



**City Commission Regular Meeting
Tuesday, April 14, 2020 at 6:30 PM
VIRTUAL
Meeting 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, April 14, 2020 virtually via the Zoom Application.

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.

Also virtually present were City Attorney Carrie Avallone, City Manager Khalid Resheidat, Police Chief Mike Coffin, Fire Chief Shawn Vandemark, Assistant City Manager Brian Fields, Lt. Chris Kirk, City Engineer Kyle Fegley, IT Director Thomas Farmer, Senior Civil Engineer Jesse Meyers, Lt. Paramedic Melissa Smith and City Clerk Kelly McQuillen.

2. INVOCATION/PLEDGE OF ALLEGIANCE

This was a virtual meeting. No action.

3. APPROVAL OF THE AGENDA

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

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

No action.

5. PUBLIC PARTICIPATION

Exhibit A - Public Participation Emails received by the deadline, shared with City Commission prior to the meeting and included as part of the public record.

6. CONSENT AGENDA

- A. Approve the minutes of the regular meeting held on February 11, 2020.

Motion:

Commissioner McGuirk moved to adopt the February 11, 2020 City Commission Meeting Minutes, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- B. Consider the approval of a purchase of a CMS Message Board with Parking Funds.

Motion:

Commissioner McGuirk moved to approve the CMS Message Board Purchase, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- C. Requesting authorization to enter into an agreement with the North Florida Land Trust to perform real estate services for the Turnbull Creek Land Acquisition program and to authorize the initial task in an amount not to exceed \$24,688.60 for the top six prioritized parcels.

Motion:

Vice Mayor Kolody moved to approve the Turnbull Creek Real Estate Services Authorization with NFLT, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

A. COVID-19 Response Measures Discussion

Motion:

Commissioner McGuirk moved to cancel all permitted events on City property through May 15, 2020, keep the parks open, but close all playgrounds and park restrooms through May 15, 2020, cancel all public meetings with the exception of the two City Commission Meetings and Charter Review Meetings in May 2020, which will be conducted virtually, reopen the Farmer's Market to sell perishable produce only; effective Saturday, April 18, 2020 - May 15, 2020. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

Motion:

Vice Mayor Kolody moved to reopen the boat ramps to FIND residents only, effective Friday, April 17, 2020 through May 15, 2020. Commissioner Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

B. Consider a request to establish traffic calming measure protocols.

No action; item was continued.

C. Consider two requests for stop signs at the locations of North Pine Street and Due East and on Live Oak Street.

Motion:

Commissioner Sachs moved to approve the installation of stop signs at the intersection of North Pine Street and Due East. Commissioner Hartman seconded the motion, and the motion carried unanimously.

Motion:

Commissioner Sachs moved to approve the installation of stop signs at the intersections of Live Oak Street and 4th Street, 7th Street and 8th Street. Commissioner Hartman seconded the motion, and the motion carried unanimously.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

No action.

9. ORDINANCES - FIRST READING

- A. Ordinance No. 24-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would annex approximately 2.29 acres of land located at 1076 Dillon Circle.

City Attorney Avallone read Ordinance No. 24-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

- B. Ordinance No. 25-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would amend the Future Land Use Map for property located at 1076 Dillon Circle as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 25-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

- C. Ordinance No. 26-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Quasi-Judicial Public Hearing, would rezone property located at 1076 Dillon Circle as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 26-20 the first time, by title only. Mayor Owen reported that the second reading and quasi-judicial public hearing would be conducted at the regular meeting on April 28, 2020.

- D. Ordinance No. 27-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would annex approximately 1.05 acres of land, located at 2835 Pioneer Trail.

City Attorney Avallone read Ordinance No. 27-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

- E. Ordinance No. 28-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would amend the Future Land Use Map for property located at 2835 Pioneer Trail as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 28-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

- F. Ordinance No. 29-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Quasi-Judicial Public Hearing, would rezone property located at 2835 Pioneer Trail as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 29-20 the first time, by title only. Mayor Owen reported that the second reading and quasi-judicial public hearing would be conducted at the regular meeting on April 28, 2020.

- G. Ordinance No. 30-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would annex approximately 10 acres of property located at 680 Williams Road.

City Attorney Avallone read Ordinance No. 30-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

- H. Ordinance No. 31-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would amend the Future Land Use map on property located at 680 Williams Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 31-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

- I. Ordinance No. 32-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Quasi-Judicial Public Hearing, would rezone property located at 680 Williams Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 32-20 the first time, by title only. Mayor Owen reported that the second reading and quasi-judicial public hearing would be conducted at the regular meeting on April 28, 2020.

- J. Ordinance No. 35-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would annex approximately 0.2172 acres of land located at 406 Old Mission Road.

City Attorney Avallone read Ordinance No. 35-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

- K. Ordinance No. 36-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would amend the Future Land Use Map for property located at 406 Old Mission Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 36-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

- L. Ordinance No. 37-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Quasi-Judicial Public Hearing, would rezone property located at 406 Old Mission Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 37-20 the first time, by title only. Mayor Owen reported that the second reading and quasi-judicial public hearing would be conducted at the regular meeting on April 28, 2020.

M. Ordinance No. 38-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would annex approximately 0.1187 acres of land located at 408 Old Mission Road

City Attorney Avallone read Ordinance No. 38-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

N. Ordinance No. 39-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would amend the Future Land Use Map for property located at 408 Old Mission Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 39-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

O. Ordinance No. 40-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Quasi-Judicial Public Hearing, would rezone property located at 408 Old Mission Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 40-20 the first time, by title only. Mayor Owen reported that the second reading and quasi-judicial public hearing would be conducted at the regular meeting on April 28, 2020.

P. Ordinance No. 41-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would annex approximately 0.405 acres of land located at 420 Old Mission Road.

City Attorney Avallone read Ordinance No. 41-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

Q. Ordinance No. 42-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Public Hearing, would amend the Future Land Use Map for property located at 420 Old Mission Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 42-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on April 28, 2020.

R. Ordinance No. 43-20: Conduct the First Reading of an Ordinance, which if adopted at the Second Reading and Quasi-Judicial Public Hearing, would rezone property located at 420 Old Mission Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 43-20 the first time, by title only. Mayor Owen reported that the second reading and quasi-judicial public hearing would be conducted at the regular meeting on April 28, 2020.

10. BOARDS AND COMMISSIONS

No Action.

11. MAYOR AND COMMISSION REPORTS

Vice Mayor Kolody encouraged all to continue with social distancing. He appreciated the efforts of the local restaurants and stated it was a great help to the community.

Commissioner Sachs wished the best for all residents and visitors for their safety. He stated he always prepared for the worst and expected the best. He encouraged everyone to stay at home, to wear masks in public and thanked everyone for their patience.

Commissioner McGuirk stated that we have to be diligent. He stated our numbers of COVID -19 were low and that we were fortunate. He commented on the impact of small businesses and mentioned some would not be reopening. He commented on retail and service businesses earning their money in the first half of the year. He commented on cell phone and cable companies not doing

anything to assist with billing. He commented on his plan to contact Congressman Walsh to let him know that some of these entities were not doing anything to assist small businesses.

Commissioner Hartman thanked City Manager Resheidat for stepping up to the plate and doing a great job, especially with adhering to CDC Guidelines.

Mayor Owen thanked Commissioner McGuirk for bringing his perspective regarding small businesses. He shared that he was very proud of the community. He stated that they were just facilitators on the Business Calls and he was pleased with the resources that were being shared. He commented on many good news stories coming out of the state of emergency and looked forward to celebrating the good efforts when the crisis was over. He commended and appreciated City Staff for making tough decisions and stated they were doing a fantastic job. He appreciated everyone's patience in getting through this. He stressed inviting the media to attend virtually.

12.CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Resheidat commented deferred payment plan requests from City-leased businesses.

City staff was directed to create a policy to address the deferred payment requests.

13.CITY CLERK'S REPORT

City Clerk Kelly McQuillen requested a City Commission consensus to allow for a Virtual Meeting of the Charter Review Committee on April 30, 2020.

City Commission consensus approved a virtual meeting on April 30, 2020 for the Charter Review Committee.

She announced the deployment of the new Public Records Request Software, Just FOIA. She stated that it was a web-based software and it has been configured into the City Clerk's webpage and that they have started to view and delegate requests to the appropriate departments. She commented on building reports to

calculate the quantity of requests, response time, labor charges and even how many requests are input for the same material or how many are input from a specific requestor.

14.CITY ATTORNEY'S REPORT

A. Reserve at Lake Waterford FLUEDRA Settlement Agreement

Motion:

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

15.ADJOURNMENT

As there was no other business to discuss, Mayor Owen declared the virtual meeting adjourned at 9:43 PM.

PUBLIC PARTICIPATION

EXHIBIT A

From: noreply@civicplus.com
To: [McQuillen, Kelly](#)
Subject: Online Form Submittal: Public Participation Request
Date: Wednesday, April 08, 2020 3:43:42 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Public Participation Request

Full Name	Cristina March
Email	cristinagmarch@gmail.com
Address	1324 Buck Lane
Phone #	7862057132
Agenda Item(s)	Public Participation
Comments on Agenda Item(s)	<p>The city knowingly has a city employee, Cayla Bartolucci, who abused the criminal justice system using New Smyrna Beach Police Department under Jessica Paugh to literally violate my constitutional rights to free speech to address my grievances against her performance and city leadership in its entirety in regards to the last three years of being disrespected and discriminated against by City of New Smyrna Beach employees, starting with Barbara Bobelak of the Code Enforcement division repeatedly lying to me about the city property in front of my home being city property, despite repeated evidence I've provided from Volusia County regarding the ISBA agreement and the fact the property had been annexed city property since 2012, and I moved here in 2016, thereby breaking the oath sworn upon by all employees as a condition for employment, someone who has defamed me as a physically threatening and violent person among the community, and yet she is still employed by the city.</p>
Speaking for (self) or (representing/person/client)	Self

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [McQuillen, Kelly](#)
Subject: Online Form Submittal: Public Participation Request
Date: Wednesday, April 08, 2020 5:10:51 PM

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Public Participation Request

Full Name	Chloe Joniec
Email	Chloeaimee@yahoo.com
Address	1415 Live Oak Street
Phone #	3863374445
Agenda Item(s)	Live Oak Speeding
Comments on Agenda Item(s)	<p>Thank you all for making it possible to participate in the meeting despite it being virtual. I'm writing to ask that a traffic calming/speeding cessation plan be issued for Live Oak Street. I've shared videos and petitions showing that since the installation of traffic calming measures on Magnolia, Live Oak has inherited the traffic and it has become increasingly dangerous. We are all flexible and open to options and of course would like what has been done on Magnolia mirrored on Live Oak. If this is not possible, we are asking for stop signs to be placed on 8th, 7th and 4th streets. If we could have a decision made tonight, this would be ideal as we have been asking for several months for a solution. Also, the Commission was aware that the improvements on Magnolia would cause this negative impact on Live Oak. This has become a public safety issue and really needs to be addressed as soon as possible. Thank you.</p>
Speaking for (self) or (representing/person/client)	Self

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From: noreply@civicplus.com
To: [McQuillen, Kelly](#)
Subject: Online Form Submittal: Public Participation Request
Date: Wednesday, April 08, 2020 6:31:25 PM

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Public Participation Request

Full Name	Barbara Ben-David
Email	Orital@msn.com
Address	2925 Gibraltar Blvd
Phone #	201-294-9404
Agenda Item(s)	Covad 19
Comments on Agenda Item(s)	Close the Beach You are attracting people to come to New Smyrna People are also not social distancing Large religious services also should not be allowed
Speaking for (self) or (representing/person/client)	Self

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From: noreply@civicplus.com
To: [McQuillen, Kelly](#)
Subject: Online Form Submittal: Public Participation Request
Date: Friday, April 10, 2020 1:07:15 PM

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Public Participation Request

Full Name	Sally Carter
Email	kismetkoo@yahoo.com
Address	1411 Live Oak Street
Phone #	4074616930
Agenda Item(s)	7.C. Consider traffic calming measures for Live Oak Street
Comments on Agenda Item(s)	<p>As the resident living at 1411 Live Oak Street, I am in favor of any traffic calming measure for our street. As you see from the overwhelming response of the signed petitions, I am not alone. It is evident that the traffic calming measures on Magnolia street were quite effective and has likely contributed to the increasing traffic and speeders on Live Oak.</p> <p>As seen in the speed study, many drivers abide by the rules. Some do not, as was evident of the one traveling 71.3 mph. Thank goodness a child was not crossing the street when this happened, or I fear we would have one less child in our neighborhood and family devastated for life!</p> <p>I would be in favor of any traffic calming device the commission could approve. One suggestion would be to lower the speed limit to 25 mph. I am baffled as to why Riverside, a much wider and more traveled street, would have a speed limit of 25 mph while Live Oak has a higher limit of 30 mph. Stop signs or speed humps would be welcomed, as well.</p>
Speaking for (self) or (representing/person/client)	Self

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From: noreply@civicplus.com
To: [McQuillen, Kelly](#)
Subject: Online Form Submittal: Public Participation Request
Date: Friday, April 10, 2020 8:07:51 PM

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Public Participation Request

Full Name	Lenny manginelli
Email	Lennyzx9@gmail.com
Address	1453 3rd ave
Phone #	6316171920
Agenda Item(s)	Boat ramp closure
Comments on Agenda Item(s)	It's unfair to us fishermen that we have to fight for parking spots at the current ramps that are open. It is causing more people gathering seeing it's such limited availability. The boat ramps are not a hangout, we dont want to be there any longer then we need to. It's unfair to us ramp parking permit holders that we need to go elsewhere and risk getting ticketed.
Speaking for (self) or (representing/person/client)	Self and all fishermen.

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From: noreply@civicplus.com
To: [McQuillen, Kelly](#)
Subject: Online Form Submittal: Public Participation Request
Date: Saturday, April 11, 2020 7:10:58 PM

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Public Participation Request

Full Name	Beverly L Prewitt
Email	bevprewitt@hotmail.com
Address	1413 Live Oak Street
Phone #	512-773-4954
Agenda Item(s)	Live Oak St traffic safety -traffic calming devices
Comments on Agenda Item(s)	<p>Thank you for this opportunity to express the critical traffic safety concerns re Live Oak St. Please reference my emails of 3/14/20 & 4/11/20 for a more detailed description of facts & concerns. However, here are some of the points: As requested, Live Oak St residents have submitted petitions w/ 97% of the residents signatures expressing concerns witnessing the increased flow of traffic being diverted from Magnolia, concerns of extremely high speeds, close calls of almost being hit from speeding drivers, concerned about the numerous young children (14 children in one block alone) not being able to play in their front yards out of fear of being ran over, concerned for the active seniors that have almost been hit, some expressed concern their property value has declined due to the overflow traffic, & many other valid concerns. We ask that you please provide traffic calming devices on Live Oak b4 we have a traffic fatality like Magnolia has experienced in recent past. Thank you</p>
Speaking for (self) or (representing/person/client)	Self

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [McQuillen, Kelly](#)
Subject: Online Form Submittal: Public Participation Request
Date: Sunday, April 12, 2020 3:46:02 PM

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Public Participation Request

Full Name	Missy Guentz
Email	jguentz@aol.com
Address	1407 Live Oak Street
Phone #	4077018238
Agenda Item(s)	Stop signs on Live Oak Street
Comments on Agenda Item(s)	<p>We are still waiting on approval for the stop signs on Live Oak. It is a puzzle to me why you are not able to make a decision on this after we have presented signatures, videos of cars continuing to fly down the street and my cat dying from being hit by a spending driver. I cannot imagine what else you need to know to take care of this and protect us. We were also told that the speed sticks proved nothing, which I find hard to believe. These results should be public record and I would like very much to see the speeds that were recorded. We as taxpayers and voters deserve better results from you than we are getting. What more do we have to do to convince you that this is what is needed. You as commissioners even said at the last meeting that when you put the speed cushions on Magnolia you knew it would up the traffic volume on Live Oak and yet you have done nothing. Please step up to the plate and pass this for us before we lose a child or adult to one of these speeding drivers.</p>
Speaking for (self) or (representing/person/client)	self as a resident on Live Oak

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