Business Consortia"
- F. Approval for Consent to Sublease Turbine Air Corporation to Tiger Composites, Inc.
- G. Special Event: Mardi Gras Ball on Thursday, February 27, 2014.

H. Special Event: Canal Street Garden Party on Saturday, March 1, 2014.

I. Special Event: Mardi Gras Parade & Celebration on Tuesday, March 4, 2014.

Vice Mayor McGuirk requested to consider item F separately.

Motion:

Commissioner Jones moved to approve all items on the Consent Agenda, except for item F, as submitted. Commissioner Grasty seconded the motion and the roll call was:

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

The motion carried unanimously. Mayor Barringer wished to congratulate Sally Mackay for the many successes enjoyed at “The Hub”.

Consent Agenda Item F: Approval for Consent to Sublease Turbine Air Corporation to Tiger Composites, Inc. – Airport Manager Rhonda Walker outlined that Robert Metzler, owner of Turbine Air Corporation and the current tenant for the property located at 1531 Airway Circle has requested approval from the City Commission to sub-lease a portion of the facility to Aaron Duncan of Tiger Composites, Inc. Per his lease agreement with the City, Mr. Metzler is required to get City Commission approval of any sub-leases and the type of usage in the facility. Mr. Metzler (airport tenant) is responsible for making the lease payment to the City. All revenue generated from the sub-lease will go to Mr. Metzler. This sub-lease will not generate any additional revenue for the Airport. Tiger Composites, Inc. plans include fabricating composite aircraft parts for Turbine Legend Aircraft as well as providing the service to other outside businesses.

Motion:

Vice Mayor McGuirk moved to approve the granting of consent to sub-lease Turbine Air Corporation to Tiger Composites, Inc., per the request outlined above. Commissioner Jones 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.

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Consent Agenda Item J: Discussion on 2014 Florida Inland Navigation District (FIND) Grant Submittals – City Manager Brangaccio outlined F.I.N.D. grant whose applications were due on April 1, 2014. She outlined a Phase I and a Phase II for F.I.N.D. Grant submittal.

Phase I was to submit a grant for a comprehensive maritime management plan for the North Causeway and Riverside areas; Phase II was to submit a Phase II FIND grant application, for designing, permitting and constructing of actual improvements to the four acre north causeway site. Staff was already discussing a Phase II that included updates on the eastern side, which could be expanded to address the entire site.

Ms. Brangaccio requested direction whether a F.I.N.D. Grant Phase II for a Maritime Planning Grant should be pursued. Commissioner Grasty supported efforts to obtain a Maritime Grant. Vice Mayor McGuirk questioned submittal guidelines.

City Manager Brangaccio commented on the types of grants available, and corresponding application submittal timelines. Commissioner Jones supported the Phase II recommendation.

Mayor Barringer supported a Maritime Grant and commented on having a beautiful City and the North Causeway property was not representative of our beautiful City. He felt the City should have something to be proud of.

As part of the grant preparation process for the April 1, 2014 FIND deadline, we would request general Commission discussion & direction on the above choices, and then would bring back FIND applications to the City Commission for authorization to submit on a March 2014 agenda.

Commissioner Reiker questioned the timing of grant applications. City Manager Brangaccio clarified the scope of the proposed improvements to include demolition of the former administrative office building. Commissioner Reiker supported making the property like a gathering place and hoped room would remain to bring in some wonderful development.

Commissioner Jones felt the grant would enhance the public aspect of the site. Vice Mayor McGuirk was cautious regarding unintended circumstances, and supported a river walk, but wanted to see future circumstances of receipt of grant money.

Mayor Barringer confirmed City Commission consensus to direct staff to move forward with the submission of a Phase II FIND grant application, for designing, permitting and constructing of actual improvements to the four acre site at 160 North Causeway.

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ADMINISTRATIVE ITEMS – NEW BUSINESS:

Discussion on Waverly Media Contract – City Attorney Gummey reported on a recent discussion with the attorney for Waverly Media and outlined an offer rendered by Waverly Media to remove bus benches within the next six months. Mr. Gummey recommended the City Commission accept the offer.

Motion:

Commissioner Grasty moved to approve the acceptance, in concept, of a proposal from Waverly Media, which will remove all Waverly Media bus benches within a period of six months, with the City Manager overseeing the project. Vice Mayor McGuirk seconded the motion and the roll call was:

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

The motion carried unanimously.

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BOARDS AND COMMISSIONS:

Animal Control Board – Mayor Barringer outlined staff’s recommendation that the City Commission consider the appointment of a member to the Animal Control Board to fill the unexpired term of the late Robert Voshell, to expire September 13, 2014. The candidates to fill the vacancy were James R. (Bob) Belt, Alfred J. Forkhamer, and Keith Goodrum.

Commissioner Reiker nominated Mr. Belt. Commissioner Jones nominated Mr. Forkhamer. Nominations were then closed. City Clerk Bledsoe distributed ballots and each member of the Commission voted with the following results:

Commissioner Reiker voted for Mr. Belt
Commissioner Grasty voted for Mr. Forkhamer
Mayor Barringer voted for Mr. Belt
Vice Mayor McGuirk voted for Mr. Belt
Commissioner Jones voted for Mr. Forkhamer

By a 3 to 2 vote, Mr. Belt was appointed to fill the vacated term of the late Robert Voshell, to expire September 13, 2014.

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CITY MANAGER'S REPORT – The City Commission acknowledged receipt of the City Manager's written report. City Manager Brangaccio advised the City Commission that the matter regarding the proposed Trap, Neuter and Release Program for cats will be given to the Animal Control Board for its review and recommendation at a future meeting.

Assistant City Manager Resheidat advised that there would be a public meeting on March 1, 2014 in order to give an update on the Central Beach Stormwater Project.

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CITY CLERK'S REPORT – No report.

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CITY ATTORNEY'S REPORT – No report.

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With no further business to address, Mayor Barringer declared the meeting adjourned at 7:58 p.m.

THE MINUTES OF THE REGULAR MEETING OF THE CITY COMMISSION HELD FEBRUARY 11, 2014 WERE APPROVED AT THE REGULAR MEETING HELD AUGUST 12, 2014.

ADAM R. BARRINGER, MAYOR

ATTEST:

JOHNNY R. BLEDSOE, CITY CLERK