

**New Smyrna Beach City Commission Meeting
June 11, 2019**

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1. The City Commission voted 2-3 to deny a developer's request to cut down 14 Historic Live Oak trees measuring at least 36 inches in diameter. The oaks were proposed for removal to enable building 45 single-family residential homes in a subdivision known as The Reserve at Lake Waterford Estates. Mayor Russ Owen and Commissioners Michael Kolody and Jake Sachs cast the dissenting votes.

The property in question includes two vacant parcels totaling 43.78 acres, of which about eight acres are under water; at 2275 Esslinger Road and Old Mission Road (*north of Esslinger and west of Mission Road*).

City Land Development Regulations classify any live oak tree measuring 36" Diameter or larger as a Historic tree, which requires City Commission approval for removal. Overall, this property contains 55 trees large enough to have the Historic designation. Of the 14 Historic Live Oaks proposed for removal, eight are in good condition, two are in fair condition, and four are dead, dying or diseased according to the report from an arborist who surveyed the site.

Property owner James W. Kern of Coral Gables previously submitted a request in August 2018 to remove 16 Historic Live Oak trees, but was turned down and advised to redesign the development. The design he submitted to Commissioners June 11 saves an additional two Historic Oak trees, and five additional specimen trees. The developer indicated alternative building options that had been suggested by city staff members to save more trees would not be feasible for the project, and that more changes would be very costly. He added he would lose 10-14 building lots if he has to work around the trees.

However, the city's staff reiterated they felt the subdivision still would be viable, and more oaks could be preserved, by revising the development with one or more options to:

- ✓ Be more of a rural residential project.
- ✓ Reduce the overall number of proposed homes.
- ✓ Increase lot sizes.
- ✓ Reduce the size of the homes proposed and cluster smaller lots around the site.

As such, staff members recommended the Commission deny the Historic Tree removal request, except for the four dead, dying or diseased trees.

2. City Commissioners conducted the first reading of an ordinance banning city contractors and temporary vendors from using single use plastics such as polystyrene food containers and plastic straws, and prohibited those items on city property. The second reading and public hearing for the ordinance is set for June 25.

Earlier this year, the Commission discussed banning single-use plastics in city facilities, and decided to look at options for doing that. Staff members reported back

that the state has preempted municipalities from enacting any ordinances that restricting disposable plastic bags, but they are free to regulate polystyrene materials on public property, as well as plastic straws.

3. City Commissioners unanimously approved the final plat for a proposed residential subdivision of 14 two-story, townhouse homes on 1.15 acres on the North Causeway.

The site of the proposed subdivision is undeveloped, zoned as Neighborhood Business District, and generally located on the south side of the Causeway, between the east and west ends of Desoto Drive where it intersects the North Causeway. The homes would be developed in the style of Florida Vernacular architecture, with varied roof heights and architectural features such as staggered facades and complementary paint colors.

4. The City Commission unanimously approved three ordinances annexing, rezoning and changing the land use for 7.9 acres on Creek Shore Trail.

The land is undeveloped and its owner plans to attach the property to the existing Master Development Agreement for the Florida Days residential development. The current county future land use is rural, and its zoning is Rural Agriculture. The proposed city future land use would be Residential Estate to match the Florida Days subdivision. The proposed city zoning would be Planned Unit Development (PUD), as part of the Florida Days Master Development Agreement.

5. The City Commission unanimously approved a contract to appoint Khalid Resheidat to serve as Acting City Manager for a period of six months. Resheidat's salary will be increased to match the salary of former City Manager Pam Brangaccio, and to pay him a vehicle allowance equal to what she received, retroactive to May 15, 2019.

Resheidat formerly served as New Smyrna Beach's Assistant City Manager. Brangaccio resigned May 15 in lieu of taking an extended leave under the Family Medical Leave Act to care for her husband, who has a serious medical condition.

6. City Commissioners unanimously approved a separation agreement for the resignation of former City Clerk Johnny Bledsoe as of June 12. Bledsoe had served as City Clerk since 2008.

Former Assistant City Clerk Kelly McQuillen has been appointed as Acting City Clerk.

7. The City Commission voted unanimously to pass an ordinance that specifies the width of the Corridor Overlay Zone along SR-44 and removes its current "C" designation on the zoning map.

The ordinance spells out the width of the Corridor Overlay Zone is 330 feet north and 330 feet south of the centerline of SR-44. Its two sections stretch from the western city limits to Eddie Road, and from Eddie Road to Myrtle Avenue.

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