



**City Commission Regular Meeting
Tuesday, January 14, 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, January 14, 2020 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

A. Call to Order

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

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

Excused Absent: Mayor Russ Owen

Also present were City Attorney Carrie Avallone, 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 Officer Phil Veski and City Clerk Kelly McQuillen.

2. INVOCATION/PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF THE AGENDA

City Manager Resheidat reported no changes to the published agenda.

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

- A. Proclamation: Read and present a proclamation to recognize January 17, 2020 as Arbor Day in New Smyrna Beach.

Vice Mayor Kolody presented Maintenance Operations Director Faith Miller with an Arbor Day Proclamation.

- B. Proclamation: 2020 Martin Luther King Jr. Day, January 20, 2020.

Vice Mayor Kolody presented Pastor Bobby Jacobs, Allen Chapel AME and Rev. Neil Coates, SR. of the Westside Ministries Alliance with the Martin Luther King, Jr. Day Proclamation.

5. PUBLIC PARTICIPATION

Margaret Yarrington, 309 Florida Avenue, commented on the environment and neighborhoods. She commented on traffic issues and requested solar-powered flashing lights on the sign located near the hospital. She commented on Florida Avenue being narrow. She requested more striping on the corners so drivers would realize it was a two-way street. She commented on the size of delivery trucks and their hours of delivery. She commented on parking issues near the beach, particularly near the post office. She commented on beach side street speed limit enforcement.

Joe Dlubak, 357 Casalta Street, commented on attending a Planning and Zoning meeting and referenced a Coastal Woods item. He commented on the possibility of a new convenience store and shared that it should be a professional nature on the corridor. He commented on buffer zones being visible from SR44. He wanted to ensure developers were abiding by the rules.

Lillian Conrad, 2700 North Atlantic Avenue, commented on storage space consideration so that the SCORE mentors could use to provide services. She provided a brief outline requiring space to accommodate the need.

6. CONSENT AGENDA

- A. Approve the Minutes of the following City Commission Meetings: Regular Meetings on October 22, 2019 and November 12, 2019, Special Meeting on November 12, 2019 and a Workshop on November 19, 2019.

Motion:

Commissioner Hartman moved to adopt the City Commission Meeting Minutes, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Resolution No. 01-20: Consider the Adoption of a Resolution, which if adopted, would vacate a segment of Sunset Drive.

Motion:

Commissioner McGuirk moved to adopt Resolution No. 01-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried 3-1 by majority vote, with Commissioner Sachs voting no.

- C. Resolution No. 02-20: Consider the adoption of a Resolution, which if adopted, would amend the FDOT JPA #431578-1-94-01 Grant Adopting Supplemental #2 and Resolutions for Improvements to Terminal Apron and South Hangars Apron/ Taxilane.

Motion:

Commissioner Hartman moved to adopt Resolution No. 02-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Resolution No. 03-20: Consider the adoption of a Resolution, which if adopted, would approve the FDOT Grant PTGA #438472-1-94-02.

Motion:

Commissioner McGuirk moved to adopt Resolution No. 03-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- E. Resolution No. 04-20: Consider the adoption of a Resolution, which if adopted, would approve of an Off System and Maintenance Agreement between the State of Florida, Department of Transportation and the City of New Smyrna Beach, FL

Motion:

Commissioner Hartman moved to adopt Resolution No. 04-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- F. Consider the approval of a revision to Street Resurfacing Schedule for FY 19/20.

Motion:

Commissioner McGuirk moved to adopt the Revised Resurfacing Schedule, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- G. Consider a request to approve a transfer of \$20,000 from the Specialized Law Enforcement Trust Fund (SLETF) to pay for cold case forensic DNA testing.

Motion:

Commissioner Hartman moved to approve the approval to transfer SLETF, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- H. Consider a request to approve Towing Contract Renewals for Bishop's Wrecker Services, Universal Towing, Inc., and Edgewater Garage, Inc. dba Edgewater Towing and Recovery.

Motion:

Commissioner Hartman moved to approve the Towing Services Contract Renewals, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- I. Consider a request to approve entering into an Interlocal Agreement with the Town of Ponce Inlet for fleet services.

Motion:

Commissioner Hartman moved to approve the Interlocal Agreement for Fleet Services, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- J. Consider the approval of the training budget for Blue Community One Planet Living sustainability pilot program.

Motion:

Commissioner McGuirk moved to approve the Blue Community training budget, as submitted. Commissioner Hartman seconded the motion, and the motion carried 3-1 by majority vote, with Commissioner Sachs voting no.

- K. Consider the approval of the Babe James Splash Park Construction Contract.

Capital Improvements Manager Michelle Vallance outlined a brief synopsis of the bids that were received regarding the contract. She stated that one bid was received from Saboungi Construction. She shared that staff did not recommend bid approval.

This item was originally placed under presentations at the request of the CIP Manager. Ms. Vallance requested that this item was moved back to its original space; letter "K" on the Consent Agenda.

City Commission consensus was to move this item for further consideration from Presentations to Consent.

Vice Mayor Kolody voiced a concern about being over the budget. He commented on the number of bids and stated that he was not comfortable with one bid. He wanted to re-bid the item.

Motion:

Commissioner McGuirk moved to approve Option One of the Babe James Splash Park Construction Contract. Commissioner Sachs seconded the motion, and the motion was unanimously approved.

- L. Approve a Special Event: The City of New Smyrna Beach Art Fiesta on February 22 and 23, 2020, and Associated Street Closures of Sams Avenue from Washington to Canal Street, Julia Street from Riverside Drive to Faulkner Street, and Chalk It Up Art Contest February 22, 2020 on Canal Street from Riverside Drive to Faulkner Street and Magnolia Street from Canal Street to Downing Street.

Motion:

Commissioner Hartman moved to approve the Art Fiesta 2020, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- M. Approve a street closure request from Sandtrap LLC to close Canal Street from Live Oak Street to S. Orange Street from 12 noon on January 31, 2020 to 1:00 AM on February 1, 2020 for the filming of a movie scene.

Motion:

Commissioner Hartman moved to approve the Sandtrap Filming Request on Canal Street, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

- A. Requesting the City Commission's review and approval of the Turnbull Creek Land Preservation Committee's recommendations for target parcel prioritization for land acquisition and for the establishment of a conservation easement program.

Motion:

Commissioner McGuirk moved to approve the Turnbull Creek Land Preservation Committee's recommendations, as amended by adding parcel number 98. Commissioner Sachs seconded the motion, and the motion carried unanimously.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- A. Conduct a Quasi-Judicial Public Hearing to consider the approval of The Palms Phase 2B: Re-plat of Lots 158-160.

Director of Development Services and Coastal Environmental Resiliency Brian Fields was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned his credentials, Mr. Fields outlined the proposed ordinance, which if adopted, would approve the Palms 2B Re-plat.

Commissioner Sachs asked if there would be more than the three lots added to the Re-plat.

Mr. Fields stated that it would be three lots only.

Commissioner McGuirk asked about past issues concerning lot widths.

Mr. Fields stated this was the correct way to remedy the issue.

Geosam Attorney Amber Coleman shared that they tried to fix this through an administrative variance and explained it was an engineering oversight.

Vice Mayor Kolody opened the Quasi-Judicial Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Quasi-Judicial Public Hearing.

Motion:

Commissioner Hartman moved to approve the Palms 2B Re-plat, as submitted. Commissioner McGuirk seconded the motion, and the motion carried 3-1 by majority vote, with Commissioner Sachs voting no.

- B. Ordinance No. 81-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 2.5 acres of property located at 2565 Glencoe Farms Road.

City Attorney Avallone read Ordinance No. 81-19, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would annex properties located at 2565 Glencoe Farms Road.

Vice Mayor Kolody opened the Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Public Hearing.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 81-19, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- C. Ordinance No. 82-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would assign a City Future Land Use for property located at 2565 Glencoe Farms Road as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 82-19, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would assign a City Future Land Use for property located at 2565 Glencoe Farms Road.

Vice Mayor Kolody opened the Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 82-19, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- D. Ordinance No. 83-19: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone designation for property located at 2565 Glencoe Farms Road as part of an overall Annexation application

City Attorney Avallone read Ordinance No. 83-19, the second time by title only.

Senior Planner Robert Mathen was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned his credentials, he outlined the proposed ordinance, which if adopted, would rezone the property located at 2565 Glencoe Farms Road.

Vice Mayor Kolody opened the Quasi-Judicial Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Quasi-Judicial Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 83-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- E. Ordinance No. 84-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 0.76 acres of property located at 1086 Corbin Park Road.

City Attorney Avallone read Ordinance No. 84-19, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would annex properties located at 1086 Corbin Park Road.

Vice Mayor Kolody opened the Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Public Hearing.

Motion:

Commissioner McGuirk moved to adopt Ordinance No. 84-19, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- F. Ordinance No. 85-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would assign a City Future Land Use for property located at 1086 Corbin Park Road as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 85-19, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would assign a City Future Land Use for property located at 1086 Corbin Park Road.

Vice Mayor Kolody opened the Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 85-19, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- G. Ordinance No. 86-19: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone the property located at 1086 Corbin Park Road as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 86-19, the second time by title only.

Senior Planner Robert Mathen remained under oath and outlined the proposed ordinance, which if adopted, would rezone the property located at 1086 Corbin Park Road.

Vice Mayor Kolody opened the Quasi-Judicial Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Quasi-Judicial Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 86-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

H. Ordinance No. 87-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 2.5 acres of property located on Glencoe Farms Road.

City Attorney Avallone read Ordinance No. 87-19, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would annex properties located at Glencoe Farms Road.

Vice Mayor Kolody opened the Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 87-19, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

I. Ordinance No. 88-19: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would assign a City Future Land Use for property located on Glencoe Farms Road.

City Attorney Avallone read Ordinance No. 88-19, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would assign a City Future Land Use for property located at Glencoe Farms Road.

Vice Mayor Kolody opened the Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 88-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- J. Ordinance No. 89 -19: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone designation for property located on Glencoe Farms Road as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 89-19, the second time by title only.

City Senior Planner Robert Mathen remained under oath and outlined the proposed ordinance, which if adopted, rezone the property located at Glencoe Farms Road.

Vice Mayor Kolody opened the Quasi-Judicial Public Hearing. As no citizens wished to speak, Vice Mayor Kolody closed the Quasi-Judicial Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 89-19, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

9. ORDINANCES - FIRST READING

- A. Ordinance No. 01-20: Conduct the First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would vacate a small segment of Sunset Drive.

City Attorney Avallone read Ordinance No. 01-20 the first time, by title only. Vice Mayor Kolody reported that the Second Reading and Public Hearing would be conducted at the regular meeting on January 28, 2020.

- B. Ordinance No. 02-20: Conduct the First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would annex approximately 0.2 acres of land located at 1110 Canal Street.

City Attorney Avallone read Ordinance No. 02-20 the first time, by title only. Vice Mayor Kolody reported that the Second Reading and Public Hearing would be conducted at the regular meeting on January 28, 2020.

- C. Ordinance No. 03-20: Conduct the First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would assign a City Future Land Use for property located at 1110 Canal Street as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 03-20 the first time, by title only. Vice Mayor Kolody reported that the Second Reading and Public Hearing would be conducted at the regular meeting on January 28, 2020.

- D. Ordinance No. 04-20: Conduct the second reading of an ordinance, which if adopted upon the Second Reading and Quasi-Judicial Public Hearing, would rezone designation for property located at 1110 Canal Street as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 04-20 the first time, by title only. Vice Mayor Kolody reported that the Second Reading and Quasi-Judicial Public Hearing would be conducted at the regular meeting on January 28, 2020.

- E. Ordinance No. 05-20: Conduct the second Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would amend the Code of Ordinances - Tethering of Dogs.

City Attorney Avallone read Ordinance No. 05-20 the first time, by title only. Vice Mayor Kolody reported that the Second Reading and Public Hearing would be conducted at the regular meeting on January 28, 2020.

- F. Ordinance No. 06-20: Conduct the Second Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would amend the Firefighters Pension to include the Cancer Bill and change Board Member Terms.

City Attorney Avallone read Ordinance No. 06-20 the first time, by title only. Vice Mayor Kolody reported that the Second Reading and Public Hearing would be conducted at the regular meeting on January 28, 2020.

- G. Ordinance No. 07-20: Conduct the Second Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would approve an increase Garage Sale Permit Fees.

City Attorney Avallone read Ordinance No. 07-20 the first time, by title only. Vice Mayor Kolody reported that the Second Reading and Public Hearing would be conducted at the regular meeting on January 28, 2020.

10. BOARDS AND COMMISSIONS

No action.

11. MAYOR AND COMMISSION REPORTS

Commissioner Hartman hoped that everyone had a safe and happy holiday and was looking forward to 2020.

Commissioner Sachs asked about placing a flashing traffic beacon near the middle school.

City Manager Resheidat stated a remedy was being worked on.

Commissioner Sachs commented on a Magnolia Street intersection near Live Oak, particularly the "No turn on red". He commented on attending the Youth Council Task Force Meeting. He mentioned their project and commented on helping the Youth Council with funding.

Commissioner McGuirk shared that perhaps it would be a good idea for the Council to fundraise through the community and then match any funds needed.

Commissioner Sachs commented on attending the Rising Sea Symposium. He mentioned a Barrier Island Report and stressed that a discussion should ensue about the rising sea and protection against storms. He commented on efforts to construct seawalls.

Commissioner McGuirk thanked Vice Mayor Kolody for doing a fantastic job chairing the meeting. He stated Cheers for 2020.

Vice Mayor Kolody commented on matching funds that the Youth Council Task Force could raise. He mentioned the past High School Class plaques and he fully supported matching their funds. He commented on the City Manager's Report and stated one of the items he wanted to bring forward was to discuss a complete new plan for the AOB Site, possibly a park and parking. He mentioned that the new Fire Boat needed a place to dock and that could be included in the plan.

Commissioner McGuirk responded to Vice Mayor Kolody's comments regarding the AOB Site. He shared that his preference was to hold more discussions regarding the AOB Site.

Commissioner Sachs mentioned that he had an older rendering of the AOB Site and stated he would share the document with City Commissioner's.

Vice Mayor Kolody commented on bringing the project to fruition. He believed it was time to move on with the project.

12.CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Resheidat commented on providing a temporary space for Ms. Lillian Conrad's Mentoring Service. He recommended that the City Commission support using the upstairs at 2650 North Dixie Freeway as temporary storage.

City Commission consensus supported allowing the upstairs at 2650 North Dixie Freeway as a temporary storage space for the SCORE Mentoring Service.

City Manager Resheidat commented on purchasing the property located at 214 Columbus Street and mentioned using it in the future for parking.

Commissioner Hartman stated that he supported this and mentioned, for the record, that this was the property location of his church.

City Manager Resheidat stated that the Minerva Center was listed for sale and mentioned that the City did not have the requested sale amount in the current budget. He shared that the City did have the Columbus Street sale price in the budget.

City Commission consensus was to move forward with researching information regarding the Columbus Street purchase.

City Manager Resheidat mentioned the upcoming Water Symposium and invited the City Commissioner's to attend. He welcomed Brian Fields as the new Assistant City Manager.

13.CITY CLERK'S REPORT

City Clerk Kelly McQuillen asked the City Commission to approve the Youth Council Task Force Members formally and to allow one member to serve in an ex-officio manner on the Charter Review Committee.

Motion:

Commissioner Sachs moved to approve the 2020 YCTF Members and to allow one to serve in an ex-officio manner on the Charter Review Committee. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

14.CITY ATTORNEY'S REPORT

No action.

15.ADJOURNMENT

As there was no other business to discuss, Vice Mayor Kolody declared the meeting adjourned at 8:37 PM.