

**New Smyrna Beach City Commission Meeting
May 25, 2021**

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Citizen opposition convinced the City Commission to vote down ordinances that would have permitted government-owned and/or operated, temporary housing facilities in the city's Heavy Industrial (I-2) Zoning District.

The ordinances were a necessary step for city officials to explore the idea of creating a homeless shelter with trailers near the site of the city's former garbage transfer station in the I-2 zoning district.

Instead, Commissioners said they would look into addressing the city's homeless problem by investigating the cost of participating in the First Step Shelter in Daytona Beach -- something they had declined to do previously.

"I won't support a homeless shelter in this community ... anywhere. I don't want it in my zone, my district, near my house," Commissioner Jason McGuirk declared. "We have the First Step Shelter. I'm absolutely in favor of researching the First Step Shelter.

The First Step Shelter, 3889 W. International Speedway Boulevard in Daytona Beach, opened in December 2019. The shelter works with community organizations to help homeless individuals access the services they need to have a stable life, find work and transition into a home.

The ordinances grew out of many discussions and an [April 13 presentation](#). Commissioners acknowledged the city has a growing problem with homeless individuals. Some are panhandling or accosting local residents, business owners and their customers.

The majority of citizens who spoke saw the city's concept of a homeless shelter as a threat to New Smyrna Beach's children and their way of life.

A resident of Trudgeon Drive pointed out that "There are a lot of children in that area. There's a new dog park... and a skate park near there with a lot of children..And we have a beautiful ballpark out there."

The owner of a Technology Center business on Turnbull Bay Road said, "I don't think anybody in this room would say they're not for helping our homeless. I don't think it needs to go near our Business Park. It'll hurt our property values.

In contrast, a few residents related stories about seniors they knew who had fallen on hard times and lost their homes. One speaker implored Commissioners to help homeless individuals such as a 71-year-old she knew, who had to leave a home she was renting on just a day's notice because the owner was selling it. "We hate what we fear. We fear what we don't know," the Dougherty Street resident said.

By far, though, most speakers voiced a negative view of the homeless. Commissioners heard what the city's citizens were saying, loud and clear.

Commissioner Michael Kolody said, "I support the idea of doing something to help out the homeless and our citizens, but I couldn't support this particular way to do it ... We do not have a plan that we're ready to implement, to build this type of shelter, in this format, anywhere in particular."

Vice Mayor Jake Sachs said he supported helping those who are needy, who need a roof over their heads and access to social services. However, he said he wanted to hear more information about possible alternatives to a shelter and what those might cost the city. "I don't want to make a problem of homelessness bigger by sticking it where our residents don't want it. Our homeless population is growing, so I hope we can join together to solve the problem."

Commissioner Randy Hartman pointed out the Commission wasn't voting May 25 on whether to establish a homeless shelter (*as many speakers seemed to think*), but only adding text and definitions to city land development regulations to allow government-owned and operated temporary housing facilities in the I-2 zoning district.

He said he supported the ordinance changes because, "It's strictly a zoning issue at this time. It's not about a homeless camp." Whatever the city decides to do to address its homeless problem, Hartman added, "The big important part to me is, that ... it's not a burden on the city, or that we're not spending exorbitant amounts of money on it."

Mayor Owen told the crowd that the discussion of what to do about the city's homeless population "didn't come out of left field for us. It came about because we had folks who were coming to meeting after meeting, saying we have this growing issue. "And so, we had some workshops, and we talked to experts, and the question was, what are the ways we could address this," he said, adding, "None of us has the solution to homelessness... New Smyrna is a giving and gracious community...the homeless need help."


However, the mayor cautioned, "The experts will tell you that's not the predominant element. It's usually folks who have some kind of issue ... and the best you can do is try to help them not become an issue in your community ... You have to have access to a type of shelter called a Pottinger-compliant shelter, to give law enforcement the tools they need to deal with the vagrant homeless ... being able to arrest someone and put them on a bus to another city -- that's not how it works."

He noted the First Step Shelter in Daytona Beach has gone through some turbulent times, and the city elected not to participate in that effort early on. Now, he said things might be different and he and other Commissioners supported having their staff evaluate the costs and benefits to New Smyrna Beach contributing to First Step so they could bring homeless people up there.

"I voted against this (ordinance) the last time," Owen said. "I'm also not going to support it tonight ... I don't want to become the next Seattle."

The City Commission agreed by consensus to have staff members take another look at how to regulate the size of docks along the Indian River and other waterways throughout the city, and bring a recommendation back to them.

Commissioners voted 3-2 on April 13 to deny an ordinance that proposed to exempt the square footage of a walkway, gangway or access pier from the total allowable area of the dock to which it connects. At that time, Mayor Owen, Vice Mayor Sachs and Commissioner Kolody voted against approving the measure, which would have excluded walkways from the 1,000-square-foot maximum dock size.

Staff members prepared the April ordinance because in many cases applicants said the length of walkway required to reach deep water didn't leave enough square footage to make a dock's construction feasible. 

In their May 25 consensus, Commissioners indicated they preferred that staff come back with a proposed ordinance blending two options:

- ✓ One option that says the square footage of a dock can't exceed 1,000 square feet, not including a walkway or other access that is five feet wide or less.
- ✓ A second option that says the maximum square footage of a residential dock also would be capped at 1,000 square feet, not including a walkway five feet wide or less that is required to extend from the shoreline to navigable waters with a depth of four feet measured at high tide.

Assistant City Manager Brian Fields said staff members would look at how other cities regulate dock construction and how they define "navigable waters."

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