

MINUTES OF THE REGULAR CITY COMMISSION MEETING
HELD ON TUESDAY, MARCH 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, March 11, 2014, in the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor Barringer called the meeting to order at 6:33 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; Airport Manager Rhonda Walker; Community Resource Coordinator Donna Banks; and, City Clerk Johnny Bledsoe.

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

Mayor Barringer then read and presented a proclamation that recognized Senior Chaplain Horne's service and career accomplishments.

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APPROVAL OF AGENDA – City Manager Brangaccio reported no changes to the published agenda.

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ANNOUNCEMENTS/PRESENTATIONS/RECOGNITIONS:

Marine Discovery Center 2013 Annual Report – At the request of Chad Truxall, Executive Director of the Marine Discovery Center, the scheduled presentation was removed from the agenda for future presentation to the City Commission.

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MAYOR AND COMMISSION REPORTS:

Vice Mayor McGuirk – Reported on his attendance at events since the last regular meeting, which included the ground breaking ceremony for the new Multi-Use Trail; the ribbon cutting ceremony for the new Swoope Site boat launching facility; and, the Mardi-Gras on Flagler Avenue special event.

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Commissioner Jones – Commented on his attendance at a recent meeting regarding the Central Beach Flood Mitigation Project. Reported on having a recent meeting with Volusia County Council Member Deb Denys regarding the traffic study on Corbin Park Road and Pedestrian Trail. Commented on his attendance at the New Smyrna Beach Little League Opening Day Ceremony. Commissioner Jones commented on concerns he had with traffic on S.R. 44, and the condition of trees on County property located between the Chamber of Commerce and Sams Avenue.

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Commissioner Reiker – Commented on her attendance at a recent meeting regarding stormwater. She was pleased to see representatives of the Utilities Commission in attendance, and the positive results she felt resulted. She reported on her planned attendance at an upcoming meeting of the Executive Committee of the Volusia League of Cities. She commented on the honor it was to be invited to the Boy Scout Eagle Dinner in honor of Edgewater Mayor Mike Thomas.

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Commissioner Grasty – Commented on his recent attendance at a program regarding bullying, drugs, etc. at New Smyrna Beach High School. He commented on an upcoming tour of City Hall by a group of boy scouts, as well as a citizen group from The Villages upcoming visit to the “Hub”.

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Mayor Barringer – Commented on his appreciation for all the things happening within the City. He commented on his anticipation of the upcoming ceremonies regarding veterans, specifically World War II Veterans. Mayor Barringer thanked Police Chief Markert for assistance in getting HT Pub 44 ready for Bike Week. Commented on upcoming Mayor’s Fitness Challenge activities.

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ORDINANCES SECOND READING AND PUBLIC HEARINGS:

Ordinance No. 15-14 – City Attorney Gummey read Ordinance No. 15-14, the second time by title only. Finance Director Althea Philord outlined the proposed ordinance, which if adopted, would amend the Fiscal Year 2013/2014 Budget.

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. 15-14, as submitted. Commissioner Reiker seconded the motion and the motion unanimously carried by voice vote.

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Ordinance No. 17-14 – City Attorney Gummey read Ordinance No. 17-14, the second time by title only. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would annex approximately 37.706 acres that comprised of multiple properties within the interlocal service boundary agreement area between the City and Volusia County.

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. 17-14, as submitted. Commissioner Jones seconded the motion and the motion unanimously carried by voice vote.

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PUBLIC PARTICIPATION –

Leonard Revell, 307 South Atlantic Avenue, commented on what he felt was a need for stop signs in order to improve safety and traffic flow on the beachside.

Jim Neiland, commented on safety issues, the completion of a sidewalk on North Atlantic Avenue, and concerns for safety involving motorcycles on the street during car shows.

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ORDINANCES – FIRST READING:

Ordinance No. 16-14 – City Attorney Gummey read Ordinance No. 16-14, the first time by title only. An ordinance, which if adopted, would update and revise the merit system, policy and procedures for employees.

Motion:

Commissioner Jones moved to approve Ordinance No. 16-14, as submitted. Commissioner Grasty seconded the motion and the motion unanimously carried by voice vote.

Mayor Barringer advised that the second reading and public hearing of the proposed ordinance will be conducted at the regular meeting scheduled for Tuesday, March 25, 2014.

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Ordinance No. 20-14 – City Attorney Gummey read Ordinance No. 20-14, the first time by title only. An ordinance, which if adopted, would approve the 1st Amendment to the existing Hog Eye Camp Road Square Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan.

Motion:

Commissioner Grasty moved to approve on first reading, Ordinance No. 20-14, as submitted. Commissioner Reiker seconded the motion and the motion unanimously carried by voice vote.

Mayor Barringer advised that the second reading and public hearing of the proposed ordinance will be conducted at the regular meeting scheduled for Tuesday, March 25, 2014.

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

- A. Approval of Minutes of City Commission Meetings on November 5, 2013 and November 19, 2013
- B. Resolution 10-14: Amending Resolution No. 18-10, creating an Economic Development Advisory Board and Prescribing Qualifications and Duties; Revising the Current Appointment Procedure
- C. Bid Award for the Canal Calore Maintenance Dredging project-2014 in the amount of \$94,143 to Brance Diversified, Inc., and the establishment of a project contingency of \$10,000 for a total of \$104,143 for the dredging work
- D. Approval for additional design fees for the North Causeway Beautification Project based on increasing the total project budget to \$1M (\$500,000 FDOT Grant Obtained)
- E. SC-1-14: Sidewalk Cafe: 112 Canal Street NSB Brewing Company
- F. School Sidewalk Improvements: FDOT LAP Agreements which will allow for FDOT funding for a percent of two sidewalk projects on 7th Street and at Coronado Elementary School
- G. Central Fire Station: Utility Commission Documents (Bill of Sale and Utilities Easement Deed)
- H. Approval of the designation of approximately 1.4 acres at 103 Faulkner as an Opportunity Site

Motion:

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

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ADMINISTRATIVE ITEMS – NEW BUSINESS:

Resolution No. 11-14 – City Manager Brangaccio outlined staff’s recommendation that the City Commission consider the adoption of a resolution, which if adopted, would support a proposed centrally located Volusia Safe Transitional Shelter for Homeless People and Request from the City of Daytona Beach for funding support of a Strategic Action Plan to be prepared by Marbut Consulting.

Both Mayor Barringer and Commissioner Jones commented on their support of such a resolution.

City Attorney Gummey read Resolution No. 11-14, by title only.

Motion:

Commissioner Reiker moved to adopt Resolution No. 11-14, as submitted. Commissioner Jones 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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LA-1-14: License Agreement: 105 Dune Circle – Planning Manager Gail Henrikson outlined staff’s recommendation that the City Commission consider entering into a License Agreement with the owner of property at 105 Dune Circle, which if approved, would allow for the property owner to place decorative coquina rocks in the City Right of Way on Dune Circle. Ms. Henrikson reported that staff had recommended denial of the request, and it was the second request in the immediate location; an earlier request from another property owner on Dune Circle was denied in January 2014.

Motion:

Vice Mayor McGuirk moved to approve entering into a License Agreement with the owner of property at 105 Dune Circle, to allow the property owner to place decorative coquina rocks in the City Right of Way on Dune Circle. Commissioner Reiker seconded the motion and the roll call was:

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

The motion failed by a vote of 0 to 5, with all members voting no.

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Proposed Relocation Plan: Alonzo “Babe” James Community Center Expansion Project – Community Resource Coordinator Donna Banks outlined staff’s recommendation that the City Commission consider approval of the proposed Relocation Plan for the Alonzo “Babe” James Community Center, during the facility’s planned expansion project.

Ms. Banks also outlined staff’s recommendation that the City Commission consider the subsequent approval to accept the government contract pricing with the William Scotsman Company for the placement of two 40 X 24 mobile units, at Pettis Park, and associated relocation expenses for the estimated one year period of construction at Babe James Center, at a cost of \$47,346.

Mayor Barringer commented on the “Friends of Babe James” desire to be kept informed of progress throughout the duration of the expansion project. City Manager Brangaccio commented on planned improvements planned for the facility and thanked staff for its efforts in the development of the proposed relocation plan. Commissioner Jones also thanked staff for its efforts.

Motion:

Commissioner Grasty moved to approve the proposed Relocation Plan for the Alonzo “Babe” James Community Center, during the facility’s planned expansion project, and approval to accept the government contract pricing with the William Scotsman Company for the placement of two 40 X 24 mobile units, at Pettis Park, and associated relocation expenses for the estimated one year period of construction at Babe James Center, at a cost of \$47,346. Commissioner Reiker 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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Discussion on how to handle the Impact Fees collected for construction of single family homes on vacant lots – City Attorney Gummey reported that the Mayor received a call from a resident who was obtaining a building permit for the construction of a new house, on a lot which had recently annexed into the City. The call was discussed under Mayor and Commission comments at a February City Commission Meeting, and City staff was directed to review it and provide a report back to the City Commission.

Mr. Gummey advised that the County Council and City Commission took a different "policy" path on suspension of Impact Fees, over the last few years; with the City Commission deciding to suspend, until July 2014, Commercial Impact Fees; and the County Council suspending Residential Impact fees (1/3 has now been reinstated, with the additional 2/3 coming back on line in 2015 & 2016 at 1/3 intervals). He then advised that City staff had met with the individual, who raised the issue, to get additional information.

Mr. Gummey then reported on his review of the annexation agreement with the County to see if the agreement addressed this issue. Mr. Gummey reported that the Agreement did not address the issue of Impact Fees, and advised that in order to maintain the integrity of the Impact Fee Ordinance; a transfer would need to occur within the City's General Fund to the Impact Fee Fund, for the differential amounts per any single family home constructed on vacant property annexed. It would seem logical for that policy to be in place ONLY until July 2015, when the County Impact fee returned to \$1,449 (as the tax savings for annexing into the city makes up the difference in Impact Fees for most residents at that time). The City had annexed less than 30 vacant lots, so the fiscal impact was estimated at no higher, than as an estimated \$1,058 by 30, or \$31,740.

Mr. Gummey advised that a General Fund transfer from reserves would be required for transfers to be made to the Impact Fee Fund. Monies were needed in the Impact Fee Funds, ranging from construction of Colony Park Road to feasibility study for Paige Avenue Extension. The estimate of possible impact on the General Fund did not include any subdivisions being annexed and developed within that time frame, with a large number of homes. And outside of the Joint Planning Agreement area, in Venetian Bay for example, the full amount of the single family residential fee would be applied.

City Manager Brangaccio reported that it was a City Commission policy decision as to how the issue would be handled; and, the transfer option was viable, if the City Commission decided to approve the strategy. Commissioner Jones supported the transfer option.

Motion:

Commissioner Jones moved to approve utilizing the outlined strategy of transferring funds from reserves to the general fund, in order to further transfer into the impact fee fund with regard to residential construction on vacant lots, recently annexed. 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.

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Contract: White Challis Redevelopment Company 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 entering into a contract with the White Challis Redevelopment Company for the proposed development of the 1.4 acre site located southwest of the intersection of Sams Avenue and Julia Street, with approximately 20 single-family residential units that will be similar to historic city homes. Mr. Otte highlighted that the planned units would be required to have rear-entry two car garages, and would be permitted to include compatible commercial uses on the ground floor, and roof-top gardens. Mr. Otte then reported that the proposed use for the fire station site had not yet been determined.

Motion:

Commissioner Grasty moved to approve entering into a contract with the White Challis Redevelopment Company for the proposed development of the 1.4 acre site located southwest of the intersection of Sams Avenue and Julia Street, with approximately 20 single-family residential units that will be similar to historic city homes. 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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Request for authorization to go forward with negotiations for the acquisition of three lots near the corner of Flagler Avenue and Cooper Street – CRA Director Tony Otte outlined staff’s recommendation that the City Commission consider authorizing staff to move forward with negotiations for the acquisition of three lots located near the corner of Flagler Avenue and Cooper Street. Mr. Otte also outlined staff’s recommendation for authorization to obtain two appraisals for the three lots from qualified appraisers, as an offer from the City, would be contingent on appraisals received. Commissioner Reiker felt sales contracts for the lots should be entered into first.

Motion:

Commissioner Reiker moved to approve authorizing staff to move forward with negotiations for the acquisition of three lots located near the corner of Flagler Avenue and Cooper Street. Mr. Otte also outlined staff’s recommendation for authorization to obtain two appraisals for the three lots from qualified appraisers, as an offer from the City, would be contingent on appraisals received. Commissioner Grasty seconded the motion and the roll call was:

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

The motion carried unanimously.

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BOARDS AND COMMISSIONS:

Code Enforcement Board: Mayor Barringer outlined staff’s recommendation that the City Commission consider the appointment of three members to serve terms to expire March 3, 2017.

Motion:

Commissioner Reiker moved to reappoint members Pat Arvidson and Thomas Briggs, and to appoint Georgina Nelson as a member of the Code Enforcement Board to 4-year terms to expire March 3, 2017. Vice Mayor McGuirk 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.

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Community Development Block Grant Advisory Board – Mayor Barringer outlined staff’s recommendation that the City Commission consider the appointment of two members of the Community Development Block Grant (CDBG) Advisory Board, for the remainder of a term expiring March 29, 2015.

Motion:

Commissioner Reiker moved to appoint Sylvia Devaux and James Haynes, Sr. as members of the Community Development Block Grant Advisory Board to terms expiring March 29, 2015. 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.

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CITY MANAGER’S REPORT – The City Commission acknowledged receipt of the City Manager’s written report. City Manager Brangaccio announced that Assistant City Manager Khalid Resheidat had recently been announced the winner of the Outstanding Assistant Manager Award for 2013 from the Florida City/County Manager Association.

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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 7:30 p.m.

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

ADAM R. BARRINGER, MAYOR

ATTEST:

JOHNNY R. BLEDSOE, CITY CLERK