



**City Commission Regular Meeting
Tuesday, September 10, 2019 at 6:30 PM
Minutes**

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, September 10, 2019 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor Russ Owen called the meeting to order at 6:30 PM.

A. Call to Order

Present: Mayor Russ Owen, Vice Mayor Randy Hartman, Commissioner Michael Kolody, Commissioner Jason McGuirk and Commissioner Jake Sachs.

Also present were City Attorney Carrie Avallone, Acting City Manager Khalid Resheidat, Police Chief Mike Coffin, 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, Community Resource Coordinator Irma Terry, Assistant to the City Manager and Public Information Office Phil Veski and Acting City Clerk Kelly McQuillen.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Police Department Chaplain Beverly Richardson gave the invocation. Mayor Owen led those present in the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

Interim City Manager Khalid Resheidat reported no changes to the published agenda.

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

- A. Present a Proclamation to the Jane Sheldon Chapter, Daughters of the American Revolution to Celebrate Constitution Week, September 17 - 23, 2019.

Mayor Owen presented a Proclamation recognizing September 17-23, 2019 as Constitution Week to Ms. Judy Stewart, Constitution Week Chair for the Jane Sheldon Chapter DAR.

- B. Southeast Volusia Manufacturing and Technology Coalition Update
Chamber of Commerce Executive Vice President Sue Williams gave an update on the Southeast Volusia Manufacturing and Technology Coalition.

5. PUBLIC PARTICIPATION

Doreen Graeff-Coyle, 1201 South Glencoe Road, commented on road resurfacing, referencing Wayne Avenue and hoped that it would be considered in a more timely fashion. She was concerned about the fire hydrants and mentioned that they had not been serviced in over five years.

Mayor Owen stated there was an increase in the road-resurfacing budget.

Acting City Manager Resheidat commented that Wayne Avenue was a Volusia County Road.

6. CONSENT AGENDA

- A. Consider the approval of the Team Volusia Contract for Fiscal Year 2019-2020.

Motion:

Commissioner McGuirk moved to approve the Team Volusia Contract, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- B. Approve entering into a Continuing Services Interlocal Agreement with Volusia County (Public Works Divisions of Road & Bridge and Traffic Engineering) for a three-year term -- FY 19-20 through FY 21-22.

Motion:

Commissioner McGuirk moved to approve the Interlocal Agreement with Volusia County for Municipal Services, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- C. Consider the approval to no longer have a selected caterer list and to give staff the flexibility to offer discounted rental rates for potential clients that meet defined criteria.

Motion:

Commissioner McGuirk moved to approve the Brannon Center Catering and Flexible Rates, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- D. Consider a Request for Approval of the 2019-2020 VOCA Grant.

Motion:

Commissioner Sachs moved to approve the 2019-2020 VOCA Grant, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- E. Request to approve the 2020 City Commission Meeting Dates

Motion:

Commissioner McGuirk moved to approve the 2020 Regular City Commission Meeting Dates, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- F. Approve a Special Event: Images: Festival of the Arts, January 25-27, 2020. Request for road closures and beer garden area as well as use of the Brannon Civic Center and Riverside Park during the event. Monetary Sponsorship of \$3500 for the June and George Musson award and Sponsorship of \$2500 for the Inaugural Soundscape Field Station with programs at the Live Oak Cultural Center as in-kind for the use of City Facilities.

Motion:

Commissioner McGuirk moved to approve the Special Event: Images- Art Festival, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- G. Approve a Special Event: Canal Street Historic District's annual Blocktoberfest on October 5, 2019, 8:30 a.m. - 4:00 p.m., with associated Beer Garden and road closures of Canal Street from the Alley just East of US1 to Magnolia Street, and Live Oak Street from Canal Street to Downing Street.

Motion:

Commissioner McGuirk moved to approve the Special Event: CSHD Blocktoberfest, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- H. Approve a Special Event: City of New Smyrna Beach Food Trucks Competition October 5, 2019, 4:00 p.m. - 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. - 10:30 p.m.

Motion:

Commissioner McGuirk moved to approve the Special Event: Food Trucks Oct 5th, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- I. Approve a Special Event: City of New Smyrna Beach Leisure Services the Great Candy Race, October 12, 2019, from 8:00 a.m. - 10:30 a.m. and associated street closure of Pine Street, from Jessamine to Flagler Avenue, from 6:00 a.m. - 11:30 a.m.

Motion:

Commissioner McGuirk moved to approve the Special Event: Great Candy Race, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- J. Approve a Special Event: New Smyrna Beach Harley-Davidson BiketoberFest 2019 October 17, 2019, at 8:00 a.m. until October 18, 2019, 8:00 p.m. and Beer Garden.

Motion:

Commissioner McGuirk moved to approve the Special Event: Harley Store Biketoberfest, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- K. Approve a Special Event: National Parking Day, September 20, 2019, 11:00 a.m. - 3:00 p.m.

Motion:

Commissioner McGuirk moved to approve the Special Event: National Parking Day, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- L. Approve a Special Event: New Smyrna Beach Annual Christmas Parade, December 7, 2019, and associated street closures of A1A from 3rd Avenue to Flagler Avenue, Flagler Avenue and North Causeway from A1A to Riverside Drive, Riverside Drive from Washington Street to the South Side of Canal Street, Canal Street from Riverside Drive to Orange Avenue, beginning at 1 p.m. to completion of the parade.

Motion:

Commissioner McGuirk moved to approve the Special Event: NSB Annual Christmas Parade, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- M. Approve a Special Event: New Smyrna Beach High School Homecoming Parade on October 2, 2019 from 6:00 p.m. to 7:00 p.m., and associated road closures of Julia Street from Sams Avenue to Riverside Drive, Riverside Drive from Julia Street to Canal Street, Canal Street from Riverside Drive to Orange Avenue, and staging in front of City Hall from Washington Street to Julia Street, from 5:00 p.m. until 7:30 p.m.

Motion:

Commissioner McGuirk moved to approve the Special Event: NSBHS Homecoming Parade, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- N. Approve a Special Event: Southeast Volusia Historical Society Night at the Museum on October 18, 2019, 2:00 p.m. - 10:00 p.m., and associated Beer Garden and street closures of Sams Avenue from Canal Street to Julia Street.

Motion:

Commissioner McGuirk moved to approve the Special Event: Night at the Museum, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Consider the approval of the East Central Florida Regional Resilience Collaborative Memorandum of Understanding.

Motion:

Commissioner Sachs moved to approve the East Central Florida Regional Resilience Collaborative Memorandum of Understanding, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Charter Review Facilitator Selection

Motion:

Commissioner McGuirk moved to select Marilyn Crotty as the Charter Review Facilitator. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- C. Resolution No. 47-19: Consider the Adoption of a Resolution, which if approved, would establish the Charter Review Committee.

Motion:

Commissioner McGuirk moved to adopt Resolution No. 47-19: Charter Review Committee; as an eleven member committee, two member appointments per Zone Commissioner as selected with one citizen residing within that zone and one at-large citizen, three citizens at-large for the Mayoral appointments and one ex-officio member from the Youth Council Task Force. Commissioner Kolody seconded the motion, and the motion carried unanimously.

- D. Resolution No. 4819: Consider the adoption of a Resolution, which if adopted, would allow the Mayor to attend and participate in the September 11, 2019 Special City Commission Meeting Remotely.

Motion:

Commissioner McGuirk moved to approve Resolution No. 48-19, as submitted. Commissioner Kolody seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

- E. Reserve at Lake Waterford FLUEDRA

Motion:

Vice Mayor Hartman moved to approve the Reserve at Lake Waterford FLUEDRA, as amended. Commissioner Kolody seconded the motion, and the motion carried unanimously.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 54-19: Conduct the Second Reading of an Ordinance, which if adopted, would annex approximately 0.35 acres of land located at 2263 Doster Drive.

City Attorney Avallone read Ordinance No. 54-19, the second time by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the proposed ordinance, which if adopted, would annex approximately 0.35 acres of land located at 2263 Doster Drive.

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

Motion:

Vice Mayor Hartman moved to adopt Ordinance No. 54-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Ordinance No. 55-19: Conduct the Second Reading of an Ordinance, which if adopted, would change the Future Land Use on approximately 0.35 acres of land located at 2263 Doster Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 55-19, the second time by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the proposed ordinance, which if adopted, would change the Future Land Use on approximately 0.35 acres of land located at 2263 Doster Drive.

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

Motion:

Vice Mayor Hartman moved to adopt Ordinance No. 55-19, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

- C. Ordinance No. 56-19: Conduct the Second Reading and Quasi-judicial Hearing of an Ordinance, which if adopted, would rezone approximately 0.35 acres of land located at 2263 Doster Drive to R-2, Single Family Residential as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 56-19, the second time by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields was administered the oath, by the City Attorney. He outlined

his professional and educational qualifications. As no citizens questioned his credentials, Mr. Fields outlined the proposed ordinance, which if adopted, would rezone approximately 0.35 acres of land located at 2263 Doster Drive.

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

Motion:

Commissioner Sachs moved to adopt Ordinance No. 56-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Ordinance No. 57-19: Conduct the Second Reading of an Ordinance, which if adopted, would annex approximately 0.346 acres for property located at 2270 Davis Drive.

City Attorney Avallone read Ordinance No. 57-19, the second time by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the proposed ordinance, which if adopted, would annex approximately 0.346 acres of land located at 2270 Davis Drive.

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

Motion:

Commissioner Kolody moved to adopt Ordinance No. 57-19, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- E. Ordinance No. 58-19: Conduct the Second Reading of an Ordinance, which if adopted, would change the Future Land Use of approximately 0.346 acres for property located at 2270 Davis Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 58-19, the second time by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the proposed ordinance, which if adopted, would change the Future Land Use on approximately 0.346 acres of land located at 2270 Davis Drive.

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

Motion:

Vice Mayor Hartman moved to adopt Ordinance No. 58-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

F. Ordinance No. 59-19: Conduct the Second Reading and Quasi-judicial Public Hearing of an Ordinance, which if adopted, would rezone approximately 0.346 acres of property located at 2270 Davis Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 59-19, the second time by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned his credentials, Mr. Fields outlined the proposed ordinance, which if adopted, would rezone approximately 0.346 acres of land located at 2270 Davis Drive.

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

Motion:

Commissioner Sachs moved to adopt Ordinance No. 59-19, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

9. ORDINANCES - FIRST READING

- A. Ordinance No. 52-19: Conduct the First Reading of an Ordinance, which if adopted, would amend the Future Land Use of approximately 30.8 acres of annexed property located at 3075 Turnbull Bay Road.

City Attorney Avallone read Ordinance No. 52-19 the first time, by title only. Mayor Owen reported that the Second Reading and Public Hearing of the proposed Ordinance would be conducted at the regular meeting on September 24, 2019.

- B. Ordinance No. 53-19: Conduct the First Reading and Quasi-judicial Public Hearing of an Ordinance, which if adopted, would change the zoning of approximately 30.8 acres of annexed property located at 3075 Turnbull Bay Road.

City Attorney Avallone read Ordinance No. 53-19 the first time, by title only. Mayor Owen reported that the Second Reading and Quasi-judicial Public Hearing of the proposed Ordinance would be conducted at the regular meeting on September 24, 2019.

- C. Ordinance No. 63-19: Conduct the First Reading and Quasi-judicial Public Hearing of an Ordinance, which if approved, would rezone 5.4+/- acres of property to PUD and amend the existing development agreement for New Smyrna Chevrolet to add the property and make associated revisions. This amendment would allow for expansion of the current dealership.

City Attorney Avallone read Ordinance No. 63-19 the first time, by title only. Mayor Owen reported that the Second Reading and Quasi-judicial Public Hearing of the proposed Ordinance would be conducted at the regular meeting on September 24, 2019.

10. BOARDS AND COMMISSIONS

No action.

11.MAYOR AND COMMISSION REPORTS

Commissioner Kolody commented on a checklist he created. He distributed a request form for Venezia residents to prioritize. He planned to include the item in a future meeting as public record.

Commissioner Sachs commented on the recent hurricane. He commented on the bridge information not being clear and wanted it succinct. He shared that he was proud of City staff. He mentioned that at the last meeting, some of the Maintenance Operations staff commented on increased pay for the lowest wage earners. He hoped that the City would bring the lowest wage earners up.

Acting City Manager Resheidat commented on working on a salary review for all of City Staff and mentioned it would be included on the Fiscal Year 2021 budget.

Commissioner Sachs was happy to see the reasonable assurance plan on the City Manager's Report.

Commissioner McGuirk commended staff on the hurricane preparations. He commented on making decisions on the fly as circumstances presented themselves making the right decisions. He wanted to reach out and commend the Utilities Commission. He stated that having a UCNSB Representative staffed at the EOC was a tremendous positive stride and that it was a fantastic, collaborative effort. He envisioned a city coming together and working together. He recently attended the League of Cities Breakfast, discussing whether the breakfast should continue. He suggested getting together in the evening instead. He commented on the TPO Board Meeting. He stated the Board approved a \$65,000 study.

Vice Mayor Hartman commended City Staff for their hard work during the hurricane preparations. He commended the leaders that were there during the storm. He liked the Mayor's comments on Facebook expressing appreciation for City staff. He commented on derelict boats. He commented on attending Police Swearing in Ceremony.

Mayor Owen commented on attending the Southeast Volusia Chamber of Commerce Event and commented on transparency. He commended City staff for

their hard work during the hurricane and concurred with Commissioner McGuirk about the UCNSB collaboration efforts.

12.CITY MANAGER'S REPORT

Interim City Manager Resheidat mentioned future planning for a Hurricane Preparedness Workshop tentatively scheduled for February or March 2020. He commented on adding a Fire Service in Volusia County agenda item for the next regularly scheduled meeting on September 24, 2019. He wanted City Commission to review the item and add any commentary so that Mayor Owen could include it in the next Mayor's Roundtable discussions. He mentioned he would add an item regarding Smart Growth Discussion on the September 24, 2019 agenda under the City Manager's Report section.

13.CITY CLERK'S REPORT

No action.

14.CITY ATTORNEY'S REPORT

No action.

15.ADJOURNMENT

As there was no other business to discuss, Mayor Owen declared the meeting adjourned at 8:22 PM.

Approved By: _____

Russ Owen, Mayor

Attest: _____

Kelly McQuillen, Interim City Clerk

Date: November 12, 2019