

Special City Commission Meeting
June 13, 2024
Video and Agenda Packet can be found [here](#)
(Note: Meeting began at 4:15 on counter)

Mayor Cleveland, Vice mayor Perrine and Commissioners, Martin, McGuirk and Hartman were present.

Ordinance 35-24 which, if adopted, would consider the extension of the temporary moratorium, adopted by Ordinance 17-24 on certain building permits for a section of Venetian Bay Phase II.

Shane Corbin, Development Services Director, gave the background and an [update on the 2023 Venetian Bay and Portofino flooding](#), and ended by asking for the approval of an extension of Ordinance 17-24. No representatives from the VBHOA, the Portofino Gardens HOA, nor the developer were present, and no one wanted to speak at a public meeting. He was told that about \$100k has been spent to bring the drainage ditch into compliance with the St. Johns River Water Management District (SJRWMD), so they can certify the system and make sure it's operating as designed or modified to make it so. Some of what has been done/ongoing are the following:

- A survey of the ditch was conducted and, after reviewing the data, they didn't think that was the problem. The ditch is 9' deep and the water moves to it, albeit with a few bottlenecks.
- The City purchased a software modeling program called Stormwise and put in the data from the city, VB and Portofino engineers' reports and ran models trying to isolate the flooding issue. He found that two ponds on the east side should have berms to direct excess stormwater into an emergency spillway that will be directed to wetlands. The HOA engineer felt the wetlands may be higher than the berms which would direct the water back to where it was.
- The City installed 12 piezometers in ponds and wetlands in the flooded areas to check the level of the water tables and their fluctuations, and then put that data into the modeling program using different variables. More time is needed to get accurate results due to lack of rain.
- The recent lack of rain is the main reason for the extension **(to Jan. 28, 2025.)**
- The VBHOA has a contract to bring in an emergency pump if flooded again.

Public Participation:

Seven residents spoke:

- One resident appreciated the engineering report but urged them to continue to monitor the ditch and flooding during heavy rains. He approves the moratorium.
- Another resident agreed with the moratorium but was still concerned about the ditch helping to cause the flooding, especially with future developments, and wondered who would pay for the solution.
- One resident stated flooding also occurred in the Towne Center and wondered what will happen with less pervious land there. He is concerned that Shell Pointe (and other future development) stormwater will affect VB.
- Another resident agreed with the moratorium and was glad the city was taking action, but once the problem is fixed, the moratorium needs to end as people have the right to do what they want with their property.

- One resident appreciated the engineering studies but added that he has noticed a difference in lots having a 5' buffer to those with 10'. Larger lots and more drainage need to be included in future developments.
- One resident wondered if there has been any discussion about health issues since the water had been there for a week.
- One resident said it took him four days to get to his house and knows there is a problem and not "seemingly so" per the vibes he has gotten.

Select Commission's Comments

- Commissioners McGuirk and Hartman both acknowledged that the HOAs hiring their own engineers helped the city better understanding the problem. They also stressed they know there is a problem in that area of VB, and Staff is moving as aggressively as possible. Commissioner McGuirk also agreed with residents that there must be accountability in covering solution costs. Commissioner Hartman added that what they have learned will help with the planning of future developments.
- Mayor Cleveland stated that it is both an engineering and a planning responsibility to identify a solution. He added that the city, County and HOAs are all working together to clean up the ditches in preparation for this next season.

Motion to approve Ordinance 35-24 passed unanimously.

Ordinance 42-24 which, if adopted, would establish Deering Park Innovation Center at New Smyrna Beach by amending language in the Future Land Use (FLU) element of the Comprehensive Plan.

Director Corbin gave an [overview of Deering Park Innovation Center](#), and ended by stating there would be three required CC approvals with tonight's being the Text Amendment to the Comprehensive Plan to change the parcel to Industrial Mixed Use (IMU) for its Future Land Use (FLU) and also insert low density for residential and non-residential structures.

Attorney for the applicant, Mr. Glenn Storch, gave the presentation beginning with five items that were discussed and/or changed/added after their last meeting and are below with their major points:

- Stronger Stormwater Management. He first wanted to clarify and assuage the fears of Venetian Bay residents that no stormwater would be running into it from DPIC. Stormwater will flow into 70,000 wetland acres located south of the park. They will also maintain a bond for 10 years to insure the goals of the design, and if it fails, the money will be there to fix it.
- Since DPIC is designed to create jobs, there will be a three-year moratorium on residential building. Major non-residential development will be built first. This should increase the tax base by nearly 3.5 billion dollars upon build out.
- The plan calls for exceeding minimum energy and conservation requirements for irrigation by using native or native friendly plants.
- They may provide a STEAM Charter School as a potential educational option that would be ready before residential development.
- Land for parks to be donated to the city will be 85% uplands and 15% wetlands which may then have to be bigger than the originally planned 50 acres.

Mr. Storch added that the proposed Future Land Use Map Amendment was sent to the East Central Florida Regional Planning Council for review, and they reported back saying the project will not adversely affect resources and facilities of any significance. They also commended the planning "to preserve the greatest number of wetlands possible."

There was a concern that the planning of this project will use reclaimed water and the NSBU stated that this has never been approved by the SJWMD and is not included in the Utility's 10-year Capital Improvement Plan. They added they see no water capacity issues with DPIC project.

Two consultants attended the meeting to introduce themselves.

- Ernie Cox represents *Family Lands Remembered*, a conservation group who protects and helps generational landowners with planning and execution of projects on their behalf. They aren't a developer but a conservator of FL land and wildlife. The 70k acres for this project are owned by the Deering family of Deering Harvester who merged to make International Harvester.
- John Long is VP of the Kolter Group who develops MU projects, among other things, and is working with Ernie. He explained his company and showed a comparable project in south FL.

Mr. Storch restated that he hopes the IMU will be approved as it provides for proper planning, restricts density and over development, and will allow for businesses that will create jobs.. He added that they have no objection if the CC wants to add more restrictions to the Comp Plan after the State looks at it and has commented.

Select Commission's Questions

VM Perrine asked about how the stormwater bond would work to which the response was the system would be evaluated annually, and if problems were seen, they would get fixed. It will be like a construction bond based on a percentage of the cost of the construction and their engineers' recommendations. She also asked about the school with Mr. Storch explaining that after a concurrency analysis for the residential and multi-family Site Plan reviews, a determination would be made

Commissioner Martin questioned the viability of water and electric capacity since the intensity of numbers are high to which Mr. Storch replied that eight acres will be for a power substation and no water supply issues are evident. Water supply issues will be but will be monitored since this is being built in phases (will take 30 years to complete), and there will be 50% open space for the aquafer.

Public Hearing

Five residents spoke:

- One resident questioned how six million SF and 2100 homes could not impact our infrastructure/utilities and asked to go slow. Loved the stormwater bond but would like one for the entire development.
- One resident was skeptical about the environmental impact as well as it being viable economically for NSB since many now work from home.
- One resident was still skeptical about water and electric capacity.
- One resident questioned if NSB was ready after the VB debacle and now others as well as developments being self-monitoring.
- A representative from SEVCC (SE Volusia Chamber of Commerce) felt this was the "key to new town growth" as well as addressing environmental concerns and hoped for approval.

Discussion Highlights

- Commissioner McGuirk felt people's concerns are valid especially due to recent issues at Venetian Bay (VB), but they are moving slowly as DPIC is too big not to do it right. He added that the UC is independent of the city and wouldn't tell us something that is wrong regarding water capacity.
- Mayor Cleveland stated that we have been given this opportunity to help shape "new town NSB" and have a willing partner to help us. This is also the time to "get it right" so we don't have another VB and will balance our ad valorem tax base. Infrastructure will be looked at before the first shovel.

Motion to approve Ordinance 42-24 for second reading passed 3 to 1 with Commissioner Martin voting, NO. (Commissioner Hartman left the meeting before the vote.)

Comments

- The City Attorney gave an update on the City Manager's contract negotiations as they were close to finalization. The housing cost reimbursement is outstanding as estimates are needed. Mayor Cleveland told her to offer \$20,000. The Commission also agreed upon the termination clause, deciding that with cause, a majority would be needed, but without cause, a supermajority would be needed.
- Shane Corbin clarified Mayor Cleveland's location question about the VB ditch, saying it runs adjacent to Airport Rd. from SR44N, eventually running into the Samsula one and will be shared with Shell Pointe.