

City Commission Regular Meeting
December 9, 2025
Meeting [Video](#) and [agenda packet](#)

Present: Mayor Fred Cleveland; Vice Mayor Jason McGuirk; Commissioners Lisa Martin, Brian Ashley. **Excused:** Valli Perrine

Staff: Kevin Cowper, City Manager; Carrie Avallone, City Attorney; Sharon Harding, City Clerk

APPROVAL OF THE AGENDA: City Manager Kevin Cowper announced that the applicant has requested a continuance for Consent Agenda items 10B, 10C & 10D.

ANNOUNCEMENTS/PRESENTATION/RECOGNITION

- **7.C Resolution No. 43-25:** Dedicate the park at Paige Avenue in honor of Phil Hall. **Unanimously approved**
- The NSB Pickleball Club presented \$2,000 to the New Smyrna Beach Police foundation
- Capital Improvement Projects presentation. See Powerpoint in [Agenda Packet](#).
- The county will dictate completion of the storm water analysis.

CITY MANAGER'S REPORT

- Met with Habitat for Humanity representatives regarding the proposed Sheldon Street affordable housing project
- Met with county representatives and city staff regarding parking programs.
- Christmas parade was a huge success with increased public safety

PUBLIC PARTICIPATION - Twelve citizens spoke.

- Dolphin Cove needs city assistance with the storm water responsibilities resulting from River Walk development. The new swale installed was not on approved plan
- Three residents disagreed with meeting time change to 5:30 and one spoke in support
- Multiple residents praised the Christmas parade and Spark the Spirit but expressed concern over the plastic confetti still on the sidewalks
- Concerns over Consent Agenda Item 7Q and the 29-year lease and parking availability
- Can the salary increase referenced in the special election be revisited separately
- Keep pressure on state representatives to retain our autonomy
- Thanks to support of city to enable continued support of homeless by Housing Authority
- Thanks to city staff and city manager on behalf of Habitat and Chamber
- One resident spoke in favor of Pedal Pubs and one against

CONSENT AGENDA -Item 7-C removed and Items 7O & 7-Q pulled for discussion. **The Commission unanimously approved the remaining items**

7.A The Commission Nov 11 and Nov 18 regular and special meeting minutes

7.B Resolution No. 42-25: Resolution and Memorandum of Agreement (MOA) with Florida Department of Transportation (FDOT) for the State Road 44 Multi Use Trail Project.

7.D Resolution No. 44-25: Approve an inventory list of Municipal Vacant Properties that would be appropriate for use of affordable housing.

7.E Resolution No. 45-25: Confirm the City Commissioners intent to utilize the uniform method of levy and collection of non-ad valorem assessments for fire rescue services.

7.F Resolution No. 46-25: Authorize the city to opt-out of the Live Local Act Property Tax Exemption created under Florida Statute 196.1978

7.H Entering into agreements with the Volusia County Property Appraiser and Volusia County Tax Collector for utilization of the uniform method of levy and collection of a non-ad valorem fire rescue services assessment.

7.I FY 25/26 Homeless and Disadvantaged Grant Fund awards to five (5) local non-profit organizations and/or disadvantaged programs.

7.J Award a contract for RFP 18-25 to Kompan, Inc. construction of a playground at the Sports Complex.

7.K RFQ 24-25-BLDG demo services contract to Samsula Waste, Inc dba: Samsula Demolition

7.L Award a contract for RFP 26-25-LS to Kona Ice Daytona Beach LLC for Concessionaire Services at the Sports Complex.

7.M Award of bid to P.A.V.C.O. Contracting Group, LLC for the construction of the Airport Administration Building.

7.N Proposal by Avcon, INC for Construction Administrative Services for the new Airport Administration Building.

7.P Change Order 1 to Greg Reynolds Construction, LLC. for American Aero Services Building Renovation ITB No. 10-25-AIR.

Items pulled for discussion

7.O Temporary Occupancy Agreement with GTI Holdings for Property on Goodwin Avenue. **Unanimously approved**

7.Q Lease agreement with the Southeast Volusia Chamber of Commerce for city-owned property at 115 Canal Street. **Motion carried 3 - 1, Martin voting No**

PUBLIC HEARINGS

10.A Ordinance No. 79-25: Allow commercial megacycles, also known as pedal pubs, along with authorization for open container. **NOT approved - unanimous.**

10.B, 10.C., 10.D Ordinance Nos. 80-25: Adopt three ordinances to annex land located at 390 Sugar Mill Drive, amend the Small-Scale Comprehensive Plan and rezone the approximately 7.6 + acres. **Continuance to January 13, 2026 unanimously approved**

10.E & 10-E(1) Amend Resolution No. 04-25 Rules and Procedures revising section 7 Adjournment. **Motion carried 3 - 1, Martin voting No**

ORDINANCES FIRST READINGS - The City Clerk read the following:

11.A Ordinance No. 86-25: Request approval to grant a nonexclusive franchise agreement to Creative Environmental Services, Inc

11.B Ordinance No. 87-25: Request approval to grant a nonexclusive franchise agreement to GFL **The Second readings will be January 13, 2026.**

BOARDS AND COMMISSIONS

12.A Two reappointments and five appointments of New Smyrna Beach High School students to serve as members on the Youth Council Task Force for the 2025 - 2026 academic year. **unanimously approved**

12.B. Announced vacancy on Economic Development Advisory Board

MAYOR AND COMMISSIONER COMMENTS

- ♦ Vice Mayor McQuirk reiterated the success of the parade and how lucky we were weather-wise. The barricades were very helpful and allowed candy to be thrown. Heartfelt thanks to the fire department and the police! He expressed what a pleasure it has been working with everyone this year.
- ♦ Commissioner Martin commented on the many great programs in NSB such as Habitat Housewarming, Pop Up Art on Cooper, Staff Fun time Advent fundraiser...
- ♦ Commissioner Ashley thanked the Police and Fire departments for all they do and Kevin for the idea of using barricades in the parade. He is so proud of how amazing Canal St looks! He is excited for the West side cottage renovations. He thanked his colleagues and all of the city employees.
- ♦ Major Cleveland also thanked the fire and police departments, especially the police department's contingency planning. He stated that the city needs to further investigate the Dolphin Cove storm water issues. He mentioned the Crystal Apple Awards by the Chamber honoring NSB teachers. He spoke about how the work with Habitat gives us a chance to do something about workforce housing and is hopefully a model for our future. He had the pleasure to light up Flager Ave and Spark the Spirit. He expressed his gratitude to all of the commissioners.

CITY ATTORNEY'S REPORT

Attorney Avallone referred anyone curious about the Quasi-Judicial Process to a well written order in the case of Lennar Homes versus the City of Edgewater. The order states that local governing bodies don't have the discretion to do what they want. Upon a showing of compliance, the local government has a legal responsibility to grant the request unless they prove noncompliance with applicable law. This is a good order to research if interested in delving deeper. She ended by wishing everyone a happy holiday!

ADJOURNMENT