

**New Smyrna Beach City Commission Meeting  
Sept. 10, 2019**

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<https://www.youtube.com/channel/UCFnPWTUfup3BtTrUyHaJisA>

**1. City Commissioners unanimously adopted a resolution creating an 11-member Charter Review Committee and chose Marilyn Crotty, a veteran charter review facilitator, to assist the new committee as it begins reviewing and recommending updates to the city charter.**

Since a charter outlines the organization, powers, functions and essential procedures of city government, and often defines how a community sees itself and its goals for the future, it was decided that each Commissioner will recommend two members to the new Charter Review Committee, one of whom must reside in their respective Commission Zones while the other may live anywhere within the city. The Mayor will recommend three appointees. All members must be residents of the city.

The resolution adopted Sept. 10 also envisions the Charter Review Committee will make recommendations to the City Commission; however, the Commission will not necessarily be bound by those options.

City Commissioners agreed to appoint charter committee members at their Oct. 8 regular meeting. The committee is expected to begin meeting in November or December and will automatically disband on Sept. 1, 2020. Commissioners enthusiastically endorsed the choice of Ms. Crotty as the committee's facilitator. She will act as an independent consultant to guide discussion during the charter review and help the committee focus on necessary issues. She retired as Director of the John Scott Dailey Florida Institute of Government at the University of Central Florida after 36 years of service. In addition, Ms. Crotty previously served as a charter review facilitator for many different jurisdictions, including Palm Coast, St. Augustine Beach, Deltona, Oviedo, West Melbourne and Winter Springs. Commissioner Jason McGuirk stated, "Mayor, I'd certainly like to recommend Marilyn Crotty. Her reputation, her experience and her professionalism are second to no one." Commissioner Jake Sachs added, "Mr. Mayor, I agree, she's awesome. She'd be tremendous support for just about anything we would do government-wise." Ms. Crotty's services, including her work as a facilitator for 12 meetings and/or public hearings, travel expenses, preparation and research, phone and email consultation are expected to cost \$12,000. The UCF Florida Institute of Government also will assist the city with a variety of services such as providing speakers as needed on different issues, assisting the City Attorney in drafting documents, and providing materials and information for the Charter Review Committee.

Commissioners also discussed asking members of the city's Youth Council Task Force to participate in the charter review process as nonvoting members.

**2. The City Commission voted unanimously to approve a conditional Historic Tree Removal permit for developers of the proposed Reserve at Lake Waterford Estates to avoid litigation over the project.**

The property in question (2275 Esslinger Road and Old Mission Road-*north of Esslinger and west of Mission Road*) includes two vacant parcels totaling 43.78 acres, of which about eight acres are under water. The project's developer KWD 43 was twice turned down by the City Commission (by current Commission members in June and the previous City Commission in August 2018) for a request to cut down first 16, and later 14, Historic Live Oak trees measuring at least 36 inches in diameter. The oaks were proposed for removal to build 45 single-family residential homes. In both cases, the property owner was advised to redesign the development and preserve more trees.

City Attorney Carrie Avallone told Commissioners the developer had filed a petition for relief on the development relating to a Florida Statute known as the Florida Land Use and Environmental Dispute Resolution Act. She and the city manager and city development services staff met with the developer's representatives for much of the day, attempting to mediate the situation and come to an agreement that Commissioners could accept. The resulting proposal would save two additional trees, the City Attorney said, and allow the developer to remove eight of the 10 healthy Historic Trees. Developers also would agree to re-engineer a storage pond and make other changes to save as many trees as possible, and the city would provide a letter supporting the project to go with the development's application to the St. Johns River Water Management District. In addition, New Smyrna Beach officials would agree not to reject the Estates' upcoming modified site plan conforming to the mediation approved on Sept. 10. In return, the developer would grant the city a release from litigation. Acting City Manager Khalid Resheidat stated, "This is not a happy situation for both sides but I think it's a win-win for the city and applicant."

Vice Mayor Randy Hartman noted, "We've been through this for a long time. Like the City Manager said, this is not a win-win for everybody, but it's a do-able situation. The larger lot size and less density is a better deal than what it could have been."

Commissioner Sachs added, "This is a better project than when it started. People worked long and hard on it. I'm glad it turned out a little better. But the trees did lose."


Mayor Russ Owen said he appreciated the professionalism of staff members and development representatives who spent most of the day working through problems, to present Commissioners with the agreement before them. "I think this project is much closer to what we want to look like and grow up like in New Smyrna Beach than many others that have come before us that I've been forced to vote in the affirmative for, for other reasons," the Mayor said. "I do hate that we can't work around all of the natural environmental elements that are around us, trees and wetlands included, but I know we as a staff are working hard to raise the bar to the place where we can, and do that in the right way. There is a right way to do that; there is a balance point that we can reach, that will respect private property owner rights but will also respect the rights of future generations to have a nice place to live, work and play."

**3. City Commissioners voted unanimously to annex 0.35 acres of land at 2263 Doster Drive (the northeast corner of Bolton Road and Doster Drive), change its future land use to city low density residential and rezone it to R-2, Single Family Residential.**

**4. The City Commission voted unanimously to annex 0.346 acres at 2270 Davis Drive (the south side of Davis Drive between Bolton Road and Corbin Park Road), change its future land use to city low density residential and rezone it to R-2, Single Family Residential.**

**5. City Commissioners had the first reading of two ordinances proposing to amend the future land use of 30.8 acres of annexed property at 3075 Turnbull Bay Road (between Martins Dairy Road and Shadow Pines Drive, off Turnbull Bay Road) to Rural, and change its zoning to Residential Estate Airport.**

Second readings and public hearings for Ordinances 52-19 and 53-19 will be conducted on Sept. 24.

**6. The City Commission had the first reading of an ordinance proposing to rezone 5.4 acres generally located northeast of the intersection of SR-44 and North Glencoe Road, adjacent to the existing New Smyrna Chevrolet dealership. The zoning would change to Planned Unit Development (PUD), and the property would be added to the dealership's existing Master Development Agreement, although not all of the land is slated for development right now. The area that is to be developed will be used for vehicle parking.** 

The second reading and public hearing of Ordinance 63-19 will be conducted on Sept. 24.

**7. Also on Sept. 24, City Commissioners are expected to discuss fire service in Volusia County and "Smart Growth" issues in the city.**