

**New Smyrna Beach City Commission Meeting
Feb. 11, 2020**

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1. City Commissioners unanimously voted to ditch a request for a Special Exception that would have allowed an 18-acre borrow pit on 119 acres south of SR-44, across the road from Sugar Mill Drive.

Dirt is quarried from a borrow pit is sold and trucked away for construction work. Officials cited concerns about potential problems created by large trucks pulling out into traffic and crossing over eastbound lanes of the busy highway. They also worried about the potential for the enlarged borrow pit to adversely affect the area's wetlands and water table, and possibly aggravate existing flooding in nearby subdivisions.

Commissioners voted after first hearing from dozens of residents who live near the proposed project or frequently travel through the area. Most opposed the pit, although a handful of speakers supported the landowners' property rights to develop the site or said the borrow pit work would delay more intensive development of the tract.

"It really boils down to the question ... does this (borrow pit) impair the character of the surrounding or adjoining districts?" Mayor Russ Owen said. Noting the developer's attorney had said the site would generate one truck accessing SR-44 every seven minutes that it was operating, he added, "For me, I personally can't support this special exception."

"I took an oath to protect the safety, health and welfare of the people. With all the evidence I've received tonight I don't believe I can do that if I approve this project," said Commissioner Jake Sachs. "You're changing the hydrogeology of this area for possibly thousands of feet around. Gentlemen, it is a change of epic proportions...and affecting our water quality. Five years of work on this area will significantly change the water table."

Commissioners Jason McGuirk and Randy Hartman expressed doubts about the increased truck traffic.

The city's staff report said the undeveloped tract already has an existing, 7.3-acre borrow pit that may have been dug decades ago in conjunction with the construction of nearby I-95. The entire 119 acres is zoned City A-1 (Prime Agriculture), but its designated future land use of AC (Activity Center) is in conflict with that. The proposed borrow pit is among a number of uses permitted by an approved Special Exception. Access to the borrow pit acreage was proposed to come from an abandoned gas station zoned as B-3, (Highway Service Business District), and under different ownership.

Attorneys Glenn Storch and Mark Watts spoke on behalf of the borrow pit site's property owners. Storch pointed out the borrow pit was only intended to operate two to five years, and after that its shoreline would be sloped and planted with vegetation to create a natural-looking lake.

He said the owners had agreed to city conditions that included ensuring a 50-foot buffer would screen the pit from SR-44, as well as building a six-foot-high earthen berm around part of the borrow pit area. He also stressed the pit didn't infringe on existing wetlands on the site and insisted its additional truck traffic wouldn't create a problem on SR-44. Storch

said that his clients would allow an on-site inspector for one hour each day the borrow pit was operating, as suggested by Vice Mayor Michael Kolody.

2. The City Commission unanimously voted to revise conditions for the weekly New Smyrna Beach Farmers Market.

The changes would restrict the market to a maximum of three food trucks or trailers and limit it to no more than eight vendors preparing, cooking, heating, cooling or mixing up food items to be eaten on site. There is no limit on the sale of foods that are prepared off site and require no more preparation prior to being sold and consumed.

3. The City Commission voted 3-2, with Vice Mayor Kolody and Commissioner Sachs dissenting, to permit a homeowner to build a dune walkover east of the city's Coastal Construction Setback Line along the beach.

The property at 1419 North Atlantic Ave. is 0.23 acres on the east side of North Atlantic. Its homeowner proposes to build a dune walkover extending about 251 feet east to the toe of the dune system fronting the beach. The walkover would connect to an existing wood deck and must be constructed to minimize disturbing dune vegetation. A dune-replanting plan also must be provided to the city. In addition, the walkover will be posted with informational signs about laws prohibiting beachgoers from disturbing sea turtle nests; the dates of sea turtle nesting season and notices to prohibit people from disturbing dune vegetation.

4. City Commissioners had the first reading of ordinances proposing to annex, rezone and assign a city future land use for property at 132 Temple St.

The property involved is one lot of 0.24 acres on the west side of Temple Street between Lake Drive and Jungle Road. It is developed with one single-family home. The parcel's current county zoning and land use are Urban Medium Intensity and R-4, (Urban Single-Family). That would change to a city zoning of R-2, (Single-Family Residential), and a city land use of Medium Density Residential. The second readings and public hearings for these ordinances are scheduled for Feb. 25.

5. City Commissioners had the first reading of ordinances proposing to annex, rezone and assign a city future land use for property at 2201 Juanita Drive.

This is one lot measuring 0.27 acres, on the northwest corner of Corbin Park Road and Juanita Drive. It currently is undeveloped, but the city has received an application for a permit to build a single-family home. The property's existing county land use is Urban Low Intensity and its zoning in the county is R-4 (Urban Single Family). Those designations are proposed to change to a city zoning of R-2 (Single-Family Residential) and a city future land use of Low Density Residential. The second readings and public hearings for these ordinances are scheduled for Feb. 25.

6. City Commissions had the first reading of three ordinances to rezone and change the future land use for 0.73 vacant acres on the south side of Woodland

Avenue, north of Canal Street, west of Hickory Street, and east of the StorQuest Self Storage facility. [L] [SEP]

The land use would change from High Density Residential to Commercial and it would be rezoned from R-4 (Multi-Family Residential) to B-3 (Highway Service Business District). The second readings and public hearings of both ordinances will be Feb. 25. In addition, at that time Commissioners will hear a request for a Special Exception on the property to permit construction of a mini-warehouse project.

7. The City Commission had the first reading of an ordinance that would clear the way for the New Smyrna Beach Utilities Commission to refinance all or part of up to \$85 million in its outstanding revenue certificates. The second reading and public hearing for this ordinance is set for Feb. 25.

Revenue certificates are guaranteed by the Utilities Commission's net revenue. Proceeds from the refinanced certificates will be used to finance, acquire and construct a number of capital improvements for the Utilities Commission, as well as refinancing existing debt.

The breakdown of how the proposed bond issue will be used shows:

- ✓ \$17.2 million to refund Utility System Revenue Certificates, Series 2009, Series 2013A and Utility System Refunding Revenue Certificates - Series 2013B
- ✓ \$65 million for capital improvements such as electric transmission and distribution system improvements, water and wastewater system improvements, construction on a Western Utility Complex and improvements to information technology.
- ✓ \$1.3 million in estimated costs to issue the revenue certificates.

Based upon current market conditions, the U.C. estimates the net interest rate would be at or below 3 percent over 30 years.

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