



**City Commission Regular Meeting  
Tuesday, January 28, 2020 at 6:30 PM  
MINUTES**

**1. OPENING OF MEETING**

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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 28, 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.

**A. Call to Order**

**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, 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, Assistant City Clerk Jeri Hall and City Clerk Kelly McQuillen.*

**2. INVOCATION/PLEDGE OF ALLEGIANCE**

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

**3. APPROVAL OF THE AGENDA**

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City Manager Khalid Resheidat announced the addition of an item to be placed on the Consent Agenda: Item I - Consider the purchase of projectors of the Brannon Center.

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

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- A. Police Department Promotion Ceremony for Sergeant Richard Kirkland

Police Chief Mike Coffin recognized Sergeant Richard Kirkland on his promotion.

- B. Proclamation: Recognizing February 1, 2020 through February 29, 2020 as Black History Month

Mayor Owen presented the Black History Month Proclamation to resident and Chair of the Community Block Grant Advisory Board, Mildred White.

- C. Proclamation: Raheem Mostert Day

Mayor Owen presented the proclamation to the family of Raheem Mostert and New Smyrna Beach High School athletic coaches Tim Merrick and Volusia County School Board Linda Cupherd.

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

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Lillian Conrad, 210 Palmetto Street, thanked the City Commission for everything they have been working on.

Joe Dlubak, 358 Casalta Circle, commented on the Charter Review Committee. He commented on a lack of a requirement for a conflict of interest.

#### **6. CONSENT AGENDA**

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- A. Resolution No. 05-20: Consider the adoption of a Resolution, which if adopted, would amend the FY2019-2020 Budget in total pursuant to itemizations attached.

**Motion:**

Commissioner Hartman moved to adopt Resolution No. 05-20: Fiscal Year 2019 - 2020 Budget Amendment, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- B. Resolution No. 06-20: Consider the adoption of a Resolution, which if adopted, would amend the Charter Review Committee membership to add one member of Youth Council to serve in an ex-officio capacity.

**Motion:**

Commissioner Hartman moved to adopt Resolution No. 06-20 Amending Charter Review Committee, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- C. Consider the approval of the Alba Court Road Closure Request.

**Motion:**

Commissioner Hartman moved to approve the Alba Court Road Closure, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Consider the approval of the City Hall Annex - Generator Purchase & Install Plan.

**Motion:**

Commissioner Hartman moved to approve the City Hall Annex - Generator Purchase & Install Plan, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- E. Consider the approval of the City Hall Annex - Design Change Order.

**Motion:**

Commissioner Hartman moved to approve the City Hall Annex - Design Change Order, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- F. Approve Ratification of the Collective Bargaining Agreement with IUPA #6057 Effective October 1, 2019 to September 30, 2022

**Motion:**

Commissioner Hartman moved to approve the Ratification of Collective Bargaining Agreement IUPA, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- G. Consider Approval of Resolution No. 07-20 from the City of New Smyrna Beach to the Florida Department of Transportation to Support the US Bicycle Route that begins in Bar Harbor, Maine and ends in Key West, Florida.

**Motion:**

Vice Mayor Kolody moved to adopt Resolution No. 07-20 US Bicycle Route 1 through NS, as submitted. Commissioner Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

- H. Approve a Special Event: 2020 First Saturday Events on Canal Street Each Month from 9:00 a.m. to 7:00 p.m. and Road Closure of Magnolia Street from Canal Street to the Entrance of Ricky's Canteen.

**Motion:**

Commissioner Hartman moved to approve the Special Event: 2020 First Saturday on Canal Street, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- I. Approve the purchase of projectors for the Brannon Civic Center.

**Motion:**

Commissioner Hartman moved to approve the purchase of projectors at the Brannon Civic Center, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

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

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- A. Approve entering into a License Agreement to allow shell to be installed at an off-street parking area in the East 15th Avenue right-of-way

**Motion:**

Commissioner McGuirk moved to adopt the License Agreement - 808 E 15th Avenue, as submitted. Commissioner Sachs seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Kolody voting no.

- B. Consider a request to approve the selection of existing crosswalks to be enhanced with LED lighted warning signage

Mr. Fields and City Engineer Kyle Fegley outlined the request.

**Motion:**

Commissioner McGuirk moved to approve the Crosswalks Selected for Lighted Warning Signage. Commissioner Sachs seconded the motion, and the motion carried unanimously.

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

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- A. Ordinance No. 01-20: Conduct the second 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 second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would vacate a small segment of Sunset Drive.

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. 01-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried 3-2 by majority vote, with Commissioner Sachs and Mayor Owen voting no.

- B. Ordinance No. 02-20: Conduct the second 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 second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would annex the property located at 1110 Canal Street.

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. 02-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- C. Ordinance No. 03-20: Conduct the second 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 second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, assign a City Future Land Use for the property located at 1110 Canal Street.

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. 03-20, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

- 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 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, Mr. Mathen outlined the proposed ordinance, which if adopted, would rezone the property located at 1110 Canal Street.

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

**Motion:**

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

- 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 second time by title only.

Animal Control Officer Megan Wilk outlined the proposed ordinance, which if adopted, would amend the City Code of Ordinances, Tethering of Dogs.

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

**Motion:**

Commissioner Sachs moved to adopt Ordinance No. 05-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- 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 second time by title only.

Human Resources Director Renina Fuller outlined the proposed ordinance, which if adopted, would amend the Firefighters Pension.

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. 06-20, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- 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 second time by title only.

Finance Director John McKinney outlined the proposed ordinance, which if adopted, would approve an increase in the garage sale permit fees.

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. 07-20, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.



## **9. ORDINANCES - FIRST READING**

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- A. Ordinance No. 09-20: Conduct the Second Reading and Public Hearing of an Ordinance, would amend the Future Land Use on approximately 30 acres of the Florida Days Subdivision from Rural and Residential Estate to Low Density Residential.

City Attorney Avallone read Ordinance No. 09-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at a date to be determined.

- B. Ordinance No. 08-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend and Restate the Master Development Agreement for the Florida Days Subdivision.

City Attorney Avallone read Ordinance No. 08-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at a date to be determined.

- C. Ordinance No. 10-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend the Farmers Market Regulations under Article V.

City Attorney Avallone read Ordinance No. 10-20 the first time, by title only. Mayor Owen reported that the second reading and public hearing would be conducted at the regular meeting on February 11, 2020.

## **10. BOARDS AND COMMISSIONS**

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No action.

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

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Vice Mayor Kolody appreciated the ability to review the future budget items. He wanted to see the items brought back for a second time after the initial presentations were completed to see if there was anything added. He commented on the lighting and mentioned the Animal Control Officer's entrance has bad lighting. He thought it would help with safety to increase the lighting.

Commissioner Sachs commented on the Arbor Day Celebration. He stated the Forestry Service and Future Farmers of America attended and stated it was a nice event.

Commissioner McGuirk commented on IMAGES Art Festival and stated that it was a great event.

Commissioner Hartman complimented the Chamber of Commerce and states they did a great job getting ready for the event. He mentioned the Martin Luther King, Jr. Day Event and stated it was a nice event. He commented on an Awards Celebration in the future. He asked about the criteria being used to select a person to be a candidate for the award.

Mayor Owen commented on the ECHO Staff when they visited the stadium regarding the turf. He commented on the Martin Luther King, Jr. Day Event and stated it was the largest one he had attended. He commented on IMAGES Art Festival and stated it was a well-orchestrated event and heard it was one of their best years ever. He thanked the Police Force for their coordination in the event. He commented on the State of the City scheduled for February 20, 2020. He stated that the goal was to honor citizens that went above and beyond. He did not want to have a public debate on who was more deserving of an award. He shared that one of the awards that was considered was a volunteer of the year.

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

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### **A. City Manager's Report**

City Manager Resheidat commented on the Magnolia Street speed cushions. He stated Commissioner Sachs and he visited residents to select the remaining two locations.

*City Commission consensus authorized City Manager Resheidat to move forward with the installation of the speed cushions at the two remaining Magnolia Street locations, between Hamilton and 10th and in the 800 block of Magnolia Street.*

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

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No action.

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

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No action.

#### **15.ADJOURNMENT**

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As there was no other business to discuss, Mayor Owen declared the meeting adjourned at 8:02 PM.