

## ***New Smyrna Beach City Commission Meeting March 12, 2019***

**1. The City Commission voted 4-1, with Vice Mayor Randy Hartman dissenting, to direct staff members to create an ordinance requiring city facilities to stop using single-use plastic items. The ordinance also would create an awareness campaign encouraging citizens of New Smyrna Beach to voluntarily discontinue using such plastics.**

Mayor Russ Owen brought up the discussion of discontinuing single-use plastic items at an earlier meeting. As a result, staff members began moving forward in-house with reducing or eliminating the use of plastic items. Officials also are looking at doing the same for special events and other activities, including making an effort to eliminate the use of plastic bottles and use biodegradable cups at 5K events.

**2. City Commissioners unanimously agreed to table until March 26 an ordinance that will strengthen city guidelines for saving trees from development.**

Officials aren't expected to take any further action in March, and the ordinance may see additional changes before coming back to the Commission at an April meeting. The current practice of clear-cutting *all* trees and vegetation from wooded properties slated for residential and commercial development has concerned many citizens, as well as members of the Commission.

Proposed amendments to the city's existing tree ordinance are intended to further restrict and clarify the criteria for removing what are judged to be Historic and Specimen trees. Previously, the land development regulations addressing Historic Trees only protected live oaks and bald cypress trees with a 36-inch or greater diameter. The newly proposed tree ordinance expands Historic Tree preservation to *any* tree of 36 inches or greater diameter, as long as it isn't listed on the Florida Exotic Pest Plant Council's list of invasive species. In addition, the ordinance recognizes a list of Specimen Tree species of 24 inches in diameter or larger as being subject to specific criteria for removal, because they would typically continue to grow until they reach Historic Tree size.

Tree "removal" is defined as actually cutting down the tree, or effectively "removing" it by damaging or killing the tree.

Four criteria for removing such Historic and Specimen trees have been added to the tree ordinance. Applicants who want to remove such trees must meet one of the four requirements to have their application for tree removal considered by city staff members for Specimen Trees, and by the City Commission for Historic Trees.

Those criteria include:

- ✓ Proof that the tree is damaged and poses an imminent danger to an existing structure.
- ✓ Proof that the tree is damaging or interfering with the installation, operation or maintenance of existing or proposed public infrastructure.
- ✓ That the tree is dead, diseased or structurally unsound or likely to die within two years.
- ✓ Any other extraordinary hardship.

The proposed tree ordinance also removes the existing exemption for single-family residential properties, meaning those would be subject to the new tree rules.

**3. The City Commission unanimously approved a resolution supporting state legislation that restores some authority of local governments to regulate short-term vacation rentals in single-family and multifamily residential zoning districts. They further opposed any state laws that further “erode” the city’s power to determine what uses are appropriate in those residential areas.**

In 2011, the Florida Legislature prohibited local governments from regulating short-term vacation rentals, a move that upset many municipalities throughout the state.

As a result, in 2014 the Florida Legislature recognized that short-term rentals in residential areas could create a variety of problems. So, the Legislature restored some limited authority for local governments to address the impacts caused by such rentals.

**4. City Commissioners voted 4-1, with Commissioner Jake Sachs dissenting, to approve the First Amendment to the Ocean Way Village PUD Master Development Agreement.** 

The proposed Ocean Way Village development is located on about 16 acres, generally located southeast of the intersection of SR-44 and South Glencoe Road. Most of it was cleared when the property was originally developed as the “Buddy World” entertainment complex. It has been vacant since 2006, when those uses were removed.

This amendment to the existing PUD Master Development agreement primarily would allow the new land use of outdoor storage, and remove a permitted land use for a theater.

**5. A majority of the City Commission voted 3-2 to adopt a resolution waiving Small Scale Annexation fees, rezoning fees, Comprehensive Plan amendment fees, and advertising fees for properties seeking annexation that are located within the area covered by an Interlocal Service Boundary Agreement between the city and Volusia County. Commissioners Michael Kolody and Sachs voted in the minority.**

Staff members recommended that the fee waiver apply only to annexations of 10 acres and less (small-scale annexations), since the annexation of larger areas requires additional staff time and is usually associated with complex development projects.

In May 2013, the City Commission approved an Interlocal Service Boundary Agreement with Volusia County to take over certain services for unincorporated areas of New Smyrna Beach. As part of the agreement, any properties, including non-contiguous lands, that are located within the boundary area may voluntarily annex into the city. Since it began this practice has helped the city progress toward squaring off its boundaries. Each year, the Commission has waived all fees associated with annexing these smaller parcels into the city, except for 2018.

**6. City Commissioners voted 4-1, with Commissioner Kolody dissenting, to direct staff members to buy two cameras for a permanent video setup for the Commission Chamber in City Hall.**

A number of citizens have asked the city to provide a video stream of Commission meetings. The total estimated cost of the city purchasing camera equipment and a more powerful laptop, operated by a staff member or intern, would be \$22,993 from April 9 through Dec. 10 this year.

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