

**City Commission Regular Meeting**  
**Tuesday, August 12, 2025**  
**[Video](#) and [Agenda Packet](#)**

Mayor Fred **Cleveland** called the meeting to order. Also attending: Vice Mayor Lisa **Martin**, Commissioners Brian **Ashley**, Jason **McGuirk**, & Valli **Perrine**. Staff present: City Manager Kevin **Cowper**, Asst. City Manager Ron **Neibert**, City Clerk Sharon **Harding**, & City Attorney Carrie **Avallone**.

**CITY MANAGER'S REPORT**

A public hearing for the 2026 City Budget will be held September 10, 5:30 pm, prior to the City Commission's regular meeting.

**PUBLIC PARTICIPATION**

**Twenty-one persons provided comments on these topics:**

- Canal Street improvements, including a bench dedication and fundraiser for Marine Discovery Center by Wirth Gallery
- Concerns about staffing issues and pay/benefits at NSB Fire Department (11 persons)
- Economic development items
- NSB Utilities Commission and nominees (3 persons)
- Support for NSB to join other municipalities seeking revisions to SB 180 (3 persons)
- Charter Review Committee items
- CorMeth parking lot improvements
- City purchase of parcels in Turnbull Bay watershed
- Arts and culture in NSB

**CONSENT AGENDA**

**The Commission unanimously approved:**

7.A: adopting the minutes from the City Commission special and regular meetings held on Tuesday, July 22, 2025.

7.B: a License Agreement for a paver parking area in right-of-way at 303 Normandy Ave.

7.C: the award of RFP 14-25-LS for the Golf Course's Cart Fleet to Club Car LLC.

7.D: the Release of Unity of Title Agreement and Termination of License Agreement.

7.E: the transfer of K9 Loki to another law enforcement agency.

7.F: the Art Fiesta 2026, to be held on Saturday-Sunday, February 21-22, 2026.

7.G: the Canal Street Nights Events for 2025-2026, to be held on four Thursdays: October 16, 2025, November 20, 2025, February 19, 2026 and March 19, 2026.

**ADMINISTRATIVE/NEW BUSINESS**

8.A Commissioners **unanimously accepted and approved** the [Final Report](#) from the Charter Review Committee.

8.B Commissioners **unanimously approved** a Real Estate Purchase Agreement for a Turnbull Creek Conservation property owned by Blossom Development.

8.C Commissioners **unanimously approved** a Real Estate Purchase Agreement for a Turnbull Creek Conservation property owned by Festival Properties.

For Items 8.B and 8.C, Ron Neibert, assistant City Manager, presented background on the parcels and their appraised value. There were some concerns by Commissioners that the properties be managed and that the encampments that existed there previously not be allowed to return.

## **PUBLIC HEARINGS**

10.A Commissioners **unanimously approved** Ordinance No. 40-25 to allow 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.

Presentations to the Commissioners were made by city planner Robert Mathan and by the applicant's attorney Glen Storch. The proposed change received approval by City Staff and the Planning & Zoning Board. Commissioners' concerns about traffic, pedestrian safety, noise, dust and debris, impacts on nearby residents, and more were addressed.

10.B Commissioners **unanimously approved** Ordinance No. 45-25, a text amendment to the City's Land Development Regulations, to prohibit advertising of unpermitted uses in a zoning district.

Development Services Director Shane Corbin presented background. The change would allow City staff to more quickly open enforcement cases, such as for unpermitted short-term rentals, based on discovery, for example, of online advertisements.

## **ORDINANCES - FIRST READING**

11.A Ordinance No. 41-25: Conduct a First Reading of an Ordinance, which, if adopted, at a Second Reading and Public Hearing, would amend sign definitions and required improvements.

11.B Ordinance No. 43-25: Conduct the First Reading of an Ordinance, which, if adopted upon the Second Reading and Public Hearing, would grant a non-exclusive franchise agreement to VPL Logistics, LLC.

11.C Ordinance No. 44-25: Conduct a First Reading of an Ordinance, which, if adopted, upon Second Reading and Public Hearing would repeal Ordinance No. 07-25 and adopt a new ordinance adopting a revised boating-restricted area within 500 feet of a sewage pump out station near Yacht Club Island.

**Though not on the Agenda, the Chair entertained a Motion to hold a special election on November 4, 2025**, for the City Review Committee recommendations (Items 11.D-11.J). Following discussion, **Commissioners rejected that motion** (1-4; Perrine in favor of the motion, all others, not). As a result, the recommended Charter revisions will be placed on ballot for the November 2026 general election.

Relatedly, the City Attorney asked consent to continue items 11.D through 11.J for a later meeting (to be able to revise the election date accordingly).

**11.D Ordinance No. 46-25:** Conduct the First Reading of an Ordinance, which, if adopted, at Second Reading and Public Hearing would set a referendum on proposed revisions to the Charter to revise the Mayoral Term from 2 years to 4 years, and adopt ballot language for the electorate to consider on November 4, 2025.

**11.E Ordinance No. 47-25:** Conduct a First Reading of an Ordinance which, if adopted at the Second Reading and Public Hearing, would set a referendum on revisions to the City Charter which would provide for a candidate who secures the majority vote in a primary election to be elected to office, and adopt ballot language for the electorate to consider on November 4, 2025.

**11.F Ordinance No. 48-25:** Conduct a First Reading of an ordinance which, if The City of New Smyrna Beach August 12, 2025, adopted at the Second Reading and Public Hearing, would set a referendum on the proposed revisions to the City Charter to change the City Clerk's employment designation as a charter officer to department head, and adopt ballot language for the electorate to consider on November 4, 2025.

**11.G Ordinance No. 49-25:** Conduct a First Reading of an ordinance, which, if adopted at the Second Reading and Public Hearing, would set a referendum on the proposed revision to the City Charter to adopt the city commission salary in the Charter and to increase the percentage, and adopt ballot language for the electorate to consider on November 4, 2025.

**11.H Ordinance No. 50-25:** Conduct a First Reading of an ordinance, which, if adopted at the Second Reading and Public Hearing, would set a referendum on the proposed revision to Section 6.03 - Historic Preservation, of the Charter for the City of New Smyrna Beach, and adopt ballot language for the electorate to consider on November 4, 2025.

**11.I Ordinance No. 51-25:** Conduct a First Reading of an ordinance, which, if adopted at the Second Reading and Public Hearing, would set a referendum on the proposed addition of Section 6.05 - Cultural Arts, to the Charter for the City of New Smyrna Beach, and adopt ballot language for the electorate to consider on November 4, 2025.

**11.J Ordinance No. 52-25:** Conduct a First Reading of an ordinance, which, if adopted at the Second Reading and Public Hearing, would set a referendum on the proposed revision to Section 7.03 Charter Review, of the Charter for the City of New Smyrna Beach, and adopt ballot language for the electorate to consider on November 4, 2025.

## **BOARDS AND COMMISSIONS**

12.A Commissioners **appointed two (2) members** to the Utilities Commission to fill the current vacancies. After nominating six applicants the Commissioners cast paper ballots twice, with **Jeff Devine** and **Lillian Conrad** winning slots.

12.B Board Vacancy Notice: Historic Preservation Commission

12.C Board Vacancy Notice: Building Trades Examining Board

## **MAYOR AND COMMISSION REPORTS**

**Martin:** Glad the City Charter Review Committee will continue work into 2026; several recommendations need more discussion and perhaps revision.

**McGuirk:** Felt blind-sided by the public comments regarding firefighter salaries.

**Perrine:** Commented on misinformation on social media about salaries of firefighters.

**Ashley:** Attended seminars Advanced Air Mobility & Shaping Tomorrow's Spaces.

**Cleveland:** The firefighter contract negotiations are underway. why the current contract that was accepted in 2022 is now so out of step is baffling. Upcoming meetings of elected officials on stormwater and flooding.

The City Manager briefed the Commissioners on some background about the ongoing salary negotiations with firefighters and police unions. The city is awaiting a salary analysis (of all City staff positions) due the end of August which is intended to inform the negotiation discussions.

## **CITY ATTORNEY'S REPORT**

**RE: 15.A Resolution No. 22-25:** Consider the adoption of a Resolution that would authorize the city to participate in a class action lawsuit against the State of Florida in opposition to Senate Bill 180. The city attorney requested (and received) permission to continue Item 15.A to a later meeting since more information about the topic is pending and there will be extensive discussions about this at upcoming meetings of statewide city leaders.

Asked (and received) consent to retain outside counsel to represent city in appeal of case involving city enforcement against an individual cited for unauthorized tree removal.