

City Commission Regular Meeting
Tuesday, June 25, 2024
[Video](#) and [Agenda Packet](#)

Mayor Fred Cleveland called the meeting to order. Also in attendance were Vice Mayor Valli Perrine, Commissioners Randy Hartman, Lisa Martin, and Jason McGuirk. Staff present were City Manager Khalid Resheidat, Assistant City Manager Ron Neibert, Deputy City Clerk Sharon Harding, and City Attorney Carrie Avallone.

PROCLAMATIONS AND PRESENTATION

Parking Study Update by the Parking Consultant: Kerry Karl from LTG
Have reviewed past documents; held discussions with stakeholders; analyzed data about traffic flows, tourist development tax, beach toll receipts, and GPS and cell phone data; taken visual counts of parking; made site visits—focusing on Flagler, Canal, & Venetian Bay town center. Concurs with recommendations of 2023 Parking Task Force that the city needs a full-time staff person dedicated to parking and mobility. Has looked at population growth estimates for Volusia County and Orlando, and at Volusia County’s new beach access process and technology (in development). Final report in September 2024. **Public input meeting to be held August 1, 2024, at the Brannon Center.**

CITY MANAGER’S REPORT

- Discussion with Volusia/Flagler American Heart Association regarding CPR training events and city employees participating the annual heart walk event.
- The city received an email from Senator Wright regarding projects that were submitted to the appropriations committee: only one project was approved by the committee, which was the N. Atlantic Drainage Project.
- Staff submitted a grant application for Corbin Park Stormwater project to County’s Transform 386 Disaster Recovery Grant Program (requesting \$6M of needed \$8.4 M).
- Attended 4th Annual SEV Regional Economic Summit on 6/19/2024 and Juneteenth Gala both held at Brannon Center.
- Update on sale of 120 Flagler: advertising has been initiated.
- Efren Chavez, interim CEO of NSB Utility Commission, provided explanation on NSB utility outage that occurred in South Beach area on June 13-14, 2024, and provided strategies to prevent a similar recurrence.

PUBLIC PARTICIPATION

Will Roberts, Volusia County Tax Collector, spoke about the Kids Tag Art program and partnerships. **Nine (9) additional residents** spoke: five in opposition to the proposed zoning changes listed under **agenda items 10.B and 10.C**; one on the need to uphold and revise as needed the **city’s Comprehensive Plan** rather than responding to constant zoning change requests piecemeal; one with concerns about the proposed **Deering Park development**; one with concerns about the city’s lack of maintenance and **dredging of Turnbull Canal**; one with concerns about several of the **city’s contracts** listed in the Consent Agenda; and as a show of force, **some 20 members of the audience stood** to indicate opposition to the changes proposed in **agenda items 10.B and 10.C**.

CONSENT AGENDA

Nineteen (19) Consent Agenda items (all items proposed on the agenda, plus the addition of item 7.S) were **approved unanimously**:

- 7.A Consider the approval of Amendment No. 4 to the Consulting Engineering Agreement with Avcon for Design and Bidding Phase Services on 1501 Airway Rehabilitation.
- 7.B Consider the approval of a Lease between the City of New Smyrna Beach and Epic Aviation, Inc.
- 7.C Consider the adoption of the City Commission Regular Meeting Minutes from June 11, 2024.
- 7.D Resolution No. 45-24: Consider the adoption of a Resolution, which if adopted, would establish the 2024 Canvassing Board.
- 7.E Resolution No. 46-24: Consider the adoption of a Resolution, which if adopted, would authorize the Vice Mayor to remotely attend July 23, 2024 Special City Commission Meeting.
- 7.F Consider the approval to award RFP 11-24-BLDG for Building Inspection and Plans Review Services to Bureau Veritas North America, Inc., Calvin, Giordano & Associates, Inc., Joe Payne, Inc., Swimco Building Inspection, LLC, Universal Engineering Sciences, LLC., and Willdan Engineering, Inc.
- 7.G Consider the approval of Contract Renewals for Engineering Services for Marine Applications for Dredging & Marine Consultants, LLC and Taylor Engineering.
- 7.H Consider the approval of Contract Renewals for Professional Engineering Services.
- 7.I Consider the approval of the Stuart's Car Care Right-Of-Way Easement.
- 7.J Resolution No. 44-24: Consider the adoption of a Resolution, which if adopted, would amend the FY2023-2024 budget. Recommend City Commission to approve purchase replacement of frontline ambulance and approve the budget amendment.
- 7.K Resolution No. 43-24: Consider the adoption of a Resolution, which if adopted, would amend the FY2023-2024 budget.
- 7.L Consider the approval of the lease between Tiano's Italian Restaurant Inc. and the City of New Smyrna Beach.
- 7.M Special Event: Consider the approval of the Venetian Bay New Year's Eve Celebration 2024, to be held on Tuesday Dec 31, 2024 at midnight.
- 7.N Consider the approval of a contract for Bulk Fuels.
- 7.O Consider the approval of RFP 17-24-CIP Dredging Services thru the FDEM Grant.
- 7.P Resolution No. 42-24: Consider the adoption of a Resolution, which if adopted, would amend the FY2023-2024 budget.
- 7.Q Consider the approval to use Sourcewell Contract #092920-MTF to upgrade City fuel infrastructure.
- 7.R Consider approving a contract with the Volusia County School Board for a full-time officer at the New Smyrna Beach High School for FY25.
- 7.S Resolution to allow Commissioner Martin to participate via telecall in an upcoming Commission Special Meeting.

ADMINISTRATIVE ITEMS/NEW BUSINESS

- 8.A Consider the request from Volusia County Sheriff's Department for a fee waiver for use of the Brannon Center and Riverside Park for "Inshore Slam" on April 4 & 5, 2025. **Motion to approve the waiver approved unanimously.**
- 8.B Consideration of the City Manager Employment Agreement with Kevin Cowper. Terms of the contract, provided in the agenda packet, include an annual salary of \$190,000, plus contributions to a retirement fund and health insurance, and expenses paid for relocation, automobile maintenance, professional development, and other items. **Motion to approve the contract was approved unanimously.**

ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- 9.A Conduct a Public Hearing to consider the approval of Application No. HTR-2-24 - Historic Tree Removal of two (39.5" and 44" DBH) Live Oak trees on the commercial property at 2331 State Rd 44. **Motion to approve passed 3-2 (Martin and Cleveland voting no).**
- 9.B Re-consider the approval of Variance Application No. V-11-22 for the property located at 3311 Hill Street. **Motion to approve passed unanimously.**
- 9.C Conduct a Quasi-Judicial Public Hearing to review and consider the approval of Reserve at Lake Waterford Final Plat and to Authorize the Mayor to Execute the Contract for Plat Recording. **Motion to approve passed unanimously.**
- 9.D Ordinance No. 35-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would approve the extension of the temporary moratorium, adopted by Ordinance No. 17-24, on issuance of certain building permits for a section of Venetian Bay Phase II. **Motion to approve passed unanimously.**
- 9.E Ordinance No. 36-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 1.39 + acres of land located at 2565 Pioneer Trail. (And related items 9.F Ordinance No. 37-24 and 9.G Ordinance No. 38-2). **Motions to approve each of the three items passed unanimously.**
- 9.H Ordinance No. 39-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 0.58 acres of land located at 644 Dolores Street. (And related items 9.I Ordinance No. 40-24 and 9.J Ordinance No. 41-24). **Motions to approve each of the three items passed unanimously.**

ORDINANCES - FIRST READING (Second Readings & Public Hearings August 13, 2024)

- 10.A Ordinance No. 45-24: Conduct the First Reading of an ordinance, which if adopted upon the Second Reading and Public Hearing, would rezone a property by adding the Historic Building Overlay District, (HBOD) to a property located at 403 Magnolia Street known as the Woman's Club.
- 10.B Ordinance No. 46-24: Conduct the First Reading and Public Hearing of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would amend the Land Development Regulations by adding a definition of Floor Area Ratio, Commercial.
- 10.C Ordinance No. 47-24: Conduct the First Reading and Public Hearing of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would rezone 1.01 acres of land from B-2 Neighborhood Business District to Planned Unit Development, at 1300 S. Atlantic Avenue.

- 10.D Ordinance No. 48-24: Conduct the First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would authorize New Smyrna Beach Utilities to enter into a grant agreement with the Florida Department of Environmental Protection for a Septic to Sewer Project in Silver Sands.

BOARDS AND COMMISSIONS: None

MAYOR AND COMMISSION REPORTS

- Martin: has received much input from residents about the proposed ordinance changes in items 10.B and 10.C.
- McGuirk: Juneteenth Celebration was excellent.
- Perrine: comments on the positive outcome and impact of the Juneteenth Celebration.
- Hartman: economic development summit, Juneteenth event and gala; opioid project grants awarded; is there a need to revise nepotism policy (staff will review and present pros and cons of existing policy at a future Commission meeting).
- Cleveland: recognized a local coach, reported that city had received a grant for stormwater project, recognized the work of the Chamber of Commerce in organizing the economic development summit, lauded the Juneteenth celebrations.

Meeting adjourned.