

New Smyrna Beach City Commission Meeting May 12, 2020

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1. The Fourth of July's night sky will be dark and quiet this year after the City Commission agreed to postpone New Smyrna Beach's fireworks display over the Indian River to a later date.

Commissioners took that unanimous action due to the COVID-19 crisis, mindful of the crowds who flock to Riverside Park and elsewhere along the Indian River to watch the pyrotechnic performance.

Officials said they would look at staging the fireworks show around Labor Day. Several other Central Florida cities also have cancelled or postponed their fireworks displays, including Edgewater, Daytona Beach, DeLand, Deltona, Orange City, Ormond Beach, Port Orange, Flagler Beach, Palm Coast, Orlando and Altamonte Springs.

City Manager Khalid Resheidat said the city also is working toward allowing employees to return to City Hall, as many workers have been working from home during the coronavirus shutdown. On June 1, office-based employees will begin gradually reporting to their regular work locations and the Centers For Disease Control and Prevention's (CDC) guidelines for social distancing, gatherings and hygiene will be observed. The city is providing employees with two washable face coverings and additional masks as needed.

City facilities and events in those venues will remain closed through the end of May, and playgrounds will remain closed in city parks through May.

In-person meetings are limited to less than 10 people with proper separation, so the Commission agreed to move two June meetings of the Planning and Zoning Board to the Brannon Center if the board prefers to meet in person. The board members can conduct a virtual meeting, as the City Commission has done for much of the COVID-19 emergency.

In addition, Commissioners agreed to allow the New Smyrna Beach Farmer's Market to reopen and operate along Sams Avenue as usual on Saturdays, but without food trucks that would attract customers waiting for food items. The Farmer's Market also must follow social distancing and CDC sanitizing guidelines.

A majority of the Commission wasn't as receptive to a request from local business owners to close parts of Flagler Avenue and Canal Street to create an "Open Mall" concept. The proposal would have involved restaurants placing tables in the street to expand their outdoor seating, and a majority of the Commission expressed concern about the event drawing too many people, despite Mayor Russ Owen advocating for the effort.

2. The City Commission will discuss future plans for a city-owned waterfront site at 160 N. Causeway at its May 26 meeting, as well as options to raise the \$35 fine for illegal parking – targeting hundreds of trucks and boat trailers that are parked along the Causeway.

Past City Commissions have wrestled with how best to use the roughly four-acre, riverfront site known as the AOB (Administrative Office Buildings) Site. It once housed the former sewage treatment plant, as well as administrative buildings. Now, the plant and buildings are gone, And, in 2018 Commissioners finally pulled the plug on a proposed

Coronado Island Marine Village that would have developed the property with a marina, dry boat storage, a hotel and public boardwalk. Backers of that proposed complex received several extensions to buy the acreage from the city but were never able to close the sale.

Now, the site next to the city's boat launching ramps has picnic tables and a grassy area for residents to sit and enjoy the river view. However, much of it is overrun with trucks and boat trailers on weekends and holidays.

Mayor Owen observed that New Smyrna Beach is a popular destination for visitors from Orlando, and it would need to partner with Volusia County to solve issues unique to the city.

The city has created different drawings depicting how the site might be improved, ranging from an open grass field ringed with additional parking spaces to a waterfront promenade park with a variety of amenities

Beyond the parking problem, Commissioners were upset at unruly beachgoers who they said failed to heed distancing requirements laid out by Volusia County.

Vice Mayor Michael Kolody and Commissioner Jake Sachs both criticized the way Volusia County had managed beach parking and charged that the county didn't follow through to make sure visitors followed social distancing requirements on the beach when it opened to cars. As a result, many parked illegally and inhibited access to beachside neighborhoods.

"I feel we lost control of our city this past weekend," Sachs said. "Cars were parked nose to nose, back to back; people were violating the social distancing; the garbage that usually stays on the beach was up on Hill Street."

3. The City Commission unanimously approved a 90-day extension to the current lease for the city-owned Boat and Ski Club building at 242 N. Causeway.

Dating back to July 28, 1960, this lease is one of several legacy rentals of city facilities. The current lease fee is \$200 a month. Prior to its extension, the Boat and Ski Club Lease was set to expire July 31. The Club had asked to extend their lease for another five years at the current rate. Club members built and maintain the building. Other organizations such as Sea Scouts and the Surfari Club also meet there.

City Manager Resheidat reported he consulted with a local real estate professional to estimate the current market rental rate for the building. A fair market rental would be approximately \$22 per square foot, which would yield a lease payment of about \$2,500/month. The total heated and cooled square footage of the building measures 1,363 square feet, and it has a 438-square-foot roofed deck and another 117-square-foot connected roofed area.

"I find the \$200 to be too low," Vice Mayor Kolody said, adding, "I find the \$2,500 to be really too high. I think we have to take into account their nonprofit status, and how old this lease is compared to our other leased properties." He said the club needs to better maintain the structure, but observed, "I fully support the occupants who are in there now to keep leasing it."

Commissioner Jason McGuirk noted, "You know, this is a tough issue . . . This group has been part of this community at this location since 1960, before some of us were born and before many of us were here in this community. They've done a wonderful job at being a wonderful community partner." (*The Boat and Ski Club awards local scholarships.*)

McGuirk said further, "Many generations have come through that building. It ... is part of what makes New Smyrna, New Smyrna. That really is a lot of history there. And I don't think that should be diminished simply because it's a sweetheart lease."

Mayor Owen added, "We all love these organizations. This is a referendum on how we want to do business as a city in these cases moving forward, and bring ourselves out of a 1960s-style operation to a 2020-style operation."

Commissioners agreed they need to take a look at all city leases in a workshop scheduled for June 23 at 5PM.

4. The City Commission voted 4-1, with Commissioner Sachs dissenting, to not consider more requests for stop signs or traffic control devices for 60 days, until the city has a traffic control procedure manual or policy in place.

Commissioners took that action after unanimously approving citizen requests for stop signs for the intersection of North Peninsula Avenue and Sapphire Road. They also voted 5-0 to place "No Parking" signs along North Peninsula Avenue between Ocean Drive and Minorca Beach Way.

5. City Commissioners approved rebuilding an existing beach access and an oceanfront deck, both at the Seacrest Condominium and/or Dunes-Sand Dollar development. Commissioner Sachs cast the dissenting vote on both projects.

Assistant City Manager Brian Fields said the replacement beach access for the property at 4071 S. Atlantic Ave. would be built in the same location east of the City's Coastal Construction Setback Line (CCSL).

The second request for property at 4315 A-4 S. Atlantic Ave. involved an old deck that was torn out due to its condition. Its proposed replacement will have a slightly smaller footprint and will be located east of the CCSL.

Construction won't start on either project until the end of sea turtle nesting season Oct. 31.

6. The City Commission approved two pet-related ordinances.

Commissioners passed a change to one ordinance that reduces the mandatory age at which pets must be spayed or neutered from 10 months to six months, unless they are otherwise exempted in the land regulations, to match both Port Orange and Volusia County age requirements. Commissioner Randy Hartman cast the dissenting vote on this ordinance.

A second ordinance to adopt leash law requirements similar to those used by Volusia County passed unanimously. The revamped leash law requires all dogs to be on a leash when they are off the owner's property. It suggests various options to secure a dog, but makes it clear the pet must be on a leash unless it is in an enclosed dog park.

7. City Commissioners heard the first reading of ordinances relating to requests for voluntary annexation, land use and zoning changes. The properties are located at 1016 Dillon Circle and 1031 Bay Drive. The second readings and public hearings for those ordinances will be May 26.

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