

City Commission Regular Meeting
Tuesday, April 11, 2023
[Video](#) and [Agenda Packet](#)

The meeting was called to order at 6:30pm. In attendance were Mayor Fred Cleveland, Vice Mayor Randy Hartman, Commissioners Valli Perrine, Lisa Martin and Jason McGuirk.

RECOGNITION

Sgt. Josh Hollows from the NSB Police Department was recognized for his planning and implementation of Operation Spring Break.

CITY MANAGER UPDATE

The City Manager responded to the previous meeting Public Participation issues:

- 1) Traffic Issue: The city reached out to DOT to request an Exclusive Pedestrian Phase Light and Flashing beacon. DOT agreed to a trial pedestrian phase light at no cost to the city. The flashing beacon would cost the city over \$30,000. The Commission agreed to the trial pedestrian phase light,
- 2) Noise Complaint.
 - The DEP, at no cost to the city, will monitor the noise as the noise consultants would charge \$9,000 per visit for this service.
 - *Avenu* restaurant on Flagler Ave. has agreed to music only on Friday, Saturday and Sunday.
 - Airport - Most of the noise is generated by the Epic Flight School. Epic has hired a noise abatement officer who has developed a noise policy. The city feels they are making some progress but are also waiting for the Noise Study results.
- 3) Coastal Damage. The County needs easements from 5 NSB homeowners to continue with repairs. The city is working on this.
- 4) Impact Fees. The city is investigating the legality of charging impact fees.
- 5) Curfew. Praise from a citizen was received for the Police Department's handling of the curfew.
- 6) Parking Task Force. The Parking Task Force will receive documents and be briefed on all past parking task force recommendations.
- 7) The Housing Authority. The continued water charges for 38-40 units that were vacated due to flood has been turned over to the NSBU rectification.
- 8) Parking Coronado Civic Center. The parking spaces in that area are public, allowing anyone to park in them.
- 9) Venetian Bay.
 - The parking task force will look at VB parking.
 - The developer has set aside 3,000 sq. feet including kitchen, bathroom, stage & audio for a community center. The city, after checking many documents, feels this is the best they can do.
 - Swimming Pool classified as Commercial Store Front. The city believes the developer has not used all allowed store front classification and, therefore, could allocate the pool to store front classification.
 - The city hired Architect Jay Pendergast to review the drawings. He has finished the review, made comments, and approved the plan which will be given to the city.

- The City Manager asked the Commissioners to let him know if they want to hold a mini workshop solely dedicated to Venetian Bay.

PUBLIC PARTICIPATION

1. Jake Johannsen – Volusia County Councilman At-Large. Spoke to the importance of collaboration, regional solutions of problems and keeping the lines of communications open.
2. A citizen who spoke against the Historic Overlay/Chapter 50/Land Regulation changes. His opinion was that citizens in the two historic districts did not want changes.
3. A citizen who thought a Historic Overlay District could be formed with only those owners who want it, and many people are interested in getting that protection.
4. A citizen from Venetian Bay asked the city to do more to represent them against the developer.
5. A citizen representing the Charming Home Tour thanking them for their support of the tour, historic homes, and preservation.
6. A citizen who felt the 36-inch walkway by a café on Pine & Flagler impedes walking on sidewalk as people move chairs.
7. The in-coming Chamber President thanked the Police Dept. for their work during Spring Break
8. A citizen spoke to wanting the Commission to be fiscally conservative buying vehicles for the police. Approved of buying a police boat to help monitor and remove derelict boats from NSB waters. Did not want the Historic District Overlay to be compulsive and wanted a financial analysis for ZT-8-22.
9. A Flagler citizen representing 40 people in that area thanked staff for the strides that have been made in the noise reduction from Avenue.

CONSENT AGENDA

Item 6E was continued to net meeting all others were **unanimously approved.**

ORDINANCES – SECOND READING

Ordinance 17-23, 18-23 and 19-23 pertaining to the annexation of .044 acres located at 2237 Pine Island was **unanimously approved.**

Ordinance 20-23, 21-23 and 22-23 pertaining to the annexation of 7.77 acres located at 1617 Martins Dairy Road was **unanimously approved.**

BOARDS AND COMMISSIONS

Nelson McDonald was appointed to a 3-year term on the Facilities Advisory Board.

MAYORS AND COMMISSION REPORT

Commissioner Perrine – None

Commissioner Martin –

- Requested a Motion to allow the City Manager to enter into an agreement with the County for easements to enable the County to put trap bags on city property. After discussion, on the advice of the city attorney, this was approved by consent.
- After discussion regarding the commission's previous feeling that only emergency motions should be made during Commissioners comments, a motion was made to ask staff to bring back for discussion modifications that could be made to the noise ordinance. It was **unanimously approved.**

- Requested that staff study adding additional businesses in MU areas. Staff will get back to the Commission in about 3 months with suggestions.
- Requested information on the financial cost of 2023 spring break. Staff will bring a financial statement of these costs to the next meeting.

Commissioner McGuirk –

- There is a disconnect between what flight schools say and what they do at the NSB Airport. A future consideration may be to determine if the city wants flight schools to be most of the traffic at the airport.
- Asked the Police Chief to look at a crosswalk at Myrtle between the middle school and Rt. 44 where is difficult to see pedestrians.

Commissioner Hartman – Advised that the County will be requesting an alternate to the Opioid Task Force from every City. The Sheriff wants Narcan in the school system but getting some resistance from the School Board. The Task Force is preparing a letter to the School Board asking that this be allowed.

Mayor Cleveland –

- He and the City Manager met with our elected Tallahassee reps to ask for storm recovery money. After receiving mixed reviews regarding the benefits of a lobbyist he is uncertain as to any benefits in having them.
- Commended Commissioners Martin and Hartman on their Town Hall meetings.
- At a meeting of the Daytona Chamber of Commerce he found out that Daytona has raised Police Officers Salaries and they are now the highest in the County.
- He attended the first meeting of the Parking Task Force. The Vice Manager added much energy to the meeting and was well prepared. All previous Task Force information will be used by the current Task Force.

CITY ATTORNEY REPORT

- The Mayor requested that an absence due to city business be in the meeting record. Commissioner Hartman was uncomfortable with that for privacy reasons. By consensus it was decided that if a commissioner or the Mayor is away on city business it will be mentioned under Commissioner's comments.
- The City Attorney advised there are misconceptions regarding City insurance. Certain cases (such as physical injuries) could result in the city paying a \$25,000 deductible if they lost a case. However, some cases (such as land use claims, taking, and Bert-Harris) are not covered by this deductible and could result in a much larger liability for the City.