

City Commission Regular Meeting
Tuesday, October 14, 2025
[Video](#) and [Agenda Packet](#)

CITY OFFICIALS WHO WERE PRESENT

Elected officials: Mayor Fred Cleveland, Vice Mayor Lisa Martin, and Commissioners Jason McGuirk and Brian Ashley. Commissioner Valli Perrine was excused. Staff members included City Manager Kevin Cowper, City Clerk Sharon Harding, City Attorney Carrie Avallone, Development Services Director Shane Corbin, Senior Planner Robert Mathen, Police Chief Chris Kirk, Fire Chief Shawn VanDemark and Deputy Fire Chief (now Interim Chief) Dan Harshburger.

APPROVAL OF THE AGENDA:

City Manager Kevin Cowper announced that Consent Agenda Items **7-E** and **7-Q** were removed from the meeting agenda.

The Southeast Volusia Chamber of Commerce invited the City Commission to attend its October 23 Annual Economic Development Summit.

CITY MANAGER'S REPORT: On meetings and ongoing projects

- The 2026 Fiscal Year Budget and new police and fire department union contracts were approved by the City Commission on September 23.
- City officials have posted information pertaining to the [November 4 special election](#) for seven proposed City Charter amendments on the City website.
- Florida Inland Navigation District (FIND) announced that New Smyrna Beach was awarded three 2025-2026 Assistance Program grants to cover half of the respective costs of constructing a boathouse in early 2026 for the Police Department's patrol boat "Sharky-1;" installing "No Wake Zone" signs in the Intracoastal Waterway within 500 feet of a pump-out station at Smyrna Yacht Club early next year; and designing Phase 3 of improvements for the North Causeway's west boat ramps. The latter project will add 32 boat slips with electrical, water and pump-out services to the waterfront site, in addition to a new dock for Marine Discovery Center boat tours.
- This year's New Smyrna Beach Citizens' Academy, which offers participants an inside look at city government and its services, kicked off on October 2 with 19 participants. They will receive presentations from the city's administrative departments tour Development Services, City Hall and the Connor Library. Future sessions will focus on public works, the Municipal Airport, public safety, leisure services, community partners, cultural and environmental organizations, and economic development.
- Preparations are being made for the Veterans Day ceremony scheduled for November 11 at Riverside Park.
- City Manager Cowper attended the VCARD (Volusia County Association for Responsible Development) Local Government Icebreaker event at LPGA International on October 8.
- Construction will begin soon on a sidewalk and parking space project along Sapphire Road.

PUBLIC PARTICIPATION

Twenty citizens spoke on several topics. The vast majority spoke out against a request for reducing setbacks for buildings associated with New Smyrna Beachside Baptist Church, 629 South Pine Street, as part of a Special Exception application for a House of Worship or School in the city's R-2, Single Family Residential zoning district.

The city is considering modifying local Land Development Regulations to say that additions, improvements or additional buildings added to existing schools, an existing house of worship or government building in R-2 zones throughout New Smyrna Beach may be reduced from 35 feet to a minimum of 10 feet from a side and rear building setback ... or no closer than existing structures on the property that are further than 10 feet from a side or rear property line. New additions, new buildings, and off-street parking areas abutting residential properties would be screened by a seven-foot landscape buffer or a six-foot-tall, solid perimeter fence that meets city requirements for this use. If approved, these Special Exception rule changes could apply to schools, churches or government buildings in R-2 zoning districts within the city.

Residents living along South Pine Street, Yupon Avenue and areas nearby solidly opposed any reduction in setback requirements. They emphasized they didn't object to the existing church that is seeking smaller setbacks, but they worried if its buildings are expanded closer to neighboring properties that would increase flooding, which already is a problem for surrounding roads and private property. In addition, property owners living near the church said they're concerned about increased traffic congestion and noise that would come from an expansion of the Beachside Baptist Church congregation if the smaller setbacks are approved.

CONSENT AGENDA

The following items were approved unanimously by the City Commission.

7-A: Minutes from the City Commission regular meeting held on Tuesday, Sept. 23, 2025.

7-B: Resolution No. 32-25, which authorizes the New Smyrna Beach City Commission to participate in a joint meeting with the Edgewater City Council, Oak Hill City Commission and Volusia County Council to discuss matters of mutual interest relating to economic development in Southeast Volusia.

7-C: Resolution No. 33-25, to vacate an unopened right-of-way on New Smyrna Beach Municipal Airport property.

7-D: Resolution No. 34-25, to vacate Birch Street, between Slatton Street and Chisholm Street.

7-F: An updated contract with the International Union of Police Associations (IUPA). The contract is in effect from October 1, 2025 through September 30, 2026.

7-G: An addendum to an existing agreement with Evergreen Solutions, LLC, for performance evaluation creation and software.

7-H: Fiscal Year 2026 blanket purchase orders (POs) exceeding \$50,000. A blanket PO establishes a pre-approved purchase order with a specific vendor, allowing departments to make multiple, small-dollar purchases under a single PO number. This is useful for recurring needs such as supplies, parts, or minor repairs. Unused funds are returned to the original account at the end of the year.

7-I: Assignments and Assumptions of two Submerged Land Leases owned by BRWHP 1031X, LLC, which will be transferred to NSM PROPERTY, LLC (New Smyrna Marina Properties, LLC, 200 Boatyard St., in New Smyrna Beach.) The city of New Smyrna Beach must approve any such changes in lessees. Current lessee BRWHP 1031X, LLC, is selling its property and intends to assign the related submerged land leases to New Smyrna Marina Properties, LLC.

7-J: A contract award to A.G. Pifer for its bid to construct a pavilion in Pettis Park. The contract cost is \$78,738.

7-K: A modification to a Hazard Mitigation Grant Program Project Agreement with the Florida Division of Emergency Management, reflecting that fewer homes than originally planned will be elevated, or demolished and rebuilt, to prevent them from experiencing future flooding.

7-L: A request to write off accrued interest on a Glenwood Avenue paving improvements special assessment for Lynn D. Bradley, and to accept payment of the original principal balance.

7-M, Special Event: Approve December 6 as the date for this year's City of New Smyrna Beach Christmas Parade.

7-N, Special Event: Approve the Fat Tuesday on Flagler Avenue Mardi Gras Parade 2026, to be held on Tuesday February 17.

7-O, Special Event: Approve the Flagler Avenue Monthly Wine Walks for 2026, to be scheduled for these Saturdays next year: January 24, February 28, March 28, April 25, May 30, June 27, July 25, August 29, September 26, October 24, November 28 and December 26.

7-P, Special Event: Approve the 2026 Seaside Fiesta on Thursday, June 18.

ADMINISTRATIVE ITEMS/NEW BUSINESS

8-A: Mayor Fred Cleveland nominated Commissioner Jason McGuirk to serve as Vice Mayor for a one-year term beginning on November 11 this year. McGuirk's nomination was approved by his fellow Commission members on a 3-1 vote, with Mayor Cleveland jokingly voting "No."

PUBLIC HEARINGS

The City Commission voted unanimously to approve the following items:

10-A, Ordinance No. 61-25: This ordinance eliminates a November 29, 2025 deadline to remove all existing, non-vintage (non-exempt) pole signs in the city. Those pole signs still will need to be removed if a business changes use or ownership. No sign face changes are permitted on existing, non-vintage pole signs, either.

This action ends a longstanding effort by city officials to phase out most pole signs in the city in favor of less obtrusive monument signs. Many years ago, the Commission passed an exemption to allow vintage pole signs to stay in place and extended a 10-year grace period for the non-vintage pole signs that weren't exempt from the removal order. That deadline eventually was moved to November this year. However, the City Commission decided later not to extend the compliance deadline any farther into the future, and to drop the enforcement effort unless the business the sign's face is altered. Officials said 145 signs would have been affected by the requirement for removal next month, which would have been costly for those businesses.

10-B, Ordinance No. 63-25: Adds the conditional use of "Used Automotive Wholesale" to the I-3, Industrial Park zoning district.

10-C, Ordinance No. 64-25: Creates a proposed regulation to allow Outdoor Dog Dining and regulations for cleanliness on the part of both employees and dog owners. Patrons shall keep their dogs leashed and under control. Dogs will not be allowed on chairs, tables, or other furnishings. City Attorney Carrie Avallone said this ordinance is meant to ensure the city is in compliance with state rules for outdoor dog dining.

FIRST READINGS

(Second readings and public hearings for these items are scheduled for Oct. 28.)

11-A, Ordinance No. 65-25: The First Reading of an ordinance, which, if adopted after a Second Reading and Public Hearing, would amend development rules for the Special Exception uses of a School, a House of Worship or a government building within the city's R-2, Single Family Residential zoning district. **(See Public Participation.)**

Ordinances associated with the annexation of 125 Jungle Road

11-B-D, Ordinance No. 66-25: The First Reading of an ordinance, which, if adopted at a Second Reading and Public Hearing, would annex approximately 0.45 + acres of land at 125 Jungle Road. Also 2 ordinances addressing land use and zoning: **No. 67-25 and No. 68-25.**

Ordinances associated with the annexation of 824 Ingham Road

11-E-G, Ordinance No. 69-25: The First Reading of an ordinance, which, if adopted at a Second Reading and Public Hearing, would annex approximately 12.88 + acres of land at 824 Ingham Road. Also 2 ordinances addressing land use and zoning: **No. 70-25 and 71-25.**

Ordinances associated with the annexation of 736 Louella Street

11-H-J, Ordinance No. 72-25: The First Reading of an ordinance, which, if adopted at a Second Reading and Public Hearing would annex approximately 2.66+ acres of land at 736 Louella Street. Also 2 ordinances addressing land use and zoning: **No. 73-25 & No. 74-25.**

11-K, Ordinance No. 75-25: The first reading of an ordinance, which, if adopted upon the Second Reading and Public Hearing, would grant a non- exclusive franchise agreement to CFB Outdoors Inc.

ADVISORY BOARD VACANCIES

The City Commission voted unanimously to reappoint Robert Werner and Joseph Blanchett as regular members of the Building Trades Examining Board. Commissioners also voted 4-0 to appoint Nick Schulz and Randolph Mckown as new, regular board members, and Mary Fikert was designated as an alternate member.

MAYOR AND COMMISSION REPORTS

- Vice Mayor Martin said it was nice to see the New Smyrna Beach Citizens' Academy start again, and she praised the city employees who participated in that effort. She also suggested she would like the Commission to consider allowing discussion on the first readings of ordinances.

- Commissioner Brian Ashley reported that he attended a two-day workshop at the Institute for Elected Municipal Officials (sponsored by the Florida League of Cities), and felt it was extremely valuable. He also congratulated city employees on completing their 2025 Southeast Volusia Chamber Leadership Academy course. In addition, he said he felt the Commission needed more discussion about the proposed ordinance relating to the reduced setbacks proposed for churches, schools or government buildings that are allowed by a Special Exception in the city's R-2 zoning district. City Manager Kevin Cowper said the staff would arrange for a presentation to the Commission on that issue.
- Commissioner McGuirk noted parts of New Smyrna Beach and Edgewater received 6-7 inches of rain over three to four hours in a recent rain event. Despite the extreme amount of rain that fell, he said he had received calls from people and saw posts on social media in which residents claimed parts of NSB had flooded after just a normal amount of rain. "We just keep getting beaten up with random posts on social media that are absolutely false," McGuirk stressed. To offset that, he challenged staff members to figure out ways to combat such false statements and publicize factual information instead.

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