

New Smyrna Beach City Commission Meeting

Nov. 19, 2019

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1. City Commissioners voted 4-1 to give preliminary approval to proposed restrictions on future bed and breakfast homes. The new regulations include the need to apply and be approved for a Major Class I site plan with the Planning and Engineering Departments and will affect any new application for a Bed and Breakfast Home after Jan. 1, 2020.

The second reading and public hearing to adopt the new B&B rules will be Dec. 10.

2. The City Commission unanimously voted to authorize the city-owned Utilities Commission to contract with Florida Municipal Power Agency (FMPA) to buy 10 megawatts of solar-powered energy over 20 years, after an FMPA-related solar power plant goes online toward the end of 2023.

Tim Beyrle, the Utilities Commission's Director of System Operations, said FMPA has a "very favorable price on the energy," which would supply about 5 percent of the city utility's energy needs for the year, and about 10 percent of its power demands during peak periods of power usage.

"I'm excited about this one," said Mayor Russ Owen. "I look forward to being able, to eventually say, that we as a city are procuring the vast majority, if not 100 percent of our power, via solar."

3. City Commissioners unanimously supported partnering with a nonprofit group to buy a handicapped-accessible piece of playground equipment for Riverside Park. The pirate ship-themed, rocking glider will accommodate two to three children in wheelchairs, in addition to 10-15 additional children.

Spokespersons for the group Children R Our Future of Volusia County said they have raised about \$4,000 to offset the \$28,524 cost of buying and installing the equipment, and are planning another fundraiser in December. The group is championing initiatives to bring more inclusive opportunities for children with special needs to play in Volusia County parks.

4. City Commissioners voted unanimously to approve the removal of a Historic Live Oak Tree measuring 42 inches in diameter at 2201 Juanita Dr. 

The tree is within the proposed driveway for a single-family home to be built on the site. Staff members agreed even if the tree isn't located where the home itself will be built, the amount of fill dirt that must be brought in to bring up the level of the terrain would smother the tree's roots.

The lot measures 78 feet by 150 feet and is located on the north side of Juanita Drive, at the southeast corner of Corbin Park Road. 

"When I drove by I noticed that the tree was fairly close to the power lines, so it's just a matter of time before somebody comes in there and starts whacking away at it anyway," said Commissioner Randy Hartman. "And it certainly would take away from the character

of the tree, so I'm sure at some point in the very near future it would probably die, so I can support this." Commissioners agreed any replacement tree planted on the property must be at least four inches in diameter.

5. City Commissioners responded to several members of the public who spoke about the need to slow down traffic existing onto Magnolia Street from U.S. 1 at the south city limits.

The city has done traffic studies in the area that show speed "cushions" that are already in place reduced the amount of traffic. Commissioners unanimously agreed to install a stop sign at the intersection of Second Avenue and Magnolia Street to further slow down traffic and allow people to cross the street.

The Commission also voted 3-2, with Vice Mayor Michael Kolody and Commissioner Randy Hartman dissenting, to approve placing two additional speed humps at locations selected by residents in the area, working in conjunction with the city manager.

Commissioner Jason McGuirk cautioned that other parts of the city will likely want traffic calming devices, too, so the city must follow what its criteria and traffic studies show.

Vice Mayor Kolody said, "It's inexplicable to believe, that the speed bumps (placed in the area earlier) caused such a dramatic decrease in the amount of traffic."

Commissioner Hartman added, "I'll make a motion to put a stop sign at Second Street and Magnolia, so people can safely cross the street ... But I would be opposed to more speed bumps." The ones the city installed earlier have already worked, he noted.

6. The City Commission voted unanimously to approve a dock easement agreement with the owner of 400 North Riverside Drive, which will allow construction of a covered boathouse, access pier, and floating dock extending about 36 feet into the Barry Canal.

7. In another matter related to boat docks, City Commissioners approved an ordinance that will impose additional requirements for docks and related facilities along the Indian River.

The city's Planning Department staff reviewed the current land development regulations, compared them with the Volusia County Manatee Protection Plan and found some changes were required to make the city document consistent with the County's. In addition, city officials learned the U.S. Army Corps of Engineers now requires a permit for single-family docks along the Indian River.

The new amendments to land development regulations regarding docks would restrict them and associated structures to a maximum height of 15 feet above the mean high waterline. The maximum allowable square footage for one covered structure would be 300 square feet, and the maximum allowed for a covered area shared between a covered slip or boathouse and a covered platform, would be 600 feet.

Also, the ordinance states there could be no more than four uncovered boat slips, or a minimum of two single or double covered slips/boathouses, with an area of no more than 360 square feet per slip.

8. City Commissioners unanimously approved an application for a Sidewalk Cafe Agreement for the General Public House restaurant at 501 Canal Street.

The restaurant will have four tables with about 14 seats on the sidewalk, in an area approximately six feet wide by 34 feet long for the sidewalk café.

9. The City Commission unanimously approved a six-month pilot program to allow businesses to place off-site sandwich board signs, if the owner of property where the off-site sign is located provides the city with proof that he or she approved of the sign.

The idea of the program is to increase visibility of small businesses in the Mixed-Use Business District.

10. The City Commission voted 4-1, with Commissioner Jake Sachs dissenting, to approve the vacation of a platted but unopened block of Louella St. between May and Myra streets.

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