

MINUTES OF THE REGULAR CITY COMMISSION MEETING
HELD ON TUESDAY, FEBRUARY 25, 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 25, 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; Finance Director Althea Philord; 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 Charles Acheson, 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 that Consent Agenda Item K, Special Event Application for the conduct of Bike Week 2014 activities at Pub 44, was moved to New Business.

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ANNOUNCEMENTS/PRESENTATIONS/RECOGNITIONS:

Proclamation – Florida Archaeology Month – March 2014 – Mayor Barringer read and presented a Proclamation, naming March 2014 as Florida Archaeology Month. Dorothy (Dot) Moore accepted the proclamation on behalf of the Southeast Volusia Historical Society and New Smyrna Beach Museum. Ms. Moore commented on the many historical activities planned for March 2014 and invited all citizens to participate in those activities.

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Proclamation – City of New Smyrna Beach “Good Neighbor” Award – Mayor Barringer read and presented a Proclamation, awarding the City of New Smyrna Beach Good Neighbor Award to First Baptist Church of New Smyrna Beach. Mayor Barringer outlined many actions of the church that illustrated its support for many events held throughout the community. Pastor Luke McKinney accepted the proclamation on behalf of First Baptist Church and commented on the outstanding relationship the church had with the City.

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MAYOR AND COMMISSION REPORTS:

Vice Mayor McGuirk – Reported on his attendance at the recent Department of Justice Forum held at Allen Chapel A.M.E. Church. He also reported that the Volusia County Council, at its last meeting, voted unanimously to rename the Turnbull Bay Bridge in honor of the late Mike Eader. Vice Mayor McGuirk thanked Police Chief Market for his leadership at a recent community forum.

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Commissioner Reiker – Reported on her attendance at a recent meeting with Cooper Street residents regarding many topics of concern to the residents, which included traffic; speeding; and, the upcoming stormwater improvement project and suggested actions to create traffic calming in the area.

Commissioner requested the City Commission formally take action to establish a Beachside Resident Task Force, to work on beachside issues, as she felt it was a good day to get beachside resident input. She clarified the task force would be different from the Neighborhood Council.

Vice Mayor McGuirk and Commissioner Jones both supported the creation of a Beachside Resident Task Force. Mayor Barringer also supported the task force. City Manager Brangaccio commented on an upcoming informational meeting regarding stormwater management, and confirmed that staff would bring back for future consideration, a resolution creating a Beachside Resident Task Force.

Commissioner Reiker commented on “WIN”, Women in Networking, an organization to share information and issues. She commented on her attendance at the first meeting of the organization locally, and the excitement shared by all the ladies in attendance.

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Commissioner Grasty – Thanked Vice Mayor McGuirk for his efforts in getting the Turnbull Bay Bridge renamed in honor of the late Mike Eader. He also commented on work done at the City Gym and a dead tree at the intersection of Riverside Drive and 3rd Street. Commissioner Grasty commented on past support by First Baptist Church during hurricane emergencies.

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Commissioner Jones – Commented on how he felt the Art Show was awesome; he felt the community meeting went well; and, felt First Baptist Church were wonderful neighbors, and commented on past service provided to citizens and City employees alike. Commissioner Jones also commented on “Cruise News” magazine.

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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 the Transportation Planning Organization Call for Projects, and felt the condition of Mission Road was poor and should be addressed.

Mayor Barringer then commented on homelessness discussions by the Volusia Council on Governments, and a study being done by the City of Daytona Beach, and requested the Commission support the conduct of the study. City Manager Brangaccio clarified that a position and additional information would be provided at a future meeting.

Mayor Barringer commented on concerns with the quality of water, and what steps could be taken in order to improve the quality of our water in the Indian River Lagoon.

Mayor Barringer commented on a recent meeting with a group regarding historic preservation, specifically the historic preservation status of the Coronado Shuffleboard Courts. Planning Manager Gail Henrikson outlined pending actions regarding the site for a “Local Landmark”. Mayor Barringer confirmed City Commission consensus to direct staff to move forward with the application process to designate the Coronado Shuffleboard Courts, a Historic Landmark.

Mayor Barringer commented on a recent discussion with Eilleen Alexander regarding the possible future acquisition of property for off street parking. City Attorney Gummey commented on a past offer made to Volusia County.

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ORDINANCES SECOND READING AND PUBLIC HEARINGS:

Ordinance No. 10-14 – City Attorney read Ordinance No. 10-14, the second time by title only, in order to conduct the second and final of two required quasi-judicial public hearings. Mr. Gummey then administered the oath to Planning Manager Gail Henrikson. Ms. Henrikson outlined her professional and educational qualifications. As no citizens questioned her credentials, Ms. Henrikson outlined the proposed ordinance, which if adopted, would vacate an approximately 25-foot by 515-foot portion of the platted but unopened 15th Street Right-of-Way, located within the subdivision of the Napier and Hull Grant.

Mayor Barringer opened the public hearing.

Attorney Glenn Storch represented the applicant and outlined the proposed vacation. He advised that no neighboring property owners opposed the vacation and proposed use of the property.

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

Motion:

Vice Mayor McGuirk moved to adopt Ordinance No. 10-14, 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, and Ordinance No. 10-14 was adopted.

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Ordinance No. 13-14 – City Attorney Gummey read Ordinance No. 13-14, the second time by title only, in order to conduct the second reading and public hearing of an ordinance. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would amend previously adopted annexation ordinances that designated the incorrect City Commission zones.

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. 13-14, as submitted. Commissioner Reiker 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, and Ordinance No. 13-14 was adopted.

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Ordinance No. 14-14 – City Attorney Gummey read Ordinance No. 14-14, the second time by title only, in order to conduct the second reading and quasi-judicial public hearing of an ordinance. Planning Manager Gail Henrikson outlined the proposed 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 Planned Unit Development (PUD) Master Development Agreement and Conceptual Development Plan with TT of Smyrna Beach, Inc., a Florida corporation, and Judith Smith, the current property owner.

Mayor Barringer opened the public hearing.

Attorney Glenn Storch represented the applicant and outlined the proposed project. Mr. Storch also commented on recent action by the City Commission, which he felt created a rise in investment. Mr. Storch also commented on the Planned Unit Development process.

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

Motion:

Commissioner Grasty moved to adopt Ordinance No. 14-14, as submitted. Vice Mayor McGuirk 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, and Ordinance No. 14-14 was adopted.

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Ordinance No. 18-14 – City Attorney Gummey read Ordinance No. 18-14, the first time by title only, in order to conduct the public transmittal hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would transmit for review and comments by reviewing agencies, an ordinance amending the City *Comprehensive Plan* by changing the land use of approximately 38 acres generally described as: 781 Williams Road, 1205 Mills Drive, 380 Otter Boulevard, 2475 Burnell Court, 775 Bay Drive, 1704 Enterprise Avenue, 2060 Burma Road, 894 Bolton Road, 920 Bolton Road, 700 South Glencoe Road, 2435 Tecca Drive, 705 Timberlane Drive, 360 Wildwood Drive, 685 Wildwood Drive, 2071 Marsh Harbour Drive, and submerged land east of Bay Drive.

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

Motion:

Commissioner Reiker moved to transmit for review and comments by reviewing agencies, Ordinance No. 18-14, as submitted. Commissioner Grasty seconded the motion, and the motion carried unanimously by voice vote.

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PUBLIC PARTICIPATION – Leonard Revell, South Atlantic Avenue, requested a status on the installation of stop signs he had previously requested. City Manager Brangaccio commented on the need to justify placing a stop sign at a certain location. Mr. Revell commented on the dangerous intersection at Buenos Aires Street and South Atlantic Avenue, specifically his concern for pedestrian safety in the area.

Mayor Barringer confirmed City Commission consensus that staff address the traffic safety concerns of beachside resident, Leonard Revell, specifically Mr. Revell’s feeling that a stop sign was needed at the intersection of Buenos Aires Street and South Atlantic Avenue.

Martin Danaher, represented the group, Citizens for Smart Growth, thanked the City Manager and Assistant City Manager for their efforts on the North Causeway Beautification Project.

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ORDINANCES – FIRST READING:

Ordinance No. 15-14 – City Attorney Gummey read Ordinance No. 15-14, the first time by title only. An ordinance, which if adopted, would amend the City’s Budget for fiscal year October 1, 2013 through September 30, 2014.

Motion:

Commissioner Reiker moved to approve on first reading, Ordinance No. 15-14, as submitted. 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, and Ordinance No. 15-14 was approved on first reading. Mayor Barringer announced that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting, March 11, 2014.

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Ordinance Nos. 17-14 and 19-14 – City Attorney Gummey read Ordinance Nos. 17-14 and 19-14, the first time by title only. Ordinances, which if adopted, would annex and rezone approximately 38 acres generally described as: 781 Williams Road, 1205 Mills Drive, 380 Otter Boulevard, 2475 Burnell Court, 775 Bay Drive, 1704 Enterprise Avenue, 2060 Burma Road, 894 Bolton Road, 920 Bolton Road, 700 South Glencoe Road, 2435 Tecca Drive, 705 Timberlane Drive, 360 Wildwood Drive, 685 Wildwood Drive, 2071 Marsh Harbour Drive, and submerged land east of Bay Drive, and to the centerline of all surrounding rights-of-way.

Motion:

Vice Mayor McGuirk moved to approve on first reading, Ordinance Nos. 17-14 and 19-14, as submitted. 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, and Ordinance Nos. 17-14 and 19-14 were approved on first reading. Mayor Barringer announced that the second reading and public hearing of Ordinance No. 17-14 would be conducted at the regular meeting, March 11, 2014, and the second reading and quasi-judicial public hearing would be held at a later date with the adoption of Ordinance No. 18-14.

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

Approval of Minutes of City Commission Meetings – Regular meeting, October 22, 2014.

Resolution No. 07-14 – Establishing a proposed route (for future grant purposes) for a shared-use pathway from Edgewater to Beachside in New Smyrna Beach.

Resolution No. 09-14 – Supporting the Renaming of the Turnbull Bay Bridge in Honor of the Late Mike Eader.

Administrative Communications Policy – Approve the revised City Administrative Communications Policy.

Social Media and Digital Marketing Policy for City Operations – Approve the revised Social Media and Digital Marketing Policy for City Operations.

Funding for Construction Inspectors – Approve funding of two Construction Inspectors for the Central Beach Flood Mitigation Project Phase III to be funded by Stormwater Funds for a period of 18-24 months, and annual cost of \$110,000.

Contract with Quentin L. Hampton & Associates, Inc. – Approve entering into a contract with Quentin L. Hampton & Associates, Inc., for Central Fire Station Construction Management and Inspection Services, for an estimated cost of \$60,000.

New Full-Time Position within the Building Department – Approve the authorization of a new Administrative Specialist II position within the Building Department, in order to assist with the permitting process, for an annual cost estimated at \$25,209.60.

Request for Qualifications for Professional Transportation Engineering Consultant Continuing Services – Approve the proposed release of the Request For Qualification for Professional Transportation Engineering Consultant Continuing Services. Responses would be ranked for future approval of the ranking by the City Commission; with contracts then to be approved by the Commission for rotation as continuing service contracts Professional Transportation Engineering Consultant Continuing Services.

Molina Impact Baseball Fee Structure – Approve entering into an agreement with Molina Impact Baseball, which include a fee structure, as submitted.

Motion:

Commissioner Grasty moved to approve all consent agenda items, as submitted. 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.

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ADMINISTRATIVE ITEMS – NEW BUSINESS:

Special Event: HT's Pub 44 – Bike Week 2014 – Police Chief George Market outlined the special event request as submitted by HT's Pub 44, and includes the following:

HT's Pub 44 would be hosting Bike Week events from March 7 - 16, 2014 in and around its establishment. Events would include live music and entertainment along with beer gardens from 12:00pm - 2:00am daily. The parking lot would be open to motorcycles only and would also have vendors set up throughout as well. Permission was being requested in order to allow bands to play until 2:00am in lieu of the existing regulations within the City noise ordinance and also to allow the applicant to operate beer gardens outside the restaurant.

Chief Markert highlighted that the parking requirement had not been met by the applicant, and a safety plan was not in place. He felt that, unless those two issues were resolved, the event should not be approved to take place.

Vice Mayor McGuirk was concerned and questioned how the lack of permits could be enforced. City Manager Brangaccio outlined agreements between the City and the establishment. City Attorney Gummey commented on the permitting process. Mayor Barringer thanked the owners of HT's Pub 44 and felt the City should assist the applicant develop a parking plan.

City Manager Brangaccio commented on City Commission consideration and responsibility to develop a parking plan. Vice Mayor McGuirk commented on the activity. Mayor Barringer supported approving the application, contingent on a parking plan being developed. Chief Markert commented on department efforts to assist the applicant.

Commissioner Jones commented on the countless years the event had taken place.

Scott Misani, owner of HT's Pub 44, commented on actions taken by the business in order to meet City special event requirements. City Manager Brangaccio commented on the proposed utilization of Volusia County Sheriff Deputy personnel. Mr. Misani commented on overall safety measures, and citizens parking on the south side of S.R. 44 in the Publix parking lot.

Commissioner Reiker commented on planned entertainment for the event.

Motion:

Vice Mayor McGuirk moved to approve the special event application for Bike Week activities to be held at HT's Pub 44, and specifically to allow outside music until the conclusion of the main act at approximately 11:00 to 11:30 pm, then the final act would play inside the building, all of which was contingent upon the applicant submitting a parking plan, approved by the City Manager.

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.

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BOARDS AND COMMISSIONS:

Appointment of Members to the Neighborhood Council – Mayor Barringer outlined staff’s recommendation that the City Commission consider candidates for appointment as members to the Neighborhood Council to serve the remainder of two-year terms to expire May 28, 2015. These appointments were made necessary due to the untimely death of Chair Michael Eader and resignation of Member Susan Ellis.

Vice Mayor McGuirk nominated Marilyn Lindley. Commissioner Reiker nominated Jame Smith.

Motion:

Commissioner Grasty moved to close nominations and to appoint James Smith and Marilyn Lindley to serve the remainder of two-year terms to expire on May 28, 2015. Vice Mayor McGuirk 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. Mayor Barringer clarified that the City Clerk will clarify which board Marilyn Lindley wished to be a member of, and to confirm her resignation, appropriately.

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Appointment of Member to Volusia Growth Management Commission – Mayor Barringer outlined staff’s recommendation that the City Commission consider the appointment of a citizen to represent the City as a member of the Volusia Growth Management Commission, to fill the seat vacated by the resignation of Kenneth Bohannon, expiring June 30, 2015.

Motion:

Commissioner Grasty moved to appoint Robert Lovelace, Jr. to serve the remainder of the term of Kenneth Bohannon, to expire on June 30, 2015. 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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CITY MANAGER'S REPORT – The City Commission acknowledged receipt of the City Manager's written report. Assistant City Manager Resheidat invited everyone to attend upcoming ribbon cutting ceremonies, on March 5, 2014 at the Swoope Site Boat Launching Facility, and the Multi-Use Trail ground breaking.

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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 7:50 p.m.

THE MINUTES OF THE REGULAR MEETING OF THE CITY COMMISSION HELD FEBRUARY 25, 2014 WERE APPROVED AT THE REGULAR MEETING HELD AUGUST 12, 2014.

ADAM R. BARRINGER, MAYOR

ATTEST:

JOHNNY R. BLEDSOE, CITY CLERK