



**City Commission Regular Meeting
Tuesday, March 10, 2020 at 6:30 PM
City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, FL 32168
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, March 10, 2020 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.

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

A. Call to Order

Also present were City Attorney Carrie Avallone, City Manager Khalid Resheidat, Police Chief Mike Coffin, Assistant City Manager Brian Fields, Leisure Services Director Nancy Maddox, Community Resource Coordinator Irma Terry, Assistant to the City Manager and Public Information Officer Phil Veski and City Clerk Kelly McQuillen.

2. INVOCATION/PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF THE AGENDA

City Manager Khalid Resheidat announced the addition of a presentation item, 4B. Presentation: Coronavirus and moved Consent item 6G: FIND Grant - Buena Vista Fishing Pier replacement to Administrative Item 7E.

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

A. Proclamation: Archeology Month

Mayor Owen presented the Archeology Month proclamation to the New Smyrna Beach Museum of History Executive Director, Greg Holbrook.

B. COVID-19 Update

City Manager Resheidat outlined the concern with the COVID-19 Virus. He introduced Fire Chief Shawn Vandemark and stated that he was the information source for the City.

Chief Vandemark shared that there was a State of Emergency declared by the Florida Governor regarding the virus.

C. Consider the request of a stop sign on Live Oak Street.

Motion:

Vice Mayor Kolody moved to continue this item to the March 24, 2020 agenda. Commissioner Sachs seconded the motion, and the motion was unanimously approved.

5. PUBLIC PARTICIPATION

Deb Dugas, 200 North Pine Street, commented on the Pine Street stop sign petitions. She wanted clarification for the correct protocol to ask for a stop sign on their street.

Terry Kocki, Canal Street business owner, commented on the mentally ill homeless man that lives outside of her business. She stated she has called the Police and requested assistance from City Staff to help remedy the issue.

Steve Wellfer, 222 Flagler Avenue, commented on parking and deliveries on Flagler Avenue. He commented on getting the trucks off Flagler Avenue. He commented on LDR 604.09 parking ordinance. He commented on charging for the parking spaces.

Scott Steger, New Smyrna Beach resident, commented on the parking issue. He provided a brief history of his experience with the parking issue. He stated he was happy to share the information he had from the past. He stated that the only

way it would work was for the City to collaborate with Volusia County.

6. CONSENT AGENDA

- A. Approve the minutes of the regular meeting held on January 28, 2020.

Motion:

Commissioner Sachs moved to adopt the January 28, 2020 City Commission Meeting Minutes, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- B. Resolution No. 09-20: Consider the adoption of a Resolution, which if adopted, would approve the River-To-Sea Transportation Planning Organization Call for Projects.

Motion:

Vice Mayor Kolody moved to adopt Resolution No. 09-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Mayor Owen voting no.

- C. Consider the approval of the acceptance of a Quit Claim Deed to allow for ROW: New Smyrna Beach Housing Authority.

Motion:

Commissioner Sachs moved to adopt the Quit Claim Deed to allow for a Right-of-Way near Dimmick Street from the New Smyrna Beach Housing Authority, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- D. Consider the approval of the Cunningham Drive Drainage Improvement & Lift Station #18 Replacement Project - Project Close Out - Final Change Order.

Motion:

Commissioner Sachs moved to approve the Cunningham Drive Drainage Improvement Project Closure, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- E. Consider the approval of the Pegasus Engineering Contract Amendment - FEMA Hazard Mitigation Grant Program Pre-Award Services.

Motion:

Commissioner Sachs moved to approve the Pegasus Engineering Contract Amendment - HMGP Grant Services, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- F. Consider the Approval of Proposed Package Offerings between the City of New Smyrna Beach, Springhill Suites, Hampton Inn, and New Smyrna Beach Visitor's Center

Motion:

Commissioner Hartman moved to approve Brannon Civic Center package rates, as amended to expire in one year, unless renegotiated. Commissioner McGuirk seconded the motion, and the motion carried 3-2 by majority vote, with Vice Mayor Kolody and Commissioner Sachs voting no.

- G. Consider the approval of a rate increase to Special Magistrate, Catherine D. Reischmann fees.

Motion:

Commissioner Sachs moved to approve the rate increase to Special Magistrate, Catherine D. Reischmann Fees, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- H. Consider the approval of the purchase of replacement safety radios for the Fire Department.

Motion:

Commissioner Sachs moved to approve the Purchase of Replacement Safety Radios for the Fire Department, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- I. Approve a Special Event: Chamber Challenge 5k on Thursday, April 2, 2020 from 5:00 - 9:00 p.m., with associated street closures of Canal Street from Riverside Drive to Magnolia Street, Sams Avenue from Canal Street to the South side of the Chamber entrance to the Chamber parking lot.

Motion:

Commissioner Sachs moved to approve the Special Event: South East Volusia Chamber Challenge 5k, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- J. Approve a Special Event: New Smyrna Beach Food Festival on April 16, 2020 from 3:00 - 10:00 p.m. and road closure of Flagler Avenue from North Atlantic Avenue to Pine Street.

Motion:

Commissioner Sachs moved to approve the Special Event: NSB Food Festival 2020, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- K. Approve a Special Event: Flagler Avenue Shrimp & Seafood Festival on August 6, 2020 from 3:00 - 10:00 p.m. and street closures of Flagler Avenue from North Atlantic Avenue to Pine Street with an option to Peninsula Avenue if needed.

Motion:

Commissioner McGuirk moved to approve the Special Event: 13th Annual Shrimp and Seafood Festival, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

Motion:

Commissioner Hartman moved to request a pilot program to use the AOB site as temporary parking for this specific event. Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

- L. Approve a Special Event: Marine Discovery Center Lagoonacy on April 18, 2020 from 11:00 a.m. - 4:00 p.m. and associated beer garden.

Motion:

Commissioner Sachs moved to approve the Special Event: MDC Lagoonacy 2020, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- M. Approve a Private Special Event: Venetian Bay Homeowner's Association Parade of Homes Block Party on March 21, 2020, 9:00 a.m. - 4:00 p.m., with a partial road closure of Luna Bella Lane.

Motion:

Commissioner Sachs moved to approve a Private Special Event: Parade of Homes Block Party, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- N. Approve a Special Event: Canal Street Historic District's Annual Antique and Vintage Market on March 21, 2020 from 6:00 a.m. - 6:30 p.m., with associated road closure of Canal Street from Orange Street to Faulkner Street.

Motion:

Commissioner Sachs moved to approve the Special Event: CSHD Antique & Vintage Market, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- O. Approve a Special Event: The Canal Street Historic District Springfest on April 4, 2020 from 7:30 a.m. to 4:30 p.m. with associated road closures of Canal Street from Rush Street to Faulkner Street and Live Oak Street from Canal Street to Downing Street.

Motion:

Commissioner Sachs moved to approve the Special Event: Canal Street Historic District Springfest, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- P. Approve a Special Event: Hangar Hootenanny and beer garden on April 4, 2020 from 6:00 - 10:00 p.m.

Motion:

Commissioner Sachs moved to approve the Special Event: Hangar Hootenanny, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Consider the approval of the Second Amendment of the Housing Authority Agreement.

Motion:

Commissioner Hartman moved to adopt the second amendment for Housing Authority Agreement, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

- B. Consider the Approval of a Lien Amnesty Request for the property located at 409 Mary Avenue.

Code Enforcement Officer Megan Wilk outlined the request and provided the history of the property.

Business owner, Mr. Luigi Tumeo, commented on submitting his permit on January 3rd and not receiving his permit until March 5th. He stated that he did not understand the reason for being fined when he was working on the sign and was still being fined after he took the sign down. He felt it was unfair that he was being fined.

Vice Mayor Kolody asked staff to provide the beginning and end date.

Officer Wilk stated that the beginning date was March 13, 2019 and the ending date was May 15, 2019.

Mayor Owen asked Mr. Tumeo about the lapse of time from when Code Enforcement first fined him.

Mr. Tumeo stated that the sign was initially damaged in the Hurricane. He was trying to get the sign fixed, but was delayed by the Insurance Company.

Vice Mayor Kolody stated that he would be willing to forgive \$700.00 of the fine and not a penny more.

Commissioner McGuirk stated he would be willing to cut the fine in half.

Motion:

Commissioner Hartman moved to approve the Lien Amnesty Request for 409 Mary Avenue, as submitted. Commissioner McGuirk seconded the motion, and the motion carried 3-2 by majority vote, with Vice Mayor Kolody and Commissioner Sachs voting no.

- C. Consider the approval of the Volusia Sports Academy requesting a fee reduction.

Maintenance Operations Assistant Director David Ray outlined the request and introduced Dan Vanryder, Volusia Sports Academy and Gerald Fuller, New Smyrna Beach High School Athletics Director. They explained the reason for the request.

No action. No motion was made.

- D. Consider the approval of an ECHO Grant regarding the Field Turf.

Maintenance Operations Assistant Director David Ray outlined the request. He asked for approval to pull funds from the reserves and to go through Field Turf, Inc.

Motion:

Commissioner McGuirk moved to approve the ECHO Grant for the Turf Field, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- E. Approval to have staff prepare and submit a F.I.N.D. grant application for full replacement of the long fishing pier at Buena Vista Park next to the North Causeway.

Continued to the March 24, 2020 agenda.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

No action.

9. ORDINANCES - FIRST READING

- A. Ordinance No. 21-20: Conduct the First Reading and Public Hearing of an Ordinance, which if adopted, would amend Chapter 2, Administration, Article II, Section 2-53 Special Meetings.

City Attorney Avallone read Ordinance No. 21-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on March 24, 2020.

- B. Ordinance No. 22-20: Conduct the First Reading and Public Hearing of an Ordinance, which if adopted, would vacate a Public Access Easement on private property addresses as 1014 Clermont Street and 1017 Fremont Street.

City Attorney Avallone read Ordinance No. 22-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on March 24, 2020.

Rosemary Williams, property owner, commented on the easement. She provided a brief history and requested a dead end sign on the end of Turnbull Bay Road.

- C. Ordinance No. 23-20: Conduct the First Reading of an Ordinance, which if adopted, would amend Section 18-334 to Chapter 18, Animals, to reduce the mandatory age of pets to be spayed or neutered.

Item withdrawn. City Attorney Avallone stated that two new ordinances, one addressing Spay and Neuter and the other addressing the leashing would be scheduled on March 24, 2020 as First Readings.

- D. Resolution No. 12-20: Consider a resolution, which if adopted, would approve remote meeting attendance due to the COVID-19 State of Emergency.

Motion:

Commissioner McGuirk moved to adopt Resolution No. 12-20. Vice Mayor Kolody seconded the motion, and it was unanimously approved.

10. BOARDS AND COMMISSIONS

No action.

11. MAYOR AND COMMISSION REPORTS

Commissioner Sachs commented on the need for baffle boxes.

Mr. Fields recommended putting the request for baffle boxes in as a budget item.

Commissioner McGuirk commented on the LOC and provided a status on FDOT future funds.

Commissioner Hartman asked for a status on the strategic plan. He asked who owned the property between Buenos Aires and the beach.

City Manager Resheidat shared that Volusia County owned that property.

Vice Mayor Kolody recommended that the historic ordinance would be updated soon.

Motion:

Commissioner Hartman moved to include the stop sign item at the Due Street and Pine Street locations on the March 24, 2020 agenda. Commissioner McGuirk seconded the motion, and the motion was approved 4-1 by majority vote, with Commissioner Hartman voting no.

12. CITY MANAGER'S REPORT

No action.

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 9:51 PM.