



**City Commission Regular Meeting
Tuesday, September 24, 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 24, 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, Interim 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 Interim City Clerk Kelly McQuillen.

2. INVOCATION/PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF THE AGENDA

Interim City Manager Khalid Resheidat announced two changes to the published agenda: Administrative Items/New Business Item 7A. Sustainability Committee Discussion was removed from the agenda and Boards and Commissions Item 10A. - Animal Control Board was postponed to the October 22, 2019 agenda.

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

- A. Recognition to the Springhill Suites for receiving a certification as an industry leader in sustainable environmental initiatives with Blue Community.

Mayor Owen presented Randy and Sheri McHenry, Springhill Suites owners, with a proclamation commending their efforts in receiving the Blue Community Award.

- B. Presentation: Fire Service in Volusia County

Fire Chief Shawn Vandemark outlined a PowerPoint Presentation regarding Fire Service in Volusia County.

City Commission consensus was not to pursue consolidating services with Volusia County Fire Services.

5. PUBLIC PARTICIPATION

Rex Zimmerman, 813 Locust Street, commented on a concern regarding the lowest topography in the area. He had images displaying that it was a run-off area and stated that the concern in the area was drainage overflow. He stated it was not a standard mitigation. He shared that he would send images. He requested somewhat of a swale that encompassed the property.

Sandy Landis, New Smyrna Beach Resident, commented on the property at 1270 Kennard Street. She stated the property was creating a health hazard for the surrounding neighborhood.

Jim Deavana, 1152 North Golf Lake Drive, commented on the property at 1270 Kennard Street and reiterated statements provided by Ms. Landis.

Lee Griffith, New Smyrna Beach Resident, commented that he and his wife Kathy supported Ms. Landis's statements regarding 1270 Kennard Street concerns. He commended City Staff; in particular, City Attorney Avallone and Commissioner McQuirk for their assistance in the matter.

Angie Beretta-Herman, 108 Esther Street, commented on serving on the Historic Preservation Commission. She supported the adoption of the Ordinance that supported the Historic District. She mentioned demolition concerning the referenced property and stated that the burden lies within great measure with the City. She encouraged efforts with the Planning Department to consider renovation instead of demolition. She commented on strong opposition from developers.

Johnny Thompson, 107 B Street, commented on submitting an application to be considered for appointment to the Golf Advisory Board. He commented on the membership on the Golf Board and non-member status. He appreciated the City Commissioners consideration.

6. CONSENT AGENDA

- A. Approve the minutes of the special City Commission meetings held August 30, 2109 and September 11, 2019; Board of Elections Meeting held on August 27, 2019 and the Community Redevelopment Agency regular meeting held September 11, 2019.

Motion:

Commissioner McGuirk moved to adopt the meeting minutes, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- B. Consider the approval to award a contract to Playcore Wisconsin DBA GameTime.

Motion:

Commissioner Kolody moved to approve the award of RFP 13-19-CIP Pettis Park Playground Replacement Re-bid, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- C. Consider the approval of Property & Casualty Lines of Coverage Insurance for FY2019-2020.

Motion:

Commissioner McGuirk moved to approve the Property & Casualty Lines of Coverage Insurance for FY2019-2020, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- D. Request for Approval of a 5-Year License Agreement with Tiano's Italian Restaurant at the Municipal Golf Course

Motion:

Commissioner McGuirk moved to approve the Tiano's Lease at the Golf Course, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- E. Consider the approval of Blanket Purchase Orders of Over \$25,000, for Fiscal Year 2019-2020. The total list of Blanket Purchase Orders that exceed \$25,000 totals \$10,081,155 million within the City's Total Budget.

Motion:

Commissioner McGuirk moved to approve the FY 2019-2020 Blanket Purchase Orders, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- F. Consider the approval of the removal and sale of obsolete equipment from the City's current capital equipment and asset inventory.

Motion:

Commissioner McGuirk moved to approve the Removal of Obsolete Equipment from Asset Inventory, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- G. Resolution No. 34-19: Consider the adoption of a resolution, which if adopted, would revise Resolution Nos. 29-84, 29-83, and 32-77, to provide for members to continue serving until replaced or reappointed.

Motion:

Commissioner McGuirk moved to adopt Resolution No. 34-19: Amendment to Airport Advisory Board, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- H. Resolution No. 53-19: Consider a Resolution, which is adopted, would amend the Administrative Policy: Compensation during Declared Emergency

Motion:

Commissioner McGuirk moved to adopt Resolution No. 53-19: Administrative Policy-Compensation during a Declared Emergency, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- I. FEC Crossing Maintenance - Julia Street

Motion:

Commissioner McGuirk moved to approve the FEC Crossing Maintenance - Julia Street, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- J. Approve Ratification of the Collective Bargaining Agreement with IAFF #2271 Effective October 1, 2019 to September 30, 2022.

Motion:

Commissioner McGuirk moved to approve the Ratification of Collective Bargaining Agreement IAFF, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- K. Approve the Ratification of the Collective Bargaining Agreement with LIUNA Local 630, Effective October 1, 2019 to September 30, 2022

Motion:

Commissioner McGuirk moved to approve the Ratification of Collective Bargaining Agreement - LIUNA, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Discussion for the possible formation of a Sustainability Committee

No action. This item was continued to the October 22, 2019 City Commission Regular Meeting.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 64-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted would approve the Proposed Annual Budget of the Utilities Commission, New Smyrna Beach, for the Fiscal Year October 1, 2019 through September 30, 2020.

City Attorney Avallone read Ordinance No. 64-19, the second time by title only.

Finance Director John McKinney outlined the proposed ordinance, which if adopted, would adopt Ordinance No. 64-19: Approval of Fiscal Year 2019 - 20 Utilities Commission Budget.

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

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 64-19, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried unanimously.

- B. Resolution No. 49-19: Conduct a Public Hearing to Consider the Approval of the Final New Smyrna Beach Operating Millage Rate for Fiscal year 2019-2020.

City Attorney Avallone read Resolution No. 49-19 by title only.

Finance Director John McKinney outlined the proposed resolution, which if adopted, would adopt the Final New Smyrna Beach Operating Millage Rate as 3.7421 for Fiscal year 2019-2020.

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

Motion:

Commissioner Sachs moved to adopt Resolution No. 49-19: Final New Smyrna Beach Operating Millage Rate as 3.7421 for Fiscal year 2019-2020.

Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Kolody voting no.

- C. Resolution No. 50-19: Conduct a Public Hearing to Consider the Approval of the Final New Smyrna Beach I & S 2005 Voted Debt Service Millage Rate.

City Attorney Avallone read Resolution No. 50-19 by title only.

Finance Director John McKinney outlined the proposed resolution, which if adopted, would adopt the Final New Smyrna Beach I & S 2005 Voted Debt Service Millage as 0.2981.

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 Resolution No. 50-19: Final New Smyrna Beach I & S 2005 Voted Debt Service Millage as 0.2981. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Resolution No. 51-19: Conduct a Public Hearing to Consider the Approval of the Final New Smyrna Beach I & S 2018 Voted Debt Service Millage Rate.

City Attorney Avallone read Resolution No. 51-19 by title only.

Finance Director John McKinney outlined the proposed resolution, which if adopted, would adopt the New Smyrna Beach I & S 2018 Voted Debt Service Millage Rate as 0.1554.

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

Motion:

Commissioner Kolody moved to adopt Resolution No. 51-19: Final New Smyrna Beach I & S 2018 Voted Debt Service Millage as 0.1554.

Commissioner Sachs seconded the motion, and the motion carried unanimously.

- E. Resolution No. 52-19: Conduct a Public Hearing to Consider the Approval of the Final New Smyrna Beach Budget for Fiscal Year 2019-2020.

City Attorney Avallone read Resolution No. 52-19 by title only.

Finance Director John McKinney outlined the proposed resolution, which if adopted, would adopt the Final New Smyrna Beach Budget for Fiscal Year 2019 as \$70,485,688.

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 Resolution No. 52-19: Final New Smyrna Beach Budget for Fiscal Year 2019 as \$70,485,688. Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Kolody voting no.

- F. Ordinance No. 52-19: Conduct the Second 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 second time by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the proposed ordinance, which if adopted, would amend the Large Scale Comprehensive Plan Amendment 3075 Turnbull Bay Rd.

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

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 52-19, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

- G. Ordinance No. 53-19: Conduct the Second 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 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 change the Large Scale Rezoning 3075 Turnbull Bay Road.

Commissioner Sachs commented on the septic tanks. He added, for the record, that he recently received advice on compatibility of soil. He thought it was unwise to approve a building with septic tanks.

Attorney Glenn Storch addressed the concern. He explained that there was high sandy soils on the one-acre lots. He stated what they were doing was only following up on the consistency of city requirements.

Mayor Owen opened the public hearing.

Steve Andis, resident, commented on the approval of one-acre lots by Volusia County.

Mr. Storch confirmed it was a one-acre lot.

Mayor Owen closed the public hearing.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 53-19, as submitted. Vice Mayor Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

- H. Ordinance No. 63-19: Conduct the Second 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 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 5.4 +/- acres of property to PUD and amend the existing development.

Mayor Owen asked about the third tract/parcel verbiage.

Mr. Fields commented on the mitigation banks and explained the normal process.

Mr. Storch stated this was a different jurisdiction. He stated this was an entire permitting process. He stated those were processes that were state and federal.

Commissioner McGuirk asked if discussion ensued later, would this cause a problem. He stated his intention was not to prohibit it, but to remove that from the plan.

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

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 63-19, as amended striking the term "curb-cut" on the third parcel/tract. Vice Mayor Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

9. ORDINANCES - FIRST READING

- A. Ordinance No. 60-19: Conduct the First Reading of an Ordinance, which if adopted, would amend ZT-7-19: New LDR Section Establishing Construction Site Management Standards.

City Attorney Avallone read Ordinance No. 60-19 the first time, by title only.

Mayor Owen reported that the Second Reading and Public Hearing of the Ordinance would be conducted at the regular meeting on October 8, 2019.

10. BOARDS AND COMMISSIONS

- A. Consider the Reappointment/Appointments of Three (3) Members to the Animal Control Board to two-year terms to expire September 13, 2021.

No action. Item was postponed to the October 22, 2019 City Commission Regular Meeting.

11. MAYOR AND COMMISSION REPORTS

Commissioner Kolody did not have a report.

Commissioner Sachs commented on a safety issue about congested streets and Waste Pro routes.

Commissioner McGuirk commented on two housekeeping issues. He commented on a misunderstanding about the Charter Review Committee.

Discussion ensued about the Charter Review Committee appointment process.

Commissioner McGuirk commented on the City Manager's contract moving up to the October 8th meeting. He asked for clarification on the process. He wanted to review it during the October 8, 2019 City Commission meeting.

Vice Mayor Hartman commented on having a separate meeting to discuss the interim contracts and suggested designating one member of the City Commission to conduct both salary negotiations.

City Commission consensus was to schedule a Special Meeting on October 8, 2019 to discuss the Interim City Manager and City Clerk contract reviews and evaluations.

Vice Mayor Hartman commented on attending the Senior Health Fair that Community Resource Coordinator, Irma Terry, managed. He stated that there was a lot of good information and mentioned that the vendors were happy with the turnout and lunch. He commended Planner II Bob Mathen on his professional attire during the City Commission Meetings.

Mayor Owen commented on a Resign-to-Run provision on the City Boards. He suggested that if current board members qualify in an electoral race, then they would be automatically resigned from the City Board they were currently a member of. He also thanked his fellow colleagues for allowing him to attend remotely during the last meeting.

Commissioner Sachs commented on sustainability. He mentioned the Magnolia Street issue and appreciated all the help from his colleagues. He commented on LED indicators on a stop sign located on Enterprise Avenue and asked if it was County or City regulated.

Interim City Manager Resheidat confirmed that it was County- regulated.

12.CITY MANAGER'S REPORT

Interim City Manager Resheidat commented on the City Hall Annex construction beginning on October 1, 2019. He shared that Volusia County extended their local fuel option tax for one year. He stated that the Citizen Academy Kick-off was scheduled for October 10, 2019 at 6:00 PM and that the City Hall Annex Groundbreaking Ceremony was scheduled for October 10, 2019 at 5:00 PM.

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 9:00 PM.

Approved By: _____

Russ Owen, Mayor

Attest: _____

Kelly McQuillen, Interim City Clerk

Date: November 12, 2019