

## **New Smyrna Beach City Commission Meeting April 28, 2020**

*YouTube Channel to view current and archived NSB City Commission Meetings:*  
<https://www.youtube.com/channel/UCFnpWTUfup3BtTrUyHaJisA>

### **1. COVID-19 Response.**

Efren Chavez, Director of Finance for the **New Smyrna Beach Utilities Commission**, detailed how the utility is helping its customers weather hardships imposed by the measures adopted to fight the spread of coronavirus. Every Utilities Commission ratepayer will see a lower electric bill for the months of May and June because the fuel adjustment fee is suspended for those months, Chavez said. That means the average residential electric customer who uses 1,000-kilowatt hours a month of electricity will see his or her bill lowered by about 22 percent. In addition, he said the Utilities Commission has suspended disconnects and late fees until June 1.

For its part, the **City Commission voted unanimously** to grant a temporary deferment of up to three months of payments for tenants of city properties whose businesses were harmed by the virus-related shutdown. They agreed to let those tenants pay back the amount of deferred rent evenly over 12 months, at no interest. "It's the right business move . . . to try to work with these tenants, that have been long-term, good tenants," said Mayor Russ Owen.

City Manager Khalid Resheidat added he's working on having Plexiglas dividers installed on counters in areas where staff members deal with the public, in anticipation of when the city starts reopening its facilities to citizen access.

### **2. City Commissioners voted 5-0 in favor of establishing loading zones for trucks serving businesses along Flagler Avenue. The zones are intended to address residents' complaints about large trucks blocking streets and driveways, as well as impeding traffic flow.**

The city is implementing five loading and unloading zones along Flagler Avenue, using existing parallel parking spots. The length of each loading zone ranges from 49 feet to 64 feet, and trucks could use them between 6-11 a.m. Commissioners instructed staff members to install signs, stripe the road and otherwise define the loading zones within 30 days. The plan for doing so takes into consideration that many businesses already load and unload on their premises, have rear access alleys, or use an adjoining roadway such as Jessamine Avenue to manage their goods.

Commissioner Jason McGuirk added the Commission could discuss establishing a route in the future for large trucks servicing Flagler businesses, so they don't travel on small neighborhood streets.

### **3. City Commissioners voted 3-2 to give preliminary approval to the first reading and first public hearing of a proposed amendment to the zoning ordinance, to add a Kennel as a Special Exception Use in the Highway Service Business District (B-3).**

Commissioner Jake Sachs and Vice Mayor Michael Kolody cast the dissenting votes. The second reading and second public hearing on the kennel-related changes is scheduled for May 26.

The ordinance also would modify the definition of a Kennel in the city's Land Development Regulations to allow pet day care, training, grooming, overnight boarding and outdoor dog runs/play areas.

Applicant Tibor Horvath is seeking to open a high-end, "resort-type" spa for pets, where pets are boarded, exercised, trained, socialized and groomed daily. His daughter, Jennifer Horvath-Percoco, assured Commissioners there would no outside runs accessed by dogs all day or night. All pet suites would be on the interior of the building, she said. The site of the proposed kennel is 1301 West Canal St., formerly Gators Roadside Grill.

Assistant City Manager Brian Fields said if Commissioners adopt the land regulation changes to create a Special Exception process to open a kennel in the B-3 district, Horvath will need to come back and formally request that the city grant his Special Exception.

Other changes proposed in the land regulations for a kennel include requiring it to be at least 250 feet from any residence, transient lodging, hotel, motel, townhouse, timeshare unit or other building where people live. Fields said the 250-foot distance requirement currently eliminates all but three properties in the B-3 zoning district as potential kennel locations.

"I'm cautious about this. I see the need in the community." said Commissioner McGuirk. "As I understand it, there's not going to be any outdoor boarding at night, and they're not allowed outside after a certain time. This is one of those things, that, done right, this could be a huge asset to the community."

Vice Mayor Kolody outlined his concerns, saying, "It would be nice to have one (a pet resort) in town, except I don't believe the B-3 zone is appropriate for it. I'm just not in favor of the location."

Mayor Owen cast the third vote to send the proposed ordinance on to its second reading and second public hearing. However, he stressed his vote was a "soft yes" and he wanted to hear more information about the application and how nearby businesses might feel about the kennel. The mayor said he'd rather see the 250-foot distance requirement measured from the property line of the proposed kennel to the property line of the nearest residential lot, rather than to a residential structure on that lot.

#### **4. The City Commission conducted the first readings of two additional pet-related ordinances, as well.**

One would reduce the mandatory age at which pets should be spayed or neutered from 10 months to six months unless they are otherwise exempted in the land regulations.

The other measure would adopt leash law requirements like those used by Volusia County, requiring all dogs to be on a leash when they are off the owner's property. The ordinance 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.

The second readings and public hearings of these proposed ordinances are scheduled for May 12.

#### **5. City Commissioners also unanimously adopted several ordinances relating to requests for annexation, land use and zoning changes. Those include:**

- Annexing about 2.29 acres at 1076 Dillon Circle, designating its future land use as Rural, and rezoning it to Rural Agriculture Estate (RA), with a notation that it is within the Airport Height Notification Zone.
- Annexing approximately 1.05 acres at 2835 Pioneer Trail, designating its future land use as Low Density Residential, and rezoning it to Transitional Agriculture (A-3), with a notation that it is within the Airport Height Notification Zone.
- Annexing about 10 acres at 680 Williams Road, changing its future land use to Rural Agriculture (A-2), and rezoning it to Rural Agriculture with an Airport Overlay zoning.
- Annexing 0.2172 acres at 406 Old Mission Road, designating its future land use as Medium Density Residential, and rezoning it to Single Family Residential (R-2), with a notation that it is within the Airport Height Notification Zone.
- Annexing 0.1187 acres at 408 Old Mission Road, designating its future land use as Medium Density Residential, and rezoning it to Single Family Residential (R-2), with a notation that it is within the Airport Height Notification Zone.
- Annexing 0.405 acres at 420 Old Mission Road, changing its future land use to Medium Density Residential, and rezoning it to Single Family Residential (R-2), with a notation that it is within the Airport Height Notification Zone.

###