

New Smyrna Beach City Commission Meeting – Dec. 14, 2021

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Three city advisory boards escaped dissolution Dec. 14 as City Commissioners debated whether they should be “sunsetting,” or assigned more focused tasks.

Commissioners unanimously voted not to dissolve the Neighborhood Council. They also voted 3-2 to deny a motion to sunset the Leisure Activities Advisory Board, with Vice Mayor Jason McGuirk, Mayor Russ Owen and Commissioner Jake Sachs voting against that. The Commission voted 3-2 again, with Commissioners Randy Hartman and Sachs, and Mayor Owen voting not to sunset the city’s Golf Advisory Board at a future meeting.

City Clerk Kelly McQuillen’s office was tasked last year with planning a workshop to discuss the advisory boards. “The direction we received from the Commission was to streamline the term lengths to three years, standardize the term limits to two terms, and to phase out the boards that had served their purpose.” McQuillen noted the city also added a requirement that board members live in the city of New Smyrna Beach and that each board must submit an annual report on the board’s activities

“I needed to make sure that these boards were necessary to serve the public interest and also I needed to justify their cost of existence to the taxpayers,” McQuillen. Her findings were that the primary goals and objectives of the Neighborhood Council and the Leisure Activities Advisory Boards had been accomplished.

“I have mixed feelings on these,” Commissioner Michael Kolody responded. “I have attended every one of these board meetings at one time or another, and I have found their idea as to what they’re supposed to be doing often doesn’t agree with what was originally set up as their task.” “I have no problem with sunsetting the Leisure Activities Board. The Neighborhood Council is basically a board that is somewhat adrift. I find it has great possibilities to gather input on programs that we might want to run, or that may come before planning and zoning. I just feel like they need a little direction and a little help in doing that.” He also suggested dissolving the city’s Golf Advisory Board, which was not on the list to be sunsetted.

Vice Mayor McGuirk observed, “It’s a big deal to create a board or to sunset a board. I think there is obviously a reason why these two boards were created, and now there’s a question about whether they need to exist.”

Commissioner Randy Hartman added, “I certainly could support sunsetting the Leisure Activities Board. I understand it’s a duplication of efforts that’s already done by staff. I do have some heartburn with sunsetting the Neighborhood Council. I don’t think that growth has stopped in New Smyrna Beach. That was one of their tasks, to deal with some of those items. My other concern is, staff mainly dictates what their agenda is. So, I do think there needs to be some redefining with that board and giving them some more direction and purpose.” Hartman said he communicates with a Neighborhood Council member from Venetian Bay who is on its HOA board, and that person reaches out to residents throughout Venetian Bay through a monthly newsletter. He has brought issues to the Neighborhood Council as a result.

"My vision is having narrow-focused advisory boards ... so, if an issue comes in and it's related to this, it goes to them," Mayor Owen commented. "And fewer meetings. I think the notion of monthly meetings and even quarterly meetings can get burdensome. I think we can probably get better engagement with one or two meetings a year."

"I'm not anxious to take any actions today," he continued. "I think ultimately, we have to trim down the list of all these boards. But before we do that, let's focus on; are there objectives we're trying to meet? ... I don't want to kick the can down the road, but this is something I'm pretty passionate about. I'd like to see us move this a little bit further out, and give some chance to get some more feedback maybe even from some of the folks who are on the boards now, as to how we could retool these and tighten up that scope, tighten up the mission and put them to good use."

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The City Commission unanimously approved an ordinance allowing longstanding local businesses with what are determined to be "vintage pole signs" to keep them.

On Aug. 24, 2021, the Commission voted to extend the time period for non-conforming pole signs to be removed and replaced with monument-type signs. At the same time, Commissioners agreed to provide an exemption for longtime businesses with unique, older (30 years or older) pole signs.

To follow up on that, staff members drafted a development regulation amendment to spell out criteria for the NSB Historic Preservation Commission to use when it reviews Vintage Sign applications.

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City Commissioners voted unanimously to approve the Canal Street Merchants' request to put on a "Canal Street Nights" special event on the third Thursday of the month in January and February. But the idea that some businesses would like to serve alcohol during the event wasn't greeted with the same enthusiasm.

In other action that will affect the "Nights" event, the Commission had the first reading of an ordinance giving its members the power to decide whether to waive the city's prohibition on open containers for events such as the merchants' celebration of Canal Street businesses. The second reading and public hearing for that ordinance is set for Jan. 11. Currently, the city's leisure services director can grant businesses an exemption to serve alcohol at special events.

"I was surprised to learn, that as of right now, (Leisure Services Director) David Ray could approve an open container event," Mayor Owen observed. "What this is doing is making sure that this body (the City Commission) is the one to say yea or nay. This isn't really opening a door. To me, this is really tightening a door."

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The City Commission voted 4-1, with Commissioner Sachs dissenting, to grant a five-year license agreement for Yaupon Brothers, LLC to harvest wild yaupon tea leaves on city property along the west side of Saxon Drive, between 10th Avenue and Division Street. The land is part of the 90+-acre Indian River Lagoon Park, and the license agreement would expire in five years on Oct. 31. Either party may notify the other of the intent to end the agreement within 30 days.

In January 2020, the city signed a one-year agreement with Yaupon Brothers, allowing it to harvest yaupon leaves in the park. In exchange for the license, the company agreed to remove invasive plant species such as Brazilian pepper from the land and provide quarterly reports to the city detailing the quantity of product harvested and invasive species removed. Yaupon Brothers, LLC harvests leaves from native yaupon trees and processes them to produce a variety of tea products. The company sells its tea locally and internationally, both online and in retail locations.

At the end of 2020, Yaupon Brothers, LLC reported its workers had harvested 1,150 wet pounds of yaupon leaves and removed approximately 2,600 pounds of Brazilian pepper. Subsequently, the city granted Yaupon Brothers an additional one-year license to harvest its tea leaves in 2021.

Commissioner Sachs voiced concern that land set aside as a preserve was being used for commercial purposes. "As our green spaces do diminish all around us and get smaller... this is an activity I really can't condone in the park," Sachs added.

Mayor Owen said he also had some concern about the idea of a private company profiting off public lands. However, he said there were precedents for that work, "and for me, I've balanced it with, there is good being accomplished here because of the additional presence (of people working in the park during the day) and it is not necessarily taking anything away from the land. And it has been certified by the scientists...that everything that is happening there is being done in the right capacity."

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City Commissioners unanimously passed ordinances to annex, assign a city zoning designation of A-3, Transitional Agriculture, and change the land use to Rural for 1.06 acres at 1325 Scarlett Trail.

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