

New Smyrna Beach City Commission Meeting

Jan. 12, 2021

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1. City Commissioners authorized their staff to negotiate the purchase of two properties at the intersections of heavily traveled local roads, saying if they didn't buy them now they would have to pay far more in the future.

The parcels are at 120 Flagler Ave. and 301 Faulkner St. Commissioners voted 4-1 to buy the Flagler Avenue property, with Vice Mayor Jake Sachs dissenting. They voted unanimously to buy the vacant corner lot on Faulkner and Washington streets.

Officials made offers on the properties based on two appraisals for each site. Purchase money for 120 Flagler Ave. will come from transportation impact fees, and the city has made an offer of \$935,000 for that parcel. The Faulkner Street lot will be bought with money that was budgeted in the Building Department Fund, and officials have offered a price of \$700,000 for it.

City Manager Khalid Resheidat recommended both purchases because the properties are strategically located ... one to potentially ease traffic jams on Flagler and North Peninsula avenues, and the other to provide more parking for City Hall and the City Hall Annex that's currently under construction. The Faulkner Street parcel also could serve as additional public parking.

Resheidat said the property on the northwest corner of the intersection of Flagler and North Peninsula avenues possibly could serve as a right-turn lane to accommodate traffic turning west from Peninsula onto Flagler. However, he acknowledged the two-story, historic building that sits on that parcel complicates the purchase. The city manager said the city doesn't want to demolish the structure, and would look into relocating it.

Two potential homes for the relocated building: the city-owned waterfront property along the North Causeway that is informally called the AOB site, or the northeast corner of Old Fort Park just east of the City Hall complex. In the latter location Resheidat said no trees would have to be removed, and because the city is planning a streetscape of Washington Street it would be a good time to establish a sewer line for the building.

"This isn't going to solve all the (traffic) issues," Mayor Russ Owen commented. "But, we certainly may be able to solve some of the issues. And if we don't take advantage of it now, we may not have another chance."

Commissioner Jason McQuirk echoed that opinion. "For years now, we were looking at ways to improve the coastal road networks so our citizens can get around. At this intersection we have problems. We're working to address them ... We need to move forward on projects like this to make it better for locals to get around in this community."

"I think it's important that we follow through and purchase it," Commissioner Michael Kolody agreed. "The key is, as Khalid has mentioned, we have to do something." Kolody noted that more than 10 years ago the intersection of Flagler and Peninsula avenues was ranked as one of the worst for traffic to pass through. "It was a problem then and is a problem now, so I'm in favor of going ahead."

Vice Mayor Sachs acknowledged the intersection of Flagler and Peninsula avenues is a "troublesome intersection," and said he liked the idea of moving the property's historic structure to the corner of Old Fort Park. However, he added, "I'm concerned about the cost ... Would we be spending too much money for something that might not alleviate the problem? How many cars could be accommodated in a right-turn lane on that corner piece?" The vice mayor noted he could see the point of buying the property if the city also owned adjacent properties farther west (which it doesn't), to provide more space for cars turning right onto Flagler Avenue.

In contrast, Sachs joined his fellow Commissioners in agreeing that buying the vacant parcel at 301 Faulkner St. was a necessary expense that would increase the amount of parking spaces around City Hall and in the downtown.

"We've been looking at this property for some time," City Manager Resheidat said, noting that Building Department personnel will be relocating to the City Hall complex once the City Hall Annex is finished. "It's almost 150 feet by 170 feet ... This property, I think it's essential for city services. It's a must-purchase at this point for future expansion."

Commissioner McGuirk also said, "This to me is a no-brainer. It's necessary. The opportunity is here to buy it. It may never present itself again."

2. City Commissioners voted 4-1, with Commissioner Randy Hartman dissenting, to temporarily reduce building permit fees by up to \$5,000 for a six-month period starting Feb. 1 -- excluding new construction on undeveloped residential or commercial lots. The temporary break in building permit fees is a response to a COVID-related downturn for many local businesses, and the probability that residents may have put off home improvements last year.

The credit is only for residential and non-residential *building permit fees*. It does not include impact fees, application fees for new development, administrative fees or any other non-building permit fees. A city staff report said the effects of COVID-19 have severely affected many residents and businesses in New Smyrna Beach, and those impacts are expected to continue well into this year. Assistant City Manager Brian Fields said the temporary reduction in building permit fees was one option through which the city could offer some relief.

3. The City Commission voted 4-1, with Commissioner McGuirk voting no, to continue until Jan. 26 a controversial request to rezone 41.2 acres adjacent to the Hidden Lakes Golf Club course.

The land proposed for development is west of Turnbull Bay Road and the Florida East Coast Railway tracks. It is proposed to change from a county zoning of Transitional Agriculture (A-3), to city Planned Unit Development (PUD), to create the Hidden Lakes Village senior residential development. The project's site plan envisions the development with 132 lots.

The proposal before Commissioners was complicated by a dispute between developers of the proposed Hidden Lakes Village and the owner of Hidden Lakes Golf Club. The golf course owner objected to an easement for a widened and "stabilized" road surface that would provide a required emergency access for fire trucks to cross the golf course. He maintained it would require tree removal and interfere with other features of the course.

Commissioners also had qualms about the overall project. "I have a lot of issues, for the site plan," said Commissioner Kolody." His concerns included whether the proposed pavement width would be sufficient, a limited access to the development and small proposed lot sizes.

Mayor Owen added, "This is probably an asset class (a 55-years-and-older residential development) that we need in this community. But I have several questions, some of which were raised by Mr. Kolody ... This just feels like too much and too many unanswered questions."

4. City Commissioners voted 3-2, with Vice Mayor Sachs and Mayor Owen dissenting, to approve a second, one-year agreement with Yaupon Brothers, LLC. The agreement allows the company to harvest wild yaupon tea leaves and remove or prune invasive Brazilian pepper plants from city park land along the west side of Saxon Drive, between 10th Avenue and Division Street.

Yaupon Brothers LLC harvests leaves from Yaupon Holly trees that grow wild in Florida and processes the leaves to produce a variety of tea products. Yaupon Brothers sells its tea locally and internationally, both online and in retail locations. Several residents who live near the area in which tea leaves are being harvested complained the company's workers were leaving unsightly piles of Brazilian pepper debris along an adjacent road, where it wasn't picked up for weeks.

Vice Mayor Sachs said the invasive Brazilian peppers bushes should be removed rather than clipped back, to avoid spreading the plants further. "Considering we had some glitches this past year, I would not continue this agreement. I feel it is an inappropriate use of our private land."

Other Commissioners who favored a second annual agreement with the Yaupon company suggested the trash removal issue could be better coordinated and the removal of Brazilian pepper plants could be improved, to resolve complaints from nearby residents.

5. The City Commission voted 4-1, with Vice Mayor Sachs dissenting, to allow Mobile Food Dispensing Vehicles (i.e. Food Trucks) at certain limited locations, and assigning them as a permitted use in the Light Industrial (I-1) Zoning District. Previously, the city only permitted Food Trucks associated with special events to avoid competing with established restaurants. However, Gov. Ron DeSantis signed a law in July 2020 that prohibits cities and counties from banning mobile food dispensing vehicles, so the city's rules had to be changed.

6. City Commissioners unanimously adopted ordinances annexing, rezoning and changing the land use for 0.43 acres at 1309 Washington St. The property was changed from the county designation of Urban Single-Family Residential (R-4), to the city's zoning of Single Family Residential (R-2).

7. The City Commission heard the first reading of ordinances proposing to annex and change the land use for 2.85 acres at 345 Corbin Park Road. The second readings and public hearings are scheduled for Jan. 26.

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