

New Smyrna Beach City Commission Meeting Aug. 11, 2020

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

City Commissioners unanimously voted to place proposed changes to the city's charter – a broad outline for city government – before New Smyrna Beach voters on the Nov. 3 ballot.

"Now the real work begins, to try to educate the public on that, so they can make an informed decision, whatever they think is in their best interest," said Mayor Russ Owen.

The City Commission appointed a Charter Review Advisory Committee, which had nine public meetings between Nov. 7, 2019 and May 14 this year. The Charter Committee made its final presentation of recommendations to the City Commission at a workshop on May 28 and the Committee was dissolved June 10. The Commission had public meetings during June to discuss the Charter group's recommendations.

In turning over its proposed changes to the Commission, the Charter Review Committee wrote: *"The recommended revised charter is a refinement of the document that has been amended at various times. Many of the changes that are recommended are for the purpose of clarifying or further defining the intent of the language; removing obsolete language; changing current sections; and adding items not included in the existing charter. There have been no changes to the form of government, the makeup of the City Commission, or the terms of office."*

The Charter Review Committee proposed adding the following new **preamble** to the city's charter, establishing an outline for what the document is intended to be, and do.

Highlights from the Committee's other recommended changes to the city charter include:

- Establishing annual performance reviews for the City Manager, City Attorney and City Clerk, to be performed by the City Commission.
- Directing the City Manager to include not only the City Commission but also the public in annual reports on city finances and administrative activities at the end of the fiscal year.
- Requiring an independent annual audit of all city finances; providing for safeguards guaranteeing auditor independence; authorizing additional audits as needed; and linking the city budget to clear community goals. *(Note: Independent audits currently are conducted but are not **required** in the current city charter).*
- Adding a NEW Article to the city charter addressing Sustainability. This provides for the protection of the city's environment; requires development to the scale and character of neighborhoods; preserves historic neighborhoods; addresses a reduction in the use of impervious materials; regulates the sale of public land; and requires the development of new septic tank policies.
- Providing detailed guidelines for citizens' use of Initiatives and Referendums; establishing a city charter review schedule; and validating the creation of Advisory Boards.

You can view the current and Proposed City Charters as well as a short summary of the recommendations and changes made to each article **[HERE](#)**.

(Concurrent with work on the city charter, the City Commission, staff members and planning consultants also have been working to update various elements of the Comprehensive Development Plan, which provides guidelines for growth and development throughout the city.)

Commissioners unanimously voted to adopt proposed amendments to Comprehensive Plan Element XIII, relating to Historical and Archaeological Preservation.

New Smyrna Beach has documented hundreds of residential structures for the Florida Master Site File by the Division of Historical Resources, Bureau of Historic Preservation. These files include all buildings constructed within the city limits before 1930, which contribute to a sense of time, place and historical development of this city, as well as define neighborhood character.

In 1990, a National Register Historic District was designated in the City encompassing the traditional downtown and surrounding residential neighborhoods. In 1997, a second National Register Historic District was designated that includes the western portion of the Old Coronado Beach neighborhood. New Smyrna Beach has developed voluntary guidelines for rehabilitating old homes that are in these districts. Those guidelines are encouraged, but they are not mandatory.

As part of the Comprehensive Plan Element relating to Historical and Archaeological Preservation, amendments would propose the city develop policies to promote the preservation of historic homes and resources. Some of those include:

- Removing obstacles to the rehabilitation, use, or reuse of historic properties. This might include granting variances, a liberal interpretation of city codes, and providing code exemptions for historical buildings.
- Providing incentives to assist in preserving, and using, and or reusing historical properties. Some incentives could be tax relief and exemptions, technical assistance, transfer of development rights, and grant acquisition.
- Providing flexibility in zoning regulations and applications to preserve, and use, and/or reuse historical properties.
- Requiring Historic New Smyrna Beach Preservation Commission (HPC) review of proposed historic building demolition within the city limits, including contributing structures or any local landmarks.
- Encouraging the relocation or reuse of historic buildings where applicable to preserve the historic character of the buildings.
- Adopting an ordinance to prevent demolition by neglect.

In addition, the city itself would strive to maintain and improve historic neighborhoods and properties. Some ideas for doing that are:

- Installing infrastructure improvements such as lighting, signage, sidewalks, and fencing so that they are consistent and compatible with the historic character of the neighborhoods.
- Encouraging local landmark designation of individual properties and districts so new construction and exterior alterations would be compatible with the existing historic structure and surrounding historic neighborhood.
- Developing traffic patterns that preserve the character of historic neighborhoods while providing safe traffic circulation.
- Preserving housing density and a commercial and residential mix in historic neighborhoods to keep their existing character.

Major city special events scheduled for the rest of this year could look drastically different due to accommodations for the COVID-19 pandemic.

David Ray, Interim Leisure Services Director for the City, briefed Commissioners on tentative plans for a number of upcoming events, including cancelling the city's traditional Christmas parade. Instead, he said staff members have discussed bringing the city's Santa float to different neighborhoods throughout the City, avoiding the thousands of people who congregate along the North Causeway and Canal Street to watch the parade.

Refer to the City's website for announcements and guidelines on upcoming events.

City Commissioners voted 3-2, with Vice Mayor Kolody and Commissioner Sachs dissenting, to pay \$84,800 for a planning consultant to prepare design documents for a landscape project along parts of US-1 and SR-44.

The city is required to do the project's design in order to benefit from \$770,300 in grant funding that the Florida Department of Transportation (FDOT) has programmed for the landscaping work. Highway medians proposed for landscaping include stretches of roadway from 10th Street to Industrial Park Avenue along US-1 and between Sugar Mill Drive and Eddie Road along SR-44.

Kolody and Sachs both expressed concern about spending money for the design work, noting the city's budget has been "squeezed" by the ongoing coronavirus pandemic and other issues. Sachs asked if the design expense could be postponed. The City Manager cautioned that the city could lose the FDOT grant money.

Commissioner Jason McGuirk noted, "This is a tremendous opportunity ... and the key is the grant money. And we're always looking to partner public money with grant money. It just makes sense."

City Commissioners voted 4-1, with Commissioner Sachs dissenting, to pay a consultant \$89,090 to develop a citywide Parks Master Plan for 37 parks within the city limits.

The consulting firm Vanasse Hangen Brustlin, Inc. (VHB) will do an inventory and evaluation of existing facilities, determine what types of park facilities the city needs, conduct an online survey for the public to offer opinions on city parks and hold two community workshops relating to parks. In addition, consultants will be responsible for identifying any deficiencies in existing facilities, reviewing the city's budget and looking for funding sources and proposing a capital improvements plan for city parks, with potential budget expenditures to make those changes.

Commissioners cut the cost of the original master plan proposal by reducing its scope and removing a publicly owned property on the North Causeway from the review. VHB will present a draft master plan for city parks to the City Commission in January 2021.

Sachs suggested the city should put off the expense entirely because of the COVID-19 pandemic and its effect on the city's budget.

However, Vice Mayor Kolody noted the funds to pay for the master plan will come from impact fees and won't impact the city's general fund budget.

The City Commission voted 4-1, with Commissioner Sachs dissenting, to approve a Special Exception to allow a kennel in the B-3 Highway Service Business District. The Special Exception is one of several city approvals needed for a pet resort to be developed in a vacant building at 1301 Canal St.

Sachs said he supported the idea but had concerns about animals escaping. The owner of the proposed business said pets would be boarded inside the facility and would be supervised while they were outside in fenced areas. He said dogs would not be outside for long periods of time. The city's approval states, "Outdoor controlled environments or pet play areas shall not be used between the hours of 9 p.m. and 7 a.m."

The City Commission voted 3-2, with Vice Mayor Kolody and Commissioner Sachs dissenting, to give final approval for a replat that would subdivide 18.6 acres from within a larger tract of Coastal Woods development's Commercial Phase I.

The 18.6 acres is on the west side of Sugar Mill Drive, north of SR-44. It has already been sold to a different owner, with plans to build a 270-unit, multifamily complex. *(The latter project of nine buildings, three stories each, was previously approved as part of the Coastal Woods Commercial Phase plat.)*

Mayor Owen noted, "The reality is these rights were vested long before this. This isn't the time when we can say no to that."

Assistant City Manager Brian Fields acknowledged the replat request "is putting the Commission in a difficult position. You're being asked to consider this at the end of the plat process, when it's often the first time you've ever seen it. Staff is trying to come up with a different development process to avoid that situation in the future."

Adjacent tracts of land in the same Coastal Woods Commercial Phase have been sold to Advent Health, which is in the initial discussion stages of its own development, officials said.

Kolody said he couldn't vote to approve the replat unless the city had some written assurance that Advent Health would allow construction of an emergency access on its property. An attorney for Coastal Woods objected to that, pointing out it had nothing to do with the replat consideration. City Attorney Carrie Avallone echoed that advice. She advised Commissioners that staff members could contact Advent Health for the requested approval and pointed out the vice mayor's concern could be addressed when a site plan is submitted for the multifamily project.

City Commissioners voted 4-1, with Commissioner Sachs dissenting, to approve a new dune walkover at 1411 N. Atlantic Ave.

The property doesn't have a direct beach access and the closest beach approach is at Beachway Avenue, about 350 feet to the south. The proposed dune walkover would extend about 240 feet east from an existing deck to the toe of the dune. It would not exceed maximum height or width limits imposed by the city or Florida Department of Environmental Regulation.

The city's new Economic Development and Community Redevelopment Agency Director, Christopher Edwards, was introduced to Commissioners.

Edwards has more than 12 years of experience working in the public sector as a corporate strategist, business and industry analyst, fiscal resource manager and economic and community development project manager. He also has worked on public and private-sector projects with the city of Tallahassee, Marion County government and the city of Leesburg, as well as with state and federal government agencies, citizens and business executives. In addition, he previously worked as a real estate agent for Structure Commercial Real Estate in Tallahassee.