



**City Commission Regular Meeting
Tuesday, May 26, 2020 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, May 26, 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.

Also present were City Attorney Carrie Avallone, City Manager Khalid Resheidat, Police Chief Mike Coffin, Fire Chief Shawn Vandemark, Assistant City Manager Brian Fields, Interim Leisure Services Director David Ray, Assistant City Clerk Sharon Taylor-Harding and City Clerk Kelly McQuillen.

2. INVOCATION/PLEDGE OF ALLEGIANCE

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

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: Comments emailed to the City Clerk from citizens wishing to publicly participate are attached as the last pages of these meeting minutes.

Gerard Pendergast, 5900 South Atlantic Avenue, addressed the homelessness situation on Canal Street. He shared that a couple of weekends ago, the park benches had homeless people on them passed out. He stated that he has had an office on Canal Street for fifteen years. He shared that he has worked hard to revitalize the street with the Chamber of Commerce Merchants Association. He emphasized that the situation needed to be address. He mentioned that across South Dixie Freeway there were more people camped out across from Ruthies and believed that this was starting to affect the business community. He stated that New Smyrna Beach needed an ordinance to address the situation and suggested placing a safe shelter on the vacant lot by the Airport where the old police station used to be.

Kathy Seritoni, Tabby House Home Owner, was concerned about the homeless situation. She shared that she reached out to Commission and has taken pictures.

Audrey Moline, Tabby House Resident, shared that she wrote a letter to Commissioner Sachs regarding the worsening homeless situation. She shared that some of the homeless community could be aggressive and she hoped that the City Commission would do something.

Joe Dlubac, 3587 Casalta Circle, commented about Ordinance 23- 20 - Neuter and Spaying of animals, concerning lowering the age from nine months to six months. He stated larger animals; such as, a golden retriever, were not recommended to be spayed until they were one years old and shared that prior to that, it detracted from their skeletal development and facial features. He shared how it could affect the development of animal. He hoped the ordinance had a special provision like getting a letter from the veterinarian to allow for an extension. He discussed the stop signs at Live Oak and adjacent streets and the stop sign at Pioneer Trail and Tomoka Farms Road and suggested adding stop signs with flashing lights. He commented on the AOB property discussion suggesting that the City should step back and develop a goal and strategic vision and not piecemeal activity. He commented on scheduling a workshop for the Causeway renovations.

Palmer Wilson, 101 Donlon Drive, stated that the proposed charter has several sections that needed work and rewriting. He stated that many of these sections had significant impacts on future city operations from both a process and cost perspective. He suggested not accepting the document as all or nothing. He suggested scheduling additional workshops with the Commission and full public participation. He commented on having a document that met the needs of our citizens going forward. He commented on the boat trailer parking on the North Causeway. He stated that the proposed park was not a solution to the parking issue and shared that it exacerbated the problem by removing available parking spaces. He commented on the need to make money off land as opposed to spending money on it.

Rachel Allen, 119 Faulkner Street, commented on the homelessness situation. She shared that she had four altercations with a homeless person within the last year and filed a police report on one occasion. She shared that she has a Ring Doorbell Camera on the front and back of her home and that she could see the homeless prowling around the alley behind her house. She shared that after a walk in the park one morning, she was confronted by a homeless person and they stated that they wanted food, drugs or money. She stated that the homeless are everywhere and they are becoming a nuisance to tenants, customers and clients.

Jack, owner of Beachie Beans Coffee on Flagler Avenue, commented on the loading zones on Flagler Avenue sharing that it was a Catch 22 situation regarding the parking, loading, and unloading. He commended the Police Chief and the police presence over the weekend and shared that it was greatly appreciated. He urged the Commission to please use logic and reasoning when making this decision.

Charlotte Smith, Exit Real Estate Property Solutions and 116 Turnbull Bay Road, read an email from White Development. She stated that they had been working with the City since 2013. She stated they are looking forward to working with the city.

Sarah Dougherty, 607 North Riverside Drive, commented on the amount of boating revenue brought in to Congressional District Six, estimating it was almost one billion dollars. She stated that the City does not need another park. She commented on New Smyrna Beach being a waterfront community. She shared that she was a boat builder.

Laura Dougherty, 1805 Indian River Road, stated she owned a boat repair shop. She commented on the boat trailer parking and stated that it was obvious that the City needed more parking space to accommodate the growing number. She stated there were four boat manufacturers in the area.

Steven Dougherty, 607 North Riverside Drive, Edgewater, stated that he had a boat business in town. He commented on people who use the ramp to fish, stating that their livelihood was dependent on their boats. He shared that the City's attraction was the waterfront and shared that the City needed to plan better to provide better access to the water for people who could not afford it. He asked the Commission to consider not decreasing the parking, but rather increasing it.

Cody Moore, 223 Canal Street, stated that the homeless people were a big issue. He shared that boating brought a tremendous amount of money into the area. He commented on the boaters using the local stores to pick up their supplies. He stated that the revenue generated from local businesses was overlooked. He supported finding a way to best utilize the AOB site, except as a park.

Jim Brown, 517 White Coral Lane, submitted a written statement to the Mayor and the Commission. He commented on the Corona Virus situation and shared that the City's outdoor facilities should be maintained for the use of residents. He commented on the pickle ball court surfaces at Live Oak and tennis/pickle ball courts at Pettis Park stating they were deteriorating and needed immediate attention to ensure participants remained safe.

Joel Paige, 827 East 12th Avenue, commented on the group phone calls about increasing tourism in New Smyrna Beach. He commented on adding outdoor seating for existing restaurants and having a clear policy regarding outdoor seating for restaurants. He commented on the AOB site issue at original meetings in 2009 or 2010, stating that the property was going to be sold. He shared that he

was pushing for the New Smyrna Beach East Coast Surfing Museum as part of the attraction but that did not happen. He stated another nonprofit was awarded the spot and hoped that when the AOB site opened, preference would not be granted only to certain groups.

Wes Maylar, 1050 Old Mission Road, commented on behalf of the Horvath Dog Kennel. He stated the particular area could really use a kennel. He stated everyone was excited to go on vacation but there was no place to leave his or her dogs. He commented that the owners had been in New Smyrna Beach for fifteen years and they were knowledgeable and great people.

Troy Renick, 119 Faulkner Street, commented on the golf cart track. He stated it could only be used in a 35 MPH zone and asked for consideration to extend the track .3 miles to the AOB Site.

6. CONSENT AGENDA

- A. Consider the adoption of the City Commission Meeting minutes from the regular meetings held on April 14, 2020 and April 28, 2020.

Motion:

Vice Mayor Kolody moved to adopt the April 14, 2020 and April 28, 2020 meeting minutes, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Resolution No. 20-20: Consider the adoption of a Resolution, which if adopted, would support the continuance of Volusia Forever and Volusia ECHO.

Motion:

Vice Mayor Kolody moved to adopt Resolution No. 20-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- C. Consider the approval to enter into a License Agreement to allow a paved parking area in the South Pine Street Right-of-Way in front of property located at 517 South Pine Street.

Motion:

Vice Mayor Kolody moved to approve LA-1-20 - License Agreement: 517 South Pine Street, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Consider the approval of the purchase of Parking Lot Lights for City Hall Annex (UCNSB Catalog Item).

Motion:

Commissioner Hartman moved to table the purchase of Parking Lot Lights for City Hall Annex to the June 8, 2020 City Commission Agenda. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- E. Consider a request to approve a Utility Easement to UCNSB - City Hall Annex Parking Lot Lights.

Motion:

Vice Mayor Kolody moved to approve a Utility Easement to UCNSB - City Hall Annex Parking Lot Lights, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- F. Request for Approval of a Florida Department of Emergency Management - Federally Funded Sub award and Grant Agreement through Hazard Mitigation Grant Program.

Motion:

Vice Mayor Kolody moved to approve a Department of Emergency Management HMGP Agreement, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- G. Consider a request to approve the CARES Act Grant Offer No. 3-12-0054-023-2020.

Motion:

Vice Mayor Kolody moved to approve the CARES Act Grant Offer No. 3-12-0054-023-2020, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- H. Amendment No. 1 to the Consulting Engineering Agreement for GAI Consultants, Inc. – Design, Bidding and Construction Phase of Terminal Apron Infill and T-Hangar Removal

Motion:

Vice Mayor Kolody moved to approve Amendment No. 1 to the Consulting Engineering Agreement for GAI Consultants, Inc. - Design, Bidding, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. AOB Boat Ramp Site Discussion

No action. City Commission consensus was to allow staff to propose options by August.

- B. Discussion regarding the possible amendment of Resolution No. 47-19.

No action. City Commission consensus wait until May 28, 2020 and allow the Charter Review Committee decide.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Ordinance No. 22-20: Conduct the Second 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 second time by title only.

Assistant City Manager Brian Fields outlined the proposed ordinance, which if adopted, would vacate a Public Access Easement of private addresses as 1014 Clermont Street and 1017 Fremont Street.

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. 22-20, as submitted. Vice Mayor Kolody seconded the motion, and the motion was denied 0-5, with Commissioner McGuirk, Commissioner Sachs, Commissioner Hartman, Vice Mayor Kolody, and Mayor Owen voting no.

- B. Ordinance No. 34-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would propose a Zoning Text Amendment to add "Kennel" as a Special Exception Use in the B-3 Zoning District, and to modify the definition of "Kennel" in the Land Development Regulations.

City Attorney Avallone read Ordinance No. 34-20, the second time by title only.

Assistant City Manager Brian Fields outlined the proposed ordinance, which if adopted, would propose a Zoning Text Amendment to add "Kennel" as a Special Exception Use in the B-3 Zoning District, and to modify the definition of "Kennel" in the Land Development Regulations.

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. 34-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

- C. Ordinance No. 50-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would replace the City's Impact Fee Ordinance and approve new rates for Road Impact Fees.

City Attorney Avallone read Ordinance No. 50-20, the second time by title only.

Assistant City Manager Brian Fields outlined the proposed ordinance, which if adopted, would replace the City's Impact Fee Ordinance and approve new rates for Road Impact Fees.

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

Motion:

Vice Mayor Kolody moved to adopt Ordinance No. 50-20, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- D. Ordinance No. 44-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 3.25 acres of property located at 1016 Dillon Circle.

City Attorney Avallone read Ordinance No. 44-20, the second time by title only.

City Planner Bob Mathen outlined the proposed ordinance, which if adopted, would annex approximately 3.25 acres of property located at 1016 Dillon Circle.

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

Motion:

Vice Mayor Kolody moved to adopt Ordinance No. 44-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- E. Ordinance No. 45-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend the Future Land Use map on property addressed at 1016 Dillon Circle as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 45-20, the second time by title only.

City Planner Bob Mathen outlined the proposed ordinance, which if adopted, would amend the Future Land Use map on property addressed at 1016 Dillon Circle as part of an overall annexation application.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 45-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- F. Ordinance No. 46-20: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would change the zoning for property addressed at 1016 Dillon Circle as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 46-20, the second time by title only.

A Quasi-Judicial Public Hearing was conducted. City Planner Bob Mathen was administered the oath, by the City Attorney. He outlined his professional and educational experience. As no citizens questioned Mr. Mathen's credentials, he outlined the proposed ordinance, which if adopted, would change the zoning for property addressed at 1016 Dillon Circle as part of an overall annexation application.

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

Motion:

Vice Mayor Kolody moved to adopt Ordinance No. 46-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

G. Ordinance No. 47-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 2.35 acres of property located at 1031 Bay Drive.

City Attorney Avallone read Ordinance No. 47-20, the second time by title only.

City Planner Bob Mathen outlined the proposed ordinance, which if adopted, would annex 2.35 acres of property located at 1031 Bay Drive.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 47-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

H. Ordinance No. 48-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would change the Future Land Use map for property located at 1031 Bay Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 48-20, the second time by title only.

City Planner Bob Mathen outlined the proposed ordinance, which if adopted, would change the Future Land Use map for property located at 1031 Bay Drive as part of an overall annexation application.

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. 48-20, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- I. Ordinance No. 49-20: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone property located at 1031 Bay Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 49-20, the second time by title only.

A Quasi-Judicial Public Hearing was conducted. City Planner Bob Mathen remained under oath. He outlined the proposed ordinance, which if adopted, would change the zoning for property addressed at 1031 Bay Drive as part of an overall annexation application.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 49-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

9. ORDINANCES - FIRST READING

- A. Ordinance No. 51-20: Conduct the First Reading and Public Hearing of an Ordinance, which if adopted, would amend the Parking Regulations related to Flagler Avenue loading and unloading zones.

City Attorney Avallone read Ordinance No. 51-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on June 9, 2020.

- B. Ordinance No. 52-20: Conduct the First Reading and Public Hearing of an Ordinance, which if adopted, would increase the fines related to boat and trailer parking violations.

City Attorney Avallone read Ordinance No. 52-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on June 9, 2020.

10. BOARDS AND COMMISSIONS

- A. Utilities Commission: Accept the resignation of member Lee Griffith and consider an appointment to fill the unexpired term set to expire on September 7, 2021.

Motion:

Commissioner McGuirk moved to accept the resignation of Lee Griffith. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

Motion:

Commissioner Sachs moved to postpone the appointment to the Utilities Commission Board until the June 9, 2020 City Commission meeting. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

11. MAYOR AND COMMISSION REPORTS

Vice Mayor Kolody commented on the parking conditions on North Beach and commented that the solution was strict enforcement of parking. He stated that he had requests from five residents asking for parking signs and stops signs. He suggested researching the authorization of signage and coming up with a definitive policy. He commented on closing Canal Street and mentioned that if a definitive plan was shared, that he would give that a second look. He expressed concern about the collection of our parking tickets fees and mentioned uncollected fees. He thanked the police who are working very hard to enforce parking regulations and shared that the residents on the north end of beach side appreciated it.

City Manager Resheidat stated that Police Chief Coffin is working with the staff on finding another company that will work with the city on the collection of parking fees.

Commissioner Sachs thanked Lisa Martin for her help to feed the needy. He questioned staff regarding the City's solicitation policy. He asked about a solicitation list residents could sign up for and yard signs. He asked if people could remain anonymous if they reported a code violation to Code Enforcement. He thanked City Manager Resheidat for possibly having COVID-19 testing in New Smyrna Beach. He commented on Canal Street restaurants and the possibility of an evening event. He asked to please give it two weeks to gauge where the trend goes. He encouraged people to abide by CDC guidelines and social distancing.

Police Chief Coffin stated there was a solicitation list residents can sign up for and shared that a yard sign was not needed.

City Manager Resheidat stated that names were not shared regarding Code Enforcement submissions and mentioned public record.

Commissioner McGuirk commented on the homelessness issue. He shared that the Commission was going to have to make tough choices. He commented on the upcoming Homelessness Workshop and stressed the importance of it. He stated that the City needed to become aggressive to get ahead of the dilemma. He commented on safety measures during the COVID-19 Crisis.

Commissioner Hartman stated that he heard from several residents on beachside and they were grateful for the police officers presence this past weekend sharing that he heard nothing but positive remarks. He stated that the residents commented about how courteous and friendly the officers' interaction was with the public and asked Chief Coffin to share their positive remarks with the Police Staff. He commented on the issue of the homelessness and how it needed to be addressed. He recognized those who died and paid the ultimate sacrifice regarding Memorial Day. He mentioned that the DARE Program not holding graduation this year and that he missed attending the graduations. He thanked the Mayor for his speech over the weekend.

Mayor Owen commented on the Memorial Day speech. He was glad something came together to honor the fallen. He thanked everyone, including the staff and private citizens, who assisted him with the speech. He commented on being supportive of the Canal Street closure. He summarized his ride- along with the City of New Smyrna Beach Police Department on Sunday morning and the parking violations. He commented on having a penalty that was meaningful and how it could aid in reclaiming the neighborhoods. He stated that the “No Parking” signs should have the dollar amount on the sign. He commented on the other potential enforcement (being towed or booted). He commented on increasing the signage west of I-95 possibly all the way out to I-4 and commented on Volusia County’s assistance. He commented on Councilwomen Denys asking for and receiving unanimous support to allocate the CARES funds received from the Federal Government for Volusia County, mentioning they allocated up to \$15 million to cities for COVID-19- related expense recovery, but not revenue offset. He mentioned one subset of businesses that remained closed, sharing that the bars have not generated revenue since the last part of late February. He stated there were a few mayors who wanted to send a letter on the behalf of those employees to allow those establishments to reopen. He stated that he intended to support that effort. He expressed that it could be done safely. He commented on Smith Street by the barn and wanting to utilize that lot permanently for parking. He expressed the need to have a conversation about leases and how to handle them.

City Manager Resheidat stated there were two signs on state road 44 just of west I- 95 and west of Venetian Bay for beach parking and information.

Commissioner McGuirk commented on the increase of parking citations and justifying higher parking fees to the residents. He expressed that the City was going to pay the price when locals receive tickets.

Vice Mayor Kolody stated that he would not enter any lease that has any time length to it because of the insurance. He shared that he did not have a problem with short-term leases. He noted the property had usage limitations and the City would have to tread very carefully.

Assistant City Manager Brian Fields stated they will attend the next meeting to discuss the special exception and that parking would be a part of that discussion.

12. CITY MANAGER'S REPORT

City Manager Resheidat stated there was a Strategic Planning Workshop scheduled for June 9, 2020 at 5:00pm. He commented on scheduling the Homelessness Workshop for June 23, 2020 at 5:00 pm. He commented on the consultant and First Step Representatives attending the workshops. He recommended moving the Lease Workshop to the Budget Workshop in August or on June 30, 2020.

City Commission consensus was to schedule the Mini-Budget Workshop and City Lease Discussion for June 30, 2020 at 5:00 pm.

City Manager Resheidat commented on the Charter Review and scheduling two public workshops between now and June 18, 2020. He selected two days pending Commission approval: June 11, 2020 and June 18, 2020 to be conducted at the Brannon Center.

City Commission consensus was to schedule Charter Review Workshops on June 11, 2020 and June 18, 2020 at the Brannon Center.

City Manager Resheidat commented on the COVID-19 measures and the plan to reopen City Hall. He shared that staff would return on June 1, 2020 and that all City buildings would reopen to the public on June 8, 2020. He stated the Sport Complex activities were closed until the end of May.

MOTION:

Vice Mayor Kolody moved to extend the meeting for fifteen minutes at 10:30 pm. Commissioner Sachs seconded the motion, and the motion was unanimously approved.

City Manager Resheidat commented on the Car Show on Canal Street. He shared that the show would be held on the second Saturday of June and that they must maintain social distancing and follow CDC guidelines.

City Commission consensus was to approve the Car Show on Canal Street for one Saturday and then re-access.

City Manager Resheidat inquired about opening of the playgrounds and restrooms at the city parks.

City Commission consensus was to keep the playgrounds and restrooms closed until June 9, 2020.

City Manager Resheidat commented on the re-opening of the Sports Complex.

Commission consensus was to open the Sports Complex with one team per field for soccer, baseball and softball. The Sports Complex would re-open June 1, 2020 with staff delegating limited capacity with two weeks for practice and two weeks for games. If needed, the Commission would re-evaluate if the COVID-19 numbers spike.

Mayor Owen commented on street closures for Flagler Avenue and Canal Street.

City Commission consensus was not to support closing of Flagler Avenue and that Canal Street may close for two week nights at their discretion, but not weekends.

MOTION:

Vice Mayor Kolody moved to extend the meeting for fifteen minutes at 10:45 pm. Commissioner McGuirk seconded the motion, and the motion was unanimously approved.

City Manager Resheidat commented on the Food trucks returning to the Farmer's Market.

City Commission consensus was to approve the return of the Food trucks to the Farmer's Market.

City Manager Resheidat commented about the Summer Program for the Babe James Center. He stated they would have nine participants per one counselor and that seventy-two participants were allowed for the summer program. He stated they would follow social distancing and abide by the CDC guidelines.

City Commission consensus was to approve the Summer Program at the Babe James Center.

City Manager Resheidat commented that the New Smyrna Beach High school class of 2020 parade was fine. He commented on the short-term vacation rental-reopening plan. He stated that the City could abide by the Volusia County guidelines or create a new policy for the City.

City Commission consensus was to follow Volusia County guidelines for short-term vacation rentals.

Mayor Owen offered an alternative to the Fourth of July fireworks suggesting that they could possibly hold a series of much smaller shows in different neighborhoods throughout New Smyrna Beach or using the Sports Complex/Airport.

City Commission consensus was to not approve the proposed alternative Fourth of July show.

13.CITY CLERK'S REPORT

Mayor Owen stated public participation would be allowed during the Charter Review Meeting.

City Clerk McQuillen stated that qualifying week for the election was June 8, 2020 through June 12, 2020.

14.CITY ATTORNEY'S REPORT

No action.

15.ADJOURNMENT

As there was no other business to discuss, Mayor Owen declared the meeting adjourned at 11:06 PM.

PUBLIC PARTICIPATION

Exhibit A

McQuillen, Kelly

From: Debbie Vishnesky <debvishnesky@aol.com>
Sent: Tuesday, May 12, 2020 4:19 PM
To: City Clerk
Subject: City Meeting May 26,2020 - Request to be on the agenda
Attachments: letter to city commission - sale zoning change.rtf

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.

Dear City Clerk,

I would like to be on the agenda for the May 26th youtube online meeting that will discuss allowing overnight boarding in B3 Zoning if a certain distance from a residential property. (The last meeting it was discussed 250 feet, however further discussion was necessary in order to use the property line vs actual residential building).

I am a resident of NSB and the remaining owner along with Mr. Neil's heirs. Of course we would like to sell the property and have tried to several times in the past 10 years. We have no plans to open a business there as I am retired and Mr. Neill's heirs do not live in the area. We feel fortunate to have a potential buyer for the property as we have been trying to sell it for a number of years.

Please see attached letter to the Mayor and City Commissioners. I have not sent them emails individually so please put a copy of the attachment along with this email in their in bin prior to the meeting so they can review it.

Let me know if you have any questions or if I need to do anything else.

Thank you,
Debbie

May 14, 2020

City of New Smyrna Beach

10 Sams Avenue

New Smyrna Beach, FL 32168

Mayor Russ Owen

City Commissioners: Michael Kolody, Jake Sachs, Jason McGuirk, Randy Hartman

Re: 1301 Canal Street - Zoning change to allow overnight boarding in B3

Dear Mayor Russ Owen and NSB City Council Members;

I am writing on behalf of myself and the heirs of Lawrence G. Neill, who passed away this past November 14, 2019.

At the last NSB Council meeting on April 28, 2020, a comment was made that the property at 1301 Canal Street, formerly the Moose Club, had been several other restaurants over the years that also operated unsuccessfully at that location. Lawrence Neill purchased the building from the Moose Club in 2002 and reopened it as "The Florida Cracker." Sadly, the new sign was vandalized early on presumably because someone took offense to the name, so he changed the name of the restaurant to "Our Backyard". Because of other priorities, "Our Backyard" was sold in 2009 to Vince Congialdi, prior owner of Vincenzo's on Flagler Avenue, who reinvented the restaurant as "The C Note". Unfortunately Mr. Neill had to foreclose and took the property back in 2015.

The property had been listed for at least a year when Mr. Congialdi was having problems prior to foreclosure, and then it was listed again after Mr. Neill acquired the building back. Unable to find a buyer Mr. Neill decided to reopen the restaurant in 2015 because continuing to own the vacant building was creating a financial hardship. It takes a special buyer to successfully run a 5,000 sq. ft. restaurant in a small town, especially when located outside of the tourist district, and that time, there were over 125 restaurants in NSB with only 25,000 full time residents. As it currently stands, 1301 Canal Street being vacant opens the area up to the homeless and vagrants.

We feel the Horvath's have a great business plan and concept for the property, something NSB could really use anytime, but especially during hurricane season. The location has a nice outdoor area surrounded by a public storage facility and daytime businesses. Their plan for the property would

certainly improve the area, making a positive contribution at the entryway to the existing business district in which it's located. It is only a matter of time before the surrounding properties culminate into a busy and prominent commercial area as the historic west side is improved and as more businesses push west towards SR44. We feel this is a positive and the "highest and best use" for the property at this time.

Please do something positive for the area and approve the zoning change to allow overnight boarding in B3, if an allowable distance from residential property. Again, we feel this change would improve the area with the type of positive economic development the city needs, while providing New Smyrna Beach the ultimate in pet care. It really would be the "highest and best" use of the property, especially in light of this latest pandemic which is sure to hurt the restaurant industry for some time to come.

Thank you for your time and consideration.

Debbie Vishnesky - New Smyrna Beach, FL

Daniel Neill - San Diego, CA

David Neill - Escondido, CA

Derek Neill - Seaile City, NJ

McQuillen, Kelly

From: Cristina March <cristinagmarch@gmail.com>
Sent: Tuesday, May 12, 2020 10:47 PM
To: nsbpresidentscoalition@ournsb.org; Owen, Russell; Resheidat, Khalid; City Clerk
Cc: Fields, Brian; Kolody, Michael; Sachs, Jake; McGuirk, Jason; Hartman, Randy
Subject: PUBLIC COMMENT FOR NEXT COMMISSION MEETING: Suggestion for HR Board

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.

Both in regards to the necessary termination of employment for Cayla Bartolucci, and also in the event of future city employees which repeatedly violate city ordinances and city standards of employment:

Just a suggestion, Ormond Beach has an HR board:
<https://www.ormondbeach.org/228/Human-Resources-Board>

Members

The Human Resources is comprised of five members appointed by the [City Commission](#). The board is governed by Section 2-214 of the [Code of Ordinances](#).

Overview

The Human Resources Board performs the following functions:

- o Advising the [City Commission](#) and the Human Resources Director on problems concerning human resources administration
- o Hearing appeals regarding suspensions, demotions, terminations, and performance ratings
- o Assisting in the establishment of a uniform performance rating system for all employees in the classified service

McQuillen, Kelly

From: coachmom9 <coachmom9@aol.com>
Sent: Monday, May 18, 2020 3:03 PM
To: McQuillen, Kelly
Cc: Owen, Russell; Kolody, Michael; Sachs, Jake; Hartman, Randy; McGuirk, Jason; Resheidat, Khalid; Fields, Brian; Avallone, Carrie
Subject: City Commission Meeting Live Feed & Public Participation Restrictions

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Kelly,

My respectfully submitted questions may be outside the scope of your office.

Would you please forward them (and cc me) to the appropriate authority if that's the case?

Since the charter review was streamed with live public participation included, rather than being abbreviated and summarized, by someone else into a 10 second sound bite read aloud by Mayor Owen, will city officials utilize this established tool for all future city commission meetings?

How is it that the city policy of allowing 3 minutes, per person, during public participation allegedly to encourage citizen input and establish trust between city officials and tax payers through transparency, have been deliberately castrated to a 10 second soundbite by city officials?

The instructions available on the NSB website to submit public participation comment via email in advance of meetings, do not disclose the submitter is releasing all rights to protect the content of their comment, nor does it disclose private citizen comments will be subject to full editing authority, allowing the Mayor and/or city officials to alter or edit the comments and limit the full content to be read into the record of the meeting.

Had the May 12, 2020 city commission meeting (and all others similarly held in closed conditions) occurred under normal circumstances, the author of each of the approx. 45 forced email submissions in advance of the meeting, would have been allowed, and utilized their allotted 3 minutes.

With a rebuttal if needed, per the historical practice at city meetings prior to the covid pandemic.

Many meetings do last 2-3 hours BECAUSE of the agenda items and the right for public participation to take place.

Who is the city authority that altered the meeting protocol, to be "less than business as usual"?

Was there an official commission motion and vote to restricted, limit and edit public participation?

If so, please provide a copy of the order, motion and vote content.

I look forward to hearing from you or the appropriate city official.

My Best,
Claudia Vanderhorst
562 Aeolian Dr.
419 345 4220

Sent from my Verizon, Samsung Galaxy smartphone

McQuillen, Kelly

From: Barretta-Herman, Angeline <A9BARRETTAHE@stthomas.edu>
Sent: Saturday, May 23, 2020 12:16 PM
To: City Clerk
Subject: Public Participation

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.

Good afternoon,

I went on the city website to find that the public participation form is no longer available and my earlier submission by email was not included in the Agenda Packet for May 26th.

Please email me the form so that i can complete it and insure my comment becomes part of the public record. My email submitted to you May 11th is copied below for your convenience.

Respectfully
Angeline Barretta Herman

May 11, 2010

City Commissions and Mayor,

I would like to bring to the attention of the City Commission what seems to be an increasing number of demolitions in New Smyrna Beach.

A cursory review of Building Department demolition applications shows 28 recorded demolitions in 2019 (four of them in the designated historic districts) and 13 recorded for 2020 (one in the historic district as of May 1st although two additional applications have been submitted. .

The concern is that New Smyrna Beach is losing its charming historic housing stock. The historic homes are being replaced by larger homes built-out to the very maximum allowed under current housing regulations - in both in height (up to 3 stories) or in square footage (more than 60% non permeable coverage). The FEMA regulations have added additional height to nearly all new construction. These new homes often overshadow their neighbors, seem to violate any principles of neighborhood compatibility, and decrease permeable surface.

A further analysis of the data is necessary to understand:

- (1) how many of the demolitions are in fact of homes that may fall under the proposed revision of the term historic
- (2) how many of these homes are within the historic overlay

(3) the overall impact on residential neighborhoods.

NSB has a varied and unique housing stock that contributes to its reputation as a charming beach town with two distinct downtowns. It is important that we preserve our housing stock and encourage its preservation in every way that we can. I request the City review the criterion for demolitions and support home owners to consider alternatives.

Respectfully submitted.

*Angeline Barretta Herman, PhD
108 Esther Street, NSB*

*Angeline Barretta Herman, PhD
651-210-7187
a9barrettahe@stthomas.edu*



McQuillen, Kelly

From: McQuillen, Kelly <kmcquillen@cityofnsb.com>
Sent: Thursday, May 14, 2020 8:43 AM
To: a9barrettahe@stthomas.edu
Cc: Owen, Russell
Subject: RE: Public participation email

Good morning Angie,

Thank you for letting us know. I searched through all of my emails, each box, and I do not see one from your email address. Can I please ask you to resend it to me? I will certainly include it as part of the public record.

Thank you,

Kelly McQuillen
City Clerk
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168

Office: (386) 410-2637
kmcquillen@cityofnsb.com
www.cityofnsb.com



From: Owen, Russell <rowen@cityofnsb.com>
Sent: Wednesday, May 13, 2020 9:03 PM
To: Barretta-Herman, Angeline <A9BARRETTAHE@stthomas.edu>
Cc: McQuillen, Kelly <kmcquillen@cityofnsb.com>
Subject: Re: Public participation email

Hey Angie!

I acknowledged the ones that the clerk sent to us all as public participation. I'll defer to her to explain that process. I apologize for the confusion though and look forward to catching up soon!

Russ Owen
Mayor
New Smyrna Beach
386-314-3433

On May 13, 2020, at 5:28 PM, Barretta-Herman, Angeline <A9BARRETTAHE@stthomas.edu> wrote:

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Good afternoon, Mayor Owen,

With regards to last night's City Commission Meeting (Tuesday, May 12, 2020) am I to assume you acknowledged only the public participation emails relevant to the City Commission Agenda? Such as the Stop signs on Peninsula and the Boat Club?

Will the other public participation emails that were sent, but not addressed at last night's meeting, be a part of the public record? Or is there another time or place that my comments regarding demolitions be acknowledged and/or addressed?

Please advise.

Regards,
Angie

Angeline Barretta Herman, PhD

a9barrettahe@stthomas.edu



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** Please consider the negative environmental impacts associated with printing email **

McQuillen, Kelly

From: Bill Fitzpatrick <billfitzpatrick74@gmail.com>
Sent: Monday, May 25, 2020 10:02 AM
To: City Clerk
Subject: N Causeway Plan

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.

I would like to understand what deliberations & discussions led to this concept. NSB is hardly lacking in outdoor public space. This proposal seems a waste of a valuable site as well as an ongoing maintenance cost. The particular design presented isolates the activity sites far removed from the public thoroughfare. I doubt people would be apt to traverse this space to hang out with the homeless who will undoubtedly occupy the area. This is the same kind of design that we have at Buena Vista & at the boat ramp lot. Both concept & design implementation should be re-thought. On a related note, the the old high school site is nearly unused. Is there a standing position or commission that plans the activities for the amphitheater.
Thank you for your time

Sent from my iPhone