

**CITY COUNCIL OF EDGEWATER
REGULAR MEETING
FEBRUARY 8, 2010
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	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

There were no Minutes to be approved at this time.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

There were no Presentations at this time.

4. CITIZEN COMMENTS

There were no Citizen Comments at this time.

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

City Manager Barlow informed Council he had a request to reschedule Items 8B & 8C as they cannot be considered until they receive the agreement from DCA. He was tentatively looking at February 23rd.

Mayor Thomas entertained a motion.

Councilwoman Rhodes made a motion to move Ordinance 2010-0-01 and Ordinance 2010-0-03 to February 23rd, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

6. CITY COUNCIL REPORTS

Councilman Cooper wanted to let the citizens know that tomorrow at 6:00 p.m. they would be having the Strings and Ribbons meeting. He encouraged the public to attend and have a say as to what gets put on the long range planning.

Mayor Thomas had nothing at this time.

Councilwoman Rogers stated she would have a Town Hall meeting at Edgewater Landing on Tuesday, March 30th from 6:00 p.m. to 8:00 p.m. She was in the process of trying to secure a time at the Florida Shores Clubhouse sometime in April.

Councilwoman Bennington reported on the progress with Principal.

Councilwoman Rhodes had nothing at this time.

7. CONSENT AGENDA

- A. Authorization of Task Assignment for the completion of the Comprehensive Economic Development Strategy (CEDs) Report and Creation of the Community Redevelopment Agency and Master Plan; authorizing Kimley-Horn and Associates for Task Item II - Item III, not to exceed \$55,000
- B. Authorization for the City Manager to execute a work order to Quentin L. Hampton Associates in the amount of \$19,225 for engineering services related to the replacement of lift station number five
- C. Approval of Architectural and Engineering Services for design, bidding and grant for the construction of a new fire station on the existing Fire Station 55 site, in the amount not to exceed \$145,997

Councilman Cooper felt because of the audience they had at the meeting and because these three items were spending quite a bit of money, he thought they could have a mini report on each one of the items.

Councilwoman Rogers had a question about the Fire Station. It says it was a budget amendment item that would be required. She mentioned having a grant to build that Fire Station. She asked if this amount

was included within the grant or if this would be above and beyond and the City would have to pay for it?

City Manager Barlow made a staff presentation regarding each Consent Agenda item.

Councilman Cooper stated the \$145,000 and the grant for \$1.2 million for the Fire Department would be covered by our own impact fees so it wouldn't be an increase in the budget. Even some of this money will be covered by the grant as they go in. So they are looking for a bid on the overall Fire Station to be totally inclusive of whatever that grant is to pay for all bills.

City Manager Barlow commented on there being some areas the grant doesn't cover such as landscaping. That will also be addressed in next year's budget presentation. Before they can go further and determine exact cost they have to put the architectice drawings together, put the bid documents together, put the bid out on the street and get those bids back. They will then come back to Council formally.

Councilman Cooper asked if the \$145,000 would be coming out of impact fees or out of the General Fund budget. City Manager Barlow informed him it was a combination out of the impact fees and some savings that have been extrapolated in the Fire Department budget as some individuals have retired and left.

Councilwoman Rogers commented on City Manager Barlow's initial comments regarding the grant may not cover all of the \$145,000 and that impact fees would take up the slack. City Manager Barlow informed her that was correct. Councilwoman Rogers stated and then he was saying they had to do a budget amendment and that this would come out of the General Fund. City Manager Barlow commented on what has to be done in order to do a budget amendment. They would be amending the budget taking the money from the impact fee money and putting it into the appropriate line code.

Councilwoman Rogers then commented on the Community Redevelopment Agency. They have talked about this a little bit in the past. She was concerned with what has been in the news about New Smyrna Beach and the cost. She asked who this was going to be accountable to. City Manager Barlow informed her it would be accountable first by the City Council and then it would also be accountable by the County of Volusia. He commented on the County making an amendment to their ordinance as it relates to existing CRA's and they have created a new ordinance for new CRA's. The City of Edgewater will probably be the first city to go forward on a new CRA and kind of be the pilot city for that. He pointed out County Councilman Jack Hayman was present in the audience and he has been very involved in that entire process. He

commented on working hand in hand with the Volusia County Economic Development Department in this entire process. He spoke of the County wanting to have consistencies throughout the County.

Councilwoman Rogers asked if it was true that properties within a CRA will not be taxed or taxes will not be collected on those properties. City Manager Barlow explained it freezes that tax line. Where that tax line is per say of whatever is collected, as the properties appreciate that number stays the same and comes into the General Fund. When it appreciates everything above that goes into the CRA district and can only be spent within that district that the taxes were collected or improvements for that district. He commented on this being the direction the County Council wants to go.

Councilwoman Rogers didn't see anything in the agenda packet that tells them or quantifies what amount is going to be frozen within the CRA district. City Manager Barlow informed her that was way down the road.

Councilwoman Rogers commented on it being budgeted. City Manager Barlow informed her it was in this fiscal year's budget.

City Manager Barlow commented on the County being really good partners on various initiatives by providing staff members to help City staff prepare some of the documents.

Councilwoman Rogers asked if the \$55,000 would be accounted for in a separate special fund or if it would be accounted for within the General Fund. City Manager Barlow informed her it was allocated under the Planning Department now. Councilwoman Rogers stated they have a separate line item for it so they could keep control. She didn't want to see this buried. She wanted to see it out there so they can look at it. City Manager Barlow assured her everything was very detailed in the budget.

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

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

The MOTION CARRIED 5-0.

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2010-R-01; Approving a Stipulated Settlement Agreement between the City of Edgewater and the Department of Community Affairs

City Attorney Ansay read Resolution 2010-R-01 into the record.

Development Services Director Darren Lear made a staff presentation. He informed Council since the agenda had gone out, there were some changes recommended by DCA in the SCD Sub-Element, which he described at this time.

Councilman Cooper asked if they needed to have proper verbiage that explains or defines small enclaves. Mr. Lear informed him it was defined in Florida Statutes right now. He reminded Council this would only be for annexations that would be residential in nature.

Councilwoman Bennington referred to Page 3, Line 39 where it says Development ~~shall~~ may only be permitted. She felt that was significant.

City Attorney Ansay explained shall be permitted or may only be permitted, the bottom line in that particular context is the same restriction holds true. In her view it is a scrivener's preference. Everybody has their own preference of which is stronger but at the end of the day DCA preferred may only and so of course they said they would do that.

Mayor Thomas asked for public comment.

The following citizens spoke:

Dominic Capria, 606 Topside Circle, stated at the last meeting, if he isn't wrong, by the end of this term that the DCA and the developer agreed and City Council that they would have to prove jobs. If so, what kind of jobs they were talking about?

Mr. Brown informed him any job that pays a wage.

Bill Glaser, 1703 Needle Palm Drive, stated back in March and April of last year the DCA sent the City some documentation, comments on the development order, and on their Resolution, Exhibit A, Page 2 Item 1 it says Suitability. It says the entire site is not suitable for the types of uses and densities and intensities of the uses allowed by the Sustainable Community Development District. He was wondering how that was resolved.

City Manager Barlow didn't know that there was a single answer. As they go through the Comp Plan Amendment, there have been multiple changes in there. Mr. Lear commented on some of the changes. DCA is comfortable that they have addressed that comment.

Councilwoman Rogers stated initially the conservation land was going to be in the 60th percentile and now it is in the 74th percentile and

previously the developer talked about having conservation easements and something that has not been done before that she was aware of in the State of Florida is that they are going to have to place 74% in the conservation easements before they can even get started. That is a protection to the City letting the City know 74% of this property is never going to be built on. When they have a conservation easement it runs with the land.

Mr. Glaser stated but there is no document from DCA that says what the City did that satisfied that concern. City Attorney Ansay stated there is a document and it is the underline and stricken through version of the Comp Plan Amendment that illustrates the number of changes to the Plan Amendment from beginning to end. She thought the question he was asking was really in the minds of the decision maker and DCA what tipped them over the edge to find that that concern is resolved. She thought that was a question better directed to DCA. From the City's perspective they think the totality of those changes that were made in the Plan Amendment are what brought them from being opposed to the project to now being fully supportive of the project.

Don Picard, President, Southeast Volusia Audubon Society, stated they have been pretty well against the discussion about the Restoration development in the past. However, because of the constant harranging with DCA of their group and other groups, he thinks they have come to a reasonable agreement with the city and the developer where in the environmental aspects their concern. Most of his membership still believes that this development falls within two philosophies. One is if they build it they will come. The other is no forest can't be improved by putting a development in the middle of it. They still have reservations about the need for this much housing, the impact on SR 44, and their ability to get to the beaches on weekends. However because of the actions of the DCA and the Stipulated Agreement they were withdrawing their objections to the Restoration development from the environmental point of view.

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

Councilwoman Bennington made a motion to adopt Resolution 2010-R-01, second by Councilman Cooper.

The MOTION CARRIED 5-0.

- B. 2nd Reading - Ordinance No. 2010-O-01; Amending the Comprehensive Plan to include text creating a new Restoration Sustainable Community Development District Future Land Use Category, the Future Land Use Map and Map Series of the Future Land Use Element and other applicable Elements and Map Series

This item was moved to February 23, 2010.

- C. 2nd Reading - Ordinance No. 2010-O-03; Amending and restating the previously adopted development order approved pursuant to Section 380.06, Florida Statutes, for the Restoration Development of Regional Impact for real property generally located northwest of the intersection of I-95 and SR 442

This item was moved to February 23, 2010.

- D. 2nd Reading - Ordinance No. 2010-O-02; An amendment to the City Charter by amending Article V "Elections", by modifying Section 5.03(c) "Qualification of Candidates".

City Attorney Ansay read Ordinance 2010-O-02 into the record.

City Clerk Wenzel made a staff presentation.

Due to there being no questions from Council or the public, Mayor Thomas entertained a motion.

Councilwoman Rhodes moved to approve Ordinance 2010-O-02, second by Councilman Cooper.

The MOTION CARRIED 5-0.

- E. Resolution No. 2010-R-03; Amending the By-Laws of the Citizen Code Enforcement Board

City Attorney Ansay read Resolution 2010-R-03 into the record.

City Manager Barlow made a staff presentation.

Due to there being no questions from Council or the public, Mayor Thomas entertained a motion.

Councilman Cooper moved to approve Resolution 2010-R-03, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

- F. Richard Stonecipher of Stonecipher Enterprises, owner of Earthquake Magoon's, located at 132 W. Park Avenue is requesting a Special Activities Permit for an Annual Bike Week Oyster Roast to be held on March 5, 2010

City Manager Barlow made a staff presentation.

Councilwoman Bennington mentioned there being no problems in the past.

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

Councilman Cooper moved to approve the request as stated, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

9. BOARD APPOINTMENTS

There were no Board Appointments at this time.

10. OTHER BUSINESS

- A. Award the bid for the Eastern Shores Stormwater Improvements Project to Barracuda Building Corporation and authorize the Mayor or City Manager to execute the Agreement

City Manager Barlow made a staff presentation.

Councilman Cooper asked Environmental Services Director Brenda Dewees if she had used this company before. Ms. Dewees informed him they used them on a smaller project, the Frances Drive project, and she also believed they did the bridge between New Smyrna and Edgewater on Riverside Drive.

Councilman Cooper expressed concern with change orders and this being a grant situation and any money above the grant becomes the City's obligation. He asked Ms. Dewees if she felt comfortable. Ms. Dewees commented on checking out the references they provided on larger projects and other cities were satisfactory. She informed Councilman Cooper she did feel comfortable.

Councilwoman Rogers stated this also indicated there was a budget amendment required and then they also indicated DEP grants. She asked what the amount of the grant was. Ms. Dewees informed her the contract for the grant was \$474,360 which also includes moneys for doing water quality monitoring that are a requirement of the grant and some public educational requirements. Of that the construction end of that grant is \$352,610. She further commented on another grant they recently applied for in the amount of \$100,000. It would be a few months before they find out whether or not they are going to receive that grant. It was through St. Johns using the so-called license plate fund money.

Councilwoman Rogers stated when she mentioned the \$352,000 for construction, the total here is \$545,000. So the \$100,000 would add to the \$352,000 to narrow that gap. Ms. Dewees informed her yes and

also commented on having matching funds they are required to provide towards this project. They have also paid \$402,000 worth of engineering services towards the design, permitting and surveying for this project.

Councilwoman Rogers asked what line item this would be charged to in the budget. Ms. Dewees informed her there was an actual Stormwater Construction Fund. Councilwoman Rogers asked if they had the funds. Ms. Dewees informed her along with the grant money.

Mayor Thomas stated he was real proud of the stormwater project. During the last rain event, 23", they had one house in the City with water in it and one garage with water in it. He spoke of people taking boats to their houses in Florida shores and they have redone it and he is very proud. He thinks this is very important that they do this.

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

Councilman Cooper moved to award the bid for the Eastern Shores Stormwater Improvements Project to Barracuda Building Corporation and authorize the Mayor or the City Manager to execute the agreement, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

- B. Approval of the work order and purchase order to B&H Consultants, Inc. for the Contract Administration Services and Inspection Services for the Eastern Shores Project in the amount not to exceed \$16,300 and approve the necessary budget amendment

City Manager Barlow made a staff presentation.

Councilman Cooper asked how it applies to the grant and if it was figured into their overall figures as far as cost. Ms. Dewees informed him it was included in the cost but for the Construction Administration and Inspection Services not allowable under the grant proceeds so that would be part of their match.

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

Councilwoman Bennington moved to approve the work order and purchase order to B & H Consultants, Inc. for the Contract Administration Services and Inspection Services for the Eastern Shores Project in the amount not to exceed \$16,330 and approve the necessary budget amendment, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

11. OFFICER REPORTS

A. City Clerk

City Clerk Wenzel reminded Council of the Make Your Mark MPO event tomorrow at 6:00 p.m. in Council Chambers.

City Clerk Wenzel wanted to discuss upcoming Council meetings. She spoke of there really being nothing to show in the tentative agenda through July. She didn't know if they wanted to continue forward with one meeting a month. They can still look at it every couple of months to see where they are at or if they wanted to keep the two meetings scheduled. It was the consensus of Council to stay with one meeting a month unless another meeting is needed.

Councilwoman Bennington asked about the meeting they would be having on February 23rd. City Manager Barlow informed her it was a special meeting to discuss Ordinance 2010-O-01 and 2010-O-03.

Councilwoman Rogers pointed out they had another meeting March 11th pertaining to the three cities that would be held in New Smyrna.

Councilman Cooper asked about Oak Hill being invited. City Manager Barlow stated he talked to the other three cities and New Smyrna requested to take the lead on that because they are putting the agenda together. He commented on having a draft agenda with four topics for discussion. If Council had anything to add, he encouraged the Council to contact City Clerk Wenzel in the next couple of days. City Manager Barlow then informed Council of the four topics on the draft agenda today.

City Clerk Wenzel asked the Council if they wanted to continue with the second meeting of the month as their one meeting. She was informed to keep it as it is and they could cancel as they go.

B. City Attorney

City Attorney Ansay had nothing at this time.

C. City Manager

City Manager Barlow passed out two draft resolutions that would be coming before Council probably in March or April regarding establishing brownfield districts or brownfield areas. They have to notice all those property owners of the district they believe is going to be the brownfield district. They will have a special workshop for

those property owners. They would also have the opportunity to opt out. He spoke of there being a lot of benefits with being identified as a brownfield area as well as State incentives. He was looking to schedule the workshop on March 1st at 4:30 p.m.

Councilwoman Bennington asked if they could have a CRA in a brownfield. City Manager Barlow informed her yes.

Councilman Cooper asked how the property owners would be notified. City Manager Barlow informed him they would be doing a mailing to each owner. He also had a letter drafted but was waiting to finalize the date. He encouraged the Council to participate. City Clerk Wenzel would confirm with the Council. He also encouraged the Economic Development Board and Planning Board to participate.

City Manager Barlow informed Council the Chamber would be doing a ribbon cutting at City Hall on February 24th at 10:00 a.m. due to City Hall and the Council Chambers being redone and because the City is rejoining the Chamber of Commerce.

City Manager Barlow then informed Council of another event he was working with the Chamber on is to try and have a venue where they can get more Edgewater businesses together. They are having a kick off this Wednesday at noon. It's a brown bag lunch event from noon to 1:00 p.m. at the Pelican Cove East Plaza.

City Manager Barlow then commented on planning another ParkTowne event similar to the last one that they partnered with the Chamber on. They invited all of the businesses but the only ones that could showcase their business were the ones within ParkTowne. This one is going to be a little bigger. They are going to encourage any business in Edgewater that wants to participate they can do that. Tentatively it looks like it would occur on March 15th. He commented on the first event being very successful and a rewarding experience.

Councilman Cooper asked City Manager Barlow if it would be possible to add to one of the items that they bring forward an open forum, business to business, communications and those type things so they get some more citizen involvement and if they have any job opportunities that they bring some formal posting or have handouts there to offer citizens work within the community.

12. CITIZEN COMMENTS

There were no Citizen Comments at this time.

13. ADJOURNMENT

There being no further business to discuss, Councilwoman Rhodes moved to adjourn. The meeting adjourned at 6:57 p.m.

Minutes submitted by:

Lisa Bloomer

Attest:

APPROVED:
City of Edgewater, Florida

Bonnie Wenzel, City Clerk

Michael L. Thomas, Mayor