

City Commission Regular Meeting
Tuesday, September 24, 2024
[Video](#) and [Agenda Packet](#)

Mayor Fred Cleveland called the meeting to order. Also in attendance were Commissioners Randy Hartman, Lisa Martin, and Jason McGuirk. Vice Mayor Valli Perrine was excused. Staff present were City Manager Kevin Cowper, Assistant City Manager Ron Neibert, City Clerk Kelly McQuillen, and City Attorney Carrie Avallone.

CITY MANAGER'S REPORT

- Glenn Storch, the Deering Park Innovation Center attorney, requested that the first reading for the DPIC PUD be continued until the 1/28/25 meeting. A work session will be held prior to 1/28/25.
- Staff members are meeting to follow up on developing a comprehensive community calendar.
- The City's offer to sell the property at 120 Flagler Ave. received no bids; options for what to do with that property will be forthcoming.
- City staff will be meeting with Venetian Bay developer's representatives, business owners, and residents to discuss ongoing concerns about parking in the area.
- City staff and the city's parking consultant met with county staff along with their off-beach parking contractor, to discuss collaboration between the city and county systems.
- City staff have been making plans to deal with the impact of Hurricane Helene.

PUBLIC PARTICIPATION

- Glenn Storch, representing the Deering Park Innovation Center applicant, reiterated the desire to receive as much input as possible from staff and stakeholders in the community before moving forward with the application.
- Three business owners on Flagler Ave requested better management of flooding conditions on Flagler, especially related to the impact of traffic-induced wakes that flow into businesses.
- A resident spoke about widespread flooding requesting a moratorium on any new development and a plan to move forward.
- One resident spoke on the need for public input on the Deering Park project, on the revised parking study report, and on several items in the Consent Agenda.
- A resident spoke on the need to coordinate City activities with the County and other agencies, and about problems with flooding related to construction along Pioneer Trail.
- One resident spoke about problems of flooding along A1A between 11th and 13th Avenues.

CONSENT AGENDA

- Items 7.B and 7.G were withdrawn from the Consent Agenda and no action was taken.
- Items 7.Q and 7.S were pulled for additional information from the City Manager and Staff after which both were **approved unanimously**.
- The remaining sixteen (16) Consent Agenda items were **approved unanimously**.
 - 7.A Consider the adoption of the City Commission minutes from the regular meeting held on September 10, 2024.

- 7.B Consider the approval of the 2025 Community Redevelopment Agency (CRA) and City Commission Meeting Dates. **Withdrawn. No action taken.**
- 7.C Resolution No. 65-24: Consider the adoption of a Resolution, which if adopted, would amend the FY2023-2024 budget.
- 7.D Resolution No. 66-24: Consider the adoption of a Resolution, which if adopted, would approve a FDOT Grant for the Construction Phase of Taxiway B Reconstruction and Removal of Runway 7/25 Ends.
- 7.E Resolution No. 67-24: Consider the adoption of a Resolution, which if adopted, would approve a FDOT Grant for Exhibit A - Airport Property Inventory Maps Update.
- 7.F Consider the approval of Amendment No. 6 the Consultant Engineering Agreement for Avcon, Inc. for Building Assessments of Airport buildings.
- 7.G Consider the approval of a City of New Smyrna Beach Community Redevelopment Agency (CRA) Historic Westside Preservation Grant (50-50 Matching Grant) Application for the Mary S. Harrell Black Heritage Museum to Paint the Exterior of the Museum Located at 314 N. Duss Street and the adjacent Heritage House for Eligible Facade Improvements. **Withdrawn. No action taken.**
- 7.H Consider the approval of a New Smyrna Beach Community Redevelopment Agency (CRA) Adaptive Reuse Opportunity 50-50 Matching Grant Approval not to exceed \$250,000 to Blue Orange Holdings, LLC for an Eligible Commercial Facade / Exterior Property Improvement Project Located at 540 N. Dixie Freeway, New Smyrna Beach.
- 7.I Consider the approval of FY 24/25 CDBG funds to make improvements to Pettis Park.
- 7.J Consider the approval of the Hidden Lakes Village Emergency Access Easement Maintenance Reimbursement Agreement.
- 7.K Consider the approval to award RFQ 26-24-PLAN for Property Appraisal Services to Bullard, Hall & Adams, Inc., Colliers International Valuation & Advisory Services, LLC, Cushman & Wakefield, Eminent Valuation PLC, Heffington and Associates, Pomeroy Appraisal, Property Valuation & Consulting, Inc., and The Urban Group, Inc.
- 7.L Consider the approval of an Indemnity Agreement between Florida Health Care Plan (FHCP) and the City of New Smyrna Beach.
- 7.M Consider the approval of a Fire Management Building Expansion Design-Architect Revision.
- 7.N Consider the approval of the Fiscal Year 2025 Blanket Purchase Orders exceeding \$50,000.
- 7.O Consider the approval of the updated Interlocal Agreement and Application for participation in the Municipal Transport Program.
- 7.P Consider the approval of the Use Agreement between Volusia County and New Smyrna Beach for use of reserve ambulance(s).
- 7.Q Consider the approval for a change order to the Marina Dock Repair PO. **Pulled for discussion. Approved unanimously.**
- 7.R Consider the approval of a License Agreement with the Council on Aging of Volusia County at the Live Oak Cultural Center.
- 7.S Special Event: Consider the approval of the Shark Bite Expo, Half Marathon and 5k along with the Feeding Frenzy 5k 2025, to be held on January 18 and January 19, 2025. **Pulled for discussion. Approved unanimously.**
- 7.T Consider a Deed of Gift for the sculpture at Watch and Warn Park.

ADMINISTRATIVE ITEMS/NEW BUSINESS

- 8.A Charter Officers' Compensation and Contract Discussion. **Motion to postpone to the October 8, 2024 meeting to allow all members of the Commission to be present was approved 3-1 (Hartman voted no).**

ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- 9.A Ordinance No. 53-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend the City Code to require business impact estimates for certain municipal ordinances. **Approved unanimously.**
- 9.B Ordinance No. 54-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would approve the Proposed Annual Budget of the Utilities Commission, New Smyrna Beach, for the Fiscal Year of October 1, 2024, through September 30, 2025. **Approved unanimously.**
- 9.C Resolution No. 71-24: Consider the adoption of a Resolution, which if adopted, would approve the Fiscal Year 2024-2025 CRA Budget. **Approved unanimously.**
- 9.D Resolution No. 68-24: Consider the adoption of a Resolution, which if adopted, would adopt the final New Smyrna Operating Millage Rate at 4.6370. **Approved 3-1 (Martin voted no).**
- 9.E Resolution No. 69-24: Consider the adoption of a Resolution, which if adopted, would adopt the final New Smyrna I & S 2018 Maximum Millage Rate. **Approved unanimously.**
- 9.F Resolution No. 70-24: Consider the adoption of a Resolution, which if adopted, would adopt the final New Smyrna Beach Budget for Fiscal Year 2024-2025. Concerns were raised about giving double digit raises to several staff and whether those amounts should be spread out over 2-3 years. **Approved 3-1 (Martin voted no).**

ORDINANCES - FIRST READING

Second Readings & Public Hearings October 8, 2024

- 10A. Ordinance No. 52-24: Conduct the First Reading of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would amend and restate the fire pension benefits.

MAYOR AND COMMISSION REPORTS

- Commissioner Martin voiced concerns about increasing millage rate on top of increased valuations; applauded the donation of the new sculpture at Watch and Warn Park.
- Commissioner McGuirk has concerns about members of the commission that don't approve the proposed millage rate because it reflects an increase needed to fund the budget.
- Commissioner Hartman felt that a nepotism policy report is needed.
- Mayor Cleveland applauded the Police Marine Unit for its approach enforcement and protection of the lagoon and waterways and commended staff for the preparation efforts for Hurricane Helene.