

CITY COMMISSION REGULAR MEETING
Tuesday, May 23, 2023
[Video](#) and [Agenda Packet](#)

Present: Mayor Fred Cleveland, Vice Mayor Randy Hartman, Commissioners Valli Perrine, Lisa Martin and Jason McGuirk.

CITY MANAGER'S UPDATE:

City Staff met with the NSBU General Manager/CEO to discuss septic to sewer conversion. City Staff and NSBU will present an action plan to the Commission in July or August 2023.

City Staff met with the concrete crushing plant management as citizens still have complaints. The company has purchased quieter equipment with spray attachments to reduce noise and dust. Staff have suggested building a buffer to further reduce noise. In addition, the city has hired a consultant to do site testing for dust, noise and concrete makeup.

The City Manager met with all Department Heads via zoom for the 2023 Hurricane Preparedness discussion. It included lessons learned from Hurricanes Ian and Nicole.

Volunteers in Medicine and Smyrna Cares spoke regarding their organizations.

The City Manager spoke with Volusia County requesting that the county include suggestions from the NSB Parking Task Force in the County's parking adaptability RFP, to which they agreed.

A person spoke regarding a traffic signal at Corbin Park. The City has funds for this traffic signal. This signal will impact all of SR 44. The City Manager will ask for a consultant's proposal on that impact and will also hold a public meeting.

A person praised the Youth Council Task Force and the New Smyrna Beach Residents' Coalition Sustainability Program.

A person advised this was his 4th appearance before the Commission requesting progress on PUD/MDA/LDR revisions, so all documents agree. The City Manager will present a report to Commissioners in June.

PUBLIC PARTICIPATION

The Atlantic Center for the Arts, HUB, Chamber of Commerce, NSB Museum of History and two individuals spoke to the opposition of Volusia County Councils contemplating the elimination of future art grants and urged the Commissioners to pass this opposition on to the County.

A NSB Tennis Center member asked if the City plans to use any of the incoming pickleball funds for needed maintenance on the tennis courts and when the Tennis Center's lease with the City will expire.

The City Manager was praised on the public meeting held at the Brannon Center May 10 regarding the height and lot combination issue and urged the Commissioners listen to citizens.

A suggestion was made that the City purchase property for an outside entertainment venue.

CONSENT AGENDA - Agenda items 7A through 7H were **unanimously** approved.

ADMINISTRATIVE ITEMS/NEW BUSINESS

8A. The Police Chief reported that additional manpower from the County, Beach Patrol, city officers, and Community Service Aides would be working on Memorial Day to provide crowd and traffic control.

8B. An request for a \$42,000 Emergency Air Conditioning Unit for the Babe James Community Center carried 4 – 1. **Mayor Cleveland voting NO**

8B1. A motion to amend the FY 2022-23 budget was **unanimously** approved.

8C. A motion to approve the Terracon Proposal for Concrete Crushing Plant Testing was **unanimously** approved.

8D. The Assistant City Manager provided information pertaining to two proposed LDR amendments pertaining to Historic Preservation issues. One proposes to prohibit aggregation of properties in the 2 National Historic District and the other proposes to amend current height restrictions in those districts to 35 feet. Per staff's opinion, any amendments to the current City regulations, based on the new regulations under the Bert Harri Acts, would expose the city to litigation on the taking clauses. A public meeting was held May 10 and attended by over 200 people at which these changes were presented as a concept. A hand poll was taken, and the majority was not in favor of these concepts.

Commission voted **unanimously to** cease all further efforts on these LDR amendments.

ORDINANCES – SECOND READING

9A. After staff presentation of the request for a special exception to allow automotive sales at 1311 North Dixie Freeway, and applicant's representative providing additional information, a motion for approval was made to include staff's conditions for maintenance of landscaping and taking no longer than 2 years to obtain the BTR. Motion carried 4 - 1 with **Commissioner Martin voting NO**.

COMMISSIONERS REPORTS

Commissioner Martin – Attended many wonderful activities including Employee Appreciation Day, Retention of County Art Funding Group, Boy Scout Awards

Commissioner McGuirk – Thanked staff for the work on the Historic issue and the Commission should treat Staff's time with more respect in the future.

Commission Perrine - Stated this was a difficult meeting due to Sunshine law. We do not let special interest groups influence Board decisions. Chapter 50 discussion coming up. Sending letter opposing the elimination of County Art grants.

Commissioner Hartman – Enjoyed the Employee Appreciation Day luncheon. Congratulations to the NSB Girl's Volleyball team. Would like some type of recognition for the Park Clean-up volunteers.

Mayor Cleveland – Memorial Day Celebration at Brannon Center May 29 at 11:00 AM. Thank you to staff on the Historic Preservation public meeting. Meeting w/SE Volusia Tech Coalition and Director Edwards. Encouraged them to up their goal of 1 new business in NSB this year. Hosting League of Cities Award Ceremony in the Brannon Center. Enjoyed Employee Appreciation Day. Attended swearing in of 4 new police officers. Thank you to Mark Monson for the successful Jazz Festival. Would like an update on the progress of the Parking Task Force.

CITY CLERK REPORT

The City Website has been updated for the 2024 Election with all required forms.