

New Smyrna Beach City Commission Meeting – August 30, 2022
General Discussion Workshop
Video of the meeting and agenda can be found [HERE](#):

Commissioners Mike Kolody, Randy Hartman, Jake Sachs, Vice-Mayor Jason McGuirk, and Mayor Russ Owen were present.

Public Participation

- It was brought to the Commissioners' attention that some Farmers' Market vendors are not following the rules for cottage law products.
- Several residents spoke in favor of the Francis Avenue lots remaining green space.
- City should consider using 120 Flagler Avenue for increased police presence during special events.

Discussion of options for the City property at 120 Flagler Avenue

The purpose of purchasing the property was to possibly improve the traffic flow at the intersection. Options were presented to the Commission, but they were not well received by the residents, and only a portion of the property and the right of way were needed for this option.

Options for the property and the building were presented and discussed, including:

- Relocate the building for use as City Office space (to Old Fort Park, AOB or on the property) – cost estimate is \$250K, \$200K andr \$30K respectively
- Relocate the building to 213 Cedar Avenue at the invitation of the property owner (\$150K expense to be borne by the City)
- Keep the property as is and use the building for offices
- Sell the property
- Lease the property
- Commissioner Kolody does not support spending the money to move the building to another location. If the property can't improve the traffic flow, then it should be sold. He would also like to see the promised follow-up from the consultants as to additional options.
- Vice-Mayor McGuirk would like to pursue improvements to the intersection, and if the building is to be moved, he would like to see it go to the Old Fort Park location.
- Commissioner Hartman agrees with the assessment that the property might not solve traffic flow concerns but thinks the additional office space could be useful.
- Commissioner Sachs does not think improving the intersection is feasible using the property, since the building is not historic, he's not sure it's worth keeping.
- Mayor Owen is concerned that there is still no consensus on a direction and that at least two members of the Commission will no longer be in office following the upcoming elections to follow through on any decision made in the interim.

A final discussion was held on possibly leasing the property while pursuing additional options on improving the intersection and to allow more consideration on what to do with the building. This would possibly allow for a 2-year lease (or 1yr + 1extension) if a tenant can be found.

Discussion of 706/708 Francis Avenue – City Properties

The lots were removed from a list of possible properties to donate to Habitat for Humanity. All options under consideration keep the property city owned. Habitat has offered a \$25K donation to be spent on improving these properties.

- Mayor Owen said staff couldn't find any reference to a park designation for the properties.
- The Commissioners agreed that the properties should be kept as green space with minimal to no improvements.
- Commissioner Kolody said that the maintenance for these lots might need to be modified.
- Commissioner Hartman stated that if it is a neighborhood park, then the neighborhood should maintain it.

A meeting with residents will be held to discuss the community's preferences for the properties.

Discussion of leased parking for the Flagler Ave businesses and of the parking district

Assistant City Manager Ron Neibert presented the background for parking leases associated with businesses on Flagler Ave. established by the Community Redevelopment Agency in 1985. Parking lease programs allow businesses to 'lease' parking spots in one of the CRA lots for \$150/yr/space to meet the parking space requirements. There are currently 88 spaces with all availability spoken for. Leases are due Oct 1. CRA sunsetted the area in 2015, and leases have not been updated since 2009 with some now being in default. Possible solutions include keeping the current program, starting a new program open to all current businesses, creating a special tax district parking fund partnering with the city, or replacing this system with parking meters and kiosks. An example of a joint venture with the special tax district could be a parking structure (\$9mill).

- Vice Mayor McGuirk stated that a new program should replace the current program, and the new program should involve a fund for parking solutions. Commissioners were in agreement that the current program needs to be replaced.
- Mayor Owen suggested that a new plan should be developed prior to eliminating the current program. He also doesn't believe the burden should fall entirely to the taxpayers.
- Commissioner Hartman doesn't believe there's a good option for a garage but supports a joint venture for a solution. He also stated that getting rid of the current program might accelerate a replacement solution.
- Commissioner Sachs agreed a garage isn't a viable solution nor were other options considered.
- Assistant City Manager Neibert suggested a one-year extension of the current lease program to research and pursue modifications and alternatives.
- City Manager Khalid Resheidat stated there was a 2012 Parking Task Force who presented several options, including from other communities, and none gained consensus.
- Mayor Owen said the Commission tends to try to consider opposition to solutions but should build consensus around well-vetted solutions, or nothing will be done.

Staff will bring solutions back to the Commission. City Attorney Carrie Avallone suggested the possibility of a non-codified ordinance if suspending the program, stating that any business impacted would not be considered non-conforming.

Report by the Turnbull Creek Committee and following discussion

Chair of the Turnbull Creek Committee Donna Athearn reported that they have compiled the list of properties to be purchased and have successfully obtained sections on either side of the current Holland Park Area. Easements for properties to the south on 44 will likely need to be obtained. Some research has been done looking at ways to fund clearing/improving the property. Area would be great for canoes and kayaks if cleaned up.

- Commissioner Hartman stated that doing nothing would not be good stewardship, that the property with its historic and environmental significance should be showcased.
- Commissioner Kolody fully supports keeping the committee and commends that they pursue grants to help with improving and maintaining the properties. He suggests connecting to Sugar Mill Ruins.
- Vice Mayor McGuirk stated that the Committee's role should be expanded but cautions that the money voters approved is solely for the purchase of properties, not cleanup.
- Commissioner Sachs expressed concern that if the water increases on the north side of SR 44 those on the south side to the high school area might be affected.

Mayor Owen asked staff to bring back a clarified role proposal for the advisory committee and asked that the committee work on an action plan for the property, i.e., removing invasive species and adding primitive trails.

Discussion of E-Scooters

Mayor Owen said he pushed for the E-Scooter rental program, but his experience in other cities (transportation, sight-seeing) was quite different than how they are being used in NSB. They have become a nuisance and rules are not being followed. Commissioners agreed that they are not benefitting the community or being used as hoped.

The City Attorney's office will draft proposed ordinances that could be used to regulate their use.

Open discussion/ City Commission Comments

- Commissioner Kolody stated that he is opposed to the proposed increase in millage.
- Commissioner Sachs is concerned with the city's water quality and traffic problems and stated that the city should take care of old structures, i.e., Riverside Park, before adding new ones.
- Vice-Mayor McGuirk stated that he would like to use CRA opportunity grants for the businesses along US 1, which are underperforming as a tax base and are becoming crime incubators.
- Commissioner Hartman said he would like to see the city annex the 90 properties that are encompassed within the city and receive services from NSB without direct tax contribution. Vice-Mayor McGuirk spoke in support of annexing the properties and stated that it might require additional efforts to counter misconceptions of property owners about the impact of annexing.
- Mayor Owen supports annexing the properties and the opportunity grants for US1 and stated that the millage increase should be compared to other municipalities over a 5-year period as others have had recent increases, and NSB remains one of the lowest rates in the County.