

MINUTES OF THE REGULAR CITY COMMISSION MEETING
HELD ON TUESDAY, MAY 27, 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 27, 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; City Engineer Kyle Fegley; 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 outlined the replacement of Presentations Item D, the proposed public book exchange receptacle by the Atlantic Center for the Arts, with the recognition of the Police Athletic League State Basketball Tournament Champions and Runners-Up.

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ANNOUNCEMENTS/PRESENTATIONS/RECOGNITIONS:

Proclamation – City of New Smyrna Beach “Good Neighbor” Award – At the request of the recipient, McKenna’s Place, no action was taken and the item was rescheduled for presentation at the regular meeting on June 10, 2014.

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Proclamation – City of New Smyrna Beach “Good Neighbor” Award – Mayor Barringer read and presented to Mr. John Holder, a proclamation recognizing Mr. Holder as a “Good Neighbor”, for his many years of service to the community. Mr. Holder thanked the City Commission for the recognition and was accompanied by his son, grandchildren and great grandchildren.

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City Recognition by the United Way of Volusia-Flagler Counties – Resource Development Director Courtney Edgcomb, represented the United Way of Volusia-Flagler Counties, presented a certificate of accomplishment to Human Resources Assistant Claudia Rogers, in order to recognize City employees for their time, effort and contributions in support of local charitable organizations.

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Proposed Installation of a Public Book Exchange Receptacle by the Atlantic Center for the Arts – No action was taken as the item was removed from the agenda, at the request of the Atlantic Center for the Arts, for future consideration.

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Recognition of the New Smyrna Beach Police Athletic League State Basketball Tournament Champions and Runners-Up – Mayor Barringer and the remainder of the City Commission recognized the players and coaches of four separate Police Athletic League basketball teams for their accomplishments in winning three championships and one runners-up trophy in the recently held Police Athletic League State Basketball Tournament.

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“Reach from the Beach,” Volusia County Hunger Project – Lori McKenzie represented the organization, “Feeding Children Everywhere”, gave a brief presentation that outlined the upcoming event, “Reach from the Beach”, and urged citizens to volunteer and participate in the event designed to feed the hungry throughout the area.

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Youth Council Task Force Report – Chairman Ryan Pernell introduced Youth Council Task Force members Sierra Cullen (Vice Chair), Constance Darrisaw (absent), Alyssa Ratcliffe and Khia Wilson. Mr. Pernell and the other members gave a presentation, which outlined the following:

After meeting throughout the second semester of the 2013/2014 school year, and conducting a survey of students of New Smyrna Beach High School, the Youth Council Task Force gave its report to the City Commission, which outlined its recommendations for future consideration regarding matters they felt affected youth in the community. The task force selected two issues for future City Commission consideration.

First, was an affirmation of the recommendation from the Youth Council at the regular meeting held May 13, 2013, which was a request that the City Commission consider amending its Sidewalk Master Plan to include sidewalk infill in the vicinity of New Smyrna Beach High School. The second was a recommendation that the City Commission support an initiative to install a traffic signal on 10th Street at the entrance/exit to New Smyrna Beach High School.

Mayor Barringer thanked the Youth Council Task Force for its report and recommendations. He felt they did a good job. Commissioner Grasty felt they did a great job. City Manager Brangaccio and Assistant City Manager Resheidat commented on ongoing projects and outlined the process necessary for a presentation to be given to Volusia County representatives for future consideration.

After a brief discussion by the City Commission, Mayor Barringer confirmed Commission consensus was to direct staff to forward the recommendations of the task force, regarding the need for sidewalk infill and a traffic signal in the vicinity of New Smyrna Beach High School, to the appropriate Volusia County government departments.

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MAYOR AND COMMISSION REPORTS:

Commissioner Reiker – Congratulated Assistant City Manager Resheidat and Planning Manager Henrikson on their being named Administrative Employees of the Year for 2013 for the Volusia League of Cities. She thanked Marine Discovery Center Executive Director Chad Truxall for the educational support provided by the organization.

Commissioner Reiker reported on her recent attendance at the “Womens Day” Celebration, sponsored by the Stewart Methodist Church. She also commented on a request that measures be taken to lower the amount of speeding vehicles on S.R. 44.

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Commissioner Grasty – Reported on his recent attendance at area events, which included “Fish Stock” and Memorial Day activities. He also congratulated Assistant City Manager Resheidat and Planning Manager Henrikson on their being named Administrative Employees of the Year for 2013 for the Volusia League of Cities.

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Commissioner Jones – Congratulated Assistant City Manager Resheidat and Planning Manager Henrikson on their being named Administrative Employees of the Year for 2013 for the Volusia League of Cities. He commented on a recent meeting with the Hidden Pines Homeowners Association regarding speeding and need for additional lighting.

Commissioner Jones was encouraged with the enthusiasm displayed by citizens whom attended the recently completed Citizens Academy. He then reported on his recent attendance at Memorial Day functions at Riverside Park and Police Department Peace Officer Day.

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Vice Mayor McGuirk – Congratulated Assistant City Manager Resheidat and Planning Manager Henrikson on their being named Administrative Employees of the Year for 2013 for the Volusia League of Cities, and thanked them both for all their dedication and service.

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Mayor Barringer – Read a letter from James Humphries that thanked the City for its recent reappointment of Mr. Humphries as a member of the Historic Preservation Commission. He thanked Chad Truxall and the Marine Discovery Center for its report, and commented on the importance maintaining the Indian River Lagoon was and New Smyrna Beach should take the lead among all municipalities within Volusia County.

Mayor Barringer felt Memorial Day activities were great, and commented on fundraising efforts of Kelly Corey, who recently qualified to participate in the Annual Ironman Triathlon Competition in Hawaii. She needed \$3,000.

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ORDINANCES SECOND READING AND PUBLIC HEARINGS:

Ordinance No. 37-14 – City Attorney Gummey read Ordinance No. 37-14, the second time by title only. CRA Director Tony Otte outlined the proposed ordinance, which if adopted, would call for a referendum on the November 4, 2014 General Election Ballot, authorizing the City Commission to grant exemption from City ad valorem property taxes for up to ten years for certain new and expanded businesses.

Mayor Barringer opened the public hearing. With no citizens wishing to speak, Mayor Barringer closed the public hearing.

Motion:

Vice Mayor McGuirk moved to adopt Ordinance No. 37-14, as submitted. Commissioner Reiker 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. 37-14 was adopted.

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Ordinance No. 39-14 – City Attorney Gummey read Ordinance No. 39-14, the first time by title only, and advised the City Commission that it would conduct a transmittal public hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would amend the City *Comprehensive Plan* by changing the land use designation of approximately 12 acres located west of U.S. 1 and north of Art Center Avenue at 698 Art Center Avenue.

Mayor Barringer opened the public hearing. With no citizens wishing to speak, Mayor Barringer closed the public hearing.

Motion:

Commissioner Reiker moved to transmit Ordinance No. 39-14 for review and comments by reviewing entities, 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. Ordinance No. 39-14 was approved on first reading, and for transmittal to reviewing agencies for review and comments.

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PUBLIC PARTICIPATION –

Gary Appleton, Yacht Club Island, commented on concerns with neighboring block walls and fencing. City Manager Brangaccio reported that the Code Enforcement Department was reviewing the matter and would make a future report on the situation. Commissioner Grasty commented on an ongoing study regarding the issue.

Assistant City Manager Resheidat introduced the new Capital Improvement Project Manager, Michelle Updike.

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ORDINANCES – FIRST READING:

Ordinance Nos. 38-14 and 40-14 – City Attorney Gummey read Ordinance Nos. 38-14 and 40-14, the first time by title only. Ordinances, which if adopted, would annex and rezone approximately 12 acres located west of U.S. 1 and north of Art Center Avenue at 698 Art Center Avenue.

Motion:

Vice Mayor McGuirk moved to approve on first reading Ordinance Nos. 38-14 and 40-14, as submitted. 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. Ordinance Nos. 38-14 and 40-14 were approved on first reading. Mayor Barringer announced that the second reading and public hearing for Ordinance No. 38-14 would be conducted at the regular meeting on June 10, 2014. Mayor Barringer announced that the second reading and public hearing for Ordinance No. 40-14 would be conducted at a future meeting with Ordinance No. 39-14.

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Ordinance No. 41-14 – City Attorney Gummey read Ordinance No. 41-14, the first time by title only. An ordinance, which if adopted, would approve the 2nd Amendment to the Colony Park Planned Unit Development (PUD) Master Development Agreement and Conceptual Development Plan for a parcel containing 41 acres generally located northeast of the intersection of State Road 44 and Colony Park Road.

Commissioner Reiker disclosed a voting conflict and advised the City Commission that she would not vote on the proposed ordinance.

Motion:

Commissioner Grasty moved to approve on first reading Ordinance No. 41-14, as submitted. Commissioner Jones seconded the motion and the roll call was:

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

The motion carried unanimously, by a vote of 4 to 0, with Commissioner Reiker abstaining. Ordinance No. 41-14 was approved on first reading. Mayor Barringer announced that the second reading and public hearing for Ordinance No. 41-14 would be conducted at the regular meeting on June 10, 2014.

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Ordinance No. 42-14 – City Attorney Gummey read Ordinance No. 42-14, the first time by title only. An ordinance, which if adopted, would amend the adopted Budget for the Fiscal Year October 1, 2013 to September 30, 2014.

Motion:

Commissioner Grasty moved to approve on first reading Ordinance No. 42-14, as submitted. 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. Ordinance No. 42-14 was approved on first reading. Mayor Barringer announced that the second reading and public hearing for Ordinance No. 42-14 would be conducted at the regular meeting on June 10, 2014.

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Ordinance No. 43-14 – City Attorney Gummey read Ordinance No. 43-14, the first time by title only. An ordinance, which if adopted, would establish a Money Purchase Retirement Plan with ICMA-RC.

Motion:

Commissioner Reiker moved to approve on first reading Ordinance No. 43-14, 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. Ordinance No. 43-14 was approved on first reading. Mayor Barringer announced that the second reading and public hearing for Ordinance No. 43-14 would be conducted at the regular meeting on June 10, 2014.

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Ordinance No. 44-14 – City Attorney Gummey read Ordinance No. 44-14, the first time by title only. An ordinance, which if adopted, would establish a Deferred Compensation Plan with Florida Municipal Pension Trust.

Motion:

Commissioner Jones moved to approve on first reading Ordinance No. 44-14, 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. Ordinance No. 44-14 was approved on first reading. Mayor Barringer announced that the second reading and public hearing for Ordinance No. 44-14 would be conducted at the regular meeting on June 10, 2014.

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

A. Approve the acceptance of a \$5,000 donation from the organization, “People for a Drug Free Youth”, in support of the Police Department’s D.A.R.E. Program.

B. Approve a Blanket Purchase Order, made payable to Gentry Oil, LLC in the amount of \$140,000 for fuel purchases through September 30, 2014.

C. Approve the renewal agreements for use of the Police Department Pistol Range and Training Facility by the City of Daytona Beach Police Department and the City of Casselberry Police Department.

D. Approve the request to allocate one (1) boat slip from the City's Boat Slip Pool, in order to allow construction of a 12' x 30' covered boathouse and a 12' x 15' open mooring area with boatlift, on submerged lands adjacent to property located at 2400 North Peninsula Avenue.

E. Approve the continuing service contracts with the three transportation engineering firms recommended by the selection committee, which were Ghyabi and Associates, Lassiter Transportation Group, Inc. and Traffic Engineering Data Solutions.

F. Approve Historic Tree Removal Application No. HTR-2-14, an application for the removal of one (1) Historic Oak Tree, 36” DBH (Diameter at Breast Height), within the boundaries of an undeveloped and wooded lot in unincorporated Volusia County, for the purpose of constructing a new single family residence. Staff recommends approval of the request to remove the single Historic Oak Tree, with the following conditions as recommended by staff:

- The tree removal permit will not be issued until the associated site and single family building permits have been issued.

- Should the site remain wooded and undisturbed, the tree removal approval will expire concurrent with the expiration of any accompanying building permit(s).
- Volusia County's minimum tree replacement requirements are met on-site at the time a building permit is issued or the required mitigation is made into the City's Tree Mitigation Fund.

G. Approve the City of New Smyrna Beach entering into an Interlocal Agreement with the City of Edgewater for Accounting Technician Services to specifically handle the procurement process, at an annual cost of \$28,015.

H. Approve the release of a Request for Qualifications (RFQ) in order to select up to three archaeological consulting firms that would provide services to the City on an as-needed, rotating basis.

I. Approve entering into an Interlocal Agreement with the State Attorney for Municipal Ordinance Prosecution, at a rate of \$50 per hour and expiring December 31, 2015.

J. Approve the allocation of \$153,187, for the two-phase program to purchase and install a comprehensive citywide traffic preemption system using existing fire impact fee funds and potential grant funds from the TPO.

K. Approve the Bid Award and Purchase of Precision Cut Fairway Mower (Budgeted in FY 14) for the Golf Course, Beard Equipment, in the amount of \$43,000.

L. Adopt Resolution No. 17-14, authorizing the execution of a Florida Department of Transportation (FDOT) Highway Maintenance Memorandum of Agreement for FDOT Rights-of-Way (maintained by the City, through the annual agreement with FDOT).

M. Approve entering into a State Highway Lighting, Maintenance, and Compensation Agreement with FDOT for the fiscal year ending September 30, 2015, at a cost of \$76,452.

N. Approve the Bid Award to purchase one Ford F-150 Crew Cab, 4x4 through the State of Florida Contract from Alan Jay Ford Lincoln Mercury in the amount of \$30,911.

O. Approve the conduct of the special event, Sea Turtle Odyssey, on Saturday, May 31, 2014 from 12:00pm - 11:00pm, and associated street closures.

P. Approve the conduct of the special event, 10th Annual National Trails Day, on Saturday, June 7, 2014 from 9:00am - 11:30am – June 7, 2014, and associated street closures.

Commissioner Reiker requested that consent agenda item F be removed for separate consideration. Commissioner Jones requested that consent agenda item L be removed for separate consideration.

Motion:

Commissioner Grasty moved to approve/adopt all consent agenda items, except for items F and L, as requested above. 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.

Consent Agenda Item F: Historic Tree Removal Application No. HTR-2-14 – Planning Manager Gail Henrikson outlined staff’s recommendation that the City Commission consider the approval of Historic Tree Removal Application No. HTR -2-14, an application for the removal of one (1) Historic Oak Tree, 36” DBH (Diameter at Breast Height), within the boundaries of an undeveloped and wooded lot in unincorporated Volusia County, for the purpose of constructing a new single-family residence. Ms. Henrikson reported that staff recommended approval of the request to remove the single Historic Oak Tree, with the following conditions:

- The tree removal permit will not be issued until the associated site and single family building permits have been issued.
- Should the site remain wooded and undisturbed, the tree removal approval will expire concurrent with the expiration of any accompanying building permit(s).
- Volusia County’s minimum tree replacement requirements are met on-site at the time a building permit is issued or the required mitigation is made into the City’s Tree Mitigation Fund.

Motion:

Commissioner Reiker moved to approve Historic Tree Removal Application No. HTR-2-14, with recommended conditions. Vice Mayor McGuirk seconded the motion and the roll call was:

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

The motion carried unanimously.

Consent Agenda Item L: Resolution No. 17-14 – Assistant City Manager Resheidat outlined staff’s recommendation that the City Commission adopt Resolution No. 17-14, which if adopted, would authorize the execution of a Florida Department of Transportation (FDOT) Highway Maintenance Memorandum of Agreement for FDOT Rights-of-Way (maintained by the City, through the annual agreement with FDOT).

Commissioner Jones commented on confusion caused by bid speculations. City Attorney Gummey read Resolution No. 17-14, by title only.

Motion:

Commissioner Jones moved to adopt Resolution No. 17-14, as submitted. 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.

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ADMINISTRATIVE ITEMS – NEW BUSINESS:

Central Beach Phase III Flood Mitigation Improvements Project – Assistant City Manager Resheidat outlined staff’s recommendation that the City Commission reject the two bids received and to rebid the project.

Motion:

Commissioner Grasty moved to reject bids received on the Central Beach Phase III Flood Mitigation Improvements Project, and to authorize staff to rebid the project, 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.

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Award of Bid, Colony Park Roadway Extension Project – City Engineer Kyle Fegley outlined staff’s recommendation that the City Commission approve the Bid Award to Halifax Paving, Inc. in the amount of \$1,110,972.50, for the Colony Park Roadway Extension Project.

Motion:

Commissioner Reiker moved to approve the Bid Award to Halifax Paving, Inc. in the amount of \$1,110,972.50, for the Colony Park Roadway Extension Project. 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 Economic Development Advisory Board – Mayor Barringer outlined staff’s recommendation that the City Commission consider the reappointment of members to the Economic Development Advisory Board, for four-year terms to expire June 8, 2018.

Motion:

Commissioner Jones moved to reappoint Lillian Conrad, Jack Holcomb, Paul Mayer, Uli Rehn and Arlen Stauffer as members of the Economic Development Advisory Board, to four year terms to expire June 8, 2018. 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.

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Mayor Barringer outlined staff’s recommendation that the City Commission consider the initial appointment of members to the Beachside Resident Task Force for two-year terms to expire May 27, 2016.

Commissioner Reiker commented on why she felt the task force was initially established. She suggested that the number of authorized members be increased from five to seven.

Mayor Barringer confirmed City Commission consensus to amend the resolution, creating the Beachside Resident Task Force, to allow for seven members, specifically one appointee per member of the Commission, except that Commissioners for Zones 1 and 2 will be allow two appointees each.

The following citizens were appointed as members of the Beachside Resident Task Force, to two-year terms to expire May 27, 2016:

Amy Brackel, as nominated by Commissioner Grasty
Jay Crocker, as nominated by Commissioner Grasty
Kelley Desoto, as nominated by Vice Mayor McGuirk
Deborah Dugas, as nominated by Commissioner Reiker
Carol Ann Hilliard-LaRoza, as nominated by Commissioner Reiker
Tish Moore Whiting, as nominated by Commissioner Jones
Joseph Sharp, as nominated by Mayor Barringer

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

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CITY CLERK'S REPORT – City Clerk Bledsoe outlined a request from the Southeast Volusia Historical Society and the New Smyrna Museum of History for a letter of support for the organizations' grant application submitted to the Florida Division of Historical Resources, Bureau of Historic Preservation, Grants and Education Section, in Tallahassee.

Mayor Barringer confirmed City Commission consensus to approve authorizing Mayor Barringer to sign and submit a letter of support to the Florida Division of Historical Resources, Bureau of Historic Preservation, Grants and Education Section, in Tallahassee, in support of an application from the Southeast Volusia Historical Society and the New Smyrna Museum of History for a Small Matching Historical Preservation Grant in the amount of \$10,000.

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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 7:54 p.m.

THE MINUTES OF THE REGULAR MEETING OF THE CITY COMMISSION HELD MAY 27, 2014 WERE APPROVED AT THE REGULAR MEETING HELD AUGUST 12, 2014.

ADAM R. BARRINGER, MAYOR

ATTEST:

JOHNNY R. BLEDSOE, CITY CLERK