

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING NO. 2008-13

Held on Thursday, the 17th day of April 2008, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor Merton Clark, Truth Revealed Ministries, Palm Bay, gave the invocation, which was followed by the Pledge of Allegiance to the Flag.

MAYOR:	John J. Mazziotti	Present
DEPUTY MAYOR:	Ed Geier	Present
COUNCILMEMBER:	Patrick Woodard	Present
COUNCILMEMBER:	Milo Zonka	Present
COUNCILMEMBER:	Kristine Isnardi	Present
CITY MANAGER:	Lee Feldman	Present
DEPUTY CITY ATTORNEY:	Jim Stokes	Present
CITY CLERK:	Alice Passmore	Present

CITY STAFF: Present were Sue Hann and Jon Lewis, Deputy City Managers.

ANNOUNCEMENTS:

Mayor Mazziotti announced the following vacancies and terms expiring and solicited applications for same:

1. Three (3) vacancies on the Board of Adjustments and Appeals (represents 'architect', 'fire safety' and 'engineer' positions).
2. Two (2) vacancies on the Building and Construction Advisory Committee (represents 'general contractor' and 'residential contractor' positions).
3. One (1) term expiring on the Economic Development Task Force (represents 'president of a homeowners association').
4. One (1) term expiring on the Utilities Advisory Board.
5. Restoration Advisory Board - Department of the Air Force - community participation in environmental cleanup activities.

RECOGNITIONS AND PROCLAMATIONS:

1. Volunteer Program (one (1) year service as City boardmember/representative):
a) Community Development Advisory Board – Michael Worrell. Mr. Worrell was not in attendance.

Mayor Mazziotti read the following proclamations:

2. National Public Works Week – May 18-24, 2008. Eric Hotton, Project Coordinator, Public Works Department, accepted the proclamation and announced the Public Works Day event to be held on Saturday, April 19th, at the City Hall site.

3. National Public Safety Telecommunications Week – April 13-19, 2008. Major Dante Cristofaro, Police Department, accepted the proclamation.

a) Brevard County Board of County Commissioners - Steve O’Conor, Manager of E-9-1-1 Administration - plaque recognizing telecommunications week. Mr. O’Conor read a proclamation issued by Brevard County and presented a plaque to the City.

AGENDA REVISIONS:

There were no agenda revisions.

CONSENT AGENDA:

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Geier, seconded by Mrs. Isnardi, that the Consent Agenda be approved as presented. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

ADOPTION OF MINUTES:

- * 1. **Special Council Meeting No. 2008-10; March 28, 2008.**
- * 2. **Regular Council Meeting No. 2008-11; April 3, 2008.**
- * 3. **Special Council Meeting No. 2008-12; April 10, 2008.**

The minutes, considered under Consent Agenda, were approved as presented.

PUBLIC HEARINGS:

1. Ordinance No. 2008-19, amending the Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of Lockheed Street and Thor Avenue from Multiple Family Residential Use to Commercial Use (1.46 acres)(Case No. CP-11-2008, Leo Badalamenti), for final reading.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Geier, seconded by Mrs. Isnardi, to adopt Ordinance No. 2008-19. Mr. Zonka felt the City was doing a disservice to the residents in the area by having commercial on either side of the residential properties. He felt there were several commercial properties currently available. Mr. Woodard said he would not support the request. Motion carried with members voting as follows:

Mayor Mazziotti	Yea
Deputy Mayor Geier	Yea
Councilman Woodard	Nay
Councilman Zonka	Nay
Councilwoman Isnardi	Yea

♣2. Ordinance No. 2008-20, rezoning property located at the southeast corner of Lockheed Street and Thor Avenue from RM-20 (Multiple Family Residential District) to GC (General Commercial District)(1.46 acres)(Case No. CPZ-11-2008, Leo Badalamenti), for final reading.

There were no ex parte communications to be disclosed by Council.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Steve Badalamenti, the applicant's son, was present to answer questions. The public hearing was closed.

Motion by Deputy Mayor Geier, seconded by Mrs. Isnardi, to adopt Ordinance No. 2008-20. Mr. Woodard said there was no substantial competent evidence to vote against the request since the land use had been changed. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

3. Ordinance No. 2008-22, amending the Code of Ordinances, Chapter 52, Boards, by providing for the collection of compound interest on code enforcement liens, for final reading.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Woodard, seconded by Mrs. Isnardi, to adopt Ordinance No. 2008-22. Deputy Mayor Geier said he would not support the ordinance as code liens were imposed to bring the violation into compliance; he saw no reason to compound the interest on same. Motion carried with members voting as follows:

Mayor Mazziotti	Yea
Deputy Mayor Geier	Nay
Councilman Woodard	Yea
Councilman Zonka	Yea
Councilwoman Isnardi	Yea

4. Ordinance No. 2008-23, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, by providing for the collection of compound interest on nuisance liens, for final reading.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Woodard, seconded by Mrs. Isnardi, to adopt Ordinance No. 2008-23. Deputy Mayor Geier reiterated his reason for not supporting the ordinance. Motion carried with members voting as follows:

Mayor Mazziotti	Yea
Deputy Mayor Geier	Nay
Councilman Woodard	Yea
Councilman Zonka	Yea
Councilwoman Isnardi	Yea

5. Ordinance No. 2008-24, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by providing for the collection of compound interest on liens on private property, for final reading.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Woodard, seconded by Mr. Zonka, to adopt Ordinance No. 2008-24. Deputy Mayor Geier reiterated his reason for not supporting the ordinance. Motion carried with members voting as follows:

Mayor Mazziotti	Yea
Deputy Mayor Geier	Nay
Councilman Woodard	Yea
Councilman Zonka	Yea
Councilwoman Isnardi	Yea

6. Ordinance No. 2008-25, amending the Fiscal Year 2007-2008 budget by appropriating and allocating certain monies (third budget amendment), for final reading.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to adopt Ordinance No. 2008-25. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

7. Ordinance No. 2008-26, amending the Code of Ordinances, Chapter 171, Fair Share Impact Fees, Subchapter 'Transportation Facilities Impact Fee', by clarifying facilities eligible for impact fee expenditures and providing incentives for economic development (Case No. T-13-2008, City of Palm Bay), for first reading.

The Economic Development Task Force recommended that the request be approved. The Planning and Zoning Board, Bayfront Community Redevelopment Agency, and the Building and Construction Advisory Board recommended that the request be approved with the early payment proviso.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Woodard, seconded by Deputy Mayor Geier, to adopt Ordinance No. 2008-26. Mr. Feldman explained that the ordinance allowed incentives for payment of the impact fees to attract businesses to the City. Mayor Mazziotti said he would not support the ordinance as he did not think it was fair and felt payment of the impact fees should be up front. Motion carried with members voting as follows:

Mayor Mazziotti	Nay
Deputy Mayor Geier	Yea
Councilman Woodard	Yea
Councilman Zonka	Yea
Councilwoman Isnardi	Yea

8. Ordinance No. 2008-27, amending the Code of Ordinances, Chapter 185, Zoning Code, by consolidating the provisions for architectural style in one location and adding an appeals provision (Case No. T-14-2008, City of Palm Bay), for first reading.

The Economic Development Task Force recommended that the request be approved. The Planning and Zoning Board and Bayfront Community Redevelopment Agency recommended that the request be approved with the proviso that the appeal process would be excluded from the Bayfront Community Redevelopment District.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to adopt Ordinance No. 2008-27 with the proviso that the appeal process be excluded from the Bayfront Community Redevelopment District. Mr. Feldman explained the appeal process. Mayor Mazziotti expressed his opposition to restricting businesses to one particular architectural style. Other councilmembers stated the provisions from the workshop held on the subject matter were in the ordinance. Mr. Woodard stated he was willing to leave the current Code as it was written. Mrs. Isnardi said she did not favor one architectural style. She felt providing the appeals process was better than the provisions of the current Code. Motion carried with members voting as follows: Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

9. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 54, Franchises, by relocating Section 9, Water and Wastewater System Tariff, to the Land Development Code (Case No. T-8-2008, City of Palm Bay).

The Planning and Zoning Board recommended that the request be approved. Mr. Feldman explained that the provisions pertaining to utilities were being consolidated and obsolete and duplicate provisions deleted. There were no fundamental revisions being made.

The public hearing was opened and closed as there were no comments.

Motion by Mr. Woodard, seconded by Mr. Zonka, to approve the request, Case No. T-8-2008. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

The first reading of the ordinance was scheduled for consideration under New Business, Item No. 1, with other ordinances pertaining to the same subject matter.

10. Request by the City of Palm Bay to amend the Code of Ordinances, Water and Sewers, by deleting obsolete and duplicate sections (Case No. T-7-2008, City of Palm Bay).

The Planning and Zoning Board recommended that the request be approved.

The public hearing was opened and closed as there were no comments.

Motion by Mr. Woodard, seconded by Mr. Zonka, to approve the request. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

The first reading of the ordinance was scheduled for consideration under New Business, Item No. 2, with other ordinances pertaining to the same subject matter.

PROCUREMENTS:

Award of Proposals:

*** 1. Skate Plaza – RFP No. 06-0-2008 – Parks and Recreation Department (American Ramp Company - \$329,860).**

Staff Recommendation: Authorize City staff to negotiate an agreement for the skate plaza with the top-ranked firm, American Ramp Company, Joplin, Missouri, in the amount of \$299,872.88 for equipment; an additional \$29,987.29 would be used to purchase enclosure safety panels; total \$329,860.17.

The item, considered under Consent Agenda, was approved as recommended by City staff.

*** 2. Mowing, City buildings/tracts – RFP No. 21-0-2008 – Parks and Recreation Department (Taylor Maid - \$48,486).**

Staff Recommendation: Award the proposal for mowing City building sites and tracts to Taylor Maid, Inc., Vero Beach, in the amount of \$48,485.60. The initial contract award was for one year with the option to renew for an additional four 12-month renewal terms based on the contractor's performance and funding as provided by the City Council on an annual basis.

The item, considered under Consent Agenda, was approved as recommended by City staff.

Contract:

*** 1. Design, permitting, competitive solicitation process, and construction services for water reclamation facility – RFQ No. 68-0-2007 – Utilities Department (Wade Trim, Inc. – \$1,596,450).**

Staff Recommendation: Approve the contract with Wade Trim, Inc., for the South Regional Water Reclamation Facility design, permitting, competitive solicitation process and construction services, in the amount of \$1,596,450.

The item, considered under Consent Agenda, was approved as recommended by City staff.

UNFINISHED AND OLD BUSINESS:

1. Update on Resolution No. 2007-57, which granted a conditional use to permit dancing in a drinking establishment (Case No. CU-23-2007, Club Vegas of Palm Bay, Inc.) (City Manager).

Mr. Feldman stated the conditional use would expire on May 1st. The establishment was closed and no further action was required.

2. Consideration of Emeritus Employment Agreement - City Attorney, Nick Tsamoutales.

Mr. Tsamoutales had requested that the item be tabled until the next meeting to allow review of the rewritten agreement.

Motion by Deputy Mayor Geier, seconded by Mrs. Isnardi, to table the item until the next meeting. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

PUBLIC COMMENTS: (Non-agenda Items Only)

There were no public comments.

COUNCIL BUSINESS:

MR. WOODARD:

1. Announced:
 - a) Town Hall Meeting – Saturday, April 19th, at 10:00 A.M., at City Hall Chambers;
 - b) Sixth Annual Support Our Troops Rally - Saturday, May 10th, at Veterans Memorial Park.

MR. ZONKA:

1. Thanked Brevard County Transportation Office, traffic management personnel for quick response in posting “Do Not Block Intersection” signs at Athens Drive on Palm Bay Road.

MRS. ISNARDI:

1. Thanked Public Works Department for its hard work.

DEPUTY MAYOR GEIER:

1. Utilities Department sponsoring Water Conservation Day at Home Depot – May 3rd, from 10:00 A.M. - 2:00 P.M.

2. Water Board Meeting – Mr. Feldman reported the Board voted to start action to encourage the St. Johns River Water Management not to impose moratoriums of withdrawal of surface water from the upper basin.

3. County would not make decision regarding the access from Culver Drive onto Palm Bay Road related to the Hammock Landings project. Felt Council should have made the decision when the matter was before it. Asked how many local contractors received work from the job. Mayor Mazziotti stated the decision had been made prior to Council considering same.

MAYOR MAZZIOTTI:

1. Intersection of Palm Bay Road and Babcock Street – completion date would be around the end of year in December. Palm Bay Road was a three year project. Deputy Mayor Geier asked that alignment through intersection going east be looked at as the white line guided vehicles into the barricades.

2. New Waffle House opened this date. Vehicles coming from I-95 going west into gas station making a 'U' turn and traveling over concrete median in middle to get to station. Mr. Feldman would look into the matter.

NEW BUSINESS: (Ordinances were for first readings.)

1. Resolution No. 2008-32, proceeding with a special assessment project for water improvements within Port Malabar Unit 16 and the balloting of property owners therein.

The Deputy City Attorney read the resolution in caption only.

Motion by Mr. Zonka, seconded by Mr. Woodard, to adopt Resolution No. 2008-32. Deputy Mayor Geier felt the assessment project should include both water and sewer. Mr. Woodard said it would assist in expanding the utility system for public safety purposes, i.e., installation of fire hydrants. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

Motion by Mr. Zonka, seconded by Deputy Mayor Geier, to schedule an equalization public hearing, if the balloting passed, for Thursday, July 24, 2008, at 7:00 P.M. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

2. Resolution No. 2008-33, proceeding with a special assessment project for water improvements within Port Malabar Unit 31 and the balloting of property owners therein.

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Geier, seconded by Mr. Woodard, to adopt Resolution No. 2008-33. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to schedule an equalization public hearing, if the balloting passed, for Thursday, July 24, 2008, at 7:00 P.M. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

3. Resolution No. 2008-34, authorizing the use of public funds to educate and inform the affected public on the special assessments within Port Malabar Units 16 and 31.

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to adopt Resolution No. 2008-34. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

*** 4. Resolution No. 2008-35, authorizing the execution of a utility agreement with the Florida Department of Transportation regarding improvements to Interstate 95 from Malabar Road to the Indian River County line.**

The Deputy City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

*** 5. Resolution No. 2008-36, authorizing submission of an application to U.S. Environmental Protection Agency's Smart Growth Implementation Program to assist in directing new and infill development to the City's U.S. Route 1 corridor.**

The Deputy City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

6. Ordinance No. 2008-28, amending the Code of Ordinances, Chapter 54, Franchises, by relocating Section 9, Water and Wastewater System Tariff, to the Land Development Code (Case No. T-8-2008, City of Palm Bay).

The Deputy City Attorney read the ordinance in caption only.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to adopt Ordinance No. 2008-28. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

7. Ordinance No. 2008-29, amending the Code of Ordinances, Chapter 181, Water and Sewers, by deleting obsolete and duplicate sections (Case No. T-7-2008, City of Palm Bay).

The Deputy City Attorney read the ordinance in caption only.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to adopt Ordinance No. 2008-29. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

8. Ordinance No. 2008-30, amending the Code of Ordinances, Chapter 54, Franchises, by repealing Chapter 54.50 in its entirety.

The Deputy City Attorney read the ordinance in caption only.

Motion by Mr. Zonka, seconded by Deputy Mayor Geier, to adopt Ordinance No. 2008-30. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

9. Ordinance No. 2008-31, amending the Code of Ordinances by creating Title XX, Chapter 200, Utilities Code.

The Deputy City Attorney read the ordinance in caption only.

Motion by Mr. Zonka, seconded by Deputy Mayor Geier, to adopt Ordinance No. 2008-31. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

10. Ordinance No. 2008-32, amending the Code of Ordinances, Chapter 96, Sewer Use, by relocating the chapter to Title XX, as Chapter 201.

The Deputy City Attorney read the ordinance in caption only.

Motion by Mr. Zonka, seconded by Deputy Mayor Geier, to adopt Ordinance No. 2008-32. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

11. Ordinance No. 2008-33, amending the Code of Ordinances, by relocating Subchapter 'Reclaimed Water', within Chapter 181, to Title XX, as Chapter 202.

The Deputy City Attorney read the ordinance in caption only.

Motion by Mr. Woodard, seconded by Deputy Mayor Geier, by to adopt Ordinance No. 2008-33. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

12. Ordinance No. 2008-34, prohibiting alcoholic beverages on City Hall Municipal Complex property.

The Deputy City Attorney read the ordinance in caption only.

Motion by Deputy Mayor Geier, seconded by Mrs. Isnardi, to adopt Ordinance No. 2008-34. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

***13. Consideration of entering into a settlement agreement with William Turnbaugh Construction, Inc. for work performed on the Emerson Drive road project.**

Staff Recommendation: Authorize the execution of the Settlement Agreement with William Turnbaugh Construction, Inc.

The item, considered under Consent Agenda, was approved as recommended by City staff.

***14. Consideration of entering into an agreement with Linwood Capital, LLC for fuel price management services.**

Staff Recommendation: Approve the agreement with Linwood Capital, LLC for fuel price management services.

The item, considered under Consent Agenda, was approved as recommended by City staff.

***15. Consideration of identifying signature trees for planting throughout the City.**

Staff Recommendation: Approve the selection of the Hong-Kong Orchid Tree and the Eastern Redbud Tree as the signature trees for the City.

The item, considered under Consent Agenda, was approved as recommended by City staff.

***16. Consideration of proceeding with a public meeting to discuss the possible permanent closures of Tarr Avenue and Ward Road.**

Staff Recommendation: Authorize staff to proceed with a public meeting/outreach with the residents in the area and report the results back to the City Council.

The item, considered under Consent Agenda, was approved as recommended by City staff.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Mr. Feldman had distributed a copy of an Affidavit pertaining to refusal of the option to purchase a piece of property within the City (Major's Golf Course) and asked for Council's authorization to execute same.

Motion by Mr. Woodard, seconded by Deputy Mayor Geier, to approve the City Manager executing the Affidavit. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

2. Mr. Stokes asked that outside counsel be retained for the review of two development agreements. Mr. Tsamoutales felt that attorneys with expertise in the development and financing matters needed to review the Chaparral and Silver Sands agreements. The developer had agreed to pay the legal fees for review of the Silver Sands agreement.

Motion by Mr. Zonka, seconded by Mr. Woodard, to suspend the practice of law outside of City business for both the City Attorney and Deputy City Attorney until rescinded by Council. Mr. Zonka felt the outside business may be impairing the City business. Deputy Mayor Geier questioned what Mr. Zonka was utilizing as a guide to make the determination that it was the outside practice interfering with the attorneys' work. Mr. Zonka stated it was a contributing factor to the 'taxing workload' mentioned in Mr. Tsamoutales' memorandum. Deputy Mayor Geier asked Mr. Stokes if he could do the review. Mr. Stokes said he could find time. Deputy Mayor Geier said he needed justification that the outside business was the reason for the inability to do the work. Mrs. Isnardi said she was uncomfortable with discussing the matter without Mr. Tsamoutales being present to address same. Mr. Zonka also mentioned that Council had not received the request until an hour prior to the meeting. Mr. Stokes said he had not looked at the agreement and may or may not have the expertise for the review of same. Motion carried with members voting as follows:

Mayor Mazziotti	Nay
Deputy Mayor Geier	Nay
Councilman Woodard	Yea
Councilman Zonka	Yea
Councilwoman Isnardi	Yea

Motion by Mr. Zonka, seconded by Deputy Mayor Geier, to retain John Shubin to review

the Silver Sands Agreement, subject to the developer reimbursing the legal fees. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

PUBLIC COMMENTS/RESPONSES:

1. Jim Tapp - consider ordinance requiring all newly built homes to have stub-outs for sewer and water line connections.
2. Butch Orend - in regards to public information meetings for special assessments, include cost for plumber to install the lines from the house to the street.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:00 P.M.

John J. Mazziotti, MAYOR

ATTEST:

Alice Passmore, CITY CLERK

* Identifies items considered under the heading of Consent Agenda.

♣ Indicates quasi-judicial proceeding.