

**CITY OF TEMPLE TERRACE, FLORIDA
MAYOR AND CITY COUNCIL
MINUTES**

**Regular Meeting
Tuesday, March 2, 2010
Council Chambers-City Hall**

Having been duly advertised as required by law, the regular meeting of the Mayor and City Council of the City of Temple Terrace, Florida, was held on Tuesday, March 2, 2010, in the Council Chambers at City Hall.

PRESENT WERE: Vice Mayor Mark A. Knapp, and Council Members Alison Fernandez, Ron A. Govin, Ken Halloway, and Mary Jane Neale, City Manager Kim Leinbach, City Clerk Lisa Small, and City Attorney Mark Connolly. **ABSENT WAS:** Mayor Joe Affronti, Sr.

ALSO PRESENT WERE: Public Information Officer Michael Dunn, Leisure Services Director James Chambers, Community Development Director Charles Stephenson, Public Works Director Joe Motta, Human Resources Director Woody Hubbard, Police Chief Ken Albano, Fire Chief Keith Chapman, Finance Director Diane Reichard, Assistant City Engineer Michael Hall, Deputy City Clerk Donna Spano, David D'Aloia, Beth McCullough, Evie McCullough, Claire McCullough, Jack Rybicki, Josee Campbell, Gabrielle Campbell, Hannah Eichhorn, Steve Dutch, Sande and Brittany VanHook, Pam and Rebecca VanHook, Joyce McKenzie, Quinton Barrett, Ivana Galusic, G. Asher Brandley, Aalawnah Jones, Jaime Caicedo, Ross McGillivray, and several other persons.

Vice Mayor Knapp called the meeting to order at 6:00 p.m., after which he led the Pledge of Allegiance to the flag; Council Member Halloway offered a brief invocation.

Vice Mayor Knapp clarified the City Charter provides that in the absence of the Mayor, the Vice Mayor shall chair the meeting, but retains the right to participate in discussions and vote on actions coming before the Council.

Proclamations, Recognitions, and Special Presentations:

1. Proclamation – “Girl Scout Week.”

Vice Mayor Knapp presented a Certificate to Girl Scout Troop Leader Beth McCullough and several troop members, proclaiming March 7 – 13, 2010, as Girl Scout Week.

In keeping with Girl Scout Week, three of the Girl Scouts shared in announcing that Temple Terrace Girl Scout Troop #758 of the Sunburst Service Unit is hosting “Tri It...Get Fit!” triathlon, with support from the Temple Terrace Leisure Services Department, Saturday, March 13, 2010, at the Family Recreation Complex (6610 E. Whiteway Drive). The Girl Scouts noted there were over 175 participants last year in the triathlon, which promotes health and fitness while allowing the Girl Scouts to gain valuable leadership experience and business skills. They reported they are again partnering with the professional Youth Triathlon Series to hold the USAT-sanctioned event; race time is 7:30 a.m. They described the event in detail, commenting that the race is open to anyone from ages 5 to 99; participants, volunteers, and sponsors are needed. Interested persons are encouraged to contact one of their troop leaders.

The Girl Scouts reported that a portion of the proceeds from the event will benefit several local projects, including *Clouds of Hope* and the *Miracle for Megan Garrett Irrevocable Trust*. Events include swimming in a heated pool, scenic biking around the Temple Terrace Golf Course, and running distances.

Vice Mayor Knapp questioned the Girl Scouts concerning their shortbread cookies and why one has to eat all of the cookies as soon as the package is opened and cannot stop halfway, to which the girls responded because they are so tasty!

2. Special Presentation – “Future Cities,” 7th and 8th Grade Student Project, Greco Middle School, presented by their teacher, Iris Willis.

Vice Mayor Knapp called on Iris Willis, Greco Middle School Teacher, to present the “Future Cities” project of the 7th and 8th Grade Students at Greco Middle School.

Iris Willis recognized Ross McGillivray, who has been their mentor, and introduced the participating students to the Council and audience. She noted these students represented Temple Terrace very well at the Regional Future Cities Engineering Week Competition, taking fifth place. She continued that the City Manager had come to speak to the students and after that visit, the students took what he told them “to heart” and based their future City on what they envisioned the revitalized City would look like 150 years from now. Several of the students described in detail how they developed their project.

Ms. Willis introduced Joshua Grow, who will be representing Temple Terrace and Greco Middle School in Orlando at the Science Fair State Competition. Joshua reported that he competed a week ago at the Science Fair Regional competition and took 1st place with his project, which tested the effects of electromagnetic fields on the appetites of fish.

Ms. Willis commented that thanks to the support of Temple Terrace and the School Support Committee, they had two teams representing Temple Terrace and Greco Middle School at the Regional Science Fair; although teams do not compete at the State level, their team took first place overall for group competitions. She asked several of the students to detail their projects of testing water quality and hydroponics.

Ms. Willis thanked the Council for the opportunity for the students to share their projects with the Council. She recognized Mr. Binder, the Principal at Greco Middle School, and issued an invitation on their behalf to the Earth Day celebration on April 21, 2010, at Greco Middle School, so they can see for themselves the wonderful ways students are learning about conserving and saving water.

Minutes of Previous Meetings:

Upon motion of Council Member Hallway, seconded by Council Member Fernandez, and unanimously carried, the **MINUTES** of the February 16, 2010, Council Meeting were **APPROVED**.

Persons Wishing to be Heard on Items NOT Listed on the Agenda:

David D’Aloia, 919 N. Riverhills Drive, addressed the Council regarding the City’s Rental Housing Permit Program. Mr. D’Aloia presented his opinion that the Rental Housing Permit Program was established as a means to regulate non-owner-occupied homes, and increase the number of owner-occupied homes in the City, thereby increasing property values and chasing off landlords.

Mr. D'Aloia stated he is a longtime resident and small business owner, who cares very much about the City. He expressed concern that small business owners are struggling in these tough economic times, and the City's \$200 annual rental housing permit fee is about seven times higher than the City of Tampa and Hillsborough County. He expressed his belief that the high fee was a tool to dissuade people from renting their homes. He rhetorically questioned whether the permit program has worked in terms of pushing out landlords, asserting his belief that it has not worked. He continued that the program has resulted in increasing the size of Temple Terrace government by four additional employees with benefits and vehicles to maintain; any revenue received is offset by a larger government with more people to sustain and keep in health care. He said it was an unfair way to put stress on his industry, trying to force him, and people like him, out of business and out of this community.

Mr. D'Aloia explained he owns two small duplexes, and his competition is an adjacent apartment complex, which is not subject to the City fees or inspections. He complained that if he is 30 days late with his payment, the fee doubles; if he is 60 days late, the fee is \$600; and if he is 90 days late, the fee becomes \$800 per unit. With five units, he said that is \$4,000 per year that he has to pay, and his neighbor doesn't have to pay anything. He asked Council to reconsider the Rental Housing Permit Program and determine whether it is working. While he is sure the Council's intent was not to penalize small business owners like him, he said he is a victim of the permit program. He said he hopes they reconsider the program or at least how it affects duplex owners, of which there are about 30 in the City; he does not believe they should be subject to the annual rental permit fee.

Vice Mayor Knapp requested Fire Chief Chapman come forward to address the Rental Housing Permit Program. While Fire Chief Chapman was coming forward, Vice Mayor Knapp commented that when the program was set up, it had nothing to do with fee generation or to remove people from renting; it was based more on life-safety issues and the rental permit fee would offset the cost for the inspections.

Fire Chief Chapman explained originally the intention was to increase the value of the housing stock in Temple Terrace; non-owner occupied houses tend not to be in compliance with the Minimum Housing Standards, such as GFI (ground fault interrupt) outlets in the kitchen and bath (which are life-safety issues), appropriate conditions of roofs, appropriate operation of doors and windows, and renters' complaints of landlords not keeping the dwellings properly maintained. He summarized the program was created to bring the housing stock up to meet the Minimum Housing Code, and the program is extremely successful, with more than 80% of non-owner occupied homes failing their first inspection.

Fire Chief Chapman explained that duplexes are included in the program and apartments are not, because apartments are regulated by the State of Florida in the Apartment Code and are inspected by State Inspectors, with the Fire Department only allowed to inspect the exterior areas and sprinkler systems; they are not allowed into the individual units. He continued, stating that duplexes are not subject to the State's Apartment Code, leaving it up to the local jurisdiction to inspect those properties and bring them into compliance with the Minimum Housing Code. He confirmed there are currently 28 duplexes, with additional duplexes in the annexation areas, whose owners have been notified about the City's Rental Housing Permit Program. He mentioned that several years ago, when the real estate market was good and some companies converted their apartments to condominiums for rental purposes, they ran into a similar situation where several condominium owners were paying multiple \$200 rental permit fees, and sometimes in groups of 30 or 40, having purchased entire buildings of apartments and converted them to condominiums. He added they are subject to the Rental Housing Permit Program.

Mr. D'Aloia commented that he supports safe housing and minimum housing standards; the issue is the amount of money they are being charged for the inspection. He reiterated the \$200 per unit per year is six to seven times higher than the amount being charged by Hillsborough County and the City of Tampa. He contended the City doesn't have to charge \$200 per unit per year to inspect the property; the City can do it for \$35 like other jurisdictions. He countered that he was here when the program was conceived, and it didn't start out as a need to bring the standards up; it was because there was a high percentage of rental properties – 60% or higher, owner-occupied. He stated everyone agrees they need safe, clean houses with good roofs, but they don't need to be charged \$200. He expressed that he will continue to be a “squeaky wheel,” and he will not let this go, suggesting he would warn those property owners on David Road who are considering annexation about this issue. He concluded, stating the \$200 fee is unjust and needs to be addressed.

There were no public hearings before the Council; there was no correspondence, communications, or petitions.

Presentations:

1. 2008-09 Comprehensive Annual Financial Report (CAFR) and Management Letter.

Finance Director Diane Reichard presented the Comprehensive Annual Financial Report (CAFR) for September 30, 2009. She continued that the financial report is prepared in conformance with GAAP (Generally Accepted Accounting Principles), pursuant to Florida Statutes and the Rules of the Auditor General of the State of Florida. She stated the City has been audited by LarsonAllen LLP, adding that the firm's representative, Jack Rybicki, will address the Council shortly.

The Finance Director noted that the City complied with the single audit requirement, as demonstrated on page 139 of the audit report. She then referred the Council to page 13 of the audit report, Management Discussion and Analysis, explaining that section provides a brief overview of the City's financial activities for the fiscal year ending September 30, 2009.

Referring the Council to Page 16, Statement of Net Assets, the Finance Director pointed out the far right column reflects total assets of \$24.5 million and current liabilities of \$5 million, with the difference being the working capital, in the amount of \$19.5 million. Referring the Council to Page 17, Statement of Activities, the Finance Director commented that the far right column reflects totals for 2009, with a negative change in net assets of \$18.6 million, which was associated with the capital asset reduction of the property revitalizing the southeast quadrant.

The Finance Director expressed her thanks to Assistant Finance Director Ted Beason, who performed a lot of the work associated with the CAFR. She also mentioned the City received its 31st consecutive GFOA (Government Finance Officers Association) Certificate of Achievement for Excellence in Financial Reporting last year, and she will be presenting this CAFR to the GFOA for consideration of next year's award. The Finance Director introduced Jack Rybicki of LarsonAllen LLP.

Mr. Rybicki, 210 S. Clark, Tampa, of LarsonAllen LLP, began by complimenting Finance Director Diane Reichard, Assistant Finance Director Ted Beason, and Accounting Supervisor Jackie Diamond for providing all of the documentation they needed to complete the audit in a timely fashion, with no difficulties. He also thanked Council Member Holloway, who served as the Liaison between the firm and the Council this year and provided suggestions in terms of things the Council would like to see in the report; some changes were made in the report as a result of those suggestions.

Mr. Rybicki commented the CAFR is a collaborative effort between the City staff and LarsonAllen; LarsonAllen prepares the draft financial statements and ties in all the information provided and prepared by the City's Finance Department. He explained the CAFR includes four reports:

- The Auditor's Report, pages 11 and 12, which is a clean report or unqualified report, expressing their belief the financial statements presented for the City are in accordance with Generally Accepted Accounting Principles (GAAP);
- Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, pages 137 and 138, referred to as the "Yellow Book Report," which reflected there were no findings of significance relative to the City's internal control structure;
- Report on Compliance with Requirements Applicable to East Major Program and on Internal Control Over Compliance in Accordance with OMB Circular A-133, pages 139 through 144, referred to as the "Single Audit Report," which is another set of testing the auditors are required to do whenever the City receives more than \$500,000 of Federal awards; the City was found in compliance with all aspects of the Federal award programs and found to have internal controls in place over their compliance with the criteria for those programs;
- Management Letter, pages 145 and 146, in accordance with the rules of the Auditor General; there are nine items that must be considered, the auditors complied with all of the rules and requests, and found the City complied where appropriate, or that the auditors had no findings to present as a result of the Auditor General's rules and requests.

Mr. Rybicki noted there is one formal written document his firm has not yet provided to the Council, which will be delivered hopefully later this week. He stated there was one new standard adopted this year regarding Other Post Employment Benefits (OPEB), which have a negative impact on the financial statements, in terms of a charge and an additional liability that was included in the financial information the Finance Director presented.

Mr. Rybicki commented that in terms of disclosure items in the CAFR, the Finance Director mentioned the special item with the sale of the redevelopment property, which was adequately disclosed. He noted their report reflected they had no disagreements with management during the course of their audit and no difficulties were encountered during the course of their work.

Council Member Holloway commented he heard that in 2012 GAAP would be replaced with the international accounting standards, and he questioned Mr. Rybicki whether that was true. Mr. Rybicki responded that nothing is formal or finalized; there is a movement afoot to move to International Financial Reporting Standards (IFRS).

Mr. Rybicki continued that 2012 is an SEC (Securities Exchange Commission) standard to which publicly-held companies will be held accountable; the date has changed over the past few years; it is currently a transition date for public companies, and it is his understanding that it is not for governmental accounting standards. Because IFRS is really for commercial enterprises and does not have a component directed towards government accounting standards, he does not anticipate the adoption of IFRS on a commercial basis would have any impact on the City in the near future.

Council Member Halloway commended Mr. Rybicki for his suggestions regarding the rudimentary audit committee, on which he [Council Member Halloway] is currently the sole member, and for the one-on-one meetings with Council Members to give them a deeper understanding and the ability to ask additional questions. He also thanked the Finance Director for the income statement for sanitation, which he believes will be very helpful in the future.

Council Member Halloway suggested that the Council firm up the Audit Committee to make it a permanent committee. He explained an audit committee is a requirement for commercial entities under Sarbanes Oxley, which also requires the committee include a CPA (Certified Public Accountant) and a financial expert. He continued that he is suggesting the Council firm up the Audit Committee, at a future time, to include two members, one of which would be a CPA and the other would be a Council Member. Vice Mayor Knapp suggested Council Member Halloway make a formal motion to that effect under New Business. Council Member Halloway concurred and concluded his remarks by complimenting the Finance Director and her staff for their outstanding work.

Recognizing the amount of work involved, Council Member Fernandez added her compliments to staff on the financial report.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 024-10(m)** was **ADOPTED**, accepting the 2008-09 Comprehensive Annual Financial Report and Auditor's Management Letter. Vote on the motion being: Vice Mayor Knapp and Council Members Fernandez, Govin, Halloway, and Neale voting "aye," no "nay."

There were no Site Plan Reviews before the Council for consideration and action.

Resolutions for Consideration and Action:

The City Manager briefly reviewed the two proposed Resolutions for consideration and action.

Upon motion of Council Member Fernandez, seconded by Council Member Halloway, and unanimously carried, Resolutions **E-1** and **E-2** were adopted by consent, as follows:

RESOLUTION NO. 025-10, approving the one-year Interlocal Agreement between the City and Hillsborough County to fund and administer affordable housing rehabilitation assistance related to the Community Development Block Grant Program (CDBG) in a total amount not to exceed \$232,013.

RESOLUTION NO. 026-10, awarding the contract to construct the 56th Street Corridor Improvement Project from the Hillsborough River to Temple Heights Road, to the lowest bidder, Pospiech Contracting, Inc., in the total amount of \$3,413,300; payment for said contract to be made from account 130-3099-541.63-11.

There were no Proposed Ordinances for Consideration and Action, and there was no Unfinished Business to come before the Council for consideration and action.

City Manager's Report:

The City Manager briefly updated the Council on the downtown redevelopment project, stating that the developer has been in contact with the Public Works Director and the Engineering Department regarding street alignment and with the Community Development Director regarding the site plan process. He commented he knows they are working diligently on the project and are hopeful actual work will begin soon; however, they need to work on the approval procedure and amendment of the Master Developer's Agreement.

The City Attorney referred Council to the Order relative to the Masone vs. City of Aventura case, which he would like to discuss with Council, along with strategy and issues with respect to the pending Kelly litigation. He requested that an "Out-of-the-Sunshine" meeting be scheduled for one hour prior to the next regular City Council Meeting; included in the meeting would be the Mayor and Council, City Manager, the City Attorney and his associate Kevin Graham. Hearing no comments from the Council, Vice Mayor Knapp requested the City Manager include the "Out-of-the-Sunshine" meeting on the agenda for one hour prior to the next regular City Council Meeting.

The City Attorney briefly updated the Council on the Holland litigation matter. He commented that a hearing was recently held where Mr. Holland's attorneys requested certain relief, including requiring the City to keep open its offer to resolve the lien for a certain amount. He said the Court agreed that would not be appropriate and denied the motion. He continued there is a Motion to Dismiss filed by Mr. Holland's attorneys that is in the process of being scheduled for a hearing; however, with the number of foreclosure actions pending, it is difficult to obtain a hearing date, but once they do, they can proceed with the case.

The City Attorney reported that several years ago, Dovie Moore Hamby bequeathed to the Temple Terrace Police Department three properties in North Carolina, which are shown to be worth about \$800,000 on the tax rolls. He explained the problem is that Ms. Hamby's daughter is Sandra Prince, who has been missing for quite some time, so there are legal issues. He explained that if Sandra Prince predeceased her mother, the City of Temple Terrace is being bequeathed a substantial amount of property. He said this has been pending for some time; based upon his discussions with former Police Chief Velong and Police Chief Albano, he has not taken any action on this, not wanting to institute a legal proceeding that would somehow jeopardize the investigation being performed by the City of Temple Terrace Police Department.

The City Attorney continued that in order to perfect the City's interest in the property, a lawsuit would need to be filed in North Carolina, specifically an action for Declaratory Judgment to have the Court find that Sandra Prince predeceased her mother and to otherwise have the Court find that certain properties should be perfected and bequeathed to the City of Temple Terrace, pursuant to the terms of the Will.

The City Attorney explained that process would require obtaining another firm or utilizing the Shumaker Loop & Kendrick office in Charlotte. He said they would have to stress that the City Manager and Police Chief Albano are proceeding with an action that would allow the City to perfect the property in the City's name so that the City could ultimately sell the property; he would not institute proceedings that would jeopardize the City's ongoing investigation. He said he has discussed with Police Chief Albano what they can and cannot do in that respect, and what his officers and the City can provide in terms of evidence in that action. He summarized that he is asking for authority to proceed with an action in North Carolina to perfect the City's interest in the properties that have been bequeathed to it by Dovie Moore Hamby and have the Court enter a Judgment that those properties should be titled in the City's name, and to take action to locate any and all properties that Dovie Hamby owns, so that they can have them subject to those proceedings, and, ultimately, have the City sell the properties.

Vice Mayor Knapp questioned who has been maintaining the properties since that point in time.

The City Attorney responded that most of the properties are vacant land; there is a Conservatorship to attend to the properties in Florida, and an Executor of the Estate, Ms. Mosteller, in North Carolina, who is maintaining insurance, etc., adding that most of the properties are vacant land. He said he understands the property consists of a home in Boone, North Carolina, which is worth about \$340,000, according to the tax rolls, and two large, undeveloped parcels, each of which is over 100 acres.

In response to a question from Vice Mayor Knapp concerning the views of the Executor, the City Attorney explained that Ms. Mosteller has no objection to the City taking action necessary to perfect its interest in the properties. Vice Mayor Knapp called for a motion from the Council.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 027-10(m)** was **ADOPTED**, authorizing the City Attorney to take the necessary steps to perfect the City's interest in the properties bequeathed to it by the late Dovie Moore Hamby, having the Court enter a Judgment that those properties should be titled in the City's name, and further, to take action to locate any and all properties owned by Dovie Moore Hamby, so that those properties can be subject to the proceedings. Vote on the motion being: Vice Mayor Knapp and Council Members Fernandez, Govin, Halloway, and Neale voting "aye," no "nay."

New Business:

1. Appointment – Municipal Code Enforcement Board – Alternate Member.

Vice Mayor Knapp reviewed that there is only one applicant, Andrew Ross, for the alternate member position on the Municipal Code Enforcement Board. He noted the City Clerk will continue to advertise for the second Alternate position.

Upon motion of Council Member Halloway, seconded by Council Member Neale, **RESOLUTION NO. 028-10(m)** was **ADOPTED**, appointing Andrew Ross to serve as Alternate Member to the Municipal Code Enforcement Board. Vote on the motion being: Vice Mayor Knapp and Council Members Fernandez, Govin, Halloway, and Neale voting "aye," no "nay."

Upon motion of Council Member Halloway, seconded by Council Member Fernandez, **RESOLUTION NO. 029-10(m)** was **ADOPTED**, directing that the City establish an Audit Committee comprised of a CPA (Certified Public Accountant) and a City Council Member, with the recommendation that the CPA would be acting on a pro bono basis, and the City Council Member serving on this Committee would be selected by the Council. Vote on the motion being: Vice Mayor Knapp and Council Members Fernandez, Govin, Halloway, and Neale voting “aye,” no “nay.”

Prior to voting on the above motion, the City Manager confirmed that the intent of the Council is that the CPA would be a resident of the City. Council Member Fernandez questioned how the CPA would be appointed or selected, to which Vice Mayor Knapp suggested the appointment would be handled the same as other City volunteer board positions.

Council Member Fernandez questioned how the Audit Committee would function separately from the way the Council functions, in that the City Council is the final reporting Board for the Auditors and the Financial Report.

Council Member Halloway explained that an Audit Committee stands between the City management and the Council, primarily as an information exchange and in the event of a disagreement between the Auditor and City management. He reviewed an incident with HART (Hillsborough Area Regional Transit), when he served on their Board, to emphasize the importance of an Audit Committee, concluding that an Audit Committee provides an added level of security to ensure proper and timely reporting.

Stating she is not opposed to having an Audit Committee, Council Member Fernandez said her concern is that if there were problems between the Auditor and City staff, the knowledge of that would not stop at an Audit Committee. Council Member Halloway assured Council Member Fernandez that would not occur, as that is not the purpose of an Audit Committee.

The City Manager suggested if the motion passes, that he comes back to the Council with draft language in the appropriate form, delineating the subject matters, accountability, and functions of the Committee for Council’s consideration as soon as possible, but prior to the next audit. Vice Mayor Knapp summarized the City Manager would be charged with putting together the framework for the Audit Committee.

At this point, the vote on the above motion was taken, which passed unanimously by the Council, to establish a permanent Audit Committee; the City Manager will put together a framework for the Audit Committee.

Relative to the local schools, Council Member Fernandez commented that the Council saw a wonderful presentation this evening, noting the difficulty in getting “good” news in the newspaper to a wide audience. She continued that this group of students wanted the community to know they are hard at work. She emphasized that schools are one of the City’s largest assets and responsibilities. She encouraged the citizenry to become involved in the schools and the process of education, whether or not they have children in school, since they are funded by everyone’s tax dollars. She concluded that the more involved the community is, the better the schools are.

Regarding the Rental Housing Permit Program issue raised by Mr. D’Aloia, Council Member Govin questioned how the change in apartments converting to condominiums has affected the total picture. He wondered whether staff should review the numbers to see if the annual fee is still a proper number compared to the number of units.

Council Member Govin continued that he is not asking for anything extremely deep, suggesting that the City has the number of units inspected now to compare to when the program was established - and possibly compare it to other municipalities - to see if there is any validity and whether property owners in our City are at a disadvantage.

Council Member Neale stated that the purpose of the fee was to make the program self-supporting. She questioned whether it is. The City Manager said staff would prepare a report to present at the next meeting.

Regarding Temple Terrace Codes, Council Member Fernandez commented there was a discussion early in her term about having a professional review done. She wondered whether the City would be interested in utilizing citizens in the community who would volunteer to review the Codes and point out outdated areas.

Vice Mayor Knapp interjected he is personally aware that the City staff has been working on reviewing the Code, noting that he and the Community Development Director have had a number of discussions.

Community Development Director Charles Stephenson confirmed they have several areas of the Code that are outdated and ambiguous. He said that prior to taking over the Department, there was a proposal for an independent company to rewrite the Code; however, it was projected to cost over \$300,000, which was cost prohibitive. Consequently, he said the Department has tried to address problem areas as they come across them, however, with day-to-day operations, it is extremely difficult to find the time required to thoroughly review and rewrite the Codes, and they have not made a lot of headway.

The Community Development Director continued, stating there is a movement afoot to go to a form-based Code, which is essentially the same design criteria presented in a different format. He said the Department is investigating that and is certainly open for volunteers. He noted they are mandated to adopt Florida building and electrical Codes.

Vice Mayor Knapp interjected that the Code of Ordinances is a living document, which has been changed many times over the years. He clarified that Council Member Fernandez is specifically talking about the design guidelines.

Council Member Fernandez concurred, stating that there are a number of retired persons with knowledge in the construction industry who live in Temple Terrace. She questioned whether those persons would be helpful, and if so, how they would utilize that type of volunteer. The Community Development Director responded he would be open to sit down with anyone to discuss their concerns and suggestions.

The City Attorney interjected they need to keep in mind that if the Council was to establish a group to review the Codes and make recommendations to the Council for possible changes, the actions taken by that group would be subject to the Sunshine Law, i.e., post their meetings, and other activities to satisfy the Sunshine Law. Alternatively, he said an individual, who does that on their own, does not have to abide by the Sunshine Law.

Council Member Fernandez responded her thoughts were that several individuals, who would be organized by the City Manager, could work with City staff, doing some of the "legwork"; staff would bring the recommendations to the Council.

Noting the Code is quite a voluminous document, Vice Mayor Knapp reiterated it is a living document, and when they previously discussed whether to rewrite it entirely or address the problems as they arise, the decision was to do it on a case-by-case basis. He asked the Community Development Director whether the Department has had any difficulties with the Code in its current state.

The Community Development Director reiterated the time constraints with this monumental task; they try to address a section at a time, such as accessory structures.

The City Attorney concurred that there are certain sections of the Code that could use improvement, such as the Sign Code; other issues have come up concerning rights-of-way. He explained that modifying each section takes a tremendous amount of time. He questioned the viability of Council Member Fernandez' suggestion regarding citizens who are willing to help. While it is hard to turn down help, especially in this tight economic time, he explained with areas such as the Sign Code, there are so many First Amendment pitfalls that there are companies who do consulting just for that. He concluded that having people volunteer to help out is a good idea, but he is not sure how to make it work.

The City Manager commented that they would entertain any suggestions; people could contact him and/or the Community Development Director to talk about their concerns, and they can take those into consideration as they go through the various items, and bring them back to Council for consideration. He concluded they would certainly not turn down any offers of assistance.

Council Member Neale reminded Council that the City of Temple Terrace will be hosting the Suncoast League of Cities dinner meeting on Thursday, March 18, 2010, at 7:00 p.m. at the Temple Terrace Golf & Country Club; the topic will be pension plans.

Council Member Neale reported that she joined the Suncoast League Legislative trip to Tallahassee and met with 12 of the local Legislators, talking about off-shore drilling, Amendment 4, and TABOR. She said she also encouraged the Legislators to put the red light camera issue on their Legislative Agenda for this Legislative Session. She concluded she will be back in Tallahassee next week to repeat the message.

Council Member Neale commented that plans are continuing for the trip to visit the Sister City in Eastleigh, England, at their invitation. She said the next meeting will be held on Monday, March 15, 2010, at 7 p.m. in the Council workroom. She noted they will be in Southampton, England, from June 10, 2010, to June 17, 2010. She encouraged interested persons to come to the next meeting.

Council Member Neale announced that Saturday, April 17, 2010, the Temple Terrace Arts Council will hold its annual Art Auction.

Council Member Govin reported to the Council that the HART Flex Program, which utilizes vans, will be starting in south Hillsborough County; if successful in south Hillsborough County, and if the tax issues and funding can be worked out in the referendum, the first area to be expanded in HART Flex will be Temple Terrace. He explained that will provide buses running east and west into the core of the City and also will be on call. He said it is a unique service that ties itself to picking up people in those areas and gets them into a Service Core Area where they can take a regular bus. As the service gets underway, he will provide further reports.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 7:18 p.m.

Joseph A. Affronti, Sr.
Mayor

Alison M. Fernandez, Council Member

Ron A. Govin, Council Member

Ken Halloway, Council Member

Attest:

Mark A. Knapp, Council Member

Melissa E. Small, MMC
City Clerk

Mary Jane Neale, Council Member