



**City Commission Regular Meeting  
Tuesday, February 25, 2020 at 6:30 PM**

**City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, FL 32168  
PLEASE USE THE SOUTH ENTRANCE FROM THE JULIA STREET SIDE OF CITY HALL**

**1. OPENING OF MEETING**

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Having been duly advertised as required by law, the regular meeting of the City Commission of the City of New Smyrna Beach, Florida, was held on Tuesday, February 25, 2020 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

**A. Call to Order**

Mayor Russ Owen called the meeting to order at 6:30 PM.

**Present:** Mayor Russ Owen, Vice Mayor Michael Kolody, Commissioner Randy Hartman, Commissioner Jason McGuirk and Commissioner Jake Sachs.

**2. INVOCATION/PLEDGE OF ALLEGIANCE**

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Police Department Chaplain Pete Carter gave the invocation. Mayor Owen led those present in the Pledge of Allegiance.

**3. APPROVAL OF THE AGENDA**

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City Manager Khalid Resheidat reported no changes to the published agenda.

**4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS**

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**A. Presentation: 2020 Programming for the Marine Discovery Center.**

Marine Discovery Executive Director Chad Truxall outlined a PowerPoint Presentation and asked the City to donate the same amount as we have in the past, which was \$10,000.

Mayor Owen supported the donation.

City Manager Resheidat stated that \$2,500 was donated to the Relay for Life, so that left \$7,500.

Vice Mayor Kolody wanted Mr. Truxall to search for other grants and he also supported the donation.

Commissioner McGuirk requested that this item would be included in the budget preparation in the future so we could better plan for it.

Commissioner Hartman supported the donation and would defer to staff for the extra \$2,500.

Commissioner Sachs stated that he greatly appreciated the Marine Discover Center. He asked if the FWC donated any funds to them to help.

Mr. Truxall stated that there was no cash support, but they were supported in other ways.

**Motion:**

Commissioner McGuirk moved to donate \$7,500 to the Marine Discovery Center now and \$2,500 at a later date. Commissioner Sachs seconded the motion, and the motion unanimously carried.

## **5. PUBLIC PARTICIPATION**

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Joe Dlubak, 3587 Casalta Circle, congratulated the Mayor and City Commission for the State of the City Address. He commented on the rejection of the borrow pit and stated that one thing that at the completion of the five-year proposals and development. He commented on living in Venetian Bay, the Palms, and shared that the main streets were only 25' wide. He suggested that represented a safety hazard or issue within the development.

Paula Wood, 212 and Gwen Tobler, 2103 Vista Palm, in Edgewater, commented on the African American Cemetery in Edgewater on Airport Road. She invited everyone to attend a future meeting regarding the issue.

Chloe Joniak, 1415 Live Oak, commented on a safety issue. She stated that the cars travel in excess of 50 MPH near 6th and 7th Street. She commented on a cat

being hit by a fast car over the weekend. She stated that there are twelve children. She asked for a stop sign at 7th and Live Oak and a stop sign at 8th and Live Oak. She stated that the Live Oak Cultural Center has caused a lot of traffic as well.

Ashton Sigler, 2834 Austin Coke Drive, asked about new fishing regulations. She stated they were cut from four to two. She stated that the FWC came out with their 2019 Regulations.

Dawn Whitely, 2071 Marsh Harbor Drive, commented in regards to franchises. She read a letter regarding the old Florida charm. She commented on the area losing its charm. She stated they chose New Smyrna Beach to live for the unique charm, not for the same things. She stated it was imperative for the leaders not to allow.

Larry Latrell, 311 Faulkner, commented on learning about the Formula Business because conventional wisdom that he had was that NSB did not permit and made it hard for formula businesses to enter in. He commented on living in Casselberry and chose to move into the historic district. He asked the Commissioners to keep in mind that the city has what others want and to consider it carefully and preserve and protect what they moved here for.

Rose Push, 1110 Magnolia Street, commented on being hopeful that the Commission would approve the budgets for Emergency Services. She commented on water goats. She asked the Commission to install and maintain water goats at every one of their sewer outputs. She commented on the franchise areas and stated that NSB was fortunate because we have two downtowns and asked the Commission to protect the charm and hoped they would prohibit any drive thru restaurant for safety concerns and air pollution.

Chelsea Preston, 1327 Wayne Avenue, commented on the online and signature petition regarding the formula businesses. She suggested being proactive and not reactive regarding the formula businesses.

Saylor Tynes, Riverside Drive, commented on Formula Businesses. She commented on being a staff member at the MDC and stated that the impacts on formula business would increase development in the city. She stated that these

businesses were an invasive, toxic species. She commented on recognizing a tourism interest here. She asked the Commission to consider not approving the formula businesses. She commented on community health and asked to consider the impact.

Kyle White, cofounder of Youpon Tea Company, commented on NSB having a unique tourism product. He commented on having a unique opportunity to maintain the unique culture.

Ryan Maylor, 231 Kirkland Road, echoed the concerns of the people that spoke before him tonight. He preferred to reside in NSB because of its small town charm. He opposed retail stores and formula businesses. He asked the Commission to act right now to help preserve the small town charm. He shared that one of the reasons he lived here was because of the character and felt they were in danger of losing it.

Marty Danaher, 115 Lagoon Court, commented on the budget process and stated it was a greatly improved process. He congratulated the Mayor and Commissioner's on the State of the City. He stated the standards that were set were very high. He commented on the City Manager's Report regarding the AOB Site and asked them to set a date to start the dialog over again about the future of the AOB. He stated that the piece of property was far too valuable for them to do nothing.

Sally MacKay, former New Smyrna Beach Mayor, commented on being proud of the City Commission, and asked the Commission to keep the place beautiful like it has been. She commented on the uniqueness of having two downtowns. She asked to keep NSB the same as it was now.

Amelia West, 822 Live Oak, commented on nothing charming or unique about a town that has Starbucks or formula stores. She appreciated the stores that were unique to the area.

Philomena Pilluzi, 212 Mary Avenue, commented on formula businesses. She commented on Lazlo Pyramids of Needs and commented on physiological needs. She commented on the ability to form social belonging and a sense of good ego and you could not have that without community. She stated one of the things she

loved about this town was the small businesses and she stated that from her experience, if they allow big corporations to take care of them instead of their neighbors, it would not be a positive experience.

Tricia Tudeen, 2409 Saxon Drive, commented on protecting the City's natural charm for the next generations. She grew up here, came back here and wanted to raise her children here.

Lisa Martin, 618 S. Pine Street, commented on not legislating what businesses come to town, but that the City makes the rules and she wanted to invite everyone in, but play by the City's rules.

## **6. CONSENT AGENDA**

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- A. Consider the approval of the Ground Lease between City of New Smyrna Beach Police/ Fire Department and City of New Smyrna Beach/Airport.

**Motion:**

Commissioner Hartman moved to approve the Ground Lease for NSB Police and Fire Department, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

- B. Consider the approval of a Ground Lease between the City of New Smyrna Beach/Maintenance Operations and the City of New Smyrna Beach/Airport.

**Motion:**

Commissioner Hartman moved to approve the Ground Lease for NSB Maintenance Operations and the NSB Airport, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

- C. Consider the approval of the Automated Merchant Systems (AMS) - Merchant Processing Services.

**Motion:**

Commissioner Hartman moved to approve the Automated Merchant Systems (AMS) - Merchant Processing Services, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

- D. Consider the approval of the Hurricane Dorian DR-4468 Public Assistance sub-award and grant agreement.

**Motion:**

Commissioner Hartman moved to approve the Hurricane Dorian DR-4468 Public Assistance sub-award and grant agreement, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

- E. Consider the approval to award RFP 23-19-HR Classification and Compensation Study to Evergreen Solutions, LLC for \$25,500.

**Motion:**

Commissioner Hartman moved to approve the Award RFP 23-19-HR Classification and Compensation Study to Evergreen Solutions, Inc., as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

- F. Consider the approval to award RFP 26-19-HR Benefit Insurance Agent of Record to Brown & Brown of Florida.

*Commissioner McGuirk abstained from voting due to a conflict. He completed a Voting Conflict form and it was filed with the City Clerk's Office.*

**Motion:**

Commissioner Hartman moved to approve award RFP 26-19-HR - Brown & Brown of Florida Contract for Benefit Insurance Agent of Record, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- G. Approve Special Event: A food truck event in front of City Hall on March 28, 2020 from 5:00 - 9:00 p.m. with street closure of Sams Avenue from Washington Street to Julia Street; set up beginning at 2:00 p.m. and tear down no later than 10 p.m.

**Motion:**

Commissioner Hartman moved to approve the Special Event: Food Trucks on Sams Avenue 2020, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

- H. Resolution No. 08-20: Consider the adoption of a Resolution, which if adopted, would amend the FY2019-2020 Budget in total pursuant to itemizations attached.

**Motion:**

Commissioner Hartman moved to adopt Resolution No. 08-20: Fiscal Year 2019 - 2020 Budget Amendment, as submitted. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

## **7. ADMINISTRATIVE ITEMS/NEW BUSINESS**

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- A. Consider the approval of a Proposed Naming Rights Policy.

**Motion:**

Commissioner Hartman moved to adopt the Proposed Naming Rights Policy, as submitted. Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Vice Mayor Kolody voting no.

- B. Draft TPO Call for Projects List

No action. City Commission consensus was to move this item to an agenda at the end of March 2020.

- C. Formula Businesses Discussion

No action. City Commission consensus was to discuss this item in detail during a future workshop.

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

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- A. Ordinance No. 19-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would authorize the Utilities Commission of the City of New Smyrna Beach to Issuance up to \$85 million in Utilities System Revenue Certificates (Bonds).

City Attorney Avallone read Ordinance No. 19-20, the second time by title only.

Director of Finance, Efran Chavez, of the Utilities Commission New Smyrna Beach, outlined the Ordinance and was there to answer any questions or concerns.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

**Motion:**

Vice Mayor Kolody moved to adopt Ordinance No. 19-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- B. Ordinance No. 17-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would amend the CPA to change the City FLU from High Density Residential to Commercial.

City Attorney Avallone read Ordinance No. 17-20, the second time by title only.

Director of Development Services and Coastal Environmental Resiliency Brian Fields outlined the proposed ordinance, which if adopted, would amend the CPA to change the City FLU from High Density Residential to Commercial.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

**Motion:**

Commissioner Hartman moved to adopt Ordinance No. 17-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried 3-2 by majority vote, with Commissioner Sachs and Vice Mayor Kolody voting no.

- C. Ordinance No. 18-20: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone vacant land north of Canal Street to B-3 Highway Service District.

City Attorney Avallone read Ordinance No. 18-20, the second time by title only. A Quasi-Judicial Public Hearing was conducted.



Director of Development Services and Coastal Environmental Resiliency Brian Fields was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned his credentials, Mr. Fields outlined the proposed ordinance, which if adopted, would rezone vacant land north of Canal Street to B-3 Highway Service District.

Mayor Owen opened the Quasi-Judicial Public Hearing. As no citizens wished to speak, Mayor Owen closed the Quasi-Judicial Public Hearing.

**Motion:**

Commissioner McGuirk moved to adopt Ordinance No. 18-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried 3-2 by majority vote, with Commissioner Sachs and Vice Mayor Kolody voting no.

**D. Conduct a Quasi-Judicial Public Hearing to consider Special Exception SE-5-19: Donatti Mini-Warehouse Request.**

A Quasi-Judicial Public Hearing was conducted to consider to approval of Special Exception SE-5-19: Donatti Mini-Warehouse Request.

Mr. Fields remained under oath and outlined the Special Exception, which if approved, would approve a SE-5-19, a Special Exception for the Donatti Mini-Warehouse.

No ex-parte communications were disclosed.

Commissioner Hartman asked Mr. Fields if this included the parcels that face out to Canal Street.

Mr. Fields stated yes.

Mr. Gerard Pendergast, applicant, commented on retooling the site to come up with a project that would be the size his client needs to be profitable and save the historic trees. He stated they met with SJRWDM regarding the swales, met with the Planning and Zoning Department several times, met with FDOT, applied for zoning changes, future land use,

his client has invested \$10,000 just on application phase alone, not including the arborist. He stated that it was a blighted area and they were improving it. He shared that they designed it so it was self-contained. He shared that the noise and light would be minimal and that they internalized the location where that occurred. He stated it was a low impact to the City and would not burden schools, libraries or hospitals.

Vice Mayor Kolody asked if they see a problem with taking away a piece of R4 property.

Mr. Pendergast stated no. He understood it was transitional and by combining these projects, it was more cohesive and made more sense. He thought it was a very good solution.

Commissioner Hartman asked if they had any issues with the stipulations that the Planning and Zoning Department included.

Mr. Pendergast stated no and that they were ready to begin the project.

Commissioner Sachs stated they knew letters were sent to neighbors and asked if they had any objections.

Mr. Pendergast stated no objections were received.

Commissioner Sachs asked about the entering and exiting regarding boating.

Mr. Pendergast stated there were not any issues.

Mayor Owen asked about the ingress and egress.

Mr. Pendergast stated it would be on Woodland Road.

Mayor Owen asked if there would be a vegetative buffer in the back.

Mr. Pendergast stated there would be a 25' landscape buffer.

Mayor Owen opened the Quasi-Judicial Public Hearing.

Sandy Carole was sworn in by the City Attorney. She had concerns and she lived on Hickory Street. She commented on that property flooding the properties on Hickory Street.

Mr. Pendergast stated that they designed their water infiltration system and the system would be located on their property. He stated part of their water design was to clean up the existing culvert and clean it up so the water flows underneath the property.

Mr. Fields mentioned that there would be emergency access only on Woodland Road. He stated that he would send the conceptual plan to Ms. Carole.

Vice Mayor Kolody asked how many units were originally approved and how many units they lost over the historic tree.

Mr. Pendergast stated they would have lost twenty units.

Vice Mayor Kolody asked how many units they have now.

Mr. Pendergast answered eighty units.

Mayor Owen asked for any closing comments from Commission.

Vice Mayor Kolody stated that the R4 zone was a transitional zone. He commented on the height of new units that were proposed being twenty-seven feet tall and he believed it would have a negative impact on the neighborhood. He shared that R4 zoning was good as a valuable piece of transitional property, such as affordable housing. He did not support the development.

Commissioner Sachs was concerned about the impact of the noise and the light. He asked for consideration for a different use for the property; something more in keeping with the residential zoning.

Commissioner McGuirk commented on liking a number of things about this project. He reminded everyone they told him to go back and come back with a different idea because of the historic tree. He commented on a great transition for the commercial property. He addressed Ms. Carole, stated it was a low-use zone, and thought it would be a good neighbor to her overall.

Commissioner Hartman supported the project. He commented on the benefit of having a low impact, low traffic project.

Mayor Owen commented on seeing the pros and cons of both. He thought that this was exactly what they asked the applicant to do.

Mayor Owen closed the Quasi-Judicial Public Hearing.

**Motion:**

Commissioner McGuirk moved to approve Special Exception SE-5-19, as submitted. Commissioner Hartman seconded the motion, and the motion carried 3-2 by majority vote, with Commissioner Sachs and Vice Mayor Kolody voting no.

E. Ordinance No. 11-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 0.24 acres of land located at 132 Temple Street.

City Attorney Avallone read Ordinance No. 11-20, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would annex 0.24 acres of land located at 132 Temple Street.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

**Motion:**

Vice Mayor Kolody moved to adopt Ordinance No. 11-20, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- F. Ordinance No. 12-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would assign a City Future Land Use for property located at 132 Temple Street as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 12-20, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would assign a future land use located at 132 Temple Street.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

**Motion:**

Vice Mayor Kolody moved to adopt Ordinance No. 12-20, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

- G. Ordinance No. 13-20: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone designation for property located at 132 Temple Street as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 13-20, the second time by title only. A Quasi-Judicial Public Hearing was conducted.

Senior Planner Robert Mathen was administered the oath, by the City Attorney. He outlined his professional and educational qualifications. As no citizens questioned his credentials, Mr. Mathen outlined the proposed ordinance, which if adopted, would rezone designation for property located at 132 Temple Street.

Mayor Owen opened the Quasi-Judicial Public Hearing. As no citizens wished to speak, Mayor Owen closed the Quasi-Judicial Public Hearing.

Commissioner Sachs stated this was an existing house that was on septic.

Mr. Mathen stated yes. He stated these houses were built in 1950's and 60's and hopefully would be able to extend services to these folks.

**Motion:**

Vice Mayor Kolody moved to adopt Ordinance No. 13-20, as submitted. Commissioner Sachs seconded the motion, and the motion carried unanimously.

H. Ordinance No. 14-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would annex approximately 0.27 acres of land located at 2201 Juanita Drive.

City Attorney Avallone read Ordinance No. 14-20, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would annex 0.27 acres of land located at 2201 Juanita Drive.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

**Motion:**

Commissioner Hartman moved to adopt Ordinance No. 14-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

I. Ordinance No. 15-20: Conduct the Second Reading and Public Hearing of an Ordinance, which if adopted, would assign a City Future Land Use for property located at 2201 Juanita Drive as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 15-20, the second time by title only.

Senior Planner Robert Mathen outlined the proposed ordinance, which if adopted, would assign a Future Land Use to the property located at 2201 Juanita Drive.

Mayor Owen opened the public hearing. As no citizens wished to speak, Mayor Owen closed the public hearing.

**Motion:**

Commissioner McGuirk moved to adopt Ordinance No. 15-20, as submitted. Commissioner Hartman seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

- J. Ordinance No. 16-20: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance, which if adopted, would rezone designation for property located at 2201 Juanita Drive as part of an overall Annexation application.

City Attorney Avallone read Ordinance No. 16-20, the second time by title only. A Quasi-Judicial Public Hearing was conducted.

Senior Planner Robert Mathen remained under oath and outlined the proposed ordinance, which if adopted, would rezone designation for property located at 2201 Juanita Drive.

Mayor Owen opened the Quasi-Judicial Public Hearing. As no citizens wished to speak, Mayor Owen closed the Quasi-Judicial Public Hearing.

**Motion:**

Commissioner Hartman moved to adopt Ordinance No. 16-20, as submitted. Commissioner McGuirk seconded the motion, and the motion carried 4-1 by majority vote, with Commissioner Sachs voting no.

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**9. ORDINANCES - FIRST READING**

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- A. Ordinance No. 20-20: Conduct the Second Reading of an Ordinance, which if adopted, would amend the City Comprehensive Plan Element XIII, Historical and Archaeological Preservation.

City Attorney Avallone read Ordinance No. 20-20 for the first time, by title only. She announced that this was a Public Hearing open for public participation. Mayor Owen reported that the Second Reading and Public Hearing would be conducted at the regular meeting on April 14, 2020.

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## 10. BOARDS AND COMMISSIONS

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- A. Airport Advisory Board: Accept the voluntary resignation of member Janet Tinoco; consider elevating current alternate member Jeffrey Mitchell to active member status; and, consider the appointment of a citizen to serve as alternate member for the remainder of a term to expire September 9, 2020.

**Motion:**

Commissioner McGuirk moved to accept the resignation of Janet Tinoco. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

**Motion:**

Commissioner McGuirk moved to elevate Jeffrey Mitchell from alternate to regular member. Commissioner Hartman seconded the motion, and the motion carried unanimously.

Ballots were distributed to the City Commission and by majority ballot vote, Celeste Lester was appointed as the alternate member.

- B. Building Trades Board: Consider the reappointments of members Joseph Blanchett, Jr. and Randy Beach to terms expiring on January 1, 2022 and William Cowherd, Paul Heer and Alan Charles to terms expiring on January 1, 2023.

**Motion:**

Commissioner McGuirk moved to reappoint and waive the term limits of Joseph Blanchett, Jr., Randy Beach, William Cowherd, Paul Heer and Alan Charles. Commissioner Hartman seconded the motion, and the motion carried unanimously.

- C. Code Enforcement Board - Consider the appointment/reappointment of three members to the Code Enforcement Board to three-year terms to expire March 3, 2023.

**Motion:**



Commissioner Hartman moved to reappoint Dan Copfer and Clifford Wharin. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

- D. Housing Authority: Accept the voluntary resignation of member Josephine Fennell and consider the appointment of a citizen to serve an unexpired four (4) year term, expiring on August 31, 2021.

**Motion:**

Commissioner Hartman moved to accept the resignation of Josephine Fennell. Vice Mayor Kolody seconded the motion, and the motion carried unanimously.

**Motion:**

Vice Mayor Kolody moved to appoint Judy Reiker to the Housing Authority. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

## **11.MAYOR AND COMMISSION REPORTS**

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Mayor Owen commented on the total cost for the State of the City. He stated that the total cost was low.

Vice Mayor Kolody stated that the event was very well done. He commented on the venue, the Brannon Civic Center. He commented that there was \$96,000 revenue, but \$45,000 was waived because of government and community projects. He stated there needed to be more revenue. He wanted to see the Leisure Services Board review the operating plan. He commented on Neighborhood Plans and stated they needed to give them directions on procedures to modify plans. He commented on developing a procedure, preferably a streamlined approach; one that could apply to all neighborhoods.

Commissioner Sachs commented on wanting all of the Commission to speak at the State of the City. He stated that they should all have a smaller segment, appropriate to the Mayor. He thought it was a good idea and very engaging. He stated it was incumbent of them to keep their residents safe.

He stated that he had a wonderful time judging the chalk contest, and a wonderful time at the art festival. He thanked staff and city citizens for engaging with the City at the State of the City.

Commissioner McGuirk thought the State of the City was a high success. He commented on derelict sailboats. He stated that in the past week, there has been two sailboats broke free and both of them came into docks with no one on them. He commented on having a fire aboard a sailboat near the AOB site. He asked about jurisdiction. He asked how to enforce derelict boats or people who leave boats. He suggested encourage people to hook up to mooring balls that could be placed in the water.

Commissioner Hartman commented on the State of the City and stated it was a great event. He shared that he thought the UCNSB should have been involved. He shared that former City Manager Donnie Williams passed away last weekend. He commented on the tri-party license agreement with Mark's and wanted that item to be followed up on. He stated he wanted a comprehensive plan first before any new parks were installed. He commented on it going out to RFP and asked if there was any way they could get a consensus so that the legwork was done before the prior session.

Mayor Owen commented on trying to work together in the sunshine to plan an event. He stated there was a full year of planning to engage community and commission more. He commented on the upcoming session on March 5th and mentioned that the Commission could have a general discussion of any items. He commented on the sailboat near the Brannon Civic Center. He commented on the Charter Review Committee extending their hours per meeting from two to three. He asked the City Commission if one of them could be chosen to speak with the facilitator so that the facilitator could take more notice.

City Commission consensus was that Mayor Owen could speak with the Charter Review Facilitator to address the issue of open discussion during the meetings, staff time and adhering to the agenda.

## **12. CITY MANAGER'S REPORT**

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### **A. City Manager's Report**

City Manager Resheidat briefly summarized the report.

City Commission consensus was to continue the discussion on the AOB Site and not pursue a grant.

### **13.CITY CLERK'S REPORT**

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No action.

### **14.CITY ATTORNEY'S REPORT**

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**Motion:**

Vice Mayor Kolody moved to approve the Settlement Agreement, as submitted by the City Attorney. Commissioner McGuirk seconded the motion, and the motion carried unanimously.

### **15.ADJOURNMENT**

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As there was no other business to discuss, Mayor Owen declared the meeting adjourned at 10:37 PM.