

**New Smyrna Beach City Commission Meeting
Nov. 17, 2020**

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<https://www.youtube.com/channel/UCFnpWTUfup3BtTrUyHaJisA>

1. Mayor Russ Owen, Zone 3 City Commissioner Jason McGuirk and Zone 4 Commissioner Randy Hartman took their respective oaths of office Nov 17. All three won reelection on Nov. 3.

The mayor was reelected to a second two-year term. Hartman was reelected to a second four-year term; and McGuirk was reelected to a third four-year term. City Commissioners then voted unanimously to choose Zone 2 Commissioner Jake Sachs as Vice Mayor for the next year.

2. City Commissioners voted 5-0 to approve a rare land use change that lowers the potential dwelling unit density on 16.7 acres at 647 Louella St., a site that's north of Pioneer Trail and west of North Glencoe Road.

The tract's future land use will change from Low Density Residential and Residential Estate to a Rural land use. Commissioners had previously voted to rezone the tract from a city residential zone to an agricultural district.

Senior Planner Robert Mathen advised the Commission that the property owner sought the land use and zoning changes to put livestock on the property. He said the owner also plans to subdivide the acreage into two parcels and build a home on part of it.

3. The City Commission's unanimous approval of the Nov. 28 Christmas Coastal Market on Canal Street event segued into a larger discussion about how to encourage residents and visitors to wear masks as a protection against the coronavirus.

Commissioner Michael Kolody remarked he recently attended a Cruise Night classic car show and the Flamingo Follies street festival on Flagler Avenue, and, "I was really disappointed to see the lack of cooperation of people wearing masks."

He estimated less than 50 percent of the people attending both events were masked. Kolody noted the city passed an ordinance earlier this year that said masks should be worn indoors, and when people are not able to socially distance themselves from others. He pointed out he didn't see much social distancing at the special events he attended either, although those were outdoors.

"What I would like to see is the city make an effort to attempt to communicate to the people coming in, whether it be signs out there saying you must social distance or wear masks," Kolody said, adding, "As I'm sure you all recall, I'm not really in favor of masks. But with the virus going up and down, and recommendations this way and that way, I think we should do everything we can to try and get people aware that they must wear masks."

Vice Mayor Sachs also spoke up on the subject. "This is really important to me. There's new guidance by the CDC (Centers for Disease Control and Prevention) that says it (a mask) protects others and it protects you ... I don't want to stop and shut down events again ... Maybe we just need more signs out there at these events. We need to get that message out more and more."

Commissioner McGuirk agreed. "We can't make anybody wear a mask," he commented. "I think we should just support wearing masks at all times when you're coming in close proximity to other people. I think it's very important for us as leaders to stress to everyone to wear masks as much as possible."

Commissioner Hartman said several people have called him to report there are "certain restaurants in town" that aren't mandating masks for their servers and other personnel, and "there are some businesses that are no longer wearing masks and their patrons aren't either, because they know they can't be forced to." He asked if those businesses and restaurants should be "referred" to the Department of Business Regulation.

City Attorney Carrie Avallone noted Gov. Ron DeSantis specifically ordered that local governments could not enact fines or otherwise enforce the wearing of masks or face coverings.

In another matter related to the coronavirus, Commissioners unanimously agreed to extend their approval for the Florida Division of Emergency Management to use the City Gym, 1000 Live Oak St., as a Covid-19 testing site through the end of the year. They authorized the city's staff to make future decisions on extending the gym's use. The state is paying New Smyrna Beach \$800 per day to use the facility, and City Manager Khalid Resheidat reported the number of daily, self-swab tests has ranged from "the high 200s to the high 300s."

4. The City Commission voted 5-0 to approve adding three new Code Enforcement Officers -- two full-time officers and one working on a part-time basis.

The annual cost of the new officers is estimated to be \$125,000, and will be funded by the Building Department. Commissioners also approved buying two new Ford Ranger trucks for code enforcement use. The trucks will be added to the city's existing vehicle pool.

5. City Commissioners voted unanimously in favor of granting a license agreement to allow two parking spaces consisting of pavers atop a concrete base in the East 19th Avenue right-of-way, at 2901 S. Atlantic Ave. The area encompasses 576 square feet on the south side of East 19th Avenue.

Assistant City Manager Brian Fields said the property has a small apartment complex. Currently, there are two, three-unit buildings with a total of six dwelling units constructed in 1957. The current property owner bought the site in July and plans to upgrade it by adding a pool and renovating the units and rooflines. Handicapped parking will be added as part of the project, which will eliminate some onsite parking spaces. That's why the landowners sought to locate additional parking in the street right of way.

The Commission's approval carried two, staff-recommended conditions:

- That the agreement won't grant an exclusive use of the right-of-way parking area.
- That the license agreement is recorded with the Clerk of Court within 60 days of the city's approval.

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