

City Commission Regular Meeting
Tuesday, January 13, 2026
[Video](#) and [Agenda Packet](#)

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

PRESENTATIONS

- Rob Salazar, director of Leisure Services, presented the [FY2025 annual report](#).

CITY MANAGER'S REPORT

- Introduced the recently hired Natural Resources Manager, Tony Miller
- Regarding the zoning change request from Beachside Baptist Church, the city is working with applicant and neighbors; the Planning & Zoning Board will consider the matter at its March 2, 2026 meeting.

PUBLIC PARTICIPATION

Six (6) representatives from Surfing in the Sixties and Smyrna Safari Club spoke about their clubs and about the Mike Martin Pro/Am Surfing Festival, April 9-12, 2026.

Ten (10) people spoke about:

- Support group for children, Alateen, now in NSB
- Flag retirement ceremony at VFW post on February 21, 2026
- Code enforcement issues
- A multi-community calendar and State of the Cities talks organized by the SE Volusia Chamber of Commerce
- Homelessness on Canal Street
- Thanking Leisure Services for collaboration on events
- Proposed rezoning of property from commercial to residential (Items 10.D and 10.E)
- Aspects related to severance and pay increases. in the City Clerk's contract (Item 8.A)
- Proposed adoption of the South Village NSB CDD (Item 11.A)

CONSENT AGENDA

The Commission approved unanimously:

7.A: minutes from the City Commission regular meeting held on Tuesday, December 9, 2025

7.B: Street Resurfacing schedule for Fiscal Year 26 and the Five-year resurfacing plan utilizing the current Contract with Masci General Contractor, Inc.

7.C: appointment of Brian Ashley, Zone 4 Commissioner, as the City of New Smyrna Beach representative to the Opioid Abatement Funding Advisory Board

7.D: modification #6 - HMGP Grant #4337-197-R

7.E: change order to Carter Electric for additional services requested by the City at Phil Hall Park

7.F: New Smyrna Beach Food Festival 2026, to be held on Thursday, April 16, 2026.

7.G: Approved the NSB Shrimp & Seafood Food Festival 2026, to be held on Thursday August 6, 2026

7.H: Light Up Flagler Event 2026, to be held on Friday December 4, 2026.

7.I: Annual Community Martin Luther King Jr Day March and Observance, to be held on Monday, January 19, 2026

ADMINISTRATIVE/NEW BUSINESS

8.A: After questions about term, severance, and salary, the **Commission approved unanimously** the employment contract for the **City Clerk**.

QUASI-JUDICIAL HEARING

9.A: After presentation of facts by Senior Planner Baker (who indicated that the P&Z Board had voted to approve 4-1), and with no public comments, the **Commission approved unanimously** Special Exception 2-25 located at 707 Cheston Street, to allow a dwelling unit on the second floor of a principal commercial structure in the I-1, Light Industrial zoning district.

PUBLIC HEARINGS

Items 10.A, 10.B, and 10.C pertain respectively to the annexation, land use change, and rezoning of 7.6 acres at 390 Sugar Mill Drive. Chief Planner Jeff Grove presented the Staff report. Staff had advised approval of all three ordinances. The P&Z Board voted 6-0 for annexation, 2-4 against land use change, and 2-4 against rezoning. Attorney for the Applicant Posey presented responses to concerns by neighbors stated in prior meetings about impacts. Two (2) persons spoke against adoption of the land use and rezoning changes. One (1) person made recommendations about traffic, should the Ordinances be approved. After comments by Commission members indicated that 10.A would be approved but that 10.B and 10.C would not, and with concurrence with the Applicant's Attorney, the **Commission voted unanimously to continue the three Ordinances until the Commission's March 24, 2026**, regular meeting, to allow more time for the Applicant's Attorney to meet with and respond to neighborhood concerns.

Items 10.D and 10.E (Ordinance 84-25 and 85-25) pertain to amending the future land use designation and rezoning of approximately 1.01 acres located at 1300 S. Atlantic Avenue. Development Services Director Corbin presented the staff report and indicated that, because of language in a provision of the Comprehensive Plan (i.e., to "maintain land for non-residential uses"), Staff was unable to recommend adoption of the Ordinances. In addition, changing the land use of the Applicant's property would create a nonconforming use (affecting setback and buffer) on the adjacent commercial property. The Applicant had originally proposed a mixed-use structure with a parking garage. After significant neighborhood objection, the Applicant withdrew that plan and reapplied with the current residential plan. P&Z voted 4-2 against proposed Ordinance 84-25 and 3-3 against proposed Ordinance 85-25. Applicant's Attorney Woods and Applicant reviewed the plan and how neighborhood concerns had been accommodated.

After discussion, the **Commission approved both ordinances 4-1 (Martin voted against) Item 10.D** with condition that Applicant would deed a portion of Applicant's land to the adjacent property to remedy the creation of a non-conforming use.

The Commission approved unanimously:

- 10.F Ordinance No. 86-25: granting a non-exclusive franchise agreement to Creative Environmental Services, Inc.
- 10.G Ordinance No. 87-25: granting a non-exclusive franchise agreement to GFL Environmental.

Motion to extend meeting to 10:00 pm passed 3-2.

ORDINANCES - FIRST READING

The City Attorney conducted a First Reading of proposed Ordinances:

- 11.A Ordinance No. 01-26: which, if adopted, upon Second Reading and Public Hearing, would approve the South Village New Smyrna Beach Community Development District (CDD) for South Village Residential Subdivision.
- 11.B Ordinance No. 02-26: which, if adopted upon Second Reading and Public Hearing, would annex approximately 15.2 + acres of land located on Paige Avenue.
- 11.C Ordinance No. 03-26: which, if adopted at a Second Reading and Public Hearing, would approve a requested Small-Scale Comprehensive Plan amendment changing the Future Land Use to Conservation for property located on Paige Avenue as part of an overall annexation application.
- 11.D Ordinance No. 04-26: which, if adopted at a Second Reading and Public Hearing, would rezone approximately 15.2 + acres of land to Conservation on property located on Paige Avenue as part of an overall annexation application.
- 11.E Ordinance No. 05-26: which, if adopted at a Second Reading and Public Hearing, would annex approximately 0.22 + acres of land located on Oliver Drive.
- 11.F Ordinance No. 06-26: which, if adopted at a Second Reading and Public Hearing, would approve a requested Small-Scale Comprehensive Plan amendment changing the Future Land Use to Medium Density Residential on property located on Oliver Drive as part of an overall annexation application.
- 11.G Ordinance No. 07-26: which, if adopted at a Second Reading and Public Hearing, would rezone approximately 0.22 + acres of land to R-2, Single-Family Residential on property located on Oliver Drive as part of an overall annexation application.
- 11.H Ordinance No. 08-26: which, if adopted, upon Second Reading and Quasi-Judicial Hearing, would rezone approximately 0.85 + acres of land to R-2, Single-Family Residential within The City of New Smyrna Beach January 13, 2026, with an "A" attached for the Airport Height Notification Zone for property located at 1701 South Dixie Freeway.

BOARDS AND COMMISSIONS

12.A Appointment Building Trades Examining Board. The **Commission voted by ballot** to appoint **James Stimson as a regular member** and **Paul Heer as an alternate member** to serve.

12.B The City Clerk announced that applications will be accepted to fill five (5) positions on the **Economic Development Advisory Board** for approval at the Commissions next regular meeting.

[12.C] The City Clerk announced a recent resignation and vacancy on the **Utilities Commission**. Notice for the vacancy will be forthcoming.

[12.D] The City Attorney requested the Commission extend the appointments of current members of the Animal Control Board until Feb 28, 2026, and requested approval to use Magistrate services, if needed, to resolve a pending vicious dog case. The Commission approved both requests unanimously.

MAYOR AND COMMISSION REPORTS

Commissioners offered minor comments and announcements. Mayor Cleveland noted the opening of the Coronado Civic Center, the Annual MLK walk, and the Mayor's Fitness Challenge.

The City Attorney offered a Legislative update, notably the tracking of legislation of concern for the City: SB840 (intended to fix to SB180), a Bill to lessen water quality management, and a Blue Ribbon Bill (lessening requirements for large developers).