

**MINUTES OF THE REGULAR CITY COMMISSION MEETING**  
**HELD ON TUESDAY, JUNE 10, 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, June 10, 2014, in the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor Barringer called the meeting to order at 6:32 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; Human Resources Director Carol Hargy; Finance Director Althea Philord; and, Recording Secretary Renee Richards. City Clerk Johnny Bledsoe was absent.

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

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APPROVAL OF AGENDA – City Manager Brangaccio reported the addition of Consent Agenda Item M – Bid Award for Fuel Purchases; and, Consent Agenda Item N – Bid Award for the Purchase of a Ford Crew Cab Truck.

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**ANNOUNCEMENTS/PRESENTATIONS/RECOGNITIONS:**

Proclamation – City of New Smyrna Beach “Good Neighbor” Award – Mayor Barringer read and presented a proclamation, which awarded the “Good Neighbor” Award to McKenna’s Place restaurant.

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Swearing In Ceremony of New Police Officer – Mayor Barringer, accompanied by Police Chief George Markert, administered the Oath of Office to newly hired Police Officer Brittny Gonzalez.

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Volusia County School Board Proposed 1/2 Cent Sales Tax Extension –

Saralee Morrissey represented the Volusia County School Board, was present and gave a presentation to urge citizens to vote for the proposed 1/2 cent sales tax extension for education that would be on the ballot for the Primary Election on August 26, 2014.

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**MAYOR AND COMMISSION REPORTS:**

Commissioner Reiker – Reported on her recent presentation of a proclamation to celebrate the 50th Anniversary of the 7-11 store on North Atlantic Avenue. She also reported on her attendance at a recent event at the Mary Herrell Black Heritage Museum, and also commented on a recent award of a grant funding for the restoration of paint to the facility.

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Commissioner Grasty – Commented on the importance of education and reported on his recent attendance at an event at Coronado Elementary School.

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Commissioner Jones – Reported on his recent attendance at an event at the Mary Herrell Black Heritage Museum. He also commented on his attendance at a Summit held at Daytona State College, where he felt there was good input and served as an example of getting the community involved. He commented on the presentation regarding the proposed ½ cent sales tax.

Commissioner Jones then reported that the Sports Complex Football Scoreboard continued to need repairs, and the Women’s Club parking lot continued to have a pot hole, which needed repairs.

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Vice Mayor McGuirk – Commented on the renaming of Holland Park, Otter Park.

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Mayor Barringer – Reported on discussions with Mr. Appleton, a Yacht Club Island resident regarding a request for a stop work order on construction of a wall by a neighboring property owner. Chief Building Official Mike Knotek outlined the conflict and action taken by the City to issue the stop work order.

Mayor Barringer questioned City policy regarding parking spaces available in support of Brannon Center rentals. He questioned whether designated parking spaces should be designated for Brannon Center rentals.

Mayor Barringer then questioned the City Commission whether it desired to endorse the proposed extension of the half-cent sales tax, which would support the Volusia County School Board, and would be on the ballot for the August 26, 2014 Primary Election.

Motion:

Commissioner Jones moved to endorse the proposed extension of the half-cent sales tax, which would support the Volusia County School Board, and would be on the ballot for the August 26, 2014 Primary Election. 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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ORDINANCES SECOND READING AND PUBLIC HEARINGS:

Ordinance No. 38-14: Annexation: Large Scale 14-6 – City Attorney Gummey read Ordinance No. 38-14, the second time by title only, and advised the City Commission that it would conduct an adoption public hearing. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would annex two adjoining parcels consisting of approximately 12.0 acres, generally 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 adopt Ordinance No. 38-14, 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. 38-14 was adopted.

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Ordinance No. 41-14: Colony Park East PUD 2nd Amendment – City Attorney Gummey read Ordinance No. 41-14, the second time by title only. Planning Manager Gail Henrikson outlined the proposed ordinance, which if adopted, would amend the Colony Park Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) by revising the CDP to increase the number of proposed lots within the PUD from five to six; to clarify when the sidewalk along the east side of Colony Park Road would be constructed; and to revise the architectural standards to allow an additional architectural style within the PUD, and if approved, the request would constitute the second amendment to the approved development agreement.

Commissioner Reiker disclosed a voting conflict and advised the City Commission that she would abstain from voting.

Mayor Barringer opened the public hearing.

Attorney Glenn Storch represented the applicant, outlined the proposed amendment and thanked the City planning staff for its assistance and work in assisting the property owner through the process.

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

Motion:

Commissioner Grasty moved to adopt Ordinance No. 41-14, 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	abstained
Commissioner Grasty	yes

The motion carried by majority vote, 4 to 0 with Commissioner Reiker abstaining. Ordinance No. 41-14 was adopted.

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Ordinance No. 42-14 – City Attorney Gummey read Ordinance No. 42-14, the second time by title only. Finance Director Althea Philord outlined the proposed ordinance, which if adopted, would amend the adopted budget for the Fiscal Year October 1, 2013 - September 30, 2014.

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

Motion:

Commissioner Reiker moved to adopt Ordinance No. 42-14, as submitted. Commissioner Jones 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. Ordinance No. 42-14 was adopted.

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Ordinance No. 43-14 – City Attorney Gummey read Ordinance No. 43-14, the second time by title only. Human Resources Director Carol Hargy outlined the proposed ordinance, which if adopted, would establish a Money Purchase Retirement Plan with ICMA-RC.

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

Motion:

Commissioner Jones moved to adopt Ordinance No. 43-14, 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. 43-14 was adopted.

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Ordinance No. 44-14 – City Attorney Gummey read Ordinance No. 44-14, the second time by title only. Human Resources Director Carol Hargy outlined the proposed ordinance, which if adopted, would establish a Deferred Compensation Plan with Florida Municipal Pension Trust Fund.

City Attorney Gummey recommended that the City Commission consider continuing the public hearing to the regular meeting on August 12, 2014, in order to solicit additional proposal's, and to allow the two firms who had already submitted responses to modify their responses.

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

**Motion:**

Commissioner Jones moved to continue the public hearing of Ordinance No. 44-14, as submitted, to the regular meeting on August 12, 2014, and to direct staff to consider additional proposals and to allow the two firms who have already submitted responses to modify their responses. 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. 44-14 was continued to the regular meeting on August 12, 2014.

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2nd Amendment to the Island Town Center Development Agreement – Planning Manager Gail Henrikson outlined the proposed 2nd Amendment to the Island Town Center Development Agreement.

Mayor Barringer opened the public hearing.

Attorney Glenn Storch, represented the property owner, Blossom Development, Inc., 1215 Gessner Drive, Houston, Texas 77055, outlined the application that requested approval of amendments to the approved Island Town Center Development Agreement to make the following revisions:

1. Change the name of the Developer from Island Town Center, LLC to Blossom Development, Inc.
2. Add language that would remove the mandatory requirement to build garages for the residential units.
3. Add language that would establish a maximum Floor Area Ratio (FAR) of three (3).
4. Add language that would allow a sales office and accessory structures to be built as part of Phase I and eliminate any mandate to build garages as part of Phase I.
5. Remove language detailing specific start and end construction dates for each phase of development.
6. Incorporate a revised Conceptual Development Plan showing only the construction proposed as part of phase I.

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

Motion:

Vice Mayor McGuirk moved to approve amendments, as submitted, to the Island Town Center Development Agreement, as submitted. Commissioner Reiker seconded the motion and the roll call was:

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

The motion carried unanimously.

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PUBLIC PARTICIPATION –

Robert Rees, 391 Granada Street, commented on recent suggestions that the City consider renaming certain areas of the City, such as North Beach, South Beach, Coronado, etc.

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ORDINANCES – FIRST READING – There were no proposed ordinances to consider under first reading.

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

- A. Resolution No. 18-14: Rescheduling of August 26, 2014 and November 25, 2014 Regular Meetings
- B. Resolution No. 19-14: Amending Resolution No. 15-14 - Creating a Beachside Resident Task Force and changing the number of members on the task force from five (5) to seven (7).
- C. Renewal of Volusia County Cooperation Agreement for 2015/2016, 2016/2017, and 2017/2018 Community Development Block Grant
- D. New Central Fire Station Radio & Alerting System Equipment and Installation Approval to Purchase
- E. Fueling Services - Florida Forest Services
- F. Slip Allocation: North Peninsula Avenue / Rix
- G. Lease Extension: Parking Lot Property Lease from the Coronado Community United Methodist Church
- H. New Smyrna Beach Municipal Stadium bleachers/ Westside grandstand bleachers Professional Engineering Proposal

I. CDBG Sidewalk Improvements 2014 - Award Construction Contract to Better Barricades, Inc for \$19,407.50

J. Special Event: 26th Annual Seaside Fiesta

K. Revision of the Historic Westside Housing Renovation Program

L. Resolution No. 20-14: Amendment to FDOT Grant FM #431577 1 94 01 - Construction Phase for Rehabilitation of Aircraft Hangar at 1501 Airway Circle

M. Bid Award - Fuel Purchases

N. Bid Award – Purchase of a Ford Crew Cab

Commissioner Reiker requested to consider Consent Agenda Item B separately.

Motion:

Vice Mayor McGuirk moved to approve and/or adopt all Consent Agenda Items, accept for Item B, as submitted. Commissioner Grasty seconded the motion and the roll call was:

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

The motion carried unanimously.

Consent Agenda Item B: Resolution No. 19-14 – City Attorney Gummey read Resolution No. 19-14, by title only. A resolution amending Resolution No. 15-14, which created a Beachside Resident Task Force and changed the number of members on the task force from five (5) to seven (7).

Commissioner Reiker was honored to be considered for serving as Chair of the new task force. However, she felt the Chair should be elected from the general populous. City Attorney Gummey advised that the proposed resolution could be adopted, as amended, if it was the City Commission's desire.

Motion:

Commissioner Reiker moved to adopt Resolution No. 19-14, as amended to allow for the chairman to be elected by the general populous. 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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ADMINISTRATIVE ITEMS – NEW BUSINESS:

Award of Bid: City Auditing Services – Finance Director Althea Philord outlined staff’s recommendation that the City Commission consider the approval of entering into a contract with Carr, Riggs & Ingram, LLC for Auditing Services for the next three (3) years in the amount of \$55,500 for each year (\$166,500), with two optional one year extensions for a total amount of \$280,300.

City Attorney Gummey commented on the evaluations of each proposal received and related ranking. He confirmed that each proposal received was considered a qualified vendor. He advised the Commission should select the highest ranked proposal, and document reasons why the highest ranked proposal was not selected.

Commissioner Reiker felt the City Commission should be given presentations by the top firms in the order of ranking. City Manager Brangaccio clarified that the review and ranking was conducted by a committee formed by the Finance Department, and the ranking was very subjective.

Motion:

Commissioner Jones moved to approve entering into a contract with Carr, Riggs & Ingram, LLC for Auditing Services for the next three (3) years in the amount of \$55,500 for each year (\$166,500), with two optional one year extensions for a total amount of \$280,300. Vice Mayor McGuirk seconded the motion and the roll call was:

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

The motion carried by majority vote, 4 to 1 with Commissioner Reiker voting no.

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BOARDS AND COMMISSIONS:

Re-Appointment of Members to the Leisure Activities Advisory Board – Mayor Barringer outlined staff’s recommendation that the City Commission consider the reappointment of members to the Leisure Activities Advisory Board for three-year terms to expire June 22, 2017.

Motion:

Vice Mayor McGuirk moved to reappoint Marilyn Stephens, Montez James, Lawrence Kraker and Steven Lyon as members of the Leisure Activities Advisory Board, to three-year terms to expire June 22, 2017. 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.

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CITY MANAGER'S REPORT – The City Commission acknowledged receipt of the City Manager's written report. City Manager Brangaccio advised the City Commission of an upcoming special meeting of the CRA, June 24, 2014 at 5 pm in order to consider a budget amendment and the award of contract for Alonzo "Babe" James Community Center renovations.

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CITY CLERK'S REPORT – No report.

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CITY ATTORNEY'S REPORT – City Attorney Gummey reported he would be on personal leave until Monday, June 16, 2014.

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With no further business to address, Mayor Barringer declared the meeting adjourned at 8:00 p.m.

**THE MINUTES OF THE REGULAR MEETING OF THE CITY COMMISSION HELD JUNE 10, 2014 WERE APPROVED AT THE REGULAR MEETING HELD AUGUST 12, 2014.**

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**ADAM R. BARRINGER, MAYOR**

**ATTEST:**

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**JOHNNY R. BLEDSOE, CITY CLERK**