

City Commission Regular Meeting
September 9, 2025
Video and Agenda Packet

Present: Mayor Fred E. Cleveland, Vice Mayor Lisa Martin, Commissioner Brian Ashley, Commissioner Jason McGuirk, and Commissioner Valli Perrine.

Presentation: Parking and Mobility Updates

Steve Mendygral, the new Director of Planning/Management noted he has been here 3 months and comes from Disney.

- The Coronado Church Lot refurbishing is completed.
- Re-striping plans at Ester/Clancy/Canal Street lots are underway.
- Signage: new signs are going up around town in parking lots & loading areas.
- Crosswalks are being repaired to comply with new regulations.
- Additional bike racks will be added on Flagler Ave.
- New Tools that are being evaluated including WAZE for city participation and Parkopedia is a new website/service that the city has joined. Both of these services can be updated by the city to direct people to parking areas and report when there are scheduled changes to traffic or road/lot closures.
- Also also looking at a ride-sharing service called "Freebie".

Upcoming initiatives include evaluating a combined system for merging the city/county parking permit system, going fully kiosk-free for parking lots. He will continue to address the prior parking task force recommendations.

CITY MANAGER'S REPORT

- Compliance with FDOT mandates has been completed to remove painted crosswalks.
- City will pursue other outdoor artwork solutions.
- Union contract discussions are underway with police/fire.
- FDOT open house scheduled on 9/11/25 at Brannon Center regarding planned resurfacing on Rte 44 and sidewalk updates.

Mr. Cowper called David to the podium to discuss the recent storm. NSB has had 7.1 inches of rain during the first nine days of September. The rainfall, along with full moon and high tides contributed to flooding issues Sunday evening. The beachside infiltration system was overwhelmed and his department deployed a pump to Surf Ave.

PUBLIC PARTICIPATION

Topics brought by the public included the following:

- Art removed from crosswalks
- Use of solar panels on parking lots
- Saxon Ave area behind the CVS is in poor condition
- Requests for city to take a strong measure regarding SB180, including requests to protect local interests and decision making by joining a class action lawsuit being brought by several jurisdictions.
- Opposition to sidewalks being proposed on 27th Street, petition presented.
- Comments on the recent City Charter Review Process
- Marina Rate Increase—seeking justification and complaints about how much the increase will be.
- Flooding issues/requests for canals and water drainage systems to be better maintained by City

CONSENT AGENDA

7.A Consider the adoption of the minutes from the City Commission regular meeting held on Tuesday, August 26, 2025. **Action: Unanimously adopted.**

7.B Resolution No. 25-25: Consider the adoption of a Resolution, which if adopted, would adjust the rates for annual slip leases and transient slip rates at the City Marina effective October 1, 2025. **Action: Unanimously adopted.**

- there are 25 on the current waiting list for slips.
- The current revenue generated by marina does not cover all costs and the marina operates at a significant financial loss for City. The goal is for the City to manage this in a budget-neutral manner.
- The rate increase and improvements are long overdue.
- The reserve from the last improvement project has been exhausted.
- The rate increase puts this Mariana in the upper 3rd for fee structure in comparison to other area marina rates.
- Should the city consider contracting marina operations out to a private entity?

7.C Consider the approval of the Termination and Release of Unity of Title Agreement.

Action: Unanimously adopted.

7.D Consider the approval of an addendum to the lease agreement between The Grille and City of New Smyrna Beach. **Action: Unanimously adopted.**

7.E Consider the approval of an employment contract for the City Clerk. **Action: Unanimously adopted.**

7.F Consider the approval of the award of ITB-12-25-CIP to Blue Terra LLC for the construction of North Causeway Phase 2 Shoreline Revetment. **Action: Unanimously adopted.**

7.G Special Event: Consider the event approval of the Black Heritage Festival 2026, to be held on Saturday February 21 and Sunday February 22, 2026. **Action: Unanimously adopted.**

7.H Special Event: Consider the approval of the 35th Annual Flamingo Follies Arts & Crafts Show, to be held on Saturday November 8th & Sunday November 9, 2025. **Action: Unanimously adopted.**

7.I Special Event: Consider the approval of the Edgewater Rotary's Hangar Hootenanny 2025, to be held on Saturday September 27, 2025, at the Marine Discovery Center. **Action: Unanimously adopted.**

ADMINISTRATIVE ITEMS/NEW BUSINESS

8.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.

Commissioner McGuirk moved to adopt Resolution No. 22-25; Vice Mayor Martin seconded the motion. The motion failed by a 2-3, with Commissioner Perrine, Commissioner Ashley, and Mayor Cleveland voting no.

PUBLIC HEARINGS

10.A Ordinance No. 53-25: Conduct the Second Reading and Public Hearing of an Ordinance, which, if adopted, would revise charges for household and commercial solid waste. **Vote: Unanimously adopted.**

ORDINANCES FIRST READINGS

Note: The Second Reading for all of these is scheduled for 9/23/2025.

- Mayor Cleveland's reminded everyone that each Commissioner was voting on whether to include each proposed Ordinance on the ballot for a special election November 4 and was not an approval of the actual ordinance.

- The City Manager suggested that the city hold a public forum with the Charter Review Committee to present each possible ballot question and to provide information and address questions.
- Lisa Lewis, Volusia County Supervisor of Elections, was present at the meeting and stated that the election and early voting will come at an extra cost to City.

11.A Ordinance No. 54-25: 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.B Ordinance No. 55-25: 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.C Ordinance No. 56-25: Conduct a First Reading of an ordinance which, if adopted at the Second Reading and Public Hearing, would set a referendum on the proposed 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.D Ordinance No. 57-25: 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.E Ordinance No. 58-25: 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.F Ordinance No. 59-25: 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.G Ordinance No. 60-25: 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.

All seven ordinances passed with a vote of 4-1. Commissioner Martin cast the dissenting vote repeatedly stating that she is not in favor of holding a special election. She feels that these ordinances belong in a general election setting scheduled for November 2026.

MAYOR AND COMMISSIONER COMMENTS

- Mayor Cleveland noted that Volusia's School Rating is now at an A Rating
- Commissioner Perrine restated her opinion that signs should be prohibited at city commission meetings.
- Commissioners Martin and McGuirk cautioned against banning signs at commission meetings. They do not feel action on the issue is warranted at this time due to the infrequency of their use and possible unintended consequences.