

City Commission Regular Meeting
Tuesday, July 8, 2025
[Video](#) and [Agenda Packet](#)

CITY OFFICIALS WHO WERE PRESENT

- Elected officials present at this meeting included Mayor Fred Cleveland, Vice Mayor Lisa Martin and Commissioners Valli Perrine, Jason McGuirk and Brian Ashley.
- Staff members who attended the July 8 meeting included City Manager Kevin Cowper, Assistant City Manager Ron Neibert, City Clerk Sharon Harding and City Attorney Carrie Avallone, as well as Development Services Director Shane Corbin, Chief Planner Jeff Gove, Compliance Coordinator Channing Maiolo, Public Works Director David Ray, Leisure Services Director Robert Salazar, Finance Director Jo-Anne Drury, Assistant Finance Director Sheliza Bhola and Police Chief Chris Kirk.

APPROVAL OF THE AGENDA:

City Manager Cowper announced Agenda Items 8-B and 8-C would be pulled from the July 8 agenda because there are “some issues that still need to be worked through on those property acquisitions.”

He also advised the Commission that Item 10-E was pulled from the agenda so staff members can revise it to comply with new state laws.

PRESENTATION OF NSB’s FINANCIAL AUDIT REPORT FOR THE FISCAL YEAR ENDING SEPT. 30, 2024

“I am very pleased to report to you that the audit went very well,” said Ron Whiteside, a partner with the independent auditing firm Purvis Gray and Co. “All financial indicators are good.”

He noted the city has more than \$18 million in its general fund balance to handle emergencies and run city operations until state or federal reimbursements are provided. That represents five months of available money to deal with such expenses.

CITY MANAGER’S REPORT: Meetings and ongoing projects

- The Finance Department issued an invitation for sealed bids June 19 for the North Causeway, Phase 2, Shoreline Revetment project; which involves rock revetment and stabilization repairs along approximately 453 linear feet of shoreline on the south side of the North Causeway Boat Ramp. The deadline is July 21, and the bid opening is July 22.
- Met with transportation consultant on June 3 to discuss potential Florida Department of Transportation (FDOT) projects.
- Met with Habitat for Humanity Executive Director to discuss potential projects and partnership opportunities.
- Met with representatives of ATT, Spectrum and Wire 3, along with New Smyrna Beach Utilities General Manager Efen Chavez to discuss remediation of low hanging and/or out-of-service wires within the city.
- Met with representatives of the Callalisa Creek HOA to discuss concerns they have regarding a private sidewalk, stormwater, and traffic safety in their neighborhood.
- Met with several short-term rental property owners on June 26 to discuss concerns about unlawful short-term rentals that are believed to be operating in the city. The city is working to develop a general amendment relating to the advertising of unpermitted land uses, which should aid in enforcement activities that concern unpermitted short-term rentals.

CITY ATTORNEY: Suggested that the City Commission schedule a workshop **Monday, July 28 at 6:30pm** in the Commission’s regular meeting chambers for Commissioners to hear and discuss the Charter Review Committee’s recommended changes to the city charter. The meeting will be open to the public.

PUBLIC PARTICIPATION

Nineteen citizens spoke on a variety of topics, including:

- The city’s project to grade roadsides and install new curb stops to expand paid parking along streets bordering Grayce K. Barck North Beach Community Park. Many speakers specifically opposed paid parking spots being developed along the north side of Sapphire Road, and said visitors who park along the street to go to the beach are often rude and generate noise and trash.

- Comments about about noise and other issues generated by a local flight training school.
- Comments about the appearance of a Dora Street storage business where RVs, boats and other items are stored behind a chain-link fence topped with barbed wire.
- Comments in support of and critical of the city's renewal of a contract with Sacred Heart Catholic School for a full-time police officer during the fiscal year 2025-2026.
- Asking the City Commission to be sure land development regulations are looked at to be sure they support any revisions to the city's charter, if voters approve the latter.

CONSENT AGENDA

The following items were approved unanimously by the City Commission.

- **7.A** The adoption of minutes from the City Commission's regular meetings held on Tuesday, May 13 and May 27, 2025, and the workshop held on Thursday, May 15, 2025.
- **7.B** Resolution No. 15-25, which will temporarily reduce the speed of vehicles in construction areas on Saxon Drive to 25 MPH for the duration of the Oakwiler Townhomes construction project. *(This slower speed limit stretch would start at the first driveway going south after the CVS store entrance and end at 7th Street. Once Oakwiler construction is complete the speed limit will return to 35 MPH.)*
- **7.C** Resolution No. 16-25, which grants authority to the City Manager to approve all change orders necessary for compliance with F.S. Section 218.755. *(The City Attorney reported this Resolution was revised to reflect that if this authority is used the City Manager would notify the City Commission of such approvals, and that authority can't be delegated.)*
- **7.D** Approval of an agreement to "piggyback" (utilize) an existing agreement between HDD of Florida, LLC, d/b/a Horizon Utility Services, and the city of Winter Park, to use pricing in that contract for the removal of existing light poles along Flagler Avenue and the installation of new bases and poles.
- **7.E** Approval to pay \$22,500 in additional services for Pegasus Engineering relating to the Hazard Mitigation Grant Program Grant 4337-197-R. This program involves elevating six residential structures in accordance with FEMA and Florida Division of Emergency Management guidelines. *(Five of the six homes are already complete and occupied by their owners.)*
- **7.F** Approval to pay \$17,500 in additional services for Pegasus Engineering for the Hazard Mitigation Grant Program Grant 4337-374-R. This program relates to elevating three residential structures in accordance with FEMA and Florida Division of Emergency Management guidelines. *(All three homes are complete and occupied by their property owners.)*
- **7.G** Approval for Kimley-Horn and Associates, Inc. to provide Professional Planning Consulting Services to update the City's Comprehensive Plan.
- **7.H** Approval of the Fiscal Year 2024-25 Edward Byrne Memorial Justice Assistance Grant of county-wide funds to be distributed to Daytona Beach Shores Department of Public Safety, City of Holly Hill, The House Next Door, and SMA Healthcare.
- **7.I** Approval of AVCON, Inc's proposal for Design and Bidding Phase Services for Hangar Infrastructure.
- **7.J** Approval of an application to be submitted for the Federal Fiscal Year 2024, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, JAG-Direct Solicitation for the procurement of ballistic vests. Also, approval to utilize grant funds if they are awarded.
- **7.L** Approval of an amended contract with All State Civil to include the Phase 2 scope of work that includes groundwork, site preparation and the installation of restrooms with their associated systems. This is part of a project to build pickleball courts on Paige Avenue, off South Glencoe Road.
- **7.M** Approval to award ITB-05-25-CIP to Gregori Construction for construction of the 27th Ave. Boardwalk and replacement of the ramp.
- **7.N** Approval to submit an application for a State Homeland Security Grant to procure hardened barriers that can be deployed to impede hostile vehicles during NSB city events, or close roads due to disasters or emergencies. Also, an approval to utilize the grant funds, if awarded.

- **7.O** Special Event: Approval of the Venetian Bay Golf and Country Club 2025 New Year's Eve fireworks display, to be held on Wednesday, Dec. 31, 2025 at midnight.
- **7.P** Special Event: Approval of “Chalk It Up Event 2026,” to be held on Saturday, Feb. 28, 2026.
- **7.Q** Special Event: Approval of the 5th Annual “Mermaids, Pirates and Seafood Oh My” 2026 event, to be held on Saturday, Feb. 28, 2026.

ALSO ON THE CONSENT AGENDA

7.K *The City Commission voted 4-1, with Vice Mayor Martin dissenting, to renew the contract with Sacred Heart Catholic School for the city to pay for 50 percent of the cost for a full-time police officer at the school during FY25-26. Martin questioned whether the city should spend public funds to benefit a private organization, and said she was concerned about setting a precedent. However, other members of the City Commission said they felt due to a number of public and private schools throughout the country being targeted for violence, the city should approve the agreement to protect Sacred Heart School.*

ADMINISTRATIVE ITEMS/NEW BUSINESS

8.A **The City Commission voted unanimously to buy 2.75 acres in the southeast quadrant of Doster Drive and Corbin Park Road for the purchase price of \$150,000. This acquisition is part of an ongoing effort to acquire properties along the banks of Turnbull Creek and preserve them as conservation lands, funded by a \$15 million bond referendum that voters approved in 2018.** The land, which has access to Turnbull Creek, is on the southeast side of Doster Drive, 475 feet northeast of Corbin Park Road. Assistant City Manager Neibert said the city obtained two appraisals for the property; one totaling \$149,000 and a second appraisal that estimated the property’s value at \$120,000. The site will be preserved in its natural state, except for removing invasive plant species.

QUASI-JUDICIAL HEARINGS

9.A **The City Commission voted 3-2, with Mayor Cleveland and Vice Mayor Martin dissenting, to approve an application to remove four historic oak trees on a city-owned tract at 801 South St. The nine-acre property is leased to the East Volusia Mosquito Control District, for Volusia County Mosquito Control Operations.**

Trees that are proposed for removal include one Laurel Oak measuring 36" in diameter, and four Live Oaks, with diameter measurements of 58 inches, 49 inches and 45 inches, respectively. One Live Oak had a Great Horned Owl nest in its canopy with two chicks at the time of the arborist’s report. However, city officials said a more recent observation indicated the nest is empty. The trees are not in the area slated for the new hangar facility and its associated buildings, but near older buildings that will be demolished, and near or within traffic circulation areas and elevated areas intended for dry stormwater management.

City staff members recommended for the trees to be taken out based on rules that say if a historic tree is judged to meet just one of four criteria, it is deemed to be eligible for removal. Mayor Cleveland challenged that finding, saying he talked to the arborist who made the report, and it was that expert’s opinion the trees were generally healthy.

Commissioners also questioned County Public Works Director Ben Bartlett to ask if it was possible to move proposed buildings around on the site and save as many trees as possible. Bartlett answered the county *had already* worked hard to adjust the plans to affect as few trees as necessary. Commissioners who voted in favor of removing the historic trees indicated they felt the Mosquito Control District had no other feasible options.

PUBLIC HEARINGS

The City Commission voted unanimously to approve the following items.

- **10.A** Ordinance No. 20-25: The Second Reading and Public Hearing of an Ordinance to grant a non-exclusive franchise agreement to Wal-Rose Inc.
- **10.B** Ordinance No. 30-25: The Second Reading and Public Hearing of an Ordinance to grant a non-exclusive franchise agreement to MLJ Drywall Inc.
- **10.C** Ordinance No. 31-25: The Second Reading and Public Hearing of an Ordinance to amend Article III, Section 52-20 and Section 52-21 of the City Code of Ordinance, updating the Impact Fee Study and Rates for Road Impact

Fees. The new fee schedule, which reduces transportation impact fees in all residential fee categories, while having a variable effect on other types of development, is expected to take effect sometime in October.

- **10.D** Ordinance No. 35-25: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would grant a non-exclusive franchise agreement to Lightning Dumpster LLC.

FIRST READINGS

Second readings and public hearings for these items are scheduled for July 22.

- **11.A** Ordinance No. 38-25: First Reading and Public Hearing of an Ordinance, which, if adopted, upon Second Reading and Public Hearing, would amend Chapter 58, Parks and Recreation, adding section 58-4, Establishing Time Limitations for Mooring at City-Owned or Maintained Docks.
- **11.B** Ordinance No. 39-25: First Reading and Public Hearing of an Ordinance, which, if adopted, upon Second Reading and Public Hearing, would approve PUD-4-22, New Smyrna Beach Medical Center and Wellness. This concerns a new Master Development Agreement (MDA) and Conceptual Plan for a 3.3-acre property that is already zoned Planned Unit Development (PUD) for a similar Medical and Office use that was originally approved by the City, but whose approval has expired. The site is on the south side of SR-44 and fronts on that road, between Wildwood Drive on the west and Wild Orange Drive on the east. Development representatives advised the Commission July 8 that they voluntarily agree to comply with updated stormwater retention regulations that the city adopted in February.

ADVISORY BOARD VACANCIES TO BE ADVERTISED

City Clerk Harding advised the Commission that two vacancies and one reappointment request for the Historic New Smyrna Beach Preservation Commission will soon be coming before them. For the Utilities Commission, one vacancy and one request for reappointment also will be scheduled for a Commission vote.

MAYOR AND COMMISSION REPORTS

Commissioners praised the city's Leisure Services and Police Departments for their handling of NSB's Fourth of July festivities and the influx of beach visitors who came for the long weekend. Mayor Cleveland also complimented those who planned an "amazing production" for the local Juneteenth celebration and activities, which were put on by two city staff members and a committee of residents. He noted New Smyrna Beach Fire Department recently made a number of promotions too, including a new Battalion Chief for Station 53, and took delivery of a new fire truck.

In addition, City Attorney Avallone advised the Commission that New Smyrna Beach will have to repeal updated, more restrictive stormwater management rules that the city adopted in February, due to Gov. Ron DeSantis signing Senate Bill 180 into law. *(The bill greatly limits the ability of local governments to enact new laws to respond to natural disasters such as hurricanes.)* However, Avallone said city officials still can ask developers if they will voluntarily agree to meet the new standards.

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