



**City Commission Regular Meeting  
Tuesday, October 8, 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, October 8, 2019 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Vice Mayor Hartman called the meeting to order at 6:30 PM.

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

**Excused:** Mayor Russ Owen

*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 Pete Carter gave the invocation. Mayor Owen led those present in the Pledge of Allegiance.

**3. APPROVAL OF THE AGENDA**

---

Interim City Manager Khalid Resheidat reported that Item 4B would be postponed to October 22, 2019.

Vice Mayor Hartman asked if they could move Board Appointments after Public Participation.

*City Commission consensus was affirmative and Board Appointments were placed after Public Participation.*

#### **4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS**

---

A. Proclamation: Domestic Violence Awareness Month

Vice Mayor Hartman presented a Proclamation Recognizing October as Domestic Violence Awareness Month to Savannah Weaver, Board of Directors for the Domestic Abuse Council at the Beacon Center and Angie Pye, Beacon Center CEO, in Daytona Beach.

B. Proclamation: Head Start Awareness Month - October 2019

*Continued to the October 22, 2019 City Commission Meeting.*

C. Alonzo "Babe" James Splash Pad Design Presentation

#### **5. PUBLIC PARTICIPATION**

---

Vice Mayor Hartman reported that Interim City Clerk McQuillen distributed a letter to the City Commission from resident, Bob Tolley. He stated that it was included in public record.

Rocco Churichella, 518 Washington Street, shared concerns about the sandwich board issues.

Debra Dugas, 200 North Pine Street, commented on the sandwich board issues.

Lillian Conrad, 212 Main Street, commented on a concern about sandwich board signs. She asked to come up with an alternative plan or come up with some education. She asked the Commissioner's for some time to work with members and asked staff to look at ordinances and surmise if there were alternate solutions.

Valonda McCarty, business owner, commented on the sandwich board issue. She commented on speaking with some of the Commissioners as well as Sgt. Claudio. She stated they visited Deland to find out more about the sandwich boards.

She stated this was a downtown historic district. She wanted to see some type of resolution for this. She commented on business practices.

*Interim City Manager Resheidat stated staff was working on the issue.*

Cindy Day, 8 16th Avenue, commented on an alarming increase in car break-ins and thefts. She wanted to know what the City was doing to address the increasing homeless problem. She stated she drove around today and noticed homeless people charging their phones. She thought they were camping at the path behind Saxon Avenue. She stated that she spoke with NSBPD and she shared staffing numbers. She shared safety concerns.

Randy Herman, 108 Esther Street, commented on deciding on the criteria for the City Manager evaluations. He hoped they would incorporate sections in the City Charter that were expected of the City Manager.

## **6. CONSENT AGENDA**

---

- A. Approve the minutes of the Regular City Commission meetings held on August 27, 2019.

**Motion:**

Commissioner McGuirk moved to approve the August 27, 2019 meeting minutes as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

- B. Utility Easement for Water & Fire Services to the UCNSB - 1050 Live Oak Street.

**Motion:**

Commissioner McGuirk moved to approve the Utility Easement for Water & Fire Services to the UCNSB located at 1050 Live Oak Street, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

- C. Consider the Approval of the Phase 1 Housing Authority Agreement Revision.

**Motion:**

Commissioner Sachs moved to approve the Phase 1 Housing Authority Agreement Revision, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Approve a Special Event: Florida Harmonica Championships at Beachside Tavern on October 20, 2019, 11:00 a.m. - 9:00 p.m., closing one-half of the parking lot for stage and beer garden.

**Motion:**

Commissioner McGuirk moved to approve the Special Event: Florida Harmonica Championships, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

- E. Approve a Special Event: Flagler Tavern Oktoberfest, October 19, 2019, 10:00 AM - 9:00PM, with a beer garden in their parking lot with an October 27, 2019 rain date.

**Motion:**

Commissioner McGuirk moved to approve the Special Event: Flagler Tavern Oktoberfest, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

- F. Approve a Special Event: VFW Post #4250 Bike Week Camping October 17 - 20, 2019

**Motion:**

Commissioner McGuirk moved to approve the Special Event: Bike Week Camping 2019, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

## **7. ADMINISTRATIVE ITEMS/NEW BUSINESS**

---

- A. Resolution No. 55-19: Consider the Adoption of a Resolution, which if adopted, would revise Resolution No. 47-19, Charter Review Committee.

**Motion:**

Commissioner McGuirk moved to adopt Resolution No. 55-19: Amending Charter Review Committee, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

- B. Resolution No. 56-19: Budget Amendment - Derelict Vessel Removal

Interim City Manager Resheidat outlined the resolution. He explained that they were able to find money in the Marina Fund that would be used for this.

**Motion:**

Commissioner Kolody moved to adopt Resolution No. 56-19 Budget Amendment - Derelict Vessel Removal, as submitted. The motion died due to lack of a second.

## **8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS**

---

- A. Ordinance No. 21-19: Conduct the Second Reading of an 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.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the proposed ordinance, which if adopted, would amend the City's Comprehensive Plan - Element I and Element XI.

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

**Motion:**

Commissioner Kolody moved to adopt Ordinance No. 21-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Ordinance No. 60-19: Conduct the Second 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 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 City's Construction Site Management Standards.

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

**Motion:**

Commissioner McGuirk moved to adopt Ordinance No. 60-19, as submitted. Commissioner Kolody seconded the motion, and the motion carried unanimously.

**9. ORDINANCES - FIRST READING**

---

- A. Ordinance No. 65-19: Conduct the Second Reading of an Ordinance, which if adopted, would annex approximately 2.52 acres of property located at 2635 Glencoe Farms Road.

City Attorney Avallone read Ordinance No. 65-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on October 22, 2019.

- B. Ordinance No. 66-19: Conduct the Second Reading of an Ordinance, which if adopted, would amend the Future Land Use Map for approximately 2.52 acres located at 2635 Glencoe Farms Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 66-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on October 22, 2019.

- C. Ordinance No. 67-19: Conduct the Second Reading and Quasi-Judicial Hearing of an Ordinance, which if adopted, would rezone approximately 2.52 acres of property located at 2635 Glencoe Farms Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 67-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and quasi-judicial public hearing of the proposed ordinance would be conducted at the regular meeting on October 22, 2019.

- D. Ordinance No. 68-19: Conduct the Second Reading of an Ordinance, which if adopted, would annex approximately 2.3 acres of property located at Corbin Park Road.

City Attorney Avallone read Ordinance No. 68-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on October 22, 2019.

- E. Ordinance No. 69-19: Conduct the Second Reading of an Ordinance, which if adopted, would amend the Future Land Use on approximately 2.3 acres of property located at 957 Corbin Park Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 69-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on October 22, 2019.

- F. Ordinance No. 70-19: Conduct the Second Reading and Quasi-Judicial Hearing of an Ordinance, which if adopted would rezone approximately 2.3 acres of property located at 957 Corbin Park Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 70-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and quasi-judicial public hearing of the proposed ordinance would be conducted at the regular meeting on October 22, 2019.

- G. Ordinance No. 71-19: Conduct the Second Reading of an Ordinance, which if adopted, would amend the Future Land Use Map of approximately 152 acres for the property known as the Turnbull Trace Properties to Conservation.

City Attorney Avallone read Ordinance No. 71-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on November 12, 2019.

- H. Ordinance No. 72-19: Conduct the Second Reading and Quasi-Judicial Hearing of an Ordinance, which if adopted, would rezone approximately 152 acres of property known as the Turnbull Trace Properties.

City Attorney Avallone read Ordinance No. 72-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and quasi-judicial public hearing of the proposed ordinance would be conducted at the regular meeting on November 12, 2019.

- I. Ordinance No. 74 -19: Conduct the Second Reading of an Ordinance, which if adopted, would allow large temporary banners on buildings over 35-feet in height in the B-6 zoning district

City Attorney Avallone read Ordinance No. 74-19 the first time, by title only. Vice Mayor Hartman reported that the second reading and public hearing of the proposed ordinance would be conducted at the regular meeting on October 22, 2019.



## **10. BOARDS AND COMMISSIONS**

---

### **A. Charter Review Committee Appointments**

- Commissioner Kolody appointed Sally Gillespie and Marty Danaher.
- Commissioner Sachs appointed Lisa Martin and Marie Bushey.
- Commissioner McGuirk appointed Marvel Richards and Kenneth Bohannon.
- Vice Mayor Hartman appointed Kirk Jones and Christine Elnitsky.

*Interim City Clerk McQuillen reported that Mayor Owen would announce his selection of appointments during the October 22, 2019 City Commission Regular Meeting.*

### **B. Planning and Zoning Board: Consider the appointment of two (2) citizens with a term expiring on October 31, 2022.**

#### **Motion:**

Commissioner McGuirk moved to reappoint Herb Gardner to serve a three-year term expiring on October 31, 2022. Commissioner Sachs seconded the motion, and the motion carried unanimously.

*A ballot for the remaining appointment was administered twice, resulting in a tie. The appointment of an additional citizen was continued to the October 22, 2019 meeting.*

## **11. MAYOR AND COMMISSION REPORTS**

---

Commissioner Kolody commented on a Comprehensive Drainage Improvement Project. He wanted to address multiple items that concerned citizens and was looking forward to addressing them in the future. He commented on neighborhood survey he conducted and stated that he would submit the findings to the City Clerk's Office.

Commissioner Sachs commented on water pond and flooding issues. He thought it should be part of major funding issues the City was having. He commented on the rain events sometimes being unmanageable. He stated they need to have

discussions on where they were going to build in the future. He commented on the possibility of our City possibly becoming a Sister City. He stated that he would be contacted by the consulate from Greece who is located in Tampa. He shared that it was a tremendous gesture.

Commissioner McGuirk asked Commissioner Sachs to refresh his memory on what it was.

Commissioner Sachs explained that it could be a gesture of friendship.

Commissioner McGuirk proposed that we should place it on a future agenda. He wanted some discussion on what it entailed.

Commissioner Sachs stated that at this point, it would be something minor as a proclamation or a handshake.

Commissioner McGuirk stated he would support that. He shared that as long as it was a simple gesture. He commented on his Town Hall. He enjoyed the people who attended.

Vice Mayor Hartman commented on the date for the Town Hall Meeting as November 18, 2019. He stated he looked forward to it.

## **12.CITY MANAGER'S REPORT**

---

No action.

## **13.CITY CLERK'S REPORT**

---

No action.

#### **14.CITY ATTORNEY'S REPORT**

---

**Motion:**

Commissioner Kolody moved to approve a retainer agreement with Shepard, Smith, Kohlmyer and Hand, P.A. to assist the City Attorney's Office in Land Use matters. Commissioner McGuirk seconded the motion, and it was unanimously approved.

#### **15.ADJOURNMENT**

---

As there was no other business to discuss, Vice Mayor Hartman declared the meeting adjourned at 8:20 PM.