

City Commission Regular Meeting
Tuesday, December 10, 2024
[Video and Agenda Packet](#)

Mayor Fred Cleveland called the meeting to order. In attendance were Vice Mayor Lisa Martin, Commissioners Jason McGuirk and Frank Ashley. Commissioner Valli Perrine was excused.

APPROVAL OF AGENDA

- City Manager Cowper added Item 7K to the consent agenda – Consider approval of an Opioid Abatement Grant Fund in the amount of \$131,000.
- Cowper also mentioned that he has received emails regarding item 7F - FY24/25 Homeless and Disadvantaged Grant Fund and moved it to Item 8A under administrative items/New Business.
- Mayor Cleveland announced the passing of long time City Volunteer Wade Mahood and extended condolences to the Mahood family.

CITY MANAGER'S REPORT

- There were several comments at the Nov. 26 Commission meeting regarding noise abatement and storm water/flooding management. He has met with staff to discuss workable solutions to the noise issue. A public meeting was held on Dec. 3, attended by approximately 200 people, regarding stormwater/flooding issues. The consultant gave an update to the stormwater master plan. This will be a priority item with regular updates.
- A citizen contacted him regarding concerns about the City's Smoking Ordinances. Staff are working with the City Attorney and will bring information to the Commission in January 2025.
- Chief of Police Feldman has resigned effective March 1. Staff along with the Chief are working diligently to find a replacement.

PUBLIC PARTICIPATION

- A citizen spoke to many years of flooding at Crestwood Ave. and, after many conversations and meetings with staff, the problem has not been resolved and is asking for help to find a solution.
- A citizen gave a moving tribute to long time city volunteer, Wade Mahood. He also complimented staff on the beautiful Christmas Lights on Canal.
- A citizen complimented the people and organizations in NSB for their hundreds of volunteer hours on behalf of the less fortunate. The Mayor recognized Theresa Pope, President and CEO of the Housing Authority.
- Six speakers spoke on behalf of different charitable organizations regarding the importance of the Homeless and Disadvantaged Grant to these organizations.
- A citizen spoke complimenting the parking study but felt too much media emphasis was placed on the parking garage item. He also praised the storm water meeting.
- A citizen spoke against Item 7D approval because only one response to the RFP was received and the respondent didn't meet all of the RFP requirements.
- A citizen gave a thank you to David Ray, Leisure Services Supervisor, for successfully holding several holiday events, including the Christmas Parade. The mayor commented that in the future the parade will start earlier so it will finish before dark.

CONSENT AGENDA

The following Nine Consent Agenda items were **approved unanimously**.

- **7A.** Consider a resolution to amend the FY2024-2025 budget.
- **7B.** Consider a resolution authorizing execution of the Governmental Entity Certificate to update authorized signatories for TD Bank Accounts.
- **7C.** Consider approval of a Project Agreement with FIND for a reimbursement grant for the North Causeway (AOB) Shoreline Revetment project and authorize City Manager to execute the grant award.
- **7E.** Consider adoption of the City Commission minutes for the special and regular meetings held on Nov. 12, 2024.
- **7G.** Consider the approval of pipe inspections and repair utilizing a piggyback agreement with Shenandoah General Construction, LLC and authorizing the City Manager to execute any related and necessary documents.
- **7H.** Consider the approval of an upgraded pump system with natural gas generators from Ring Power and a piggyback contract with Hydra Services.
- **7I.** Consider the approval of equipment for surplus.
- **7J.** Consider the approval of the annual Agreement for Service between the Edgewater Animal Shelter, Inc. and the City of New Smyrna Beach.
- **7K.** Consider the approval to accept the Opioid Abatement Grant Fund Award in the amount of \$131,000.

7D. After discussion on whether the RFP should be reissued and other concerns, a motion was made to consider approval of awarding Cobb & Cole, P.A. the contract for Special Magistrate Services for Code Compliance. **Motion to approve passed 3 to 1 (Martin voting no.)**

ADMINISTRATIVE ITEMS/NEW BUSINESS

8A. Following discussion and clarification from Staff, a motion was made to consider the approval of FY24/25 Homeless and Disadvantaged Grant Fund Awards to local non-profit organizations and/or disadvantaged programs. **Motion to approve passed unanimously.**

ORDINANCES – SECOND READING AND PUBLIC HEARINGS

9A. Conduct a Quasi-Judicial Public Hearing to consider the approval of revised St. James Estate Final Plat and authorize the Mayor to execute the contract for plat recording on behalf of the City. **Motion to approve passed unanimously**

9B. Conduct the second reading and public hearing to annex approximately 0.25 acres of land located at 158 Spruce Street. (And related items 9C and 9D). **Motion to approve passed unanimously.**

9E. Conduct the Second reading and public hearing to annex approximately .063 acres of vacant property located at 1997 Pioneer Trail. (And related items 9F and (G)). **Motion to approve passed unanimously.**

ORDINANCES – FIRST READING (Second reading and vote on Jan. 14, 2025)

10.A No. 55-24: Ordinance to amend text to Article III of the Land Development Regulations.

10.B No. 61-24: Ordinance to create a text amendment to the Code of Ordinances.

10.D No. 70-24: Ordinance to amend the New Smyrna Beach Code of Ordinances, Chapter 2, Administration, Article II, City Commission, Sec. 2-15, Time and Place to change the recess month from July to June.

BOARDS AND COMMISSIONS

11.A Mayor Cleveland nominated Michelle Davis to the Housing Authority Board to fill the vacancy and an additional full term to end Aug. 31, 2029. **The nomination was unanimously approved.**

MAYOR AND COMMISSION REPORTS

McGuirk: Thanked Leisure Service, Police, Fire and all staff for the Holiday parade and activities.

Cleveland:

- Thanked the City Manager for his handling and report on the Stormwater and Parking issues and would like twice monthly status reports.
- Thanked Rob Salazar for a well-run Christmas Parade and liked that it was live streamed. He would like to have next year's parade start earlier so it will take place during daylight hours.
- Thanked Chief Feldman for his service to NSB and wished him good luck in his new endeavor.

CITY ATTORNEY'S REPORT

The City Attorney asked for direction on the timing for the planned 2026 City Charter Review. If the Commission wants a special election for the Charter Review in 2025, the process of appointing a Board and Facilitator would need to happen in Jan. of 2025. A special election will cost the city \$48,000. Three RFP's have been sent to facilitators with proposals due Jan. 15. If the Charter issue is put on the 2026 election ballot any approved election related changes would not go into effect until 2028.

After discussion, the consensus was that the City Attorney would present a Resolution at the Jan. 14m 2025 meeting allowing for the appointment of a Charter Review Board. The Commission will be prepared to give their thoughts and opinions at that time.

Meeting adjourned.