

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
OCTOBER 19, 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	Excused
Councilwoman Gigi Bennington	Present
Councilwoman Harriet Rhodes	Present
Councilman Ted Cooper	Present
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. Special Meeting of August 31, 2009

Councilman Cooper moved to approve the August 31, 2009 minutes, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

Mayor Thomas asked the promoters of the Charlie Daniels Band concert to provide a report.

Ramira Garrett, Horizon Events, thanked the City of Edgewater and City Council. She has had nothing but great sentiments from the people that were a part of it. They

ended up with more people than they expected. The vast majority were from Edgewater from what the ticket sales show so far. She felt all in all it was a great success.

Mayor Thomas asked Ms. Garrett if she knew how many people attended. Ms. Garrett stated they were still working on final ticket numbers but estimated there were 5,000 to 6,000 in attendance, not counting kids who were free and not ticketed. They are really excited and hope to do another one.

Councilwoman Bennington stated she worked traffic and parking was a problem. Ms. Garrett informed her they ended up with more people than they expected. The ticket sales more than doubled Friday night and Saturday before the show, which is unusual. It did catch them off guard. They could have had a lot more parking in the main field had it been properly set up. They found a lot of cars were leaving themselves plenty of room to tailgate before the show. The next time they will have more parking attendants to get them in a lot closer. She knew aerials had been taken but hadn't seen them yet.

Councilwoman Bennington commented on people showing up as late as 10:00 p.m. wanting to get in. Ms. Garrett stated their ticket sales continued until almost 9:30 p.m., which was another odd thing.

Councilwoman Bennington felt the traffic went really smooth. Parking was the only issue.

Mayor Thomas asked what benefit it was for Edgewater.

City Manager Barlow mentioned comments he received from businesses that were further in town from the event that had record-breaking days that day. The entire event went extremely well. Staff plans within the next two weeks to work with the land owner and the promoters and if they are interested in doing additional events out there, is sit down with them with an after action and talk about and put that punch list together of things they learned and things to expect. He further complimented City staff that worked the event as well as the volunteers. Those costs for the City staff that was there is reimbursed by the event itself so there were no costs to the taxpayers.

Councilman Cooper further commented on this being a family event. He thanked everyone involved for everything they did to help pull this together.

There were no Presentations at this time.

4. CITIZEN COMMENTS

The following citizens spoke:

Elizabeth DiMascio, 1918 S. Riverside Drive, wanted to report a dangerous situation on Boston Road. On two separate occasions two pedestrians were walking across the bumper closer to Riverside Drive and tripped. She feels the bumpers are too wide for that road. Half of Boston is not wide and that bumper starts in the area where the road is not widened.

Ms. DiMascio wanted to meet the person that designed that and offered to personally supervise for free the removal of that bumper. Councilwoman Rhodes informed her it was designed by the Florida Department of Transportation.

Ms. DiMascio mentioned the first bumper being removed that was closed to U.S. #1 because people crashed into it.

City Manager Barlow asked for Council to give him time to look into it with staff. He believed that was a DOT requirement when the Family Dollar was brought in. Development Services Director Darren Lear informed him it wasn't DOT. City Manager Barlow stated it was local and agreed to look into it and report back to Council.

Councilwoman Rhodes stated she thought DOT mandated them to have something there. City Manager Barlow believed it was previous administration and again agreed to look into it.

Matthew Thurmire, President of Southeast Volusia Habitat for Humanity, had some brochures for Council. He commented on a second program that Habitat International started that their affiliate is participating in called "A Brush With Kindness".

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

There were no Modifications to be made to the agenda at this time.

6. CITY COUNCIL REPORTS

Councilman Cooper commented on being unable to attend the YMCA Board meeting. They also hosted their appreciation dinner on Friday night, which was well attended. They have made a few changes at the Y. Laurie A. Denoff will be the new director. Herman Mitchell will be going to the Deland Facility.

Councilman Cooper briefly commented on the Jam for America event.

Mayor Thomas stated on October 2nd they had a DUI Saturation patrol in the City. He asked Captain Arcieri to come up and give them the results of the DUI Saturation report.

Police Captain David Arcieri informed Council the Police Chief put this together about a year ago and by participating in this they earn points with the State and get free equipment. On October 2nd, they had nine agencies participate and a total of 16 officers from outside agencies. He commented on the agencies that came. From 7 p.m. until 1 a.m. there were 25 officers on the streets in Edgewater. They had 16 arrests, 3 were DUI's, 6 were drug related, 98 citations were issued and 51 verbal or written warnings were given. He commented on this being a big success.

Mayor Thomas stated he received a call. He asked if any of the other Councilmembers received phone calls. Councilwoman Bennington received one from her daughter who received a ticket for a burned out tag light. Councilwoman Rhodes didn't but she saw them because she was out that night.

Councilwoman Bennington reported that the General Employees Pension Board was in the process of getting rid of Principal. She was hoping it wouldn't be too much longer. They have already picked an alternate to take over when they terminate Principal.

Councilwoman Rhodes had nothing at this time.

7. CONSENT AGENDA

- A. Confirmation of the purchase of a Kenworth T800 Semi-Tractor 52,000 lb GVW in the amount of \$118,397
- B. Confirmation of the purchase of a Kenworth T370 Garbage Truck with an 18-yard rear loader in the amount of \$119,633
- C. Approval to use Odyssey Manufacturing Company for the purchase of Sodium Hypochlorite for the Water Treatment Plant

City Manager Barlow made a staff presentation on the items on the Consent Agenda.

Councilwoman Rhodes moved to approve the Consent Agenda, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2009-R-18 - Update of Purchasing Policy dated April 21, 2008

City Attorney Ansay read Resolution 2009-R-18 into the record.

City Manager Barlow made a staff presentation by going over the proposed changes to the Purchasing Policy.

Councilman Cooper asked if there was any indication that any department failed to perform due to the present set standards of the no more than \$1,000 merchant account limits or the \$15,000 maximum limit for City Manager approval. He asked City Manager Barlow if they ever had a problem where they couldn't get Council's approval or vote to access cash for him. He has trouble increasing these amounts when there is no real reason. If it's not broke, why are they trying to fix it? The present limits that have been set and they have been working with for years don't seem to be a problem and he wondered why they were asking to increase them to such large amounts. With their budget and everything they argued with over their budget, allowing this money to be spent without council approval could put them in a reserve problem almost instantaneously.

City Manager Barlow explained these are already budgeted in their budgeting process. The budget they approve are the line items. They can't spend outside those line items. That money is already allocated for those. He commented on ways this is making it more efficient.

Councilman Cooper felt it sounded like they were going down a dangerous path. City Manager Barlow explained everybody has a purchasing card and it is tracked back to him. They aren't authorized unless they have the supervisor that is empowered to make those decisions. They can't spend outside their budget and those line items.

Councilman Cooper was more concerned with the \$25,000 and the \$50,000 going out to bid and the section where City Manager Barlow appoints the Committee to review those bids under \$50,000. He feels it kind of takes it out of where they would have come forward and they would have had a proper conversation and they would have been able to look the contractor in the eye. He doesn't like the idea of appointed Committee that can be appointed by the City Manager to vote for what he wants to bid under \$50,000. He spoke of two bids totaling almost \$100,000 using up what little bit of reserve they have left and they aren't in compliance with their own budget and the reserve they are supposed to maintain.

City Manager Barlow stated he can't go into the reserves without coming back to Council and these items are already in the budget now. Councilman Cooper stated but if he had an emergency he could spend \$50,000 without anybody's say so. Councilwoman Rhodes informed him \$25,000. City Manager Barlow assured him he would be back before Council. Councilman Cooper stated prior to that it was \$15,000 and it has never been a problem.

Councilwoman Bennington stated the dollar isn't worth what it used to be. Councilman Cooper stated and the economy is coming down the other direction too and they need to watch the dollar that much closer.

Councilwoman Bennington pointed out it is a matter of trust in their City Manager and staff. Councilman Cooper stated he loves his City Manager and staff right now but they aren't always going to have the same ones and they have large amounts there. Why change it if it's not broken?

Councilwoman Bennington stated City Manager Barlow just told him there is a problem. Councilman Cooper didn't see how it could be more efficient when there hasn't been one instance where they have ever had a problem getting the money to the City Manager to run the City.

City Manager Barlow used the Consent Agenda as an example of coming after the fact in an effort to save \$21,000, which was a detailed item in the budget and he had to execute that purchase.

Councilman Cooper stated he has never heard Council never say they wouldn't meet to take care of any kind of emergency funding. He feels this is a bad path to follow.

Councilwoman Rhodes disagreed. She feels anything that saves money is to their benefit. They have already approved the budget and they can't spend more than what they have approved anyway. To approve the budget and come back to them for every one of those expenditures is redundant and doesn't make any sense to her. She thinks this is a good idea.

Councilwoman Bennington agreed with Councilwoman Rhodes.

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

Councilwoman Bennington moved to approve Resolution 2009-R-18, second by Councilwoman Rhodes.

The MOTION CARRIED 3-1. Councilman Cooper voted NO.

B. Nancy Hansen, on behalf of Edgewater United Methodist Church, requesting a Special Activity Permit for the Annual Christmas Under the Palms event to be held at 211 N. Ridgewood Avenue on December 12, 2009

City Manager Barlow made a staff presentation.

Councilwoman Rhodes disclosed she used to work for and is a member of the Edgewater United Methodist Church.

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

Councilwoman Bennington moved to approve the Special Activity Permit, second by Councilman Cooper.

The MOTION CARRIED 4-0.

C. 1st Reading, Ordinance No. 2009-0-07 -
Establishing a temporary moratorium on the issuance of permits, business tax receipts and/or certificate of uses for game rooms, arcades, dance halls, internet cafes and similar indoor entertainment and amusement activities

City Attorney Ansay read Ordinance 2009-0-07 into the record.

City Manager Barlow made a staff presentation. He explained this is establishing a 180-day moratorium so a study can be conducted to determine the application criteria, standards and other approval processes and approvals related to the regulation and/or location and issuance of said permits. He made mention of having three internet cafes located in the community.

Councilwoman Bennington asked why they needed an ordinance for this and why they weren't doing a resolution. City Attorney Ansay explained the likely land use changes that may occur could potentially be within the LDC so to the degree they are affecting anything that relates to land development in terms of a moratorium there is law that indicates it should be done with at least the same formality that they would have originally or will subsequently pass a land use ordinance by. They have to pass land use changes by ordinance.

Councilman Cooper asked if they would naturally fall under the State and Federal regulations to have a license to do this. City Manager Barlow stated it is his understanding the State Attorney and Attorney General are possibly looking at some of these loopholes. City Attorney Ansay commented on there being a State law that deals with some of these types of uses and there are Federal laws in place as well. She didn't think City staff was attempting to preempt through any kind of regulations, State or Federal law. She thought this was more a question of where do they locate these in our community. She views it more of a local concern as opposed to the issues that the State and Feds regulate.

Councilman Cooper stated they aren't forbidding it, they are just asking for a moratorium of 180 days. City Manager Barlow stated until they can do a study.

Mayor Thomas stated they have three in Edgewater now. From what he understands, sort of the requirements is our population is 21,000 and they are allowed one per 7,000. The ones they have are still going to be able to operate. What they are saying is they aren't going to allow any more. City Manager Barlow stated put off on processing any additional until staff has an opportunity to do the study.

Councilwoman Rhodes asked exactly what they would be studying. City Manager Barlow informed her they needed to study good locations for these.

Councilman Cooper stated he thought the ones that were already in business were going to be left alone and anybody applying for a new permit. City Manager Barlow informed him it was for future planning going forward.

Councilwoman Rhodes stated they don't do this for every business and questioned why they are doing it for this business? City Manager Barlow stated they have zonings throughout Edgewater that permit certain types businesses throughout Edgewater. This is becoming so essentially new and it is part of the study to determine.

Mayor Thomas questioned if they got a complaint on this. City Manager Barlow informed him no and commented on why this has been a concern.

Mayor Thomas stated they have three and questioned if they have had any problems with those three. City Manager Barlow didn't know that he had received complaints other than parking at one and overflow parking at one.

Mayor Thomas assumed his goal was the protection of the citizens of Edgewater from this sort of thing. City Manager Barlow stated it is a business that they don't have enough codes to regulate. It gives them an opportunity to catch up and be able to do that.

City Manager Barlow stated if they are okay with them just popping up anywhere they could leave it alone.

Mayor Thomas stated what he was understanding was they are going to leave the three existing businesses alone and they want to have 180 days moratorium on starting a new one just to study it and bring recommendations back to Council.

Councilwoman Rhodes asked if they were hiring someone to do the study. City Manager Barlow informed her staff would do the study.

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

Councilwoman Rhodes made a motion to approve Ordinance 2009-0-07, second by Councilwoman Bennington.

The MOTION CARRIED 3-1. Councilman Cooper voted NO.

9. BOARD APPOINTMENTS

There were no Board appointments at this time.

10. OTHER BUSINESS

- A. Selection of firms to provide Planning Consultant Services for a period of three years

City Manager Barlow made a staff presentation. The selection committee recommended City Council approve the following firms to perform the requested services and are in no particular order: Glatting Jackson Kercher Anglin, Canin Associates, Kimley-Horn and Associates, and MSCW.

Councilwoman Rhodes questioned only paying for them if they use them. City Manager Barlow informed her that was correct. There was no retainer fee.

Councilman Cooper asked if they had a budgeted allotment for these avenues of consulting. City Manager Barlow informed him that was correct. Councilman Cooper stated so no matter when they use them they would have to stay within what they have budgeted for them. City Manager Barlow informed him absolutely.

Councilwoman Bennington spoke of being the Councilmember appointed to serve on the selection committee and how intriguing it was reading 22 responses to the RSQ from

planning. City Manager Barlow commented on receiving 22 very qualified responses.

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

Councilwoman Bennington moved to adopt the staff recommendations, second by Councilwoman Rhodes.

The MOTION CARRIED 4-0.

11. OFFICER REPORTS

A. City Clerk

City Clerk Wenzel reported on going to the Florida Association of City Clerks conference last week. Next year will be her last year with the full conference and she will have her education points towards her certification.

B. City Attorney

City Attorney Ansay had nothing at this time.

C. City Manager

City Manager Barlow commented on the postcards he provided to Council regarding the Business Expo in ParkTowne on November 5th from 5:00 p.m. to 7:00 p.m. He encouraged Council's attendance if they were available.

12. CITIZEN COMMENTS

There were no Citizen Comments at this time.

13. ADJOURNMENT

There being no further business to discuss, Councilwoman Bennington moved to adjourn. The meeting adjourned at 6:50 p.m.

Minutes submitted by:

Lisa Bloomer

Attest:

APPROVED:

City of Edgewater, Florida

Bonnie Wenzel, City Clerk

Michael L. Thomas, Mayor