

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
FEBRUARY 17, 2009
7:00 P.M.
COMMUNITY CENTER

MINUTES

THE MINUTES FOR THIS MEETING WERE DONE FROM NOTES TAKEN BY THE CITY CLERK AT THE MEETING DUE TO PROBLEMS THAT OCCURRED WITH THE CD.

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 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 December 8, 2008

Councilwoman Bennington moved to approve the December 8, 2008 minutes, second by Councilman Cooper.

The MOTION CARRIED 5-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

There were no Presentations at this time.

4. CITIZEN COMMENTS

The following citizens spoke:

Bill Glaser, 1703 Needle Palm Drive, stated the colors where beautiful, the interior color very nice on City Hall. He asked about the man who asked for a mortgage extension, and if they gave him \$770,000 in impact fee credits. Acting City Manager Barlow stated not that he was aware of. Mr. Glaser wondered how come businesses get breaks when residents sometimes create jobs also. He stated he had a document that showed an impact fee credit. Acting City Manager Barlow asked where it came from. Mr. Glaser stated the Council agenda. Acting City Manager Barlow informed him he would look into it.

5. CITY COUNCIL REPORTS

Councilwoman Rogers had nothing at this time.

Councilwoman Bennington stated that they moved into the Animal Shelter today. It turned out really nice.

Councilwoman Rhodes had nothing at this time.

Councilman Cooper had nothing at this time.

Mayor Thomas stated he attended the Southeast Volusia Mayors' luncheon as well as a healthcare forum. He took a tour of the Animal Shelter last week. He stated it is an excellent facility; this puts the spotlight on the City. We are the first City to have their own Animal Shelter.

Mayor Thomas stated a City employee came to his house that had been injured on job. He was very complimentary of Donna, Julie & his supervisors. The employee stated he was treated like family. Mayor Thomas stated he was very proud.

6. CONSENT AGENDA

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

7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Resolution No. 2009-R-04, Establishes the Administrative Policy Manual and approves the City Council meetings - Order of Business and Public Participation Policy

City Attorney Ansay read Res. 2009-R-04 into the record.

Acting City Manager Barlow made a staff presentation.

Councilman Cooper stated the policy is mostly code of conduct and respectability. This is not being done to restrict the community from speaking.

City Attorney Ansay stated she had gone over a lot of this already in previous Resolutions. There was concern about the old Resolution, where there is no warning to citizens; she feels this is fairer to the public. Acting City Manager Barlow stated the document includes Item 5 "Changes and Corrections to the Agenda".

Councilman Cooper moved to approve Res. 2009-R-04, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

B. Resolution No. 2009-R-03, Recommending certain changes to the Rules of Procedure for the Volusia County Growth Management Commission (VGMC)

City Attorney Ansay read Res. 2009-R-03 into the record.

Acting City Manager Barlow made a staff presentation.

Councilman Cooper stated this seems to bring this back to 87 rules. He asked the Mayor what the reason was.

Mayor Thomas stated VCOG felt VGMC was overstepping their bounds. Acting City Manager Barlow stated the Volusia County Council has final approval on the changes.

Councilwoman Rhodes moved to approve Res. 2009-R-03, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

8. BOARD APPOINTMENTS

- A. Planning and Zoning Board - Councilwoman Bennington's appointment due to the expired term of Edwin Vopelak, who seeks reappointment. This item was continued from the February 2, 2009 Council Meeting.

Councilwoman Bennington nominated Edwin Vopelak to be reappointed. Councilwoman Rhodes moved to reappoint Edwin Vopelak, second by Councilman Cooper.

The MOTION CARRIED 5-0.

9. OTHER BUSINESS

- A. Authorization for the Mayor/City Manager to enter into a contract agreement with Allegiance Contracting Inc., for the amount of \$249,704.19 for construction of Kennedy Park

Acting City Manager Barlow made a staff presentation.

Councilman Cooper asked if this is the first time the City has used this company. Leisure Services Director Jack Corder stated yes. Councilman Cooper stated this is a sizeable savings and he would like to hear from the company.

Leslie Lindsey, President, Allegiance Contracting Inc., stated they are based out of Brevard County. The company specializes in commercial construction. She added that the closest project to this one they have completed is on S.R. 415 for Bright House Networks.

Councilman Cooper stated this is an important project to the City. He stated this has tight scheduling and asked if they have any conflicts. Ms. Lindsey stated they are ready to mobilize. Councilwoman Bennington asked how long this company has been in Florida. Ms. Lindsey stated for three years. She added that Southeast Tractor has been in business for 25 years. This is another one of their companies.

Mayor Thomas asked if the boat ramps were going to be dredged. Leisure Services Director Corder stated that was

not included in this proposal. They will be looking at future grants for dredging.

Mike Visconti, 316 Pine Breeze Drive, stated that as a member of Beautification Committee, he thinks City Hall looks great. Now they are doing Kennedy Park. His pet project was the fountain that was on S.R. 442. Now the fountain is in a garage. No one considered the fountain when they were improving S.R. 442. He would like to see it at the park. Councilwoman Bennington stated they would find a place for it. Councilman Cooper stated it was really hard to get there. He suggested placing it at the Leisure Services building. Leisure Services Director Corder stated there is a place behind the building in the park.

Councilwoman Rhodes moved to authorize the Mayor/City Manager to enter into a contract agreement with Allegiance Contracting Inc. for the amount of \$249,704.19 for the construction of Kennedy Park, second by Councilman Cooper.

The MOTION CARRIED 5-0.

B. Authorization for the City Manager to purchase the Hexagon Shelter from RCP Shelters Inc., for \$19,694.50, piggybacking off the City of Jacksonville Bid #SC-0511-06 for Kennedy Park

Acting City Manager Barlow made a staff presentation.

Mayor Thomas asked how much the grant was. Acting City Manager Barlow stated \$200,000 and it was a matching grant. The fishing pier and gazebo used part of the money. The money is budgeted.

Councilwoman Bennington moved to authorize the City Manager to purchase the Hexagon Shelter from RCP Shelters Inc. for \$19,694.50, piggybacking off the City of Jacksonville Bid # SC-0511-06, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

Councilwoman Bennington moved to authorize the transfer of funds, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

C. Authorization for the City Manager to purchase the Restrooms from AES Precast Co. Inc. for \$40,500.00, using GSA Contract #GS-07F-0311L for Kennedy Park

Acting City Manager Barlow made a staff presentation.

Councilman Cooper asked if this is this cheaper than actual construction. David King, Quentin Hampton Associates, stated typically when you are building the cost becomes excessive.

Mike Visconti, 316 Pine Breeze Drive, asked when they add it all up why are there three costs? Acting City Manager Barlow stated the total project cost is about \$400,000.

Councilman Cooper moved to authorize the purchase the Restrooms from AES Precast Co. Inc. for \$40,500.00, using GSA Contract # GS-07F-0331L, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

D. City Manager Employment Agreement, authorization for the Mayor to execute the final negotiated Employment Agreement

City Attorney Ansay stated she had prepared an agreement. The figures were proposed by Tracey Barlow. She thinks a lot of the terms are comparable to other City Department Head contracts. There is a vehicle allowance in the contract but Acting City Manager Barlow currently has a City vehicle. An option has been put in to where he can either have a City vehicle or get a monthly vehicle allowance.

Mayor Thomas asked what he preferred as far as the car. Acting City Manager Barlow stated he wanted to maintain Public Safety Director and would prefer to be able to respond with a City vehicle. He also ran the numbers based on 8 years and the cost is \$371 per month for the City vehicle. He would prefer to keep the vehicle he has.

Councilman Cooper felt the last sentence on Page 3 should be deleted. Councilwoman Bennington asked if he wanted to just pull it out? Councilman Cooper stated yes. Acting City Manager Barlow stated he would like to have some

security. Councilwoman Rhodes stated he needed some security.

Councilman Cooper wanted to discuss the vehicle allowance and address the vehicle currently in use. Would the City have to purchase another SUV for the Fire Department? Upon termination would Acting City Manager receive a lump sum payment? He felt there should be a just cause clause, special exception clause. Councilman Cooper stated salary caps need to be addressed, as well as raises. They should not be the same as General Employees, Police and Fire.

City Attorney Ansay spoke about salary caps. She stated that contract employees are not the same across the board; more has to be approved by Council. A good point was made on cause verses just cause. Although she did not know of any other City Manager contract that referenced that because they are policy decisions. She stated the problem with terms is legal issues with future contracts. It's a day-to-day contract.

Acting City Manager Barlow pointed out that what is in the contract is his current severance package.

Councilwoman Rhodes stated it's there already. There is no way out. Why be the City Manager and get a worse contract than he has now. Councilman Cooper stated we owe it to citizens to get the best.

Mayor Thomas stated that they have to look at Acting City Manager Barlow's shoes as far as security. He saw nothing abnormal in this contract. Look at what Acting City Manager Barlow has done within the last year. He stated he was very satisfied.

Councilwoman Bennington stated her husband was of the opinion that someone should not get paid for not doing their job. Acting City Manager Barlow has to make five people happy all the time. She feels the City Manager should have some protection under politics. She did not think Acting City Manager Barlow was asking too much. He is only looking for protection. Councilwoman Bennington wondered if the vehicle would pose a problem for the Fire Department and if they would have to replace the vehicle Acting City Manager Barlow is currently using. Acting City Manager Barlow stated he would look at vehicle needs soon. Councilman Cooper asked if they would have to have another

vehicle. Councilwoman Rhodes stated they still pay for both.

Mayor Thomas stated that he got Flagler Avenue paved, employees compliment their directors and morale is up. Councilman Cooper stated this is not personal; this is about a contract.

Councilwoman Rhodes agreed that it is not about Acting City Manager Barlow. If you have a good employee you negotiate to keep him, not negotiate to get him to go away. If the terms are the same as they exist today then he is okay.

Mayor Thomas felt he was going on job performance. Councilman Cooper stated he's done a great job. Salary reduction is a problem. There is no alternative to the golden parachute in these contracts.

Councilwoman Rogers stated Councilman Cooper had valid points. She asked if they paid full dental before. Personnel Director Donna Looney stated yes. Councilwoman Rogers stated termination clause and 9 months pay, this is a very different economy right now. We need to think outside the box and how to move forward. As long as you do your job, you should not have anything to worry about. She does not think they should pay someone if they quit or get fired. She felt the severance should be nothing over 30 days. Councilman Cooper stated last time it cost almost ½ million dollars. Councilwoman Rhodes stated that included sick and vacation, they can't include that.

Councilwoman Rogers commented on vehicle allowance. A City vehicle was issued to Tracey as Fire Chief. In a year or two it will cost more for the vehicle. She stated they should leave \$500 in there. Acting City Manager Barlow asked for direction regarding the vehicle or vehicle allowance. He stated they could look at this as reorganization and maybe not need to replace the vehicle. Councilwoman Rogers felt then they should put in a clause for either or. Acting City Manager Barlow stated it was in there already.

Councilman Cooper felt they needed to hold a workshop to negotiate the contract. Acting City Manager Barlow suggested they table this to March 2nd based on comments and give recommendation.

Councilwoman Bennington stated if Acting City Manager Barlow decides we should advertise, you won't find another City Manager willing to take the terms suggested.

Councilwoman Rhodes stated she only had one problem with the contract. She agreed that 9 months was too long and thought 90 days was good. But he already has nine months. There is not much different in the contracts. She agreed they should be general but some specifics should be based on performance. Regarding the car allowance, if they have to purchase a vehicle then money should be set aside and it probably already is. Concerning the car insurance, she did not think family members should be in the vehicle unless it is City business, even with insurance. Acting City Manager Barlow stated that would create a hardship. This clause was part of his previous contract. There would be very few occurrences where they would be in the vehicle. Councilwoman Rhodes stated that is a moot point then.

NoraJane Gillespie, 3588 Omni Circle, stated the contract was excellent. He's wearing two hats.

Mike Visconti, 316 Pine Breeze Drive, stated he has been through a lot of City Managers. In his opinion they could look everywhere and he didn't think they would find better than Tracey Barlow. He's done a great job. He will only enhance Edgewater.

Bill Glaser, 1703 Needle Palm Drive, stated he put in a Public Records Request for the qualifications of the City Manager and received nothing on that. What are the qualifications? Councilwoman Rhodes stated they are in the Charter. Mr. Glaser asked what Council wanted as qualifications for a City Manager. He stated it makes it convenient if it's not written to get rid of someone. Councilwoman Bennington stated she wanted what they have seen in the last year. That's his qualifications. She only cares about his past performance.

Mayor Thomas stated he didn't want to give him a bunch of hoops to go through.

Councilwoman Rhodes moved to hire Tracey Barlow with the current contract, second by Councilwoman Bennington.

The MOTION CARRIED 3-2. Councilwoman Rogers and Councilman Cooper voted NO.

10. OFFICER REPORTS

A. City Clerk

- 1) Southeast Volusia Summit - March 18, 2009 from 2:00 p.m. - 6:00 p.m.; 3 discussion topics needed which are pertinent to the City of Edgewater

City Clerk Wenzel stated that the Chamber was looking for three topics of discussion for the Summit.

Mayor Thomas suggested resource consolidation.

Acting City Manager Barlow suggested alternative water supply, future energy, Public Safety Services, economic development opportunities, U.S. #1 redevelopment, redevelopment and transportation.

Councilman Cooper stated revitalization with grants and blighted areas.

Councilwoman Rhodes stated alternate water and energy sources.

- 2) Volusia Days in Tallahassee - April 1, 2009

City Clerk Wenzel reminded Council there would be a bus trip to Tallahassee on April 1, 2009. The bus will leave at approximately 6:00 a.m. and return around 8:30 p.m.

City Clerk Wenzel reminded Council that the meetings would start at 6:00 p.m. beginning March 2nd.

B. City Attorney

City Attorney Ansay had nothing at this time.

C. City Manager

1. Discussion on leaving Park Avenue and Riverside Drive a permanent 3-way stop

Councilwoman Bennington wanted to keep this as a three way stop.

It was the consensus of Council to keep it.

Acting City Manager Barlow spoke about sidewalks. Development Services Director Lear is on the TAC for the MPO. There are two sidewalks slated for Edgewater. One is on 30th Street and the other is to finish U.S. #1. Both are high on the MPO list.

Acting City Manager Barlow recently attended the deployment ceremony for Shellie Lewis.

11. CITIZEN COMMENTS

The following citizens spoke:

Mike Visconti, 316 Pine Breeze Drive, stated that the intersection of US 1 and Shangri-La was dangerous and asked if there was any progress on getting a light there.

Acting City Manager Barlow stated he has been corresponding with the Homeowners Association. FDOT says there is no need for a signal at this time.

Councilman Cooper stated this has been turned down twice. Once the project was complete another study would be done.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:49 p.m.

Minutes submitted by:

Bonnie Wenzel