

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
APRIL 7, 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 October 18, 2007

Councilwoman Rogers moved to approve the October 18, 2007 minutes, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

B. Regular Meeting of November 5, 2007

Councilman Cooper moved to approve the November 5, 2007 minutes, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

C. Regular Meeting of December 3, 2007

Councilman Cooper moved to approve the December 3, 2007 minutes, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

D. Regular Meeting of December 17, 2007

Councilwoman Rhodes moved to approve the December 17, 2007 minutes, second by Councilman Cooper.

The MOTION CARRIED 4-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

- A. Mayor to present a proclamation to David Bubb, Executive Director of the Regional Communications Center, proclaiming the week of April 13, 2008 as National Public Safety Telecommunicators Week in the cities of Port Orange, New Smyrna Beach and Edgewater

David Bubb, Executive Director of the Regional Communications Center, explained what the Regional Communications Center was.

Mayor Thomas then presented Mr. Bubb with a proclamation declaring April 13, 2008 as National Public Safety Telecommunicators Week.

- B. Mayor to proclaim the month of April as Water Conservation Month

Mayor Thomas read the proclamation declaring April was Water Conservation Month. He then spoke about the Water Authority of Volusia and how important water conservation is.

4. CITIZEN COMMENTS

The following citizens spoke:

Dot Carlson, 624 Arts Center Avenue, thanked Mayor Thomas for his encouraging speech on the water. He knows where she stands on it. The Carlson's had a water bill this month at 1714 Edgewater Drive of \$386 and they don't live there. 40,000 gallons somewhere but there is not a leak.

They are hoping they are getting the meter thing fixed. She paid the bill and would expect a refund with interest.

Ms. Carlson stated water is not finite. It is going quickly. There is a town south of Orlando that is only allowing 100 gallons per day per person. The people thought that was fine until they realized that development was still going on and they didn't think that was too cool. They don't have the water and yet they are allowing development and that means they have less water. It doesn't make sense.

Ms. Carlson stated they are supposed to have a workshop with Restoration, Don Mears, GS Florida. Acting City Manager Barlow informed the Council they had to decide under his report whether they wanted to have it on April 28th or April 29th.

Ms. Carlson felt this was a very important meeting for Edgewater and they need to be here. This is something that is going to impact their lives forever.

Mayor Thomas asked Ms. Carlson if anybody was living at her house. His son, when he moved out of his house, had a large water bill and when he came home one day they had a hose from his house to another house. Ms. Carlson stated she checked that. Her neighbors have a pool but her spigots do not turn on. She has a well and if they used the well her electric bill would have been up, not her water. She has xeriscaping. Mayor Thomas stated they would check her meter. Ms. Carlson stated that was supposed to be done last week. She wanted an appointment with Acting City Manager Barlow but she for-goes that.

Carol Ann Stoughton, 2740 Evergreen Drive, commended Mayor Thomas for water conservation. They can say it but people have to learn how to do it. They could put something out suggesting ways to conserve water. The best way to save water is to realize about big developments coming in. We don't need big developments here. Flagler County has three years to run out of water. We have seven. The more people they put in a given place the more water they are going to use. They have to stop these mass developments unless they want to bring in Water Treatment Plants. She would like to know all the developments in the City, if all the developers that have come to town have paid for the work the town has used in employees such as Edgewater Lakes.

From what she understands it is millions of dollars we haven't gotten back from developers in this town. She didn't know what they owed us but asked that that be researched.

Ms. Stoughton stated people in Meadow Lakes came to her. She had a tourist book and mentioned that neither Edgewater nor New Smyrna was mentioned in the book. The Chamber of Commerce who wants money all the time and this other board who wants money all the time. The Chamber of Commerce in New Smyrna Beach needs about \$700,000 to rebuild their building. She didn't see them coming to Edgewater for money when they don't even advertise for us. The weather doesn't even say what is going on in Edgewater when you turn on the television.

Ms. Stoughton would like to see that certain City employees that live in far away places in the County, they take the company trucks home. With the price of gas she feels that has to stop.

Ms. Stoughton asked who obligated the City of Edgewater to pump the sludge out of Mission Oaks. She felt sorry for those people and stated that is County property. She felt the ulterior motive was so another development could be built in there. The drainage properties there are still like God put them there. In order to build that development they would have to build up Mission Oaks property eight foot high so those people don't swim. It is a sad state of affairs that they have to pay \$86,000 for the road. She asked who created the bungle of assessing the Mission Oaks onto the debt of Edgewater.

Mayor Thomas informed her her time was up and that she could finish her comments at the end of the meeting. Ms. Stoughton asked if she would get an answer. Acting City Manager Barlow stated she could call the office and he would make time to go over those and any other questions she has.

Mike Visconti, 316 Pine Breeze Drive, talked about conserving water. He suggested they catch the rain when it comes. Give each homeowner a 10 gallon barrel so they could catch the water and use it for plants instead of using hoses. It's not development coming in and they save water. They have to save water. He spoke of 22,000 homes and each home with a 10 gallons barrel, how much water are

they saving. This is the way to go. He spoke about an article in the newspaper three days ago about conserving water and there is a 10-gallon barrel available to conserve this water and catch it when it rains.

Rose Hoffman, U Sto It Mini Storage and Box & Ship Store, she built this facility in 2002 and she sold it and is managing it again. They want businesses to come to town. She opened a Box & Ship Store in there and she put a sign out there and she was in the process of getting a permit for the sign and the Code Enforcement woman told her as long as she knew she was going to get a permit she wouldn't bother her. The next thing she knows she sends a citation off to California. They got the permit and her sign is up. Her complaint was that all around town there are these flags and these banners and she has been complaining about it because they complained about her. What is good for one should be good for everybody but it is not happening that way. They have a fictitious name called the Box & Ship. There is one she complained about which they haven't even went there yet. As of last week she stopped by and complained about it again and they have flags out there and they are called the Box Shop and that still hasn't been addressed. The response was they didn't have enough people, they only had two Code Enforcement officers and they had a few citations out. She presented pictures of some of the complaints, which she took when she was first cited. She feels if she is going to be cited they should be doing it to everybody in town because she is going to be there every month complaining. If they are going to pick on her they better pick on everybody else. She feels it is right for all.

Councilwoman Rhodes stated for the record she agreed with her. Acting City Manager Barlow wasn't sure which addresses she was referencing but agreed to look into it. They can't cite everybody on the same day and are working their way through the City.

Ms. Hoffman presented Acting City Manager Barlow with her pictures and he took her name and number and agreed to call her with a follow up.

Nick Hammer, 197 Cloveridge Court, stated he knew the sidewalks in Meadow Lakes had been a question of concern for quite some time. He stated they have many sidewalks that are in need of repair. He asked how they go about

getting that corrected before someone gets seriously injured and whose liability it would be in terms of an injury, the homeowner of the property, the Homeowners Association, or the City. He would like to have it taken care of as soon as possible. They have at least four different spots. He has witnessed three or four people trip in front of his house.

Councilwoman Rogers stated the homeowners association he mentioned as far as they would want to see a copy of that so they could see where their liability begins and ends. She would then ask Darren if he was aware of anything.

Councilwoman Rhodes stated Acting City Manager Barlow has been working on this.

Acting City Manager Barlow stated they have copies of the Homeowners perspectives that it may be the responsibility of the homeowners. There is some language they weren't sure about so they ordered up the plat and their plat was received a couple of days ago and it is on Robin's desk. They will get the Homeowners Association perspectives also to the City Attorney and have her review those. It is his understanding it may be the Homeowners Association responsibility. Mr. Hammer stated the Association, not the homeowner. Acting City Manager Barlow stated through the Association that may hold the homeowner responsible. He agreed to try and get it resolved this week. Mr. Visconti brought it to their attention two meetings ago and they have been actively working on it since then. They have the costs if it is the City's responsibilities and they have identified the funds to take care of those. By the end of the week he hopes to have resolution to it.

Mr. Hammer asked if the questions and answers that are presented at meetings are ever published to the rest of the citizens of Edgewater or just answered separately. Are they published in the newsletter or the newspaper? Mayor Thomas stated they were trying to speed up the meetings. If they had a question, instead of going through a long answer, they assign the Department Head to contact the resident back with an answer.

Mr. Hammer stated some of the questions the lady before him had asked was something he would be of concern as well and he didn't want to call and ask for the same answer. He asked if there was a way to publish general questions and

answers. Other questions that are general in nature he would like to understand the answers to. If he misses a meeting he would like to know what happened and what the resolutions were. Councilwoman Rhodes stated the newspaper reports what happens at the meeting. Mayor Thomas stated the minutes are open to the public. Councilwoman Rhodes and Councilwoman Rogers pointed out they are also available on the City's website. Mayor Thomas stated the reason for doing that was to expedite the meetings.

Mr. Hammer referred to water conservation and asked how the rest of the City knows that this is Water Conservation Month. Mayor Thomas stated hopefully the Observer and the News Journal will print it and maybe it would go out in our newsletter. Acting City Manager Barlow informed him it was part of the newsletter and something else they could put online.

Bill Glaser, 1703 Needle Palm Drive, stated his heart bleeds for the poor folks in Meadow Lakes that actually have sidewalks. The folks in Florida Shores get to trip on beer cans and weeds. The purpose of his question of the week or month is how many police officers we are short now a days. Acting Police Chief Bennett informed him five.

Mr. Glaser stated he was wondering because he talked to an officer last week who informed him they are 15 officers short. Acting Police Chief Bennett stated the max was 10 but they are short five.

Mr. Glaser stated back when they had the blood letting in December, he thought 15 police officers have retired or left and the reason they left supposedly was the City Manager and the Chief of Police. He wondered since now, the last meeting, they said the City was running better than it had ever run before. He thought since they are now living in Utopia he figured every officer in the entire United States would be beating on Edgewater's door to come to work here. He was wondering if they were still short officers or whether they were fixing that problem. Councilwoman Rhodes stated we are short five and they are trying to fix it.

Acting Police Chief Bennett stated they have hired four police officers and are going to hire one more. They only have so many field-training officers, who are assigned by squads so they are only capable of training so many

individuals at one time. Their max would be five. To go through that process is 12 - 16 weeks. They have five more openings and they will go through the process again.

Councilman Cooper asked Acting Chief Bennett if he had a projection when they would have them filled. Acting Chief Bennett estimated three or four months. He expected to be back to full staff by summer. Acting City Manager Barlow stated he wouldn't commit to that and they had some financial implications. Acting Chief Bennett commented on a couple of the positions they end up leaving open. Two of the police motorcycles have been sent back. Those positions might remain frozen.

Dominic Capria, 606 Topside Circle, asked how many police officers total we have now before hiring the five. Acting Police Chief Bennett stated 28 total right now and five left. There were 23 before they hired the five.

5. CITY COUNCIL REPORTS

Councilwoman Rogers stated that she has received a little above normal requests from citizens calling and giving her complaints in her district. When a citizen calls her she always immediately e-mails the City Manager's office and they forward the complaint to the various department heads. She successfully always gets a response. This time around she has received numerous complaints regarding issues on dumping, issues on people selling drugs, issues on stormwater problems, even on water bills. All that she is going to tell the citizens or encourage the citizens is try to deal with it by going to the department head themselves. If not, contact the Councilperson. They don't always need to come to a meeting to express these things. It will be handled professionally. Be patient and place a call into City Hall. If it doesn't get answered just get in touch with a Councilperson. These questions and complaints do get answered and resolved. She has received several times e-mail responses back and phone calls from citizens saying thank you. She thanked Bobby Laramore specifically. A lot of people are concerned with houses that are older and sewer line problems. He comes out personally and will assist them if they have any problems. She stated we do have City employees that are concerned that are working to do their job.

Councilwoman Rhodes commented on sidewalks in Meadow Lakes and Florida Shores. She stated the sidewalks in Meadow Lake were put in by the developer. The Florida Shores developer didn't do that. Any time the taxpayers of Florida Shores want to pay for sidewalks, they can make it happen.

Councilman Cooper presented his report. He commented on attending the Communication Interlocal Agency Governing Board meeting.

Councilman Cooper then commented on attending the Executive Special Session and reviewing the FOP and General Employees contracts.

Councilman Cooper reported on the YMCA Board getting the rest of their quotes in and the work being started. He hopes to have everything done by mid-April to the end of the month.

Councilman Cooper then commented on the MPO meeting and the discussion regarding the I-95 interchange being removed from the priority list but it being kept on the long range plan, which expires in two years and picks up to 2025. They are presently in the process of developing the 2035 long-range plan. He spoke of being petitioned for a traffic light at U.S. #1 and Turgot Avenue. They have already petitioned the County and FDOT and that project is going forward. It looks like a good program. They also talked about sidewalks. We are eligible in 2009 or 2010 for additional sidewalks on Mango Tree Drive in Florida Shores. In the long range planning they are working on getting sidewalks approved all the way down to the U.S. #1 area, which is a huge project and can be funded.

Councilman Cooper thanked everyone involved with helping the citizen's request to the security problem in our City. He spoke of the City moving forward on condemning the property and it may become a piece of property we can renovate and get sold back out there.

Councilman Cooper then commented on the dangerous fire at the south end of Florida Shores. He spoke of Jack Corder being in charge due to the Acting Fire Chief and Acting City Manager being on vacation at the time. He thanked everyone that helped out for doing an excellent job and presented Jack Corder with a special thanks.

Councilman Cooper commented on the Cornerstone Dedication to the Hospice Building on U.S. #1 that he and Mayor Thomas attended. He wished them great success in their efforts in our community. They have a projection completion date of December 2008.

Mayor Thomas commented on the regular meetings he attends.

Mayor Thomas then commented on the fire in Florida Shores. He responded to that and stayed the whole time. He felt all the agencies together worked very well together. He further commented on the agencies that responded. There was teamwork and they had a command post set up. He was very proud of the job they did.

Steve Cousins, Fire Department Captain, further commented on the fire. The agreements they have in place with our neighboring cities were a huge help for them for this event. He commented on the agencies that were called in. They had some homes that were threatened but with the hard work of everyone involved they had no damage other than a little bit to a wooden fence on the south end. He said thank you to everyone that supported them.

Mayor Thomas commented on the Sugar Mill fire and the homes that burned. He spoke of ambers landing in the gutter and catching fire. He urged everyone to clean out their gutters.

Mayor Thomas further commented on water conservation measures. He believes the underground stream is finite. It's not infinite like some people think.

Mayor Thomas commented on Mr. Hammer asking his questions very professionally. He commended him for that. He didn't accuse anybody of anything.

Mayor Thomas told a story regarding a pessimist and an optimist.

Mayor Thomas moved Item 9H up on the agenda.

- H. The "Stepping Up" team of the Breast Cancer three (3) day walk is seeking support and endorsement from the City of Edgewater

Jill Danigel, introduced Michelle Grenham and Pat Drosten and made a presentation regarding a three-day Breast Cancer walk they would be participating in and seeking support and endorsement from the City of Edgewater. They have committed to raise \$10,000, along with another member of their team who is not a City employee. They would like to use the City's website as a tool to publicize the events they are going to attend. They are looking for Council approval and their endorsement.

Councilman Cooper asked if they were going to be offering sponsorships. Ms. Danigel informed him it was not a per mile event but there were many ways people could commit.

Mayor Thomas asked Ms. Stoughton if she wanted to say anything since she is a breast cancer survivor.

Carol Stoughton, 2740 Evergreen Drive, commended the girls. She is thankful she is alive because of a wonderful doctor and because of encouraging people at Bert Fish Hospital. She chose not to accept radiation or chemo. She was lucky it was caught in time. She feels early detection should be emphasized. She never thought it would be her because nobody in her family has cancer and it was nothing she could feel. Detection is key.

Ms. Drosten stated the event was being sponsored by the Susan G. Komen Foundation for a cure. Eighty five percent of the money raised will go directly to them, which has touched every aspect of cancer research, education and treatment. The other 15% goes to the National Philanthropic Trust Fund for breast cancer research. Any of the outstanding expenses they are bearing themselves. They asked the council to support them.

Councilwoman Rhodes mentioned having a scare with breast cancer and she was very lucky she didn't have it. She has several friends that have had it and have gone through different treatments. There is not anybody that breast cancer has not touched. Ms. Danigel stated men and women a like. She knows a man who suffered from breast cancer.

Councilwoman Rhodes feels they have come such a long way in the last twenty years. They have made huge strides. They need to go further. In our lifetime, hopefully it will be gone and they will never have to worry about breast cancer again. Anything they can do to make that happen they

absolutely should be doing it. She applauded them and thanked them.

Councilwoman Rhodes moved to endorse the "Stepping Up" Team, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

Mayor Thomas called a ten-minute recess at this time. The meeting recessed at 7:53 p.m. and reconvened at 8:05 p.m.

6. CONSENT AGENDA

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

7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2008-R-02, re-establishing the Charter Review Committee

City Attorney Ansay read Res. 2008-R-02 into the record.

Mayor Thomas opened the public hearing and asked for Council and public comments.

There were none at this time.

Mayor Thomas appointed Robert Lott.

Councilwoman Rogers appointed Ferd Heeb.

City Clerk Wenzel stated Councilwoman Bennington provided an appointment and she would like to appoint Scott Brown.

Councilwoman Rhodes appointed Bob McIntosh.

Councilman Cooper appointed Pat Card.

Mayor Thomas entertained a motion. He stated they needed a motion to approve these appointments.

Councilwoman Rhodes made a motion to approve these appointments to the Charter Review Committee, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

- B. Resolution No. 2008-R-03, updating the existing Investment Policy dated September 9, 2002 to bring into compliance with Florida Statutes 218.415

City Attorney Ansay read Res. 2008-R-03 into the record.

Finance Director John McKinney made a staff presentation.

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

Councilman Cooper moved to approve Res. 2008-R-03, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

8. BOARD APPOINTMENTS

- A. Firefighters Pension Fund Board - Councilman Cooper to fill the expired terms of Jim Jollie and Ron Hayward, who seek reappointment and were re-elected by ballot of their fellow firefighters

Councilman Cooper moved to reappoint Jim Jollie and Ron Hayward to the Firefighters Pension Fund Board, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

- B. Planning and Zoning Board - Councilman Cooper's appointment to fill a vacancy left by David Leonard

Councilman Cooper moved to appoint Jean Kayat to the Planning & Zoning Board, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

- C. General Employees Pension Board - Affirmation by City Council for the appointment of Robert Laramore representing the SPEA, John McKinney from the Finance Department and John Brackin representing the non-supervisors

Councilwoman Rhodes stated John McKinney is vital to being on that board.

Councilwoman Rhodes moved to approve the appointment of Robert Laramore, John McKinney & John Brackin to the General Employees Pension Board, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

9. OTHER BUSINESS

- A. Vicki Phillips Wheeler requesting leniency regarding the penalties and fees for a Utility Lien and a Code Enforcement Lien in the amount of \$5,810.99, incurred for property located at 311 Joyce Street

Acting City Manager Barlow made a staff presentation.

Mayor Thomas asked if they should table this item since Ms. Wheeler was not present to make a presentation on her behalf. Acting City Manager Barlow informed him they could do that. It was staff's recommendation that they do not do a waiver of that.

Councilwoman Rhodes asked why staff was taking that position. Acting City Manager Barlow informed her usually it is a standards position staff takes on all outstanding bills as it relates to consumption.

Councilwoman Rhodes asked if staff ever considered hardships. Acting City Manager Barlow informed her that is why these come before Council.

Councilwoman Rhodes stated Ms. Wheeler wasn't there but they had all of the paperwork. If they aren't going to waive it, that means while they wait it amounts further. Acting City Manager Barlow stated staff doesn't have the authority to waive these and that is why it is before the Council.

Councilman Cooper asked if there was any further information since the agenda was given to them. He was of the understanding that the church she was involved with was renovating the home for sale. Councilwoman Rhodes informed him that was in the packet. Acting City Manager Barlow

informed him he had not performed a site inspection to see what progress they have made. These are all outstanding water and previous code violations from the past.

Councilwoman Rogers asked what the time range was. Acting City Manager Barlow commented on the Code lien being placed against the property in January of 2007. Finance Director McKinney stated the utility liens were placed three years ago. Councilwoman Rogers asked if it corresponded to the papers they had with regard to when the incident occurred in January 2005. She asked if that was when the utility liens started. Acting City Manager Barlow stated that was when she stopped paying the bill. It appears she left the area. Councilwoman Rogers stated but then there was no communication. Acting City Manager Barlow stated they send a bill to the last known homeowners address so they continue that. Councilwoman Rogers commented on it continuing and this mounting and nothing, no correspondence, nothing. Acting City Manager Barlow explained based on what he could surmise it appears she had left the area about that same time. Some incidents occurred and she fled out of the area possibly.

Councilwoman Rogers stated and the house sat vacant and nobody was in the house. Acting City Manager Barlow didn't know if there was anybody in the house.

Councilwoman Rhodes asked if she was the sole owner of this property. Councilwoman Rogers stated it said something about parental so they are looking to sell this in an estate issue. Acting City Manager Barlow confirmed that was correct. From what he understands it may have been her and her husband at the time that were joint owners in some domestic situations and she took off.

Councilwoman Rhodes stated all of this is against Ms. Phillips and why he wasn't culpable for any of this. Finance Director McKinney stated he is serving jail time. Councilwoman Rhodes didn't care.

Councilman Cooper asked if the house is strictly in Ms. Phillips name. City Clerk Wenzel stated according to the Property Appraiser it is.

Finance Director McKinney pointed out that in the thirty six months it looks like she only had consumption in one month within the first fourth months that this started. He

assumed somebody may have come in and cleaned the house. Councilwoman Rogers stated this amount of money that has accrued and accumulated is our minimum fee we charge for utilities. Finance Director McKinney informed her the minimum fee was 1,612.63 out of the 2,680.89 total utility lien.

Councilwoman Rogers stated and they would have sent statements to them every month. She asked if they came back as return to sender. Finance Director McKinney stated he would have to look. They do log if it is returned. Councilwoman Rogers would think that would be important because if it was returned to sender then that tells her she didn't know. If it wasn't then this continued to accumulate.

Councilwoman Rhodes stated she went for three years. She had to know she had to pay something.

Finance Director McKinney stated a member of his staff has talked to her numerous times about what can be done to stop the minimum bill. She was told they have to charge the minimum bill whether the house is vacant or not. When they spoke with this person's representative three week's ago they were told in order for them to waive the lien, even as Finance Director or City Manager neither of them have that authority and they have to go before City Council, which is what they tell everyone.

Councilwoman Rhodes asked if they had any idea how long she has known that there was a minimum bill being charged. Finance Director McKinney guessed for three years. Councilwoman Rhodes stated for at least three years she has known there has been a minimum bill on this house. Councilman Cooper stated so she has basically ignored him. Finance Director McKinney informed him yes. Councilman Cooper then asked if he felt in his heart that they have diligently tried to pursue this every way they could and it basically fell on deaf ears. Finance Director McKinney stated he listens to a pretty compelling story one or more times a day. Some of them are genuine, some of them just aren't going to pay and it doesn't matter what you say. Each one of these tonight he has an opinion on.

Councilwoman Rhodes stated she provided the documentation to backup her story so obviously she is telling the truth.

Finance Director McKinney stated this one is very compelling.

Councilwoman Rhodes didn't know why the rest of the users of the utility have to pay for this, which is what will happen if they waive all of this. There are some things she needs to be responsible for. If she has known for three years that there was a minimum bill being charged to that house something should have been done.

Finance Director McKinney stated if she would have called on August 1st of 2007 and asked to take care of her water bill, as Finance Director he could have waived the penalties and interest. Twenty-four months later they know they have contacted her. There have been no means to pay, payment arrangements, whatever the case may be. Nothing has been done in 36 months. Councilman Cooper asked if they have a chronological history of that. Finance Director McKinney informed him he did.

Mayor Thomas again asked Finance Director McKinney if he had an opinion on this. Finance Director McKinney stated as Finance Director they should try to collect every dime possible. At the very least he would say they should try to collect the minimum bill. If they receive the \$1,612.00 then they have recouped what the City has paid out.

Councilwoman Rhodes stated the bill is continuing to build up as they speak. Finance Director McKinney stated they are wanting to settle this from the phone conversations. They are hoping to receive a 100% pardon. If it was him he would be much happier paying if \$1,000 in penalties and interest were waived. They are trying to sell the home. \$1,600 is a lot better to swallow than \$2,600.

Acting City Manager Barlow asked if they eluded to what their plans were going forward in reference to the utility payments associated with. Finance Director McKinney stated at this point it is still accumulating. With them wanting to sell the house the end of March, they are wanting to depart from Edgewater altogether. From their conversations with her Pastor up where she is living, she has established herself where she is at based on the circumstances.

Councilman Cooper stated the continuing is a major concern. If they were to be lenient and just collect the normal utility charges, but the way houses are selling today this

could go on six more months and they will be back here dealing with the same issue again. He asked what would be their reassurances that whatever was done would be over with and she would continue to pay the fees up until the sale of the property. This could just be another issue and he doesn't want to see it again.

Finance Director McKinney stated they were hoping to have this all settled. Maybe an option might be is if they pay the minimum due of \$1,600. If it goes into arrears again maybe they could be forced to pay back the penalty and interest. Councilwoman Cooper expressed concern with setting a precedent. Finance Director McKinney stated that is the whole issue. He has taken two calls a day on foreclosures. If they add that up, it wound up being, if they took it out for a whole year that is over 500 phone calls in one year. The fax machine sees three to five lien satisfaction requests a day. They are getting a lot of paper flow over what is going on. Just today they settled the payment for the Fire Department's land and he was on the phone with Southern Title. She commended them how fast they are responding to lien requests that they send the city. She knows she is sending them a lot. If they read the papers, there are record numbers of foreclosures in all zip codes within the State of Florida. He further commented on the compelling stories he hears every day. He has heard it all. He can be very empathetic and compassionate but that the end of the day they can't give free services.

Councilwoman Cooper asked City Attorney Ansay if they were to table this and give Ms. Wheeler one more opportunity to come before Council and explain the three years of lack of taking care of this bill and what she would do in the future, are they legally okay to do that or should they address this now. City Attorney Ansay informed him they could table it or act on it tonight. The matter was on the agenda and it was noticed. They have the discretion to do either one.

Councilman Cooper stated he would like to give her an opportunity to explain herself and made a motion to table this until the next meeting but if the person or her representative fail to come forward, they are tying their hands because they do not want to set precedence because there is another one right after this. He would like to

make a motion to give her an opportunity to make one more appearance, second by Councilwoman Rhodes.

The MOTION CARRIED 3-1. Councilwoman Rogers voted NO.

Councilman Cooper asked Finance Director McKinney to certify mail something to her so she understands and there is no question that she didn't get notified.

Councilwoman Rogers stated they are going to be hearing a lot more of these and these people are fully aware of what they have been doing and what they have been avoiding and here they are going to set a precedent because she doesn't want to have these come on their agenda and then they turn around and they continue to table. They need to be cautious about this in the future. Three years is beyond substantial to have notice that there is a minimum bill on their property.

- B. Scott Simmons requesting a waiver of Utility Liens in the amount of \$2,200.29 incurred for property located at 613 S. Ridgewood Avenue

Scott Simmons requested this be moved to the April 21, 2008 Council Meeting due to being ill.

- C. Authorize the City Manager to enter into a banking services agreement with Wachovia for an initial term of four (4) years beginning May 1, 2008 and expiring April 30, 2012

Finance Director McKinney made a staff presentation.

Councilwoman Rogers asked if they contacted SunTrust or he said no because of not having the time to go out for RFP's and if they had ever received pricing from SunTrust. Finance Director McKinney informed her yes. In the backup there should have been the pricing structure from other banks. He has worked with SunTrust for many years prior to here. He has never been with Wachovia before. They are both outstanding banks. To change a bank takes a minimum of one year. He doesn't have the staff to dedicate to what it would take to do a complete RFP and the entire process with the other requirements they have put upon them within the Finance Department just within the next three months.

Councilwoman Rogers questioned it being something they could look at in the next year. Finance Director McKinney informed her absolutely. If there were something Council wanted him to do in the next twelve months he would certainly entertain it. He needs at least a year to get the other things that need to be settled within Finance and within the City financially before he takes on this endeavor.

Councilman Cooper questioned the total of two one-year renewal extensions. He asked if they were automatic renewals with a thirty-day notification type thing. The way it was expressed to him in order to piggy back on another contract they had to mirror the exact terms of the contract they were piggybacking. Pinellas Park is already one year into it so we are finishing the four-year base with the two one-year renewals for a total of six years.

Councilman Cooper commented on agreeing with this and being in a six-year commitment. Finance Director McKinney informed him there is language in there to terminate with a written notice other than not less than 90-day calendar days prior to the expiration of the current term. In speaking with Wachovia they understood why they were doing the piggyback and they can get out of it with proper notice.

Councilman Cooper asked if there were sizeable penalties for withdrawing. Finance Director McKinney informed him no.

City Attorney Ansay wasn't sure if the copy of the agreement that Council had in their packet was the updated one. The one in her packet was not. Finance Director McKinney stated after review by the City Attorney she had questions about the indemnification with the bank. The bank was very agreeable to every recommendation that City Attorney Ansay had made and that has been changed in his copy plus the two copies that were given to City Clerk Wenzel for the Mayor's signature. The language had to do with third party saying they couldn't hold the bank responsible for any third party incidents. They changed it so the bank was completely responsible for any error that might occur.

Councilman Cooper made a motion to give the City Manager the authority to enter into a banking services agreement with Wachovia, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

- D. River Colony Inc., requesting Final Plat approval for a 15-unit single-family residential subdivision located west of the Indian River and north of Jones Fish Camp Road

Development Services Director Darren Lear made a staff presentation. Staff recommended approval based on the condition that prior to recording the final plat, all comments from City Staff are satisfactorily addressed, as well as formal acceptance by the City of a bond/surety device for all infrastructure accepted by the City.

Mayor Thomas stated this is the one of the best he has seen come before him since he has been Mayor.

Councilman Cooper made a motion to approve the final plat for the 15-unit subdivision, second by Councilwoman Rogers.

Councilwoman Rhodes questioned if the motion included the recommendations by staff.

Councilman Cooper asked Mr. Lear if the new recommendations he made by his department and if they wanted to make sure they were included.

Mr. Lear pointed it out under Action requested on the Agenda Request.

Councilman Cooper restated his motion to approve the final plat of the River Colony Subdivision based on the condition that prior to recording the final plat, all comments from City Staff are satisfactorily addressed, as well as formal acceptance by the City of a bond/surety device for all infrastructure accepted by the City, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

- E. Annual request by Volusia County Mosquito Control to perform low level flights over the

City of Edgewater and authorize the Mayor or City Manager to execute the document

Acting City Manager Barlow made a staff presentation.

Councilman Cooper commented on this being done between midnight and four in the morning. They will not be spraying when there are citizens on the street.

Councilwoman Rhodes moved to approve the annual request to perform low-level flights over the City of Edgewater and authorize the Mayor or City Manager to execute the document, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

- F. Authorization for the City to enter into a Cooperative Equipment Lease Agreement with the Edgewater Volunteer Fire Rescue Association, Inc. and to authorize the Mayor to execute said Agreement

Fire Captain Steve Cousins made a staff presentation.

Acting City Manager Barlow commented on having a similar agreement with the Division of Forestry.

Councilman Cooper questioned the cost to the City being the registration and insurance fees. Acting City Manager Barlow stated and maintenance.

Councilwoman Rogers moved to approve and authorize the Mayor to execute the Cooperative Equipment Lease with the Edgewater Volunteer Fire Rescue Association, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

- G. SeaGate Homes, requesting a Tree Removal Permit to remove one (1) 47-inch Historic Live Oak Tree from property located at 2922 Mango Tree Drive to construct a single family residence

Development Services Director Lear made a staff presentation. He recommended allowing the planting of the 19 oak trees 2 ½ inch diameter at 6 inches above the soil line on City property with the location to be determined by

staff. He recommended the applicant purchase the trees, donate them to the City and have the City plant those on City property.

Councilwoman Rhodes questioned there being no way to build around the oak tree that exists there. Mr. Lear informed her it was right where the building is going. Even if they were to shift away from it the root system is so large it would affect the foundation. He felt putting 19 trees on a 80' X 125' lot would pretty much be impossible.

Councilwoman Rhodes has a problem with cutting down the old trees. She doesn't like that. Mr. Lear stated unfortunately it is right where the pad is going.

Councilman Cooper stated in lieu of the \$8,670 that SeaGate would be paying they would now only be paying \$1,615. Mr. Lear stated it could work where they would buy the trees and then they donate them to the City or they could put the \$1,615 in and they could go to the nursery in Osteen and buy them and plant them. Councilman Cooper questioned if they would still be paying the \$8,670. Mr. Lear informed him no, they would not be paying that if they go with the new recommendation.

Mayor Thomas felt it was a win-win situation and that the tree would fall on someone's house. Councilwoman Rhodes stated that trees has been there for 100 years and it isn't going anywhere. Mr. Lear stated they thought the 19 trees would look good in ParkTowne or other parks in the City.

A gentleman in the audience stated a representative from SeaGate homes was present as well as the landowner.

Bob Smith, SeaGate Homes, felt it was obvious from the picture that the tree was past its prime. He understood the ordinance. He felt in this case for the position of the tree it is approximately 21 feet from the property line, about dead center of the lot, right within the allowable building envelope of the lot. Regardless of who owns it, it is going to be a problem for someone. With the state of tree it is obvious that two limbs with an approximate diameter of 12" have dropped at some point in time. The limb that goes off to the left does trail over the house to the left. From an insurance standpoint, he wondered who would have the responsibility if their customer did try to build around this tree to save it,

which he felt was impossible because of the size of the lot and the location of the tree. He felt they should be looking at Option 1, to determine the tree is a hazard and cannot be saved. He feels they shouldn't incur any cost other than the cost to them to remove the tree.

Councilwoman Rhodes stated the Arborist that came out to look at the tree from the County disagrees with them. Mr. Smith felt it was obvious from the picture that the tree was past its prime. Councilwoman Rhodes informed him but a professional disagrees with him. Mr. Smith felt there was no aesthetic value to the tree. It has had problems in the past and it would pose a problem if it did stay there. To incur additional cost to him or the landowner he felt was unreasonable in this case.

David Williams, 2922 Mango Tree Drive, stated the tree was a beautiful tree. He has lived in Florida Shores for 18 years and one of the things he loves is the trees hanging over the roads. This is an opportunity he and his wife have to build their dream home on this lot. With the cost of building, for them these few thousand dollars every little bit means a lot to them. It is something they incur. It is being passed on to them. They love this lot and want to stay in the area. He commented on being called to the property before by Code Enforcement because one of the branches that went all the way across the lot itself had fallen and the neighbors were concerned about it being a fire hazard. He went out there and chainsawed it up. He showed Council more pictures.

Mr. Williams felt the tree may still be in fairly decent health but he feels it is on its way out. If they put the fill in to bring it up to where they have to it will end up destroying the tree. No matter which way it falls it is going to do damage.

Councilwoman Rogers expressed concern with the root system. The root system is going to cause a problem when they go to build and for the house as it sits there and the roots are going to continue. She doesn't want to get rid of the tree but knowing what has already been expressed she felt they needed to approve this as it has been recommended by staff.

Councilman Cooper stated if this was approved under Section 21-55.09 with the additional trees costing \$1,650 if it would be a deal breaker on his home. Mr. Williams informed

him it would add more to it. They are topped out and have planned everything they can. They are already at their peak now. That is why they are trying to do what they can with what they can. His wife is in school now. It would be very difficult.

Mayor Thomas asked how much it would be if they just had to pay for the tree. The cost was determined to be \$8,670.

Mayor Thomas stated they are trying to work with them.

Councilwoman Rhodes stated if they could find trees cheaper than the place in Osteen they could do that. Mr. Williams stated they are putting four trees on their lot but they would be willing to put a couple more on their lot. They are going to look for whatever will cost them the least amount. They are financially strapped trying to build the house. If it would help to put a couple more trees on their lot, they would be willing for that also.

Councilwoman Rhodes felt the upshot of it was at the very least they would have to buy 19 trees to replace this tree. They can put them on their lot or give them to the City. Mr. Williams stated he would rather give them to the City. Councilwoman Rhodes felt the \$1,600 was negotiable if he could find 19 trees that are the right size some place else that is cheaper than he is allowed to do that.

Mayor Thomas asked if the trees had to be oak trees. Mr. Lear informed him there are other specimen trees that they could be.

Councilwoman Rhodes asked if he could mitigate the 19 trees by going to his lot and every 2 1/2 inch tree, digging it up and giving them to the City. Acting City Manager stated the bottom line is at the end of the day if this comes down and this is the recommendation they go with they need to add 19 trees to the City stock somewhere.

Councilwoman Rhodes stated no because all of the trees on the lot are coming down. Acting City Manager Barlow stated this was the only protected one on his lot.

Councilwoman Rhodes was trying to help them. Even though she doesn't want to see the tree come down she wouldn't interfere with their house for the tree. Mr. Williams is having money problems and she hates that. She is trying to

come up with a solution. Mr. Williams commented on hearing about the foreclosures and they are trying to build. He understood what she was saying about looking for the 19 trees on his property and seeing if that would suffice. Councilwoman Rhodes stated staff was saying they couldn't do that.

Acting City Manager Barlow stated staff is compassionate with the concerns and they are ecstatic they are starting to see some development in Edgewater. They will do what they can to assist.

Councilwoman Rhodes made a motion that they replace 19 trees wherever they want them to be for whatever price they can get them with a 2 ½" diameter, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

- H. The "Stepping Up" team of the Breast Cancer three (3) day walk is seeking support and endorsement from the City of Edgewater

This item was discussed earlier on the agenda.

Mayor Thomas recognized Bob & Peggy Cousins for providing food and water to the firefighters who were fighting the fire.

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

- 1) Tentative Agenda Items
- 2) Restoration Workshop with Council, schedule for the evening of April 28th or 29th

Acting City Manager Barlow stated Restorations was looking for a workshop with the Council on either April 28th or 29th. He recommended they do an evening workshop that is available to the community as well. He asked Council which date was better.

It was the consensus of Council to hold the workshop on April 28th at 7:00 p.m.

3) Cancellation of July 7, 2008 Council Meeting

Acting City Manager Barlow informed Council that July 7th there is a regular scheduled Council meeting, which is the Monday after the 4th of July. If Council wanted him to, he could cancel the July 7th meeting.

It was the consensus of Council to cancel the meeting.

Acting City Manager Barlow commented on the timelines with the Charter Review Committee and him factoring this in. They will make sure the City Attorney reviews the proposal. Councilwoman Rhodes stated they could have a special meeting to address that one issue if they have to.

4) Fourth of July Fireworks

Acting City Manager Barlow reported on the July 4th fireworks. They are working with the three local boat manufacturers in the City in feeling out their interest in co-sponsoring the fireworks demonstration in Edgewater. There is an opportunity they can continue the fireworks show in Edgewater and it would be at no cost this year out of the City budget. They had one meeting with one of the representatives from one of the companies today and he is very interested. They are going to allow them to set up a boat show. The goal is to get all three on board and do a boat show here, which will showcase industry that comes out of Edgewater. It gives them an opportunity because they are always looking for stable workforce to talk to some of our residents that may be looking for work and an opportunity to recruit them. They are pretty excited about this opportunity. They had one come in today and commit his 1/3. They hope to hear from the other two by mid-week.

Councilman Cooper wanted the citizens to understand this is a \$6,500 obligation from the way he understands it. Acting

City Manager Barlow informed him it was a \$15,000 obligation. Councilman Cooper stated he understood the Fire Department raises \$6,500. Acting City Manager Barlow informed him they are having the same concerns with the economics. If they can get this offset by the boat manufacturers they can use their sweat equity and some of their other funds to do the concession area.

Councilwoman Cooper confirmed they were asking the boat manufacturers to pony up \$5,000 each. Acting City manager Barlow informed him that was correct. Councilman Cooper felt that was a sizeable chunk of change and if they do this they need to show up and cater to them. That is a big thank you waiting to happen.

Acting City Manager Barlow stated in the past there has been a request to possibly consider an isolated beer garden. He wanted feedback from Council. He spoke of this being one of the comments they usually hear after the July 4th festivities. It is usually one fenced off location and they can't come out of there. It hasn't been a problem in the past with others. He wanted feelings from Council as they start to put this together.

It was the consensus of Council that it was worth trying and they had no problem with it.

The Council briefly spoke about people doing it anyway.

Acting City Manager Barlow commented on he and City Clerk Wenzel working to try and get somebody from the school Board at the Council's request to present to the Council. They thought they had them committed to their presentation tonight and they backed off and wanted to do it April 21st. Then they backed off again and they don't want to come to the City to do a presentation but they have offered the Council can meet with them on their turf in Deland in their board room and meet with the entire School Board as it relates to any effects some of their closures may have in Edgewater. Their most recent e-mail was at 5:30 p.m. today. They declined the opportunity to come to Edgewater and present and answer any questions that the Council or citizens might have.

Councilwoman Rogers felt it was very poor especially due to the circumstances and what they need is the citizens to come in here with the young children.

Mayor Thomas stated not to stick up for them but they have really been taking a bashing. It really wasn't their fault.

Councilwoman Rhodes felt they would embrace an opportunity to present that. Mayor Thomas stated Amendment 1 handcuffed them. Councilwoman Rhodes stated it handcuffed all of them. Mayor Thomas stated it handcuffed the school worse than anyone. Acting City Manager Barlow stated he explained to them and tried to encourage them that he hasn't seen or felt a lot of animosity or opposition from Council but they would like to hear what impact the potential closing of Oak Hill would have here on our concurrency as far as capacity because those students would be shifted to Edgewater. He didn't think it was going to be an animus event. Councilwoman Rhodes stated information is all they are looking for. Acting City Manager Barlow stated Oak Hill took the stance of putting them on the agenda and sent an invitation and see if they showed or not. They could take that route or if they are interested in seeing them they can go over on their turf.

The Council briefly discussed this being an opportunity for them to get their message out the community and letting them know what the Council needs and then letting the City know what they need in an informational atmosphere.

Councilwoman Rhodes stated if they don't want to do it fine. Acting City Manager Barlow agreed to stop that pursuit.

Acting City Manager Barlow presented an update on the Union Negotiations.

Councilwoman Rogers asked about the holiday change. Acting City Manager Barlow stated the PEA wanted to keep President's Day and not go to Good Friday because President's Day is a recognized school holiday.

Councilman Cooper asked how the paving of North Flagler by Tarmac was going. Acting City Manager Barlow informed him they have identified a cost of \$40,000 if they do it, which is paving from Park Avenue to the railroad tracks. They have been actively negotiating with Tarmac and they thought they had a tentative agreement where they were splitting the cost. They were going to donate concrete and split the

cost of the labor and the City was going to pick up the other half of the labor and the permitting and the engineering. He got a call this afternoon from the Tarmac representative who informed him it was off the table because some other executives stepped in and said because of the hard times and everything else but she is still working it. Worse case scenario is he has to try to find \$40,000 for the City to assume that responsibility or he is going to continue to negotiate and try to get Tarmac to share some of that since they also create the hazard on Park Avenue. He encouraged the citizens to make some phone calls to Tarmac hoping to get this pushed through.

Councilman Cooper asked about the Mission Oaks project and if they had gotten the permitting okayed and approved for the lift stations. Acting City Manager Barlow informed him the Mission Oaks project was complete.

Acting City Manager Barlow also presented an update on the collecting of the deposits and the status of the deposits with the New Smyrna Utilities Commission being returned. He also commented on actions against the previous property owner and not knowing whether they have anything active against the Utilities Commission. He also spoke about without having the authority to be the water customer there as well it's tough to do much of anything with it now. Down the road when they become full customers of ours, water and sewer, they will talk about possibly having to do liens against the property or disconnecting services until they pay.

Councilman Cooper felt once they exercised their legal right they are going to find that Edgewater really was the good steward in this mess.

Councilwoman Rogers stated the previous City Manager every quarter he attempted to give her a report she requested regarding the development in the City and the status. She asked if that could continue.

Acting City Manager Barlow stated Councilwoman Bennington had requested each department submit quarterly reports. The 10th is their deadline. Next week they should have that from every department.

Councilwoman Rogers stated she has been told there was a land sale that recently occurred and that there is a

problem with the survey and the individual that recently purchased property in the ParkTowne area acquired the fill that was supposed to be sold to Jim Kelsey. She wanted to find out the status. She was concerned of any potential litigation with the City. She asked Acting City Manager Barlow and Development Services Director Lear to look into this. Acting City Manager Barlow agreed to look into it.

Mayor Thomas stated he went by Flagler Avenue this morning and they had a tractor with a backhoe and a blade and they were pushing water this morning. He gets continual complaints on that. Whatever they can do. He appreciated Acting City Manager Barlow's work on that.

11. CITIZEN COMMENTS

The following citizens spoke:

Carol Ann Stoughton, 2740 Evergreen Drive, stated they used to get about eight minutes, now they only get three. A lot of them started out like Mr. Hammer but when you don't get answers to your questions you become the pessimist instead of you being the optimist. She wanted to know if the Finance Director could look into how they became obligated to go into County property when it's not Mission Oaks in the City. She understood there was a lawsuit going on. They aren't County residents. Why are we accepting. The County should be billed for that. She hoped the County would direct the Finance Manager to check on all buildings and developments that came to the City of Edgewater and see if all the infrastructure debts they put out have been reimbursed back to the City. She heard the Finance Director was doing a real good job. She then wanted to know how much they have spent on legal fees and if they are going to negotiate with the current Council we have.

Ms. Stoughton also wanted to tell the people that men also have breast cancer. She encouraged men to get checked too.

Bill Glaser, 1703 Needle Palm Drive, apologized if the Council has perceived his attempts at humor as bitching. His feeble memory has it that he lived in Florida Shores for about 20 years, paid taxes and never got didly squat from the City of Edgewater. He worked his rear end off growing grass in the shell alongside the road, which was City right of way and after he finally got the grass grown,

they came out and plowed up all that grass looking for shell because they were too damn cheap to buy shell back then. You wonder why he is a little bitter. They have a sidewalk impact fee and asked if there was a plan about what they are going to do about sidewalks. Councilwoman Rhodes informed him there was no other plan in Florida Shores other than the one through DOT. They don't have the money.

Mr. Glaser stated the other type of thing that really irritates him is things like our illustrious County Council, at Venetian Bay, when they built that 3.4 miles of road from 44 into their development, the County Council or government granted them a \$10 million impact fee credit. Why would they need a \$10 million impact fee credit? Just think about what the County could do with \$10 million. Another thing is a new business on Park Avenue. He asked if they knew what that property is assessed at? \$22,000. He owns two building lots in Florida Shores that are assessed at \$60,000 each. Those are the kinds of things that bother him.

Nick Hammer, 197 Cloveridge Court, asked when a neighbor were to have to remove a live oak tree because of an ordinance and they donate 19 trees, who pays for the trees to be planted and watered. Where does that money come from?

Councilman Cooper commented on the City planting them where they needed them or wanted them in lieu of going with that cost. It will still cost them over \$1,600.

Mr. Hammer stated he is also on the Board of Directors for Meadow Lake Subdivision and something that has been a pain in the side of Meadow Lake is Parcel A which is the wetlands and the retention pond to the west of the neighborhood between their neighborhood and Whistle Stop Park. He has been asked if there could be a road put between Whistle Stop Park and the edge of their property to help loosen some of the traffic that comes through their neighborhood at higher speeds than what is posted. He asked if it was a possibility to put a road if they were to donate some of that land.

Councilwoman Rhodes informed Mr. Hammer that came up years ago and that they couldn't do that. Acting City Manager Barlow stated years ago it was closed and he believed when

they turned the streets over to the City it was required to be reopened. They have been down this road a couple of times. Mr. Hammer was talking about providing access through the park where the dirt roads end and if they donated some of their land if it could be a through street.

Councilwoman Rhodes questioned at some point 28th Street being opened up. Acting City Manager Barlow commented on it being investigated to be opened up to U.S. #1. He spoke of it being a concern due to it being a road that would go right through a park. He couldn't recommend it from a safety standpoint because of the children and excessive traffic flowing through a City park.

Councilwoman Rhodes commented on a concern she received about having the skate park lit so kids could skate at night. They didn't think that was a very good idea. She asked if that was something they would want. Mr. Hammer informed her the light has never been a concern. The number one concern has been the traffic and the lake.

Councilwoman Rhodes suggested having the Police Chief put the cart in there. Mr. Hammer commented on them trying that. They get better for a time being and then they revert back. It's an on-going problem.

Carol Stoughton, 2740 Evergreen Drive, stated she lives on Evergreen and the traffic there is 50 and 60 miles an hour. There is a street called Guava that could be continued right through and the traffic would be eliminated through his development and Evergreen Drive. That might be something to look at.

Acting City Manager Barlow stated Guava on the southern portion deadends into wetlands through there and he didn't know they could do that.

Dot Carlson, 624 Arts Center Avenue, wanted to know what the chemical was that was used in the aerial spraying? Acting City Manager Barlow didn't know. Mayor Thomas suggested she contact Mosquito Control.

Ms. Carlson asked if there would be public participation at the workshop for Restoration. Acting City Manager Barlow informed Mayor Thomas he didn't have to but could make that decision as the workshop goes on.

Ms. Carlson felt it might be a good idea for people to write down a question for Mr. Mears? Mayor Thomas informed her he would allow them to talk.

Ms. Carlson asked if under the new tree code if they plant trees to replace a tree, does the owner have to guarantee those trees live beyond six months? Acting City manager Barlow stated two years. Ms. Carlson stated that was her complaint with the motel from hell. His trees were dead on the backside within six months and she was told he didn't have to keep them alive. Acting City Manager Barlow stated that was a change in the code. They made the code change based on her complaint.

Mayor Thomas informed Pat Card he was nominated to the Charter Review Committee.

Councilwoman Rhodes asked if they had somebody set up to coordinate the Charter Review Committee. Acting City Manager Barlow informed her City Clerk Wenzel would guide them through that. He felt confident they had a couple that was on the Charter Review Committee in the past that could probably help them all through it. They had a tight timeline but he felt confident they could make it.

12. ADJOURNMENT

There being no further business to discuss, Councilwoman Rhodes moved to adjourn. The meeting adjourned at 9:29 p.m.

Minutes submitted by:

Lisa Bloomer