



City Commission Regular Meeting

Tuesday, May 28, 2019

“Minutes”

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

1. OPENING OF MEETING

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 28, 2019 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor Russ Owen called the meeting to order at 6:32 PM.

ROLL CALL:

City Clerk Johnny Bledsoe conducted the roll call as follows:

Mayor Russ Owen	Present
Vice Mayor Randy Hartman	Present
Commissioner Mike Kolody	Present
Commissioner Jake Sachs	Present
Commissioner Jason McGuirk	Present

Also present were Interim City Manager Khalid Resheidat, City Attorney Carrie Avallone, Police Chief Mike Coffin, Fire Chief Shawn Vandemark, CRA/Economic Development Director Tony Otte, Director of Development Services and Coastal Environmental Resiliency Brian Fields, Leisure Services Director Nancy Maddox, Finance Director John McKinney, Maintenance Operations Director Faith Miller, Planning Director Amye King, Community Resource Coordinator Donna Banks, Assistant to the City Manager and Public Information Officer Phil Veski and City Clerk Johnny Bledsoe.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Police Department Chaplain Pete Carter was present and gave the invocation. Mayor Owen then led those present in the Pledge of Allegiance then commented on how he felt the Pledge of Allegiance had added meaning on that day.

3. APPROVAL OF THE AGENDA

Interim City Manager Resheidat reported one change. The moving of Ordinance No. 24-19 from Ordinances First Reading, Item 9A to Public Hearings, Item 8D.

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

- A. Update Presentation by Volusia County Council Representative Deb Denys.

Volusia County Council District 3 Representative Deb Denys was present and updated the City Commission on activities of the County Council. She complimented New Smyrna Beach on its Memorial Day Ceremony conducted at the Brannon Center, and commented on the Smyrna Dunes Park Pier Ribbon Cutting, that took place one year ago, and reported on recent improvements being undertaken. Council Member Denys thanked Commissioner Kolody for his creating a great working relationship, and reported that the upcoming week would bring an unofficial event called the Jeep Beach Flash Mob, which will involve approximately 450 to 600 Jeep vehicles ascending on New Smyrna Beach. Council Member Denys then reported that 4 of the top 5 beach ramps in Volusia County were located in New Smyrna Beach, and urged the public to attend the upcoming meeting of the Volusia County Council, as one of the agenda items under consideration would be the 16th Street walkover and the ongoing erosion problem.

Council Member Denys introduced Jessica Winterwerp, Volusia County Coastal Division Director, who updated the City Commission on upcoming traffic strategies for S.R. 44 during the summer months. She then outlined activities planned and ongoing regarding beach pass sales activities. Ms. Winterwerp then highlighted beach traffic and trash statistics related to New Smyrna Beach.

- B. A presentation will be given by a representative of Carr, Riggs and Ingram, the City's Independent Audit Firm, designed to outline the Auditor's Report for the Fiscal Year ending September 30, 2018.

Yvonne Claborne, Partner with the City auditing firm, Carr, Riggs and Ingram, gave the Auditor's Report for the fiscal year ending September 30, 2018, and highlighted comments and recommendations from the report, which included moving the golf course from an enterprise fund to being part of the general fund.

5. PUBLIC PARTICIPATION

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

Mayor Owen acknowledged Ant Farm Media and thanked their representatives for their support during the City's implementation of video streaming of City Commission meetings.

Sally Gillespie, 610 North Peninsula Avenue, represented the New Smyrna Beach Residents Coalition, requested more public outreach for participation and more closely involve the community. Ms. Gillespie outlined suggestions to be considered for addition to the proposed ordinance regarding the Economic Development Element of the City Comprehensive Plan. She felt the City should consider hiring professionals to assist staff.

6. CONSENT AGENDA

- A. Approve the minutes of a special meeting on April 2, 2019 at 4p.m.

Motion:

Commissioner Sachs moved to approve the minutes of a special meeting on April 2, 2019 at 4p.m. Commissioner McGuirk seconded the motion and it carried unanimously.

- B. Adopt Resolution No. 17-19: Authorizing the Execution of a Railroad Reimbursement Agreement for the installation of grade crossing traffic control devices, and providing for future maintenance and adjustment of said devices at the Fairgreen Avenue railroad crossing by the City.

Motion:

Commissioner Sachs moved to adopt Resolution No. 17-19, authorizing the execution of a Railroad Reimbursement Agreement for the installation of grade crossing traffic control devices, and providing for future maintenance and adjustment of said devices at the Fairgreen Avenue railroad crossing by the City. Commissioner McGuirk seconded the motion and it carried unanimously.

- C. Approve an Acquisition of No Cost, Off-Road Capable Wildland Firefighting Vehicle from Florida Forest Service through Cooperative Equipment Lease.

Motion:

Commissioner Sachs moved to approve the Acquisition of No Cost, Off-Road Capable Wildland Firefighting Vehicle from Florida Forest Service through Cooperative Equipment Lease. Commissioner McGuirk seconded the motion and it carried unanimously.

- D. Approve a Road closure request for utility work associated with the Chisholm Elementary Reconstruction

Motion:

Commissioner Sachs moved to approve a Road Closure request for utility work associated with the Chisholm Elementary Reconstruction. Commissioner McGuirk seconded the motion and it carried unanimously.

- E. Approve Street Striping of Riverside Drive, from Washington Street to Smith Street and 6th Street to 10th Street. Also Colony Park Road from S.R. 44 to the northern most entrance into Home Depot. The total cost would be \$45,118.50.

Motion:

Commissioner Sachs moved to approve Street Striping of Riverside Drive, from Washington Street to Smith Street and 6th Street to 10th Street. Also Colony Park Road from S.R. 44 to the northern most entrance into Home Depot, for a total cost of \$45,118.50. Commissioner McGuirk seconded the motion and it carried unanimously.

- F. Approve the award of bid No. RFP 08-19-LEI 4th of July Fireworks Display - Award 1-year contract for \$52,000, with 2 possible 1-year renewals of \$52,000 each to Kynex, Inc.

Motion:

Commissioner Sachs moved to approve the award of bid No. RFP 08-19-LEI 4th of July Fireworks Display - Award 1-year contract for \$52,000, with 2 possible 1-year renewals of \$52,000 each to Kynex, Inc. Commissioner McGuirk seconded the motion and it carried unanimously.

- G. Approve entering into a CARE Transport Agreement: Adopt the Municipal Transport Agreement between Volusia County and the City of New Smyrna Beach. Previous transport agreements between Volusia County and the City of New Smyrna Beach will be severed as a result of adoption.

Mayor Owen outlined staff's recommendation that the City Commission approve entering into a CARE Transport Agreement: Adopt the Municipal Transport Agreement between Volusia County and the City of New Smyrna Beach. Previous transport agreements between Volusia County and the City of New Smyrna Beach will be severed as a result of adoption.

This item was considered separately at the request of Commissioner Kolody.

Commissioner Kolody questioned if approval would affect expanded services in the future. Fire Chief VanDemark clarified that future services would not be affected.

Street Name	From/To	Commission Zone
Tanglewood Avenue	Faulkner Street to NE End	3
Landis Street	Turnbull to N. Dixie Highway (US 1)	3
Faulkner Street	Wayne Avenue to Charlotte Avenue	3
8th Street	Palmetto Street to Riverside Drive	2
Matthews Avenue	Saxon Drive to South Atlantic Avenue	2
North Atlantic Avenue	Sapphire Road to Lakewood Street	1
29th Avenue	South Atlantic Avenue to Hill Street	2
7th Avenue	South Atlantic Avenue to Hill Street	2
Phyllis Avenue	SW End to Claudia Street	1
Charlotte Avenue	Faulkner Street to NE End	3
Mary Avenue	N. Dixie Freeway to N. Riverside Drive	2
Palmetto Street	10th Street to North End	2

Motion:

Commissioner Kolody moved to approve entering into a CARE Transport Agreement: Adopt the Municipal Transport Agreement between Volusia County and the City of New Smyrna Beach. Commissioner Sachs seconded the motion and it carried by 4 - 1 majority vote, with Vice Mayor Hartman voting no.

H. Approve the proposed Road Resurfacing Schedule for FY 18/19

Motion:

Commissioner Sachs moved to approve the issuance of a purchase order to P&S Paving for the 12 identified road segments for resurfacing and re-striping in an amount not to exceed \$234,888. Commissioner McGuirk seconded the motion and it carried unanimously.

I. Approve the development of a second Disc Golf course in partnership with NSB Disc Golf, Inc. on City-owned property located adjacent to the rear of Turnbull Street Park and the Skatepark.

Mayor Owen outlined staff's recommendation that the City Commission approve the development of a second Disc Golf course in partnership with NSB Disc Golf, Inc. on City-owned property located adjacent to the rear of Turnbull Street Park and the Skatepark.

This item was considered separately at the request of Commissioner Kolody.

Commissioner Kolody questioned whether a second Disc Golf course was necessary. Maintenance Operations Director Faith Miller commented on current popularity of the sport and the partnership that has been developed.

Mayor Owen supported the idea of a second Disc Golf course. Commissioner Sachs felt Disc Golf was an asset to the City, as well as a growing. He commented on how the number dedicated basketball courts in the City had decreased.

Motion:

Commissioner Sachs moved to approve the development of a second Disc Golf course in partnership with NSB Disc Golf, Inc. on City-owned property located adjacent to the rear of Turnbull Street Park and the Skatepark. Commissioner McGuirk seconded the motion and it carried by 4 - 1 majority vote, with Commissioner Kolody voting no.

- J. Adopt Resolution No. 18-19 - Fund Balance Policy: A resolution, which if adopted, would approve the Fund Balance Policy for the City of New Smyrna Beach.

Motion:

Commissioner Sachs moved to adopt Resolution No. 18-19 - Fund Balance Policy: Approving the Fund Balance Policy for the City of New Smyrna Beach. Commissioner McGuirk seconded the motion and it carried unanimously.

- K. Adopt Resolution No. 19-19 approving the Investment Policy for the City of New Smyrna Beach.

Mayor Owen outlined staff's recommendation that the City Commission adopt Resolution No. 19-19, approving the Investment Policy for the City of New Smyrna Beach.

Mayor Owen had requested that this item be considered separately. He felt that a shared responsibility for investments should be added to the proposed resolution with amended language. Finance Director John McKinney outlined potential amended language that would add a representative of the City Commission to the City Manager and Finance Director in order to form a committee.

Commissioner McGuirk questioned whether such an action would create liabilities and possible additional insurance requirements. Mayor Owen suggested that other language, such as a Good Samaritan Clause. Commissioner Kolody supported a committee made up of the City Manager, Finance Director, City Commission representative and a citizen.

Motion:

Commissioner Kolody moved to adopt Resolution No. 19-19, as amended to add language creating a committee made up of the City Manager, Finance Director, City Commission representative and a citizen. Vice Mayor Hartman seconded the motion and it carried unanimously.

- L. Adopt Resolution No. 16-19, which if adopted, would revise Resolution No. 27-10, which established the Community Development Block Grant Advisory Board, to provide for members to continue serving until replaced or re-appointed.

Mayor Owen outlined staff's recommendation that the City Commission adopt Resolution No. 16-19, which if adopted, would revise Resolution No. 27-10, which established the Community Development Block Grant Advisory Board, to provide for members to continue serving until replaced or re-appointed.

Mayor Owen had requested that this item be considered separately. He felt that all boards and commissions of the City should have the same stipulation.

Motion:

Commissioner Kolody moved to adopt Resolution No. 16-19. Vice Mayor Hartman seconded the motion and it carried unanimously.

- M. Approve a Special Event: Trader's Bike and Bar and approval to have a beer garden on June 22, 2019 from 2 p.m. until 10 p.m.

Mayor Owen outlined staff's recommendation that the City Commission approve the special event, Trader's Bike and Bar and approval to have a beer garden on June 22, 2019 from 2 p.m. until 10 p.m. Commissioner Sachs had requested that this item be considered separately.

Commissioner Sachs opposed supporting the event and commented on the negative affect such activity would have on public safety.

Motion:

Commissioner McGuirk moved to approve the special event, Trader's Bike and Bar and approval to have a beer garden on June 22, 2019 from 2 p.m. until 10 p.m. Commissioner Kolody seconded the motion and it carried by 4 - 1 majority vote, with Commissioner Sachs voting no.

- N. Approve a Special Event: July 4th- Fireworks and Food trucks from 4 p.m. until 9:45 p.m. and street closures, on Riverside Drive from Canal Street to Lytle Avenue, with set-up beginning at 1 p.m. and tear down ending at 10:30 p.m.

Motion:

Commissioner Sachs moved to approve the special event, July 4th- Fireworks and Food trucks from 4 p.m. until 9:45 p.m. and street closures, on Riverside Drive from Canal Street to Lytle Avenue, with set-up beginning at 1 p.m. and tear down ending at 10:30 p.m. Commissioner McGuirk seconded the motion and it carried unanimously.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Consider approval of the purchase of property at 572 Washington Street (Affordable Housing) at a cost of \$95,000.

CRA/Economic Development Director Tony Otte outlined staff's recommendation that the City Commission consider approval of the purchase of property at 572 Washington Street (Affordable Housing) at a cost of \$95,000.

Vice Mayor Hartman questioned whether the City could utilize the existing structure on the property, prior to its planned demolition. Mr. Otte reported that upon visiting of site and going inside of the structure, staff felt the structure was not safe for any activity and the structure could not be utilized for anything.

Commissioner McGuirk questioned the recommended purchase price of \$95,000, and felt it was too high. Mayor Owen agreed and questioned the appraised value of the property.

Community Resource Coordinator Donna Banks commented on the need for the City to control the property on behalf of all the children that utilize the Alonzo "Babe" James Commented, next door. She then commented on her concerns with the existing zoning associated with the property.

Commissioner Kolody commented on his support of the expansion of affordable housing opportunities throughout the City.

Planning Director Amye King commented on permitted uses related to the existing zoning of the property, and highlighted regulations and processes necessary to conduct certain activities.

Motion:

Commissioner McGuirk moved to table consideration of this item to a future meeting. Commissioner Kolody seconded the motion and it carried unanimously.

B. Consider three (3) Request for Code Enforcement Lien Amnesty Requests - 2301 Saxon Drive - Jeffrey L. Hartdorn; 217 Sandy Lane - Abhishek Shah; and 801 Mary Avenue - Kanike Properties

Police Chief Coffin outlined staff's recommendation that the City Commission consider the Request for Code Enforcement Lien Amnesty for property at 2301 Saxon Drive, as submitted by Jeffrey L. Hartdorn, and in the amount of \$13,076.28.

Commissioner McGuirk clarified that the recent purchase of the property was accomplished after the accrual of the lien amounts.

Attorney Kenneth Bohannon, represented the applicant, Mr. Hartdorn, clarified the current just value of the property and confirmed that the current owner was not aware of any existing liens on the property, when the property was purchased as a tax deed sale. Mr. Bohannon highlighted the amount of lien the City had already been paid, and presented a copy of the payment of proceeds to City.

Chief Coffin reported that there were no evidence in the case file of any payments being made to the City.

Commissioner McGuirk supported a reduction in the lien amount. Commissioner Kolody did not support a reduction of the lien amount.

Motion:

Commissioner McGuirk moved to reduce the amount of the lien by \$1,000. The motion died due to the lack of a second.

Motion:

Commissioner Kolody moved to approve the request for lien amnesty. Vice Mayor Hartman seconded the motion and by a vote of 1 - 4, the motion was denied, with Mayor Owen, Vice Mayor Hartman, Commissioner Kolody and Commissioner Sachs each voting no.

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Police Chief Coffin outlined staff's recommendation that the City Commission consider the Request for Code Enforcement Lien Amnesty for property at 217 Sandy Lane, as submitted by Abhishek Shah, and in the amount of \$37,910.38.

Abhishek Shah, the property owner, stated that he had no knowledge of there being a lien on the property when it was purchased.

Motion:

Vice Mayor Hartman moved to approve the request for lien amnesty. Commissioner Kolody seconded the motion and by a vote of 0 - 5, the motion was denied.

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Mayor Owen confirmed that the Request for Code Enforcement Lien Amnesty for property at 801 Mary Avenue, as submitted by Kanike Properties, and in the amount of \$6,883.23, would be continued and considered at the next regular meeting to be held June 11, 2019.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 15-19: Conduct the second reading and public hearing of an ordinance, which if adopted, would amend Chapter 58, "Parks and Recreation" to provide for updated locations, hours, and standard signage.

City Attorney Avallone read Ordinance No. 15-19, the second time by title only.

Maintenance Operations Director Faith Miller outlined the proposed ordinance, which if adopted, would amend Chapter 58, "Parks and Recreation" to provide for updated locations, hours, and standard signage.

Commissioner Sachs commented on when Indian River Lagoon Park opened and requested it be opened sooner than 9 a.m. Ms. Miller reported that volunteers from the Marine Discovery Center opened those gates on a daily basis. Commissioner Sachs commented on his concerns with the safety of those volunteers and felt City employees should to opening and closing gates.

Motion:

Vice Mayor Hartman moved to continue consideration of Ordinance No. 15-19 to the next regular meeting on June 11, 2019. Commissioner Sachs seconded the motion and it carried unanimously.

Mayor Owen commented on opening and closing hours associated with different parks within the City. Commissioner Kolody felt more flexibility should be in the ordinance. After discussion, the City Commission agreed that the authority for setting opening and closing hours should be deferred to staff.

- B. Conduct a quasi-judicial public hearing of Application No. CCSL-2-19: an application for a dune walk over constructed east of the City Coastal Construction Setback Line for property located at 4061 Hill Street.

As it was a public hearing of a quasi-judicial manner, City Attorney Avallone administered the oath to Director of Development Services and Coastal Environment Resiliency Brian Fields. Mr. Fields then outlined his professional and educational qualifications. As no person questioned his credentials, Mr. Fields was determined to be an expert in land development.

Mr. Fields then outlined Application No. CCSL-2-19: an After-the-Fact application for a dune walk over constructed east of the City Coastal Construction Setback Line for property located at 4061 Hill Street.

He then reported that staff did not condone construction without permits or any required City Commission approval, but as all of the criteria in Section 703.02 (D) had been met, listed as conditions, or are not applicable, staff recommended approval.

Commissioner Kolody questioned how the applicant was able to construct a dune walk over without a City permit, and commented on how he felt other agencies were at fault by granting permits without the City granting a permit.

Mayor Owen opened the public hearing, and as no citizens wished to speak, Mayor Owen then closed the public hearing.

Motion:

Commissioner McGuirk moved to approve Application CCSL-2-19, with the following conditions:

1. The applicant provides the City Planning Department with a dune replanting plan since some dune vegetation was disturbed, and;
2. The applicant installs required information signage, signs containing information including the laws concerning the prohibition of disturbing sea turtle nests, dates indicating sea turtle nesting season and prohibition against disturbing state protected vegetation and dunes, and;
3. A building permit must be obtained within 90 days of this approval;
4. Permit fees are required to be doubled since the work was done without a City building permit.

Vice Mayor Hartman seconded the motion and it carried by 3 - 2 majority vote, with Commissioner Kolody and Commissioner Sachs voting no.

- C. Conduct a quasi-judicial public hearing of Historic Tree Removal Application No. 1-19 for property located on the north side of Canal Street, west of Hickory Street and east of Pioneer Trail, which if approved, would allow for the removal of a historic oak tree measuring 39 inches in diameter at breast height (DBH) within an undeveloped lot, in conjunction with the proposed development of a self-storage facility.

Director of Development Services and Coastal Environment Resiliency Brian Fields Historic Tree Removal Application No. 1-19 for property located on the north side of Canal Street, west of Hickory Street and east of Pioneer Trail, which if approved, would allow for the removal of a historic oak tree measuring 39 inches in diameter at breast height (DBH) within an undeveloped lot, in conjunction with the proposed development of a self-storage facility. He reported that staff had recommended denial of the application.

Commissioner Kolody questioned the amount of fill that would be required to preserve the tree. Mr. Field clarified.

Architect Jay Pendergast, represented the applicant, outlined the application and planned overall scope of the project. He introduced Arborist Ray Jarrett who was present to answer any questions regarding trees. Mayor Owen commented on trees.

Commissioner McGuirk questioned whether the project could be developed with or without the tree. Mr. Fields commented on challenges maintaining a way to get the tree alive, and clarified it was feasible to save the tree and develop the site.

Vice Mayor Hartman supported replacing the tree with younger healthier trees. Commissioner McGuirk questioned whether it would be acceptable to reduce required setbacks and buffers to help support. Mr. Pendergast described existing buffers and setbacks, and commented on challenges faced with tree roots and other obstacles.

Mr. Fields outlined variance requirements. Commissioner Kolody felt the problem should have been identified much sooner, and that the tree should not stop the development. He also felt that new trees should be planted on public property.

Mayor Owen opened the public hearing.

Gary Wilkins, 529 Prato Street, did not support decreasing of buffers along Canal Street.

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

Mr. Pendergast felt the City got more by allowing 1 tree to be removed, and getting more trees placed into the City.

Motion:

Commissioner Kolody moved to approve Application No. HTR-1-19. Commissioner McGuirk seconded the motion and it failed by a vote of 2 - 3 with Mayor Owen, Vice Mayor Hartman and Commissioner Sachs voting no.

D. Ordinance No. 24-19: Conduct the First Reading and Transmittal Public Hearing of an ordinance which, if adopted, would amend the City Comprehensive Plan's Economic Development Chapter XV.

This item was moved from Ordinances First Reading to Public Hearings due to it being a transmittal public hearing.

City Attorney Avallone read Ordinance No. 24-19, the first time by title only. The first reading and transmittal public hearing of an ordinance which, if adopted, would amend the City Comprehensive Plan's Economic Development Chapter XV.

Development Services and Coastal Environment Resiliency Director Brian Fields outlined the proposed ordinance, which if adopted, would amend the City Comprehensive Plan's Economic Development Chapter XV.

Commissioner Kolody felt the City Commission was not moving the item forward far enough. Commissioner Sachs wanted a more comprehensive, Comprehensive Plan, to include more public input.

Mayor Owen felt the proposed ordinance needed a more comprehensive review and felt an outside consultant was necessary.

Mayor Owen also wanted to see more opportunities for public input, and felt the proposed ordinance should be delayed with more time given to it.

Interim City Manager Resheidat commented on the process necessary to find an appropriate consultant to conduct such a review. Commissioner Kolody felt the Economic Development Advisory Board could provide assistance.

Commissioner McGuirk commented on obtaining an outside group to get a comprehensive look at the Comprehensive Plan, and felt a technical expert would be needed. Commissioner Sachs commented on flood plain use. Commissioner McGuirk restated that he felt a technical expert was needed.

City Commission discussion continued regarding the best way to review the Comprehensive Plan.

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

Motion:

Commissioner Sachs moved to approve the transmittal of Ordinance No. 24-19 to the reviewing agencies. Vice Mayor Hartman seconded the motion and it carried by 4 - 1 majority vote, with Commissioner Kolody voting no.

9. ORDINANCES - FIRST READING

- A. Ordinance No. 25-19: Conduct the first reading of an ordinance, which if adopted, would amend the Corridor Overlay Zone (COZ), by removing the C designation from the zoning map and addressing the width of the COZ.

City Attorney Avallone read Ordinance No. 25-19, the first time by title only. An ordinance, which if adopted, would amend the Corridor Overlay Zone (COZ), by removing the C designation from the zoning map and addressing the width of the COZ.

Mayor Owen announced that the second reading and public hearing of the proposed ordinance would be held at the regular meeting on June 11, 2019.

- B. Ordinance No. 26-19: Conduct the first reading of an ordinance, which if adopted would amend Land Development Regulation Section 604.09 by adding Special Event Parking requirements.

City Attorney Avallone read Ordinance No. 26-19, the first time by title only. An ordinance, which if adopted would amend Land Development Regulation Section 604.09 by adding Special Event Parking requirements.

Mayor Owen announced that the second reading and public hearing of the proposed ordinance would be held at the regular meeting on June 11, 2019.

- C. Ordinance No. 27-19: conduct the first reading of an ordinance, which if adopted, would annex approximately 7.9 acres of property located on Creek Shore Trail.

City Attorney Avallone read Ordinance No. 27-19, the first time by title only. An ordinance, which if adopted, would annex approximately 7.9 acres of property located on Creek Shore Trail.

Mayor Owen announced that the second reading and public hearing of the proposed ordinance would be held at the regular meeting on June 11, 2019.

- D. Ordinance No. 28-19: Conduct the first reading of an ordinance, which if adopted, would amend the Future Land Use on approximately 7.9 acres of annexed vacant property located on Creek Shore Trail.

City Attorney Avallone read Ordinance No. 28-19, the first time by title only. An ordinance, which if adopted, would amend the Future Land Use on approximately 7.9 acres of annexed vacant property located on Creek Shore Trail.

Mayor Owen announced that the second reading and public hearing of the proposed ordinance would be held at the regular meeting on June 11, 2019.

- E. Ordinance No. 30-19: Conduct the first reading of an ordinance, which if adopted, would amend Chapter 66 of the City Code by adding Section 66-112 to establish penalties for operating a Construction and Demolition Debris Removal Service without a valid franchise agreement in place.

City Attorney Avallone read Ordinance No. 30-19, the first time by title only. An ordinance, which if adopted, would amend Chapter 66 of the City Code by adding Section 66-112 to establish penalties for operating a Construction and Demolition Debris Removal Service without a valid franchise agreement in place.

Mayor Owen announced that the second reading and public hearing of the proposed ordinance would be held at the regular meeting on June 11, 2019.

Vice Mayor Hartman commented on what he felt was the need for something similar that would establish penalties for not following existing building permit policies and regulations.

- F. Ordinance No. 29-19: Conduct the first reading of an ordinance if adopted, would rezone approximately 7.9 acres of annexed property located on Creek Shore Trail.

City Attorney Avallone read Ordinance No. 29-19, the first time by title only. An ordinance which if adopted, would rezone approximately 7.9 acres of annexed property located on Creek Shore Trail.

Mayor Owen announced that the second reading and public hearing of the proposed ordinance would be held at the regular meeting on June 11, 2019.

10. BOARDS AND COMMISSIONS

- A. Airport Advisory Board: Accept the voluntary resignation of member Robert Perry; consider elevating current alternate member Janet Tinoco to active member status; and, consider the appointment of a citizen to serve as alternate member for the remainder of a term to expire September 9, 2020.

Mayor Owen outlined staff's recommendation that the City Commission accept the voluntary resignation of member Robert Perry; consider elevating current alternate member Janet Tinoco to active member status; and, consider the appointment of a citizen to serve as alternate member for the remainder of a term to expire September 9, 2020.

Motion:

Commissioner McGuirk moved to accept the voluntary resignation of Member Robert Perry. Vice Mayor Hartman seconded the motion and it carried unanimously.

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Motion:

Commissioner Kolody moved to elevate Alternate Member Janet Tinoco to Member status. Commissioner Sachs seconded the motion and it carried unanimously.

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Mayor Owen opened the floor for nominations.

Commissioner McGuirk nominated James Dempsey for appointment. Commissioner Kolody nominated Jeffrey Mitchell for appointment.

Mayor Owen closed nominations. City Clerk Bledsoe distributed ballots to the City Commission. Results of the voting were as follows:

Commissioner Kolody voted for Jeffrey Mitchell
Commissioner Sachs voted for Jeffrey Mitchell
Commissioner McGuirk voted for James Dempsey
Vice Mayor Hartman voted for James Dempsey
Mayor Owen voted for Jeffrey Mitchell

By a vote of 3 - 2, Jeffrey Mitchell was appointed as an Alternate Member to the Airport Advisory Board, to complete a term expiring September 9, 2020.

B. Consider the reappointment/appointment of members to the Community Development Block Grant Advisory Board, to serve terms to expire March 29, 2021.

Mayor Owen outlined staff's recommendation that the City Commission consider the reappointment/appointment of members to the Community Development Block Grant Advisory Board, to serve terms to expire March 29, 2021. Mayor Owen highlighted that this item was continued from the regular meeting held May 14, 2019 in order to obtain meeting attendance information.

Mayor Owen opened the floor for nominations.

Commissioner Kolody nominated Christy Bell, Sylvia Devaux and Timothy Washington.

Vice Mayor Hartman nominated Donald Simpson and Mildred White.

Mayor Owen nominated Sabrina Smith.

Motion:

Commissioner Sachs moved to close nominations and appoint Christy Bell, Sylvia Devaux, Donald Simpson, Sabrina Smith, Timothy Washington and Mildred White as voting members of the CDBG Advisory Board, to terms expiring March 29, 2021. Vice Mayor Hartman seconded the motion and it carried unanimously.

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Motion:

Vice Mayor Hartman moved to appoint Judith Simpson as a non-voting member of the CDBG Advisory Board to a term expiring March 29, 2021. Commissioner McGuirk seconded the motion and it carried unanimously.

11.MAYOR AND COMMISSION REPORTS

Vice Mayor Hartman reported on his recent attendance at the Memorial Day Ceremony, held at the Brannon Center. He thanked staff for its efforts in making it a wonderful event. He then reported on his recent attendance at the Mary Harrell Black History Museum Scholarship Awards Banquet. He felt it was a low turnout, but commented on how heartwarming he felt it was.

Commissioner McGuirk reported on his attendance at the Memorial Day Ceremony, and agreed with Vice Mayor Hartman as to how wonderful an event it was. He also commented on Vice Mayor Hartman's recent birthday.

Commissioner Sachs commented on the wonderful accomplishments of the group, Oceans of Hope. He then commented on what he felt were the wonderful things that came from the Mary Harrell Black History Museum Scholarship Awards. He then comments on what he felt was an opportunity to acquire funding for traffic lights at fire stations 50 and 52. Mayor Owen was confident funding for a traffic light for station 52 would be available, and felt discussions regarding funding for a light at station 50 could be done at a future meeting.

Commissioner Sachs commented on recent legislation at the City of Ormond Beach regarding tethering of animals, and felt our staff should draft similar legislation for future consideration regarding tethering in New Smyrna Beach in order to strengthen recently adopted regulations in New Smyrna Beach.

Motion:

Commissioner Sachs moved to direct staff to draft an ordinance, for future consideration, regarding tethering of animals. Vice Mayor Hartman seconded the motion and it carried by 4 - 1 majority vote, with Commissioner McGuirk voting no.

Commissioner Kolody commented on what he felt was the need to work with Volusia County to address the parking and traffic problems faced in New Smyrna Beach.

Mayor Owen reported on his recent attendance at the Razzle Dazzle event. He complimented the efforts by City employees in support of the wonderful event. He also reported on his attendance at multiple area high school graduation events, and commented on how encouraged the experience left him.

12.CITY MANAGER'S REPORT

A. City Manager's Report

The City Commission acknowledged receipt of the City Manager's Report. Interim City Manager Resheidat outlined upcoming meetings.

13.CITY CLERK'S REPORT

City Clerk Bledsoe had no report.

14.CITY ATTORNEY'S REPORT

A. Interim City Manager Contract Discussion

City Attorney Avallone requested City Commission direction regarding moving forward with entering into a contract with Khalid Resheidat to serve as Interim City Manager.

Mayor Owen commented on how he felt the contract should be for a specified amount of time, and felt six months would be appropriate. Vice Mayor Hartman agreed that six months was a good time, and supported a ten percent salary increase and car allowance. Vice Mayor Hartman also felt that an annual evaluation should be conducted as well.

Commissioner McGuirk agreed with Vice Mayor Hartman and Mayor Owen but felt Mr. Resheidat's salary should be brought up to the same level of City Manager Brangaccio. Commissioner Sachs agreed and questioned how Mr. Resheidat was compensated the last time he served as Interim City Manager.

Commissioner Kolody felt the salary increase should be up the level City Manager Brangaccio was being paid, and annual evaluations should be conducted on the City Manager, City Attorney and City Clerk. Mayor Owen was comfortable and supported evaluations. City Commission discussion continued.

Motion:

Commissioner Kolody moved to direct the City Attorney to draft a contract to enter into with Khalid Resheidat to serve as Interim City Manager for a period six months from the date executed, and to increase his salary to match the salary being paid to Pam Brangaccio, and to pay him a vehicle allowance equal to that being paid Pam Brangaccio, retroactive to May 15, 2019. Commissioner McGuirk seconded the motion and it carried unanimously.

15.ADJOURNMENT

With no other business to address, Mayor Owen declared the meeting adjourned at 10:12 p.m.