

CITY COUNCIL OF EDGEWATER  
REGULAR MEETING  
JUNE 2, 2008  
7:00 P.M.  
COMMUNITY CENTER

MINUTES

1. CALL TO ORDER

Mayor Thomas called the Regular Meeting to order at 7:00 p.m. in the Community Center.

ROLL CALL

Mayor Michael Thomas	Present
Councilwoman Debra Rogers	Present
Councilwoman Gigi Bennington	Excused
Councilwoman Harriet Rhodes	Present
Councilman Ted Cooper	Present
Acting City Manager Tracey Barlow	Present
City Clerk Bonnie Wenzel	Present
City Attorney Carolyn Ansay	Present

INVOCATION, PLEDGE OF ALLEGIANCE

There was a silent invocation and pledge of allegiance to the Flag.

2. APPROVAL OF MINUTES

A. Regular Meeting of January 30, 2008

Councilwoman Rhodes moved to approve the January 30, 2008 minutes, second by Councilman Cooper.

The MOTION CARRIED 4-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

There were no Presentations at this time.

4. CITIZEN COMMENTS

The following citizens spoke:

**Dot Carlson**, 1714 Edgewater Drive, 624 Arts Center Avenue, commented on rain barrels. The New Smyrna Utilities Commission is offering rain barrels for \$40, normally \$70. A woman makes them in Lake Helen. She proposed it in case the City wanted information on the lady that makes them. Normally these barrels run \$125. These are 60 gallon barrels.

Councilwoman Rhodes asked Ms. Carlson if she could provide them with the information tonight. Ms. Carlson provided the information to City Clerk Wenzel.

Councilman Cooper asked if the rain barrels were the kind of thing that Mr. Visconti keeps bringing up. He asked Ms. Carlson to explain the concept, which she did at this time.

Councilwoman Rhodes thinks that is a really good idea and that they should look into it. She collects rainwater and would like a barrel.

**Ben Fanselow**, 321 Schooner Avenue, stated he may be there under false pretenses. The person who told him to come down and speak was not there. He wanted him to speak about the 35-foot height, which was voted in by a majority vote in this City. All of the Council in their campaigning said they would uphold what the citizens want. He commented on a gentleman who is fairly wealthy, who has 16 acres and is waiting for somebody to come down and buy those so he can put up two condominiums. The statement to him was why go bang your head, money wins and that he knows who to take care of to get those condos up. He wondered who he was paying off. He made some calls and he found out there is something they can do about that. All they asked from him is a petition for a certain particular number. He read the heading and informed Council it wasn't in legalize yet and he would get a lawyer to look at it. He will get the petition written. Don't try to circumvent this by going through the Charter. They know what the City is doing and he told them don't do it.

Councilman Cooper stated as they went through the Charter and the last election things were changed to bring it back to the 35-foot limit. As far as he knows today no one has brought Mr. Lear any plan of any kind that exceeds the 35-foot height limit. Mr. Lear stated they denied the vested rights for the Sea Gate project. Not within the past few months has anybody brought anything. Councilwoman Cooper

felt whoever was feeding Mr. Fanselow this bogus information it's exactly that. Mr. Fanselow stated this person is a millionaire and he knows the property.

Councilwoman Rhodes stated the voters put the 35-foot height amendment in the Charter. Nobody can exceed it. It can only be undone by the voters. If the Charter Review Committee recommends to put that back on the ballot the voters will have an opportunity to say yes or no. There is nothing anybody on the Council can do about it. Mr. Fanselow stated that was good news. He was misinformed.

Mayor Thomas stated the Council voted and put it in the Land Development Code. There will be nothing over 35-foot height built in this City. Then the citizens went to the poles and voted that and put it in the Charter. There is no way any of them could circumvent that in any way.

City Attorney Ansay stated subject to the fact that there were a number of projects that were already vested before that law. During the last election there were limitations put on that 35 foot height for commercial, institutional, those types of things and mixed use. It wasn't an across the board limit as it had been in the past. That was put in place by a majority vote of the citizens of Edgewater to limit that exception.

Councilman Cooper stated every contractor would have to petition from this Council to circumvent those limits and ask for a variance. We have had nothing and whatever this person told him there is nothing as they all know sitting there today. Mr. Fanselow stated then he was misinformed and this is what the City has to do something to show the people on the street because when he talks to people they all say that the Council is trying to circumvent them. It just isn't one person. Some how the public is misinformed. They just feel the fix is in. If you talk to anybody that is exactly what they will tell them.

Mayor Thomas asked Mark Johnson of the News Journal to take care of that by informing the public of their feelings.

Ms. Carlson stated this was a surprise to her. This was put back to the vote of the people per City Council's own ordinance and own language for the ballot. They were slammed with campaign ads. She still has the message from the City Manager on her answering machine where he tells

them to get out and vote and to educate themselves and to vote responsibly against, sort of, the 35-foot height limit. Mr. Fanselow failed to mention that the height limit is on residential only. Condos are included in that except for the one on Jones Fish Camp Road. The height limit is not on what the City puts on with their building codes is not on industrial commercial business and mixed use. This is going to effect and this was put in, in her opinion, for the fiasco and project that may go west of here. This guy wants to put in 2 million square feet of commercial. He is going to need the height on that one. He will get it because the folks were slammed with this campaign thing. The Fire Department helped and were pretty good at it. If he wants to bring something for investigation she advised that he look into what happened to the last petition on density west of I-95. They are still good with that. They are still waiting on Judge Roush. This is the second time it has been before him. This is business as usual. You have the right to petition your government but that doesn't mean they are going to listen to you.

Councilwoman Rogers encouraged Mr. Fanselow to go ahead with his investigation. Councilman Cooper agreed.

**Todd Anderson**, 1404 Needle Palm Drive, commented on the surplus vehicles he sees accumulating in the City yard. He works for the City of Holly Hill and deals with govdeals.com, which is like E-bay for government municipalities but is open to the public. You can buy used City vehicles. They have had good luck with it.

Acting City Manager Barlow stated they are in the process of orchestrating an auction to clear house and Brenda and Phil both have been looking at various different options. This being one of those where as soon as it becomes surplus they can put it on their accounts and move them on.

Councilman Cooper asked if they have an inventory and if they really have a lot of equipment that can be moved. Acting City Manager Barlow informed him we have a lot of surplus that was supposed to go to auction a couple times last year but it didn't but they are going to do an auction locally. Going forward they are going to have an agreement with govdeals or Phil has another one they have been doing a lot with.

Acting City Manager Barlow asked if they had an approximate date when they were going to do the auction. Interim Director of Environmental Services Brenda Dewees informed him she was going to discuss that with him tomorrow. Acting City Manager Barlow informed the Council he would let them know on Wednesday.

**Mike Visconti**, 316 Pine Breeze Drive, stated driving down U.S. #1 on all the signal lights there are new lights put over the signal lights, the bluish tinted lights. He asked the reason for them. Acting City Manager Barlow informed him they correspond with the red traffic light so law enforcement can sit on the other side and if someone runs the red light the only way they know they run it is if the blue light changes. They can then pull them over and site them. They are to keep our citizens safe. They were put there by DOT.

Councilman Cooper commented on the MPO now coordinating these lights on the County roads so they can change things on the fly.

**Nick Hammer**, 197 Cloveridge Court, expressed his gratitude from the Homeowners of Meadow Lake for the plan put in place by Acting City Manager Barlow and staff for their sidewalks. It has been a point of concern for many years. Meadow Lake has at least 10 to 12 spots that have some pretty nasty damage and the City now has a plan in place to rectify the situation. They recently had an Association meeting. The plan was very well received and everyone was very pleased they are taking care of this.

Mr. Hammer thanked the Police Department for the past year. This is his daughter's first year at Indian River Elementary. Both the Police Department and the CAPS representative have done a fantastic job monitoring the traffic and keeping it flowing and essentially keeping his daughter and the other children safe.

## **5. CITY COUNCIL REPORTS**

Councilwoman Rhodes stated she would not be at the July 21<sup>st</sup> meeting.

Councilwoman Rhodes stated she received an e-mail about AT&T boxes being installed on Mango Tree in the right-of-way in front of people's yards. She received a note back

from Brenda that AT&T that installs in the front of the yards and FPL & cable uses the back of the yards. The only issue she has is she remembers several years ago there was somebody on Riverside Drive that had a real problem with the box. The service is obviously needed. The telephone company worked very well with the city and with the homeowner to disguise the box, to put some landscaping around it. She asked if they can contact BellSouth and see if there isn't some way they could provide some shrubbery or landscaping because they are ugly and it is in your front yard. See if they would be willing to work out a deal where they will provide some hiding thing, such as fencing, so that they aren't quite so utilitarian looking in people's yards. She thinks it would go a long way for the satisfaction of the people that are going to have to deal with this.

Councilman Cooper read his report into the record.  
(Attached)

Councilwoman Rogers stated at the last meeting a citizen called her complaining about an issue regarding the Fire Department. This period she now has a compliment for the Fire Department and that pertains to response times. She also mentioned the Police Department. She has received some compliments and one of them has to do with South Riverside Drive and a park that is owned by the City that apparently some young people are vandalizing. They have contacted her and she contacted the Police Department and they have remedied the problem on two different instances. It is nice to get people that do call to give compliments. Mostly she gets a lot of calls of people complaining that she doesn't report on at the meetings because pretty much it does get handled pretty quickly in the City.

Mayor Thomas informed Council at the WAV meeting last week one of the things they did is all of the cities are in bad budget financial so they elected to use part of our reserves. We have to put in so much out of the City of Edgewater so it is going to knock our contribution down. St. Johns has come up with this projection of an ordinance where they want the cities to go to one day a week using numbers and it is so confusing. His aspect and the comment he made is our objective is to get compliance, not confuse the people. He then commented on them wanting to put a regulation on the reclaimed water. We want to use that reclaimed water but don't have the place to store it. They

want to regulate that too which he doesn't feel should be regulated. All of the cities felt the same. They did up a resolution with every representative to sign. Some of the representatives said they didn't feel comfortable signing it without Council. When they elected him to serve on that committee, he votes, he doesn't come back and tell them every vote. Councilwoman Rhodes informed him he should. He doesn't have to ask permission but he should inform them what he is voting on. Mayor Thomas stated he doesn't have any reservations on signing this. If Council feels different, they need to tell him.

Councilwoman Rogers felt they each needed to read the resolution themselves and digest it.

Councilwoman Rhodes felt the two points raised are important. She mentioned the watering going to one day a week. Mayor Thomas informed her they are talking about it. Councilwoman Rhodes asked if the process by which they come to that day they are allowed to water was in the resolution. Mayor Thomas informed her it is talking about that, that we don't want that.

Mayor Thomas read the proposed resolution.

Councilman Cooper stated it sounds like St. Johns wants it both ways. Mayor Thomas stated they don't want us to give them any money but they want the city to enforce it and they don't give them any flexibility. Councilman Cooper stated he has been fighting over reclaimed water in the City for seven months and he isn't getting anywhere. We flush water into the Indian River and he would rather sell it. Why should he pay to flush water when he can put it back into the aquifer? He has no sympathy for these people that want money on both ends of the coin. He believes they need to look at making the maximum amount of money off our reuse system as we possibly can and put it back into the ground rather than flush it into the river and pay somebody else for it.

Councilwoman Rogers stated she heard mention of potable water and reclaimed water but she didn't hear anything about wells. Mayor Thomas informed her that is included too. Councilwoman Rogers stated they are wanting to dictate people that have wells. Mayor Thomas informed her they are doing that now. Councilwoman Rogers felt that was nuts.

City Attorney Ansay stated the Water Management District has jurisdiction over a number of counties and are working right now with the other three big Water Management Districts and there is this movement to try to make the use of water and irrigation in particular somewhat standardized across the State. She thinks they are seeing and where there is some resistance is that what is good here may not necessarily be good in other communities. It is a struggle. There is also an educational element. The District advertises across their multi county jurisdiction what watering days are enforced. They want to be able to broadcast a commercial in Orlando that will apply all over the State. They are trying to make a consistent effort. As far as reuse, the South Water Water Management District recently had a huge fight when they tried to curtail the use of reuse. Down there they are actually contemplating letting it be used six or seven days a week as opposed to one day a week and letting the local governments mandate if they want stricter requirements they can do that. There are many governments that are investing a tremendous amount of money in alternative water supplies and essentially what this proposed rule will do is cut the revenue that many local governments have pledged to build those very same systems and are being required to build by the Water Management District.

Mayor Thomas asked Ms. Dewees to explain our use of the reclaimed water. Sometimes a year they use it and sometimes they don't. Ms. Dewees commented on the CUP from St. Johns it states we are allowed to discharge from the Wastewater Plant a certain amount per day but it is a rolling annual average. Right now with the drought we are pulling and supplementing it from the borrow pit next to the wastewater plant. In times of wet weather people stop watering their yards and they are faced with the dilemma of what do they do with and they end of having to dispose of it into the Indian River. There is a fine line on how they should mandate people to be conservative yet we still need to get rid of this water. It is better off going back into the aquifer than it is going into the river.

Councilwoman Rhodes asked if there was some way that instead of discharging it into the river that they could discharge it onto public land. Ms. Dewees stated they need the public land to do that with. A lot of facilities have golf courses, which is the biggest user of reclaimed water

in most communities. We try to store as much as we can. We do use it in the parks. We use it on the medians. We are using it as best we can in the public entities that we have.

Councilwoman Rhodes asked how much is discharged into the river in a year. Ms. Dewees informed her millions of gallons. Mayor Thomas stated but we can only discharge so much. Ms. Dewees believed it was 830,000 gallons per day on average.

Councilman Cooper commented on doing a survey on how many more homes they could offer reuse water to before they get into the problem. The problem is you get into a drought situation and everybody wants to water and now there is a shortage but there are three huge tanks holding water. The City needs revenue and this is one of his revenue areas on the 37 items from seven months ago that was there. If they did a survey and turned around and said they could have more reuse users because that water goes back to the aquifer and we are throwing it in the river anyway which we have to pay for. He questioned paying to discharge the water. Ms. Dewees informed him we pay to have the water treated and whether we put it into reclaimed or discharge there is only one more step in that process to discharge it into the river. There is no fee for the actual discharge.

Councilman Cooper stated his thought was use what they can and give it back to the citizens and put it back into the aquifer and raise some money for the City. There is a question on not wanting to run new lines. You can't offer it where you can't afford to run new lines but where they have the lines already in there let's put the water out there. All we are doing is bettering our own environment. This proposal they are getting is the big cities such as Orlando. In a City likes ours, every City is a separate entity. We don't use it up. Mayor Thomas stated we are all drinking it out of the same CUP. He thought Volusia was the only county with a Water Authority where the cities meet and talk about the problems and discuss how to use the water.

City Attorney Ansay stated there is one group that is loosely formed. Volusia County is known for being one of the first organizations in the State that had a cooperative group of municipalities coming together. Others in Flagler and now in the Taylor Creek Region near Orlando have come

together but they have done it after they have watched this model that has taken some steps forward and a lot of steps backwards over the years.

Mayor Thomas stated they want to dictate and confuse the public and then they want to tell them the cities are going to have to enforce the rules.

Mayor Thomas expressed his appreciation for covering him at the RCC meeting and the radio station.

Mike Visconti suggested putting the excess water into the retention ponds, which are very low right now. Mayor Thomas stated what this resolution is going to do is go to St. John's to try to get their attention.

## **6. CONSENT AGENDA**

- A. A request to "piggyback" Martin County's Sodium Hypochlorite Bid to be utilized in the disinfection system at the Alan R. Thomas Water Treatment Plant

Acting City Manager Barlow made a staff presentation.

**Councilwoman Rhodes moved to approve the Consent Agenda, second by Councilwoman Rogers.**

**The MOTION CARRIED 4-0.**

Councilman Cooper wanted to verify that the .698 figure that was basically agreed or negotiated in Martin County that we were paying more. Ms. Dewees stated we were paying less. What it was was directly related to fuel and transportation costs. Acting City Manager Barlow explained the reason we piggybacked that was so we could share the administrative services among various different governmental agencies throughout Florida.

## **7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

- A. Ordinance No. 2008-0-05 - James C. Carder, requesting an amendment to the Comprehensive Plan Future Land Use Map to include property located east of US Highway 1 and north of Godfrey Road as Low Density Residential with Conservation Overlay and Commercial with Conservation Overlay

City Attorney Ansay read Ord. 2008-0-05 into the record.

Development Services Director Darren Lear made a staff presentation.

Councilman Cooper asked Mr. Lear to go point out why this is a win-win situation. Mr. Lear explained they have proposed larger lot sizes. At this point they are just doing the future land use. Right now they are just looking at the densities of the property.

Councilwoman Rogers liked the size of the lots. Mayor Thomas stated he briefly talked to Mr. Carder today and they talked about the lot sizes and the type of homes and he thinks this is good.

Mayor Thomas opened the public hearing.

**Bill Moriarty**, Godfrey Road, commended Council for what he knows has been a sound growth management policy in the past. He is happy to be here for four years. He was involved in the last request to rezone this property. The residents had a strong opposition to that. He is not necessarily not in favor of this but he does have some concerns. This is only the front half of the parcel that goes to the river. The next part of the parcel is much lower land, wetlands, very environmentally sensitive. He has been a Florida resident since 1961. He saw what happened to Miami Dade County and the Florida Keys. He wants the City not to be part of that. He has a great deal of concern even though this is the first step of the process that everything in that area be protected. Godfrey Road is a small residential street with a lot of children down there and he assumed there would be access off of Godfrey Road to the residential development. They have concerns about that. He noticed in the ordinance that there is a requirement that the adjacent jurisdictions within a quarter mile be notified and the City Clerk has advised him that that particular requirement only applies to the County. He asked if it isn't the City that has the obligation to notify the residents within a quarter why would the County not be so required.

City Attorney Ansay explained the notice requirements are provided for in the Statute and they are following the notice requirement. If the notice requirement requires

notification of jurisdiction verses property owners that is what is being done. Mr. Moriarty asked if the County has an obligation to notify the residents. City Attorney Ansay informed him he would have to ask the County what their policy is. Mr. Moriarty stated nobody in his neighborhood knew about this. On the back half of the property before you get to the part that wasn't annexed into the City of Edgewater, the owner of that property has been trying to cut a road illegally through the swamp in there. He thought he was stopped on that. Hew as concerned with who is monitoring that property and what is happening there.

Councilwoman Rhodes stated all of this is approved with a Conservation Overlay, which means all of that will be dealt with as the process goes on. There is concern for that.

Mayor Thomas asked how much wetlands were on the Carder's piece of property. Carl Carder informed him there were very little wetlands on their parcel. They have approximately 1 acre of wetlands.

Councilman Cooper stated as far as they know there is nothing in the works to help build here. He understood the concern of the back section.

Mr. Moriarty stated he isn't against responsible growth in any jurisdiction but even though he only has the back part that is a wetland it discharges directly into the Lagoon.

Acting City Manager Barlow stated the Conservation Overlays are red flags that say there may be some concerns there and they need to dig deeper before there is any dirt turned. That is the purpose of those conservation overlays to make sure they don't miss those opportunities.

Mr. Moriarty stated he has seen what irresponsible growth management does to an area. He commended council for the way Edgewater is now and he hoped they would work to keep it that way.

**NoraJane Gillespie**, 3588 Omni Circle, also commented on not being notified by the County and not knowing anything about this until she looked at the agenda.

Councilwoman Rhodes thought it was in our Land Development Code that we had to notify people within 500 feet. Mr. Lear stated it is 300 feet and what will happen is when it

gets to the rezoning application they will be notified for the rezoning. This was merely the future land use amendment tonight. It is over 10 acres and by Florida State Statute the future land use you don't have to notify for over 10 acres. This is in our policy and application, not the Land Development Code.

Mayor Thomas closed the public hearing.

**Councilwoman Rhodes moved to approve Ord. 2008-0-05, James C. Carder, requesting an amendment to the Comprehensive Plan Future Land Use Map to include property located east of US Highway 1 and north of Godfrey Road as Low Density Residential with Conservation Overlay and Commercial with Conservation Overlay, second by Councilman Cooper.**

**The MOTION CARRIED 4-0.**

Mayor Thomas called a ten-minute recess at this time. The meeting recessed at 8:05 p.m. and reconvened at 8:15 p.m.

B. Ordinance No. 2008-0-04 - Transmitting the Evaluation and Appraisal Report (EAR) for the City's Comprehensive Plan

City Attorney Ansay read Ord. 2008-0-04 into the record.

City Clerk Wenzel went over the Planning & Zoning Board recommendations.

Jim Shira, B & H Consultants, made a presentation by describing the process they went through. The first reading of the ordinance will effectively send this document to DCA and it will tell them that this is our EAR. They will review it. If they have any issues or concerns they will send a report back to the City. They will take their issues and merge them into the document. The revised document comes back to Council one more time and that will be the second reading and adoption of the EAR. At the time that is adopted it goes back to DCA and they will have 30 days to tell the City whether or not they think they have covered all the issues they were concerned about. They will issue a notice of sufficiency or insufficiency. Assuming they find it to be sufficient the City will have 18 months to make whatever changes to the Comprehensive Plan that are needed in order to incorporate the

recommendations that are in the EAR having to do with those particular issues.

Councilwoman Rhodes felt they did a great job. She was sure it was not the easiest thing to do and it certainly took long enough. She appreciated all of the hard work.

**Councilwoman Rhodes moved to approve Ord. 2008-0-04, Transmitting the Evaluation and Appraisal Report (EAR) for the City's Comprehensive Plan with the Planning & Zoning Board's recommendations, second by Councilwoman Rogers.**

**The MOTION CARRIED 4-0.**

#### **8. BOARD APPOINTMENTS**

- A. Planning and Zoning Board - Mayor Thomas to fill the unexpired term due to the resignation of Dave Ross, whose term expires on February 29, 2009. The Board has recommended the appointment of Justin Kennedy.

Mayor Thomas recommended Justin Kennedy be appointed to the Planning & Zoning Board.

**Councilwoman Rhodes moved to approve Mayor Thomas' appointment of Justin Kennedy to the Planning & Zoning Board, second by Councilman Cooper.**

**The MOTION CARRIED 4-0.**

#### **9. OTHER BUSINESS**

- A. Event License Agreements - Agreements with Now, Inc., and the Edgewater-New Smyrna Cemetery giving the City approval to utilize vacant property at the corner of Lamont Street and N. Ridgewood Avenue and the Cemetery for parking during the 4<sup>th</sup> of July Fireworks event to be held on July 4, 2008 and authorization for the Mayor to execute both Agreements

Councilwoman Rhodes stated usually when they get these they have the insurance liability from the companies that we are dealing with. Acting City Manager Barlow stated this is for the City of Edgewater's request for the utilization of these two pieces of land for parking. The City assumes

this. Acting City Manager Barlow explained this agreement holds the property owners harmless of any incident that happens on this property because the City is utilizing it. Their insurance will not be affected by this.

Acting City Manager Barlow stated there may be one more parking agreement at the next Council meeting from the church across the street.

**Councilman Cooper moved to approve the agreements with Now, Inc., and the Edgewater-New Smyrna Cemetery giving the City approval to utilize vacant property at the corner of Lamont Street and N. Ridgewood Avenue and the Cemetery for parking during the 4<sup>th</sup> of July Fireworks event to be held on July 4, 2008 and authorization for the Mayor to execute both Agreements, second by Councilwoman Rhodes.**

**The MOTION CARRIED 4-0.**

B. Police Cars - Authorization to purchase four Ford Crown Victoria patrol vehicles from Duval Ford for replacement of older, high mileage vehicles and to enter into a Capital Lease/Purchase Agreement with Wachovia Bank in the amount of \$106,080

Acting City Manager Barlow made a staff presentation.

Councilman Cooper asked about this being a lease option and these being a tax right off. Acting City Manager Barlow informed him we own them at the conclusion.

Councilman Cooper stated they are getting rid of four and purchasing four new. Lots of time equipment from before leaving can be installed into the new ones unless they have another venue for these four vehicles. He asked what they are going to do with these vehicles. Acting City Manager Barlow informed him they would be sold and a majority of the equipment from there will go into the new vehicles.

Councilwoman Rhodes asked if they could deal with anybody else other than Duval Ford. Acting Police Chief Bennett stated they have gotten quotes from other dealerships and they are all within about \$100 of each other. They have purchased vehicles from Duval Ford for many years in the past. He saw no reason to get away from them. Acting City

Manager Barlow informed him they are also part of the Sheriff's Department bid so we wouldn't have to rebid them.

Councilwoman Rhodes stated she saw they had two bids from banks, Sun Trust and Wachovia. Sun Trust has a lower interest rate. She asked why they decided to go with Wachovia. Acting Police Chief Bennett informed her he believed there was an additional cost with Sun Trust. Acting City Manager Barlow stated when Finance Director McKinney went through he determined Wachovia was the cheapest when you actually added in all the other fees.

Councilwoman Rogers stated Wachovia we bank with otherwise and generally what they will do is give you a break on these automatic payments if you have a banking relationship.

Councilwoman Rhodes asked if they looked into plain leasing the cars without the lease option. She mentioned leasing them for five years and give them back to them. Acting Police Chief Bennett said he didn't think they would want them back after that. The average patrol car accumulates approximately 30,000 miles per year. At the end of the day they don't have a lot of value to them. Mayor Thomas pointed out with a lease agreement you can only put but so many miles on a car.

Councilman Cooper stated this is a lease purchase which means after five years there is a buy out clause which gives them every tax break they get on a straight lease. Acting City Manager Barlow stated with these we own them at the end of five years. In the past they have done different studies with different companies that offer lease vehicles to government entities and it is difficult at best to find them that do it for law enforcement because of how rugged they are on the law enforcement automobiles. He agreed to look at this going forward with administrative vehicles.

Councilwoman Rhodes commented on the City leasing the motorcycles for \$1 per year. Acting Police Chief Bennett stated those motorcycles are individually assigned to officers. They are only ran for a period of time and they don't put the mileage on them that the patrol car does.

Mayor Thomas asked if these four vehicles would be going into the fleet. Acting Police Chief Bennett commented on

using the buddy system where two individuals share a car. They don't actually have a take home plan. Mayor Thomas thought they approved that. Acting Police Chief Bennett stated they don't have enough vehicles for that. These vehicles are going directly into patrol.

Councilwoman Rhodes commented on looking into smaller engine cars for the CID and things of that nature. Acting City Manager Barlow commented on the cars we currently have for CID. He then commented on the comparison they did with the Chevy Impala.

Mayor Thomas asked the mileage on the cars. Acting Police Chief Bennett informed him 182,000, 123,000, 122,000 and 117,000.

Acting City Manager Barlow informed Mayor Thomas the next four that are slated to be replaced hopefully going into next year's budget have 131,000, 133,000, 111,000, and 122,000 already.

Councilwoman Rhodes stated the way the Chief explained it to her the way they are going to be able to afford these is by not filling positions that are open. Acting Police Chief Bennett stated any way you look at it, whether you look at the Police Chief or the Deputy Police Chief position that package is worth \$104,000. We have four police officer openings. Those packages with benefits are \$46,000 plus equipment, which is over \$50,000 per package there. Just in that they are looking at \$300,000. They also have an evidence tech position opening that was budgeted in the neighborhood of \$50,000. Personnel costs alone are \$350,000. If they did this lump sum and paid for the lump sum the cost would be over \$100,000. By stretching it out and financing it over a period of time it is only a \$23,000 hit. The remainder of those they have discussed leaving those open until they know the impact of Amendment 1.

Councilman Cooper expressed concern with making a commitment on positions not hired and leaving them void and this is a five-year commitment. They have to tow the line for five years. He asked about the \$1,960.13. He was sure Finance Director McKinney was justifying it because we can afford it. Acting City Manager Barlow assured through the Finance Director that through some of those efficiencies he discussed this evening we have to afford it. Acting Police

Chief Bennett stated they have been asked to stretch the dollar so they are doing some shuffling around of positions.

Councilwoman Rhodes felt we also need a Capital Improvement budget line item so we don't have this. Acting City Manager Barlow stated a replacement fund.

**Councilwoman Rhodes moved to approve the \$105,920 for four new police cars.**

Mayor Thomas stated he thought it was \$106,000. Councilwoman Rogers stated \$106,080. Councilwoman Rhodes stated \$105,920. They could round it up to \$106,000. Councilwoman Rogers stated 9B says \$106,000. Acting City Manager Barlow stated this is a final rate that he negotiated.

**Councilwoman Rhodes made a motion to approve four new police cars at the price of \$26,520 each.**

Mayor Thomas stated he had been informed they had to do public comment before they voted on this.

Mayor Thomas opened the public hearing.

**Todd Anderson**, 1404 Needle Palm Drive, asked if they were for 2008 or 2009 cars. He was informed 2008. Mr. Anderson stated the base price on those cars is \$19,846 times four that is \$79,384. He asked if they are paying \$26,000 in interest. Acting Police Chief Bennett commented on the additional cost having to do with the equipment put on the cars. Mr. Anderson asked if they could transfer the light bars, the cages and the computers, strobes, wig wags, and airbag shut off switches. He does this. Councilman Cooper stated he has a certain amount that he is switching. Acting Police Chief Bennett stated the base price with nothing in the vehicle that is what the cost is. Mr. Anderson asked if they were going to toss what they have in the cars currently. Acting Police Chief Bennett stated he wasn't going to change one arm rest to another arm rest. Mr. Anderson stated he was talking about equipment as far as the strobes, the things they need on the cars. Acting Police Chief Bennett stated the light bars will be saved at the barn and they will be used for spare parts for one that is broken. He commented on the light bars on these cars being out in the weather for four years also. Mr. Anderson

stated he has patrol cars that he has changed light bars over the last four years and they recycle them and they still work. Mr. Anderson was concerned because he felt there was a lot of money going out the window right there.

Mr. Anderson asked about the proposed budget for FY07-08. They had listed \$49,800 and asked if that was already used for police vehicles.

Acting City Manager Barlow agreed to do some research and get back with Mr. Anderson. To the best of his knowledge all capital was removed from last year's budget.

Mayor Thomas entertained a motion.

**Councilwoman Rhodes made a motion to approve four new police cars at the price of \$26,520 each, second by Councilman Cooper.**

**The MOTION CARRIED 4-0.**

#### **10. OFFICER REPORTS**

##### **A. City Clerk**

City Clerk Wenzel had nothing at this time.

##### **B. City Attorney**

City Attorney Ansay had nothing at this time.

##### **C. City Manager**

Acting City Manager Barlow stated back at the January 17<sup>th</sup> meeting the Council made a motion to have no future contracts except for Charter officers, City Manager, City Attorney and City Clerk. He is in the process of updating the personnel policy to address some of that as well as looking to bring on a replacement Victim Advocate under the grant we have. He wanted to make sure when they made that motion it didn't include limited term employment contracts, which is identified in the personnel policy. This allows the City Manager to do limited term employment contracts for grant positions, such as the Victim Advocate or after a disaster when they have to hire people to come in and help us with some record keeping. He needed direction from Council if they are comfortable continuing with the limited

term contracts. Councilman Cooper thought the meeting they had addressed the five director contracts that were still outstanding only.

Councilwoman Rhodes asked why they need a contract. Acting City Manager Barlow explained he has to have some how to bring them on to work.

Mayor Thomas thought they were all under shock from the contracts they were having to fulfill. He didn't think they had the foresight to give him any leeway in a position such as he described.

Councilwoman Rhodes would like to revisit the contract issue at some point. Acting City Manager Barlow informed her at this point in time he is trying to bring on a Victim Advocate because we have the grant for that. Councilwoman Rhodes had no problem with that. Acting City Manager Barlow agreed to move forward.

Acting City Manager Barlow commented on needing direction before we have a declared emergency. Councilwoman Rhodes confirmed these contracts do not include severance packages. Acting City Manager Barlow explained if they release the Victim Advocate they give them two weeks notice and vice versa.

Councilwoman Rogers questioned these positions not getting unemployment benefits. Acting City Manager Barlow informed her to the best of his knowledge they do not. City Attorney Ansay stated not if they are terminated in accordance with the contract.

Mayor Thomas appreciated Acting City Manager Barlow following their direction to the letter. He thinks they need to discuss this.

Councilwoman Rhodes stated she had no problem with Acting City Manager Barlow negotiating a contract that has nothing longer than a two-week severance package for anybody.

It was the consensus of Council to make the changes to the personnel policy.

Acting City Manager Barlow wanted to talk to Council about some upcoming meetings and workshops they need to schedule. He requested a workshop on July 21<sup>st</sup> from 6 p.m. to 7 p.m.

before the regular meeting for a presentation on the cost allocation study that Council authorized some time back.

Acting City Manager Barlow stated in August Finance Director McKinney sent out the timelines for the budget calendar. Based on those timelines that is going to place either a workshop or Council meeting on every Monday in August, August 4<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup> and 25<sup>th</sup>. If Council wanted him to he could try to make a light agenda or no agenda on the 4<sup>th</sup> and just cancel the regular Council meeting and just do the workshop on August 11<sup>th</sup> and August 25<sup>th</sup> with one meeting on August 18<sup>th</sup>.

It was the consensus of Council to cancel the August 4<sup>th</sup> meeting.

Acting City Manager Barlow stated August 11<sup>th</sup> is going to be the General Fund workshop at 6 p.m. August 18<sup>th</sup> they will have the workshop at 6 p.m. for the Rate Study. August 25<sup>th</sup> they will do the Enterprise Fund workshop at 6 p.m.

Acting City Manager Barlow passed out draft ordinances of ballot language from the Charter Review Committee that will be on the next agenda, June 16<sup>th</sup>.

#### 1) Tentative Agenda Items

There were no Tentative Agenda Items to be discussed at this time.

#### **11. CITIZEN COMMENTS**

There were no Citizen Comments at this time.

#### **12. ADJOURNMENT**

There being no further business to discuss, Councilwoman Rhodes moved to adjourn. The meeting adjourned at 8:55 p.m.

Minutes submitted by:

Lisa Bloomer, CMC  
Deputy City Clerk