

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
SEPTEMBER 22, 2008
7:00 P.M.
COMMUNITY CENTER

MINUTES

1. CALL TO ORDER

Mayor Thomas called the Regular Meeting to order at 7:00 p.m. in the Community Center.

ROLL CALL

Mayor Michael Thomas	Present
Councilwoman Debra Rogers	Present
Councilwoman Gigi Bennington	Present
Councilwoman Harriet Rhodes	Present
Councilman Ted Cooper	Present
Acting 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 to be made at this time.

4. CITIZEN COMMENTS

The following citizens spoke:

Henry Waters, stated he had a problem with Edgewater Towing Company. He was detained on the 8th by the Police and was not offered a choice as to who was to tow his vehicle. Edgewater Towing took it and by the time he got around to being able to get it out, they wanted so much money his

benefits wouldn't cover it and they continue to hold his scooter. He contacted Bishops in New Smyrna Beach and explained the length of time and asked for a price what they would have charged and it was less than half as much as Edgewater Towing. He asked if they had a contract with the City or if there was an arrangement with them. He felt that was absurd and ridiculous and that this was too much of a burden to bear. There is no need for it.

Mayor Thomas asked Sergeant Arcieri if he could address that. Sergeant Arcieri informed him he would have to do some research. Mayor Thomas asked him if he knew if they were under contract with Edgewater Towing. Sergeant Arcieri informed him yes.

Mayor Thomas informed Mr. Waters he would get somebody to get with him.

5. CITY COUNCIL REPORTS

Councilwoman Bennington had nothing at this time.

Councilwoman Rhodes presented a report on the General Employees Pension Board. They met twice and they have hired a Board Administrator, Sheila Hutchinson, who is going to coordinate the Board actions. They are in the process of severing ties to Principal based on their performance comparable to others in the marketplace and are negotiating a contract with Foster & Foster Actuarial Services to help in this process. They discussed and made recommendations on a new rules and procedures manual prepared by their attorney Mr. Dehner who will now prepare a final copy to be approved by the Board. They will begin working on a restatement of the plan that will reflect the way they are doing business now and changes that need to be made to comply with new regulations. They have encouraged all board members to attend the Police/Fire conference December 1st - 3rd to attend sessions that apply to General Employee pension Plans and a public hearing on rules/changes that will have a serious impact on cities and public pension plans if it is passed. They were advised by Mr. Dehner that it would be well if they went to a public hearing on that so they could learn about it and help to not pass it if they deem it is not in their best interest.

Councilman Cooper had nothing at this time.

Councilwoman Rogers stated in lieu of the economic times we are in she is starting to receive a lot of phone calls regarding properties that are not maintained very well. She is referring those individuals to Code Enforcement. She wanted to make a public announcement that they should also refer those individuals to our online website where they can report if someone is in violation as far as a property being vacant or abandoned and if it has not been mowed and maintained.

Councilwoman Rogers stated there are some Statutes regarding the maintenance of mobile home parks. There is one in particular she has been talking with homeowners that own a trailer and they pay lot rent so the property that surrounds and the property that their trailer is located on is to be maintained by the mobile home park owners. She referred to Chapter 723 of the Florida Statutes. This has to do with the Florida Mobile Home Act and these mobile home park owners are responsible and they need to be educated about this so they make sure senior citizens and some of the snowbirds if they own a trailer and it is in a park and there are trees that are hanging over their trailers it is to be maintained and dealt with by the actual property owner.

Acting City Manager Barlow stated he got a report before he walked in this evening that the particular piece of property she received a complaint on is at Sea Horse Trailer Park. They had Code Enforcement go out this afternoon and they determined the tree to be healthy and no hazard to that trailer as well as they provided the report from the Arborist from the County and/or University of Florida. They say that tree is a type of hickory tree and is more vulnerable during windstorms and hurricanes but there is nothing that indicates that hickory tree is unhealthy or an immediate threat to the adjacent property to it.

Councilwoman Rogers asked if that had been conveyed to the property owner. Acting City Manager Barlow informed her it had not.

Mayor Thomas commented on the WAV meeting he attended. They had further discussions on Mr. Visconti's visit with his rain barrel. They are supporting that idea and are giving out vouchers through WAV and the County for people purchasing rain barrels to conserve water. They are trying

to get into the educational system teaching our future generations how to conserve water. To conserve water they have to educate the public.

Mayor Thomas stated the health Department came and gave them a lengthy discussion and the State of Florida is cutting a bunch of money. They are trying to levy it back onto the cities. It is \$.95 per hook up per year. He is tired of the State having these unfunded mandates and putting it back on the City. He could not support that. Our share was going to be \$18,000 and something and it was going to be up to the City to collect it. He voted not to support it.

6. CONSENT AGENDA

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

7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. 2nd Reading, Ord. 2008-0-11 - Setting the Final Millage Rate of \$5.9000 mills for real and personal property and \$0.033047 mills for Voted Debt Service for the City for Fiscal Year 2008-2009

City Attorney Ansay read Ord. 2008-0-11 into the record.

Acting City Manager Barlow made a staff presentation. He identified the taxing authority as being the City of Edgewater, the roll back rate is \$6.43899 per \$1,000, the percentage decrease over the roll back rate is 8.37% and the millage rate to be levied is \$5.9000 per \$1,000 and \$0.033047 per \$1,000 on the Voted Debt.

Mayor Thomas opened the public hearing.

The following citizens spoke:

Dominic Capria, 606 Topside Circle, stated he was being facetious a couple of meetings ago when he said they were looking for the top of the hit parade and that is exactly what they did. We are now on top of the hit parade, higher than any city in Volusia County. What bothers him is not the millage rate they are asking for. He commented on millage rates in other cities in Volusia County being lower

than Edgewater. He used New Smyrna Beach as an example. He spoke of Edgewater not making any progress at all. He doesn't know how they can reduce it. He was hoping they would drop it a little more. Let's do it, let's not just make statements. Let's check into see what they can do. If he was involved he would do much more homework. He urged the Council to try. He knows it isn't a lot of money but with him it is principle.

Councilwoman Rhodes asked if she read in the newspaper that New Smyrna is taking money out of their reserves. Mayor Thomas thought she was right. Councilwoman Rhodes pointed out that New Smyrna has a commercial base that Edgewater doesn't have. We are trying to get it but we don't have it. It takes the tax burden off of their citizens. Nobody on Council wants to pay any more taxes than they have to. Councilwoman Bennington also pointed out the condos that New Smyrna has that we don't have.

Mayor Thomas asked if anybody could tell him what the richest city in Volusia County was. He informed them it was Daytona Beach Shores because of all of the condos they have. The people of Edgewater have said they don't want condos or anything above 35 feet. They want to be a bedroom community and will have to pay for their quality of life. If they don't want to be in the bedroom community, move up there.

Mr. Capria stated they are talking about New Smyrna Beach and the industry they have. We have had an Economic Development Board for years. What have we accomplished as far as bringing tax structure in? They can't compare Daytona with the high condos verses Edgewater with the small properties we have. We are a tourist City. That is all they are going to be. Let's work on those issues for the tax structure. We are the highest on the hit parade, which they did not used to be.

Councilwoman Rogers felt they have to deal with this higher rate. She doesn't like it anymore than Mr. Capria but the negative is and the reality is we are still paying for some past mistakes. The issues they brought out at the last council meeting had to do with ParkTowne. It had to do with the sale of ParkTowne and there are many issues there. That is partly being corrected in this budget. We also have a new Finance Manager who has made things more clear to them and he isn't smoke and mirrors as their previous

Finance Manager and City Manager were. That doesn't mean it is going to be erased and cleaned up over night. It is going to take a couple of years to do so. She doesn't like to say just wait and give them a couple years and they will clean it up but the reality is that is what they are having to do. She doesn't like 5.9 either but what she doesn't like more than 5.9 for the City is that they are having to pay taxes to the County. She feels they need to start nailing the County. She wouldn't want to live in Daytona Beach Shores and she doesn't think they are the richest city due to the condos. She feels if they were to look at their budget it has to do with a lot more than just that. She believes with the administration we have now and the Finance Director we have now, that in the next couple of years they will start seeing that rate go down. She doesn't know who will be on the Council but she hopes Mr. Capria will stay and keep coming forward and the next people to get on the Council will push to have it lowered because they won't have any excuses because the problems are being fixed now. It takes a few years to have everything go through in this trickle down effect. It will work itself out. Right now we are having to pay for those past mistakes.

Councilman Cooper felt they all agreed that they didn't like going to a 5.9 but on the same token it is a 9.1 reduction from the roll back rate. A lot of work was done on this. We are a bedroom community. When they see the struggles that go on month after month about trying to bring in light, green, clean, industry to offset the bedroom community tax base verses industry tax base, it's a struggle. The Economic Development Board, in the past we haven't gotten a lot of things. We haven't been the city to come to. They are working hard. He commented on the website and there now being a video to try and market ourselves. He mentioned the new medical center they approved last month that is coming in and the new bank that is going up on U.S. #1. Things are changing. That base isn't in our coffers yet. They are working everywhere they possibly can to look at every revenue pocket. He spoke of having to face the huge tax cut the State just passed. They passed down the cost to the cities and counties. He spoke of the tax structures that are happening throughout every City. They were supposed to save \$200. By the time they took everything away from the cities and counties, they are probably going to save about \$40. There are some shenanigans going on. He spoke of the gas malarkey for the

last year. The expense for our added diesel and gasoline alone was humongous this year. It is being addressed and they are working on it.

Councilwoman Rogers stated our State Revenue Sharing figure, she wasn't sure what the amount was but felt by it coming down that affects approximately .35 of our millage. That is probably one of their biggest factors as well as the fiasco with ParkTowne. Thank goodness that is just about over with except for the debt we will still be carrying. She believes that all they can do is go forward.

Mike Visconti, 316 Pine Breeze Drive, stated Governor Palin of Alaska did away with property tax. He wasn't saying do away with the property tax. He suggested they cut the property tax in half and raise the sales tax so everyone pays part of the taxes. People that don't own property will pay tax on sales items. Right now they get all of their money from the property tax. The people that own property don't want to have the burden of paying the tax for Edgewater. He suggested getting the other people involved who don't own property and yet pay the sales tax on the items they buy. He wasn't saying grocery items. He was saying other things so they can make up the tax they lose from the half of the property tax with the sales tax and take half of the burden away from the property owners.

Councilwoman Rogers would have a problem with that because she feels that would discourage people from coming to the City of Edgewater to buy things. The person that will be hurt will be the business owner.

Mayor Thomas stated they don't have a choice on that anyway.

Councilwoman Bennington stated last fall they were presented with approving a special taxing district for fire so if they wanted to enact it so everybody would be charged the same amount so they could lower their millage rate. They could have lowered their property taxes but they would have had to use that and they were accused then by approving the resolution that they were going to use it and in effect really raise everybody's taxes. Nobody has thanked them for trying to keep their taxes down the best they can. They are very conscious of the taxes. They are all taxpayers in this City and have a vested interest in this City. They don't want to tax people out of this City.

They want to be able to lower the taxes and that is one of the reasons they didn't use the special taxing district.

Mr. Visconti commented on the property owners paying the bulk of the tax. If somebody goes to buy a pair of shoes and they pay one penny more for the pair of shoes they get more taxes.

Mike Armento, Vista Palm Drive, commented on ParkTowne and other things that didn't work out. He feels they have to look outside the box a little bit to make more money to come into the town. Maybe building a community for older, retired people that are on fixed incomes where you have a bus to drive them shopping and take them to the store to bring more money into the town. By bringing more people here is where they are going to get more money. They have to look outside the box. He spoke of ParkTowne and nothing coming in. If they build a community for the older, retired people all they really need is the hospital and doctors down here and the dentists. They will have more money coming into the City. They won't have to build schools because they will be retired. Maintenance will go by what they make on their income. Instead of having these houses built up all over the place, they could have one community for all of the retired people on fixed incomes and bring more people into the City itself and that way they will get more money coming in and will spend their money in our city.

Councilman Cooper asked if he was talking about nursing homes, assisted living facilities and limited care facility senior centers. Mr. Armento informed him not basically that. A lot of older people can take care of themselves.

Councilman Cooper commented on having a developer that he has been talking to that is looking to put up a very large senior village, where they would go from apartment to condo type living, to assisted living facility to skilled nursing facilities. That will be a big deal if it comes.

Mayor Thomas agreed with Mr. Armento's out of the box thinking. His thought was they have the river and they have the biggest red fish in the world. He commented on the Battle of the Badges Fishing Tournament. He has never seen so many people. He commented on the people that came from out of town that spent their money and went home.

Acting City Manager Barlow commented on the Vision Process that the Council had gone through as well as many members of the community. The Council was looking at different ideas as well as citizens and looking to diversify the tax base. Without a doubt staff is not proud that we are at 5.90 and the highest in the County. Staff takes that personal as well. We are unfortunately not proud that we weren't number one but we were number two that took the biggest hit as it relates to Amendment 1. It came through at 13.5% reduction in our revenue. Deltona was number one. He stated New Smyrna's taxable value is over \$4 billion of taxable value. Edgewater's is \$980 million. We are required to provide the same level of services to a similar population base with quite a substantial decrease in taxable value. Staff is going to continue to work to shave that millage down.

Councilwoman Rhodes stated it takes them twice as much money to run a City the same size. She feels Edgewater does really well.

Justin Kennedy, 1005 Fernald Street, thanked the City leaders for working in very difficult times. He pointed out Governor Palin was able to cut the property tax rate because big oil pays the bills there and as they all know they are making the money these days. It is tough to make that comparison. He didn't feel it would be productive to raise the sales tax in Edgewater. The citizens have to understand these are difficult times. He looks around Edgewater and he says to himself if he wants to cut his taxes, which he would love to, what would he give up? What are they going to not give up? He commented on having very little capital improvement that the City has brought them for the same reasons that these people are telling them all. It is not a lie. Do the math. To compare them to New Smyrna is not really fair. If they all look at their individual households, it costs more money to run his house than maybe some others or it may cost others more money to run their house than it does for him. As Tracey pointed out, New Smyrna has a \$4 billion tax base. How many million-dollar homes does New Smyrna have? To suggest that Edgewater is going to be that any time soon is argumentative. He stated thanks guys for working with some really hard numbers. It's tight, it's tight for all of them. The best thing they can do is look forward and try to make things better. He thinks they are doing a good job.

Jim Lopata, Sea Horse Mobile Home Park, stated as he walked in he thought they were bringing up the issue about the tree.

Mayor Thomas informed Mr. Lopata they were talking about the millage rate and that he would have to wait for citizen comments.

Mayor Thomas closed the public hearing and entertained a motion.

Councilwoman Rogers moved to approve the second reading of Ordinance 2008-0-11, Setting the Final Millage Rate of \$5.9000 mills for real and personal property and \$0.033047 mills for Voted Debt Service for the City for Fiscal Year 2008-2009, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

B. 2nd Reading, Ord. 2008-0-12 - Adopting the Final Budget and providing for appropriations and effective date for the City for Fiscal Year 2008-2009

City Attorney Ansay read Ord. 2008-0-12 into the record.

Finance Director McKinney went over the three minor changes that were made to the budget. They received a proposal from the MPO that the 30th Street sidewalk project, that we qualify for federal funding if we came up with a match of \$167,000 out of an over \$600,000 cost to do the 30th Street sidewalk. He modified the Fund 331 budget and Fund 116 budget to account for an \$80,000 transfer from the Sidewalk Fund in Fund 116 over to Fund 331, also reducing by under \$80,000 the road-resurfacing program. An opportunity such as what we received from the MPO doesn't come along very often so he didn't think Council would disagree with staff's recommendation to do that.

Councilman Cooper stated this fell under the new matching rate program. It used to be when you had a project approved by the MPO it was a 50/50 match. They have lowered that and now the MPO is 75% and ours is 25%. This was a win-win for all of us.

Finance Director McKinney stated also within Fund 331 they have received word and validated by the State who last week inspected our fuel tanks out at the Public Works compound that we are in fact going to have to replace single wall tanks that are located at Public Works. They were under the impression they were dual wall. That must be done in the next couple months in order to be in compliance with the EPA otherwise they will receive penalties for the single wall tank. They also received word from the insurance carrier that they are unable to insure these tanks. This is something of importance that must be dealt with immediately in case there was a leak of some sort.

Finance Director McKinney stated in Fund 444, on our five year CIP that he provided to Council, we have received from Quentin Hampton, who was working on a five year infrastructure improvement plan for our water and sewer facilities and he has updated the next four years of the five years. He didn't change anything for the 08/09 but he did update 09 through 2013. No impact in the current year budget. The only other change involves our capital outlay within the Leisure Services Department. They received quotes back on their vehicle that they were wanting to acquire and had over an \$8,000 savings between the vehicle and the one mower, they had enough money left over that they can just squeeze in a second mower that is badly needed. The total outlay, cash wise, did not change at all. They still had \$600 remaining.

Councilwoman Rhodes asked where he took the money from. Finance Director McKinney stated everything came from the roadway resurfacing program on the tanks. It was \$450,000 to begin with. He took less than \$80,000 for the sidewalk and then \$125,000 for the fuel tank. That is an item that they cannot ignore. He can take it from another area.

Councilwoman Rhodes asked if that would be lessening our Reserve Fund. Finance Director McKinney informed her no. He went on to explain that the \$715,000 prior year appropriations were reappropriated to sidewalks and fuel tank.

Councilwoman Rogers stated he mentioned leftover ParkTowne and asked how much money. Finance Director McKinney commented on this going back to the transfer from General Fund when they sold the ParkTowne land.

Councilwoman Rogers stated when she hears left over money and she knows in February 2009 we are going to receive our final debt payment of approximately \$1.2 million and they are going to have a balance of \$800,000 debt so they are going to owe \$800,000 and he is telling her tonight there is money left over. That doesn't equate to her. If we have money left over why are we going to have debt in February 2009 after that final debt payment? Finance Director McKinney pointed out this is what they spoke about. He shared the entire left over carry forward for all funds. Councilwoman Rogers confirmed he was reiterating what they did last time. Finance Director McKinney stated they discussed it in the workshop and the first public hearing.

Acting City Manager Barlow further commented on the grant for the 30th Street sidewalks.

Mayor Thomas opened the public hearing.

The following citizen spoke:

Bill Glaser, 1703 Needle Palm Drive, stated he thought he heard the Finance Director mention on occasion that our fuel bill has increased, like doubled to somewhere around \$600,000. He has come down here on numerous occasions inquiring about why it is that city trucks use Needle Palm Drive as a City truck truck route. He has gotten all kinds of excuses over the years. He and Mr. Garmon went out and did a little measuring and they found that the truck route between Mango Tree, 16th Street to Hibiscus to the Boulevard is a 1/10th of a mile shorter than it is if they use Needle Palm to go between 16th Street and the Boulevard and then they go west and then they go east. He has asked the question to the supervisor of the trash folks at the time that it was a 1/10th of a mile shorter and the answer he got was well you measured it, did you. Yeah he and Mr. Garmon measured it and it is still 1/10th of a mile shorter then if they use Needle Palm. With fuel what it is, he was wondering why it is it wouldn't make sense for City trucks to use the truck route? We have had 18, 20, 22, 24 City trucks on the street in a day, 1/10th of a mile, that is a couple gallons of gas or a gallon of gas. The garbage trucks get 2 ½ miles per gallon. It's not much money but at least they would actually be saving something. What he sees is the City employees, excuse the term, urinating away their tax dollars. For three years he has been asking how

much it costs to do a brake job on a garbage truck. Every time they run the street, they are getting an extra stop. It takes 685 horsepower to stop a garbage truck.

Mayor Thomas closed the public hearing and entertained a motion.

Councilman Cooper moved to approve Ordinance 2008-0-12, adopting the Final Budget and providing for appropriations and effective date for the City for Fiscal Year 2008-2009, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

C. Res. 2008-R-12 - Modifying the schedule of costs/fees associated with Chapter 19 (Utilities and Services)

City Attorney Ansay read Res. 2008-R-12 into the record.

Acting City Manager Barlow made a staff presentation regarding changes to the utility rates.

Councilman Cooper asked if the rate increases were included in Finance Director McKinney's figures in the budget they just passed. Finance Director McKinney informed him they were.

Councilwoman Rhodes stated if you have more than three cans of garbage to be picked up they are going to be charged \$3 per can. Why? How much more does it cost to pick up four cans as opposed to three cans? You are right there and aren't spending any more for gas. She didn't understand the reasoning behind it.

Acting City Manager Barlow explained it gives them the ability to do that on regular large households that traditionally have that. If you occasionally set out a third can, you usually don't get that. It also costs more in the tipping fees. We pay Volusia County on how much garbage we take to the landfill and that is all based on weight. That is an effort to try to bring more equivalency.

Councilwoman Rhodes asked if this was for residences. Acting City Manager Barlow informed her businesses also. Councilwoman Rhodes asked about businesses utilizing

dumpsters. Acting City Manager Barlow informed her not all of them do.

Councilwoman Rhodes asked if there are a lot of residents that have more than three cans. Acting City Manager Barlow commented on businesses on Guava and Hibiscus that utilize the City's services and do not have dumpsters.

Mayor Thomas mentioned having allowances for times like Christmas when people have more trash.

Interim Director of Environmental Services Brenda Dewees commented on this applying to a typical residence that always has four or five cans.

Councilman Cooper commented on looking at the problem they have where a lot of our snowbirds are only here part of the year and even though they suspend service we have a rather large minimum service charge to those residents. He noticed they didn't reflect any of that in the resolution. He was one of the ones that asked to have that addressed. That turns out to be one of our bad debt collection things they never get. He asked if they should have addressed that here and maybe set some fixed prices on something they can work with.

Finance Director McKinney stated that portion is what they were having Jim Shira do. They only took the rate increases for water, sewer, refuse and stormwater into account. The whole methodology between not charging refuse, that is being looked at by Jim Shira, whether to charge the base fee or not if there is no one in the house. Councilman Cooper confirmed this is something that would be coming up later. Finance Director McKinney informed him it would, which is what was agreed upon by himself, Brenda and Council at a previous date.

Acting City Manager Barlow commented on some of the challenges associated with this.

Councilman Cooper mentioned this being revenue they have been utilizing and spending for years. It's a double edge sword. It is a sizeable rate and we have a lot of bad debt on the books that come from this. It is going from \$48 to \$52.10.

Councilman Cooper stated he took their figures and took his water bills and they never match. Finance Director McKinney explained this is the rate sheet that the previous City Manager/Finance Director had his staff do. They have gone in and made sure what has been approved by Council is reflected in this resolution and will be reflected on the bill that is due October 17th. As soon as the rates are in place, he is working with Tiana that the base verses consumption is split out.

Mayor Thomas opened the public hearing.

The following citizens spoke:

Dominic Capria, 606 Topside Circle, stated it is amazing that they can see they want to compare to other close cities but they don't want to compare other close cities to the tax structure.

Bill Glaser, 1703 Needle Palm Drive, stated he was noticing with great interest during the July and August meeting where they discussed this about the rate increase for the permit or license for businesses and there was much whaling and gnashing of teeth going on because they were raising the folks \$5 or \$10 per year. He asked if they knew what they have done to the residents of Edgewater. They are average and use about 5,000 gallons of water a month. He figured it up and it will be \$2.20 for the water, \$1.85 for the sewer and \$2.15 for the trash and recycling. It comes out to \$6.20 and you knock \$.50 off the reclaimed water so it is \$5.70. That is every month. He further spoke of not raising the fees for the businesses but raising the fees for the residents. He didn't understand it. Businesses get to write all of that stuff off. That is the cost of doing business. Homeowners don't get to write that off. They just have to suck it up.

Justin Kennedy, 1005 Fernald Street, stated he has been a landlord in Edgewater for 10 or 12 years one of his bones of contention is the water bill has to be in his name. He understood the City's position to protect themselves by keeping the water bill in the homeowners name and that gives the City some teeth on the deal. He respects that and understand that from that perspective. On the flip side, as a landlord and essentially a business owner in Edgewater, it puts a burden on him that he doesn't share the same teeth that the City does. They can lien his

houses and get paid. There is no doubt about it. When the tenant moves out and leaves him with a \$265 water bill. There isn't much he can do. He can charge a tenant a deposit up front but the average in his houses when they leave costs him about \$4,000 to get it back on the market. The extra \$200 he is going to get from the tenant for the water bill deposit doesn't help. He would argue that the city could collect that deposit and they would have the history and collect the deposit based on the average usage of that house, much like FPL does, and they would have a way to cover their losses if they don't pay their final bill. If the deposit becomes short, they could send a notice that they are going to have to anti up more deposit money. The tenant leaves his house and goes two miles down the street and he has a new water account courtesy of his new landlord. He is the one that gets stuck on the hook after he has had to evict him, which is now \$300. On his way out he turns the hose on and runs his water bill up to \$500 or \$600 and he still has no protection. As a landlord, he looks at himself as a businessman and in the City of Edgewater it is kind of a tough way to do business. He is all about being fair and he doesn't want the City to expose themselves any more than they have to. He feels there could be a meeting of the minds between the landlords and the water department in terms of the deposits. He can also argue from a tenant's right to purchase services. He has leased houses all over the State of Florida and has always been able to get his own water. When he moved to Edgewater as a renter, he can't buy water. He doesn't think that is fair. If he doesn't own property, he isn't worthy of buying water.

Councilman Cooper stated this was brought up and he has had conversation with Acting City Manager Barlow as well as former City Manager Jon Williams. He was all for letting the rental person get their own water bill and having a sizeable deposit. The feedback from landlords at that time was they would keep them from being able to rent their property. He agreed as a businessman he thought that was improper. They can still shut it off before it becomes a \$500 or \$1,000 bill.

Mr. Kennedy asked if he was saying that now his new perspective tenant has a balance with the City and can't rent his house. Councilman Cooper informed him let's say the new tenant comes in and the City has a \$300 deposit for them. It would have to be that amount because they do run

that water like that. The feedback was not to do that because they wouldn't be able to rent to anybody. Mr. Kennedy stated he would like to get their names and have a discussion with them. A consensus in terms of people that came to a Council meeting and talked about it a real consensus where they could get all the landlords in the room and get a show of hands.

Councilwoman Rhodes commented on having this discussion at several Council meetings over the years. Mr. Kennedy stated he was told today it has never been brought up.

Councilman Cooper would love to do it the way Mr. Kennedy was recommending. Councilwoman Rhodes didn't agree. She stated why should she pay somebody else's water bill. Mr. Kennedy informed her she wouldn't. The City would collect a deposit to take care of it. She felt a \$300 deposit would be prohibitive. The landlord is getting the benefit of the property. Mr. Kennedy stated and the City is getting the benefit of the water sale. Councilwoman Rhodes stated the City of Edgewater and the taxpayers aren't getting any rent money. Mr. Kennedy stated but they are getting water revenue.

Acting City Manager Barlow stated it has been on for about 20 years and he didn't know that it would heal itself yet. He suggested they let staff work on that as a goal this year and maybe there is an opportunity to go into a two tier approach. Where they take a deposit and are more aggressive on shut off but on a second tier if they exceed the consumption over their deposit it gives them an opportunity to lien the property. That could be something they could work out with the rental properties so it helps protect them as well as it helps protect the City. He doesn't want to get in the business where the City has to screen his tenants.

Councilwoman Bennington stated when it gets slower, she suggested they have workshop with the landowners and the Council. Mr. Kennedy felt that was a great idea. Acting City Manager Barlow cautioned them because they would quickly be outnumbered and ran over pretty quick. Mr. Kennedy stated they would promise to be civil and look at both sides of the picture. Councilwoman Rhodes felt maybe they could come up with a couple or three options and maybe approach the landowners as to which they would prefer. Councilwoman Bennington stated and which would be

acceptable. Mr. Kennedy stated whoever wants to do that they could contact him and he would be happy to work with the Council on this.

Mayor Thomas closed the public hearing and entertained a motion.

Councilwoman Rhodes moved to approve Res. 2008-R-12, modifying the schedule of costs/fees associated with Chapter 19 (Utilities and Services), second by Councilman Cooper.

The MOTION CARRIED 5-0.

Mayor Thomas called a ten-minute recess at this time. The meeting recessed at 8:09 p.m. and reconvened at 8:20 p.m.

Mayor Thomas moved Item 7E up on the agenda.

E. Res. 2008-R-11 - Endorsing the Transportation Conceptual Thoroughfare Plan and requesting inclusion of the Plan into the Volusia County MPO 2035 Long Range Transportation Plan

City Attorney Ansay read Res. 2008-R-11 into the record.

Acting City Manager Barlow made a staff presentation.

Ferd Heeb, 115 N. Riverside Drive, commented on the presentation he and Councilman Cooper made at the Oak Hill Commission meeting. Only three of the five Commissioners were present. They didn't feel comfortable taking action with three of them but they informed them all three were in favor of it. He felt they were going to get a positive response from Oak Hill.

Mr. Heeb explained the map of the Conceptual Thoroughfare Plan for Southeast Volusia County. He commented on there being a need to alleviate the traffic on U.S. #1 in the future. They want to get this in the 2035 plan with the MPO.

Mayor Thomas asked for Council comments and stated they have already been over this.

Councilwoman Rhodes stated this has been a long time coming. She knows Mr. Heeb has been expressing the need we

have for this for a long time. She absolutely agrees with him.

There were no public comments.

Mayor Thomas entertained a motion.

Councilwoman Rhodes moved to approve Resolution 2008-R-11, endorsing the Transportation Conceptual Thoroughfare Plan and requesting inclusion of the Plan into the Volusia County MPO 2035 Long Range Transportation Plan, second by Councilman Cooper.

The MOTION CARRIED 5-0.

D. 2nd Reading, Ord. 2008-0-04 - Adopting the Evaluation and Appraisal Report (EAR) for the City's Comprehensive Plan

City Attorney Ansay read Ord. 2008-0-04 into the record.

Acting City Manager Barlow made a staff presentation.

Councilwoman Rhodes felt they did a really great job and she knows it was a lot of work. Mr. Lear thanked the consultants that helped them out with that. He recognized Janet Shira and Erin Boyington. Mayor Thomas thanked them also.

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

Councilwoman Rhodes moved to approve Ord. 2008-0-04, adopting the Evaluation and Appraisal Report (EAR) for the City's Comprehensive Plan, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

E. Res. 2008-R-11 - Endorsing the Transportation Conceptual Thoroughfare Plan and requesting inclusion of the Plan into the Volusia County MPO 2035 Long Range Transportation Plan

This item was discussed before Item 7D.

8. BOARD APPOINTMENTS

There were no Board Appointments at this time.

9. OTHER BUSINESS

- A. SA-0802 - Earthquake Magoon's requesting a Special Activity Permit for their annual Biketoberfest Oyster Roast

Acting City Manager Barlow made a staff presentation.

Mayor Thomas asked for public comment. There was no public comment at this time.

Councilman Cooper moved to approve the Special Activity permit for Earthquake Magoon's to allow them to have their annual Biketoberfest Oyster Roast, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

- B. Request to have Quentin L. Hampton Associates, Inc. prepare a Wastewater Facility Plan

Interim Director of Environmental Services Brenda Dewees made a staff presentation.

Brad Blais, Quentin L. Hampton Associates, Inc., further commented on the details of the Wastewater Facility Plan as well as the process. He mentioned the Wastewater Plant is the area that currently needs the most immediate attention. The improvements that are needed are quite expensive. They are probably looking at \$5 or \$6 million in short term needs.

Councilman Cooper confirmed that Mr. Blais was saying that without the survey we couldn't be up for the funding. Mr. Blais informed him the facility plan is a document that is required to get into the system. There needs to be an engineering report performed and a financial analysis done.

Councilman Cooper questioned the Scope of Services, Wastewater Collection/Treatment/Disposal Item #1. He understands that Restorations, part of their program is to build a Wastewater Utility Plant out there on their plans. He also understood it would behoove them and save them a

giant chunk of change if Edgewater could expand its plant to service those folks. It just might be a compatible arrangement if their survey says they can do that if they do this, this and this. If they are going to save Mr. Mears project and millions of dollars to do this, is there discussion that he would be willing to cover our share of this expense rather than the City accumulating another huge debt service for an area they know they need to expand and address. Can they kill two birds with one stone?

Acting City Manager Barlow stated absolutely there would be conversation. He has talked to Brad about possibly those opportunities. That is part of this report, to evaluate the pros and cons of a second plant there verses expanding that one. They are going to discuss that with our engineer. Certainly just like any other development they pay their fair share. There will be those conversations on what it takes to either relocate some facilities out there to make room for expansion. Those certainly will be passed on.

Councilman Cooper stated he also understands his project may or may not go forward after the November vote. His thought was he might even be willing to go this \$48,000 survey fee. He was wondering if they should table this until after November and see what kind of negotiations they come up with before they drop another \$50,000 in surveys but yet he doesn't want to lose the money. While they have some negotiations to be done here, he would like to look at every avenue before they jump in.

Acting City Manager Barlow stated that is only a very small piece of the survey. Whether his development occurs or doesn't occur and even based on that vote and what the judge has ruled, it could be several years before that is worked out. This study is still needed for those mandated and required enhancements and/or improvements to our current operating Wastewater Plant.

Councilman Cooper asked if he thought it was a negotiable area. Acting City Manager Barlow at this time no. The survey still has to be done and based on the future expansion that is going to be mandated by that type of development that is where he will be paying for his fair share cost of that. This survey needs to be done for the current residents that are utilizing this facility as well. Mr. Blais added when he referenced the potential \$5 or \$6

million for improvement projects that is not for additional capacity. That is just basically to maintain what the City has. By the time this is done the plant will be almost 20 years old. They have had equipment out there running 24/7 that is designed to last about 15 years and they are going past that 15 years.

Councilman Cooper commented on having it in the Scope of Services. Mr. Blais stated that is a piece of this and that certainly is something they have been talking about. There are a few elements as far as transmission and a lot of different cost and non-cost factors to look at. Staff has directed them to look very closely at that and compare the costs.

Mayor Thomas asked how many Wastewater Facilities we have. He was informed one. If that breaks down we don't have plan B. There is going to be a lot of unhappy people in Edgewater. Acting City Manager Barlow stated it hasn't been given the attention it could have been given in the past. They are trying to plan forward so they aren't reacting to something that occurred yesterday. That is what this plan will help them do.

Councilman Cooper stated it gets them back to the long range planning and putting money aside for capital improvements on our plants and our infrastructure and they know they have been bad about that. He would like to try and negotiate with Mr. Mears is all he was saying.

Acting City Manager Barlow stated those conversations still occur with Mr. Mears.

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

Councilwoman Rhodes moved to authorize Quentin Hampton Associates to prepare the Wastewater Facility Plan and authorize the notice to proceed to be executed by the Acting City Manager, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

C. Florida Power & Light - Request for utility easement for additional transmission lines

Mayor Thomas stated there was two representatives present earlier and they are postponing the work for over a year so they asked to pull this from the agenda. He asked for a motion to do so.

Councilwoman Bennington moved to pull this request until they hear from Florida Power & Light to resubmit it, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

D. Request to approve Lease Agreement with Dex Imaging for lease purchase of copier equipment and maintenance throughout the City

Mayor Thomas stated he thought most of them received phone calls on this. The Acting City Manager has requested they pull this from this month's agenda and they are going to put it on the next meeting.

Acting City Manager Barlow stated before he committed to a date certain, he wanted to dig into it. If it is determined by staff that they have to complete the entire process again, then it may take them a couple meetings.

Councilwoman Rhodes disclosed she didn't receive a phone call and didn't know what Mayor Thomas was talking about.

Councilwoman Bennington made a motion to grant the City Manager's request to pull this, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

E. Construction Management Agreement with Willie Wood Construction Inc. on the renovations of the existing building for the City Animal Shelter

Acting City Manager Barlow made a staff presentation.

Councilman Cooper asked Leisure Services Director Jack Corder if it fell in his budget. Mr. Corder informed him they estimate approximately \$240,000 going into this project. This amount will be deducted from that and they will move forward. They are doing direct purchase so they can save money on this. That is why he is only bidding as the construction manager for the project.

Acting City Manager Barlow explained this is a contractor that essentially is almost like a temporary employee as far as managing the project that will work side by side with Jack Corder. Jack is going to be the purchasing agent so we have an opportunity to save on some of the supplies. Councilwoman Cooper asked if they are going to do all the work. Acting City Manager Barlow informed him Willie Wood would subcontract out the subcontractors and everything else. Jack will only be the purchasing agent. It is a partnership. They have done this with some other projects. Most recently was the concession stand at Hawks Park. He asked what the savings were by going in this direction. Mr. Corder informed him they saved between \$60,000 and \$70,000.

Councilwoman Bennington stated by doing it like this, this allows people to donate materials. Mr. Corder stated it will be much easier to track donations by doing it this way.

Councilwoman Rogers mentioned not having the contractor markup on the material and also depending upon how our policies are as far as tour accounts that would be set up with the vendors, perhaps they are going to be able to share and receive those discounts if we pay early on materials and things like that.

Councilwoman Bennington stated the contract doesn't have a time frame and they promised December 25th. Mayor Thomas asked if they were still on track. Mr. Corder stated they are still on track. He just hadn't filled it in until they actually sign the agreement. At the pre-bid they were told Christmas was the deadline. They said it was tight but they thought they could do it.

Councilwoman Rhodes confirmed that December 25th was the date they were going to put in the agreement. Mr. Corder informed her that was what they were shooting for.

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

Councilwoman Bennington moved to grant the Construction Management agreement with Willie Wood for the renovations of the Animal Shelter, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

10. OFFICER REPORTS

A. City Clerk

City Clerk Wenzel had nothing at this time.

B. City Attorney

City Attorney Ansay presented an update on the west of I-95 case. The case has been appealed to the 5th District Court of Appeals. The original appeal was brought by ECARD and then Hammock Creek also cross-appealed. As of today they all had to submit written filings as to whether or not they wanted to see the matter expedited by the Appellate Court. All of the landowners said they wanted to see it expedited. ECARD said there was no rush and they didn't want to see it expedited. She filed something on behalf of the City stating that on behalf of the City they felt it should be expedited as well because to the degree it is resolved before the election it will clear all of the issues up for everyone. They asked the Court to get it done for that very reason and they feel it will be helpful to the voter when they vote on the four proposed Charter Amendments and not knowing which one is legal and which one is illegal, it is going to cause confusion. She guessed within the next few days they would receive a ruling from the 5th on whether or not the appeal will be expedited which would mean everybody would have to file their briefs and papers as such that the Court could get oral arguments and a decision made by the first week in November. Based on what she saw she would predict they will but she shouldn't make predictions. They did also send out today an order that the case would not go to mediation. In all appeals now they try to determine whether mediation can resolve the matter so it doesn't have to go to the Court. This is a case where there is nothing really they are disagreeing on that can be resolved in mediation so they entered an order saying that that won't slow the process down. Typically Appellate Courts look at election cases pretty seriously and try to move them forward quickly. She anticipated by the next Council meeting she would have a greater update for the Council.

Councilman Cooper stated he hadn't read the appeal but he was assuming they went after having this removed from the

Amendment ballot. City Attorney Ansay informed him ECARD appealed the decision by Judge Rouse, the lower court decision, declaring their ballot measure to be illegal. The Judge said it violated State law in several respects. When Hammock Creek cross appealed, they were appealing two points of the Judge's ruling, the fundamental point of putting it on the ballot and they are also appealing the one argument the Judge did not buy, which was the measure was vague, misleading or otherwise confusing. The Judge said he didn't think it was that. He invalidated it on other grounds. Hammock Creek or Restoration is appealing those two grounds and ECARD is appealing all of the reasons why the Judge said it was illegal.

Councilman Cooper stated so if Hammock Creek wins, will it be repealed from our ballot voting in November. City Attorney Ansay stated at this point it will be on the ballot no matter what. What Ann McFall has told her is they have up until the actual day of the election to program their computer systems to not count votes. If ultimately the decision is that it is illegal and should have never gone on the ballot it will still actually appear on the ballot. The people will be voting for something that won't be counted. She thinks it would be fine if that were the only proposed Charter Amendment on the ballot in November but her big concern for the City is they have a total of four and three others that are legal and completely unrelated to this. She feels in the final analysis they are going to have some skewed results on those because this has been thrown into the mix. It is what it is and they have been ordered to do it by a Judge and so they have done it. At the end of the day the answer is if the Court upholds the Judge's ruling it would not be counted. If the Appellate Court were to say Judge Rouse was wrong and it is completely legal and it should have been on the ballot, it is on there and can be counted.

Mayor Thomas expressed his appreciation to Acting City Manager Barlow for his endeavors in the Visioning Process. Not only do we have a City Manager that is reactive, reacting to problems that are occurring now, but he is proactive because he is looking into the future and trying to address those problems.

C. City Manager

Acting City Manager Barlow thanked the citizens, the boards, the staff and the Council. They put a lot of hard work into the Visioning Process. This is just the beginning. For those of them that have the opportunity to help guide and shape the future of Edgewater, this will hopefully be what they did the last two weekends in this room. He looks forward to being part of the future of Edgewater. He thanked everybody for their contributions.

1) Tentative Agenda Items

11. CITIZEN COMMENTS

The following citizens spoke:

Jim Lopata, Sea Horse Mobile Home Park, stated he walked in late and he heard the firemen Steve with Code mention that his hickory tree that is over his mobile home is not a safety threat. When they came to look at this tree today, he gave them a copy of an inspection report from the Arbor Care Service and he said he inspected the 22" tree as requested and found the tree is healthy at this time. However, due to the lean of 35% or more and due to the poor root structure and the liability it presents to human life and property he can only recommend the tree be removed. He doesn't understand how somebody from Code or the Fire Department can make a comment to Council that it's not a safety issue.

Councilwoman Rhodes stated the way they understood it the County Arborist also looked at it. Mr. Lopata stated he told him right the County Arborist. He has a copy of that too. Councilwoman Rhodes stated so they have two arborists with conflicting views. Mr. Lopata stated he's not an arborist. That was just a note they put in. They went over to talk to the man. He is a master gardener. Whether he is a certified arborist he didn't know however he mentioned leaning hickory tree with branches leaning over mobile home. The tree also has some falling branches. Mr. Lopata also showed him this tree and he showed him the letter and he showed him the ISA Arborist on its condition. He told him to constantly monitor the tree but he told him to notify the mobile home park owner in writing and he did with a certified letter about his concerns about safety and potential damage to his property and life. They say it's not a safety issue. He says it is. The master gardener also said these trees hickory trees in winds are

susceptible, one of the highest trees of falling down. It is more than 1/3 of the way over. This tree is towering roughly 90 feet in the air over his mobile home. If it falls down onto the meter where there power is and this starts arching on their mobile home and they try to make a dash out are they going to get electrocuted on the way out because of this tree?

Councilman Cooper asked what the bottom line was that he was asking for. Mr. Lopata informed him they would like the park people to remove it. They are even willing to pay \$300 towards the removal. He had a tree guy look at the tree and he said it would probably be \$1,000 to \$1,200 to have it removed. The park people told him they don't like to hire professional people.

Acting City Manager Barlow explained this is a landlord/tenant issue. He referred to Florida Statutes Chapter 723.022(2), which states "Maintains buildings and improvements in common areas in a good state of repair and maintenance and maintain the common areas in good state of appearance, safety and cleanliness." This is extremely subjective. Both arborists say the tree is leaning and there is a potential. Both trees are healthy. They City has looked at it and they manage many of these cases. There are times they deem they are an immediate life safety hazard and they march them before the Code Board and the City pays to have the tree taken down and we lose those costs or lien the property to recoup those costs later. There is also many issues which end up being a landlord/tenant issue that Code is drug into to mediate or try to manage in a civil matter.

Councilwoman Rhodes stated her dad has a huge hickory tree in his yard and it drops nuts on his roof all the time. It's never blown over yet. It might not be as immediate as he thinks it is. To remove that tree, would they not have to get a tree permit to do that? Acting City Manager Barlow stated if it goes before the Code Board, if they determine and side with Mr. Lopata that it is an immediate life safety hazard the Code Board can direct the City go on there and take care of those that are an immediate hazard and either lien the property or pass that off to the owner. That could also be challenged and if they go on there and make alterations or improvements to his landlord's property and they determine it is not, they could counter sue the City for damages they have done to their property.

Councilwoman Rhodes asked if the landlord's position was he wasn't going to remove the tree because the City said it is healthy. Mr. Lopata stated the Code people have not talked to the park managers. They have been on vacation the last two weeks of August and they came back the first of September to collect the rent, they cashed them on the 5th and went back on vacation. There is no manager in the park. They see the Park owners approximately seven hours in a month's time. Councilwoman Rhodes stated they obviously get their mail somewhere. She asked if he had written to them. Mr. Lopata informed her they got the certified mail he sent them but never responded. They know his phone number but will never call back. Every year this tree goes another eight feet. Next year it will probably be 100 feet. It is getting top heavy.

Councilwoman Bennington asked how long the tree had been there. Mr. Lopata stated probably on a guess 60 years. Councilwoman Bennington has four hickory trees in her yard that lie like that that have been there for over 30 years and when the wind blows you would swear they are going to fall. Mr. Lopata stated this one has been here twice as long so it is probably twice more likely susceptible to going over. Councilwoman Bennington stated she hasn't had one of them go yet. Mr. Lopata stated that is why he hired an arborist and he told him it is dangerous. Councilwoman Bennington stated potentially. Mr. Lopata said he says it's not, he's not an arborist. Councilwoman Rhodes asked if the man that said it is dangerous would be the one to cut it down. Mr. Lopata said he does that type of work also.

Councilwoman Rhodes asked Mr. Lopata if he received back that the landlord received the certified letter. Mr. Lopata said he got the green card back. Councilwoman Rhodes stated and he hasn't responded to him. Mr. Lopata stated no.

Councilwoman Rhodes stated unfortunately it sounds like a landlord/tenant issue. She didn't see what the City could do about it. Mr. Lopata stated they don't want to spend any money. Councilwoman Rhodes stated they can't make them.

Mr. Lopata asked about the Florida Statutes on the Mobile Home Act. Does this mean this is law? Councilwoman Rhodes

informed him it sounded like he had a great court case. The City isn't a court. Mr. Lopata stated what are they going to wait until the tree falls on his mobile home and kills them. How can he go to court if he gets killed? How is he going to collect on his insurance if he gets killed in the mobile home because this tree is a danger? Even though he has insurance, they aren't going to collect if they get killed.

Councilman Cooper asked Acting City Manager Barlow if the City would have any ramifications one way or another about issuing a permit to have this tree removed as it stands right now. Mr. Lear asked how big the tree was. Councilman Cooper informed him 22". Mr. Lear stated he would have to get a regular tree removal permit. Councilman Cooper informed Mr. Lopata they weren't saying they would refuse the permit. If he wanted a permit and he applied he would get it. The City won't stop him. Mr. Lopata stated he can't say he wants the tree cut down. It is up to the park owners. It is their tree. If he cuts that tree down they will probably sue him. All of the Council together said the City couldn't do it. Mayor Thomas informed him this is a civil matter.

Councilman Cooper informed Mr. Lopata the landlord would have to remove the tree so his argument is directly with them. The City won't refuse the permit to have it removed. Mr. Lopata said they are the ones that will have to put in for the permit. It is their tree.

Councilwoman Bennington informed Mr. Lopata he needed to go to civil court and force his landlord to remove that tree.

Councilman Cooper stated somehow he needed to get in front of the landlord and get his problem remedied. Mr. Lopata said they will tell him to get more insurance. When he told them about the tree leaning they said what did he want them to do straighten it up? He told them no and that he would like them to cut it down.

Justin Kennedy, 1005 Fernald Street, wanted to ask a question about the ECARD suit. He stated so it will be on the ballot and when time lapses through the election and it is still in the courts. Let's say the election takes place and is in favor of the City or Hammock Green, can they take that election and drop the case. If the election results are favorable does that nullify the case from the City and

Hammock Green's perspective? City Attorney Ansay explained from the City's perspective yes. From ECARD and the interested land owners, probably not. She thinks at this point they are both concerned about the issue potentially resurrecting itself again. There is a legal precedent here that she thinks at least to some degree ECARD is pushing or the counsel for ECARD is pushing. These are issues she is trying to get resolved because she does this in other places and to test the waters. She didn't know that it would be dropped. She thought they would want to get a ruling from the court. She couldn't speak for them.

Mr. Kennedy said if the vote falls in the City's favor, the amendment would not be added at this election. City Attorney Ansay stated she can make the argument either way if it passes or fails at the ballot box, it will still not be added to the Charter because they can't add something that they have been told by a court of law is illegal already. Until a court reverses that determination and the citizens' vote in favor of it, then it could go in the Charter.

Mike Visconti, 316 Pine Breeze Drive, commented on Tracey Barlow and what he is doing with the vision for the future of the City of Edgewater. He is very disappointed and wanted to say shame on the citizens of Edgewater for not taking more interest in the future of Edgewater. He counted 52 people at the first workshop. He counted 33 people at the second workshop and these are the people that are making the decisions for the future of Edgewater. Eighty people out of a population of 20,000. He said shame on the citizens of Edgewater.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:10 p.m.

Minutes submitted by:

Lisa Bloomer