

City Commission Regular Meeting

**Tuesday, February 24, 2026**

[Video](#) and [Agenda Packet](#):

Elected officials present at this meeting were Mayor Fred Cleveland, Vice Mayor Jason McGuirk, Commissioner Valli Perrine, Commissioner Lisa Martin and Commissioner Brian Ashley. Staff members who attended the Feb. 24 meeting included City Manager Kevin Cowper, City Clerk Sharon Harding, City Attorney Carrie Avallone, Compliance Coordinator Channing Maiolo, Senior Planner Jake Baker, Police Chief Chris Kirk and Natural Resources Manager Ralph "Tony" Miller.

**APPROVAL OF THE AGENDA:**

City Manager Kevin Cowper removed Item **8-A** from the Agenda. This involved the proposed installation of a Parking Guidance System near Canal Street and Flagler Avenue. Cowper said staff members are still researching products prices.

**PRESENTATIONS:**

**Jessica Fentress, Volusia County Coastal Division Director**

Fentress updated the Commission on Volusia County's ongoing South Berm Construction Project, which was launched in November last year to rebuild the beach along 5½ miles of shoreline from Sapphire Road south to 5205 S. Atlantic Ave. The project cost is approximately \$25 million and is being funded by a grant from the Florida Department of Environmental Protection.

Approximately 550,000 cubic yards of beach-quality sand is being excavated from Rattlesnake Island -- where the Florida Inland Navigation District previously deposited sand dredged from in and around Ponce de Leon Inlet. "The sand placement will complete by Turtle Season. Our goal is April 27." She said the county is planting sea oats in upland areas of the sand berm. The plants will hold new sand in place once they take root.

Fentress also briefed Commissioners on another Inlet Shoals-to-Shore Project, planned for 2027, that would harvest sand from shoals near the inlet, and a shoal north of the city's George E. Musson Memorial Bridge (also called the Coronado Beach or North Bridge.) She noted that the county wants to fill a "hole" near the North Jetty that promotes inlet shoaling and is investigating obtaining permits to do an "offshore sand search" for suitable beach renourishment sand in the ocean. She mentioned planning for future projects that could add sandbars offshore to protect beaches from erosion. Combatting beach erosion is vital, Fentress said, because beach tourism provides 31,000 jobs, contributes \$4.3 billion a year to Volusia County's GDP (Gross Domestic Product), and is equal to 31 percent of the county's annual sales tax revenue.

She added that the county is looking into current beach management actions, community feedback on those, a risk assessment for different parts of the coastline and best alternatives to protect it. That will culminate in an overall beach management study that she expects will be presented to the Volusia County Council this summer.

## **Melissa Mason, Director of Community Engagement for the Early Learning Coalition of Flagler-Volusia County**

Mason presented the City Commission with a proposal to establish a Born Learning Trail along a pathway in Riverside Park. Born Learning Trail is an initiative that features interactive, educational signs installed in parks or along walking paths. The signs provide active learning games that encourage literacy, language and motor skills of young children. A Story Trail, involving interactive children's book templates from local authors, would complement the Born Learning Trail. Funding for both Trails would come from the Early Learning Coalition, Advent Health and FastSigns.

### **CITY MANAGER'S REPORT:**

- The 2026 Strategic Plan Meeting is scheduled on March 26 at 9 a.m. in the Brannon Center. The State of the City presentation will be April 7, also at the Brannon Center.
- There has been much discussion about a previously proposed zoning text amendment pertaining to religious institutions and government buildings in residential districts. City officials are planning to conduct a "public get-together" on Monday, March 9 to discuss the latest ideas for that amendment, and he said the issue could be scheduled for the April 2 Planning and Zoning Board agenda.
- Asphalt resurfacing on beachside will be finished by Spring Break. The city has a schedule for repaving multiple streets in one section of the city each year.
- The city manager said he had a call with FDOT about its SR-44 study of potential infrastructure improvements that the agency can make to help improve the road's capacity and the flow of traffic. They may add to the previously announced resurfacing and sidewalk project to improve several intersections. He plans to invite FDOT representatives to the next City Commission meeting to detail the changes they propose and the timeline in which those could be accomplished.
- Police Chief Kirk updated the Commission about his Department's plans to handle the upcoming Spring Break. Starting March 12, Chief Kirk said mutual aid partnerships will be in place to increase the law enforcement presence through March 22. The Department will be messaging on social media and elsewhere to ensure the community knows the city will have "zero tolerance for shenanigans" or "violations of ordinances and statutes," while still allowing responsible visitors and local citizens to enjoy community festivities.

### **PUBLIC PARTICIPATION**

Eight members of the public spoke on several topics.

- A few North Beach residents called the Commission's attention to a multi-hour traffic jam that occurred on Feb. 21, at the Crawford Avenue Beach Ramp and surrounding roadways. One speaker pointed out the county has discontinued that beach ramp's former status as an access only for annual passholders. The largely out-of-town vehicles endangered children riding their bikes, blocked residential driveways and blared music while they waited in traffic. Also two gopher tortoises, a protected species, were hit and killed by a vehicle.

- Earlier during the Commission meeting, Volusia County Coastal Division Director Jessica Fentress told Commissioners that the county was aware of the issues on Feb. 21 and “We’re going to have some changes,”. High tide was at 10:27 a.m. that day, five beach access ramps were “closed for capacity for a significant amount of the day”. The county is looking into what went wrong to learn from that to get ready for Spring Break. She encouraged everyone heading to Volusia County beaches to download the “Volusia Beaches” app, which provides real-time updates to show which beach ramps are closed and where visitors can find off-beach parking.
- Another speaker sought the city’s help with promoting and supporting the upcoming Mike Martin Pro surfing tournament April 9-12. He said tournament sponsors need assistance with pedestrian and traffic barricades, portable toilets, a police officer on duty for three days, a sound system and help with advertising.
- A citizen contended that some local vape and smoke shops are selling materials with substances that are inappropriate for and attractive to minors.

## **CONSENT AGENDA**

**The following items were approved unanimously by the City Commission.**

- **7-A:** Minutes from the regular City Commission meeting on Tuesday, Feb. 10.
- **7-B through 7-E:** Dock Easement Agreements to allow modifications or replacement of existing docks, or installing a new dock, east of properties at 500, 504 and 634 North Riverside Drive, and 720 South Riverside Drive.
- **7-F:** A right-of-way maintenance contract with VerdeGo.
- **7-G:** Awarding a \$2,227,205 contract to elevate six homes to Byrdson Services, Inc. This project involves the final Hazard Mitigation Grant Project associated with Hurricane Irma (2017). The grant from FEMA reimbursed 75 percent of construction costs, with a maximum of \$35,000 contributed by the city for each property.
- **7-H:** Contracts for miscellaneous concrete repair.
- **7-I:** A change order for park construction at Phil Hall Park with All State Civil Construction.
- **7-J:** The Lagoonigan Fishing Tournament after-party at the Marine Discovery Center on Saturday, June 20.

## **QUASI-JUDICIAL PUBLIC HEARING**

The City Commission voted 4-1, with Commissioner Martin dissenting, to approve an application for the removal of two Historic Live Oak Trees measuring 40 inches and 41 inches in diameter, respectively, because a certified arborist judged their condition to be poor and they were in the way of vehicle access and traffic circulation areas for a proposed Sprouts Farmers Market. Commissioners agreed they wanted the developer of the property to preserve a third Historic Live Oak that measures 45 inches in diameter and is healthy. Commissioner Martin later clarified she voted against the motion because she felt the Commission’s instruction for developers to use their “best effort” to preserve the tree was subjective and didn’t provide much protection for the tree.

The site of the three oak trees is 11.37 acres zoned I-1, Light Industrial District, at 507 S. Myrtle Ave. It is on the south side of SR-44 and west of the Florida East Coast Railway.

Compliance Coordinator Channing Maiolo said the project's developers worked up several plans to minimize effects on specimen and Historic Trees throughout the 11+ acre parcel, and the one presented to the Commission was deemed the best option. Arborist Don Spence cautioned that adding fill and doing the grading necessary to install the development's stormwater infiltration system would damage the healthy oak's roots to the extent the tree would eventually die. Vice Mayor McGuirk countered he had "anecdotal evidence" of trees in several locations throughout New Smyrna Beach that have remained healthy for decades, even though they're growing in the middle of heavily developed or paved areas.

The city's Land Development Regulations classify any tree 36 inches or greater in diameter at breast height (DBH) as a Historic Tree, requiring the Commission's approval for its removal - unless that action is superseded by state law.

## **PUBLIC HEARINGS**

**10-A.** The City Commission voted 4-1, with Mayor Cleveland dissenting, to approve Ordinance 76-25, which creates a definition for a Certified Recovery Residence and a process to review and approve an application for such places as is required under Florida Senate Bill 954. Certified recovery residences support people who are recovering from substance use disorders by providing a safe, stable and supportive housing environment for long-term recovery.

## **The City Commission voted unanimously to approve these remaining issues after a Public Hearing:**

**10-B.** Ordinance No. 20-26 to vacate part of Citron Street north of the SR-44 overpass,

**10-C.** Ordinance No. 21-26 to vacate portion of Buck Lane for the future expansion of Fire Station No. 50.

## **FIRST READINGS**

**11-A.** Ordinance No. 22-26: If adopted after a Second Reading and Public Hearing on Tuesday, March 10, this ordinance would authorize the Utilities Commission to enter into an agreement for longer than four years with Revinu, Inc., to provide Biosolid Disposal Services.

## **ADVISORY BOARD VACANCIES**

- The City Commission voted unanimously to reappoint James "Buddy" Davenport to serve an unexpired three-year term on the Utilities Commission.
- City Clerk Sharon Harding announced the city's Code Compliance Board currently has three upcoming vacancies with three-year terms.

## **MAYOR AND COMMISSION REPORTS**

- Vice Mayor McGuirk suggested it might be good to get the word out about the Volusia Beaches app by targeting New Smyrna Beach High School. Regarding complaints about beach traffic on Feb. 21, he added, "I want to remind people not to panic. Every single spring the same things happens. We get very cold weather and the first day it's 80 degrees, everybody in the world goes to the beach ... And it drives everybody crazy. But within a couple months it settles down."
- Commissioner Brian Ashley suggested the city clerk's job description should be revised to reflect expanded responsibilities. The city should discuss that during its upcoming budget meetings and consider "further support" for that position.
- Commissioner Valli Perrine supported looking at the job description for the city clerk and suggested comparing compensation for the position to other cities.
- Commissioner Lisa Martin said she wanted to make the community aware of a Police Department service called "Police Care", which involves a daily safety check for residents who live alone. She said anyone interested in setting that up can call the Police Department at (386) 424-2220.
- Mayor Cleveland gave a "shout-out" to the city resurfacing effort this year and praised City Manager Cowper for what he has been able to work out with FDOT in regard to future projects to improve SR-44. The mayor also complimented the city's Leisure Services Department for the good job it did putting on the Art Fiesta this month. He suggested the annual date of that event could be reviewed and perhaps the Fiesta could be moved later on the calendar so it isn't as close to Images: A Festival of the Arts in January.

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