

City Commission Regular Meeting
Tuesday, July 22, 2025
[Video](#) and [Agenda Packet](#)

Mayor Cleveland and all four commissioners were in attendance.

ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

Mayor Cleveland introduced special guest, a 104-year-old NSB native born & raised, Juanita Moss. She will turn 105 in November.

CITY MANAGER'S REPORT

- Announced a special Workshop to be held on 7/28/25 at 6:30 PM in the City Commission Chambers to review the proposed changes to City Charter. Link to Final Report and rationale for the recommendations [HERE](#).
- Addressed parking at Sapphire. The city is moving forward with changes to enhance the on-street parking in this area.
- Gave an update on a meeting with FDOT to discuss NSB's transportation issues.
- Gave an update on the hiring of Deputy Police Chief. Bill Reed.

PUBLIC PARTICIPATION

A speaker commented on the misuse of public funds for a police resource officer at a local religious private school.

CONSENT AGENDA: all were approved

- 7D is referencing a different grant application program using federal dollars for County to purchase properties prone to flooding and turning property over to City.
- 7E the correct address of the property is #624. Mayor questioned if there is a more efficient way to look at these requests by City Staff.
- 7F Washing Street construction will not likely begin until Jan 2026.

7.A Consider adoption of the minutes from the City Commission regular meeting held on Tuesday, July 8, 2025.

7.B Resolution No. 17-25: Consider the adoption of Resolution No. 17-25, which if adopted, would approve the HMGP Grant Initiative - Acquisition and Demolish Three Homes

7.C Resolution No. 18-25: Consider the adoption of a resolution, which if approved, would declare the City's intent to reimburse itself for capital expenditures incurred for the acquisition of land in the Turnbull Creek Watershed, using proceeds from a future tax-exempt financing in the amount of up to \$5,500,000.00, as authorized by the 2018 voter-approved referendum.

7.D Resolution No. 19-25: Consider the adoption of a Resolution to allow the City to partner with Volusia County's Transform386 Buyout and Acquisition program.

7.E Consider the approval of a Dock Easement Agreement to allow for a single-family residential dock to be located along the east side of North Riverside Drive across from property addressed at 620 North Riverside Drive.

7.F Consider the approval of Construction, Engineering, and Inspection (CEI) Services for Washington Street Roadway Improvement Project.

7.G Consider the approval of an Interlocal Agreement with Volusia County for services through the Volusia County Public Works - Road and Bridges and Traffic Engineering Divisions.

7.H Consider terminating the agreement with Yaupon Brothers LLC. to harvest Yaupon tea leaves from Indian River Lagoon Park in 2020.

7.I Consider the approval of an Interlocal Agreement between the City of New Smyrna Beach and Volusia County Schools for field use at the Sports Complex.

7.J Consider the approval of the transfer of K9 Noris to another law enforcement agency.

ADMINISTRATIVE ITEMS/NEW BUSINESS

8.A Resolution No. 08-25: Consider the adoption of a Resolution, which if adopted, would amend the FY2024-2025 budget.

Notes: Total increase = \$18,467,871; Amended Budget = \$203,325,181. Reflects multiple changes which were outlined in the Power Point Presentation. Changes were made to now include funds carried over from previous year to provide a more accurate picture. Vote was unanimous in favor of adoption of amendment resolution.

QUASI-JUDICIAL HEARINGS

9.A Ordinance No. 29-25: Conduct the Second Reading and Quasi-Judicial Hearing of an ordinance, which, if adopted, would rezone approximately 3.25 + acres of land from A-3, Transitional Agriculture to RA, Rural Agriculture for property located at 1016 Dillon Circle. Motion to adopt was unanimously approved

9.B Conduct a Quasi-Judicial Public Hearing to consider the approval of Application No. HTR-4-24 - Historic Tree Removal of three (40", 45", and 53" DBH) trees on the commercial property at 190 S. Wild Orange Dr.

Notes: Proposing renewal of expired PUD and revised plans include a Conservation Easement. PUD zoning approved in 2009 for property. There are 9 historic trees on the commercial property and request is to have 3 healthy trees removed from the center of the site for development. Proposing 14% more open space, and over 100 trees to be planted as required for tree mitigation. Building constraints of the lot were discussed in detail in slide presentation. The applicant has looked at alternatives as confirmed by city staff.

Discussion by Commissioners included questions about potential changes to the number of parking spaces as well as a change in placement of a 2,600 square foot building so that trees would not need to be removed.

Public Participation included:

- several members of the public speaking in support of the current project.
- One person who currently mows this lot commented that the site attracts homeless and feels that 2 of the 3 trees appear to be at risk of damage in a severe storm.
- someone concerned that development of lot could cause flooding.

The Commissioner's comments included:

- Commissioners McGuirk, Perrine and Ashley voiced support for the project.
- Commissioner Martin opposed to removing 3 trees.

- The mayor commented that the proposed building is larger than the applicant's current need and is not in favor of project.

A motion to approve the removal of three trees was passed 3-2 with mayor Cleveland and Commissioner Martin voting NO..

9.C Ordinance No. 39-25: Conduct a Second Reading and Quasi-Judicial Hearing of an Ordinance, which, if adopted, would approve PUD-4-22, New Smyrna Beach Medical Center and Wellness Complex.

- The PUD was initially approved in 2009 and has expired. 3.3 Acres
- The applicant has voluntarily agreed to meet or exceed all new and updated PUD requirements including recently amended storm water standards.
- Commissioner Martin asked if the applicant would consider bringing the site plan back to the Commission for review to help clarify for the public.
- Commissioner Perrine asked if the applicant would consider a storm water escrow be set up.
- Public comments focused on concerns with flooding and traffic issues.
- Support for the project was voiced by existing medical practice customers.

A motion amended to include a Storm Water Bond was approved 4-1 with Commissioner Martin voting NO.

9.D Conduct a Quasi-Judicial Hearing of a proposed Sidewalk Café Agreement for The Spott restaurant located at 424 Canal Street.

Proposed are an outside sitting area with two tables (4 chairs at each) and a couch & firepit table with potted plants directly in front of business. Minimum criteria was reviewed by city staff and it was reported that the operating standards have all been met. The motion to approve was unanimous.

10. PUBLIC HEARINGS

10.A, 10.B & C - Ordinance No. 32, 33 & 34-25: Conduct a Second Reading and Public Hearing, that would annex and approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use to city Rural on approximately 0.36 + acres of property located at 1198 N Golf Lake Drive.

- Staff & Zoning recommended approve by Commissioners
- Public Hearing: none

Motion approved unanimously

10.D Ordinance No. 38-25: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, amends Chapter 58, Parks and Recreation, adding section 58-4, Establishing Time Limitations for Mooring at City-Owned or Maintained Docks.

- The City Attorney provided background. The city is seeking to formalize the practice to limit time for mooring. It gives the police an ordinance to react to when violated.
- Public Hearing: none

The motion to approve was unanimous.

ORDINANCES FIRST READINGS

11.A Ordinance No. 40-25: Approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use category from Industrial Mixed Use to Industrial on approximately 0.59 + acres of land located on the southeast corner of South Myrtle Avenue and W 7th Street.

11.B Ordinance No. 45-25: Approve a proposed text amendment, to the City's Land Development Regulations, to prohibit advertising of unpermitted uses in a zoning district.

- Both were approved for 2nd reading on 8/12/2025.

BOARDS AND COMMISSIONS: Position are posted for applications.

12.A Board Vacancy Notice: Historic Preservation Commission

12.B Board Vacancy Notice: Utilities Commission

MAYOR AND COMMISSIONER COMMENTS

Commissioner McGuirk stated there is a demand for medical services in our area and questioned why Advent Health (is so slow on moving with roll-out of approved medical offices

Mayor Cleveland

- expects Advent Health to make an announcement in August on new medical practices.
- stated that he has been having conversations with the City Manager about re-instating a Citizen Academy where citizens of the city can learn what various departments do from city staff and better understand how to participate and who to ask to get answers to questions concerning the city and its responsibilities.