

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
MAY 5, 2008
7:00 P.M.
COMMUNITY CENTER

MINUTES

THESE MINUTES WERE DONE FROM NOTES TAKEN BY THE CITY CLERK
DUE TO THE MEETING NOT RECORDING.

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	Present
Councilwoman Harriet Rhodes	Present
Councilman Ted Cooper	Present
Acting City Manager Tracey Barlow	Present
City Clerk Bonnie Wenzel	Present
Assistant City Attorney Michael Ciocchetti	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 17, 2008

Councilwoman Bennington moved to approve the January 17,
2008 minutes, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DON
ATIONS

A. Mayor to proclaim the week of May 4-10, 2008
Arson Awareness Week

Mayor Thomas read a proclamation declaring May 4-10, 2008 as Arson Awareness Week.

Mayor Thomas spoke about arson and how hard it is to identify and solve.

B. Mayor to recognize members of Cub Scout Pack 425 for the beautification of 115 E. Park Avenue on March 26, 2008 and volunteers from the Boys & Girls Clubs for their assistance at the City of Edgewater's 1st Environmental Event on April 4, 2008

Tyna Hilton explained what the Boy Scouts did at the site. She stated they fundraised to purchase the supplies and completed all of the work as a community service project.

Mayor Thomas recognized each child and presented them with a certificate.

C. The City of Port Orange to present an award of Appreciation to the City of Edgewater's Mayor, City Council and City Manager, acknowledging continued support participation in the Region Fire, Rescue & EMS partnership

This item was moved to May 10, 2008.

4. CITIZEN COMMENTS

The following citizens spoke:

Dave Ross, 2803 Needle Palm Drive, talked about his dream of Edgewater. He stated the City should annex the Miami Corp property and give them the same rights as Restoration. He said the City should ensure that the S.R. 415 connection with a bridge to the beach gets done. He further spoke of his dream and stated he would continue at the second citizen comment section.

Don Vosburgh, 110 Whetzel Ave, stated his property has been vacant for four years and he has not had water services. He would like to see better numbers as he continues to get a water bill even though there is no service there. Councilwoman Rogers asked if he had contacted the water department. She stated the bill he provided indicated there was a previous balance. Mr. Vosburgh stated he had

not. Councilwoman Rogers informed him they should be the last stop. Councilwoman Rhodes commented on this not being the first bill. The bill shows the last payment was made in 2004. Acting City Manager Barlow asked Finance Director John McKinney to set up an appointment with him and send it back to Council if the issue is not resolved. Finance Director McKinney stated he thought he talked to someone last week about this property. Mr. Vosburgh stated he may have put the cart before the horse.

5. CITY COUNCIL REPORTS

Councilwoman Bennington had nothing at this time.

Councilwoman Rhodes had nothing at this time.

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

Mayor Thomas updated everyone on his recent activities. He stated he and Acting City Manager Barlow went on WSBB radio and discussed the budget. He & Councilman Cooper gave a proclamation at the torch run. He talked about the VCOG Smart Growth meeting that day and he also provided information on Cracker Day and the Indian River Cleanup. He further spoke of these events. He felt each Councilperson could each do a weekly spot on WSBB. They could alternate so it would not be too time consuming for each person. He stated he received a call for someone to attend the Memorial Ceremony at New Smyrna Beach/Edgewater Cemetery. Councilman Cooper stated he would be glad to attend. He stated that the Volusia League of Cities has a dinner each month each hosted by a different city. He has noticed that Edgewater has not hosted one since he has been in office and wondered why. Councilwoman Rhodes stated the last one Edgewater hosted was at the YMCA after it first opened. The hosting cities are on a rotation basis. She stated that the City does not initiate the dinner. The consensus of Council was for the City of Edgewater to host a dinner. They would like City Clerk Wenzel to look into this.

Robert Burns, Observer, stated he thought the window of opportunity was between 7:00 a.m. and 9:00 a.m. for WSBB.

Mayor Thomas stated each Councilperson could pick the subject to discuss on the air. Councilman Cooper

reiterated they could pick topics and share the information.

Councilwoman Rogers had nothing at this time.

6. CONSENT AGENDA

There were no items on the Consent Agenda to be discussed at this time.

7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. 2nd Reading, Ordinance No. 2006-O-17, James C. Carder requesting an amendment to the Official Zoning Map to include .24+ acres of land located along the southwest corner of Falcon Avenue and Mariners Gate Court as R-4 (Multi-Family Residential)

Assistant City Attorney Ciocchetti read Ord. 2006-O-17 into the record.

Due to there being no comments, Mayor Thomas opened and closed the public hearing and entertained a motion.

Councilwoman Bennington moved to approve Ord. 2006-O-17, James C. Carder requesting an amendment to the Official Zoning Map to include .24+ acres of land located along the southwest corner of Falcon Avenue and Mariners Gate Court as R-4 (Multi-Family Residential), second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

- B. 1st Reading, Res. No. 2008-R-06, Stipulated Settlement Agreement between the City of Edgewater and the Department of Community Affairs to resolve issues of non-compliance related to the Capital Improvement Element and Public School Facilities Element of the Comprehensive Plan

Assistant City Attorney Ciocchetti read Res. 2008-R-06 into the record.

Acting City Manager Barlow gave a summary of concerns within the Public School Facilities Element of the

Comprehensive Plan. He stated the DCA wanted additional language put into the document.

Councilman Cooper explained the language change to those in the audience.

Mayor Thomas asked if they had a choice. Development Services Director Darren Lear stated no.

Development Services Director Lear thought they tried to adopt it by the February 1, 2008 deadline and thought they were okay.

Mayor Thomas entertained a motion.

Councilwoman Rogers moved to approve Res. 2008-R-06, Stipulated Settlement Agreement between the City of Edgewater and the Department of Community Affairs to resolve issues of non-compliance related to the Capital Improvement Element and Public School Facilities Element of the Comprehensive Plan, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

C. 1st Reading, Ord. 2008-0-03, Amending the Comprehensive Plan to include a Public Schools Facilities Element per the Interlocal Agreement with Volusia County Schools

Assistant City Attorney Ciocchetti read Ord. 2008-0-03 into the record.

Acting City Manager Barlow explained this Ordinance adopts the remedial plan for the Public Schools Facilities Element.

Mayor Thomas entertained a motion.

Councilman Cooper moved to approve Ord. 2008-0-03, Amending the Comprehensive Plan to include a Public Schools Facilities Element per the Interlocal Agreement with Volusia County Schools, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

8. BOARD APPOINTMENTS

There were no Board Appointments at this time.

9. OTHER BUSINESS

- A. SP-0804 - Halstead Resources LLC requesting site plan approval for a commercial development with a building footprint of approximately 30,106 square feet located on W. Marion Avenue

Development Services Director Lear made a staff presentation. He provided background information and stated the proposal is for Industrial flex space and that there would be a 135+ buffer to the residential property to the north. He stated that staff recommended approval.

Mayor Thomas entertained a motion.

Councilwoman Bennington moved to approve SP-0804, conceptual approval for a commercial development with a building footprint of 30,106+ square feet, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

- B. Environmental Monitoring of Wetlands - Authorization for the Mayor and/or City Manager to execute Work Order No. 2007-01 with CPH for engineering services for the monitoring of wetlands in areas around City wells.

Mayor Thomas stated this item would be continued to a later date.

- C. Sludge Hauling and Disposal - Authorization for the Mayor to execute an agreement with H&H Liquid Sludge Disposal to provide services related to sludge hauling and disposal from the wastewater treatment plant

Acting City Manager Barlow stated this request was a renewal of an existing agreement; the City has used this company since 2003 and recommended approval.

Councilman Cooper asked if the cost had gone up? Acting City Manager Barlow stated yes, some. Councilwoman Bennington asked how long the contract was for. Acting

City Manager Barlow stated it had one-year automatic renewals for five years.

Councilman Cooper moved to approve the agreement with H&H Liquid Sludge Disposal, Inc. and authorize the Mayor or Acting City Manager to execute the document, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

D. Utility Impact Fee and Rate Study - approval of Work Order No. 2004-03 and authorization for the City Manager to execute the document with B & H Consultants to perform a Utility Impact fee and Rate Study on all City Utilities

Acting City Manager Barlow stated this is part of the City's due diligence and studies to organize. They will not be adopting rates. The study will show them where we are and where we should be. This is part of the cleanup and will allow them to account for all services.

Councilwoman Rhodes asked why they needed to pay for a study and questioned why the Utility Department couldn't do this? Acting City Manager Barlow stated there was not enough staff to do this. Councilwoman Rhodes stated this would require a budget amendment of the General Fund. Mayor Thomas stated if we don't raise rates we will lose money in the future.

Finance Director McKinney stated that was a fair assumption but they have to make sure they are getting a fair rate to cover costs.

Councilwoman Rhodes stated and they need a \$58,000 study to accomplish this. Councilwoman Rogers stated this was also an impact fee study. She stated that they could figure out utility rates.

Finance Director McKinney stated there was a \$27,190 fee for the impact fee portion of the study. He added that he and Brenda Dewees could come up with the utility study but it comes down to time.

Acting City Manager Barlow reminded Council that staff was also doing the CAFR in-house for the first time right now. Finance Director McKinney stated the studies would be paid

by water/sewer/refuse/stormwater funds; the money is there and this was the lowest proposal.

Councilwoman Bennington asked what the time frame was. Finance Director McKinney stated 90 days. He added that the cost study, if done in house, would not be done for the upcoming budget hearings.

Councilman Cooper stated the fee seems to be more than \$58,000. Finance Director McKinney stated since the agenda was completed the cost came down to \$58,000.

Councilman Cooper asked if we could do part of the study? Finance Director McKinney stated a stormwater rate study was completed in 2006 but the rate increase was not implemented, only a cost of living increase was done. Councilman Cooper stated if we raise rates it seems unfair to raise the rate to cover the study. He asked if we have a legal obligation to supply the survey before they raise rates. Assistant City Attorney Ciocchetti stated there has to be a nexus between the change and the rate but it could be done other ways.

Mayor Thomas felt they were between a rock and a hard place. We have a skeleton crew and not enough time. Councilwoman Rhodes stated it could be done in August. Councilwoman Bennington stated if they only do the impact fee study it would be \$27,000. Finance Director McKinney said no, there were two separate proposals.

Acting City Manager Barlow informed Council they could do part now and the rest later. Councilwoman Rhodes stated they could change rates any time. Councilwoman Bennington stated they should do it all at once. Councilwoman Rogers felt they needed to do it while they were doing the budget. Finance Director McKinney stated the study was required by the Comprehensive Plan. Councilwoman Bennington stated it would cost them either way. Councilwoman Rogers stated you have the money. Finance Director McKinney stated it comes down to time. Councilman Cooper asked him if he and Ms. Dewees could prioritize three areas what would be the most important. Finance Director McKinney stated the rate study.

Finance Director McKinney stated it is a fee for a service. Councilwoman Rogers stated the utility liens should not negate what the Code Board has done.

Mayor Thomas opened public hearing.

The following citizens spoke:

Mike Visconti, 316 Pine Breeze Drive, stated with all our resources he agreed with Councilwoman Rhodes about spending \$58,000. You tell me there is no one on staff to do it. Councilwoman Rogers stated she first thought that but no they have to go forward to clean up and fix this. Everyone's plate is full. She thinks they need this. Mr. Visconti asked if John McKinney was capable of completing the study. Acting City Manager Barlow stated it was not that that he was not capable. It was that we have many people doing two jobs. Staff is at capacity and there is just not enough time. Mr. Visconti stated if they take more time it would be better. Councilwoman Rhodes stated that John McKinney convinced her.

Karen Mason, 1847 Coco Palm Drive, asked what use is it to do the study and asked if they are using last year's numbers. Councilwoman Rogers stated she assumed they would use the previous year's data. Councilwoman Bennington stated they would go 12 months back. Councilman Cooper asked if they were going to compare this to other cities. Finance Director McKinney informed him that was correct.

Councilwoman Rhodes moved to approve Work Order 2007-03 and to authorize the Acting City Manager to execute the document and the necessary Budget amendment to fund the study, second by Councilwoman Bennington.

The MOTION CARRIED 4-1. Councilman Cooper voted NO.

E. Paving of North Flagler Avenue - authorization for the City Manager to execute a contract to pave 650 feet of North Flagler Avenue, north of Park Avenue

Acting City Manager Barlow informed Council he was working with Brenda Dewees and Darren Lear on getting this road paved. He stated that Tarmac has offered \$20,000 worth of concrete and the rest at cost. They have a labor quote of \$19,175, which would bring the City's cost to between \$26,675 and \$27,500 for the entire job. He stated they are also trying to contact a gas company to bring their regional office there and also do some paving. This may cover the rest of the cost.

Councilman Cooper stated if they go to the railroad our end of the road would deteriorate quickly. He asked if they could agree that they (Tarmac) will fix it.

Acting City Manager Barlow stated that all property north of the tracks was private. He stated that they couldn't make them pave the road. They can't make Tarmac take that responsibility. He stated they are using concrete, which is more durable. He added that they could stop at 480 feet. Councilwoman Rhodes stated it was a good deal.

Councilwoman Rhodes moved for Acting City Manager Barlow to do the deal with Tarmac with a ceiling at \$30,000 and to continue negotiations with the gas company, second by Councilman Cooper.

The MOTION CARRIED 5-0.

F. Ratification of the Police Union Contract
(Teamsters)

Mayor Thomas stated this item would be continued to a later date.

10. OFFICER REPORTS

A. City Clerk

City Clerk Wenzel updated Council on the Charter Review Committee to date.

B. City Attorney

Assistant City Attorney Ciocchetti had nothing at this time.

C. City Manager

1) Tentative Agenda Items

Acting City Manager Barlow stated the Teamsters would vote on May 27th. He stated he would like to set up a tentative Executive Session. City Council decided to wait for the vote then set it if it was needed.

Acting City Manager Barlow informed Council the contract with Willie Wood had been signed for the Wastewater Maintenance Building.

Acting City Manager Barlow updated Council on the 4th of July fireworks. He stated the three boat manufacturing companies within the City will sponsor the event and there would be a boat show. He added that there would be no cost to taxpayers for the event this year.

Councilman Cooper asked if there could be a special presentation to the boat manufacturers for supporting the event. Acting City Manager Barlow stated they could do plaques.

Acting City Manager Barlow stated the grant application was complete for a traffic light at Turgot and U.S. #1.

Councilwoman Rhodes asked about a traffic light at S.R. 442. Acting City Manager Barlow stated there was a traffic light planned at Air Park Road. Councilwoman Rhodes stated she would like to see one closer to the railroad tracks. Acting City Manager Barlow stated after Air Park Road they could request Volusia County do a study. Councilman Cooper asked about the appointment with John Massey. Acting City Manager Barlow informed him it had not been set yet.

11. CITIZEN COMMENTS

The following citizens spoke:

Mike Visconti, 316 Pine Breeze Drive, stated Memorial Day was on May 30th, there were two days a year to honor vets. He would like to see them recognized more. He would like to see on the next agenda the DVD & song. It is a tribute to our vets and about five to ten minutes long. Councilwoman Rhodes suggested playing it prior to the meeting.

Dave Ross, 2803 Needle Palm Drive, repeated his statements from earlier. This is not a pipe dream. He was inspired by the leadership at the Restorations workshop. We need a new name for the City if the image of Edgewater no longer applies. He suggested Miami North. He said he will also honor Miami Corp Road from the center of the State but the name should not be numbers, it should be "The Mica, Hayman, Lott, Cooper Road Kill Expressway.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:38 p.m.

Minutes submitted by:

Lisa Bloomer, CMC, Deputy City Clerk
Bonnie Wenzel, City Clerk