

New Smyrna Beach City Commission Meeting Aug. 13, 2019

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1. The City Commission voted unanimously to put on hold a controversial proposal for a mooring field, in light of citizen concerns and Commissioners' own questions about the project.

"A mooring field can be an excellent maritime feature for many cities, but maybe not for this city," said Commissioner Jake Sachs, whose Zone 2 district would be most affected by the location of the previously proposed mooring field, south of the South Causeway Bridge.

"There are many constraints on size, that would make it difficult for this city."

In addition, Sachs pointed out a large mooring field, as was envisioned in one proposal, would create a point of "congestion" along the Intracoastal Waterway that serves as a marine highway. Most boats that stay in the water use toxic bottom paints that shed heavy metals, he noted, and adding more boats in a small area would compound that issue. "I do support these types of features (mooring fields)," Sachs added, "but for our city it's just not going to work."

City staff recommended the mooring field project be tabled until the staff could have another work session on the issue, with a broader outreach to citizens to discuss the topic ... possibly in November this year or January 2020.

In June 2017 the City Commission first authorized staff to seek a proposal from the city's marine consultant to design a mooring field that would address the issue of boats anchoring haphazardly in waterways, as well as handle environmental concerns from raw sewage being dumped directly into the Indian River.

In March 2018, the Commission authorized its staff to apply for grant money from the Florida Inland Navigation District (FIND) to cover half of the cost of the overall mooring field design effort. The city was awarded that \$42,000 grant, and work began to design the project in December 2018. In March 2019, the City Commission again authorized staff members to seek another grant from FIND, this time for 50 percent of the cost of constructing the mooring field and supporting amenities.

The first public presentation on the project to local citizens was scheduled for June 14, at which time many residents voiced concerns and unease about the project. Those issues were front and center when the city held a second public meeting on Aug. 5 at the Brannon Center, which drew 127 citizens.

Many citizens said they wanted the city to focus on managing derelict and sunken vessels anchored within city limits, enforce its local requirements that boats use a pump-out service for waste tanks and ensure safe navigation of the Intracoastal Waterway main channel. Most residents who were surveyed about the proposed mooring field were not confident that the project would financially sustain itself, and slightly less than half indicated they didn't support the concept.

"I do have concerns about the project; in fact I don't support it," said Commissioner Michael Kolody. "The biggest concern I have is the derelict (itinerant) boats. There's a problem in that we have a good stretch of water...that has had derelict boats in it for years. It (the mooring field proposal) doesn't address that. I have a number of friends that have large boats ... and they say the derelict boats that are out there now aren't going to tie up to a mooring field, they're just going to move somewhere else on the river. With our restrictions on how we're going to enforce the derelict boat issue, we're just moving the problem from one place to another. I would rather...establish a fund to remove derelict vessels."

Staff recommended moving forward with the acquisition of a pump-out boat separate from the mooring field project. The pump-out boat could be acquired with funding from the Florida Department of Environmental Regulation (FDEP) Clean Vessel program: paying for 75 percent of its acquisition cost, the cost of staffing the boat and its maintenance/operating costs. In addition, staffers suggested that the city move to acquire a police boat to provide a local law enforcement presence on waterways throughout the city, to enforce local ordinances as well as address any problems with disorderly conduct occurring on the water. Both of those boat purchases are expected to come before the Commission later.

2. City Commissioners had the first reading of a new ordinance that would impose tougher restrictions on where persons designated as sex offenders and sexual predators can live within the city limits.

Ordinance 51-19 would restrict all sex offenders/predators from living within 2,500 feet of a childcare facility, park, playground or school, regardless of the type of conviction or offense date. Current offenders or predators who have established residency prior to the ordinance being enacted would be exempt, unless they vacate their residence or are incarcerated for a period longer than 30 days.

The second reading and public hearing of this ordinance will be at the Aug. 27 City Commission meeting.

Currently, city law says sexual offenders/predators cannot live within 1,000 feet of a school, park, playground, or childcare facility. This restriction only applies to offenders/predators who were convicted on or after Oct. 1, 2004. If the person was convicted out of state, the 1,000-foot rule only applies if the offense took place on or after May 26, 2010.

Background information on the proposed ordinance says New Smyrna Beach has 32 registered sex offenders/predators living within the city's jurisdiction. Since January of this year, 10 sex offenders/predators have moved into the city and four others have made registered visits, during which time they stayed in the city for a short period of time.

Vice Mayor Randy Hartman said he would like to see a map of where designated offenders/predators are residing now. He said he didn't want to "unintentionally push all these people out of one area" and into another. Hartman also asked what the city could do about potential offenders/predators who might be living on boats within city limits.

Police Chief Mike Coffin said his department could provide a map and added he didn't think the proposed ordinance particularly forces people into any one certain area. As far as offenders/predators who are living on boats, he said the city wouldn't know that unless it had the ability to go out and check on them.

3. The City Commission unanimously endorsed an outline authored by Commissioner Kolody to move ahead with the city's Turnbull Creek Preservation and Land Acquisition project.

In addition, Commissioners approved moving forward with a bank offer to finance a \$9.5 million loan for buying properties, secured by the general obligation bond approved by voters in November 2018.

Voters approved a bond issue of up to \$15 million to purchase environmentally sensitive properties around Turnbull Creek and preserve those lands, as well as protect the creek's pristine waters.

New Smyrna Beach was awarded a Florida Communities Trust grant of \$3.6 million to offset the cost of buying land for preservation.

The framework of Commissioner Kolody's plan to accomplish that includes:

- ✓ Identifying target properties
- ✓ Having the Turnbull Creek Land Preservation Committee review reference documents and recommend to city staff which property owners to contact to determine if they may be willing to sell their land in its entirety or grant conservation easements.

- ✓ Contacting property owners to determine their interest in selling
- ✓ Inspect properties with interested owners
- ✓ Prioritizing targeted properties
- ✓ Obtaining authorization to proceed with land purchases

After those steps, appraisals would be obtained, field surveys would be done and title work would be completed, and a purchase price would be agreed upon ... Then, the Commission would authorize a purchase and staff members would complete it.

Commissioner Kolody envisioned all these steps being done over about 7.5 months.

"It was a very big issue last year," he noted. "I would like us to develop a public presence, whether just on our website or through some notifications, so the public knows what we're doing and where we're looking. I want the project to move ahead, and I want it in an orderly method."

His colleagues praised his work and supported the plan, only adding they didn't want the city's staff ... which is already down several key personnel ... tasked with having to complete certain components of the plan by a specific time.

In a related matter, Commissioners were enthusiastic about accepting a proposal from CenterState Bank, which has offices in New Smyrna Beach and Daytona Beach. The proposal calls for the city to finance its \$9.5 million land purchase loan for 2.45 percent at a fixed interest rate over 20 years. It will receive up to \$50,000 in state grant money to reimburse closing costs and legal fees, as well.

4. City Commissioners had the first reading of an ordinance that would exempt new businesses that want to open on properties that have been vacant for more than six months from some of the current rules governing those sites, such as newer landscaping and parking requirements.

The second reading and public hearing for Ordinance 46-19 will be at the Aug. 27 City Commission meeting.

The ordinance No. 46-19 would offer exemptions from landscaped buffer and parking requirements for certain properties in the B-3, Highway Services Business District, and along US-1... specifically in cases where a change of use or activation of a use that had ended, and in which there is no change to the building footprint. In those cases businesses would only have to maintain existing landscaped areas in good condition with a finished appearance. Regarding parking, businesses meeting requirements for the exemption would only have to maintain their existing off-street parking.

Mayor Russ Owen said the idea for the landscaping and parking exemptions for certain properties along US -1 came from a meeting the city had earlier this year. The idea is to reduce the number of vacant properties along the highway and encourage new businesses to occupy them.

Commissioner Jason McGuirk noted US-1 has had landscaping and parking requirements for many decades. In the last year or two, he said, the city toughened them up. However, most of the US-1 properties are not deep, which causes a problem when business owners try to meet the newer landscaping and parking rules.

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