

City Commission Regular Meeting
Tuesday, April 25, 2023
[Video](#) and [Agenda Packet](#)

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

PRESENTATION

James Halleran, a partner with James Moore, CPAs and Consultants, presented a summary of the City's annual audit for the FY ending September 30, 2022. There were no findings or recommendations. The city was found to be in compliance with government auditing standards. Mr. Halleran noted that three prior years' recommendations have been corrected. Mayor Cleveland and City Manager Resheidat thanked Finance Director Natalia Eckroth and her staff for their excellent work.

CITY MANAGER'S UPDATE

- The FDOT has agreed to provide an additional \$2,000,000 for the 5th Street bridge project. City Manager Resheidat thanked the staff who had worked very hard on this.
- The City has been able to use the Everbridge texting system at no cost. This has been extremely useful. However, now that the state has ended their contract with the company, the texting system will be available only until the end of the year. An alternative must be found.
- The proposed traffic light at Corbin Park and 44 has finally been "warranted" by the DOT. This means it will most likely be another three years out. DOT has been invited to the Commission workshop on May 4 to discuss. This light will impact other lights and traffic patterns on 44. A public meeting is also needed.
- Spring Break expenses were \$81,936 for police and \$2,982 for maintenance.
- A public hearing will be held on May 10 on the proposed Chapter 50 (historic preservation) revision.
- Staff continue to work with residents of Venetian Bay regarding parking and other issues.
- Code enforcement is addressing issues regarding a café on S.Pine St.
- Noise complaints regarding a Flagler Avenue restaurant will be further discussed at the May 4 Commission workshop.
- DEP has done testing at Volusia Crushing, but does not do ongoing testing. Staff will bring a proposal to a future Commission meeting for a consultant to do ongoing testing.

PUBLIC PARTICIPATION

- Two residents, each representing a citizens' group, spoke regarding proposed revisions to Chapter 50 (Code of Ordinances), which addresses local historic districts. It was pointed out that NSB does not have local historic districts. The city has two national historic districts, but these have no requirements. The speakers asked that the revised Chapter 50 proposal not move forward.
- A representative of the Southeast Volusia Chamber of Commerce thanked the Council for their resolution opposing HB1131 and SB1380. The Chamber has sent letters to our state legislators in opposition to these bills. Planning is proceeding for the 3rd Annual SEV Regional Economic Summit on June 14 at the Brannon Center.

CONSENT AGENDA

Ten Consent Agenda items were approved unanimously.
Items 7D and 7F were discussed prior to the vote.

ADMINISTRATIVE ITEMS/NEW BUSINESS

- 8A. Resolution No. 14-23: Consider the adoption of a Resolution, which if adopted, would approve a FDOT Supplemental Agreement for the 5th Street Bridge Replacement Project. Unanimously adopted.
- 8A1. Consider the approval to award the P&S Paving Contract in the amount of \$6,013,393.75 to replace the 5th St. Bridge. Unanimously adopted.

BOARDS AND COMMISSIONS

- 11A. Historic Preservation Commission: Extend the terms of Ms. Mahood and Ms. Bledsoe until such time as this item comes back to be readdressed. Unanimously adopted.

MAYOR AND COMMISSION REPORTS

Commissioner McGuirk stated that the historic preservation issue is very confusing and convoluted. Staff was directed to make recommendations and there will be a public hearing in May. The recommendations have not come to the Commission yet. The audit was fantastic. Thanks to City Manager and staff for job well done!

Vice Mayor Hartman reminded the group that P&Z passed the changes to Chapter 50. He noted that it is very difficult to get citizens to volunteer for boards. He believes that members of boards do not need to be experts, but concerned citizens who will learn. He reported that the most recent Opioid Task Force finalized five areas to be targeted with state funds received. He has been meeting with a concerned Venetian Bay resident. He explained the resident bought the property based on a conceptual plan that is not binding. He expressed frustration regarding the Corbin Park traffic light project. Contradictory information has been received from DOT.

Commissioner Martin has been going door-to-door to oceanfront property owners regarding easements to enable Volusia County to reinforce the coastline. She asked what the proper procedure is to get items on the Commission agenda. The City Manager stated that staff can add agenda items or Commission can by consensus add items.

Commissioner Perrine has received a large number of emails and documents related to historic preservation. She would like to see anything distributed to one commissioner given to all commissioners. She stated that she had to get a certificate of appropriateness by Historic Preservation Board when she was renovating her historic home, but because we do not have a local historic district, that was not appropriate.

Mayor Cleveland commended the City Manager and his team for the successful audit. He noted that there had been two major fires in six days. The Fire Department handled them with great skill and cooperation from other towns and county. Habitat for Humanity has broken ground on the property that the Commission gave them to develop. The Mayor noted the controversy regarding historic

preservation issues. He looks forward to the facts being presented at the May 10 public meeting. He read a Certificate of Appreciation for City Commissioners sent by the Edgewater-New Smyrna Beach Elks Lodge

CITY ATTORNEY'S REPORT

Attorney Avallone was asked to provide some background on the historic preservation issue. The city hired a consulting firm to help clarify Chapter 50. The consultants met with the Historic Preservation Board and the City Commission to get input regarding what they would like to see in a revision. The Planning Department took input from Board and staff. Attorney Avallone worked on organization of the chapter. The proposed changes are relatively minor. The current Chapter 50 is mostly about local districts. The Certificate of Appropriateness process only applies if you are in a local historic district (which we do not have), yet we were making people go through the process because the chapter is not written clearly and is very confusing. The point of the rewrite was to clarify the language. Small groups of individual property owners who are interested can create their own local historic district with approval from the city. She noted that the City Charter says that we shall endeavor to strengthen historic ordinances and create local historic districts. The mayor noted that the proposed changes have not come to commission yet. The public meeting will be good for presenting the facts, clearing up misinformation.

CITY CLERK'S REPORT

The City Clerk explained that agenda items for advisory boards are prepared by staff (not board members). The purpose of the advisory boards is to provide to the Commission advice from a citizen's perspective.