



City Commission Regular Meeting

Tuesday, April 23, 2019

6:30 PM – City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach,
FL 32168

MEETING MINUTES

1. OPENING OF MEETING

A. Call to Order

Attendee Name	Title	Status	Arrived
Jason McGuirk	Commissioner	Present	
Jake Sachs	Commissioner	Present	
Randy Hartman	Commissioner	Present	
Michael Kolody	Commissioner	Present	
Russell Owen	Mayor	Present	

Also present were City Attorney Carrie Avallone, Assistant City Manager Khalid Resheidat, Director of Development Services and Coastal Environment Resiliency Brian Fields, CRA/Economic Development Director Tony Otte, Maintenance Operations Director Faith Miller, Police Chief Mike Coffin, Fire Chief Shawn VanDemark, Finance Director John McKinney, Human Resources Director Carol Hargy, Leisure Services Director Nancy Maddox, City Engineer Kyle Fegley, Assistant to the City Manager/Public Information Officer Phil Veski and City Clerk Johnny Bledsoe.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Police Department Chaplain Sheila Turner was present and gave the invocation. Mayor Owen led those present in the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

Assistant City Manager Resheidat reported no changes to the published agenda.

Mayor Owen felt he did not have enough time to review candidate applications for appointment to the Planning and Zoning Board. He requested the City Commission continue the item to the regular meeting on May 14, 2019. By consensus, the City Commission continued the Planning and Zoning Board appointment consideration to the regular meeting on May 14, 2019.

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Retirement of Police Sergeant David Williams

Police Chief Coffin recognized Sergeant David Williams on the occasion of his retirement from the New Smyrna Beach Police Department. Sergeant Williams thanked the City and Police Department for the many opportunities he had during his career with the City of New Smyrna Beach.

5. PUBLIC PARTICIPATION

In accordance with Resolution No. 32-13, citizens are provided the opportunity to address the City Commission regarding any topic, for up to three minutes. The following citizens addressed the City Commission:

Angie Herman, 108 Esther Street, represented the New Smyrna Beach Citizens Coalition, commented on the organizations support of Ordinance No. 19-19, regarding density calculations.

Randy Herman, 108 Ester Street, represented the Neighborhood Council, thanked the City Commission for its support and belief in what the Neighborhood Council could do. He reported on the meeting of the Neighborhood Council the night before, and commented in support of Earth Day. Mr. Herman commented on support of Resolution No. 17-19.

6. CONSENT AGENDA

- A. Approve the Minutes of City Commission and CRA regular meetings held April 9, 2019.

Motion:

Vice Mayor Hartman moved to approve the Minutes of City Commission and CRA regular meetings held April 9, 2019, as corrected. Commissioner Sachs seconded the motion and it carried unanimously.

- B. Approve the award of ITB 02-19-CIP for Central Beach Stormwater Management - Storm Surge Protection Improvements to Gregori Construction, Inc. for \$72,900.

Motion:

Vice Mayor Hartman moved to approve the award of bid ITB 02-19-CIP for Central Beach Stormwater Management - Storm Surge Protection Improvements to Gregori Construction, Inc. for the amount of \$72,900. Commissioner Sachs seconded the motion and it carried unanimously.

- C. Approve the purchase of one (1) 2020 Ford Interceptor SUV from Duval Ford, utilizing Florida Sheriff's contract pricing of \$33,742 for the Police Department.

Motion:

Vice Mayor Hartman moved to approve the purchase of one (1) 2020 Ford Interceptor SUV from Duval Ford, utilizing Florida Sheriff's contract pricing of \$33,742 for the Police Department. Commissioner Sachs seconded the motion and it carried unanimously.

- D. Approve the transfer of \$5,000 from the Specialized Law Enforcement Trust Fund (SLETF) to the Save Our Daughters and Sons (SODAS) Youth 2019 Summer Work Program.

Motion:

Vice Mayor Hartman moved to approve the transfer of \$5,000 from the Specialized Law Enforcement Trust Fund (SLETF) to the Save Our Daughters and Sons (SODAS) Youth 2019 Summer Work Program. Commissioner Sachs seconded the motion and it carried unanimously.

- E. Approve the Award of RFP 04-19-CIP for Pettis Park Playground Replacement to Dominica Recreation/GameTime for \$124,890.

Motion:

Vice Mayor Hartman moved to approve the award of bid RFP 04-19-CIP for Pettis Park Playground Replacement to Dominica Recreation/GameTime for the amount of \$124,890. Commissioner Sachs seconded the motion and it carried unanimously.

- F. AOB Lease Agreement

This item was considered separately from the other consent agenda items, as requested by Commissioner Kolody.

Motion:

After discussion, Commissioner Kolody moved to approve allowing the Contractor to use the AOB site, with the conditions as outlined below, and further defined in the Lease Agreement as the impact to using the Riverside Park parking lot. Commissioner McGuirk seconded the motion and it carried unanimously.

Conditions were as follows:

1. The Contractor will provide a certificate of insurance for comprehensive general liability for a minimum amount of \$1,000,000 for injuries to one person occurring from a single event and \$3,000,000 for more than one person out of a single event as well as \$500,000 for property insurance.
2. The area will be fenced and locked while not in use and will be screened/covered with filter fabric material.
3. The area is required to be kept in a neat & orderly condition.
4. The agreement term is for 120 days up to a maximum of 180 consecutive calendar days.
5. The area shall be used for storage and loading/unloading material only and no barge will be moored at the site.
6. A fee in the amount of \$150 per month will be required along with a security deposit of \$150.

- G. Approve the close out change order for the Swoope Boat Ramp Improvements project in the amount of \$6,792.00.

Motion:

Vice Mayor Hartman moved to approve the close out change order for the Swoope Boat Ramp Improvements project in the amount of \$6,792. Commissioner Sachs seconded the motion and it carried unanimously.

- H. Approve the renewal of the annual Agreement for Service between the Southeast Volusia Humane Society, Inc. and the City of New Smyrna Beach.

This item was considered separately from the other consent agenda items, as requested by Commissioner Sachs.

Commissioner Sachs felt that the license of all veterinarians who practice at the shelter, be posted within the building. He also felt that City representatives should be given full access to the entire facility. City Attorney Avallone clarified state requirements regarding the display of credentials. She further commented on the good relationship the City currently had at the shelter. City Attorney Avallone commented on past language within the agreement regarding after hours care that had been stricken from the agreement. Commissioner Sachs removed his request.

Motion:

Commissioner Sachs moved to approve the renewal of the annual Agreement for Service between the Southeast Volusia Humane Society, Inc., and the City of New Smyrna Beach. Commissioner Kolody seconded the motion and it carried unanimously.

- I. Approve a Special Event: Friends of Babe James Fundraiser on May 3, 2019 from 5 p.m. to 7:30 p.m. with associated road closure of 10th Street from Riverside Drive to Magnolia Street starting from 3 p.m. until 8 p.m.

Motion:

Vice Mayor Hartman moved to approve the special event: Friends of Babe James Fundraiser on May 3, 2019 from 5 p.m. to 7:30 p.m. with associated road closure of 10th Street from Riverside Drive to Magnolia Street starting from 3 p.m. until 8 p.m. Commissioner Sachs seconded the motion and it carried unanimously.

- J. Approve a Special Event: Food Trucks on Sams Avenue on May 31, 2019 and August 30, 2019 from 5:00 p.m. until 9:00 p.m., and associated street closure of Sams Avenue, from Washington Street to Julia Street in front of City Hall beginning at 2:00 p.m. until 10:30 p.m.

Motion:

Vice Mayor Hartman moved to approve the special event: Food Trucks on Sams Avenue on May 31, 2019 and August 30, 2019 from 5:00 p.m. until 9:00 p.m., and associated street closure of Sams Avenue, from Washington Street to Julia Street in front of City Hall beginning at 2:00 p.m. until 10:30 p.m. Commissioner Sachs seconded the motion and it carried unanimously.

- K. Approve a Special Event: Cinco de Mayo at Clancy's Cantina and approval to have a beer garden on May 5, 2019 from 11 a.m. to 11 p.m.

Motion:

Vice Mayor Hartman moved to approve the special event: Cinco de Mayo at Clancy's Cantina and approval to have a beer garden on May 5, 2019 from 11 a.m. to 11 p.m. Commissioner Sachs seconded the motion and it carried unanimously.

- L. Smyrna Yacht Club Quit Claim Deed-Correction of 1965 Deed

Motion:

Vice Mayor Hartman moved to approve the Smyrna Yacht Club Quit Claim Deed-Correction of 1965 Deed. Commissioner Sachs seconded the motion and it carried unanimously.

- M. CDBG 2019-2020 Funding Application - Replacement of Lydia Pettis Park Basketball Courts

Motion:

Vice Mayor Hartman moved to approve the CDBG 2019-2020 Funding Application - Replacement of Lydia Pettis Park Basketball Courts. Commissioner Sachs seconded the motion and it carried unanimously.

- N. Consider approval to resolve a parking issue, along the north service road/ N. Causeway-approval of removal of a paved sidewalk area, just north of the FDOT Drainage Area.

This item was considered separately from the other consent agenda items, as requested by Vice Mayor Hartman.

Vice Mayor Hartman was concerned with costs and possible unintended circumstances. He felt business owners were responsible for providing adequate parking for customers.

Mayor Owen clarified the purpose of the intended action, and stated that he supported the action.

Vice Mayor Hartman commented on other sidewalks within the area. Commissioner Kolody commented on the use of the sidewalk by the Marine Discovery Center. He felt he would hate to see the sidewalk removed unless another section of sidewalk infill would be installed. Commissioner Kolody supported maintaining of a constant sidewalk within the area.

Commissioner McGuirk requested the item be continued to a future meeting and felt there was a long term plan to address the issue.

Motion:

Commissioner McGuirk moved to continue the consideration of approval to resolve a parking issue, along the north service road/ North Causeway, and the consideration of the approval of the removal of a paved sidewalk area, just north of the Florida Department of Transportation Drainage Area, to the regular meeting on May 14, 2019. Vice Mayor Hartman seconded the motion and it carried unanimously.

Assistant City Manager Resheidat commented on discussions he had with the business owner.

Commissioner Sachs opposed taking the existing sidewalk away. Mayor Owen commented on looking into avoiding putting police in an awkward position.

- O. Resolution No. 13-19: Consider the adoption of a Resolution, which if approved, would extend the Interlocal Agreement for Distribution of Proceeds of Local Option Fuel Tax for the Period of September 1, 2019 through August 31, 2020.

Motion:

Vice Mayor Hartman moved to adopt Resolution No. 13-19, to extend the Interlocal Agreement for Distribution of Proceeds of Local Option Fuel Tax for the Period of September 1, 2019 through August 31, 2020. Commissioner Sachs seconded the motion and it carried unanimously.

- P. Resolution No. 14-19: Consider a resolution, which if adopted, would adopt the 2018 Volusia County Integrated Floodplain Management Plan.

This item was considered separately from the other consent agenda items, as requested by Commissioner Kolody.

Commissioner Kolody requested a presentation of the proposed action. City Engineer Kyle Fegley outlined staff's recommendation to adopt resolution no 14-19, adopting the 2018 Volusia Count Integrated Floodplain Management Plan. He highlighted flood mitigation and other priority funding matters. Commissioner Kolody thanked Mr. Fegley for his detailed presentation that he felt was full of valuable information. He supported adoption of the resolution.

Commissioner Sachs questioned past insurance evaluations. Mr. Fegley reported that an evaluation was upcoming soon, and commented on actions being taken in order to enhance the City PPI.

Motion:

Commissioner Kolody moved to adopt Resolution No. 14-19, adopting the 2018 Volusia County Integrated Floodplain Management Plan. Commissioner McGuirk seconded the motion and it carried unanimously.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

A. Six Month Status Report re: Recycling Collection and Processing

Maintenance Operations Director Faith Mill gave a Six-Month Status Report on City Recycling Collection and Processing.

Ms. Miller reported that the City awarded RFP-24-16-MO for Recycling Services to Waste Pro USA, Inc. for a five (5) year term which began on October 1, 2016. The Residential Curbside Recycling Collection Agreement provided that "The Contractor shall be the owner of all recyclable materials collected in the residential recycling program", and that there would be no rate increases within the five-year period. According to the terms of the Agreement, the City agreed to pay the contractor \$2.91 per month for service to each residential unit as described in the Agreement.

The Agreement also included the following provision:

"Article XI, Compensation, D. Unusual Changes or Costs. The Contractor may petition the City on the anniversary date of the Agreement for rate adjustments as reasonable times on the basis of unusual changes in the Contractor's cost of doing business, such as revised laws, ordinances, or regulations, changes in location of disposal sites or changes in disposal charges."

She then reported that in mid-July 2018, Ken DeForest, Division Manager for Waste Pro, advised that Waste Pro would be asking for an adjustment to their rates for picking up recyclable's due to the increased cost of their doing business for several reasons including the issues with China no longer accepting recyclable's from the U.S., less overall demand for recycled paper, decreased value of certain recyclable's, and limited outlets to recycle glass.

Ms. Miller reported that in September the City's recycling figures were up about 12% so more people were recycling which may be due in part to new residents and education efforts we had been doing to try to promote and encourage recycling. Future educational efforts for residents and businesses should focus on the "Back to Basics" of recycling right.

She then reported that on September 11, 2018, the City Commission approved Waste Pro's request for a rate adjustment for recycling services at a rate of \$77.50 per ton for FY 18/19, with a re-evaluation of the actual recycling costs to be conducted after the first six (6) months and if such re-evaluation showed a market change in the City's favor then the per tonnage rate will be adjusted accordingly. At the time it was estimated that the annual cost for processing recyclable's would be \$141,949.

Ms. Miller reported that as of now, the average cost for processing recycled materials was \$13,312.69 per month based on the last six (6) months of the City paying the processing fee (Oct. 2018 - March 2019), which would project out to \$159,752 for this fiscal year.

Update on status of recycling in other Volusia County cities:

- Deltona - eliminated their recycling program as of February 1, 2019.
- Ormond Beach - eliminated glass from their recycling program as of April 1, 2019, their monthly recycling rate is \$4.68 (copy of Ormond Beach's flyer attached).
- Deland - using Recycle Coach app to help educate their residents, no proposed changes in recycling program at this time.
- Volusia County - no changes to recycling program; are running a "Back to Basics" education campaign with the slogan "When in Doubt - Throw It Out" and sending out flyers with magnets (draft copy of magnet attached).

Ms. Miller reported that several Cities participated in a meeting with Volusia County to discuss shared messaging and educational campaigns - difficult to have the same campaign in the County and all the Cities due to differences in how recyclables were collected and processed in the different entities.

She then reported that there had been discussions among Waste Pro and City staff regarding the possibility of eliminating glass from the recycling stream due to the weight and the limited availability of resources to recycle glass. Eliminating glass would change the per tonnage recycling rate from \$77.50 to \$34.00 per ton for the glass to go through regular garbage collection. The average amount of glass recycled per month over the last six (6) months was 56.70 tons. If glass was eliminated from the recycling stream and everyone stopped placing glass in their recycling bins and instead placed the glass in with their regular trash, the average monthly savings would be \$2,466 (difference between the \$77.50 vs. \$34.00 per ton processing fee).

Ms. Miller then reported that City staff was working with Waste Pro to provide additional educational materials to our residents via special events/meetings throughout the City, through changes to the City's webpage and was considering the addition of software called Recycle Coach which was customizable software that helped residents identify what was allowable to recycle. The software would allow residents to type in their address and obtain their collection days, the City would be able to post messages through this outlet as well to address holiday schedules, recycling tips, hazardous waste drop-offs, hurricane debris information and other applicable solid waste & recycling information throughout the year.

Commissioner McGuirk questioned why glass was not removed from recycling, and felt the public should be notified of things not being recycled. If glass had no purpose in recycling, then maybe the City should stop charging for recycling glass. He did not want to charge people to recycle glass if glass was not being recycled. Vice Mayor Hartman supported Commissioner McGuirk to not charge citizen to recycle glass if glass was not being recycled.

Commissioner Kolody supported checking the progress of the program in another 6 months, specifically on the recycling of glass. He also felt that monitoring of the program should be increased.

Commissioner Sachs questioned what percentage of glass was being recycled. Ms. Miller did not know, but did not feel that glass was currently being recycled.

Mayor commented on mixing of messages and felt if Cities worked together on messaging it would be more productive to get the message out to the public. He supported waiting 6 months to allow staff time to work together with sister cities up and down the coast.

Commissioner McGuirk wanted staff to get information regarding the amount of glass that was being recycled. Mayor wanted to ensure staff communicated with sister cities.

B. Commission Policy Direction on Deaf Child Signs

City Attorney Avallone outlined staff's recommendation that the City Commission decide whether or not to allow "Deaf Child" signs and if allowed, to consider approval of the use of recommended documentation for all sign requests.

Mayor Owen felt it was excellent work by staff. Commissioner Sachs fully supported staff's recommendation to install "Deaf Child" signs.

Commissioner Kolody was concerned that such signage would give a false sense of security to the residents. Mayor Owen had concerns as well.

Vice Mayor Hartman supported the action, only if the recommended documentation were made part of the process.

Motion:

Commissioner Sachs moved to approve allowing "Deaf Child" signage. The motion died due to the lack of a second.

Commissioner Sachs commented on the positive aspects of the action.

C. Discussion of revised draft action plan

Assistant City Manager Resheidat outlined staff's request for discussion and direction regarding the revised draft action plan, of which staff had incorporated all past City Commission amendments and comments.

Commissioner Kolody felt the action plan was greatly improved. He commented on Item D6 - Turnbull Creek, and felt the committee should be extended. He felt that the Volusia County Flood Plan was something the City needed. He commented on Item F - Utilities Commission: he felt that the City should coordinate with the Utilities Commission on grant opportunities.

Vice Mayor Hartman commented on Item A11: East/West connectors south of S.R. 44, he felt the City should begin the RFP process and not wait on the results of the 1/2 cent sales tax vote. Assistant City Manager Resheidat felt the City could support that initiative, but was concerned with funding.

Commissioner McGuirk wanted to avoid getting local initiatives mixed in with 1/2 cent sales tax matters and priorities. He commented on how East/West connectors south of S.R. 44 were included in many past strategic plan discussions. Vice Mayor Hartman agreed and felt the City should be further along on the issue than where it was. Commissioner Kolody commented on how he felt capital improvements were not being budgeted, and supported being prepared regardless of 1/2 cent sales tax approval or not. Mayor Owen commented on items being on strategic plans for many years, and felt a plan should be made, then funding pursued. He commented on potential discussions for the upcoming workshop in May, 2019.

Motion:

Commissioner Kolody moved to approve the updated draft action plan, as amended to add to Item F, coordinate with the Utilities Commission on grant opportunities. Commissioner McGuirk seconded the motion and it carried by 4-1 majority vote with Vice Mayor Hartman voting no.

Mayor Owen wanted routine updates on the plan.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 16-19: Conduct the Second Reading of an Ordinance, which if adopted, would approve an amendment to the FY 18-19 Budget.

City Attorney Avallone read Ordinance No. 16-19, the second time by title only.

Finance Director John McKinney outlined the proposed ordinance, which if adopted, would approve an amendment to the FY 18-19 adopted Budget.

Mayor Owen opened the public hearing.

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

Motion:

Vice Mayor Hartman moved to adopt Ordinance No. 16-19, as submitted. Commissioner McGuirk seconded the motion and it carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Randy Hartman, Commissioner
SECONDER:	Jason McGuirk, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

- B. Ordinance No. 21-19: Conduct a Public Hearing of and Ordinance, which if adopted, would amend the City of New Smyrna Beach Comprehensive Plan - Element I, Introduction and Element XI, Intergovernmental Coordination

City Attorney Avallone read Ordinance No. 21-19, the second time by title only.

Development Services and Coastal Environment Resiliency Director Brian Fields outlined the proposed ordinance, which if adopted, would amend the City of New Smyrna Beach Comprehensive Plan - Element I, Introduction and Element XI, Intergovernmental Coordination. Mr. Fields then outlined staff's request that the City Commission conduct a transmittal hearing regarding whether the proposed ordinance should be transmitted to reviewing agencies.

Mayor Owen opened the public hearing.

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

Motion:

Commissioner McGuirk moved to approve on first reading and transmit to reviewing agencies, Ordinance No. 21-19, as submitted. Vice Mayor Hartman seconded the motion and it carried unanimously.

RESULT:	APPROVED AT FIRST READING [UNANIMOUS]
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Randy Hartman, Commissioner
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen

C. Ordinance No. 22-19: Conduct the Second Reading and Second and Final of Two required Public Hearings of an Ordinance, which if adopted, would amend the Land Development Regulation I-1 Light Industrial Zoning District by adding Assembly with requirements as a Special Exception Use.

City Attorney Avallone read Ordinance No. 22-19, the first time by title only. She reported that the City Commission would conduct the first of two required public hearings.

Development Services and Coastal Environment Resiliency Director Brian Fields outlined the proposed ordinance, which if adopted, would amend the City of New Smyrna Beach the Land Development Regulation I-1 Light Industrial Zoning District by adding Assembly with requirements as a Special Exception Use.

Commissioner Kolody questioned the maximum number of people that could be assembled and commented on parking requirements. Mr. Fields clarified a maximum 500 people. Commissioner McGuirk clarified that special exception applications would be required for each property.

Mayor Owen opened the public hearing

Randy McHenry, the applicant, commented on research done regarding a maximum of 750 as a cap.

Commissioner Kolody disclosed meeting with the applicant and clarified reason for his past question.

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

Motion:

Commissioner McGuirk moved to approve Ordinance No. 22-19 on first reading and first of two required public hearings. Vice Mayor Hartman seconded the motion.

Commissioner Kolody offered an amendment to the motion, to strike proposed language regarding a maximum occupancy of 750. Commissioner McGuirk accepted the amendment and amended his motion. Vice Mayor Hartman's second stood and the motion carried by 4-1 majority vote, with Commissioner Sachs voting no. Mayor Owen announced that the second reading and second and final of two required public hearings will be held at the regular meeting on May 14, 2019.

RESULT:	APPROVED AT FIRST READING [4 TO 1] Next: 5/14/2019 6:30 PM
MOVER:	Jason McGuirk, Commissioner
SECONDER:	Randy Hartman, Commissioner
AYES:	McGuirk, Hartman, Kolody, Owen
NAYS:	Sachs

D. FY 17-18 CDBG Funding Pettis Park Tennis/Pickle Ball Court Project

Mayor Owen outlined that the City Commission would conduct a quasi-judicial public hearing to consider a Grievance of CDBG Funding 2018-2019 Pettis Park Tennis/Pickle Ball Court Project.

City Attorney Avallone administered the oath to Jeffrey Dove. Mr. Dove commented on loving to live in New Smyrna Beach. He commented on being a partner with the City. He commented on CDBG past meeting discusses regarding resurfacing at Pettis Park and not Pickleball. He questioned when the public would have a chance for input. He commented on staff recommendations. He offered suggestions to have someone teach pickleball and provide paddles and balls. He wanted to be leaders to the community and wanted CDBG meetings noticed to citizens on the westside. He asked the City to work with the leaders on the westside.

Mr. Dove felt it would be appropriate to send emails of upcoming CDBG meetings to westside leaders and citizens.

Mayor Owen commented on how he felt communications had improved.

Community Resource Coordinator Donna Banks was administered the oath and outlined the actions leading to pickleball court.

Commissioner Sachs questioned the use of courts at the park. Ms. Banks clarified budgetary priorities practiced in the selection process.

Commissioner McGuirk appreciated everything that had been done. He clarified there was a board and it did make a decision.

Mayor Owen opened public hearing.

Christina Marsh, Buck Lane, felt Donna Banks was defending herself, but she didn't know what happened as she did not attend the meeting.

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

Mr. Dove quoted from HUD regulations and felt City Manager action was not in keeping with HUD guidelines. He questioned whether the CDBG Advisory Board was aware of the installation of pickleball courts prior to their meeting.

Ms. Banks commented on alternatives to pickleball courts.

Mayor Owen stated that members of the New Smyrna Beach Pickleball Club was willing to teach pickleball.

Motion:

Commissioner Kolody moved to resolve Mr. Dove's grievance by agreeing to provide the following three items:

1. Providing for instructors to teach pickleball to those citizens who do not know how to play the game.
2. Providing enough pickleball equipment to support residents and children of the westside community to play the game. Equipment would be secured at the Black Heritage Museum.
3. The City will improve notification of upcoming meetings of the Community Development Block Grant Advisory Board.

Vice Mayor Hartman seconded the motion. Mr. Dove confirmed that the three actions outlined above would serve to resolve his grievance.

The motion carried unanimously.

Commissioner Kolody commented on having a feeling of surprise regarding City projects. He also felt staff was doing better.

Vice Mayor Hartman reported that he had purchased pickleball paddles and balls, and placed them at the Boys and Girls Club. He also felt that communications had to improve.

9. ORDINANCES - FIRST READING

- A. Ordinance 19-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend Land Development Regulation Sections 201, General Definitions, 206.00 Wetland Protection, 504.00 General Regulations, 504.01 General Regulations, 701.00 Sites Containing Wetlands, and 701.04 Application Submittal.

City Attorney Avallone read Ordinance No. 19-19, the first time by title only. An ordinance, which if adopted, would amend Land Development Regulation Sections 201, General Definitions, 206.00 Wetland Protection, 504.00 General Regulations, 504.01 General Regulations, 701.00 Sites Containing Wetlands, and 701.04 Application Submittal.

The second reading and public hearing of the proposed ordinance would be held at the regular meeting on May 14, 2019.

Commissioner Kolody commented on the word "preliminary", and wanted an explanation. Development Services and Coastal Environment Director Brian Fields clarified the use of the term "preliminary", and highlighted that a "preliminary plat" only would be vested regarding the amendment under consideration.

City Attorney Avallone reported that the Planning and Zoning Board had recommended excluding flood plain lands. Mayor Owen supported leaving flood plain, but had concerns with the term "preliminary". Commissioner Sachs was also concerned with the term "preliminary".

Commissioner McGuirk was concerned with citizens who lived in a flood plain, and density. Vice Mayor Hartman felt the City needed to be more consistent, and had a problem with the 100 year flood plain, as he needed more information.

RESULT:	CONTINUED [UNANIMOUS]	Next: 5/14/2019 6:30 PM
AYES:	McGuirk, Sachs, Hartman, Kolody, Owen	

- B. Ordinance No. 20-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would provide for Amending Section 4.07, Supplemental Benefit Component for the Police Pension Plan.

City Attorney Avallone read Ordinance No. 20-19, the first time by title only. An ordinance, which if adopted, would provide for Amending Section 4.07, Supplemental Benefit Component for the Police Pension Plan.

Mayor Owen reported that the second reading and public hearing of the proposed ordinance would be held at the regular meeting on May 14, 2019.

RESULT:	CONTINUED NO VOTE TAKEN	Next: 5/14/2019 6:30 PM
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10. BOARDS AND COMMISSIONS

- A. Planning and Zoning Board: Accept the resignation of member Jamie Calkins and appointment a member to complete his term that expires October 31, 2021.

Mayor Owen felt he did not have enough time to review candidate applications for appointment to the Planning and Zoning Board. He requested the City Commission continue the item to the regular meeting on May 14, 2019. By consensus, the City Commission continued the Planning and Zoning Board appointment consideration to the regular meeting on May 14, 2019.

RESULT:	CONTINUED NO VOTE TAKEN	Next: 5/14/2019 6:30 PM
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- B. Utilities Commission - Accept the voluntary resignation of member Bernadette Britz-Parker and consider appointing a citizen to complete her term that expires September 7, 2019.

Mayor Owen outlined staff's recommendation that the City Commission accept the voluntary resignation of member Bernadette Britz-Parker as a member of the Utilities Commission and consider appointing a citizen to complete her term that expires September 7, 2019.

Motion:

Vice Mayor Hartman moved to accept the resignation of Bernadette Britz-Parker as a member of the Utilities Commission. Commissioner McGuirk seconded the motion and it carried unanimously.

Mayor Owen highlighted that volunteer applications had been received from the below listed citizens who had displayed the willingness and desire to serve as members of the Utilities Commission:

Walter Allen, 3 Lynn Court

Mary Jacobs, 51 Riverwalk #704 (current member of the Leisure Activities Advisory Board)

Larry Wayne Wilton, 1400 North Peninsula Avenue

Valli Perrine, 216 Murray Street (current member of the Economic Development Advisory Board)

Andrew Bossard, 650 Mt. Olympus Boulevard

Lisa Martin, 618 S. Pine Street (current member of the Neighborhood Council)

Donald Kitner, 5 Riverwalk Drive Unit 604

Lillian Conrad, 2700 N. Peninsula Avenue, Unit 416 (current member of the Economic Development Advisory Board)

Mayor Owen opened the floor for nominations from members of the City Commission.

Commissioner Sachs nominated Walter Allen for appointment.

Commissioner McGuirk nominated Lillian Conrad for appointment.

Vice Mayor Hartman nominated Valli Perrine for appointment.

Commissioner Kolody nominated Larry Wilton for appointment.

Ballots were distributed to the City Commission for voting consideration. The result of the voting was as follows:

Commissioner Kolody voted for Larry Wilton
Commissioner Sachs voted for Walter Allen
Commissioner McGuirk voted for Lillian Conrad
Vice Mayor Hartman voted for Valli Perrine
Mayor Owen voted for Lillian Conrad

As no nominee received a minimum of three votes, a second ballot was distributed to the City Commission for voting consideration. The result of the voting was as follows:

Commissioner Kolody voted for Lillian Conrad
Commissioner Sachs voted for Walter Allen
Commissioner McGuirk voted for Lillian Conrad
Vice Mayor Hartman voted for Valli Perrine
Mayor Owen voted for Lillian Conrad

With three votes, Lillian Conrad was declared appointed to fill the seat vacated by Bernadette Britz-Parker, with a term to expire September 7, 2019.

C. Turnbull Creek Land Preservation Committee Discussion

Turnbull Creek Land Preservation Committee Discussion

Development Services and Coastal Environment Resiliency Director Brian Fields outlined committee questions to the City Commission, and felt that it would be helpful, if the City Commission could clarify:

1. If the Turnbull Creek Committee format meeting the intent of the City Commission?
2. If so, is the City Commission OK with the below items for the 5/13/19 Turnbull Creek Committee agenda?

The upcoming May 13th agenda would include a draft scope for an environmental review of the Swamp Stomp properties (Creek area, south of Paige). Drafts for the Turnbull Creek Committee to review, of a possible Easement Program for developed single-family properties along the creek, which might involve Life Estates, or First right of refusal when a property is being sold. City staff stated that a past city model of Islesboro purchases (in that case, repetitive flooded homes), could be used as a basic outline with letters going to all property owners along the creek.

3. Is the City Commission OK with a Joint Meeting in June with the Turnbull Creek Committee?

The June 10th meeting would be to recap the Turnbull Creek Committee actions.

Then at a later date, the City Commission would determine if the City staff would start grant preparation for 2020 funds for land acquisition. State and County Grants are due in September and November 2019; any grant preparation occurs, only if authorized by the Commission. The Commission also in August would provide policy direction on the \$3.6M FCT Grant as well as looking at financial models for the overall program.

Commissioner Kolody commented on the intent of the committee as the first written purpose of the committee was to listen to information and disseminate information to the public. Commissioner Kolody commented on past actions where staff appeared to be wanting the committee. He wanted the Public Information Officer to work with the committee to formulate a press release after meetings.

He wanted the committee to meet requirements and continue for the next two months with an assigned timetable, then the City Commission can consider reformulating the committee.

Commissioner Sachs wanted total freedom to express total candor in a joint meeting, and to tell the City Commission what they felt about and he felt the committee would not sunset until the work was complete.

Mayor Owen clarified that the City Commission defined the work product of the committee.

Commissioner McGuirk commented on past discussions to create an advisory board. Vice Mayor Hartman commented on the purpose of the committee and liked where they had gone. He supported a joint meeting. Commissioner Kolody clarified his concerns.

Mayor Owen felt it was a good intent to form the committee. Commissioner McGuirk restated the original intent of forming the committee.

Mayor Owen wanted to avoid creating another Planning and Zoning type board and felt the committee should communicate. Commissioner Kolody felt the City Commission should stay the course with the committee.

Mayor Owen confirmed staff direction that the committee will continue to meet as scheduled, and a joint meeting will be held June 10th.

11.MAYOR AND COMMISSION REPORTS

Vice Mayor Hartman reported on driving on beachside over the weekend. He stated that the 27th Avenue area was really under construction, but he noticed that there was ample parking available. He commented on how Volusia County should work better to clear the roadways and outlined how there were traffic jams caused by what he felt was a lack of attention to move vehicle onto and off of the beach at the ramps operated by Volusia County. Vice Mayor Hartman announced that April 24, 2019 was Administrative Professionals Day.

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Commissioner McGuirk wished all citizens a happy Easter.

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Commissioner Sachs commented on the need for emergency traffic signals for fire stations located on S.R. 44. He wanted to see letters from TPO regarding the matter. Commissioner Sachs commented on the need for traffic calming devices on Magnolia Street. He stated that residents were getting anxious and desperate, and restated his request for enhanced sidewalks for 3rd Street.

Commissioner Sachs reported on his attendance at the recent Lagoonacy event. He then thanked staff for its efforts during the recent adopt a park picnic. Commissioner Sachs then questioned whether there had been any action regarding Reed Patillo Elementary School and the Volusia County School Board 6th Street Traffic problems. He commented on how he wanted to work with bridge players. Leisure Services Director Nancy Maddox commented at alternative places to play bridge within the City.

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Commissioner Kolody reported on Fire Pension Board activities. He reported that Flagler Avenue was overwhelmed with parking needs. He also commented on beach access and related other traffic issues on the beachside. Commissioner Kolody directed staff to prepare an agenda item for discussion at the May 14, 2019 regular meeting regarding the need for an additional parking ambassador to work during big events and high traffic days.

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Mayor Owen reported that he attended great events and acknowledged a young person who led a group of people through a City-wide park cleanup project. Mayor Owen led a discussion regarding the Beacon Apartments construction site and the need for construction screens. Mayor Owen commented on his desire to have City Boards and Commissions be more involved in the decision making process by providing the City Commission with suggestion on different issues under consideration.

12.CITY MANAGER'S REPORT

A. City Manager's Report

The City Commission acknowledged receipt of the City Manager's Report.

13.CITY CLERK'S REPORT

City Clerk Johnny Bledsoe reported that City staff was making progress in its efforts to begin remediation of Non-ADA compliant documents found on the City website. He reported that initial steps had included the publishing of modified agenda packets to the City website while taking steps to provide elected officials, City staff and citizens with electronic access to complete agenda packets.

Mr. Bledsoe reported that recently, 8 City staff members had attended training to familiarize themselves with alternatives available to format documents to bring them into compliance and to remediate past archived documents. He reported that as to a timeline, a more planned schedule should be available prior to the next meeting scheduled for May 14, 2019.

14.CITY ATTORNEY'S REPORT

The City Attorney had no report.

15.ADJOURNMENT

With no other business to address, Mayor Owen declared the meeting adjourned at 9:47 p.m.