

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

MINUTES

1. CALL TO ORDER

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

ROLL CALL

Mayor Michael Thomas	Excused
Councilwoman Debra Rogers	Excused
Councilwoman Gigi Bennington	Present
Vice Mayor 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. Regular Meeting of September 14, 2009

Councilman Cooper moved to approve the September 14, 2009 minutes, second by Councilwoman Bennington.

The MOTION CARRIED 3-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

A. A Proclamation proclaiming November as Gangfree Edgewater Month

City Attorney Ansay read a proclamation declaring November as "Gangfree Edgewater Month".

B. A Proclamation supporting F.A.I.T.H. and the
Center for Business Excellence

City Attorney Ansay read the proclamation supporting
F.A.I.T.H. and the Center for Business Excellence.

4. CITIZEN COMMENTS

The following citizen spoke:

Mike Visconti, 316 Pine Breeze Drive, stated in District 4 before the election they had Judy Lichter sitting in the seat where Ted Cooper is right now. Judy Lichter for every ceremony, Veterans Day and Memorial Day, she attended and made a speech at every one of them. She was always there to represent Edgewater. Ted Cooper took over her place and since then Ted Cooper followed the same thing that Judy Lichter did. He attends every Veterans Day and Memorial Day service. He outdid himself this Veterans Day. He made an inspiring speech that he will always remember. He thanked Ted Cooper and those who attended the Veterans Day ceremony on behalf of the Veterans.

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

There were no Changes/Modifications to the agenda.

6. CITY COUNCIL REPORTS

Councilwoman Bennington stated the Business Expo they had at ParkTowne was a tremendous success. They had a lot of people. It was an eye opener. A lot of people had never been out there to know what the City had. It was very well attended. She thanked the Barnett Group and the Chamber for supporting the City on that.

Councilwoman Rhodes had nothing at this time.

Councilman Cooper commended the citizens that came out for the Business Expo. He thought there were over 200 people. He thanked everyone who attended the Veterans Day ceremony.

Councilman cooper reminded everyone of the Christmas parade next month. He would like to see everyone out there. He then wished everyone a Happy Thanksgiving.

7. CONSENT AGENDA

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

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. 2nd 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 Ord. 2009-0-07 into the record.

City Manager Barlow made a staff presentation.

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

Councilwoman Bennington moved to accept Ordinance 2009-0-07, second by Vice Mayor Rhodes.

The MOTION FAILED 2-1. Councilman Cooper voted NO.

- B. 1st Reading, Ordinance No. 2009-0-08 - Amend the Comprehensive Plan to update the Capital Improvements Element (CIE) and the accompanying Capital Improvements Program (CIP)

City Attorney Ansay read Ordinance 2009-0-08 into the record.

City Manager Barlow made a staff presentation.

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

Councilman Cooper moved to approve Ordinance 2009-0-08, second by Councilwoman Bennington.

The MOTION CARRIED 3-0.

- C. 1st Reading, Ordinance No. 2009-0-09 - Repealing and Restating Article VII (Water Conservation Standards) of Chapter 19 (Utilities and Services)

City Attorney Ansay read Ordinance 2009-0-09 into the record.

City Manager Barlow made a staff presentation.

There were no citizen comments at this time.

Councilwoman Bennington stated they all received notices in the mail from St. Johns telling them when they can water. This does not apply to the reclaimed water. City Manager Barlow informed her that was correct. He spoke of the advertisements being done by St. Johns in the newspaper as well as on television. It is silent on the reclaimed but is confusing to those who have reclaimed. Notice was put in the newsletter but they are going to look at putting an ad in the newspaper.

Councilwoman Bennington asked what the cost would be to put door hangers on the doors of the reclaimed water customers rather than take an ad out in the paper and second-guess that they may see it. City Manager Barlow informed her it was in the newsletter and they will all get the newsletter. She was talking about a large area in Florida Shores they would have to canvas and that would be man-hours. He thought it would be cheaper to do the newspaper ad than pay the man-hours. Councilwoman Bennington informed him it was just a suggestion. City Manager Barlow suggested he could hold off on the ad and they could watch after the newsletter goes out to see if they see a significant decrease in the consumption of the reclaimed water and then they may go back and try a different tactic.

Vice Mayor Rhodes agreed with Councilwoman Bennington that it was a good idea but she felt it would be cost prohibitive at this time.

Councilman Cooper stated the important thing with the County advertising and making sure they did the direct mailing, he felt it would be important to put in the newsletter every month that they have reduced the impact fees drastically to hook up to the reclaimed water because of having an abundance of it and it costs tax dollars to flush it. He feels they need to advertise that as much as they can. He then asked how the program had been received by the citizens. Environmental Services Director Brenda Dewees informed him they had a few.

Councilwoman Bennington pointed out it was wintertime too. Councilman Cooper also commented on it being the holidays. He felt they would see an increase in the Spring.

City Manager Barlow pointed out they would also be streaming information commercials about Edgewater on the televisions in the lobby at City Hall so the people waiting in line would see those.

The following citizen spoke:

Jeff Gheris, 208 Canova Street, New Smyrna Beach, asked how they get the reclaimed water. City Manager Barlow informed him it wasn't available in the area of his project. Vice Mayor Rhodes informed him right now it was only available in Florida Shores.

Vice Mayor Rhodes closed the public hearing.

Councilwoman Bennington moved to adopt Ordinance 2009-0-09, second by Councilman Cooper.

The MOTION CARRIED 3-0.

D. Resolution No. 2009-R-31 and Resolution No. 2009-R-32 - Authorization for the City Manager or Mayor to execute the appropriate documents for Refinancing of the 1991 and 1993 Revenue Bonds

City Attorney Ansay read Resolution 2009-R-31 and Resolution 2009-R-32 into the record.

City Manager Barlow made a staff presentation.

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

Councilwoman Bennington moved to approve Resolution 2009-R-31, second by Councilman Cooper.

The MOTION CARRIED 3-0.

Councilwoman Bennington moved to approve Resolution 2009-R-32, second by Councilman Cooper.

The MOTION CARRIED 3-0.

E. Resolution No. 2009-R-35 - Approving the Final
Year End Amended Budget for the City for Fiscal
Year 2008/2009

City Attorney Ansay read Resolution 2009-R-35 into the record.

City Manager Barlow made a staff presentation.

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

Councilman Cooper moved to approve Resolution 2009-R-35, second by Councilwoman Bennington.

The MOTION CARRIED 3-0.

F. Resolution No. 2009-R-27 - Modifying the Schedule
of Fines, Fees, Costs and/or Penalties

City Attorney Ansay read Resolution 2009-R-27 into the record.

City Manager Barlow made a staff presentation.

There was no public comment at this time.

Councilwoman Bennington asked who goes over this. City Manager Barlow informed her every single department that is responsible for those, they go through and clean up and between the Finance Director and himself, they manage all of that. Everybody has their fingerprints on that work.

Councilwoman Bennington felt this was a lot easier to read than the other one. Councilman Cooper felt it would be easier for the Finance Director to help out when people come in arguing about the penalties and fees.

Councilwoman Bennington stated in the new ordinance are there exceptions to the penalties. What if somebody says it wasn't their fault or wanted Council to hear something, is there an exception where it wouldn't have to go before Council and a decision could be made through administration. City Manager Barlow informed her it depended on what it was and that each case was different.

How it is handled is identified in each one of those ordinances.

Vice Mayor Rhodes closed the public hearing and entertained a motion.

Councilman Cooper moved to adopt Resolution 2009-R-27, second by Councilwoman Bennington.

The MOTION CARRIED 3-0.

G. Resolution No. 2009-R-30 - Enacting Business Incentives for The Big Planet Restaurant by waiving certain Impact Fees

City Attorney Ansay read Resolution 2009-R-30 into the record.

City Manager Barlow made a staff presentation.

Vice Mayor Rhodes asked if any of the public wanted to comment. There was no comment from the public.

Councilman Cooper wanted to hear from the owner of the property for his reasoning.

Jeff Gheris, 208 Canova Street, New Smyrna Beach, commented on the jobs and 30 hours. He commented on hiring high school and college kids and a lot of times 30 hours is not possible for them. He wanted to have some consideration of that because they would like to hire high school kids.

Councilwoman Bennington asked what the number of hours was for high school kids. Mr. Gheris informed her around 22 hours and they can't work past a certain time. There are a lot of regulations when they hire high school kids.

Mr. Gheris commented on not being a corporation or a chain. He and his wife own The Garlic and P.J.'s. He has been doing this for 40 years and wanted to do one more restaurant. He commented on being unique. He spoke of Edgewater being a great town to work with. There haven't been any hassles or roadblocks thrown in their way. It's been smooth sailing but the financial realities of the economy right now make this difficult. He mistakenly thought the impact fees were \$24,000, which seemed like a lot to him at the time and he miscalculated. He thought it

was under \$10,000 when they did The Garlic in New Smyrna. When he called up to get the final numbers so he could get his permit and get started and was told it was \$72,000 he about fell over backwards and that doesn't include the County fees. They are going to be well over \$100,000. He knows what impact fees are for and they make sense. The burden of the infrastructure should not be placed on the taxpayers and should be paid by the developers but the reality now is obviously populations are not increasing here or anywhere right now and it is impossible to get money from banks. They had a loan all set with Regions and a week and a half ago they decided they have to go through SBA too. SBA would take months. There are all kinds of inspection fees. He did that once in Vermont and he swore he would never go through SBA again. They aren't doing SBA and have to come up with the additional money themselves. There are some financial realities. It is a daunting task to come up with that much money. He was hoping they could get something done with some of the fees to make it more doable for them. He appreciated Council's consideration.

Councilman Cooper stated he understood the hardship that \$66,909 could put on any business. He also understands the need of the City. They don't have a huge amount of money laying around for projects and every little penny they can get their hands on they are looking to move the City forward with that money. If they were to entertain any kind of abeyance where they are going to give him some relief, he asked what Mr. Gheris would do back for the City.

Mr. Gheris stated if this goes at all the way the other two restaurants have, they run either an \$800,000 or \$600,000 a year in payroll depending on which business they are talking about and looking at about 45-50 jobs. They would be creating jobs and are obviously making a large investment in the community with the building of the building. He commented on not seeing a big demand on the infrastructure. He thinks they are filling a need. He has been told by people in New Smyrna Beach that The Garlic especially is considered to be an asset. He thinks they will find it is going to be an asset to Edgewater.

Councilwoman Bennington stated City Manager Barlow on Option 1 suggested a refund or credit for every job over 32 hours. Mr. Gheris was saying the teenagers he would be hiring are 20 hours. She asked if there was some way they

could adjust this. Mr. Gheris stated if this goes beyond their particular situation to other people they don't want to have a formula which would preclude people from wanting to hire high school people because they are not counted.

Councilwoman Bennington stated they told City manager Barlow to go out and find a way to entice businesses to come here and this is one of his ideas. She is sort of leaning to the job tie in. Vice Mayor Rhodes stated she was leaning the whole other direction.

Councilwoman Bennington stated she was leaning that way because they have another project that is depending on how many jobs produced. She doesn't want to preclude teenagers but she wants to be able to give whoever builds credit for having them but she doesn't want to cut the hours. Vice Mayor Rhodes felt that option was a logistical nightmare. She liked the current with Option 2. She thinks cutting the impact fees, a certain percentage and allowing them three years to pay it off, they do eventually get their impact fees but it helps them up front.

Councilwoman Bennington thinks in a lot of ways the job created thing would be a nightmare to keep track of, especially if they had a lot of businesses. She asked City Manager Barlow how he would verify this. City Manager Barlow informed her through payroll. He stated there are many other cities and other incentives based on jobs created. They have to show proof of payroll and it is a one shot deal in the first year. Another option would be they could give half a credit for anything between 20 and 32 hours and a full credit for anything 32 hours and greater.

Councilman Cooper stated there are many ways they could work the hours.

Vice Mayor Rhodes stated that is something that requires the City to track and keep up with and she thinks if they give them a flat fee and give them three years or whatever they decide they want it to be to pay it off then they don't have to worry about it any more.

Councilwoman Bennington suggested giving them, if they pay it off before the three-year period, a percentage off of the \$24,000.

City Manager Barlow reminded Council that whatever direction they give him tonight they are setting a precedent. Two of the objectives are to attract additional non-residential projects here and to create jobs. That is where he was leaning towards something that would give an incentive for a business to come here and create the jobs.

Vice Mayor Rhodes asked if they could put a caveat on it that if they create fewer than x-amount of jobs, draw a line in the sand and say if they create more than this then they will give them this. If they create less than this they aren't going to give it to them because it's not worth their while. City Manager Barlow stated they could do that and expressed his concern. In that one-year period there are two checks, the six-month mark and the twelve-month mark.

Councilwoman Bennington stated the other problem she sees in this whole thing is if they do this Option 1, they could have a business that goes up and is running for a year and then goes down and they have lost all that money. City Manager Barlow stated they stand that risk but the goal is hopefully this will help keep them in business. They stand that risk with any of the options they give.

Vice Mayor Rhodes stated if they don't have to pay it all up front it gives them a better foundation and a better incentive to start. Councilwoman Bennington stated it's not so much money out of their pocket.

Councilman Cooper felt they could keep this very simple and decide on giving a discount on the impact fees which doesn't set them into a precedent. It allows them to look at every business. It looked like in the Options as they get to Option 2 there is only a 10% discount. He asked City Manager Barlow to explain how they got to the \$66,909. Originally he was looking at the \$24,900, which Mr. Gehris was looking at.

City Manager Barlow stated the \$24,000 only consisted of Fire Rescue Impact Fees, Law Enforcement Impact Fees and Transportation Impact Fees. Those are the only ones that staff would recommend they look at waiving or reducing. In Option 2 it is all of those plus the sidewalk impact fees, which were not recommended to be adjusted or waived. The Water and Sewer Impact Fees, which were \$15,000 and \$21,000, they could not because they were obligated for

current bonds. That was where they get the \$66,000. The \$72,000 was an additional \$5,833.87 for the water connection, meter deposit, sewer connection and hydrant installation for a total of \$72,743.23.

Councilman Cooper stated his City of Edgewater bill is the \$66,909 and they were looking to waive almost \$25,000, which is about a third. Rather than come up with a whole bunch of stipulations on how to do this and he understood why he segregated out certain impact fees. If they can afford to do that and give him a basis there, he would like to see them work with a percentage for the size of the footprint and work it from that way. Keep it as simple as possible. He would like to take a hard look at the footprint, how many square feet he is talking, how many parking spaces and give him an overall percentage break on the overall \$66,909 and they could divide it up anyway they wanted. Vice Mayor Rhodes informed him they couldn't. They couldn't do the water and sewer because of the bonds that are pledged.

Councilwoman Bennington stated based on the \$66,909 over a three-year period, which comes to \$22,303.12 per year, if he pays this off early, before the three years, they give him a discount on the \$24,867. Say like a 20% discount for paying it off early. If not he just pays every year for three years the \$22,303.

Mr. Gheris stated the problem is they have already paid it. The money has already been expended. Vice Mayor Rhodes stated after this would they not be able to give him back what he has overpaid. City Manager Barlow stated they could certainly give him a refund.

Councilwoman Bennington stated if they are going to establish a policy, which is basically what they are doing, that to her would be the easiest, simplest way. Let them make payments and establish an early payment discount on those three impact fees.

Mr. Gehris stated aside from his immediate situation the long term is to draw more business to Edgewater. He spoke of when he lived in Vermont, a lot of north eastern businesses were packing up and moving to the Carolinas because they were offered land, ten years of free taxes and they were given some great incentives and it worked.

Councilwoman Bennington commented on Mr. Gehris being the trial case and this being their first try at giving an incentive.

Councilwoman Bennington asked Mr. Gehris if he doesn't have to put the money all up front, like he had to this time, but supposed he doesn't have to and he realizes he can spread the cost out, isn't that an incentive. Mr. Gehris informed her absolutely and they could pay for it with their cash flow but also stated hopefully the business in the first couple of years is strong enough to make those payments. A lot of businesses fail in the first couple of years so that could be an issue for them.

Councilman Cooper stated he would be all for wiping out the three impact fees in the amount of \$24,867.92. Keeping it very simple, taking that off and giving Mr. Gehris that break on that, make sure it is written in any legalize that they need to that they are not setting a precedent, they are looking at the footprint. It was their first one. This is an established restaurateur with two restaurants in the local community. Keep it simple and not setting anything in stone.

Vice Mayor Rhodes agreed but added that they provide Option 2 for the rest of the impact fees that have to be paid. Waive the three and give a three-year period to pay off the remainder. City Manager Barlow stated he has already paid. Mr. Gehris stated if he got some of that back he could pay it over the three years and put the money in here, which would be great.

City Manager Barlow stated he has yet to pay the \$24,000 so that part he would not pay. Vice Mayor Rhodes stated they would deduct the \$24,000 from the \$66,909 and give him three years to pay the balance.

Councilwoman Bennington stated and they are saying that every business that comes has to come before Council and they will decide. She asked City Attorney Ansay if that was setting some sort of precedent.

City Attorney Ansay informed her no. They have a resolution in the agenda packet. It is a resolution that is specific to this particular business. There is no current City ordinance or policy that would be set by Council acting on a resolution applicable to this one

particular business. The way she reads the resolution as drafted it already as proposed in the agenda essentially waives the three individual impact fees that total the \$24,000. She recommended they go ahead and approve the resolution contingent on language being added that effectuates the payment plan portion of what they are agreeing to and then she thinks that resolution can be finalized, action taken tonight and staff can move forward as opposed to having to bring it back. They are acting consistent with what was already in the agenda packet given that slight deviation.

Councilwoman Bennington questioned any other businesses coming before them having to go through the same process. City Attorney Ansay stated it would have to go through the City Manager's office and then be brought to Council for action.

Mr. Gehris stated if they were able to get two thirds of that \$60,000 back and leave the first year's payment and have two more years to pay the balance that would relieve them and give them some additional capital.

Councilwoman Bennington clarified they were going to waive the \$24,867 and then they are going to allow the balance for the sidewalks, water and sewer to be paid over a three-year period. She was informed that was correct.

Councilwoman Bennington made that motion, second by Councilman Cooper.

The MOTION CARRIED 3-0.

Vice Mayor Rhodes called a ten-minute recess at this time. The meeting recessed at 7:00 p.m. and reconvened at 7:10 p.m.

H. Resolution No. 2009-R-28 - Purchase of the Persimmon Place Water and Wastewater Systems and authorization for the Mayor to execute the Contract for Sale and Purchase

City Attorney Ansay read Resolution 2009-R-28 into the record.

City Manager Barlow made a staff presentation. He informed Council he also needed a second motion for approval to sign

the reciprocal easement agreement that goes with it that allows the City to go across their property to maintain our equipment and vice versa.

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

Councilwoman Bennington moved to approve Resolution 2009-R-28 and authorize execution of the contract, second by Councilman Cooper.

The MOTION CARRIED 3-0.

Councilman Cooper made a motion to approve the easement as described by the City Manager, second by Vice Mayor Rhodes.

The MOTION CARRIED 3-0.

- I. Resolution No. 2009-R-33 - Authorize the City Manager to submit an application to the Florida Department of Environmental Protection for financial assistance under the State Revolving Fund Drinking Water Facilities Loan program for the New Water Supply Wells and authorization for the City Manager to execute the Loan Application and any amendments that would reduce the original maximum loan amount and budget amendment

City Attorney Ansay read Resolution 2009-R-33 into the record.

Brad Blais, Quentin L. Hampton Associates, explained the City in its Water Supply Plan has indicated a need to construct new water supply wells adjacent to the existing water supply wells north of the Water Plant. This is a condition of the consumptive use permit as well. They tried to get this done last year. It has been pushed back a little bit which was fortuitous in that they have submitted an application and request for inclusion in the SRF program and are now eligible to receive ARRA money from the Federal government that would come in the form of a loan forgiveness program. They have received tentative approval for the ARRA grant, which would be an 85% grant towards the project completion. The estimate for the project is about \$1.3 million so they would be looking at getting grant funds on the order of almost \$1 million. The ticket is they need to keep this moving and have a contract

in place right about towards the end of the year and be under construction prior to February. The reason they are eligible to get this money is because other projects have not met their deadlines and have not met their timelines. They have been moving forward at a rapid rate hoping if everything came through they would have a shot at this money. The odds are very good at this point that the grant money should come through. It is important to get this executed. The project is currently advertised for bids. He thought the receipt of bids was scheduled for December 7th.

Councilman Cooper asked if there was any concern that anything might happen where they would lose this particular ARRA. Mr. Blais stated if they don't meet their deadlines they could lose it.

City Manager Barlow stated this is a requirement of their consumptive use permit so it's a project they have to do and this is a great opportunity. If for some reason they do the loan application and go through the approval process which they have to do before they are eligible for the 85% forgiveness, if for some reason that falls through they can walk away and don't have to execute the loan.

Mr. Blais explained the way this loan process works is they don't have to execute the loan or repay any of the money until they actually take it down. They won't start taking that money down until they actually execute a contract with the contractor. They pay the contract and then they send that for a reimbursement request from the State. Until they start taking the money from the State they aren't on the hook for anything. City Manager Barlow stated by then they will have absolute assurance that they receive the ARRA grant for that forgiveness.

Councilman Cooper asked if they had budgeted the difference. City Manager Barlow informed him that was correct and that was part of the motion to do the appropriate budget amendments which is actually in the impact fees to move them over for the expenditure side.

Due to there being no further comments, Vice Mayor Rhodes closed the public hearing and entertained a motion.

Councilwoman Bennington made a motion to approve Resolution 2009-R-33, authorize the City Manager to execute the Loan

Application to the Florida Department of Environmental Protection for financial assistance under the State Revolving Fund Drinking Water Facilities Loan Program for loan not to exceed \$1,884,000 for the New Water Supply Wells, authorize the City Manager to sign any amendments that would reduce the original maximum loan amounts and authorize to amend the budget to identify the project, second by Councilman Cooper.

The MOTION CARRIED 3-0.

J. Resolution No. 2009-R-34 - Authorize the City manager to submit an application to the Florida Department of Environmental Protection for financial assistance under the State Revolving Fund Drinking Water Facilities Loan program for the Southeast Water Storage and Pump Station and authorization for the City Manager to execute the Loan Application and any amendments that would reduce the original maximum loan amount and budget amendment

City Attorney Ansay read Resolution 2009-R-34 into the record.

City Manager Barlow made a staff presentation.

Vice Mayor Rhodes asked for citizen comment. There was none at this time.

Vice Mayor Rhodes asked for Council comment.

Councilman Cooper asked if the serviceability of the present equipment would have to be destroyed and start from scratch or if some of it could be renovated. Mr. Blais informed him that was completely ready for abandonment. That had no salvage value whatsoever. He didn't think it had been in service for years. City Manager Barlow stated there was nothing there. They gutted all of that and it is just the shell of a building where they put the animals.

Vice Mayor Rhodes closed the public hearing and entertained a motion.

Councilman Cooper moved to approve Resolution 2009-R-34, authorize the City Manager to execute the Loan Application to the Florida Department of Environmental Protection for

financial assistance under the State Revolving Fund Drinking Water Facilities Loan Program for loan not to exceed \$2,287,000 for the Southeast Water Storage and Pump Station, authorize the City Manager to sign any amendments that would reduce the original maximum loan amounts, and authorize to amend the budget to identify the project, second by Vice Mayor Rhodes.

The MOTION CARRIED 3-0.

9. BOARD APPOINTMENTS

- A. Police Officers' Pension Board of Trustees - Councilman Cooper's appointment due to the resignation of Jeanne DelNigro

Councilman Cooper moved to appoint Kevin B. Seymour to the Police Officers' Pension Board of Trustees, second by Councilwoman Bennington.

The MOTION CARRIED 3-0.

10. OTHER BUSINESS

- A. Ghassan E. & Colleen M. Ajram requesting the City waive all false alarm liens on property located at 101 S. Ridgewood Avenue

City Manager Barlow made a staff presentation. They have calculated about \$140 out of pocket for man-hours and filing fees.

Councilman Cooper asked Mr. Ajram if there was something wrong with the system and if it had been fixed. Mr. Ajram stated he pulled his alarm system totally out of the building. He leases the building stripped. Councilman Cooper felt then the problem had been solved. City Manager Barlow informed him the tenants had moved out. Mr. Ajram stated the man illegally installed the alarm and didn't apply for a permit.

Councilwoman Bennington asked who the notices went to. Mr. Ajram stated they went to Skidrow Customs. Councilwoman Bennington asked Mr. Ajram how he found out about them. Mr. Ajram stated the City sent him a letter after he left him high and dry on the building. For five months his check bounced. He left him with the building wide open

with garbage all over the place. It cost them over \$2,000 to clean it, never mind the \$15,000 for five months of rent.

Vice Mayor Rhodes stated there is no reason the taxpayers of the City of Edgewater need to pick up the tab for this. She is not adverse to Mr. Ajram reimbursing the City for the expenses they spent and waiving the rest of it.

Councilwoman Bennington stated she would go along with what Councilwoman Rhodes said but she doesn't want the City to start doing this as a routine thing because it's not a City matter. It's a civil matter between Mr. Ajram and the renter if he did something illegal to his building without his knowledge. They shouldn't under normal circumstances be involved in waiving a fee. It is his responsibility as the owner and leaseholder to make sure that things are on the up and up. This one time she would go along with Vice Mayor Rhodes and would be willing to waive it but she wanted to make it on the record that she doesn't agree with them doing this in the future for everyone that has this problem. It is because of the way he has kept the property all these years that she would even consider it.

Councilman Cooper asked what the dollar difference was with regard to man-hours spent verses the fines. City Manager Barlow stated out of pocket was \$140 and they were showing \$325 in fines.

Councilwoman Bennington made a motion that they grant this one time exception with Mr. Ajram paying the \$140 in administrative costs, second by Councilman Cooper.

The MOTION CARRIED 3-0.

B. Selection of firms to provide Surveying Services and authorization for the City Manager to execute the associated Agreements

City Manager Barlow made a staff presentation.

Vice Mayor Rhodes asked for citizen comment. There was none at this time.

Vice Mayor Rhodes asked for Council comment.

Councilman Cooper asked if there was a sizeable increase from previous contracts to this new one. City Manager Barlow didn't know where the fees landed. When the others expire they have to renew them. Councilman Cooper stated he was just wondering if it was now a sizeable cost increase. City Manager Barlow agreed to get back to him on that.

Vice Mayor Rhodes stated it wouldn't make the bids any different or the process any different if they knew what the fees were.

Councilwoman Bennington made a motion to accept staff's recommendation for the surveying and authorize the City Manager to execute the agreements, second by Councilman Cooper.

The MOTION CARRIED 3-0.

- C. Selection of firm to provide Arborist Services and authorization for the City Manager to execute the associated Agreement

City Manager Barlow made a staff presentation.

Councilman Cooper moved to approve Zev Cohen & Associates to perform arborist services and attached agreement for the arborist, second by Councilwoman Bennington.

The MOTION CARRIED 3-0.

- D. Selection of a contractor for the installation of the amphitheater roof and authorization for the City Manager to execute the associated Agreement

City Manager Barlow made a staff presentation.

City Attorney Ansay stated the contract in the agenda packet had been revised substantially but it mirrors the standard contract terms they saw in the previous agreements. The substance in terms of the amounts, etc. are all the same. The agreement that will ultimately be executed by the City Manager will be one she has made changes to and it's not the exact form they see in the agenda packet.

Councilman Cooper asked if there was any other stimulus money they may have been able to go after or may still be able to go after. City Manager Barlow stated he wasn't aware of any. If they continue to push the project out they will miss out on the ECHO grant.

Councilwoman Bennington made a motion to authorize the Mayor and City Manager to enter into a contract agreement with Billco Construction Inc. for \$79,100.00 to design and construct an Amphitheater Roof per guidelines and specifications set forth in the RFB #09-LS-001, second by Councilman Cooper.

The MOTION CARRIED 3-0.

Councilwoman Bennington made a motion to approve the Budget Amendment moving money from the Recreational Impact Fee Fund and establishing the EHCO grant revenue, second by Councilman Cooper.

The MOTION CARRIED 3-0.

E. Staff requesting additional information from the Volusia Growth Management Commission (VGMC) regarding the City of Deltona's Water Supply Plan Comprehensive Plan Amendment

City Manager Barlow made a staff presentation.

Councilwoman Bennington and Vice Mayor Rhodes both had a serious problem with their utility service area backing up to our utility service area.

It was the consensus of Council to keep on moving.

Councilman Cooper asked if there was a consensus with Deltona for any movement at all, like to bring the line back to SR 415. City Manager Barlow stated they didn't want to open that can of worms because of concerns the County has.

Councilman Cooper stated hypothetically if they were to move the red lines back to SR 415, would we be redoing our plan to expand our lines to that 415 border. City Manager Barlow stated State Statute permits us to petition the Department of Community Affairs to allow us to extend that utility service area.

City Manager Barlow stated what could happen through this whole process was there is an opportunity that New Smyrna Beach, Edgewater and the County, which the County and everybody for quite some time has talked about doing a Joint Planning Area Agreement out there and that may be a stipulation of Volusia Growth Management. They may actually ask the County Council, Edgewater and Deltona and possibly New Smyrna Beach to get together and possibly do a joint planning area agreement.

Councilman Cooper stated by all means go forward.

There were no further comments on this issue.

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 commented on the Boston Road Traffic Directing Device that was brought up. They went out and evaluated that and it was staff's recommendation to leave that as it is.

City Manager Barlow then commented on Christmas being on Friday. He asked Council to consider authorizing Christmas Eve, December 24th off and those employees that are required to work would be credited an extra floating holiday, which would be a very minimal financial impact to the City.

Councilwoman Bennington asked if that was the only day and questioned if it was also New Year's Eve.

City Manager Barlow stated he only did Christmas at this time. Council could certainly consider that. They have another meeting before then.

It was the consensus of Council to close on December 24th.

City Manager Barlow informed Council on November 23, 2009 at 6:30 p.m. in Deland at Stetson there was going to be a Business Development Partnership meeting if anyone was interested.

City Manager Barlow reminded Council the next Council meeting would be on December 14th.

12. CITIZEN COMMENTS

The following citizens spoke:

Bill Glaser, 1703 Needle Palm Drive, commented on the City still collecting sidewalk impact fees. He asked how much money they had in that fund now. Mr. Glaser was informed Finance Director McKinney wasn't there and City Manager Barlow didn't know off the top of his head. Mr. Glaser asked if it was okay if he spoke with him tomorrow. City Manager Barlow informed him absolutely.

Mr. Glaser stated a while back, a couple years ago at least, there was a conversation or discussion about sidewalks in Florida Shores for the youngsters going to school. He asked the status of that.

Councilman Cooper thought he was talking about the sidewalks on Mango Tree Drive. That comes up in 2010. Mr. Lear commented on this being done by Volusia County.

Mr. Glaser if there were any other plans or use for that sidewalk impact fee money in the City. City Manager Barlow stated he didn't think they had anything identified. Mr. Lear stated they were going to try to use it as a matching grant for 30th Street.

Councilman Cooper informed Mr. Glaser there were a few other things. There was discussion in reference to Jack's lakes and turning them into some kind of parks and picnics and sidewalks for there. He spoke of being short on funds.

Mr. Glaser was disappointed Mayor Thomas wasn't there. He had a very interesting discussion. As he walks around Lake Laura, he thought it had been renamed to Duck Lake Park, he notices a lot of dog poop and asked if the Mayor would like to reinstitute his pooper snoopers to see if they could catch these dastardly folks that are doing these deeds.

Vice Mayor Rhodes suggested he ask Mayor Thomas at the next meeting.

City Manager Barlow stated in the meantime they would try to do extra patrol there as well.

Councilman Cooper stated they had their second CEDES meeting. The businessmen that have stepped up and attended this meeting, this is exciting stuff. He hasn't seen other than when they had their Visioning meetings, this kind of effort and this kind of interest. Edgewater is moving forward.

Bob McIntosh, 2921 Sabal Palm Drive, stated he hadn't planned on giving a report because they haven't moved quite as far as he thought they were going to move. They set goals for the Committee as far as how far they want to get in six months, where they want to be. They want to have a Comprehensive Plan drawn up in that time frame so they can apply for additional funding through ARRA funds and State bucks to assist in economic development within the City.

13. ADJOURNMENT

There being no further business to discuss, Councilwoman Bennington moved to adjourn. The meeting adjourned at 7:50 p.m.

Minutes submitted by:

Lisa Bloomer

Attest:

APPROVED:

City of Edgewater, Florida

Bonnie Wenzel, City Clerk

Michael L. Thomas, Mayor