

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
APRIL 20, 2009
6:00 P.M.
COUNCIL CHAMBERS

MINUTES

1. CALL TO ORDER

Mayor Thomas called the Regular Meeting to order at 6:00 p.m. in the Council Chambers.

ROLL CALL

Mayor Michael Thomas	Present
Councilwoman Debra Rogers	Present
Councilwoman Gigi Bennington	Present
Councilwoman Harriet Rhodes	Present
Councilman Ted Cooper	Excused
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 February 17, 2009

Councilwoman Bennington moved to approve the February 17, 2009 minutes, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

B. Executive Session of March 16, 2009

Councilwoman Bennington moved to approve the March 16, 2009 Executive Session minutes, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

C. Regular Meeting of March 16, 2009

Councilwoman Rogers moved to approve the March 16, 2009 Regular Meeting minutes, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

- A. Presentation by Staff regarding the republication of the Code of Ordinances and publication of the Code on Municode.com

City Clerk Wenzel informed Council they recently had the Code of Ordinances republished through Municode. They have redone the whole book and everyone should have a new copy. They were finally able to get the Code of Ordinances online at the Municode website. Due to problems with the website, City Clerk Wenzel was not able to show them the site.

- B. Public Works Week - Proclamation

Mayor Thomas read a proclamation proclaiming May 17 - 23, 2009 as National Public Works Week. He then presented the proclamation to Environmental Services Director Brenda Dewees.

Mayor Thomas expressed his appreciation for what the Public Works employees do.

- C. Presentation of CDBG Plaque by John McKinney, Finance Director

Finance Director McKinney stated last week was CDBG Community Development Block Grant week. He had the privilege of attending a presentation about the importance of community development within our country. We received a proclamation from the County to the City and a plaque for the work they did last year at City Hall on ADA compliance. He presented the plaque to the Mayor. They would find a place to put it in City Hall.

4. CITIZEN COMMENTS

The following citizens spoke:

Mike Visconti, 316 Pine Breeze Drive, informed Council his house was for sale and he was going back to

Connecticut. He made a folder for Mayor Thomas, the City Manager and the Councilmembers. In the folder they would find when he first joined the Beautification Committee. Before he leaves, he would like to see the fountain erected somewhere. He would prefer in front of the museum. Now that City Hall has been renovated and beautified and landscaped, he felt the front would look great. He suggested perhaps it could be placed across the street. The park is going to be upgraded. He would like to see the fountain erected in the front center of the brick pavement with benches around it. This also will enhance the park and City Hall. He has been blessed living in Edgewater. He has made many friends. He has attended approximately 85% of the Council meetings, commenting 80% of the time. He did this because he loves his country and he loves Edgewater very much. He was sorry when the house sells he would be leaving. He will definitely miss Edgewater. He thanked the Council for their hospitality. It's been a wonderful 15 years. He then presented Council with their folders.

Councilwoman Bennington informed Mr. Visconti he would be missed.

Mayor Thomas expressed his appreciation for Mr. Visconti's positive comments whenever he would speak.

Carol Ann Stoughton, 2740 Evergreen Drive, stated she tried to talk to Tracey Barlow after he became City Manager and he said he doesn't have to talk to her anymore. She had copies of a letter she received because they know she has the guts to come up there and spill the beans. It seems there is a lot of confusion and nepotism going on with the Fire Department. It seems that there is a lot of harassment. There is even sex going on during lunch breaks at the firehouse. There is a woman there and there is a man here present that used to be boyfriend and girlfriend and now supposedly there is going to be a sexual harassment lawsuit. It seems that Mr. Barlow knows all about this and has turned his head. Mr. Barlow and his close-knit family run the City and she thinks Mr. Barlow should step down. All the firemen know who are on the low end of the totem pole what is going on in the firehouse. It seems that because there are mothers, ex-wives, ex-girlfriends, working in there, the City Manager should not be turning his head on the disgraceful things. There are a lot of backroom deals going on. Mr. Barlow knows what is going

on. She thinks there should be an in-depth investigation as to what is going on with our City. She wanted to know if Mr. Barlow was getting a pension plus the City Manager. New Smyrna is advertising for people. She informed Mr. Barlow he was not qualified.

City Manager Barlow asked that since this is a recorded meeting and this could become part of a court hearing later he wanted to state for the record that he was not aware of any of those allegations that Ms. Carol Stoughton has brought to their attention.

Ms. Stoughton stated she didn't know about them but somebody had the guts to write to her and tell her. She feels it is a damn state of affairs that this should be allowed to go on. She feels City Manager Barlow has too much power.

Mayor Thomas welcomed the Edgewater Police Department to the meeting.

Dan Blazi, 220 Oak Branch Drive, asked Mayor Thomas if it would be possible to waive the three minute time period. Councilwoman Rogers informed him no. Mr. Blazi stated he could have somebody else come up and read his speech and continue it but since he wrote it he would rather own up to the entire thing.

Mayor Thomas informed him he tries to be fair. Mr. Blazi informed him it didn't matter and that someone else would come up and continue. Mayor Thomas informed him that was fine and that everybody gets three minutes.

Mr. Blazi read a prepared statement by presenting a status report on how he thinks the Edgewater Police Department stands today with regard to officer morale and updating equipment. The machine has been fixed, oiled and is working well. He asked Council why when Chief Bennett has repaired them some of them insist on buying yet another Chief to keep them moving. He referred to the last Council meeting where City Manager Barlow asked for direction whether Council was willing to negotiate the existing contracts of two interim directors or if Council was adamant in not allowing any contracts as a condition of being considered for a permanent director position. The consensus at that time was to not consider Bill Bennett for Police Chief unless he was willing to relinquish his

present contract as Deputy Chief. He asked Council to reconsider this. In choosing another candidate for Police Chief they would now be paying for a Police Chief without a contract and a Deputy Chief with a contract. This would not be cost effective for the City nor is it necessary. Their agency is not large enough to need a Chief and a Deputy Chief. The command structure that Chief Bennett wants to implement would produce cost savings for the city without a reduction in services. Bill Bennett owns the contract he presently has. As they did with City Manager Barlow amending his present contract to instate him as the new Police Chief is not setting negative precedence for future department head assignments or putting the City in any financial risk. Some of the Council may perceive Bill Bennett's refusal to surrender his present contract as being arrogant in nature. He perceives it as a survival instinct. The politics within the City have been volatile in the past and there is no assurance they cannot again become volatile. Ultimately contracts for Police Chiefs protect the citizens of the City from political corruption. He wasn't implying any present Councilmembers are corrupt but they may not be here after the next election. With no protection the office of the Police Chief becomes a revolving door, which rotates with every political change in the wind. Sometimes a Police Chief has to be able to say no to the powers that be.

Rick Winston, 1919 Orange Tree Drive, continued Mr. Blazi's speech by stating when that request supercedes a law or is morally wrong. He informed Councilwoman Rogers she had made public concerns of integrity from the office of the Police Chief. Since no other Councilmember has remotely implied this he had to assume her concerns with the Interim Police Chief are more personal in nature. He assured her Bill Bennett is a man of integrity and honor and would continue to instill integrity and honor in the Police Department.

Mr. Winston then informed Councilwoman Bennington she has always been a strong supporter of the Police Department and many of their campaign visions are being realized and witnessed recently by the new Animal Shelter. Let your visions of a strong community based Police Department be realized by endorsing Bill Bennett as the new Police Chief. He is progressive in his thinking and would drive their agency forward in the years to come.

Mr. Winston then informed Mayor Thomas as a law enforcement officer of well over 35 plus years he knows the value of good leadership in law enforcement agencies. It is easy to find a good administrator well versed in policy and procedure and knowledgeable in the law. It is difficult to find a good leader possessing the natural ability and solidity of a police department and its public safety mission.

Mr. Winston then informed Councilwoman Rhodes she has always based her decisions on what she feels is best for the community. She decided to instate City Manager Barlow without wasting further time and money, that was a smart decision based on the best interest of the City. Like City Manager Barlow, Bill Bennett has also proven his skills through acts and not words and should be afforded the opportunity to continue advancing in the Police Department.

Mr. Winston skipped over comments addressing Councilman Cooper due to him not being present at the meeting.

Mr. Winston invited Council to reopen this issue for decision and final resolution. He asked Council to endorse by majority consensus Bill Bennett as the new Police Chief of the Edgewater Police Department with no changes to his present contract beyond a change in name and the appropriate pay raise.

Randy Mumpower, Edgewater Police Department, finished Mr. Blazi's speech by asking that everyone who agreed with what he has presented tonight to stand and let their presence be known. Approximately 90% of the audience stood up. Over a year they were adamant in their goal to eliminate poor management. They are now just as resolute in keeping the good management they presently have. Bill Bennett is a man of integrity who is progressive in his thinking, his outstanding leadership abilities. It is in the best interest of the City and is worth every penny of the contract this man has earned. He asked Council to look around the room. Bill Bennett made no request of anyone to help him nor did he instigate any type of political maneuvering to make himself look better. The employees, volunteers and citizens came voluntarily in support of Bill Bennett because he is by far the best man for this job. Don't let this opportunity slip through their fingers. Shame on them if they do. He thanked them for their time and consideration.

Dennis Vincenzi, 1604 Queen Palm Drive, spoke in support of Bill Bennett as filling the role of permanent Police Chief. He has known him for 15 years and he has always been honest and fair. He has always had the moral character to do what is right in the face of political adversity and he isn't afraid to tell people what he thinks. He took over 12 or 15 months ago when they asked him to when John Taves left. He had a lot of problems in the department and has worked hard to identify problems and straighten those problems out. He still has a few to go but he was confident if they put him in place as permanent Chief he will be able to address those continuing issues and find a resolution.

Mr. Vincenzi then spoke about contracts. He understood some of the Councilmembers had made the sweeping comment that they should offer no more contracts to any department heads or golden parachutes. They aren't golden parachutes. That is something totally different. That is a media buzzword that somebody has latched onto in trying to manipulate it to try to apply it to the situation here. This is a contract that Bill Bennett already has. All they have to do is keep it in place and modify it a little bit because of the new position and they are set. He is a good man and has earned the respect of the community and the officers that work under him. He was confident he would do a good job. He urged the Council to do what is best for the City and for the Police Department and appoint him as permanent Chief.

Dominic Capria, 606 Topside Circle, commented on the Mayor allowing other people to speak on the same subject, which according to him it is against the rules. He hopes in the future he will do it with them also because he will tell Mr. Capria to sit down.

Mr. Capria wanted to talk about letters to the Mayor from October 28, 2008 and March 27, 2009 identifying nine objections for the development of the Restoration project. One being that Edgewater's amendment to the Comp Plan for the Restoration project does not comply with the State's rules for growth management. He wanted to know if any of these proposals had been resolved through the objections and if so which ones.

City Manager Barlow believed Mr. Capria was talking about the notice of intent to find our Comprehensive Plan

Amendment not in compliance. There has been no resolution yet and it is all part of the process. Part of that same cover letter in the last paragraph the DCA references being interested in meeting with staff for the purpose of developing acceptable solutions to the non compliance findings. Those meetings he was sure would be forthcoming.

Bill Glaser, 1703 Needle Palm Drive, stated at the last meeting the Mayor told him he had been counting traffic on his street and he made him a deal that they could go count traffic together. He didn't take him up on the deal. Mayor Thomas informed Mr. Glaser he didn't think he could stand to be in his presence for more than a couple of minutes. Mr. Glaser informed him the feeling was mutual.

Mr. Glaser stated he spent about 19 hours since the last meeting counting traffic on his street as well as Mayor Thomas' street. What it boils down to is that on a regular day he may have one or two City trucks on his street some days anyway. On Wednesday the 8th of April he had four garbage trucks, three trash trucks, two clam trucks and assorted other City trucks in addition to about 20 through cars an hour. He then pointed out the traffic on Mayor Thomas' street on different days. He didn't know what to tell the Mayor. Maybe he had been smoking some of that funny smelling hemp weed and thought he was on his street counting when he was really on Mr. Glaser's street.

Mayor Thomas banged the gavel and informed Mr. Glaser he was getting kind of personal and that he takes that very strongly. He informed Mr. Glaser if it happened again, he would be ousted out of the meeting.

Mr. Glaser informed him he wouldn't be personal again.

Mr. Glaser had a listing from 1973, 1980's and 2006 where he has counted traffic on the street. They would like to have on their street what Mayor has on his street, a relatively quiet residential neighborhood with minimum amount of traffic. He asked if that could be fixed for them.

Mayor Thomas asked City Manager Barlow if he could request a neutral party because he didn't mention the UPS trucks, the Fed Ex Trucks and the Tru Green trucks he sees on his street everyday. Mr. Glaser stated they have the same thing on his street. They use it as a cut through street.

Mayor Thomas would like to see a neutral party do a little impromptu and see if he has any kind of substance to his complaint. City Manager Barlow agreed to do that. Mr. Glaser agreed to provide Mr. Barlow with detailed counts.

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

Mayor Thomas added the agenda request for acceptance of the AFG (Assistance to Firefighters Grant) under Other Business, Item 10D.

Mayor Thomas added the agenda request for a budget amendment for repair and replacement of various pumps and motors at the Wastewater Treatment Plant under Other Business, Item 10E.

Councilwoman Rhodes suggested adding discussion on contracts. Councilwoman Bennington wanted to do that too. Mayor Thomas agreed to add this discussion under Other Business, Item 10G.

6. CITY COUNCIL REPORTS

Councilwoman Rogers asked if an officer by the name of Winston was with the Edgewater PD, the gentleman that got up who was second reading the letter. Mr. Winston informed he worked for the U.S. Government.

Councilwoman Rogers informed Mr. Winston it was unique he got up and actually addressed herself and Mr. Bennett indicating there were some comments she made at a meeting that they did not have further discussion with on the Council but it is something that she brought to the City Manager's attention. The City Manager requested that Mr. Bill Bennett provide evidence that she gave to the Edgewater Police Department. She was told verbally that the City of Edgewater didn't have this evidence and then Mr. Barlow told her that he thought that was a little odd so he requested Mr. Bennett to have put in writing the reason why the City of Edgewater didn't have this evidence that she gave to the City of Edgewater and that evidence was given to his wife, JoAnne Winston. The day she went into City Hall in her inbox there was a memo from Mrs. Winston talking about this said evidence and explaining a way why there wasn't any evidence. She had only read the beginning of the memo. She went back to Mr. Barlow's office and she was upset because the beginning of the memo started

explaining a way something that was actually there and was provided and Mr. Barlow agreed that he himself thought it was odd and then he was referring to something at the bottom of the memo where Mrs. Winston had indicated that she never heard any recording off of her cell phone and didn't tape any message from it. In Mr. Barlow's presence was Jack Corder sitting across from his desk when Mr. Barlow looked at her and he also expressed disgruntledness, he didn't believe it either. She dropped her papers on the floor and through her arms up and all she could think of was what next is going on with this City and everything that has been done to her already. The evening that everyone seems to know a whole lot about because it was put in the press so clear by the EPD there was one officer that was called to her home when there was a situation with a teenage daughter. That officer said his Chief did something that was not valid and not correct and he went to he FDLE and he got nowhere. She tried. She brought things to the attention of the Edgewater Police Department. Evidence was given, evidence was provided and evidence was talked about and then somehow it just disappears and a memo tries to explain it away. She asked Mr. Barlow for help because he knew exactly what she was talking about when she went into his office and he himself felt there was not validity in that memo.

City Manager Barlow recalled about the time of the incident but didn't recall any particulars of the conversation. Councilwoman Rogers informed him they had a lot of conversations about it and that was why he asked Bill Bennett to provide him a memo indicating where was this evidence because he himself knew she wouldn't create and talk about something if it wasn't there. City Manager Barlow informed her he wasn't going to engage in debate. Councilwoman Rogers informed him so now he wasn't going to help. She informed Mr. Winston he had his answer, just dust it under the carpet.

Councilwoman Rhodes felt maybe from now on things should be put in writing so things can be proved. This he said she said stuff is a bunch of crap. Councilwoman Rogers stated Mr. Barlow knows very well and there is another witness.

Councilwoman Bennington had nothing at this time. Mayor Thomas informed her he was glad to see her back. Councilwoman Bennington was glad to be back.

Councilwoman Rhodes stated she has been out of the loop for a while taking care of her terminally ill father so she was not aware of some things maybe she should be aware of. She is back now and intends to stay up to date on things. She would save her comments for when they discuss contracts.

Mayor Thomas reported that he, City Manager Barlow and Mr. Lear attended the Smart Growth Seminar put on by Dan Pelham at the Ocean Center. They also attended the State of the County luncheon.

Mayor Thomas reported that last week he attended the WAV meeting. He is really proud of the work that WAV does. WAV puts on a multi-tier attack on educating the youth and the public and are trying to find a future alternative water supply. We are going to run out of water some day if they don't conserve and find an alternative water supply. He passed around a kids coloring book. Their Executive Director goes around and gives demonstrations at schools. It teaches the kids when they are coloring about water conservation and about our aquifer and everything. We are water wasters and what they really need to do is teach the youth how to conserve water. He passed around some handouts that show the kids how much water they waste when they brush their teeth, take a shower and when they flush the toilet.

Mayor Thomas then commented on WAV putting on a youth education program and Science Night at Edgewater Public School that WAV participated in on Friday night.

Mayor Thomas then spoke about trying to teach the public about when to water and when not to water. They have signs ordered for U.S.#1 about the days they can water.

Mayor Thomas commented on a handout he received from St. Johns that tells about waterwise plants and xeriscaping, which he passed around.

Mayor Thomas commented on the rebate being given on the rain barrels as well as the rebates being given for side loading washing machines. They are really promoting water conservation. He is proud of what they are doing.

Mayor Thomas reported on the Smart Growth Meeting he attended that morning. After three years of hard work they have finally come up with a document that gives the rules

and regulations about Smart Growth. This will come before Council in the form of a resolution. He passed around the document. There are a lot of stringent rules that are going to promote Smart Growth.

Mayor Thomas then commented on the grand opening of the Animal Shelter on March 28th. He is really proud of that.

Mayor Thomas congratulated Fire Chief Steve Cousins for being the new Fire Chief.

Mayor Thomas expressed concern about Kennedy Park. He walked over to the park and spoke to the boss. They said 60 days and the boss told him they have got until May 9th and it looks like they are going to run over two weeks. He is pushing them to get it done because we are fixing to get into the boating season. He reported that what he saw looks fabulous.

Mayor Thomas commented on what he knows about Interim Chief Bennett. He has been with the City for 20 years. He presented a scenario where Interim Chief Bennett was involved. He was really impressed with him. He further commented on Interim Chief Bennett's career with the City. He is very proud of him and the morale is a lot better. He has been there and has done the job twice. They know he can do it. He knows every street, he knows every crook and he knows the residents. Why go out and get somebody else when they have that 20 years of knowledge. The hang up is the contract. They are under due stress under their moneys. The State has cut us back to the bone and we got hurt on a couple of contracts. They had some knee jerk reactions that said no more contracts therefore they have four or five directors that are working without a contract. He is torn between what is fair because those people stepped up to the plate and said they would do it without a contract. He felt Sergeant Blazi's speech was very well written. He has seen politics in action. That is why he strives to be fair and to do the right thing. He wants to do the fair thing and he knows they need him.

7. CONSENT AGENDA

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

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Brian Melanson, agent for Friendship Baptist Church located at 2108 Hibiscus Drive is requesting a Special Activities Permit for the Friendship Community Spring Fling event with outdoor music to be held April 25, 2009

City Manager Barlow made a staff presentation.

Pastor Brian Melanson, Friendship Baptist Church, stated the music would be from 10:30 a.m. to 11:15 p.m. and then again from 1:00 p.m. to 1:45 p.m. He further commented on the activities they will be having.

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

Councilwoman Rhodes moved to approve, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

Pastor Melanson stated they are a very poor church and asked if there was any way they could get the \$300 permit fee waived. They have no budget for it. It has taken a lot of their money for the event.

Councilwoman Rhodes commented on having other churches that come before Council and they have never allowed them to waive the fee.

Pastor Melanson stated he has done this before for the First Baptist Church of Edgewater and he questioned if the fee had gone up. He thought it was \$15.

Councilwoman Rhodes suggested if they want to reduce the amount he pays so the taxpayers don't fund their event because they are here for the taxpayers that he be charged the exact amount it costs them to give them the permit. Pastor Melanson felt that was fair. Councilwoman Rhodes asked if that was doable. City Manager Barlow informed her he understood.

City Manager Barlow informed Pastor Melanson they would call him when the permit was ready.

B. Resolution No. 2009-R-06, Amendment to the
Planning & Zoning Board By-Laws

City Attorney Ansay read Res. 2009-R-06 into the record.

City Manager Barlow made a staff presentation.

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

Councilwoman Rhodes moved to approve Res. 2009-R-06, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

C. Resolution No. 2009-R-05, Amendment to the
Economic Development Board By-Laws

City Attorney Ansay read Res. 2009-R-05 into the record.

City Manager Barlow made a staff presentation.

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

Councilwoman Bennington moved to approve Res. 2009-R-05, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

9. BOARD APPOINTMENTS

- A. Economic Development Board - Councilwoman Rhodes' appointment due to the expired term of Robert Williams, who seeks reappointment. (This item was continued from the March 16, 2009 meeting).

Councilwoman Rhodes moved to reappoint Robert Williams to the Economic Development Board, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

- B. Economic Development Board - Mayor Thomas' appointment due to the expired term of Oscar Zeller, who seeks reappointment

Mayor Thomas nominated Oscar Zeller to be reappointed to the Economic Development Board.

Councilwoman Rhodes moved to approve Mayor Thomas' nomination to reappoint Oscar Zeller, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

- C. Economic Development Board - Councilwoman Rogers' appointment due to the expired term of Thomas (Tim) Howard, who seeks reappointment

Councilwoman Rogers moved to reappoint Thomas (Tim) Howard to the Economic Development Board, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

- D. Economic Development Board - Councilwoman Bennington's appointment due to the resignation of Eric Caplan, whose term expires on August 18, 2011

Councilwoman Bennington moved to appoint Jennifer Butera to the Economic Development Board, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

- E. Police Officers Pension Board of Trustees - Councilwoman Rhodes' appointment due to the expired term of Ferd Heeb, who seeks reappointment

Councilwoman Rhodes moved to reappoint Ferd Heeb to the Police Officers Pension Board of Trustees, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

- F. General Employees' Pension Board of Trustees - Council to ratify the SPEA appointment of Bobby Laramore

Councilwoman Rhodes moved to ratify the SPEA appointment of Bobby Laramore, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

G. General Employees' Pension Board of Trustees - Council to ratify the City Manager's appointee, Tim Sopko

Councilwoman Rhodes moved to ratify the City Manager's appointment of Tim Sopko to the General Employees' Pension Board of Trustees, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

H. General Employees' Pension Board of Trustees - appointment of a Councilmember to a three-year term, ending on February 5, 2012, due to Councilwoman Rhodes declining reappointment

Councilwoman Rhodes moved to appoint Councilwoman Bennington to the General Employees' Pension Board of Trustees, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

I. Library Board - Mayor Thomas' appointment due to the expired term of Anne McDevitt, who seeks reappointment

Mayor Thomas nominated Anne McDevitt to be reappointed to the Library Board.

Councilwoman Bennington moved to approve Mayor Thomas' nomination to reappoint Anne McDevitt to the Library Board, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

J. Library Board - Councilwoman Rogers' appointment due to the expired term of Marilyn Fausti, who seeks reappointment

Councilwoman Rogers moved to reappoint Marilyn Fausti to the Library Board, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

K. Library Board - Councilwoman Bennington's appointment due to the expired term of Marie Goodrich, who seeks reappointment

Councilwoman Bennington moved to reappoint Marie Goodrich to the Library Board, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

L. Library Board - Councilwoman Rhodes' appointment due to the expired term of Kathy Booth, who seeks reappointment

Councilwoman Rhodes moved to reappoint Kathy Booth to the Library Board, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

There was a ten-minute recess at this time. The meeting recessed at 7:04 p.m. and reconvened at 7:17 p.m.

10. OTHER BUSINESS

Mayor Thomas stated he forgot something when he recognized Fire Chief Steve Cousins. He then recognized Brenda Dewees for being promoted to Environmental Services Director.

A. Well Monitoring License Agreement with the Florida Department of Environmental Protection

City Manager Barlow made a staff presentation.

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

Councilwoman Bennington moved to accept staff's recommendation and execute the agreement, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

B. First Amendment to the Library Lease Agreement with the County of Volusia

City Manager Barlow made a staff presentation.

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

Councilwoman Rhodes moved to approve the First Amendment to the Lease Agreement for the Library, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

C. Ratification of Teamsters Agreement (Police Union Contract)

City Manager Barlow made a staff presentation.

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

Councilwoman Bennington thanked the Union for negotiating and ratifying this.

Councilwoman Bennington moved to accept the ratification contract, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

D. Acceptance of the AFG (Assistance to Firefighters Grant) in the sum of \$57,150 for the purchase of new cardiac monitors

City Manager Barlow made a staff presentation.

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

Councilwoman Rhodes moved to accept the AFG grant, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

E. Budget Amendment in the amount of \$45,000 for repair and replacement of various pumps and motors at the Wastewater Treatment Plant

City Manager Barlow made a staff presentation.

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

Councilwoman Rhodes moved to approve the Budget Amendment moving \$45,000 from non-departmental machinery and equipment budget line item to wastewater repair and maintenance line item, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

F. Police Chief Contract Discussion

Mayor Thomas advised the Council they do not appoint the Police Chief. It is the City Manager's job and they appointed him to do so. What they can do is they can give him some direction on the contract.

Mayor Thomas then opened this item up for discussion.

Councilwoman Rhodes stated Council gave Tracey a direction of no contracts. She disagreed with that at the time and she still disagrees with it. She also talked to Bill Bennett about it. She just talked to him tonight. Their primary objective is to be as good stewards of the tax dollars as they can. Chief Bennett informed her he would be happy to freeze his salary right now for his severance package. For Chief Bennett to walk out the door as Chief or Deputy Chief wouldn't cost the City one more dime than it does on this day. She thinks that is fair and she thinks it is doable. She thinks Council can direct Tracey to put that into effect but it also must go into effect for every other person that has a contract including Brenda who gave up her contract so she could become a Department Head. It is only fair that her contract be reinstated with those same caveats in it. If Council feels like they want to do that to make this happen she feels it would be in everybody's best interest. She didn't think anybody on Council disagreed with the fact that Bill Bennett is a great Police Chief. That is not the problem. The problem is the contract. They can't appoint him Police Chief but they can give City Manager Barlow the tools to do that if City Manager Barlow so desires. This is City Manager Barlow's job not theirs.

Councilwoman Bennington agreed with Councilwoman Rhodes on several things. They do have to remember they do not have the right to hire or tell City Manager Barlow whom to hire for the Chief. What they do have the right to do is tell him under this one position, considering the political atmosphere that it has been in previous years and the

conditions that exist they will exempt the Police Department. They will allow the Police Chief to have a contract and not the other departments only because of the history that has taken place in the Department. If they do that, she knows it doesn't sound fair to the other ones that readily gave them up but they are covered under personnel. They can't be just fired. Under a Police Chief they don't need a reason to be fired. They can just be fired. If Bill were to be made Chief and they gave him the contract and somewhere down the line another City Manager comes in if they don't like Bill they can tell Bill to take a walk and here's your severance pay. They can't do that to Brenda or any of the other department heads unless they have cause and go through the personnel procedures.

City Attorney Ansay stated under the City's personnel manual there are certain procedures that need to be followed if they are terminating non-contract employees.

Councilwoman Bennington stated the milk has already been spilt on all the other department heads. To go back and say let's give them the chance to renegotiate and give them a contract because they are allowing Tracey when he hires a Chief to offer a contract, she didn't know if that was in the best interest of the City.

Councilwoman Rhodes pointed out there are only a few people who have contracts. To do it for one employee and not for another employee she finds highly objectionable. If Brenda wants to say she would rather fall under the policy and procedures handbook, then fine. But they have two employees and they have given the same option to one, to both of them and one took one way and one took the other way. Now to turn it around and say they will let one have it, she objects to that. They must be fair to everyone.

Councilwoman Bennington stated then they have Donna Looney that doesn't have a contract and she wasn't given an opportunity and John McKinney. Councilwoman Rhodes stated they can't go back and correct all those things but if they have a contract and they want to take this option. If they already have the contract it doesn't make one difference what job you are holding. You have that contract if you want to keep that contract. But Brenda never had the option to keep hers. Maybe she doesn't want to. She didn't know but she would if it were here.

Councilwoman Bennington stated she was just offering a suggestion that they could opt the Police Department out on the conditions based on the political background and it being unique. Councilwoman Rhodes stated the whole point of this is it should not be political. Councilwoman Bennington stated but it has been and they cant' close their eyes to that. It should not be political but it has been throughout the history of Edgewater.

Councilwoman Rhodes has no problem with saying no new contracts. Her personal opinion is she thinks they should offer a modified new severance contract. If Council wants to say no new contracts she has no problem with that. With two employees sitting in front of her and to say one gets one and one doesn't, she will never be okay with that.

Councilwoman Bennington had a tendency to agree with her on that.

Councilwoman Rogers stated no new contracts. One of the biggest reasons why that was voted for by this Council has to do a lot with the economy and what is going on. They are elected to be good stewards of the taxpayer money. She believes everybody that has a job in this economy would love to have a contract and would love to have a contract that would offer 9, 10, 11, or 12 months severance but that is not happening. This position was offered previously to the Interim Chief before he was an Interim Chief. He declined to take it. She has been told he has declined to take it two times that she is aware of and she believed Mr. Barlow had told he three times. He also told her at the end of the last Council meeting when they voted to not have any more contracts that he had given the opportunity to the Interim Chief to let him know if he would take the position as Chief so he was offered that position. He declined to take the position and he put the position out so it can be applied for by respective parties and they have received a numerous amount of applications. She is very good at being able to make a decision and take away the personal element. She is back to the economy of this situation and then at the same time the fact that they need to go outside. They have offered this position to this individual numerous times. She has told them two possibly three times. The two times are definite but the third is heresay. Her concern is that as a Council they voted on this and said no contracts and no amendments. Now they are revisiting it again. Are they revisiting this or are they revisiting the

fact that the majority of the people in this room are Edgewater Police Department employees. They are supposed to be there for the taxpayers. She can understand that some of the Edgewater Police Department are taxpayers but they have 20,000 taxpayers in the City and the population of who was in the room this evening is just a small percentage of that larger sum. She thinks they need to stay on the track of what council has already done. They decided no contracts or amendments. Ms. Dewees made a decision. She went home and spoke with her husband and she decided to take her position without a contract. She doesn't think they need to sugar coat or make something easier for somebody else to get a position. She thinks it is extremely wonderful and loyal that this many employees came to the City tonight to stand up for something they believe in. She thinks if 20,000 residents in the City knew about this they would probably have standing room only all the way out the door because people don't want the City to have contracts because they have jobs that they have lost and they didn't have contracts.

Councilwoman Rhodes stated he already has the contract. Councilwoman Rogers stated she knew he already had a contract but he is the Deputy Chief not the Chief.

Councilwoman Rhodes stated and they can say no new contracts. She is on board with that if that is what the council wants. Councilwoman Bennington stated the only way his contract is going to cost them any money is if he quits or is fired. Councilwoman Rhodes pointed out it is going to cost them the same amount of money if he quits now or five years from now if he is the Chief or not.

Councilwoman Rogers stated she was aware of that. There are two reasons why they are here. They are talking about a contract and they are talking about someone who is an interim. Councilwoman Rhodes stated no they are talking about contracts and that is it. Councilwoman Rogers stated they are talking about contracts but they aren't here really for the contracts. They are here because they keep talking about who they want to be Chief. Let's get to the bottom line. Councilwoman Rhodes stated and they are entitled to that just like every other person is entitled to speak and they do, they are entitled to their opinion but that doesn't make this decision. Councilwoman Rogers stated but let's get to the logic. What they brought to her attention and the reason why she is speaking about

contracts is because. Councilwoman Rhodes stated she has said this from get, from jump. She has said she thinks they need contracts. She said it ten years ago. Councilwoman Rogers stated but it has been voted on. Councilwoman Rhodes stated and her opinion didn't count and that is fine. She wasn't here. It was Council's vote and she is okay with that. She has no right to complain about it and she isn't complaining about it. She is asking do they want to revisit contracts and make this a different decision now, seeing how they feel. If they have somebody that has the respect and the loyalty from the people that work for them, why do you want them gone? If it isn't going to cost them to keep them why do they want them gone? Councilwoman Rogers stated Brenda Dewees, the employees from her department didn't come. Councilwoman Rhodes stated she said the exact same thing should apply to Brenda as it applies to Bill. It's not about Bill or Brenda. It's about contracts.

Mayor Thomas commented on Councilwoman Rhodes and Councilwoman Bennington mirroring what he said earlier about the contracts and being fair to all the employees and directors. They have put Mr. Barlow as coach of the ball team just like Mr. Bennett is coach of the Police Department. He feels if they give City Manager Barlow some direction that he should go back and revisit all the directors to find out if they want a contract or not. He feels they should be fair if they are going to give him that direction. He asked if that was what he was hearing. Councilwoman Rhodes informed him not from her. Councilwoman Bennington feels if they are going to do it they should do it for all unless they are going to do the exception. Councilwoman Rhodes pointed out she was talking about everybody that already has a contract. If they freeze it at the current wage, it costs this City no money. She doesn't think they should be giving contracts to people that don't have them. She feels they should honor the contracts they have and Brenda is caught in the middle here. She feels what applies to Bill should apply to Brenda and any other employee that has a contract right now. They have to honor them.

Councilwoman Bennington asked if she could ask Bill a question and asked him to come to the podium.

Councilwoman Bennington asked him since it is his contract that is the issue, if he had the contract would he accept

the job as Chief. Mr. Bennett stated absolutely. Councilwoman Bennington stated but if he doesn't get it he isn't going to accept it. Mr. Bennett stated he owns the contract right now anyway. He suggested to Councilwoman Rhodes to freeze the severance package. He already owns that. If they gave him a raise as a Police Chief then the severance package would go up. What he already owns, he already owns. He presented an example of promoting someone to Sergeant and asking them to give him back something they already have.

Councilwoman Bennington stated if they as a Council say Bill's contract is fine and to just freeze the severance they are violating the Charter because they are basically telling Tracey to hire him and they can't do that.

Councilwoman Rhodes stated they are telling Tracey to do that with all contracts and then who Tracey hires as Police Chief is his decision.

City Attorney Ansay explained Council certainly has the power to render a policy on how they want contracts to be handled. They have the power under the Charter to express opinions even as it relates to appointments of personnel, directors, Police Chief, etc. They don't under the Charter have the ability to dictate to Mr. Barlow the appointment of any director or Police Chief but they certainly have the power to consider the previous decision they made as it relates to contracts and go forward. There was a comment made by Councilwoman Rhodes about the position of all the existing contracts. Just to be clear in the event they were to authorize the City Manager to negotiate a contract with either the Police Chief and/or other positions that don't currently have a contract, they certainly could put parameters on those as it relates to capping severance, etc. Those employees that have existing contracts that aren't in play right now they don't have the ability to unilaterally cap their severance. Their severance will continue to raise and unless they consent to any change which she would assume they wouldn't they don't have any ability to cap those. They would only have a negotiating power with those that don't have a current contract.

Councilwoman Rhodes stated but if of those people that do have current contracts, if they were to get a promotion could they not at that time renegotiate their contract. City Attorney Ansay stated certainly but most of them are

already department directors. If they were to negotiate another contract, at that point the contract opens and changes can be made to those terms.

Councilwoman Rhodes stated she is saying to ask Tracey to do that for every employee that currently has a contract and Brenda.

Councilwoman Bennington asked about Steve Cousins and if he had a contract. City Manager Barlow informed her he did not.

Councilwoman Rhodes stated she wasn't saying write any new contracts. That could be another discussion at another time if they wanted to give modified contracts.

Mayor Thomas mentioned Councilwoman Rhodes wanting to include Brenda because she had a contract and turned it down. Councilwoman Rhodes stated yes because she is in the same scenario at this time. Councilwoman Bennington wanted to confirm that Councilwoman Rhodes wanted to give her the opportunity to say yes or no. Councilwoman Rhodes stated she doesn't have to do it if she doesn't want to.

City Manager Barlow stated if they are going to a motion he wanted to make sure they were clear in their motion and that he has good direction. When they talk about freezing the current rate of pay, he wanted to know if they were talking about the current rate of pay as Deputy Chief or Acting Chief. Deputy Chief Bennett stated the rate of pay he is at now. City Manager Barlow confirmed it was the current rate of pay as Acting Chief. He is hearing the motion is probably going and that same opportunity be offered to Brenda as well and anybody else that has a contract that is going to get a promotion. Deputy Chief Bennett confirmed they weren't talking about the salary but they were speaking about the severance package. City Manager Barlow stated the current value of the severance package today. Councilwoman Rhodes informed City Manager Barlow he had the opportunity to promote or do whatever he wanted to do and it doesn't cost them any money to do it. City Manager Barlow stated if Brenda was to decline and doesn't want to be an at will employee and wants to be an employee that you have to have just cause to terminate, that is her option. But if they keep the severance package they recognize they will be an at will employee.

Councilwoman Bennington stated Bill said at his current rate, his severance package as Acting Chief. Suppose they do that for him and Brenda and Bill doesn't get the job as Chief. Councilwoman Rhodes stated oh well he has a contract and he stays where he's at. They can only renegotiate a contract when they are promoting him. City Manager Barlow pointed out this would be an amendment to his contract.

The following citizens spoke:

Carol Ann Stoughton, 2740 Evergreen Drive, stated the Council allowed the Fire Department to come in here and storm the Council and demand the resignation of Jon Williams who at least was acting. Now they have no real background of a City manager as a City Manager ever and he gets put into office yet they have a well qualified policeman who wants to stay on as Chief and all his boys want him in there. Very orderly. She complimented all of them. She feels Mr. Bennett should be made Chief. She asked if there is a policy that somebody doesn't like him. The guy is qualified. Councilwoman Rogers stated Tracey does the appointment, not the Council. Ms. Stoughton stated however as the Attorney said the Council can get together and say hey Tracey he didn't have qualifications and he does. Put him in office and that is the end of the story.

Councilwoman Bennington stated that wasn't what City Attorney Ansay said.

Bob Pike, 1300 S. Riverside Drive, stated he is not a police officer but a taxpaying citizen here. What is being missed here is the main man for the job is the best man for the job who has a team assembled. Team is the most important thing they strive to get as a community. The customer service, the dedication. He has been here over 20 years. He knows the neighborhood. If the man deserves the job, he deserves the job. He didn't think he was asking for anything other than what he has. As a taxpayer he thinks there is no other choice. He hopes he gets the job.

Dan Blazi, 220 oak Branch Drive, wanted to clarify a couple of things before Council voted. The only thing they were looking for was a fair consensus because at the time that the original consensus was done there were only two Councilmembers present and Mayor Thomas took a neutral

stance. They wanted the opportunity when there were more councilpersons present to go ahead and give a true consensus to City Manager Barlow as to what the council felt when it came to amending the present contract that Chief Bennett already has. It is financially neutral as was said before. He already has a severance package and there is no change in that one way or the other. He becomes Deputy Chief, they are now paying for a Chief and a Deputy Chief which they then would be paying more. It is not fiscally responsible for the City to have a Chief and a Deputy Chief when really the rank structure for their size department really doesn't call for that. That was more of a political move during a time of turmoil. He thinks those two positions were created as opposed to just one. That is just a personal opinion. He wanted to clarify the fact that they have been looking for a consensus to help give City Manager Barlow true direction. No one is asking the Council to hire Bill Bennett. Ultimately it is City Manager Barlow's responsibility. They want to make sure the contract issue is not part of his determination as to if Bill Bennett is the best man for the job. Ultimately he is going to be doing his research and finding out who he feels is in the best interest of the City and who the best person for the job is.

Councilwoman Rhodes made a motion for City Manager Barlow be given the tool of existing contracts and amending them, amending severance packages in existing contracts in order to hire anybody that he wants to hire.

City Manager Barlow asked for clarification. If he understood the motion correctly, they are giving him the authority to amend existing contracts to identify the value of current severance at today's rate of pay, in their acting position. Identify that rate of pay and that would be their severance at the term of their contract. Councilwoman Rhodes stated yes.

City Manager Barlow wanted to make sure they were capping the existing value of their severance and offer that same opportunity to Brenda Dewees. Councilwoman Rhodes stated anyone with an existing contract and Brenda Dewees.

City Attorney Ansay wanted to make a point of clarification and stated it is for existing contracts and employees that are promoted within the City. They also have reverse so she wanted to make sure if someone were to say they wanted

to phase out and go down do they at that point still remain entitled to those contract rights. Councilwoman Rhodes stated then the contract rights go down. City Attorney Ansay confirmed she was saying he could amend a contract also for someone who wanted to go into any other position, not just a promoted position. She has had the situation happen before and wanted to make sure they were clear. Councilwoman Rhodes informed her yes.

Councilwoman Rogers stated they are looking to have the severance package preserved. Councilwoman Rhodes stated on existing contracts only.

Councilwoman Bennington seconded the motion.

The MOTION CARRIED 3-0. Councilwoman Rogers voted NO.

After applause from the audience, Councilwoman Bennington pointed out it doesn't mean he is hired.

11. 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

City Manager Barlow recognized Robert McIntosh in the audience. He has recently volunteered and went to grant writing school with some staff members. He has recently completed a grant application for the COPS grant application for two additional police officer positions to be funded through grant dollars. That has been submitted as well.

Mayor Thomas asked Mr. McIntosh to stand up. The Council thanked him.

City Manager Barlow also pointed out he is working with Mr. McIntosh on some various other grant opportunities.

City Manager Barlow stated at the last meeting he gave Council to consider two draft ordinance amendments that were requested by various Councilmembers. He first commented on littering on public property on waterways and the draft language he gave them to consider. He needed direction from Council if they wanted him to bring this back in ordinance form. This had to do with the distribution of the free newspapers and/or other handbills that are thrown in driveways or placed on vehicles. He read the draft language. Councilwoman Rhodes loved the language.

Councilwoman Bennington asked what the penalty was. She feels the language is great but she doesn't believe in passing ordinances unless there is a penalty involved.

City Manager Barlow commented on this falling under a schedule one penalty in Chapter 10, which is identified in the Code of Ordinances and Council will get to see the updated fee resolution. It is \$75.

City Manager Barlow stated if they wanted something stronger he has done some research. Orange City has something that is a little more stringent that says they can't circulate any free newspapers unless they are subscribed to. He then spoke of speaking to some of the officers over there and this being hard to enforce.

Councilwoman Bennington commented on at one time when they were going to require Handy Ways to have two people on duty at night and they had all the owners there.

City Manager Barlow hoped to bring updates to Chapter 10 at the next meeting and he could include some of this language in there. It was the consensus of Council to include the language.

City Manager Barlow then commented on the second ordinance that was suggested that related to animals in City parks. He then read the language. This ordinance would allow Council to identify which parks they would permit animals.

It was the consensus of Council to include this language as well.

City Manager Barlow spoke about Rails 2 Trails. They have bought abandoned railroad right-of-way in the process of

changing them into trails. He referred to the map and pointed out the trail.

City Manager Barlow commented on concerns of the ParkTowne Industrial Board. Their recommendation is to petition instead of making that a rail and to try to possibly get some federal grant dollars and make that another commercial roadway. If it is Council's direction he can talk to them and see what the feasibility or possibility is of them maybe foregoing one little lake and starting in the area of SR 442 and Cow Creek.

Mayor Thomas agreed to participate with City Manager Barlow in the negotiations.

City Manager Barlow stated he has been requested by some of the neighbors around the airport property. They want to sit down with him and one of the Councilmembers about the airport noise. The last time they met with the airport owners they wanted him to work with Councilman Cooper.

Councilwoman Bennington thought that was all taken care of. Councilwoman Rhodes stated it would never be taken care of. For ten years it has not been taken care of. There is no middle ground there.

City Manager Barlow presented an update on the 4th of July. The Friends of the Fireworks have put together a fundraiser to try to salvage our fireworks show this year without the City funding. Currently, today's donations are at \$2,900 and there is an event this Saturday at Rotary Park from 12:00 p.m. to 5:00 p.m. with music and barbeque cooking. They are trying to meet the deadline by May 1st.

Councilwoman Rhodes asked about not having an option for the businesses to do it like they did it last year. City Manager Barlow pointed out those business are struggling and are in layoffs too.

12. CITIZEN COMMENTS

The following citizen spoke:

Bill Glaser, 1703 Needle Palm Drive, asked Mayor Thomas if he remembered when he stopped him at the gas station and he told him he had been following him around to see if he had been cleaning up after his dogs. Mayor Thomas informed him

he had a complaint on him. Two people complained. Mr. Glaser asked him if he thought that was kind of personal that he didn't come and talk to him. Mayor Thomas stated he tried to handle it on a personal level and not bring it up in front of Council. He wanted him to know it was a small item and he didn't want to bring it up in front of council. He followed him around and he saw him pull a plastic bag out of his pocket and he did seem him pick up the dog waste and he wanted to let him know that he did that.

Mr. Glaser stated he had a bunch of concerns about City things. He asked if he gave him a list if he would investigate them. Mayor Thomas asked if he was talking about City spending. Mr. Glaser stated no City employees. Things like folks using their City vehicles to go to garage sales. Mayor Thomas informed him they would do that.

Mr. Glaser stated Mr. Cooper last time they were discussing the stop signs by City Hall. He inquired about if they resurrected their 30-year-old petition would it be considered for a stop sign on their street. He asked if it would be okay if he submitted it.

Councilwoman Bennington questioned it being 30 years old. Mr. Glaser stated there is a whole history there. They can see how many hum jobs they got.

Mayor Thomas asked if he was giving a complaint on City employees. Mr. Glaser informed him no but agreed to give him a list tomorrow.

Mr. Glaser asked if it was okay that he gave the petition to the City Clerk. Mayor Thomas informed him it was.

13. ADJOURNMENT

There being no further business to discuss, Mayor Thomas adjourned the meeting. The meeting adjourned at 8:09 p.m.

Minutes submitted by:

Lisa Bloomer