



**City Commission Regular Meeting
Tuesday, May 14, 2024 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 14, 2024, at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor Fred E. Cleveland called the meeting to order at 6:30 PM.

City Commission

Present: Mayor Fred E. Cleveland, Vice Mayor Valli Perrine, Commissioner Randy Hartman, Commissioner Lisa Martin, and Commissioner Jason McGuirk

Youth Council Task Force

Present:

Member Eden Broomall, Member Payton Elkind, Member Jeffrey Engel, Member Madalyn Fischer-Carne, Chair Kyla Kavanaugh, Vice Chair Piper Lehman, and Member Abbey McCartha

2. INVOCATION/PLEDGE OF ALLEGIANCE

Police Department Chaplain Bill Kitchin gave the invocation. New Smyrna Beach High School Youth Council Liaison and teacher Paul Woodard 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

4.A Presentation: Youth Council Task Force Project Presentation

Motion:

Commissioner Martin approved Riverside Park, 27th Avenue Park, NSB Sports Complex, NSB Pedestrian Trailhead, and the Mary Avenue Tot Lot as locations for the Community Lending Libraries. Vice Mayor Perrine seconded the motion, and the motion carried unanimously.

Motion:

Commissioner McGuirk approved using the City Commission Chambers to host an 8-hour Boating Safety Course conducted by the US Coast Guard Auxiliary for high school students in early June. Commissioner Hartman seconded the motion, and the motion carried unanimously.

Motion:

Vice Mayor Perrine approved the issuance of an annual Youth Boating Safety Day Proclamation. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

4.B Proclamation: National Safe Boating Week

The City Commission presented a proclamation to US Coast Guard Auxiliary members and Captain Rodney Janssen.

The City Commission presented a proclamation to the Youth Council Task Force members.

4.C Proclamation: Florida Emancipation Day

The City Commission presented a proclamation to Ann Harrell, Executive Director of the Black Heritage Museum.

5. CITY MANAGER'S REPORT

5.A City Manager's Report

City Manager Resheidat outlined a report.

6. PUBLIC PARTICIPATION

P.J. Arvidson, representing the New Smyrna Beach Garden Club, requested clarification on Consent Agenda item 7.B regarding the airport.

Randy Herman, 108 Esther Street, commented about Item 8.A. He encouraged a review of public comments regarding 120 Flagler Avenue. He commended the Youth Council Task Force for their boating safety initiatives.

Dave Reed, 4392 South Sea Mist Drive, shared zoning and development concerns about the property located at 4393 South Sea Mist Drive regarding the parcel split.

Steve Knott, 4391 South Sea Mist Drive, shared concerns about the property located at 4393 South Sea Mist Drive regarding the parcel split.

Jayne Meade, 4428 Doris Drive, shared immediate neighborhood concerns about the property located at 4393 South Sea Mist Drive regarding the parcel split.

Cindy Rhatigan, 1339 Scarlett Trail, commented on the airport noise abatement. She stated that the prior commissions were unaware that adding a control tower would increase air traffic. She suggested a future workshop regarding airport noise.

James Marvin Bunn Jr., 4384 South Sea Mist Drive, shared concerns about the property located at 4393 South Sea Mist Drive regarding the parcel split.

Doug Mullan, 918 East 1st Avenue, commented on potential issues regarding the proposed beachside parking garage.

Bob Williams, 4378 South Sea Mist Drive, shared zoning concerns about the property located at 4393 South Sea Mist Drive regarding the parcel split.

Nick Moreback, 4429 Doris Drive, shared immediate neighborhood concerns about the property located at 4393 South Sea Mist Drive regarding the parcel split.

Marianne Bunn, 4384 South Sea Mist Drive, shared concerns about the property located at 4393 South Sea Mist Drive regarding the parcel split.

7. CONSENT AGENDA

- 7.A Consider the adoption of the City Commission Regular and Special Meeting Minutes from April 9, 2024, April 18, 2024, and April 23, 2024.

Motion:

Vice Mayor Perrine moved to adopt the City Commission Regular and Special Meeting Minutes from April 9th, 18th and 23rd, 2024, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- 7.B Resolution No. 30-24: Consider the adoption of a Resolution, which if adopted, would approve a FDOT Grant for the construction of a new Airport Administrative Building.

Motion:

Vice Mayor Perrine moved to adopt Resolution No. 30-24, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- 7.C Consider the approval of the top four ranked firms for award of contracts for the scopes of work needed with RFQ 13-24-AIR and approve the award of contracts to each of the four firms. These firms are Avcon, Inc., Hoyle Tanner, C & S Companies, and Mead Hunt.

Motion:

Vice Mayor Perrine moved to approve the top four ranked firms for award of contracts for the scopes of work needed with RFQ 13-24-AIR and approve the award of Avcon, Inc., Hoyle Tanner, C & S Companies, and Mead Hunt, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- 7.D Consider the approval of the Airport Advisory Board recommendations for changes to the Voluntary Noise Abatement program and other actions suggested by ESA.

Motion:

Commissioner McGuirk moved to postpone the item. Commissioner Martin seconded the motion, and the motion carried unanimously.

- 7.E Resolution No. 31-24: Consider the adoption of a Resolution, which if adopted, would extend the FDEM Grant Modification Contract Time - Elevate 3 Homes Hurricane Irma.

Motion:

Vice Mayor Perrine moved to adopt Resolution No. 31-24, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- 7.F Consider the approval to amend the Pegasus Engineering Contract - Elevate 3 Homes Project (Hurricane Irma).

Motion:

Vice Mayor Perrine moved to approve the Pegasus Engineering Contract – Elevate 2 Homes Project amendment, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- 7.G Consider the approval to amend the Pegasus Engineering Contract - Elevate 6 Homes Project.

Motion:

Vice Mayor Perrine moved to the Pegasus Engineering Contract – Elevate 6 Homes Project Amendment, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- 7.H Consider the approval of Change Order #3 - 5th Street Bridge Replacement Project.

Motion:

Vice Mayor Perrine moved to approve Change Order #3 for the 5th Street Bridge Replacement Project, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- 7.I Consider approval of submission for the opioid abatement funding program.

Motion:

Commissioner Martin moved to approve the submission for the opioid abatement funding program, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- 7.J Special Event: Consider the approval of the Casey's NSB/La Terraza Two Tired Pit Stop event, to be held on Saturday June 22, 2024.

Motion:

Commissioner Hartman moved to approve the Casey's NSB / La Terraza Two Tired Pit Stop Special Event, as submitted. Commissioner Martin seconded the motion, and the motion carried unanimously.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

- 8.A Consider the rejection of a bid received for ITB 20-24-CW, Sale of City-Owned Surplus Real Property located at 120 Flagler Avenue.

Motion:

Vice Mayor Perrine moved to approve to lease or buy the property located at 120 Flagler Avenue, within a 90-day advertising window, at a price of \$999,000, with a 2% commission fee. Commissioner McGuirk the motion, and the motion carried unanimously.

Motion:

Commissioner Hartman moved to formulate an option b if the property located at 120 Flagler Avenue does not sell or lease, moving the building offsite to a location to be determined, to include traffic improvements to the intersections to be determined. Mayor Cleveland seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Perrine voting no.

9. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- 9.A Ordinance No. 18-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 0.065 + acres of land located on Corbin Park Road.

City Attorney Avallone read Ordinance No. 18-24, the second time, by title only.

A Public hearing was conducted to consider the adoption of Ordinance No. 18-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Public Hearing.

As no citizens wished to speak, Mayor Cleveland closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 18-24, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- 9.B Ordinance No. 19-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would create a Small-Scale Comprehensive Plan amendment on approximately 0.065 + acres of land changing the Future Land Use to City Medium Density Residential for property located on Corbin Park Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 19-24, the second time, by title only.

A Public hearing was conducted to consider the adoption of Ordinance No. 19-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Public Hearing.

As no citizens wished to speak, Mayor Cleveland closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 19-24, as submitted. Vice Mayor Perrine seconded the motion, and the motion carried unanimously.

- 9.C Ordinance No. 20-24: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone approximately 0.065 + acres of land to R-2, Single Family Residential with an "A" attached for Airport Height Notification Zone on property located on Corbin Park Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 20-24, the second time, by title only.

A Quasi-Judicial Public Hearing was conducted to consider the adoption of Ordinance No. 20-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Quasi-Judicial Public Hearing.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 20-24, as submitted. Vice Mayor Perrine seconded the motion, and the motion carried unanimously.

- 9.D Ordinance No. 21-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 0.32 + acres of land for property located on Pioneer Trail.

City Attorney Avallone read Ordinance No. 21-24, the second time, by title only.

A Public Hearing was conducted to consider the adoption of Ordinance No. 21-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Public Hearing.

As no citizens wished to speak, Mayor Cleveland closed the Public Hearing.

Motion:

Vice Mayor Perrine moved to adopt Ordinance No. 21-24, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- 9.E Ordinance No. 22-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would create a Small-Scale Comprehensive Plan amendment on 0.32 + acres of land changing the Future Land Use to City Low Density Residential for property located on Pioneer Trail as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 22-24, the second time, by title only.

A Public Hearing was conducted to consider the adoption of Ordinance No. 22-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Public Hearing.

As no citizens wished to speak, Mayor Cleveland closed the Public Hearing.

Motion:

Commissioner Martin moved to adopt Ordinance No. 22-24, as submitted. Vice Mayor Perrine seconded the motion, and the motion carried unanimously.

- 9.F Ordinance No. 23-24: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone approximately 0.32 + acres of land to City R-2, Single Family Residential for property located on Pioneer Trail as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 23-24, the second time, by title only.

A Quasi-Judicial Public Hearing was conducted to consider the adoption of Ordinance No. 23-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Quasi-Judicial Public Hearing.

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

Motion:

Commissioner Martin moved to adopt Ordinance No. 23-24, as submitted. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- 9.G Ordinance No. 24-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 1.1 + acres of land located on Oliver Drive.

City Attorney Avallone read Ordinance No. 24-24, the second time, by title only.

A Public Hearing was conducted to consider the adoption of Ordinance No. 24-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Public Hearing.

As no citizens wished to speak, Mayor Cleveland closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 24-24, as submitted. Vice Mayor Perrine seconded the motion, and the motion carried unanimously.

- 9.H Ordinance No. 25-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would create a Small-Scale Comprehensive Plan amendment on 1.1 + acres of land changing the Future Land Use to City Medium Density Residential for property located on Oliver Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 25-24, the second time, by title only.

A Public Hearing was conducted to consider the adoption of Ordinance No. 25-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Public Hearing.

As no citizens wished to speak, Mayor Cleveland closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 25-24, as submitted.

Commissioner Martin seconded the motion, and the motion carried unanimously.

- 9.I Ordinance No. 26-24: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone approximately 1.1 + acres of land to City R-2, Single-Family Residential for property located on Oliver Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 26-24, the second time, by title only.

A Quasi-Judicial Public Hearing was conducted to consider the adoption of Ordinance No. 26-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Quasi-Judicial Public Hearing.

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

Motion:

Commissioner Hartman moved to adopt Ordinance No. 26-24, as submitted. Vice Mayor Perrine seconded the motion, and the motion carried unanimously.

- 9.J Ordinance No. 27-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would authorize the City Commission to grant exemption from City Ad Valorem Property Taxes for up to ten years for certain new and expanded businesses; calling a referendum November 5, 2024, to authorize exemptions.

City Attorney Avallone read Ordinance No. 27-24, the second time, by title only.

A Public Hearing was conducted to consider the adoption of Ordinance No. 27-24.

Senior Planner Bob Mathen outlined the Ordinance.

Mayor Cleveland opened the Public Hearing.

As no citizens wished to speak, Mayor Cleveland closed the Public Hearing.

Motion:

Commissioner Hartman moved to adopt Ordinance No. 27-24, as submitted.

Commissioner McGuirk seconded the motion, and the motion carried 3-2, with Commissioner Martin and Mayor Cleveland voting no.

10. ORDINANCES - FIRST READING

10.A Ordinance No. 28-24: Conduct a First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would annex approximately 5.56 + acres of land for property located on Paige Avenue.

City Attorney Avallone read Ordinance No. 28-24, the first time, by title only. She reported that the Second Reading and Public Hearing was scheduled for Tuesday, May 28, 2024.

10.B Ordinance No. 29-24: Conduct a First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would create a Small Scale Comprehensive Plan amendment changing the Future Land Use on approximately 5.56 + acres of land to City Conservation for property located on Paige Avenue as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 29-24, the first time, by title only. She reported that the Second Reading and Public Hearing was scheduled for Tuesday, May 28, 2024.

10.C Ordinance No. 30-24: Conduct a First Reading of an Ordinance, which if adopted upon the Second Reading and Quasi-Judicial Public Hearing, would rezone approximately 5.56 + acres of land to City Conservation for property located on Paige Avenue as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 30-24, the first time, by title only. She reported that the Second Reading and Public Hearing was scheduled for Tuesday, May 28, 2024.

10.D Ordinance No. 31-24: Conduct a First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would annex approximately 1.48 + acres of land for property located on Paige Avenue.

City Attorney Avallone read Ordinance No. 31-24, the first time, by title only. She reported that the Second Reading and Public Hearing was scheduled for Tuesday, May 28, 2024.

10.E Ordinance No. 32-24: Conduct a First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would create a Small-Scale Comprehensive Plan amendment changing the Future Land Use to City Conservation for property located on Paige Avenue as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 32-24, the first time, by title only. She reported that the Second Reading and Public Hearing was scheduled for Tuesday, May 28, 2024.

10.F Ordinance No. 33-24: Conduct a First Reading of an Ordinance, which if adopted upon the Second Reading and Quasi-Judicial Public Hearing, would rezone approximately 1.48 + acres of land to City Conservation for property located on Paige Avenue as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 33-24, the first time, by title only. She reported that the Second Reading and Public Hearing was scheduled for Tuesday, May 28, 2024.

11. BOARDS AND COMMISSIONS

11.A Code Compliance Board: Consider the appointment of one (1) citizen to serve a three-year term, set to expire on March 3, 2027.

Motion:

Commissioner Martin moved to appoint Aaron Denys to serve a three-year term, expiring March 3, 2027 as a member of the Code Compliance Board. Vice Mayor Perrine seconded the motion, and the motion carried unanimously.

12. MAYOR AND COMMISSION REPORTS

Commissioner Hartman commented on attending the Business Expo. He congratulated Chief Feldman for the addition of five new officers. He appreciated all the efforts that the Chief and his staff put forth in recruiting the new officers.

Commissioner McGuirk did not share a report.

Commissioner Martin commented on attending the National Tourism Week Meeting, highlighting two presentations.

Vice Mayor Perrine commented thanked Purchasing Coordinator Janet Vivian for her work on collaborating the auditing projects.

Mayor Cleveland commended the City Clerk for a great job managing the Youth Council Task Force. He wished a Happy Municipal Clerk's Week to the City Clerk and her staff. He commented on the upcoming Economic Development Session. He commented on attending the Elected Officials meeting. He commented on hurricane preparedness and mentioned that there would be an estimated twenty-three hurricane events this year. He commented on the Police Officer Swearing in Ceremony and congratulated Chief Feldman for leading the way.

13. CITY CLERK'S REPORT

13.A City Clerk's Report

City Clerk McQuillen thanked the City Commission for their support with the Youth Council, emphasizing how important it was to empower the members with pride.

14. CITY ATTORNEY'S REPORT

City Attorney Avallone provided an update regarding the Airgate Aviation litigation.

15. ADJOURNMENT

As there was no further business to discuss, Mayor Cleveland adjourned the regular meeting at 9:50 PM.