



**City Commission Regular Meeting
Tuesday, April 27, 2021 at 6:30 PM**

**Brannon Center
105 South Riverside Drive, New Smyrna Beach, FL 32168**

1. OPENING OF MEETING

1.A. Call to Order

2. INVOCATION/PLEDGE OF ALLEGIANCE

Police Department Chaplain Pete Carter will give the invocation. Mayor Owen will lead those present in the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

- 4.A [Proclamation: Declaring April as Fair Housing Month.](#)
- 4.B [Proclamation: Declaring Friday, April 30, 2021 as Arbor Day in the City of New Smyrna Beach.](#)
- 4.C [Recognition: Battalion Chief Chris Dymond's graduation from the Executive Fire Officer Program.](#)
- 4.D [Recognition: of the promotion of two members of the Fire Department.](#)

5. PUBLIC PARTICIPATION

In accordance with Resolution No. 32-13, citizens are provided the opportunity to address the City Commission

regarding any topic, for up to three minutes.

6. CONSENT AGENDA

- 6.A Consider the adoption of the City Commission Meeting Minutes for the regular meetings held on January 12, 2021 and April 13, 2021 and the CRA regular meeting held on April 13, 2021.
- 6.B Resolution No. 11-21: Consider the adoption of a Resolution, which if adopted, would authorize a Lease Agreement with the State of Florida Department of Transportation (FDOT) for the public property known as Buena Vista Park.
- 6.C Resolution No. 09-21: Consider the adoption of a Resolution, which if adopted, would amend Resolution No. 16-19, changing the term length from two years to three years and allowing members of other City Advisory Boards to serve as members of the Community Development Block Grant Advisory Board.
- 6.D Consider a request to approve the Award of ITB 04-21-MO, Buena Vista Park North Pier Replacement.
- 6.E Consider the review and approval of a Sidewalk Café Agreement for the property located at 124 Canal Street.
- 6.F Consider a request to approve a Piggyback Agreement between the City and Liquidity Services Operations, LLC, dba GovDeals, Inc.
- 6.G Consider the approval of a Utilities Commission City of New Smyrna Beach (UCNSB) Cost Share Agreement to Resurface Quay Assisi and adjoining roadways.
- 6.H Consider the Rejection of ITB 05-21-MO, Marina Restroom Renovations.
- 6.I Consider the approval of a contract with Ghyabi Consulting & Management, LLC.
- 6.J Consider the approval of the Purchase of one (1) 2021 Ford F-250 4X4 Crew Cab and one (1) 2022 Ford F-650 4X2 Contractor Dump Truck.
- 6.K Consider the approval of a Economic Development Business Retention and

Expansion Memorandum of Understanding between the City of New Smyrna Beach and Volusia County Government.

- 6.L Consider the approval of the Removal and Sale of Obsolete Equipment from the the City's current Capital Inventory.
- 6.M Consider the approval of an amendment to the purchase order with Tyler Technologies for the implementation of the Energov permitting software system.
- 6.N Consider a request to approve the addition of a new Fire Inspector position, including a new vehicle.
- 6.O Consider the approval of the Reasonable Assurance Plan - Volusia County JPA First Amendment.
- 6.P Consider approval of changing parking hours on Canal Street from 2 hours to 4 hours.
- 6.Q Consider the approval of an event: Heart of the Community Day.
- 6.R Special Event: Consider the approval of Cinco De Mayo at Flagler Tavern.
- 6.S Special Event: Consider the approval of Marine Discover Center (MDC) - Music By The Marsh Sunday Jam.
- 6.T Special Event: Consider the approval of Summer Solstice at Flagler Tavern.

7. ADMINISTRATIVE ITEMS/NEW BUSINESS

- 7.A Resolution No. 10-21: Consider a request to authorize amendments to the Anti-Dilution Test provisions in the TD Bank and CenterState Bank loan agreements.
- 7.B Waiver of Conflict and Consideration of the approval to award RFP 07-21-FIN, \$14,000,000 Capital Improvement Revenue Note (Draw Down Line of Credit), Series 2021.
- 7.C Turnbull Creek Land Preservation Program Update.

- 7.D Consider the approval of a parking lease agreement with First Baptist Church.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- 8.A Special Exception SE-1-21: Conduct a Public Hearing to review and consider the approval of an application for a Special Exception Use of Motorcycle Sales in the Mixed Use zoning district for property located at 218 North Dixie Freeway.
- 8.B Ordinance 08-21: Conduct the Second Reading of an Ordinance, which if adopted, would authorize a Pole Attachment Licensing Agreement between the Utilities Commission, City of New Smyrna Beach and Level 3 Communications LLC.
- 8.C Ordinance No. 20-21: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would grant a non-exclusive franchise agreement to Samsula Landfill Inc.
- 8.D Ordinance No. 21-21: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would approve the adoption of new impact fee rates for Law Enforcement, Fire Protection and Emergency Services, and Parks and Recreational Facilities.

9. ORDINANCES - FIRST READING

- 9.A Ordinance No. 22-21: Conduct the First Reading of an Ordinance, which if adopted at Second Reading and Public Hearing, would amend sections 201 and 703 of the Land Development Regulations, to implement revisions to the location and regulations pertaining to the City's Coastal Construction Setback Line.
- 9.B Ordinance No. 23-21: Conduct the First Reading of an Ordinance, which if adopted at Second Reading and Public Hearing, would amend Chapter 26 of the City Code to repeal Article IX, Seawalls and Other Coastal Armoring Structures, Section 26-771, Construction.

10. BOARDS AND COMMISSIONS

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- 10.A **Community Development Block Grant Advisory Board:** Consider the re-appointments of seven (6) six regular members and (1) ex-officio member to the CDBG Advisory Board. Additionally, consider the appointment of one (1) regular member to the CDBG Advisory Board.
 - 10.B **Historic Preservation Commission:** Consider the appointment of two (2) citizens, as nominated by the Southeast Volusia Historic Society, to fill the unexpired terms ending on, May 14, 2022 and May 14, 2023 due to the resignations of Marvin Owens and Anna O'Mara.
 - 10.C **Leisure Activities Advisory Board:** Consider the appointment of one (1) resident to the Leisure Activities Advisory Board to serve a three-year unexpired term to expire on June 22, 2024 due to the resignation of Debra Fernandez.

11. MAYOR AND COMMISSION REPORTS

12. CITY MANAGER'S REPORT

- 12.A **City Manager's Report.**

13. CITY CLERK'S REPORT

14. CITY ATTORNEY'S REPORT

15. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

