

City Commission Regular Meeting
Tuesday, February 27, 2024
[Video](#) and [Agenda Packet](#)

Mayor Fred Cleveland called the meeting to order. In attendance were Vice Mayor Valli Perrine, Commissioners Randy Hartman, Lisa Martin, and Jason McGuirk. Staff present were City Manager Khalid Resheidat, Assistant City Manager Ron Neibert, City Clerk Kelly McQuillen, and Assistant City Attorney Shey McCurdy.

PRESENTATION: Airport Noise Study

Mike Arnold from Environmental Science Associates and Arwin Weese, Airport Manager, presented findings of an airport noise study (available [HERE](#)). The study found that per FAA national guidelines for noise, the NSB airport does not exceed the FAA's threshold. Local efforts to deal with airport noise can be implemented to respond to community needs. Most of the recommendations will take time and a process to implement and will involve public meetings with the airport staff and advisory board.

- Designating a Calm Wind Runway. The Runway could be established soon.
- Raising the pattern altitude from 600 ft. to 1000 ft.
- Discouraging flight training operations between 5pm and 8am
- Continuing education and outreach with flight schools
- Regularly discussing noise at Airport Advisory Board meetings
- A local disclosure requirement could be established for real estate transactions
- EPIC Flight Academy, which accounts for the bulk of flight training at the airport, has incorporated noise abatement education as part of its curriculum.

CITY MANAGER'S REPORT

- Preparations for Spring Break are underway with the NSB Police Department, interested stakeholders, and other law enforcement agencies.
- Six aggressive roosters have been removed from Flagler Ave.
- After receiving only one low bid for the purchase of 120 Flagler Ave., the matter of selling the city's property will be returned to the Commission for further discussion.
- At this point, there are no active bids for the purchase of the Women's Club.
- Recruitment for the City Manager is underway.
- A revised resolution pertaining to Turnbull Creek watershed is being prepared.
- Robert Salazar, Leisure Services Director, provided an update on the skate park.

PUBLIC PARTICIPATION

Twelve (12) citizens addressed the Commission, providing comments regarding airport noise abatement, the skate park and creation of the NSB Skate Park Society, the pending ordinance related to Venetian Bay, and other topics.

CONSENT AGENDA

Fourteen (14) Consent Agenda items (7.A-7.B and 7.D-7.O) were approved

unanimously:

- 7.A Consider the adoption of the City Commission Regular Meeting Minutes from February 13, 2024.
- 7.B Resolution No. 08-24: Consider the adoption of a resolution, which if adopted, would approve the Lien Amnesty Payment Plan.

- 7.D Consider the approval of the tenth amendment to the Consulting Engineering Agreement for Avcon, Inc. for engineering services to redesign and rebid the Fuel Farm Improvements.
- 7.E Consider the approval of a City of New Smyrna Beach Community Redevelopment Agency (CRA) Adaptive Reuse Opportunity Grant award of \$250,000 to Air Specialists of Volusia County, Inc. D/B/A Davis Bros. for a business expansion and commercial facade/property improvement project located at 708 N. Dixie Freeway, New Smyrna Beach.
- 7.F Consider the approval of a City of New Smyrna Beach Community Redevelopment Agency (CRA) Large-Scale Commercial Facade/Property Improvement Grant Award of \$100,000 to Delegal LTD, Inc. for an eligible commercial facade/property improvement project located at 1311 N. Dixie Freeway, New Smyrna Beach.
- 7.G Consider ratification of Article 15 Personal Leave as part of the collective bargaining agreement with IAFF, effective and retroactive to October 1, 2023.
- 7.H Consider the approval of a donation of equipment and supplies for the New Smyrna Beach Skate Park.
- 7.I Consider the approval to lease a field ling machine from Turf Tank LLC. For use at Sports Complex.
- 7.J Consider the approval of a Contract with Flock Group, INC, for the purchase of License Plate Readers and Surveillance Camera Technology.
- 7.K Consider the purchase of six (6) vehicle-mounted police radios and six (6) Stalker DSR 2x Radars.
- 7.L Special Event: Consider the approval of the VFW Post #4250 Bike Week Camping Event 2024, to be held from February 28 to March 19, 2024.
- 7.M Special Event: Consider the approval of the Flagler Tavern St. Patrick's Day Celebration 2024, to be held on March 17, 2024.
- 7.N Special Event: Consider the approval of the continuous NSB Cars and Coffee Event, to be held on the 3rd Saturday of the month starting on March 16, 2024 through March 15, 2025.
- 7.O Special Event: Consider the approval of the Pooch Parade 2024, to be held on Saturday March 16, 2024.
- 7.C Resolution No. 12-24: Consider the adoption of a Resolution, which if adopted, would amend the FY2023-2024 budget. **After discussion, a motion to approve item 7.C passed 4-1 (Hartman voted no).**

ORDINANCES - SECOND READING AND PUBLIC HEARINGS

9.D Ordinance No. 16-24: Conduct a Public Hearing to consider the **adoption of an emergency ordinance**, which if adopted, would **halt the issuance of building permits that impact the malfunctioning storm water system in Venetian Bay.**

Asst City Manager Ron Neibert provided an overview of the proposed ordinance.

- Twelve (12) members of the public provided views about the proposed ordinance.
- After comments by Commissioners, the **ordinance was approved unanimously** and will take effect immediately. Per ordinary Commission process, the ordinance next will be considered by the Planning and Zoning Board and then will be read twice before the Commission before approval (again).

9.B Ordinance No. 09-24: Conduct the Second Reading and Public hearing of an Ordinance, which if adopted, would **vacate a portion of platted Cooper Street**. This section of un-opened right-of-way is located south of East 3rd Avenue, between South Peninsula Avenue and Saxon Boulevard.

Robert Mathan, Senior Planner, provided background on the proposed ordinance. The recommendation from the Planning and Zoning Board was to approve the vacation, pending adoption by the applicant of some 19 conditions. The Planning Department recommended approval by the Commission of the vacation and the license agreement. Joe Posey, the attorney for the applicant, provided additional information.

Discussion and primary concerns by Commissioners focused on how the proposed changes on the vacated parcel would affect flooding. Five (5) members of the public spoke on the issue of vacation.

A motion to approve the vacation (9.B) passed 4-1 (Martin voted no).

9.A Conduct a Public Hearing to consider the **approval of a License Agreement**, which if approved, would **allow for private funded and private maintained public improvements in a platted parcel owned by the City of New Smyrna Beach**, and accepting associated release of restrictions on property and easement for future public use.

A motion to approve the license agreement (9.A.) passed 4-1 (Martin voted no).

A motion to grant an easement on the city's parcel for the mutual benefit of the city and licensee was approved unanimously.

9.C Ordinance No. 15-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would **revise a Zoning Text Amendment to allow single family residential in the B-4, Ocean Commercial Zoning District**.

Jake Baker, Planner II, provided background information. The item, approved 7-0 by the Planning & Zoning Commission, arises from a request by the owner of a parcel on E 24th Street who wishes to rebuild a single-family home on the parcel he inherited.

A motion to adopt the ordinance was approved unanimously.

MAYOR AND COMMISSION REPORTS

- Perrine: Made positive comments about the Art Fiesta and Mary Harrell Black Heritage event; has continued concerns anonymous mail received at personal homes, including unsigned reports of code enforcement.
- Martin: Requests more public transparency in terms of iterative versions documents that are received by Commissioners.
- McGuirk and Hartman: Applauded recent city events.
- Cleveland: Felt good about delivery of State of the City address; Art school fundraising at elementary school has requested contributions from Commissioners to auction; U.S Rep. Mills office solicits names of community leaders and volunteers for recognition.

Meeting adjourned.