

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

Mayor Fred Cleveland called the meeting to order. Also in attendance were Vice Mayor Lisa Martin and Commissioners Brian Ashley, Jason McGuirk, and Valli Perrine. Staff present were City Manager Kevin Cowper, Assistant City Manager Ron Neibert, City Clerk Kelly McQuillen, and City Attorney Carrie Avallone.

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

- Completed projects in December 2024: 5th Street Bridge Replacement Project, Skate Park Expansion Project, and the Marina Dock Repairs Project.
- The CIP Division created the new Capital Project Monthly Report. Monthly reports are also being developed for Stormwater and Parking/Mobility.
- Began preparations for the upcoming City Commission annual strategic plan meeting to be held in March on a day to be determined.
- Received notice from the Volusia County Community Services Department authorizing the city to proceed with the Pettis Park improvements project.
- Executed an agreement with the Water School at Florida Gulf Coast University, in partnership with the Florida Department of Environmental Protection (FDEP), to participate in a statewide initiative mandated by Florida State Legislature Bill SB1638 to identify and prioritize regional water quality restoration projects.
- The Code Compliance Division issued notices of violation pertaining to a paid parking operation in Venetian Bay with a compliance deadline of January 24, 2025, and a hearing date of February 26, 2025.
- Correspondence was received from Glen Storch requesting a delay for the first reading of the Deering Park Innovation Center at New Smyrna Beach PUD to April 2025.
- Went live with the new [Parking & Mobility web page](#)

### **PUBLIC PARTICIPATION**

- Four residents spoke in favor of Agenda item 8.A related to the purchase of land a Turnbull Creek Conservation.
- One spoke in favor of Item 10.B regarding smoking and vaping in City parks.
- Two spoke in favor of creating a partnership between the City and Bisons Baseball teams to maintain baseball fields in the city.
- One asked the city to adopt a policy to use native plants for landscaping.
- Canaveral National Seashore Superintendent Carmen Thompson spoke about CNS and its 50<sup>th</sup> Anniversary of establishment (January 3).
- Six spoke on other topics

### **CONSENT AGENDA**

**Item 7.A moved to New Business as item 8.C.**

**Item 7.B, 7.D, 7.E approved unanimously..**

- 7.C The approval to award RFP 27-24-HR, Benefit Insurance Agent of Record to Brown and Brown Insurance Services, Inc. **Item 7.C approved 4-0. McGuirk recused himself due to potential conflict of interest.**
- **Item 7.F deferred to a later date.**

## **ADMINISTRATIVE ITEMS/NEW BUSINESS**

- 8.A Approval of a Real Estate Purchase Agreement for Turnbull Creek Conservation lands owned by Platinum Properties. Staff recommends approval. After presentation by Assistant Manager Neibert and comments by commissioners and the mayor, **Item 8.A was approved unanimously.**
- 8.B Review a request from the New Smyrna Beach Municipal Golf Course to have a local landmark sign installed. Staff recommends approval. After presentation by Senior Planner Mathan and questions & comments from the commissioners, **Item 8.B was approved unanimously.**
- 8.C Resolution No. 01-25: Consider the adoption of a Resolution, which if approved, would establish the Charter Review Committee. (formerly Consent Agenda item 7.A). After overview by City Attorney Avallone and questions & comments, **Item 8.C, with a motion to establish an 11-member committee, was approved unanimously.**

## **ORDINANCES - SECOND READING AND PUBLIC HEARINGS**

- 9.A Conduct a Quasi-Judicial Public Hearing to consider the approval of Application No. SE-4-24, which if approved, would allow a Pain Management Clinic as a special exception use in the B-6A Limited Medical-Professional District for the property located at 245 N. Causeway. Staff recommends approval. Presentation by Senior Planner Baker and comments by the applicant's attorney. Five residents spoke against approval of the request for special exception, two residents spoke in favor. Baker, Police Chief Feldman, and the applicant's attorney responded to comments by residents and commissioners. **Motion to approve Item 9.A passed unanimously.**
- 9.B Ordinance No. 55-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend text to Article III of the Land Development Regulations. Staff recommended adoption, i.e., changing the process of making an appeal of LDR decisions made by the Planning and Zoning Commission to go to the Circuit Court (rather than to the Commission). Comments by City Attorney Avallone and Development Services Director Corbin. Two residents made comments asking for clarification in the language about the amended text. **Motion to approve Item 9.B approved 4-1 (Cleveland voted against).**
- 9.C Ordinance No. 60-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would approve the Ardisia Community Development District (CDD) for the Ardisia Park (formerly Shell Pointe) residential subdivision Phases 1 through 4. **Withdrawn by Applicant**
- 9.D Ordinance No. 61-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would create one text amendment to the Code of Ordinances. Staff recommended adoption, which changes the appeal process for airport zoning regulations, to be like that in Item 9.B. Comments by Avallone and Corbin. Comments by one resident. **Motion to approve Item 9.D passed 3-2 (McGuirk and Cleveland voted against).**
- 9.F Ordinance No. 70-24: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend the New Smyrna Beach Code of Ordinances, Chapter 2, Administration, Article II, City Commission, Sec. 2-51, Time and Place, moving the Commission's summer recess from July to June. No comments. **Motion to approve passed unanimously.**

- 9.G Ordinance No. 01-25: Conduct the First Reading and Public Hearing of an Ordinance, which if adopted upon the Second Reading and Public Hearing, would approve the second extension of the temporary moratorium on issuance of certain building permits for Venetian Bay Phase II. Comments by Avallone and Corbin. Two residents commented. **Motion to approve Item 9.G approved unanimously. Second reading and public hearing to be conducted on January 28, 2025.**

## **BOARDS AND COMMISSIONS**

None

## **MAYOR AND COMMISSION REPORTS**

- Martin: none.
- Perrine: report on First Step Shelter gala.
- Ashley: thanked staff for work on Venetian Bay.
- McGuirk: best wishes in the new year.
- Cleveland: Florida bill allows state to expand conservation corridor, which includes Volusia County; attended with Lisa Martin Canaveral National Seashore anniversary celebration; lauded Volusia County law enforcement; State of the County presentation on February 25, 2025 in Daytona Beach.

## **CITY CLERK**

There will be a link on the City's website for applications for the newly created City Charter Review Committee (see Item 8.C).