

## ***New Smyrna Beach City Commission Meeting – Jan. 11, 2022***

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City Commissioners voted 4-1, with Commissioner Jake Sachs dissenting, to assume responsibility for a current staff decision on whether to permit drinking from open containers of alcoholic beverages at special events. Staff members will continue to review each activity request and bring it to the Commission with background information and any recommended conditions, if necessary. The city's internal policy relating to open containers may be discussed on a future Commission agenda.

City law says it is unlawful for a person to consume alcoholic beverages in any park, playground or recreational facility owned or leased by the city, or upon any city right-of-way, including sidewalks and paved or unpaved streets. Prior to this vote, the ordinance contained an exemption to the general prohibition of public alcohol consumption, for private or public activities that had been approved by the city's Parks and Recreation Director (also called the Leisure Services Director).

In practice, the Director ***has not*** approved any exemption to the ordinance. A recent application for that exemption during the Canal Street Nights special event brought the issue to the forefront for city officials.

Both the Canal Street Historic District group, which sponsors Canal Street Nights, and the Southeast Volusia Chamber of Commerce support alcohol consumption at city-sanctioned special events.

Mayor Russ Owen noted the Commission believes "that it should be a Commission-level decision to approve."

Commissioner Michael Kolody added, "I don't like open containers." but said he could consider approving a special event at which alcoholic beverages are consumed if the latter activity was done in a "closed format" such as a fenced-off biergarten (beer garden).

"This is a conundrum for me," said Commissioner Sachs. "I do support the fact that our city does not allow open containers on the street. My own personal feeling is I hope it's not that the success of a venue and event...would have to rely on alcohol. There are safety concerns about opening up the whole street for people to carry open containers and drink freely throughout the street, on sidewalks and going back to their car ... I would much rather they have individual biergartens for the venue."

Richard England, president of the Hub on Canal Street, spoke to the Commission as a representative of the Canal Street Historic District. He said the problem with requiring businesses to only serve alcoholic beverages outside their buildings in self-contained biergartens is that each of those businesses would have to spend several hundred dollars for security and apply for the necessary approvals, and he didn't think it would generate enough business to merit the associated costs. England also said the Canal Street Historic District group hoped to make Canal Street Nights a monthly event, and it would go on even if the city didn't allow guests to mingle and walk around with alcoholic beverages.

The City Commission heard the first reading of a new ordinance that would restrict a current exemption to city parking requirements in the city's Arts Overlay District. The second reading and public hearing of the parking rule change is scheduled for the March 22 Commission meeting, although there also was discussion about having a workshop on the issue.

A staff report says the current Arts Overlay District was created to stimulate development of the Canal Street Commercial district, on properties that were primarily zoned for Mixed Use (a mix of commercial and residential). Some commercial and multifamily residential properties also are part of the district.

Now that businesses along Canal Street are thriving, the report said staff members and a city parking consultant felt some people might think the street is developing a parking shortage. The original exemption was intended to encourage local business development by reducing their amount of required parking spaces. Since then, larger restaurants and businesses are moving to the Canal Street area, and the staff report suggested if those establishments also are granted a waiver to reduce their required parking spaces, that action may create a severe parking problem.

"I have a lot of concern about this," said Vice Mayor McGuirk. "We're fundamentally changing the single best rule we have to revitalize Canal St. ... If this is enacted, what happens to the current businesses that actually have these exemptions that would no longer allowed? The biggest issue is, I don't think Canal Street is so successful that we need to start rolling back the things that helped make it get where it is today."

Commissioner Randy Hartman pointed out there are two restaurants with about 300 seats each that are coming to the Canal Street area. Allowing those to drastically reduce their required parking spaces would mean, "you're creating another Flagler (Avenue)" where there is a shortage of parking.

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In other business Jan. 11, the City Commission:

- ✓ Voted unanimously to appoint New Smyrna Beach residents Stephanie Thomas-Rees and Douglas Toth to fill two vacant seats on the Historic New Smyrna Beach Preservation Commission.
- ✓ Continued the second reading and public hearing of an ordinance changing the Interlocal Service Boundary Agreement between the city and Volusia County until the Feb. 8 Commission meeting.
- ✓ Mayor Owen proclaimed Jan. 21 will be Arbor Day in the city, as a prelude to the Utilities Commission's Feb. 5 tree give-away to celebrate Arbor Day. The utility also is sponsoring its Waterwise Fair on Feb. 5. Both events start at 9 a.m. next to the Utilities Commission building at 200 Canal St. New Smyrna Beach residents may go there to pick out a free tree from selections that include Sand Live Oak, Sweet Bay Magnolia, Crepe Myrtle, Dahoon Holly, Red Cedar and Bald Cypress. There is a limit of one tree per resident while supplies last, and proof of New Smyrna Beach residency is required. Butterfly Milkweed seeds, a food source for monarch butterflies, also will be handed out to recognize New Smyrna Beach's status as a Monarch City USA.

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