

New Smyrna Beach City Commission Meeting – March 22, 2022

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A divided City Commission voted 3-2, with Mayor Russ Owen and Commissioner Randy Hartman dissenting, to adopt an ordinance making substantial changes to the Interlocal Service Boundary Agreement (ISBA) between the city and Volusia County.

In addition to outlining how properties may annex into the city, the agreement spells out whether the city or the county is responsible for maintaining certain roads and providing services such as processing permits, performing inspections and doing code enforcement. The ISBA covers properties close to city boundaries that fall within New Smyrna Beach's Municipal Service Area and are served by city water or electricity.

The amended agreement won't take effect until it is approved by the Volusia County Council.

Major changes to the former ISBA document, which dates back to 2013, include:

- ✓ Volusia County has changed the designation of Saxon Drive to a "non-thoroughfare." As such the road is being transferred to the city's oversight and New Smyrna Beach will be responsible for maintaining it. City Manager Khalid Resheidat said Volusia County would continue to maintain Williams Road and a portion of Glencoe Road.
- ✓ For properties located in the county, outside the city limits, Volusia County will now act as the central point for all permit processing, plan review, inspection and code enforcement. New Smyrna Beach previously performed these services for properties in the county that fell within the city's Municipal Service Area.

Hartman said city and county officials had talked previously about issues such as extending a voluntary annexation zone farther south to take in county areas on the south beach. That was important to New Smyrna Beach, he said, because of the benefit of eliminating septic tanks and moving those homes onto city sewer service, as well as public safety issues.

"We've got this huge donut hole (of unincorporated land) in the middle of the city, and this other piece of it at the end. You have to drive through miles of the city to get to it. Those people are wanting to annex in, and they can't. Their hands are tied," he stressed.

Hartman pointed out there still are concerns about who owns parts of the Saxon Drive right of way, and whether it is platted correctly. Until all those issues are worked out, he said he was "just not comfortable" voting for the new boundary agreement

"I support staff, and I don't want to jeopardize the relationship we have with the county because overall, we share a positive working relationship ... I know staff interacts with the county on a daily basis," Mayor Owen commented. However, he said, "I'm not exactly happy with where we landed, and ... I think we were coming to the table and usually we walked away accepting what the larger party put on the table. Which rubs me a little bit the wrong way."

"It isn't everything that I would like to see." said Commissioner Michael Kolody. "But I know that our staff has really worked hard to get it to the best condition that both agencies will approve it, so I will support it."

Commissioner Jake Sachs indicated he shared his colleagues' concerns but still felt he could support the new agreement and hoped it could be tweaked later. "I do think frankly that the county has the upper hand in this deal. "

Vice Mayor Jason McGuirk echoed that idea. "This is not a finite document," he noted. "There will be further negotiations. So I think in the best interest of moving forward and taking what we can get and getting some kind of agreement ... I'll support it."

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The City Commission had the first reading of an ordinance that proposes to amend the city's Comprehensive Plan to create a "Commercial Space Industry Opportunity Overlay" zone. The goal of the ordinance would be to permit space-related businesses in areas of New Smyrna Beach that are zoned for industrial use.

"Basically, the intent is to act as an incentive for aerospace center development," said Chris Edwards, the city's Director of the Community Redevelopment Agency and Economic Development.

The cities of Edgewater and Oak Hill are planning to implement the space industry overlay zone, and Volusia County has approved the concept as well.

"I realize you're piggybacking on what the other towns and the county have done," Commissioner Kolody responded. "I think it's too broad and has too many sections that raise flags to me, like saying it would have to be a PUD. Yet we don't have any size restrictions. It says it can be used in any commercial, public or semi-public or industrial zone. I really don't think the citizens of this town would like to see public lands turned into private aerospace industries."

He said he liked the concept of promoting space-related industry, but thought the ordinance as presented wasn't the best way to go about it.

Commissioner Sachs agreed. "I appreciate what you're trying to do here," he told Edwards, before adding, "Although I would love to attract light, clean aerospace industry to our city, we have to be very picky. We have to decide the right places to put them, if they even want to come here."

Vice Mayor McGuirk noted the city has parts of town where industrial zoning districts abut older residential areas. "I want to make sure whatever happens in here is compatible and not a nuisance," he said. "If we go down this road, I want to make sure we're very clear and very specific about what we do want. We don't necessarily want to be testing rocket engines."

McGuirk also mentioned the city has several industrial zoned properties that are heavily wooded, and he has heard from potential developers of businesses that city requirements for developers to replace trees they remove are too onerous.

Mayor Owen suggested that staff members address his fellow Commissioners' concerns about the space industry overlay zone before bringing the proposed ordinance back for a final reading and public hearing before the Commission.

City Commissioners unanimously voted to approve an ordinance redrawing new Commission zones, after giving the measure a second reading and public hearing. The boundaries of each zone are adjusted after each Census to ensure they have a similar number of city residents.

One of the biggest changes in the new map of City Commission districts is that Zone 2 will encompass the entire beachside, while Commission Zone 1 becomes a mainland district and adds territory that previously was part of Commission Zones 2 and 4.

Commission members also agreed the city should undertake a public information campaign to let voters know that Commissioners must live in their respective zones, but everyone in the city can vote for them.

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The City Commission voted 5-0 to approve a Special Exception to allow recreational vehicle sales – particularly golf carts and small boats – at 1701 SR-44 (formerly Volusia Motorsports). Commissioners incorporated conditions imposed by the Planning and Zoning Board in their approval.

The latter conditions included requiring a retention pond to be restored to its functional use, requiring new trees to be planted to replace some that were removed, and that vehicle sales not include large RVs such as travel trailers, fifth wheels or motorhomes.

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