

**New Smyrna Beach City Commission Meeting
May 14, 2019**

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<https://www.youtube.com/channel/UCFnpWTUfup3BtTrUyHaJisA>

1. With a unanimous vote, the City Commission accepted the resignation of longtime City Manager Pam Brangaccio, amid a chorus of former city leaders and local residents who praised her decade of management.

Brangaccio said she considered taking an extended leave under the Family Medical Leave Act to care for her husband, who has a serious medical condition. However, she elected to resign so New Smyrna Beach's city fathers could start their search for a new city manager.

According to the terms of her separation agreement, effective May 15, Brangaccio will no longer serve as city manager but will remain on the city payroll as an employee at her existing pay and benefits (and will be available as a consultant) through Oct. 4 this year. New Smyrna Beach will make a one-time contribution to the former city manager's pension plan, give her a lump sum payout of six months' salary, six months of continued health insurance beginning Nov. 1, and a payout of personal leave.

Khalid Resheidat, formerly the Assistant City Manager, was appointed as Interim City Manager.

2. City Commissioners voted 5-0 to pass the second reading of an ordinance preventing several categories of environmentally sensitive land from being used to calculate the maximum number of homes allowed in residential projects.

The ordinance requires developers to calculate their maximum allowed building density using a new definition of "net density" or "net acreage." Those definitions exclude wetlands, land beneath the mean high water level or high tide line, existing public rights-of-way, land within the beach dune system, and acreage dedicated for public uses such as schools or parks, plus any non-residential uses. If those land areas . . . which are considered unbuildable . . . aren't counted as part of the total land area, the number of homes allowed on a residential property is **reduced**. Commissioners agreed the change was necessary to prevent overdevelopment.

By enacting this ordinance the Commission actually returned to a similar way by which building densities used to be determined -- before an earlier city government changed the rule to count unbuildable, environmentally sensitive land as part of the total acreage when calculating the maximum number of permitted homes. That earlier action **increased** the number of homes permitted on residential properties.

As originally written, the ordinance passed May 14 also would have excluded land below the existing 100-year floodplain from being part of the total land area considered when tallying up building density. However, several Commissioners and a spokesman for Hickson Construction pointed out that property in the 100-year floodplain is actually considered buildable, unlike other land categories referenced in the law.

As a result, Commission members agreed to remove the reference to land below the existing 100-year floodplain from the ordinance they passed and said they will address floodplain issues in a separate rule.

3. The City Commission unanimously endorsed a staff recommendation to make some inexpensive improvements on about four acres the city owns at 160 North Causeway. Officials have said they don't want to tie the city to more extensive upgrades until they agree on a long-term plan for the property.

As such, improvements to the site will include removing a dilapidated shade structure and replacing it slightly east of its current location. Fifteen new parking spaces, plus a handicapped parking space, will be created. A grassy area where cars parked previously will be fenced or landscaped off from vehicle traffic to create a more park-like feeling. In addition, new trees will be planted around four picnic tables atop new concrete slabs, and benches will be installed along the edge of the river.

Last year, Commissioners declined to extend the time period for developers to start work on a proposed hotel, marina and other facilities on the North Causeway property, effectively killing those plans. During the meeting's Public Participation time, a representative of Exit Realty presented a letter to the Commission indicating the company White Development is still interested in future development of the site.

4. City Commissioners unanimously approved a Site Access Agreement with Florida Department of Environmental Regulation (FDEP) to allow the agency to assess potential contamination at two city-owned properties.

The two sites are at 2495 Boat Ramp Drive, which once housed a Utilities Commission power plant; and 301 Smith St., which was previously used by the Utilities Commission to store electrical transformers.

FDEP will investigate to determine if there is any soil or groundwater contamination and if necessary, remove and/or remediate it.

5. The City Commission voted 4-1, with Commissioner Jake Sachs dissenting, to approve the second reading of an ordinance creating a Special Exception use called "Assembly" for the city's (I-1) Light Industrial Zoning District. The change will allow owners of a former citrus packing warehouse and furniture store to redevelop the building as a wedding, dance and concert venue, or for private corporate events.

City staff members envision the "Assembly" use would permit art shows or exhibits, concert and or theatrical plays and musicals, dance studios including instruction and competitions, and wedding-related or public and private events. Commissioner Sachs indicated he was concerned the Assembly use could generate late night activities, lights and noise that could disturb nearby residential neighborhoods.

To address potential issues, staff members wrote several restrictions into the ordinance for the Assembly Special Exception. Those include:

- ✓ The maximum number of attendees at any event will be limited to 750 people.
- ✓ There will be a minimum of one parking space per four attendees.
- ✓ Recorded or live music shall be limited to the hours between 8 a.m. and 10 p.m.
- ✓ An appropriate site plan must be submitted and approved by city staff.
- ✓ Alcohol shall only be supplied and served by a state alcohol-licensed caterer or via a state special event alcohol permit.

6. The City Commission voted unanimously to approve a homeowner's request to remove a Historic Tree at 1421 Palmetto St., agreeing with city staff that it posed "an imminent danger to an existing structure."

The live oak tree in question is 45 inches in diameter on a single-family residential lot measuring 66 feet by 162 feet. It stands close to the existing home, and was said to be in decline. Staff members noted there are several other trees that will remain on the property.

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