

CITY COMMISSION REGULAR MEETING
Tuesday, August 22, 2023

Present: Mayor Fred Cleveland, Vice Mayor Randy Hartman, Commissioners Valli Perrine, Lisa Martin and Jason McGuirk.

CITY MANAGER REPORT

Due to the heavy agenda, the city manager's report was moved to the end of the meeting.

PUBLIC PARTICIPATION

A local artist presented her initiative, "Art Adventure", showcasing the arts on and around Canal Street. She requested any funds the city might be able to give to her initiative printing costs. One resident spoke in favor of approval of 55-23 on the agenda. One resident spoke of street closure issues for Canal Street events and safety of pedestrians.

CONSENT AGENDA

All consent agenda items were approved unanimously. There was discussion on agenda items 7 J, K N and O, concerning purchase of 1 fire engine and 2 fire trucks, and the source of payment for those trucks. The vote to purchase the trucks was approved. No trucks will be purchased until source of funds is identified. This will be addressed at a future date.

ORDINANCES – SECOND READING AND PUBLIC HEARINGS

Ordinance 54-23 to designate Oak Grove Church of Apostolic Faith building, 441 Sheldon Street, as a local historic Landmark. Unanimously approved.

Ordinance No. 44-23: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone 12 parcels of land located east of North Atlantic Avenue between Crawford Road and Sapphire Road from R-3 to R-3A.

Mayor Cleveland opened the hearing by explaining the rules for a quasi-judicial hearing with time constraints for the presenters. The city attorney explained that "quasi" judicial considers only evidence/information given by experts. She also stated that approval of this ordinance will not affect short term rentals that have been grandfathered in NSB. City Planner Bob Mathen presented the application. Staff recommended that the request for re-zoning be approved by the city commission. The Planning and Zoning Board, at their January 9 meeting, recommended that the request be denied (by a 4 -1 vote).

Attorney Glenn Storch, representing *Citizens for a Safe City*, presented the case asking that the request for rezoning be denied. He stated that the request was not consistent with the city's comprehensive plan. He addressed numerous inconsistencies. A certified, licensed planner gave testimony to this fact.

Amy Blakely, an attorney from Cobb Cole represented the applicants. She also presented a witness to share information supporting the rezoning of the properties. Public comments included 17 individuals against the zoning change, sighting many negatives such as safety, increased traffic, and incompatibility with the residential neighborhood and the

city's comprehensive plan. 12 individuals spoke in favor of the zoning change sighting economic positives of transients spending money in New Smyrna as well as individual homeowners offering much needed "family housing" for vacationers. Also property managers and realtors spoke to the importance of their jobs in supporting these properties as short-term rentals.

After much discussion the city commission voted to APPROVE the rezoning request with a 3-2 vote. Commissioners Perrine, McGuirk and Vice Mayor Hartman voted to approve the rezoning. Mayor Cleveland and Commissioner Martin voted to deny the rezoning. .

The following annexation requests were approved unanimously by the city commission.

Ordinances No. 45, 46 and 47-23: Conduct the Second Reading and Public Hearing of an Ordinance that would annex, change the Comp Plan and FLU, and rezone to City R-3CO, Urban Single Family for .92 acres+/- located at 909 Ingham Road as part of an overall annexation application.

Ordinances No. 48, 49 & 50-23: Conduct the Second Reading and Public Hearing of an Ordinance that would annex, change the Comp Plan and FLU, and rezone approximately 5.20 acres of land located at 2560 Erena Drive to RA, Rural Agriculture as part of an overall annexation application.

Ordinances No. 51, 52 & 53-23: Conduct the Second Reading and Public Hearing of an Ordinance that would annex, change the Comp Plan and FLU, and rezone approximately 1.08 + acres of vacant land located on Pioneer Trail to City A-3, Transitional Agriculture as part of an overall annexation application.

Due to time constraints, the commission meeting was adjourned at approximately 11:00 pm, without completion of the agenda items listed below. These will be re-scheduled for a future commission meeting.

10. ORDINANCES - FIRST READING

11. BOARDS AND COMMISSIONS

11.A Airport Advisory Board: Consider the reappointments/appointments of three seats expiring on September 9, 2023 to serve three-year terms, The City of New Smyrna Beach August 22, 2023 4 expiring on September 9, 2026 and consider an appointment to fill one unexpired seat to serve the remainder of a three-year term, expiring on September 9, 2024.

11.B Housing Authority: Consider the reappointments of one (1) member to serve a four-year term, expiring on August 31, 2027.

11.C Utilities Commission: Consider the reappointment of one (1) member to serve a second three-year term, expiring on September 7, 2026.

11.D Advisory Board Recommendations

12. MAYOR AND COMMISSION REPORTS

13. CITY CLERK'S REPORT 13.A City Clerk's Report

14. CITY ATTORNEY'S REPORT