

CITY COMMISSION REGULAR MEETING
Tuesday, August 8, 2023
[Video and meeting agenda](#)

Present: Mayor Cleveland, Vice Mayor Hartman, Commissioner Perrine. **Absent:** Commissioners Martin and McGuirk

CITY MANAGER CHANGES

7S - Add Consider approval of amending FY22-3 budget to include an Assistant Grant for the police department.

8A – Continue the Turnbull Creek Land Preservation Committee Board Report to Sept. 6, 2023.

8B – Continue the consideration to adopt a Resolution, which if adopted, would sunset the Turnbull Land Preservation Committee, to Sept. 6, 2023.

9G – At the request of the applicant, continue the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted would rezone 12 parcels of land located east of North Atlantic Avenue between Crawford Road and Sapphire Road from R3, Single Family & Two Family Residential to R-3A, Single Family & Two Family Residential to Aug. 22, 2023. The City Clerk advised that this needs a motion from the Commission.

Mayor Cleveland asked for a show of hands of those attending the meeting for this item. He further explained that anyone speaking on this issue today would not be considered as part of the quasi-judicial hearing on Aug. 22, 2023. He also noted that 2 Commissioners were absent, and the issue should be heard by the full Commission. The City Attorney outlined the three criteria of a quasi-judicial hearing as:

1. Application of rules and procedures to a situation and allowing applicant a meaningful hearing.
2. Evidence presented must be competent and substantial and usually does not include lay witness testimony.
3. Evidence must be considered by an impartial decision-making panel, which is the City Commission.

Commissioner Perrine advised that the City had posted a clarification to a postcard sent out on this issue and ask that this be looked at and considered in deciding if citizens want to return on Aug. 22, 2023.

A motion to continue this item was made, seconded, and **approved unanimously**.

ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

Presentation by First Step Shelter Executive Director Dr. Victoria Fahlberg followed by comments from the NSB Police Chief and a report from NSB Police Officer Ron whose job it is to deal with the city's transient policy. Per the officer the transient population in the city is increasing and having somewhere to take a transient is another tool. Currently the Officer can only ask them to move along or arrest them if on City property. The Police Chief has interviewed two clinicians that, if hired, would be able to assess the mental health of transients.

CITY MANAGER'S REPORT

Submittals for grants have been made to the Florida Legislative Appropriation Committee for some projects that have been previously turned down by the State.

The Everbridge Mass Notification System is active to be used in emergencies and Staff training has been completed.

A meeting was held with FDOT regarding the East Coast Greenway Trail. Previous Commissioners had some issues with the route and the City asked FDOT for a new route proposal and to hold a public meeting.

He reminded the Commission of the Aug. 16 Public Meeting on the Women's Center and the Aug. 17 Department Budget Presentations.

He responded to 7 public comments from the previous meeting: A house that had been lifted had a piling go through the slab for an additional cost of \$76,000. FEMA will pay 75%. The owner asked if the city would pick up the 12 ½ % in the amount of \$9,278. The City Manager stated that he did not hear support for this in the Commissioner's individual briefing.

A resident thanked the Commissioners for attending the Economic Summit and thanked Tony Otte for his participation in the Parking Task Force.

A resident asked for speed reduction on Saxon. Previous studies have been done on Saxon and found that there is no justification for speed reduction. Staff cannot recommend speed reduction if it is not supported by the study. The Commission has the discretion to override the study.

His response to the resident who asked why we are spending \$10 million on elevating homes is that the city is using FEMA grants with the city spending approximately \$400,000.00.

Regarding a resident's comments about Shell Point, the City Manager said a Plat does not require 1st and 2nd readings; the City Engineer answered the questions presented at the meeting. As to the MDA being vague, it was reviewed by both attorneys, staff and approved by Commission and the city is comfortable with it.

A resident thanked the Commissioners for the support of the County cultural grants and advocated for the support of historic preservation, in particular the Women's Club.

A resident felt all city leases should be 2-4 years.

A resident was concerned about flooding for the Shell Point development. The City Manager stated that all developments must meet the city's Land Development Regulations and St. John's Water District Regulations.

PUBLIC PARTICIPATION

A citizen spoke for herself, other people and businesses who have challenged the I-95 Interchange. A suit has been filed against FDOT as they believe some required steps on this project were overlooked, especially since this will affect the Doris Leeper Land Preserve. She stated this project was "not a done deal."

A citizen commented that because the City Manager is set to retire Aug. 2024, a search for his replacement should commence soon.

Three citizens spoke to urge the City to keep the recycling program.

A citizen spoke to the continued problem of many planes flying from the NSB Airport and the noise created by those flights.

A citizen spoke about speeding cars and foot traffic on N. Myrtle Ave. being unsafe.

A citizen spoke about fast food restaurants in the city leading to unhealthy eating.

CONSENT AGENDA

Items 7A, B, D, E, F, G, H, I, L N, O., P, Q, R, S on the Consent Agenda were approved **unanimously**.

7C – Clarification from City Manager was that notification will be posted on social media and notices sent to residents of a 4% increase for Waste Pro. He further stated that the City would not recommend stopping recycling. **Motion unanimously approved.**

7K – The City Manager clarified that in the future the cost of a new position will include all items such as cars, etc. **Motion unanimously approved.**

ORDINANCES – SECOND READING AND PUBLIC HEARINGS.

9A, B, C – Annexation of approximately 0.25 acres located at 543 Oliver Dr. **Motion unanimously approved.**

9D, E, F – Annexation of approximately 1.0 acres located at 1603 Martins Dairy Road. **Motion unanimously approved.**

ORDINANCES – FIRST READINGS

10A, B, C, D, E, F, G, H, I, and J were read into the record by the City's Assistant Attorney.

MAYOR AND COMMISSION REPORTS

Commissioner Perrine – Raised the issue of traffic calming on Saxon Dr.

Commissioner Hartman gave a short history of how the Traffic Manual was adopted. City Manager said that the traffic study did not meet the criteria for changing traffic calming and staff cannot override the criteria, but the Commission may override them.

Raised the issue of recycling and would like the Special Task Force to investigate this issue. Commissioner Hartman advised that the previous Commission had made the decision to stop recycling glass as the cost of hauling it away and then back to Volusia County because no one was taking the glass caused more damage to the environment than not recycling glass.

Raised the issue of Short-Term Rentals. She lives in a 30-day minimum rental neighborhood but many in that neighborhood do STR. What are the enforcement policies? The City Manager will ask the Police and Code Enforcement for a report on STR to be provided to Commissioners at the next CC meeting.

Raised the issue of Development. She felt the recent video outlining all developments was misleading as it was interpreted that this Commission had approved all shown developments. The video has been removed from the City's website and future videos will have more clarification as to past, present, and future developments.

Would like to make a \$500-\$1,000 contribution from the Commissioners' discretionary fund to the Volusia Volunteers in Medicine.

Announced that on Aug. 9 the pickle ball players will present the city with another check.

Vice Mayor Hartman - Thanked all staff who worked on providing the school crossing at Myrtle and Canal. Recently repairs had to be made to this crossing due to an accident. The repairs are complete in time for this school year.

Mayor Cleveland – Attended a fund raiser for Neighborhood Centers, fee and faith based operation for the homeless. The organization is interested in partnering with NSB.

The mayor approached the CEO of Advent Health to determine if it could offer pro bono work to address the mental health and dependency of the homeless. This would be in addition to the two clinicians being hired by the NSB Police Department. The Advent CEO is willing to talk to the city to discuss this matter.

The Volusia County Sheriff, in an effort to determine local interest, invited all Volusia City Mayors to discuss technology being tested by the Sheriff's office designed to:

- 1) Shorten (by 4 minutes) 911 calls which currently go to the county by allowing the voice of the caller to be directed to the responding unit as opposed to county dispatchers having to transcribe and forward calls.
- 2) Establish a protocol to have the DNA of any crime scene weapon analyzed within 24 hours. (Currently takes one month.)
- 3) Use antennas on rooftops that have photo video camera quality to detect action, motion and faces.

The mayor attended the Back-to-School backpack give-a-way in Pettis Park which had a very good turnout. Thanked the Police and Fire Department for their participation.

Attended a meeting of the County Transportation subcommittee which helps with fund distribution at the county level. One topic discussed was the strain on the County of changes in the gas tax.

CITY CLERK'S REPORT

Requested clarification on the amount to be given to the Volusia Volunteers in Medicine. Commissioner Perrine stated she would like a \$500 contribution.

The mayor reminded Commissioners of the Annual League of City meeting in Orlando which he and other Commissioners will attend.

A reminder was given to Commissioners of the Wed., Aug. 5 Public Hearing in the Commission Chambers about the Women's Center.

An addition to the calendar of a Joint Meeting between the Commissioners and the NSBCU Board of Directors in the City Chambers on Oct. 17 in Commission Chambers.

CITY MANAGER'S REPORT

The only item on the September Commission workshop is the replacement of the City Manager so it will be moved to 5:00PM before a TBD regular City Meeting.

As part of the Strategic Plan, staff will present the Commission with a septic to sewer conversion plan prior to the Joint Meeting with the NSBUC.

He received an email from the DeLand City Manager re: Echo Funds and Gas Tax. If NSB foregoes the 5-cent gas sales tax the budget for resurfacing would be impacted in the amount of \$400,00-\$500,000.

Asked that Commissioners think about what agenda items they would like for the December workshop.

The mayor reminded everyone that a State of the City program needs to happen before the end of the year and asked the city manager to find a convenient date for all Commissioners.

Commissioner Hartman asked if there is money in the budget for any City Manager buy-out including unused vacation and sick leave.