

**All Day City Commission Workshop
December 15, 2021**

[Link to Video and Agenda \(Part 1\)](#)

[Link to Video and Agenda \(Part 2\)](#)

All Commissioners, Vice Mayor and Mayor were present.

Public Participation:

One resident voiced support for the fifth option for redistricting as that is closest in matching the intent of our City Charter to keep neighborhoods together.

Redistricting:

Background: Article III, Section 3.07 of the City Charter requires the City Commission redraw the Commission zone boundaries following each decennial census. The City received its 2020 Census data from Volusia County on September 28, 2021 and has six months to complete the project. The criteria in Section 3.07 are as follows:

- Zones shall be equal in population....no district may exceed five percent of the average population for all city commission zones.
- Zones should be drawn in a manner that keeps neighborhoods intact to the extent possible.
- Zones shall consist of contiguous territory; but land areas separated by waterways shall not be included in the same zone unless said waterways are traversed by highway bridges....
- Consistent with the foregoing provisions, the aggregate length of all zone boundaries shall be as short as possible.

Commissioners considered [five maps](#) that were created by staff that would meet the criteria. Most of the Commissioners preferred map #5. Minor changes were suggested that affect zones 2 and 3 so staff will create a new map that will be presented at a future City Commission meeting.

A public hearing will be held on February 8, 2022. The final ordinance approval is scheduled for March 22, 2022.

[CIP and Strategic Plan Update:](#) Capital Improvements Manager, Michelle Vallance, gave an update on the NSB Strategic Plan priorities that were ranked in December 2020 as well as an update of the Capital Improvements Project (CIP) through Dec. 2, 2021.

One item that came up several times was the desire to update the Top 3 Priorities and CIP in a quicker and more accurate manner (staff meets for an hour bi-weekly to do this; Michelle does it if Project Managers send her an update but stated updating would be quicker if they did it themselves) which would alleviate calls to staff. Commissioner Kolody added we need to fund more people to do updates. Communication is crucial. Updates can only happen following effective and timely communication of project status. Ms. Vallance agreed but also stated that the Commission needs to realize that re-evaluating the Strategic Plan often changes its focus and slows the updating process.

Wetland Mitigation:

Commissioner Kolody led the discussion. He suggested that the City establish a local wetland mitigation bank so that when developers must buy mitigation land, the money stays local. City staff and experts in the field caution that the plan would require that the city buy land for mitigation and then hope that the cost would be reimbursed. For this reason, Kolody intends to change his focus to revising the Land Development Regulations (LDRs) to protect the lands and make it more difficult for developers to infill the wetlands. The primary focus will be the west end of town. He plans to meet with the Water Management District to discuss having them administer a fee structure that would allow the city to benefit from the fees paid for mitigation.

Mayor Owen and the other Commissioners spoke in support of the goal of protecting our local wetlands as much as possible, and that the City should be able to participate in any fees collected.

Revisiting Special Exception Criteria:

Mayor Owen led the discussion and spoke about the restrictions the Commission has in trying to legally deny exceptions given to developers who must meet a set criterion. Mayor Owen suggested changing the criteria for special exceptions. Jeff Gove, Senior Planner, referring to NSB's current three criteria, talked about other Volusia County cities having stronger guidelines when evaluating granting special exceptions to property owners. The City Attorney offered that the additional criteria given as examples are embedded within NSB's general criteria, but that we could make some points more obvious.

Some comments/concerns are:

- Commissioner Kolody stated that he thinks the current criteria are adequate, but that they need to impress upon the staff the need to aggressively review the applications for exceptions. Later, he also shared that in some other states, applicants for special exceptions pay fees for staff review. The city may want to consider raising the fees to allow for staff to do more thorough reviews of any concerns and be able to present evidence to counter the experts from developers.
- Commissioner Sachs stated his frustration to say no to projects that would have adverse effect on the community, so he hopes to be able to utilize any tools available to them.
- Commissioner McGuirk indicated his support for additional criteria provided they can avoid unintended circumstances where too many projects might get denied.
- Mayor Owen stated that the developers are often better funded than the City, but the City might need their own experts who can counter the experts provided by the developers to support their exceptions.
- Commissioner Hartman agreed with Commissioner Kolody that the current criteria are adequate, and the process of Staff Review, P&Z, and if needed, Commission approval is working.

Mayor Owen felt that the discussion should be relayed to the new Planning Director who starts next month. City staff should look for best practice recommendations to consider if the criteria should be strengthened or if other strategies should be employed.

Code Enforcement:

Staff member Shey McCardy shared a [Power Point presentation](#) outlining the current status of Code Enforcement along with a list of possible solutions to existing issues.

In 2021, there were 1176 total cases of Code violations. Of those, 113 went before the Code Enforcement Board, 108 were nuisance cases and 800 were compiled closed cases. 68% of the cases complied as opposed to 93% in 2020. The City added four additional Code Enforcement officers in 2021 (now five total) which is making a difference in the ability to investigate complaints. As of December 15,

- The total revenue collected for nuisance abatement and fines was \$371,782.51.
- \$631,580.75 is currently owed to the city.
- Corporate owned properties owe more than \$265,000.
- Individually owned properties owe more than \$309,000.

Possible solutions to the code violation/enforcement situation include the following:

- Community volunteer assistance
- Add new ordinances.
- Allow the city attorney to foreclose on liens (with the exception of Homesteaded property).
- Establish a cap on fines.
- File criminal charges.
- Allow the Code Enforcement Board or Special Magistrate to consider lien amnesty.

Discussion/comments/questions/concerns:

- The fines shouldn't run up forever. There should be caps on liens.
- The opinion of code enforcement officers on individual cases of lien amnesty would be valuable.
- The Commission was split in terms of proactive or reactive code enforcement. Most agreed that the focus should be on chronic, egregious violators, and derelict properties.
- It was suggested that the name could be changed from Code Enforcement to Code Compliance. The ultimate goal should be code compliance.
- What tools does the city and staff need in their toolbox for the egregious things, those that are degrading the neighborhoods?
- What's working in other cities?

East/West Connector South of SR 44:

Commissioner Hartman led the discussion. He wanted the Commissioners to take a second look at [the study that was conducted by Parker Mynchenberg & Associates, Inc. in January 2020](#) which contained four connector concepts:

City Manager Khalid Resheidat indicated that any of the options would cost between \$6.7-\$8.7 million as well as raising wetland concerns.

Some comments/concerns from the discussion are:

- Commissioner Kolody said that Corbin Park needs another access, especially for ER vehicles.
- If we make a shortcut for locals, it will become a cut-thru for visitors and that will affect those neighborhoods in a negative manner.

- All Commissioners felt that Corbin Park residents should be engaged in advocating a solution, not the city.
- The city should do nothing until FDOT decides what it is going to do with the stoplight and medians.
- Connectivity between Timberlake and Wildwood into Paige would be helpful for neighborhood residents. Commissioner Hartman added that perhaps small connectors may be feasible when stormwater and sewer projects are being done.

Commissioner Hartman concluded saying, “traffic is our inherited problem,” and we should enhance that area if we can raise their quality of life.

Ordinance Discussion Regarding Murals:

Staff requested a discussion by the City Commission to give direction about the possibility of creating a new regulation pertaining to murals. Chief Planner, Jeff Gove, referred to the staff report in the agenda packet on how neighboring communities deal with murals. Edgewater, Daytona Beach, Deland, and Ormond Beach all have ordinances. Port Orange and Volusia County do not. City Attorney, Carrie Avallone, stated that she wasn’t aware of anything on the books in New Smyrna Beach. Her concerns are 1st Amendment rights and that murals should not have any words or serve as signage or billboards.

Some comments/concerns from the discussion:

- Talk to the Hub and others who have executed appropriate murals.
- Vice-Mayor Sachs expressed opposition to any murals on government buildings.
- Commissioner Hartman favors creating regulations as we have nothing now. He feels murals should be non-political and vetted.
- There was universal support for a mural ordinance.

The City Attorney was given the charge to put what was discussed into a proposed ordinance to be presented at a future meeting.

Recreation Complex West of I-95 on SR44:

Mayor Owen led this session for two reasons: There is not a large regional park complex in the city that offers a variety of activities with suitable parking, and he feels the city needs more pickleball facilities. The City Manager stated that the [Parks Master Plan](#) had just been completed and was attached but will also be presented soon to the CC as it does make mention of parks west of I-95.

Some comments/concerns from the discussion were:

- Commissioner Kolody doesn’t support a regional park complex but felt our LDR’s should stipulate developers must preserve land above the flood plain for recreation.
- Vice-Mayor Sachs added that the city needs to improve some existing parks like 27th.
- Commissioner Hartman feels that a large complex west of I-95 would be ideal IF the community supports it but stressed, we should consider adapting existing tennis courts for pickleball play and avoid “pocket parks.”

Staffing:

Mayor Owen led the session. New Smyrna Beach is growing. City staff is doing what is needed but at what cost? Do we need personnel on special projects with other personnel running the day-to-day services?

Further comments/concerns/questions were:

- Commissioner Kolody feels a disconnect on how projects are tracked. The bottom line is that this will be a budget concern in the future.
- Vice Mayor Sachs stated it is sad that Amazon's advertised starting wages for a future facility in Daytona Beach is "higher" than that for entry level workers in the city and city employees are overloaded.
- Commissioner Hartman took a different approach. He feels the City needs to look at whether we have the right people in the right positions AND questioned if accountability is being applied. Should we increase salary to get better employees? Current organizational charts are hard to follow. Isn't it prudent to investigate the future 3-4 months to hire the total fire or police employees (e.g.) needed and train them at same time versus hiring as people retire or needs dictate hiring?

Mayor Owen summarized that we are not sacrificing standards, but we need active discussions and plans to address staffing concerns.

Economic Development Strategic Plan Summary – Economic Director, Chris Edwards presented a summary of the [October 28th Economic Development Workshop](#). Mr. Edwards' wanted input from the Commission and the public for the next regional (NSB, Oakhill, and Edgewater) economic development discussion planned for February 24th.

- Commissioner Kolody stated that the three cities are treated as equals, and they are not. We have the utility infrastructure that is needed to encourage economic development. NSB should take the lead in the discussions.
- Vice Mayor Sachs felt we need to diversify as we should not just be a tourist/retiree mecca. We should continue to identify and bring quality jobs here and strive to keep our historic downtown by encouraging small business.
- Mayor Owen stated that talking about this has been going on for years. NSB does not have the land for industrial growth. Thus, Mayor Owen favors catering to insurance companies and higher education. The city is perfect for a headquarters or regional office. We can offer Class A office space and satellite campuses for many of our surrounding universities. He wants the City to be proactive in working with Team Volusia and SVE and is willing to go in front of the "decision makers" who can bring the insurance and higher education jobs to NSB. He feels that if we are not willing to do this, then there is no need to continue down the path of the 10/28 Economic Development Workshop.
- Commissioner Kolody fully supported the opinions of the mayor.

Mr. Edwards concurred with what was said and added that from his experience in economic development, success per capita is the result of a consolidated focus on strengths.