

**CITY COUNCIL OF EDGEWATER  
SPECIAL MEETING  
MARCH 29, 2010  
6:00 P.M.  
COUNCIL CHAMBERS**

**MINUTES**

**1. CALL TO ORDER**

Mayor Thomas called the Special 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
Assistant City Attorney Michael Ciocchetti	Present

**INVOCATION, PLEDGE OF ALLEGIANCE**

There was a silent invocation and pledge of allegiance to the Flag.

Councilwoman Rhodes requested the City get a new flag for the Council Chambers.

**2. CONSENT AGENDA**

- A. Request to authorize the City Manager to proceed with the non-revolving Line of Credit with Wachovia Bank, not to exceed \$750,000

Finance Director McKinney went through the attached Powerpoint Presentation regarding the Wachovia Line of Credit and the eligible grants from the General Fund. He pointed out to Council he left out the Eastern Shores grant out of the Powerpoint. He made mention of disputing the Initial Draw of \$200,000.

City Manager Barlow further commented on the Fire Station 55 Retrofit and what they had authorized and what they were going to do. He informed Council they had not committed to the Fire Station grant.

Councilwoman Rogers stated initially the design fees were \$145,000 and now Finance Director McKinney said \$170,000 and then he indicated that the grant was for approximately \$1.4 million and the cost was \$1.9 million. Finance Director McKinney informed her the grant was for \$1.14 million. They had a potential change order that would have to come before Council at the next Council meeting from the architect. He further commented on how he came up with the costs questioned by Councilwoman Rogers. Councilwoman Rogers estimated the cost to the City for the Fire Station retrofit to be approximately \$800,000 after the grant. She felt that was what they had to look at. She then asked when they anticipated the Fire Station to be built. City Manager Barlow estimated it to be the first of next year before they went into the construction phase. Councilwoman Rogers stated so they were looking at having an additional \$800,000 hitting their budget this year and they already know they are going to have some issues with tax revenues. City Manager Barlow further explained for the Council what would happen and their options.

There was a brief discussion regarding \$158,000 that was spent in design fees. City Manager Barlow explained that design stays with the City and these being blueprints the City can carry on.

City Manager Barlow commented on if they couldn't do the Fire Station this year because of the economy they could shelf the plans and do the project later. He referred to New Smyrna who held onto their plans for a while until the economy was right before they built some of their stations.

Councilman Cooper asked if there was any offsetting money, such as impact fees, that would help with the \$800,000 indebtedness. City Manager Barlow informed him no.

Councilwoman Rogers commented on City Manager Barlow making mention that they could go through the process and if they decided not to construct it now at least they would have the design complete. That is great but that design would be based upon today's Codes and if it was put on the back burner for two or three years they would have to deal with the most recent

Codes that are going to be mandated. They may end up incurring more costs at that time.

Councilwoman Rogers stated everyone would have loved to have a new City Hall. She spoke of what has been done to City Hall and it not being brand new but it is usable. It has given them some additional life. She asked City Manager Barlow if he had looked at that opportunity to do the same thing at the Fire Station. City Manager Barlow stated unfortunately it was beyond a face lift. The Fire Station was constructed in the 1960's or 1970's and it wasn't constructed for the apparatus it is being used for today. It would take more to retrofit that Station than it would to bulldoze it.

Councilman Cooper asked if the grant had a drop dead time period on it. If they only end up with the design plan, there would be no grant money available for that and that it would be an expenditure. City Manager Barlow informed him it would be an expenditure out of the Fire Impact Fund which had no influence on the ad valorem millage. He thought they had three years to do the entire project from start to finish. Councilman Cooper asked if they gave them any idea of if they started tomorrow how long it would take. Fire Chief Cousins commented on the construction taking 12 months. He further commented on the estimate of \$170 per square foot being a reasonable number and there possibly being opportunities to shrink that down through the bidding process. City Manager Barlow commented on estimating prices being tough. He presented an example of New Smyrna estimating the Riverside Drive project to be \$600,000 and they did the entire job for \$290,000 and the pipe on U.S. #1 in the area of Julia Street that New Smyrna did wound up costing them triple of what they estimated. They just never know where prices are coming in. He commented on the engineers tending to estimate high because they want to look like the heroes when it comes in low versus if they under estimate and get beat up because not enough funds were allocated. He stated Finance Director McKinney was trying to put in a worst case scenario of what their financial picture would look like as they have to float this money to take advantage of the grant opportunities out there so they aren't too low.

Councilman Cooper asked Fire Chief Cousins if he felt at best he had an eighteen month to two year window. Fire Chief Cousins stated they estimated another two or three months before the design would be completed so they could go out for bids. He spoke of the bid process being a couple of months. As they are

working the budget for next year they would have a better idea if and how much additional money would need to be funded. City Manager Barlow commented on not moving any further until it comes back to Council and they put their fingerprints on it as a consensus and tell him yeah or nay. Councilman Cooper felt if it came in lower it would behoove them to act accordingly because right now things are low. City Manager Barlow stated their goal would be to get the bids in at \$1.14 million but if not they have to sit down collectively and make that decision of what they want to do.

Finance Director McKinney stated worst case scenario he projected they had \$1,947,952 in projects funded by the General Fund over the next 24 months. He then commented on why he was asking for the use of a Line of Credit within the General Fund as it related to the General Fund Reserve and General Fund Cash.

Finance Director McKinney then continued his Powerpoint Presentation by going over the Eligible Grants in Water/ Sewer well as the Water/Sewer Reserves and Water/Sewer Available Cash.

Finance Director McKinney then commented on restructuring the debt that was done back in October. He recommended that this year they try and set aside some reserves within the Water/Sewer Fund. They are operating on a 12% to 15% vacancy right now in their Water/Sewer customers.

Finance Director McKinney continued his Powerpoint Presentation by going over the Eligible Grants in Stormwater as well as the Stormwater Reserves and Stormwater Available Cash. He spoke of Council doing the right things the past year with the adjustment of the charges for service that they aren't borrowing any money from the General Fund to pay their debt service off.

Finance Director McKinney pointed out they did have some funds available but if all of these projects for whatever reason had a delay on reimbursement, they currently have including the Fire Station \$5,306,508 in grants they were currently working on and all of them had a funding source for them.

Finance Director McKinney felt a Line of Credit of \$750,000 was more than enough based on their engineer's estimate of not being out more than roughly \$250,000 on a monthly basis.

Councilman Cooper asked if they had the total they would need as far as the City's side for the projects they went over. Finance

Director McKinney informed him it would be two projects, the amphitheater cover which would be approximately \$40,000. Councilman Cooper commented on this being paid for out of impact fees. Finance Director McKinney stated the only thing they would be out of the City's pocket would be \$144,629 for Lift Station #2.

Councilman Cooper wanted to know the total out of the City's pocket for the grants that required a match. Finance Director McKinney informed him he hadn't added that up. Councilman Cooper asked if \$410,000 sounded close. Finance Director McKinney informed him it did.

Councilman Cooper stated so out of the \$750,000 what he was actually asking them for was they may be using \$406,000 to \$410,000 of that to activate these grants. City Manager Barlow commented on the purpose for the Line of Credit. With these projects they have to pay the contractors and submit for the reimbursement. When the City gets reimbursed they reimburse the bank that they borrowed the money from on this Line of Credit.

Councilwoman Rhodes stated it would cost them \$10,460 in order to have money available to reimburse them should they not have the money in the City's coffers at the time. Finance Director McKinney commented on between May 1<sup>st</sup> and June 1<sup>st</sup> he expected for the water supply, the storage tank and Eastern Shores an almost \$1 million draw.

City Manager Barlow commented on there being six very large projects and it being rare that they have the opportunity to address these all at once.

Mayor Thomas asked if they were going to try to use local contractors. Finance Director McKinney informed him all of the projects had already been awarded and they were within the geographical Volusia area.

City Manager Barlow then referred to the Purchasing Policy that Council adopted and stated they are required to bid it out and select those contractors by that Purchasing Policy.

Finance Director McKinney commented on the Fire Station. He spoke of there being Fire Impact Fee money and other grant opportunities that Fire Chief Cousins and Michelle Grenham have looked at to absorb some of that cost.

There was a brief discussion regarding the \$200,000 initial draw and it costing \$10,000 to do the Line of Credit.

Councilman Cooper asked about the 1.73% interest rate and Finance Director McKinney feeling the offset of the \$10,460 was a value and worth doing it and that being his recommendation. Finance Director McKinney informed him it was.

City Manager Barlow informed Council this was just commitment giving them direction to go forward and the final agreement would be back before them on April 19<sup>th</sup>.

Councilwoman Rhodes felt they had some opportunities that they needed to take advantage of. She felt the \$10,000 cost was minimal in order for them to take advantage of the grants. She felt it was worth the money.

**Councilwoman Rhodes made a motion, second by Councilwoman Bennington.**

**Councilman Cooper asked if they could amend the motion before they got started. Councilwoman Rhodes asked him what he wanted to amend it to. Councilman Cooper stated that it was specifically used as presented by Finance Director McKinney, that the money was specifically used for the projects listed. He felt if they added that to the motion it couldn't go anywhere but that. Councilwoman Rhodes stated that was the motion. Councilman Cooper informed her he didn't hear that in her motion.**

**The MOTION CARRIED 5-0.**

### **3. OTHER BUSINESS**

#### **A. Discussion on Volusia County EMS Division's findings regarding delayed transport**

City Manager Barlow made a staff presentation. He couldn't get into a detailed discussion regarding this particular item based on being uncertain where it may be going in the long run. He gave Council a very large overview and presented to them the opportunity to discuss this with him one on one. He commented on an incident that occurred on January 8<sup>th</sup> whereas they had a response time between 31 or 32 minutes from the ambulance service to an incident our crews were working on scene. Early into the incident they requested permission to transport and

were denied. The agreement the City had with EVAC to transport was terminated in October of last year. On March 18<sup>th</sup> they had a report sent to them by Mark Wilcott from the Volusia County EMS Division with his alleged findings. He commented on David Byron, Public Information Officer for the County, e-mailing the same report with a cover letter to the News Journal stipulating this was a final report. They have reviewed the report. It is their belief that there are many inaccurate findings and/or statements within this report that Mark Wilcott had made. This investigation occurred and nobody from there has yet to come down to interview the crew that was on scene or the dispatch center and makes a lot of assumptions in the report trying to shift or point blame. He wanted to let the Council know they had reviewed that incident and they didn't find any violation of the Volusia County EMS protocols that the paramedic was operating under at that incident trying to save that individual's life. He personally looked at some of the preliminary findings. Captain Danigel and Chief Cousins looked at the patient care report in comparison as well and did not find any protocol violations in there. As far as it stands it is their understanding and their statement that the paramedic crews did everything they possibly could and within the protocol and did the appropriate thing by requesting permission to transport that patient to the hospital.

Councilman Cooper commented on RCC having a meeting on this as well and it being tabled until all the information and documentation could be acquired and gone over with the entire Governing Board before any statements were to be released.

City Manager Barlow stated not only have they done those inquiries but they have also consulted with the City Attorney Ansay and Assistant City Attorney Ciochetti, who was present at the RCC meeting and City Attorney Ansay had since sent out a public record request to get their information that they don't have and they were going to evaluate that and continue their inquiry and Mike and/or Carolyn would be sending a response to Volusia County.

City Manager Barlow stated the whole incident turned out to be concern with delayed transport. The first ambulance headed to that incident was diverted to another call and then they sent a second one and according to the letter had they known the particulars of this call, which they did know and they had evidence of that, the ambulance wouldn't have been diverted. They weren't saying the call in New Smyrna they diverted to may

have been just as equally critical but the fact of the matter was they had resources on scene to help the ambulance service which was out of resources there and that was the only offer was they made every attempt to assist them at a time when they were inundated with calls.

Councilwoman Rhodes asked what would have happened if they did it anyway. City Manager Barlow commented on when Deltona did it several years ago. He felt for the individuals on scene that were trying to do the right thing. They followed the letter of the law and they requested permission but they did not receive permission so they did not transport.

Councilwoman Rhodes stated everybody is pointing fingers at everybody else but her guess was the lawyers would sort this one out.

Councilman Cooper referred to a letter he had from the Firefighters Professional Union which was kind of a response to the article and the documentation he had seen. He asked Assistant City Attorney Ciocchetti if they wanted to, knowing that one of the responding parties was still waiting for total investigation and now he hears City Attorney Ansay had a request in for information, he questioned if they really wanted to respond to the negative story that came out until they have all the facts. Assistant City Attorney Ciocchetti suggested they wait until they have all the facts. City Manager Barlow commented on the letter only being the Union calling for an investigation. He doesn't work directly for the Union and he understood and acknowledged their request but that was all that was. Councilman Cooper stated so they weren't making a formal response just yet.

Councilman Cooper stated he brought up at the RCC and he wanted to bring it up at the meeting that there may come a time because of his position with the City of Edgewater that he may have to recue himself and he requested the City Attorney's advice when they feel that opportunity was readily available. He asked to be kept in the loop whether he should not attend a meeting or he should be there.

City Manager Barlow request of Councilman Cooper and City Clerk Wenzel because he doesn't necessarily get the agendas for RCC. City Clerk Wenzel informed him she doesn't either. City Manager Barlow asked Councilman Cooper that if he gets the agendas for RCC and it is an agenda item associated with this call, please

advise himself and City Clerk Wenzel so they can let City Attorney Ansay and Assistant City Attorney Ciocchetti know and they could be present at the RCC meetings. Councilman Cooper informed him what he understood from Dave Bubb was that they were going to call them in either individually or in a group once they had all the material and review all the material with the RCC Attorney. He felt it behooved them that the particulars were there as well including EVAC.

**4. ADJOURNMENT**

There being no further business to discuss, Councilwoman Rhodes moved to adjourn. The meeting adjourned at 6:39 p.m.

Minutes submitted by:

Lisa Bloomer

Attest:

APPROVED:

City of Edgewater, Florida

---

Bonnie Wenzel, City Clerk

---

Michael L. Thomas, Mayor