

MINUTES OF THE REGULAR CITY COMMISSION MEETING
HELD ON TUESDAY, MAY 13, 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, May 13, 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; and, City Clerk Johnny Bledsoe.

xxx

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.

xxx

APPROVAL OF AGENDA – City Manager Brangaccio reported the addition of two agenda items. The recognition of the New Smyrna Beach High School Boys Weightlifting Team on their 2014 State Championship as Announcements/Presentations/Recognitions Item B, and Central Fire Station – Project Revisions as Consent Agenda Item E.

xxx

ANNOUNCEMENTS/PRESENTATIONS/RECOGNITIONS:

Proclamation: Civility Month – Mayor Barringer read a proclamation naming May 2014 as Civility Month in the City of New Smyrna Beach. He outlined that the attorneys of the City, County and Local Government Law Section of The Florida Bar had requested that the City join with other cities and counties throughout the State of Florida in proclaiming May as "Civility Month".

xxx

Recognition of the New Smyrna Beach Boys Weightlifting Team on their 2014 State Championship – Mayor Barringer, accompanied by New Smyrna Beach High School Principal Bob Oullette, presented individual letters of congratulations, from the City Commission to Coach Tim McRae, on the team’s recent accomplishment in winning the 2014 Florida High School Athletic Association Boy’s Weightlifting State Championship. Team members present to accept letters included Coach McRae and members Eugene Blackwell, Kye Hall, Kaine Machado, Tim Merrick, Jr., Taylor Rawlins, Jarrett West and Cody Wilson

xxx

Fire Department Promotions/Training Graduations – Mayor Barringer was accompanied by Commissioner Jones and Fire Chief Dave McCallister, in the recognition of Fire Department members Billy Crapps, Jeff Kromraj and Mike Lynn, on their recent graduation from the Advanced Leadership Program, conducted by Joe Coury Effective Strategies. Mr. Coury was also present and commented on the outstanding performance displayed by the personnel throughout the duration of the course.

Mayor Barringer was then accompanied by Commissioner Jones and Fire Chief Dave McCallister, as well as family members, in the conduct of promotion ceremonies for department members newly promoted Lieutenant Jeff Kromraj, and newly promoted Driver/Engineers Jake Davies, Chad Howard and Melissa Smith.

xxx

Introduction of New City Website – Marketing and Public Information Office Manager Holly Smith was accompanied by Information Technology Manager Thomas Cook, and gave an overview of the newly released City of New Smyrna Beach Website. Ms. Smith outlined improvements made from the previous website and highlighted new design features that would assist citizens in obtaining City information.

xxx

MAYOR AND COMMISSION REPORTS:

Commissioner Jones – Thanked Commissioner Reiker for her efforts in coordinating the recent National Day of Prayer event at City Hall. He then recognized Fleet Manager Brenda Hendrickson for her efforts in the coordination of the recent American Cancer Society “Relay for Life” event, participated by the New Smyrna Beach City government “City Slickers” team.

xxx

Commissioner Reiker – Commented on her attendance at the recent National Alliance for Renovation Conference, where she was accompanied by City Manager Brangaccio and Planning Manager Gail Henrikson, and gave presentation regarding the City’s Parking Task Force.

Commissioner Reiker then commented on her recent attendance at the Annual Meeting of the League of Women Voters for Volusia County, and the informative presentation on Women Environmentalists of Florida by Dr. Leslie Poole of Rollins College. She then commented on her recent attendance at a meeting of the Volusia League of Cities Executive Committee, and commented on her support of naming May 2014 as “Civility Month”.

xxx

Commissioner Grasty – Reported on his recent attendance at area events, which included the Modeling Show sponsored by the League of Women Voters for Volusia County; the recent meeting of the New Smyrna Beach Lion’s Club; an event at Read Patillo Elementary School; and, the recent “Relay for Life” event.

xxx

Vice Mayor McGuirk – Reported on his attendance at the recent “Relay for Life” event, and the recent meeting of the Volusia County Transportation Planning Organization (TPO). He felt citizens should be educated on what a TPO was and the many responsibilities of the TPO.

xxx

Mayor Barringer – Reported on his recent trip to Washington D.C. to participate in The Baker/Hostetler Central Florida Partnership "Trip to Washington, D.C.", with other Central Florida Regional Leaders to advance regional priorities. He also commented on his recent observation of a Grand Barossa Yacht in the Intercoastal Waterway in New Smyrna Beach.

xxx

ORDINANCES SECOND READING AND PUBLIC HEARINGS:

Ordinance No. 18-14 – City Attorney Gummey read Ordinance No. 18-14, the second time by title only, for the second reading and public hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would change land use on multiple annexed properties, located within the Interlocal Service Boundary Agreement between the City of New Smyrna Beach and Volusia County, of approximately 37.227 acres, and 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, located east of Bay Drive.

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. 18-14, as recommended. 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, and Ordinance No. 18-14 was adopted.

xxx

Ordinance No. 19-14 – City Attorney Gummey read Ordinance No. 19-14, the second time by title only, for the second reading and quasi-judicial public hearing.

City Attorney Gummey administered the oath to Planning Manager Gail Henrikson. Ms. Henrikson outlined her professional and educational credentials. As no citizen questioned her qualifications, Ms. Henrikson was considered an expert in planning and zoning and outlined the proposed ordinance, which if adopted would rezone multiple annexed properties, located within the Interlocal Service Boundary Agreement between the City of New Smyrna Beach and Volusia County, of approximately 37.227 acres, and 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 adopt Ordinance No. 19-14, as recommended. 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, and Ordinance No. 19-14 was adopted.

xxx

Ordinance No. 25-14 – City Attorney Gummey read Ordinance No. 25-14, the second time by title only, for the second reading and public hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would designate the Coronado Shuffleboard Courts located at 223 Flagler Avenue, as a local landmark. Ms. Henrikson clarified that the proposed ordinance regarded only the shuffleboard courts portion of the property, and not the Coronado Civic Center building.

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. 25-14, as recommended. 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. 25-14 was adopted.

xxx

Ordinance Nos. 26-14 and 27-14 – City Attorney Gummey read Ordinance Nos. 26-14 and 27-14, the second time by title only, for the second reading and public hearing. Planning Manager Gail Henrikson outlined the proposed ordinances, which if adopted, would annex and City Commercial land use to approximately 0.68 acres described generally as properties at 1305 State Road 44 and 1301 Walden Street.

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 Nos. 26-14 and 27-14, as recommended. Commissioner Grasty 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 Nos. 26-14 and 27-14 were adopted.

xxx

Ordinance No. 28-14 – City Attorney Gummey read Ordinance No. 28-14, the second time by title only, for the second reading and quasi-judicial public hearing. Planning Manager Gail Henrikson remained under oath and outlined the proposed ordinance, which if adopted, would assign City Highway Service Business District (B-3) and Highway Service Business District (Corridor Overlay) (B-3)(C) zoning to approximately 0.68 acres of annexed properties, described generally as 1305 State Road 44 and 1301 Walden Street.

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. 28-14, as recommended. Commissioner Reiker 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 No. 28-14 was adopted.

xxx

Ordinance No. 29-14 – City Attorney Gummey read Ordinance No. 29-14, the second time by title only, for the second reading and public hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would annex multiple properties containing approximately 23.9 acres generally described as: 2430 Timber View Drive, vacant land on Paige Avenue east of South Glencoe Road, 606 Art Center Avenue, 975 Bay Drive, 2210 Sierra Drive, 893 Bolton Road, 868 Bolton Road, 907 Bolton Road, and 1984 Mayport Avenue, 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:

Vice Mayor McGuirk moved to adopt Ordinance No. 29-14, as recommended. Commissioner Jones 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. 29-14 was adopted.

xxx

Ordinance No. 32-14 – City Attorney Gummey read Ordinance No. 32-14, the second time by title only, for the second reading and public hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would annex approximately 19 acres located on the east side of Louella Street, north of Pioneer Trail on Louella Street (Manning Subdivision), and to the centerline of all surrounding rights-of-way.

Commissioner Jones complimented Attorney Glenn Storch, who represented the property owner and applicant. He commented on the ability to communicate with surrounding property owners in order to reach a compromise regarding the use of the property.

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. 32-14, as recommended. 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, and Ordinance No. 32-14 was adopted.

xxx

Ordinance No. 35-14 – City Attorney Gummey read Ordinance No. 35-14, the second time by title only, for the second reading and public hearing. Assistant City Manager Khalid Resheidat outlined the proposed ordinance, which if adopted, would approve entering into a non-exclusive franchise agreement with Republic Services of Florida, L.P., d/b/a Republic Services of Orlando, in order to

provide roll-off service within the City limits for C and D roll offs.

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. 35-14, as recommended. 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, and Ordinance No. 35-14 was adopted.

xxx

Ordinance No. 36-14 – City Attorney Gummey read Ordinance No. 36-14, the second time by title only, for the second reading and public hearing. Finance Director Althea Philord outlined the proposed ordinance, which if adopted, would amend the adopted City Budget for the Fiscal Year ending September 30, 2014, in order to appropriate \$100,000 for Post Construction Purchase Equipment Items related to the construction of the new Central Fire Station.

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. 36-14, as recommended. 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, and Ordinance No. 36-14 was adopted.

xxx

PUBLIC PARTICIPATION –

Sally Mackay, represented “The HUB” on Canal Street, congratulated the City and Volusia County, and supported the future establishment of a U.S. 1 Community Redevelopment Agency (CRA). On behalf of The HUB, Ms. Mackay

pledged to assist the new CRA in its future success in the area.

Debra Dugas, Pine Street, spoke on behalf of herself and Mr. Randy Herman and thanked the City for the opportunity to attend the recent Citizen's Academy. Ms. Dugas also commented on the upcoming Volusia County Beach Safety event.

xxx

ORDINANCES – FIRST READING:

Ordinance No. 37-14 – City Attorney Gummey read Ordinance No. 37-14, the first time by title only. An ordinance, which if adopted, would the City Commission to grant exemption from City ad valorem property taxes for up to ten years for certain new and expanded businesses and calling a referendum on the November 4, 2014 general election ballot to authorize the exemptions.

Commissioner Reiker wished to continue planning for the future and questioned whether the City was prepared and whether the City had to identify specific types of businesses it wished to attract.

Mayor Barringer questioned whether the Commission could identify specific properties that would be determined eligible for the proposed abatement. City Attorney Gummey clarified the Commission's authority allowed it to make such a determination.

Commissioner Jones felt a simple process was needed and commented on past programs that resulted in under utilization. Mayor Barringer commented on the importance to the City that redevelopment of the U.S. Highway 1 Corridor would be.

Vice Mayor McGuirk commented on financial impacts to the U.S. Highway 1 area. Commissioner Reiker commented on how the Commission wanted to identify the types of businesses to attract. City Manager Brangaccio advised that the City Commission had time to workshop a targeted program.

Motion:

Commissioner Reiker moved to approve on first reading, Ordinance No. 37-14, as recommended. Commissioner Jones 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 No. 37-14 was approved on first reading. The second reading and public hearing of the proposed ordinance was scheduled to occur at the regular meeting on Tuesday, May 27, 2014.

xxx

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

A. Dock Easement Agreement, DP-2-14: Perkinson/Meyer – 526 North Riverside Drive – Approve a Dock Easement Agreement by the owners of an existing residence at 526 North Riverside Drive, for use of property on the east/opposite side of North Riverside Drive, with the following conditions:

1. The proposed dock facility construction meets the City’s *Land Development Regulations*.
2. Any significant change to the submitted plan must receive City Commission approval.
3. A building permit is required, and must be obtained.
4. The applicant executes and records the easement agreement.

B. Sidewalk Café, SC-2-14: Mckenney/501 Canal Street – Approve a Sidewalk Cafe, at 501 Canal Street, consisting of 4 tables and 14 chairs.

C. Agreements for use of Police Pistol Range and Training Facility – Approve the renewal of agreements for use of the police pistol range and training facility by the Port Orange Police Department, South Daytona Police Department and the Flagler County Sheriff’s Office.

D. Special Event Request: Fifth Friday – Street Dance – Approve the conduct of the Fifth Friday Street Dance on Friday, May 30, 2014.

E. Central Fire Station – Project Revisions – Approve various changes to the Central Fire Station Construction Project involving additional change order items in the amount of \$33,746.00.

Motion:

Vice Mayor McGuirk moved to approve all items on the Consent Agenda, 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.

xxx

ADMINISTRATIVE ITEMS – NEW BUSINESS:

Resolution No. 16-14 – a City Attorney Gummey read Resolution No. 16-14, by title only. CRA/Economic Development Director Tony Otte outlined the proposed resolution, which if adopted, would request for a Delegation of Authority from the Volusia County Council, for the creation of the U.S. Highway 1 Community Redevelopment Agency.

Motion:

Commissioner Grasty moved to adopt Resolution No. 16-14, as submitted. Vice Mayor McGuirk 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. Resolution No. 16-14 was adopted.

xxx

BOARDS AND COMMISSIONS:

Beachside Task Force – Mayor Barringer outlined staff’s recommendation that the City Commission consider the initial appointment of five regular members to the Beachside Resident Task Force for two-year terms to expire April 22, 2016.

Vice Mayor McGuirk commented on the late submission of a volunteer application by Steve Welfer of Cunningham Drive. He felt Mr. Welfer should be considered for appointment, and Mr. Welfer had something to give to the board.

Commissioner Jones felt Vice Mayor McGuirk made a valid argument and Mr. Welfer brought an interesting point of view. Commissioner Jones supported the consideration of Mr. Welfer for appointment.

Commissioner Reiker clarified the member requirements of the enabling legislation of the Beachside Resident Task Force. She also clarified that Mr. Welfer was not a business owner, and commented on a recent variance application submitted by Mr. Welfer.

Commissioner Grasty suggested deferring consideration of appointments for two weeks.

Motion:

Commissioner Grasty moved to defer appointment of members to the Beachside Resident Task Force to the meeting on May 27, 2014. 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. Consideration of the appointment of members to the Beachside Resident Task Force was deferred to May 27, 2014.

xxx

Historic Preservation Commission – Mayor Barringer outlined staff’s recommendation that the City Commission consider the appointment of three members to the Historic Preservation Commission for three-year terms to expire May 14, 2017.

Motion:

Commissioner Jones moved to reappoint regular members Nora Jane Gillespie, James Humphrey and Jean Mayo to the Historic Preservation Commission for three-year terms to expire May 14, 2017. 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. Members Nora Jane Gillespie, James Humphrey and Jean Mayo were reappointed to three-year terms to expire May 14, 2017.

xxx

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

xxx

CITY CLERK’S REPORT – City Clerk Bledsoe reported there would be an upcoming public meeting by State Representative David Hood in order for him to provide the public a report of the recently concluded legislative session.

xxx

CITY ATTORNEY'S REPORT – No report.

xxx

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 MAY 13, 2014 WERE APPROVED AT THE REGULAR MEETING HELD AUGUST 12, 2014.

ADAM R. BARRINGER, MAYOR

ATTEST:

JOHNNY R. BLEDSOE, CITY CLERK