

CITY COUNCIL OF EDGEWATER  
REGULAR MEETING  
MARCH 16, 2009  
6:00 P.M.  
COUNCIL CHAMBERS

MINUTES

1. **CALL TO ORDER**

Mayor Thomas called the Regular Meeting to order at 6:03 p.m. in the Council Chambers.

**ROLL CALL**

Mayor Michael Thomas	Present
Councilwoman Debra Rogers	Present
Councilwoman Gigi Bennington	Excused
Councilwoman Harriet Rhodes	Excused
Councilman Ted Cooper	Present
City Manager Tracey Barlow	Present
City Clerk Bonnie Wenzel	Present
City Attorney Aaron Wolfe	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 5, 2009

*Councilman Cooper moved to approve the January 5, 2009 minutes, second by Councilwoman Rogers.*

*The MOTION CARRIED 3-0.*

B. Regular Meeting of January 26, 2009

City Clerk Wenzel pointed out that she had received an e-mail from City Attorney Ansay regarding a couple of typos she wanted to bring up. On Page 26, the third paragraph down, the last sentence, it should state usury fees instead of user fees. The other things she brought up turned out to be correct once she listened to the tape.

Councilwoman Rogers referred to Page 30, towards the bottom, underneath where it said the motion carried 4-1 and Councilwoman Rogers voted no. There was a comment underneath it that was quoted of something she had said. Her feeling is if that comment is going to be there the comment that was made to her should also be in there because she responded to a comment. It says she said she would see them at 7:00 p.m. That was after Mayor Thomas said she could come at 7:00 p.m. If one comment is going to be printed the other comment should be printed. Mayor Thomas confirmed he did say that.

Councilwoman Rogers stated above where it said Councilwoman Bennington moved to change the meeting time, where it says some audience members wanted to keep it at 7:00 p.m. As she recalled everyone in the audience. There was not one person in that audience that said to have it changed.

Mayor Thomas asked if they had a number of how many were in the audience and he pointed out there were very few. Councilwoman Rogers stated there were very few but most of the people were sitting here and they all said 7:00 p.m. If they go back to the CD, that is what they will hear. She felt it shouldn't say some. She felt the majority would be more accurate.

Councilwoman Rogers wanted to know if the minutes were verbatim or paraphrased. City Clerk Wenzel stated they are mostly verbatim. As she was going back and looking, not 100%. Councilwoman Rogers felt they seemed like they were in third person.

Councilwoman Rogers stated she could pick on everything she said after that but she would let it be. Mayor Thomas stated there is a lot that he says that doesn't read exactly as he thinks he said it. Councilwoman Rogers stated she went back and listened to the CD. Mayor Thomas was referring to all of the meetings, when he reads the minutes.

Councilwoman Rogers stated the only thing she is concerned about is since in Florida this is the Sunshine Law there was some discussion that went on that evening and there were comments made by Mayor Thomas and she was curious and perhaps they should talk another time, there were comments he made that he knew something more about an investigation that went on.

Mayor Thomas stated they were talking about the minutes. Councilwoman Rogers stated it is in the minutes. That is why they need to address it. He said it on the public record that he knew something and if he knew something she didn't she would think that maybe there is Sunshine there she doesn't know. She doesn't know how he would know something more than she knew about something that directly related to herself. She was saying this so it was on the public record. If they want to approve the minutes like it is she wasn't going to sit there and argue about it.

**Councilman Cooper moved to approve the January 26, 2009 minutes with the corrections as stated, second by Councilwoman Rogers.**

**The MOTION CARRIED 3-0.**

**3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS**

- A. Randell Brown, Regional Director, Department of Finance Services, discussing a new program called "Safeguarding our Seniors", recently initiated by Chief Finance Officer for the State of Florida, Alex Sink

**Randell Brown**, Regional Director, Department of Financial Services, 135 Executive Circle, Daytona Beach, representing Chief Financial Officer Alex Sink, listed some of her responsibilities. He then commented on the "Safeguarding our Seniors" program that was created due to the number of complaints from senior citizens quadrupling in the last three years because of unscrupulous insurance agents. He spoke of Alex Sink's main focus now being on annuities.

Mr. Brown then commented on new Legislation that took effect on January 1<sup>st</sup> of this year. It is now a third degree felony to submit a fraudulent signature. Ms. Sink prohibits agents from using fake designations. She wants it to be a felony to intentionally deceive. Last year they did over 2,000 educational opportunities to educate people on buying annuities and how to handle an unscrupulous agent.

Mr. Brown offered to come to Edgewater if they have any need for that type of educational opportunity.

Mr. Brown stated another rule that has passed as of January 1<sup>st</sup> of this year is the insurance companies and the agent have to fill out forms to make sure the vehicle is being suitable for the person buying it and it has to be accepted by the company. If it isn't, Ms. Sink is pushing to make that a felony.

Mr. Brown provided their contact information and left some brochures, which also included the contact information.

#### **4. CITIZEN COMMENTS**

The following citizens spoke:

**Dominic Capria**, 606 Topside Circle, commented on the Restoration project. Since February 2<sup>nd</sup>, when it was approved by majority vote with four people in attendance on Council, 3 to 1, since then they have 45 days in which to object to anything in the Restoration project. DCA had 9 objections. He asked if all of the objections were approved and/or were there any objections from anybody else and if there were he knew it would take more than 3 minutes, the ridiculous rule the Council has, to answer these questions.

City Manager Barlow explained the comprehensive plan amendment is in Tallahassee with DCA. There are still ongoing meetings with DCA and Charles Stansbury, which he believed was third down on the food chain. DCA was in town two weeks ago and had a meeting with himself and Darren Lear and they toured the town and talked about that. He will be in Tallahassee on Thursday with DCA to further talk about those objections, recommendations and comments they have.

Mr. Capria asked if the 45 days would be up and there would be no more objections. City Manager Barlow wasn't sure which 45-day time period he was talking about. Mr. Capria stated when they voted on it, 45 days from that period in time. City Manager Barlow stated that is the period they can accept additional comments and recommendations. That is the window to submit those.

Mr. Capria asked if there had been any objections so far. City Manager Barlow informed him other agencies submit comments to DCA. He asked Mr. Capria to contact Mr. Lear

for the other agencies that have submitted comments because he didn't have the information in front of him. City Manager Barlow informed him DCA would have the list as well. Mr. Capria felt City Manager Barlow should have that list too as well as the City Council.

City Clerk Wenzel further explained typically with a Comprehensive Plan Amendment that 45-day time frame where someone can send in their objections, typically the City would not receive the objections until the 45 days are up and DCA would compile them and send them to the City after the 45 day time period.

City Manager Barlow stated after they collect all the objections, comments and recommendations, also known as the ORC report, they bundle those up and they will do a summary report and send those and part of that is the discussions and the negotiations with DCA.

**Bill Glaser**, 1703 Needle Palm Drive, mentioned the discussion about making Park Avenue a permanent three way stop. He was taken aback. He was speechless because over the past 30 years he can remember numerous people coming to the City requesting stop signs on their streets because of traffic, speeding, etc. The answer always was they couldn't do that because they didn't want to impede the flow of traffic. He was amazed that with so little discussion, badaboom they had a three way stop sign. Their little old three block long street, they have roughly 200 cars a day through traffic on Needle Palm Drive. They have 15 to 20 City trucks a day on the street because for some reason they treat their street as a City truck route and then they have all the other folks that apparently went to government schools and never learned to read and understand the English language that the sign that says no trucks over 1-ton doesn't mean them so they will use the street as a cut through. In reading the Florida Statutes there is a list of about 23 items that says what the City can do as a municipality to control traffic. The State gives them that responsibility and that authority to do this. Among those responsibilities and authorities is to designate any street as a through street or designating any intersection as a stop or yield intersection. He asked if they brought down their 20 year old petition where they were asking for a stop sign on their street, would it be addressed again by the City Council and they might get some answer other than

they can't do that because they don't want to impede the flow of traffic.

Mayor Thomas stated he sat on Needle Palm Drive for two two hour periods and he counted more truck traffic on his street than he did on Mr. Glaser's street. Mr. Glaser suggested to Mayor Thomas that the next time he wants to sit there he would like to sit with him and they can count together and then they will go over and count on his street.

Councilman Cooper told Mr. Glaser he had the right to bring his petition forward and ask the Council to vote one way or the other at any time.

#### **5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA**

There were no changes or modifications to be made to the agenda at this time.

City Manager Barlow informed Council this was the new item. If they wanted to bring anything off of the Consent Agenda into Other Business to vote on it independently this is where they would do it otherwise they would do one vote on the Consent Agenda as a whole. This is where they would move an agenda item if they needed to. If nobody wanted to move an agenda item they could move on to the next item.

#### **6. CITY COUNCIL REPORTS**

Councilwoman Rogers commented on an e-mail she believed all of them had received from Cecil Seacrest. She asked City Manager Barlow if an Oak Trail sign, it says it is up. She asked if everything was done and corrected. City Manager Barlow didn't know that he had received that e-mail. Councilwoman Rogers was concerned because she felt it seemed to take a long time for this. They have been calling and asking. City Manager Barlow stated this was the first he had heard about it. Councilwoman Rogers would like to have a procedure in place so that people don't have to e-mail them and call them. Something so the citizens could have a quicker response.

City Manager Barlow informed the Council if they didn't have a problem with City Clerk Wenzel forwarding those operation e-mails to him he could address it.

Interim Environmental Services Director Brenda Dewees pointed out the problem with the Oak Trail sign being that Oak Trail is considered a private road.

Councilwoman Rogers stated when citizens start e-mailing Council it is telling her they aren't happy with something and she is just trying to say let's do something quicker. In this case with it being a private road she could see it would take a little longer.

City Clerk Wenzel stated typically what she does if she gets an e-mail to Council from a citizen she will not only make sure they get it but will also forward it to the correct department to try and get it taken care of. She then commented on the confusion with whether or not the sign was really there due to e-mails being sent from Mr. Seacrest's computer when it wasn't turned on.

Councilman Cooper stated he got the call two and it was about two weeks ago and the sign was up. Councilwoman Rogers felt it was best that they knew they were responding quickly. Mayor Thomas commented on notes he has on his mail that says who it has been forwarded to.

Mayor Thomas reported that they visited Councilwoman Bennington, who is in the hospital, on Friday. They found some bacterial infection in her knee and were treating her for that. They had her on an I-V antibiotic and they have a machine that was moving her leg automatically. She was in pretty good spirits but didn't want to be there.

Councilman Cooper reported that a majority of his committees meet at the later part of the month. He put a challenge out. The Southeast Volusia County little league has lost their main sponsor. They are in a little bit of a bind as far as raising the funds to continue with new equipment and uniforms. They have a banner program. They are trying to collect \$250 to purchase banners to line the fields to recap the \$5,000 they lost. He challenged Council to put in \$50 a piece to buy their own banner. Mayor Thomas stated he gave them \$250 for a sponsor. Councilman Cooper stated if they City could do it they would like that too.

Mayor Thomas reported that he attended the Smart Growth meeting today. They are working very rapidly on a set of guidelines. He gave City Manager Barlow the draft. They

are going to finalize that. It will come to Council in the form of a resolution that they will have to approve. They have already adopted the ECHO map. This is the rules and guidelines of what they can and won't do.

Mayor Thomas stated that he has been going out to the Little League ballpark. It is the most fantastic looking fields he has ever seen. His congratulations to the crew that is taking care of those fields. He tries to talk to the City employees. He talks to them all the time and he tries to talk to the ones he doesn't know. He commented on speaking to an employee that picks up the sticks with a pitchfork and he asked him how morale was and he informed him things were a lot better now that Mr. Barlow is there. He talked to one this weekend and his morale was good. He had a City employee come by the house last weekend and brag on Personnel Director Looney and Julie Christine-Clinton. Feeling out the City employees, he thinks the morale is really up and he is really proud of that.

**7. CONSENT AGENDA**

- A. Authorization for East Volusia Mosquito Control District to make low level aerial inspection and spray flights
- B. Request to approve disposal of Fixed Assets

City Manager Barlow made a staff presentation regarding Items A & B on the Consent Agenda.

Due to there being no comments, Mayor Thomas entertained a motion.

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

**The MOTION CARRIED 3-0.**

**8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

There were no Public Hearings, Ordinances or Resolutions to be discussed at this time.

**9. BOARD APPOINTMENTS**

- A. Economic Development Board - Councilwoman Rhodes' appointment due to the expired term of Robert Williams, who seeks reappointment

This item was tabled until the next meeting due to Councilwoman Rhodes not being present.

- B. Economic Development Board - Councilman Cooper's appointment due to the resignation of Robert Overton

Councilman Cooper nominated Bliss Jamison.

**Councilwoman Rogers moved to approve Councilman Cooper's nomination of Bliss Jamison being appointed to the Economic Development Board.**

Mayor Thomas asked Assistant City Attorney Wolfe if he could second the motion since there was. Councilwoman Rogers stated since they didn't have enough people there. Assistant City Attorney Wolfe informed him yes.

**Mayor Thomas seconded the motion.**

**The MOTION CARRIED 3-0.**

#### 10. OTHER BUSINESS

- A. Award Bid Proposal for Replacement of the Fuel System at the Environmental Services Public Works facility

City Manager Barlow made a staff presentation.

Mayor Thomas asked if they have a choice. City Manager Barlow informed him they did not.

**Councilman Cooper made a motion to award the bid proposal to Southeastern General Contracts, Inc. in the amounts as specified in the proposal and to authorize the mayor to execute the Agreement for Services, second by Councilwoman Rogers.**

**The MOTION CARRIED 3-0.**

- B. Interlocal Agreement between the City of Edgewater and the City of New Smyrna Beach to

accept solid waste from New Smyrna Beach's City Parks

City Manager Barlow made a staff presentation.

Due to there being no comments, Mayor Thomas entertained a motion.

**Councilman Cooper made a motion to approve the agreement with the City of New Smyrna Beach for the acceptance of solid waste and authorize the City Manager to execute the agreement, second by Councilwoman Rogers.**

**The MOTION CARRIED 3-0.**

## 11. OFFICER REPORTS

### A. City Clerk

City Clerk Wenzel reminded everyone of the grand opening of the Animal Shelter on March 28<sup>th</sup>. There were flyers available on the back table of the Council Chambers.

City Clerk Wenzel stated Wednesday from 3:00 p.m. to 6:00 p.m. they have scheduled the Southeast Volusia Summit at Daytona State College. She wanted to find out if everyone would be there. Councilman Cooper and Mayor Thomas confirmed they would be there. Councilwoman Rogers would not be there.

City Clerk Wenzel also needed to know if any of the Council would be attending the Ethics for Elected Officials or Public Servants seminar on March 31<sup>st</sup>. Mayor Thomas, Councilman Cooper and Councilwoman Rogers would not be attending that one.

### B. City Attorney

- 1) Settlement of Ayubo v. City of Edgewater, et al

Assistant City Attorney Wolfe commented on the lawsuit that was filed against the City by a former employee, Ariel Ayubo. He sued the City and three former employees of the City. The nature of the claim is a suit for racial discrimination. The plaintiff is Asian/American and he claims he was discriminated against based upon his race.

Their investigation has not shown any evidence that any of that occurred. Nevertheless the insurance carrier for the City asked them to try to negotiate an early resolution to the lawsuit. The insurance carrier is looking at the cost of defense of the case and doing a cost benefit analysis determined it would make sense to try to settle the case at an early stage of the proceedings. Based upon that they entered negotiations with the plaintiff and they have successfully negotiated a settlement amount of \$12,500 subject to approval by the City Council. As part of the settlement there will be no admission of any wrongdoing or liability by the City or the other three individuals that have been sued. The plaintiff will provide a general release to all of the defendants and will dismiss the case with prejudice, meaning they can never bring the case again. Today they are asking for approval of the settlement amount of \$12,500.

Councilman Cooper asked if there was a deductible owed by the City. Assistant City Attorney Wolfe stated there is a deductible under the policy but it has already been paid.

Mayor Thomas asked what Mr. Ayubo's position was. Assistant City Attorney Wolfe informed him he was a Water Plant Trainee who was on probation.

Councilman Cooper asked how much the deductible was that was already paid. Assistant City Attorney Wolfe believed it was \$5,000 and was paid through the initial legal bills to defend the case.

Mayor Thomas has a bad feeling about doing that with no evidence. Even though it isn't going to cost the City anything. He doesn't like it.

Councilman Cooper stated it already cost them \$5,000. He asked Assistant City Attorney Wolfe if the \$12,000 would be the insurance carrier's responsibility. Assistant City Attorney Wolfe informed him the carrier would pay the \$12,500.

Councilwoman Rogers stated but he is saying in his preliminary investigation that there is no evidence to substantiate what they are claiming. Assistant City Attorney Wolfe stated that was right however, it is early in the litigation. They did send Discovery to the plaintiff written questions and documents and requests but

then they entered into the settlement negotiations so they don't have any Discovery responses from the plaintiff and haven't had the opportunity to depose any witnesses yet in the case. It is very early on in the proceedings. That is what the insurance carrier was thinking. They keep spending more and more on the defense that it can get harder to settle a case after some protractive litigation.

Mayor Thomas asked Assistant City Attorney Wolfe with his legal expertise what he would suggest. Assistant City Attorney Wolfe informed him he would recommend they settle for the \$12,500 amount with no admission of any wrongdoing or liability.

Councilman Cooper asked about the clause without prejudice. Assistant City Attorney Wolfe stated they would dismiss the case with prejudice, which means it can never be brought again.

Councilman Cooper asked Assistant City Attorney Wolfe if he would recommend that he felt it would change drastically if they said to him maybe he needed to further the investigation and see if the \$12,500 could be negotiated for less or even wiped out completely. Assistant City Attorney Wolfe stated they started the negotiations at a lesser amount. This is ultimately what they arrived at. It's difficult to say what would happen later in the litigation.

Mayor Thomas pointed out they were missing two Councilmembers. He asked if they should table it until they get back and get their feelings on it too. He asked if it would hinder Assistant City Attorney Wolfe. He informed Mayor Thomas he had put the plaintiff's attorney on notice that this would be an agenda item at this meeting. All of the offers and discussions were subject to approval by the City Council. He commented on the consent to settle clause included in the policy. The carrier has not raised this at this point but what that clause provides is that if the insurance carrier is able to settle a case for a certain amount and the City refuses to do that then the City can be liable or on the hook for an ultimate judgment that is greater than that amount. Mayor Thomas stated and then it would be up to them.

Mayor Thomas stated that he doesn't like it but that is what they are paying him for. He has recommended that. He then entertained a motion.

Councilman Cooper made a motion that they accept the insurance company and attorney's advice on making this settlement.

Councilwoman Rogers stated and she would add to that before she seconded if she could so they are amending the motion that they are only going to accept it due to the fact that they do have a consent to settle clause in the insurance policy so they are on the hook because if they don't do it the City could be liable for even higher dollars.

Mayor Thomas asked for roll call.

The MOTION CARRIED 3-0.

C. City Manager

City Manager Barlow had a few items he needed Council's assistance on. He informed Council he needed direction from Council regarding employment agreements. Back at the Special Meeting on January 17, 2008 a motion was made to honor the existing contracts but have no further contracts except for Charter Officers to include the City Manager, City Attorney and City Clerk. Currently out of the three interim directors they have now, they have two that have existing contracts. He needed simple direction from the Council if he entertained the idea into negotiating them into a director's position whether to amend their existing contract or if Council is hard steadfast on no additional contracts. Essentially if he considers these two employees, does he amend the contracts or is it a no deal going into a director's position.

Councilman Cooper felt the position of the Council back in January made it pretty specific for no new contracts. They are very similarly written and they all have the golden parachute clause in there that he will vote against over and over again. It is not about the employees at all but the City cannot afford these huge, golden parachutes.

Councilwoman Rogers agreed with that based upon the status of the economy in the United States and of course with all of their local governments. They cannot continue to do

this. They cannot continue to spend the citizens' money in the future so they have to start doing something now so she says no more contracts. City Manager Barlow stated that is the majority or the consensus. For these two positions, both of them are in Deputy roles if you will, Assistant Directors, that if they aren't interested in giving up their contract they remain in those positions and then they hire in directors above them if they want to keep their contracts. Their contracts are existing and honored as a Deputy Director.

Councilman Cooper stated the contracts that they already have. They are Interim Directors and City Manager Barlow wants to expand the contract into the similar contracts of previous directors. City Manager Barlow stated if he elects to bring them in as directors and they don't want to give up their existing contracts. Councilman Cooper stated he wouldn't either. They all have the golden parachute clause in them. The Council was pretty adamant in January to do away with the contracts. City Manager Barlow stated and that gives him direction. Now he can move forward into filling those positions and they know.

City Manager Barlow stated a while back they had some discussion at Council on a couple of topics as it relates to some ordinance amendments. He wanted to get further direction from Council and he can fine-tune them from there.

City Manager Barlow stated the first one was Section 10-41, Littering of Public Property and Waterways. There was some discussion back then and he was requested to try to work on some language changes. The concern was all the free circulations or free newspapers that pile up in driveways of vacant homes. Essentially this is what this would address. He then read what the additional language would be. It doesn't prohibit to circulate those free or subscribed circulations. It only prohibits them to be placed on known or perceived vacant property. This is just rough draft language and hasn't gone through the Attorney to be legalized yet or for their comments. He would need some direction. They don't have to get deep into it tonight. They could give it some thought and give him some independent comments he can continue to work that direction.

City Manager Barlow reported that they are looking at transitioning into what they call an International Property Maintenance Code, which was recently adopted by the City of Sanford. That will be coming back in the near future.

City Manager Barlow stated the next ordinance was related to activities prohibited in parks and this is regarding animals in parks. Down the road one of the goals is Council wants to open up a dog park or animal park. They are looking at a piece of property at the Mango Lake. They will need to adjust the ordinance to address that. Along with that this ordinance is written in such a way that Council could determine essentially by resolution, which parks throughout the entire City the Council wants to permit animals to. That is another draft ordinance they are working on as well.

Councilwoman Rogers asked if they could start talking tonight about the parks to be added. She then mentioned Kennedy Park and Menard May Park. One of the reasons is people are already doing it. She then commented on Manatee Park in New Smyrna Beach. They have the garbage can receptacles in certain places and they have the doggie bag containers right there so it would help induce people to pick up after their animals because they are doing it anyways. Let's do something so people will start to be conscientious to pick up after their animals because it is happening. She knows what is going on with her property that is adjacent to the park. People do it and she sees it but it is like what is she going to do. Let's give them something so they can become responsible.

City Manager Barlow stated if this is something a majority of the Council is interested in he could work with Jack Corder and the Recreation/Cultural Services Board. He suggested they consider an area within a park so they don't have dogs in with the playground equipment and talk about different areas where it may be permitted.

Councilman Cooper asked if they had a report from Jack's department on their feelings on this. City Manager Barlow stated this is just a real rough draft. He asked Council to think about it and chew on it. He would run it through legal and bring it back to Council as an ordinance change. If they get there with the ordinance change on the second reading on the ordinance change and then they present a resolution and the Recreation/Cultural Services Board will

have an opportunity to present a list of all the parks and then they can pick and go for the resolution on the second ordinance reading that identifies those parks.

City Manager Barlow stated they don't have a whole lot of agenda items going forward. If Council wanted to they could look at tentatively suspending one meeting a month, at least through September, and then utilize those other meetings when it gets closer to budget time that they could do the budget workshops and he could start to compress everything on to one agenda.

Councilman Cooper agreed with that and felt the budget was going to be tough this year. City Manager Barlow suggested they have the meeting on the third Monday of the month and then tentatively they will schedule and City Clerk Wenzel can post that the meeting was cancelled due to lack of agenda items for each one of those meetings. If something comes up and they have to have a meeting they will do that and properly advertise.

It was the consensus of Council to hold one meeting a month on the third Monday of the month.

City Manager Barlow commented on the 4<sup>th</sup> of July. With the tough economic times and the concern of using government dollars towards the fireworks show and even the association was co-sponsoring there and having a tough time getting advertisements. They are trying some different approaches on the 4<sup>th</sup> of July. They are trying to still have the show but he is concerned because the funds aren't there. The last time it was sponsored by major boat manufacturers that have furloughed and laid people off so he didn't think they could expect them to. They had a meeting with NSB to brainstorm ideas in Southeast Volusia. That pretty much landed to the offer to shoot the fireworks off at their municipal stadium but really nothing on the finance side. They weren't hurting for a location. He didn't know that he was crazy with the idea of the stadium whereas a lot of the attendants come by boat and it is hard to get a boat to the municipal stadium.

Councilwoman Rogers suggested they combine efforts with the City of New Smyrna Beach. She pointed out they are done within a week apart. City Manager Barlow stated they are willing as long as Edgewater funds it. They are in the same situation. Councilwoman Rogers stated they aren't

willing to go 50/50 and then that helps their burden and Edgewater's burden. City Manager Barlow didn't think they had the 50 and Edgewater doesn't have the 50.

Councilman Cooper pointed out New Smyrna didn't do their fireworks last year.

Councilman Cooper asked what the cost was. City Manager Barlow informed him it was about \$12,000. They are trying some different ideas and they have a committee that is working on it. Last time they talked possibly about having a beer garden. If they do that again this year then maybe they could tap into a major beer distributor with helping offset that cost. They are trying to be creative and think outside the box. In tough economic times, it is tough.

There was a brief discussion regarding fundraisers.

City Manager Barlow asked Council if they would still be okay with the permission of doing a beer garden if they get a major beer sponsor to do that. They can do that in an effort to try to salvage the show.

Councilman Cooper stated he didn't think the citizens wanted to see the fireworks stop. Anything that would help.

Mayor Thomas asked if the boat ramp was on schedule. Leisure Services Director Corder stated he has not been told anything different and it is still on schedule.

Mayor Thomas commented on the magazines he gets and there being three or four pages of the new type ballfields laid out. It looked just like Edgewater's. He is really proud of our ballfields.

Mayor Thomas asked how many were going to Frank Bruno's State of the County Address luncheon on Monday.

City Manager Barlow listed the staff that would be attending.

## **12. CITIZEN COMMENTS**

The following citizens spoke:

**Dominic Capria**, 606 Topside Circle, stated the meetings seen to go on up at the dais and not out in the audience. They talk to each other. It is hard to hear what is going on. They keep talking to each other. This has come up time and time again. Maybe they need something better as far as speakers. Maybe the stimulus package they are going to get \$26,000 from, let's use it to improve so they can hear in the audience.

Mr. Capria suggested they ask the developer from Restoration for the money for the fireworks.

Mayor Thomas informed Mr. Capria this is a business meeting held by the citizens' elected representatives held in the public in the Sunshine. They are supposed to talk amongst themselves. On every item he asks for public participation and he doesn't have to do that. Just on resolutions and stuff. They try to make it where they hear from the citizens. This is a business meeting held in the public.

**Mike Visconti**, 316 Pine Breeze Drive, stated his neighbor, Dr. Bais, yesterday his three smoke alarms inside his house went off simultaneously. Right away he called the Fire Department. He wanted to thank the Fire Department for being there in less than five minutes. They told them to get out of the house because there might be some gas or something in there. He told him to thank the Fire Department. They did a great job to come right away.

Mr. Visconti had something that was new that he wanted to give to City Manager Barlow called Photo Alert and it has to do with missing children. City Manager Barlow thought it would probably be in the Police Department. It costs \$10 a year for parents who want to put their children in the system. They can pick it up on the Internet and learn more about it. He presented the information to City Manager Barlow.

Mayor Thomas thanked everyone for coming and entertained a motion to adjourn.

Councilman Cooper asked for follow up comments.

Councilman Cooper reminded everyone that this Saturday was opening day for the Little League. He asked everyone to please try to attend. It starts at 9:00 a.m.

Councilman Cooper stated on the issue on the contracts. If you work on negotiation aspects to get rid of the golden parachutes, he believes those contracts can go forward. But really address the golden parachute.

### **13. ADJOURNMENT**

There being no further business to discuss, Councilwoman Rogers moved to adjourn. The meeting adjourned at 7:06 p.m.

Minutes submitted by:

Lisa Bloomer