

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
JULY 28, 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 | Excused |
| Councilwoman Gigi Bennington | Excused |
| 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.

Mayor Thomas asked everyone to remember Councilwoman Bennington's mother. She got a last minute call and had to go to the hospital in Titusville and she isn't doing well.

2. APPROVAL OF MINUTES

A. Regular Meeting of April 7, 2008

Councilwoman Rhodes moved to approve the April 7, 2008 minutes, second by Councilman Cooper.

The MOTION CARRIED 3-0.

B. Regular Meeting of April 21, 2008

Councilman Cooper moved to approve the April 21, 2008 minutes, second by Councilwoman Rhodes.

The MOTION CARRIED 3-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

- A. Finance Director John McKinney presenting the Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2007

Finance Director John McKinney commented on this being the first time that the City of Edgewater has ever prepared in house the CAFR this year, with a lot of effort from Kelly Leary. He recognized Malecia Williams and Michelle Grenham from the Finance Department that helped to get this accomplished.

Finance Director McKinney introduced Kelly Leary, of McDirmit, Davis & Company, LLC who made a presentation regarding the CAFR for FYE 2007 by going over the highlights. This is the 23rd year that the City of Edgewater has received the Certificate of Achievement. This year the audit is unqualified which is the best report they can get. She went over the Management's Discussion and Analysis. The City's debt decreased by almost \$4 million. She then went over the summary of the changes in revenue and expenses for the governmental activities and business type activities. She then referred to the Statement of Revenues, Expenditures, and Changes in Fund Balance for the General Fund.

Ms. Leary went over the Report of Internal Control and Compliance and the Management Letter.

Finance Director McKinney informed the Council and the public he was available if anyone had any questions.

Dominic Capria, 606 Topside Circle, stated they talked about users fees, which he talked about meetings before, it's the Enterprise Fund he is assuming. It seems to him that the new Finance Director had talked about this before. He remembered him saying that they were in the red on the users fees quite a while ago. They are now saying again they will probably have to transfer funds out of the users funds into the General Fund, which they did a few years ago by \$1 million. Councilwoman Rhodes informed him no and told him that Ms. Leary said they did not do that. Finance Director McKinney stated it has been two years since they

have transferred anything from the Enterprise Fund to the General Fund. Councilwoman Rhodes informed Mr. Capria not in this financial year, not in 2007. They decided at the workshop they were going to transfer funds from the Enterprise Funds to make up for the departments in the General Fund that actually do work in the Enterprise Fund. The taxpayers won't be paying to subsidize the Enterprise Funds. If you don't transfer that money, then what John does as far as the budgets and things for the Enterprise Funds, the taxpayer pays for. That will not be transferred from the Enterprise Fund to the General Fund. Mr. Capria stated by doing so they will not get an increase. Councilwoman Rhodes informed him she didn't know. Mr. Capria stated they are going to get an increase. It's double taxation. If you have to raise the millage rate, raise it but don't take it out of the Enterprise Fund. Councilwoman Rhodes stated that is what they are trying to do. Mr. Capria stated that remains to be seen. Councilwoman Rhodes stated but there is one Enterprise Fund that is falling seriously behind and the auditors have been on them for years now. They have to do something about it. Mr. Capria asked which one it was. Councilwoman Rhodes informed him Stormwater.

Carol Ann Stoughton, 2740 Evergreen Drive, asked what the City's current debt was. Last year it was over \$5 million. Acting City Manager Barlow stated he didn't have the exact number off hand but he did provide that to her a couple of meetings ago. Ms. Stoughton would like the public and the newspapers to know what the City's debt is. Ms. Stoughton stated they have accountants and all kinds of people and funding, they should know what the debt is.

Mayor Thomas asked Ms. Stoughton if she wanted someone to answer on her time. Ms. Stoughton informed him she did. Ms. Stoughton stated she keeps asking year after year and everything is not rosey. They need to know the debt.

Finance Director McKinney stated as of 9/30/07 the General Fund had long-term liabilities of \$8,675,423. Of that \$1,705,680 is due within one year, meaning by 9/30/08. The business type activities Enterprise Funds at 9/30/07, the total debt was \$32,011,352 of which \$3,253,913 is due 9/30/08.

Ben Fanselow, 321 Schooner Avenue, stated he isn't interested in numbers but there seems to be a flaw in the

idea of growth. He goes to a lot of yard sales. He commented on people having garage sales to pay their mortgage. He has been to a lot of developments where the lot is there and there isn't even a building of any kind on those developments. We have just gone ahead and done 4,500. He knows what demographics are all about. There are no jobs to be had. He spoke of people who have worked for the boat places for 17 years that are out of work. There are many people who are out of work. When you look at large developments and say it is growth, if you really sit down and figure it out you don't get enough taxes to pay for four teachers at a school from that many developments. They are asking for changes in Comprehensive Plans and he hopes they are dealing with all the naturalists that know about it. The developers aren't doing their demographics who have a lot of empty lots, just like a lot of empty lots all over the place. He commented on how many homes are up for sale in Edgewater. When people move out, do you really consider it growth? If they were a Financial Director they should go out in the town and talk to people and they would understand that truthfully we are receding, we are not growing.

Ms. Leary stated one of the Auditor General ratios they look at is the long-term governmental debt of the City to the population. The City's ratio of long-term debt to the population is very much in line with other cities. That is one of the favorable ratios.

4. CITIZEN COMMENTS

The following citizens spoke:

Mike Visconti, 316 Pine Breeze Drive, stated Edgewater did itself proud in celebrating Independence Day with the big bang in high style. He asked for a big hand for the Chief and the team that put this together. He commented on the events that were held at Menard Park. He then commented on the fireworks display and comments people made. He congratulated the City and suggested maybe next year they could have a patriotic parade.

Mr. Visconti stated a lot of people were talking about conserving water and nobody was doing anything about it. He showed the Council the rain barrel. He installed three today, which means 150 gallons of water will be saved. The barrels cost \$150 in the box and installed \$175. It's a

great product and they should all conserve water and catch the Florida rainwater. He didn't know if Edgewater could be one of the first to give the people who buy this an incentive, a tax break or something, to conserve this water. The more water we conserve the better it is for Florida and they do need to conserve the rainwater. If anybody is interested he would be glad to sit down and go over these with them.

Councilwoman Rhodes asked Mr. Visconti if he was selling these rain barrels. Mr. Visconti informed her he was. Councilwoman Rhodes stated if the City were to buy a quantity would he give them a better price. Mr. Visconti informed her he would. Councilwoman Rhodes stated she would love to have one but she doesn't have \$150. Maybe the City could look into buying several and then reselling them to people at a reduced rate.

Acting City Manager Barlow stated they have looked into that and are still currently looking into it. For those interested there is a Green Fair that is going to be in New Smyrna Beach on September 6th and 7th. They are going to talk about this and maybe they can share plans on how to build some rain barrels as well and some other opportunities.

Mayor Thomas suggested he come to the WAV meeting with the rain barrel so they could see it. He feels that would be very beneficial for him to bring that to the next meeting. Mr. Visconti would be glad to do that. Mr. Visconti commented on being able to put Miracle Grow in it and already having the fertilizer in the water when you water your plants.

Pat Card, 3019 Willow Oak Drive, commended the City Council, the City Manager and the Finance Director. He attended a portion of the workshop earlier and he thinks they have gone one step closer to getting to a zero balanced budget. The right thing to do is for the Manager to go to the people to find out what they need to cover the cost of providing a service that they need to get done. That is what has been done with the study that was presented to the Council earlier by the Finance Director.

Jim Boles, 1415 Umbrella Tree Drive, commented on his water bill last month for a house that has been vacant for two years. He has had zero gallons of water consumption.

Finance Director McKinney suggested he come to the Council meeting tonight to ask the Council to abate a 97,960 gallon water bill when the meter has been off. There is obviously a meter malfunction or maybe someone vandalized it and swapped meters with somebody else's meter. There is no way 97,000 gallons of water could leak out of a house without having a heck of an erosion problem. He cannot afford a \$1,200 water bill on his very limited fixed budget. If they can't correct it he is going to have to make some arrangements.

Councilwoman Rhodes asked if that was one month's bill. Mr. Boles informed her it was for 27 days. Councilwoman Rhodes asked what the ending date was of his water bill. Mr. Boles informed her the bill was mailed out 7/14, which will be past due after 8/3. The price goes up after 8/3 if there is a late fee on there.

Councilwoman Rhodes asked if there has been any consumption from 7/14 until now. Finance Director McKinney informed her at last count it was just over 500 gallons. They sent the Field Ops guys out there to look at it and they were told it has been off for three or four years. There has been on consumption since 2005. It was stated to them that the meter was off. When the Field Ops guy went out there the meter was on and there were cars in the driveway. They can't assume there hasn't been some consumption the past month. Mr. Boles stated there was some consumption on the 21st. Finance Director McKinney stated at this residence the homeowner stated that his well water and City water are also interconnected. Mr. Boles commented on the meter being off at the street. Finance Director McKinney informed him it was not off. Mr. Boles stated they came out on the 21st and there was a repairman out there and he had turned the water on because he is unable to get underneath the trailer to check pipes. He verified with him that he turned the water on and turned it off when he left. Finance Director McKinney stated they checked all of their records and it was 123 Ash Street that they went out and checked. Mr. Boles informed him that would be the meter next door to him. He is at 118. He wasn't sure of the number next door. The neighbor across the street from him said somebody was in the yard with a water company truck.

Mayor Tomas would like this to be investigated by our technicians. Evidently there is some malfunction

somewhere. Right now they are going on words. Evidently there is something that happened. He asked if that could be done immediately. Ms. Dewees informed him it has been on-going. They have been researching it. She mentioned finding the cross connection between his well and his meter. They sent out the Field Operations Superintendent himself to investigate it.

Mayor Thomas asked about having another meeting next Monday. Acting City Manager Barlow informed him the next meeting would be August 18th. He suggested they place this item on the agenda. This is not on the agenda today to take action. They can complete their investigation before the meeting.

Councilman Cooper asked that no penalties be applied while they are waiting for the results of the investigation and they get a determination. Finance Director McKinney stated that was the purpose of Mr. Boles coming this evening.

Carol Ann Stoughton, 2740 Evergreen Drive, stated she noticed the waterman going up and down the streets. The City spent millions of dollars to put in meters and all of a sudden now the meters don't seem to be working or else the City needs revenue for water to pay Paul and Peter. Her meter all of a sudden can't be read. She hears this is going on all over town that different people are being billed for big bucks. She hopes the town isn't trying to bleed our poor residents who are being bled enough with taxes and mortgages. She is waiting to see what her water bill is. She is only one person. She thinks it is sin. They paid all this money for meters. It's a sin that they have to come forward and beg Council to help them with this situation. She heard from the garbage men that they are being harassed with people taking videos of them on Mango Tree. She thinks the men ought to call the police. There are people taking videos of these guys who work so hard. She feels this is harassment.

Ms. Stoughton stated she goes every Sunday to feed the poor and she was going at ten til eight up I-95 and an officer from Edgewater was behind her practically pushing her up the road Sunday night and he blew past her about 80 mph. She asked what kind of emergency there was Sunday night. She said she doesn't want a ticket in the future for asking a question. It's nice to know that the head Finance lady thinks our town is in good shape but she feels the people

ought to know how much we are in debt. Compared to other towns, no we don't compare to other towns. We should be concerned about our debt and not anybody else's town.

Dot Carlson, 1714 Edgewater Drive/624 Art Center Avenue, New Smyrna Beach, thanked Mr. Visconti for bringing the water barrels to the Council's attention. She brought the council a folder two or three meetings back but she didn't think anything happened on it. Those were offered at \$40 at the Utilities Commission in New Smyrna. The gentleman with the water bill. She wasn't living in her house and they consumed 40,000 gallons. She has never used that much in her life.

Ms. Carlson stated the City of Edgewater was presented with a letter by an organization called Central Florida Sustainable Communities Initiatives. She was wondering if a deal had been struck with this organization, which is a non-profit organization, which sets up visioning meetings with council and staff and has meetings with the residents to gather and find out what vision they want in the town. This company has offered to do this for free.

Councilwoman Rhodes stated they decided to do it at the last meeting. Ms. Carlson stated there is a big hook in there. The company that formed this is called Canin Associates. They are not an unbiased company. They are the ones that will be doing the architecture and landscaping design for Restoration. They organized this Central Florida Sustainable Communities Initiatives, non-profit. They are going to come in here and tell us what we need, tell the Council to tell the people what we need, and Planning & Zoning has already told them what they need. Basically what they are trying to do is smooth the way so there won't be any bumps in the road or any objections from the citizens. Let's get this project on the road and tell the citizens to stay home and don't vote on an amendment to change it.

Councilwoman Rhodes stated they don't have to do anything they don't want to do. Acting City Manager Barlow stated he is going to encourage all citizens to get involved. He feels the more citizen that get involved the better this product can be.

Ben Fanselow, 321 Schooner Avenue, asked the Council to ask City Attorney Ansay who she represents, the town Council or

the citizens of Edgewater. Do you realize what a conflict of interest is? Do you know of any members on the council who have a conflict of interest and if so why have you not disclosed it? Do you have a conflict of interest We the citizens want an attorney that represents the citizens and not the Council.

City Attorney Ansay stated by Charter she represents the Council. The Council appointed her. She has a contract with the City Council. She has worked directly under the guidance of the Charter, the staff and various departments. Of course she knows what a conflict of interest. The entire practice she has is virtually based on representing public officials and governmental entities. She knows of no Councilmember that has a conflict of interest. She has not been provided any information related to any conflict of interest.

Mr. Fanselow asked the citizens to remember that they have no representation. Quick money makes fast friends.

City Attorney Ansay stated that the City of Edgewater, typically the staff works for the elected officials and the elected officials are held accountable at the ballot box. That is usually how the hierarchy in government flows.

Bill Glaser, 1703 Needle Palm Drive, stated he was wondering if anyone on the Council stood over on Park Avenue and looked at the Community Center. He commented on the fascia board appearing like it is rotted out. No paint or paint peeling off the boards. We are paying money making other places in the City look pretty. He asked if they would be willing to pay for a couple gallons of paint and wire brushes for some folks to paint at least the fascia of the building to save it from rotting away.

Mr. Glaser commented on a boss he had and anybody that went to him with a problem he always said if you think it is a problem you fix it. The only problem being is he no longer had the responsibility or authority to fix the problem. The Council has the authority and the responsibility to at least maybe make the City Hall look a little better.

Councilwoman Rhodes stated they might have the responsibility but we don't have the money right now.

Dominic Capria, 606 Topside Circle, stated talking about conflict. He asked Councilman Cooper who paid for his campaign signs. Wasn't that to do with the developer of Restoration? Councilman Cooper informed him absolutely not. He stated they had campaign contributions and he was probably the only one to put his own money in. If he looked at the reports in the public records, he would find that out. Mr. Capria stated he would do that.

Mayor Thomas called a ten-minute recess at this time. The meeting recessed at 7:45 p.m. and reconvened at 7:55 p.m.

5. CITY COUNCIL REPORTS

Councilman Cooper stated he had nothing to report but he wanted to give accolades to the Fire Department, Police Department and the entire City that did an outrageous job for the 4th of July. Edgewater Power Boats, Everglades Boats and Boston Whaler did a super job. He thanked them for doing that. He thinks that was the best fireworks and festival we have had.

Councilwoman Rhodes echoed what Councilman Cooper said. Everyone that worked on the fireworks did a great job. She suggested next year they move the kids stuff away from the amplifier by the band. She also commended Finance Director McKinney and the Finance Department on the CAFR. Because of the way they laid out the CAFR all her questions were answered and she didn't have to ask them. She appreciated that and felt it saved them a lot of time.

Mayor Thomas briefly commented on the regular meetings he attends.

6. CONSENT AGENDA

- A. City Auction Disposal and/or Sale of Surplus of Capital Items

Acting City Manager Barlow made a staff presentation.

Councilwoman Rhodes made a motion to declare the items listed on the attached sheet as surplus items and authorize the sale and/or disposal of all items, second by Councilman Cooper.

The MOTION CARRIED 3-0.

7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. 2nd Reading, Ordinance No. 2008-0-06, amending the Firemen's Pension Fund to include the share plan to the existing plan

City Attorney Ansay read Ord. 2008-0-06 into the record.

Acting City Manager Barlow made a staff presentation.

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

Councilman Cooper moved to approve Ord. 2008-0-06, amending the Firemen's Pension Fund to include the share plan to the existing plan, second by Councilwoman Rhodes.

The MOTION CARRIED 3-0.

- B. 1st Reading, Ordinance No. 2008-0-01, amending Article I, Chapter 11 of the Code of Ordinances to reflect the name change to Business Tax Receipts, fee increase and the addition of the Certificate of Use Permit

City Attorney Ansay read Ord. 2008-0-01 into the record.

Acting City Manager Barlow made a staff presentation. Florida Statutes stated in order for these rate changes to take effect Council must approve them by majority plus one. For this to occur tonight it has to be at three votes in favor of.

Development Services Director Darren Lear made a staff presentation by describing the Certificate of Use Permit.

Councilwoman Rhodes stated the only problem she has with this is that mixed in with all of this is a fee hike. Their focus as a Council has been to encourage business and commercial in this City. She thinks the decisions they make should follow that focus. She thinks in the economy today she doesn't think they should put any more of a burden on the businesses in this City than they already bear. They are looking at jobs leaving and businesses

closing. She knows this is a small amount but it is what it is. She has no problem with the rest of it but she isn't going to vote for it with the fee hike in there. Mr. Lear stated they did a survey of surrounding municipalities and even raising the 5% we are still lower than the majority.

Councilwoman Rhodes stated these businesses are already encumbered with huge gas prices as are we all. She thinks every little bit they can do to help them they should be doing it.

Mayor Thomas asked for an example on a certain type of business and how much it is going to go up. Mr. Lear used Publix as an example and informed him it would probably increase \$10 per year. Councilwoman Rhodes stated but they are going to pass that on to the people buying their groceries.

Councilman Cooper stated a new car dealership would go up \$5. Councilwoman Rhodes stated she is entitled to her opinion and she feels they should help them every way that they can. It's not a huge amount of money but at least they have the Council's support.

Councilman Cooper stated they haven't utilized this fee that can be 5% every other year and we haven't done it since 2004 and we are incurring all of the added expenses in gas and diesel and labor the same as everybody else on the street. He feels it is nominal and he wants to increase business too. There are a couple increases that are \$1.40. It's not a lot of dough.

Mayor Thomas opened the public hearing.

The following citizens spoke:

Carol Ann Stoughton, 2740 Evergreen Drive, felt Councilwoman Rhodes was right. She felt they should promote people to stay here. There have been too many people that went belly up. She even heard they are going to start charging nurses for licenses. She feels anything they charge a person to come into town is just one more debt that they have to try to make up for. They should be encouraging people to come here by even saying come to our town and we will waive fees. That is what she thinks should be looked at. Look for other ways instead of a

merchant who is trying to come in. He is paying IRS fees, sales tax fees. You have to look at ways to encourage people with incentives.

Pat Card, 3019 Willow Oak Drive, suggested they keep in mind it takes three otherwise all they gain from this goes down the drain. He respected the lady for saying what she believes. They might want to consider amending. He would hate to see them lose the whole thing tonight.

Ben Fanselow, 321 Schooner Avenue, asked how many businesses we have and how much money we would gain from raising fees for Publix at \$10. How much general moneys would be projected by this? Nobody has done their homework on it. Somebody should give them the number. Councilwoman Rhodes stated they know the numbers. Mr. Lear stated it was first year of adoption 9,271. In subsequent years, \$17,660 for each year.

Mr. Fanselow stated \$17,000 doesn't do anything to the community. When you are between two towns and you want to talk business you fail to look at your competition and what they offer. He feels what they are trying to do is not the businesses but they are trying to encourage people to come into this area. A business has to raise its product cost in order for them to make up this \$13,000 so it comes from the general public. He commented on the prices in the stores being higher. The whole thing is they have to look at the total picture. They are trying to get people to come into this town yet they are offering a whole project to raise the cost of all products. \$13,000 isn't worth the effort. It hurts the businessmen and it hurts people that are coming into our town.

Mayor Thomas closed the public hearing and entertained a motion.

Councilwoman Rhodes made a motion to approve Ord. 2008-0-01 amending it to take out the Business Tax Receipt fee increase.

City Attorney Ansay stated this is an ordinance that is going to require two readings. Typically the law related to amending an ordinance in the middle of the process is if it is a revision that is of a substantive nature they should come over again on first reading. She would feel better from a legal perspective if they amend the ordinance

and come back on first reading again. Councilwoman Rhodes stated then they don't have to amend it. City Attorney Ansay informed her staff would go back and amend it and put it back in their package. Council wouldn't have to take any action tonight. Councilwoman Rhodes stated they don't have to amend it with the two other Council people here it might go like it is. It only wouldn't go like it is because they are here. City Attorney Ansay informed her that is a decision staff needs to make. She thinks that just from a legal perspective if they change an ordinance in terms of substance they need to come back again for first reading.

Councilwoman Rhodes moved to table this until August 18th, second by Councilman Cooper.

City Attorney Ansay stated she thought the motion would be to continue it to a date certain. Tabling legally has no date. She suggested they continue it to a date certain of August 18th.

Councilwoman Rhodes made a motion that they continue this to a date certain of August 18, 2008, second by Councilman Cooper.

Someone mentioned they needed to withdraw the table. Councilwoman Rhodes questioned having to withdraw the other motion. City Attorney Ansay informed her that was fine. She asked if it was seconded. Someone in the audience stated yes. City Attorney Ansay stated then withdraw it. Councilwoman Rhodes stated her original motion was not. City Attorney Ansay stated the original one was not seconded so it died for lack of a second.

The MOTION CARRIED 3-0.

C. 1st Reading, Ordinance No. 2008-O-02, amending Articles II, III, IV, V, VIII, IX, XVII, and XIX of the Land Development Code to reflect that Occupational Licenses are now Business Tax Receipts

Mayor Thomas asked Acting City Manager Barlow if Item 7C was similar to Item 7B.

Acting City Manager Barlow suggested they continue this as well since it references Chapter 11.

City Attorney Ansay suggested they open it up, read it and continue it.

City Attorney Ansay read Ord. 2008-0-02 into the record.

Councilwoman Rhodes wanted to know why to change the name of something they have to have this. If it is a legal thing, she gets it. Acting City Manager Barlow stated it was recommended by a paralegal that yes, they are provided everywhere that those changes will occur. In it's entirety was the recommendation of the paralegal.

City Attorney Ansay stated she thought Robin recommended that they all get the entire sections that are being amended. From a legal perspective, obviously they all have to be put on notice what they are voting for. There may be a better way short of giving them essentially the entire Code. It is a waste of paper in a lot of regards but it is necessary. Acting City Manager Barlow stated he would add that to his task list but he has been working with the City Clerk on some of the paper reduction in City Hall and duplication of multiple retentions. He will look at this as well.

Mayor Thomas opened the public hearing and informed the public they were going through the motions and this is subsequent to Item 7B.

Mayor Thomas entertained a motion.

Councilwoman Rhodes made a motion that they continue Ord. 2008-0-02 to a date certain of August 18th, second by Councilman Cooper.

The MOTION CARRIED 3-0.

- D. 2nd Reading, Ordinance No. 2008-0-03, adopting the remedial plan amendment consistent with the Stipulated Settlement Agreement between the City and the Department of Community Affairs

City Attorney Ansay read Ord. 2008-0-03 into the record.

Acting City Manager Barlow made a staff presentation.

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

Councilman Cooper made a motion to approve Ord. 2008-0-03, adopting the remedial plan amendment consistent with the Stipulated Settlement Agreement between the City and the Department of Community Affairs, second by Councilwoman Rhodes.

The MOTION CARRIED 3-0.

E. 2nd Reading, Ordinance No. 2008-0-07, providing for an amendment of the City Charter, Section 3.04 "Election and Terms"

Mayor Thomas stated it was his understanding that it had been requested that they remove Item 7E & 7F from the agenda. He asked if they needed a motion to do that.

City Attorney Ansay felt they should make a motion if they were going to remove something from the agenda.

Councilwoman Rhodes asked if they were going to remove it or continue it. Mayor Thomas informed her that was up to them. Councilwoman Rhodes asked why they were removing it. Mayor Thomas stated it was recommended to him by the City Manager to continue it because of the lack of the other Councilmembers not being present. Councilwoman Rhodes stated they had this meeting tonight so they could do this tonight. Councilwoman Rhodes didn't feel it would make a difference. Mayor Thomas stated that was entirely up to her. He asked if they wanted to go through the motions on these.

Acting City Manager Barlow stated it was up to the Council. Councilwoman Bennington had a family emergency tonight and although she didn't directly come out and ask for it to be removed but she had alluded to that she had concerns of not being there.

Mayor Thomas stated so they need to go through the motions and ask that it be continued.

City Attorney Ansay stated they didn't have to act unless they wanted to go through the motions tonight. They could just continue it. They were going to have to do two readings anyway. Councilwoman Rhodes stated they have

already done one. City Attorney Ansay stated this is the second reading but they would have to do the second reading. They have time because they have one more Council meeting before the deadline of the August 28th being on August 18th. She thinks this is something they want to make sure they re-advertise given the gravity of them. She didn't know that they gain anything by going through the motions on this one. She felt just a motion to continue it to the next meeting or put it on the agenda for August 18th was fine.

Mayor Thomas entertained a motion.

Councilwoman Rhodes made a motion that they continue Ordinance No. 2008-0-07 to the August 18th meeting, second by Councilman Cooper.

The MOTION CARRIED 3-0.

F. 2nd Reading, Ordinance No. 2008-0-08, providing for an amendment of the City Charter by deleting Section 1.01(a)(1)

Councilwoman Rhodes made a motion that they move Ordinance No. 2008-0-08 to August 18th agenda, second by Councilman Cooper.

The MOTION CARRIED 3-0.

Councilman Cooper asked if it was okay to make a statement about this so the citizens understand why they did what they just did.

Councilman Cooper stated these two are very important amendments. Everybody here is of the opinion they want to have the full Council seated before they vote on this. They want to give the best representation they can give. Nothing was done here on the negative at all.

Mayor Thomas stated there are two districts that listen to their constituents and stakeholders and they are not here tonight. They want every citizen of Edgewater to be represented.

Mayor Thomas informed Ms. Stoughton there was no public comment on this.

Ms. Stoughton asked what this was all about. She asked if it was about the high rise and trying to get it back on the ballot. Mayor Thomas informed her yes. He stated did he not make himself clear that they are postponing it until the August 18th meeting. Ms. Stoughton stated she couldn't even ask a question as to why it wasn't put in the Charter when the people voted it in. Mayor Thomas informed her this was not argumentative.

Councilwoman Rhodes stated they aren't discussing this now. They have tabled it.

Ms. Stoughton asked why it wasn't put in the Charter when the people voted on it. Susan Wadsworth told her they didn't have enough material to put in. People voted on it and it should have been put in the Charter.

8. BOARD APPOINTMENTS

- A. Economic Development Board - Councilwoman Rogers appointment to fill the expired term of Eric Caplan, who seeks reappointment

Acting City Manager Barlow informed Mayor Thomas they would have to postpone Item 8A, 8B and 8D due to Councilwoman Rogers not being present.

- B. Firefighters Pension Fund Board - Councilwoman Rogers appointment to fill the expired term of Gary Butt who seeks reappointment and has been re-elected by the other Board members

This item was postponed due to Councilwoman Rogers not being present.

- C. MPO - Bicycle & Pedestrian Advisory Committee - Mayor's appointment to fill the unexpired term of Michael Carroll, who has resigned. Staff recommends appointing Michelle Grenham.

Mayor Thomas recognized Michelle Grenham and thanked her for volunteering.

Councilwoman Rhodes moved to approve the Mayor's appointment of Michelle Grenham to the MPO Bicycle & Pedestrian Advisory Committee, second by Councilman Cooper.

The MOTION CARRIED 3-0.

- D. Firefighters Pension Fund Board - Councilwoman Bennington's appointment to fill the expired term of Martin Tse. The Board recommends appointing Deborah Harrison.

This item was postponed due to Councilwoman Bennington not being present.

9. OTHER BUSINESS

- A. Purchase of 12 lead, SA02 and waveform capnography upgrades for two existing Zoll cardiac monitors

Acting City Manager Barlow made a staff presentation.

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

Councilwoman Rhodes made a motion to authorize the purchase of the cardiac monitor upgrades by utilizing \$29,000 from the Fire-Rescue impact fees, second by Councilman Cooper.

The MOTION CARRIED 3-0.

- B. Acceptance of the Quit Claim Deeds from Barringer & Boren Properties, LLC & Schnebly for .16₊ acres of land located north of Old County Road

Acting City Manager Barlow made a staff presentation.

Councilwoman Rhodes asked what happens if Schnebly won't quit claim to us. Acting City Manager Barlow stated they would negotiate something. He has just started. He is just reviewing this. This will help with the negotiations if he can show in good faith his neighbors have cooperated. It has to be resolved one way or another.

Councilwoman Rhodes stated it said somewhere that the City was going to pave the road as soon as possible. She asked Acting City Manager Barlow when he anticipated that happening. Acting City Manager Barlow stated they have to get this done first. They have prices and one of the property owners has a paving company and has given us a very good price. Now it is determining who is going to

fund those costs. They were creative on the road just west of there and did a shared agreement with the property owners there. He is hoping staff can be as creative as this project as they were with the other. Councilman Cooper felt he needed to be commended for that.

Councilman Cooper moved to approve the Quit Claim deeds for property north of Old County Road currently owned by the Barringer's & Boren Properties LLC and the Schnebly's, second by Councilwoman Rhodes.

The MOTION CARRIED 3-0.

C. Approval of Work Order No. 2007-02; CPH Engineers to provide Environmental Monitoring of Wetlands

Acting City Manager Barlow made a staff presentation.

Councilman Cooper asked why it is such a huge up front fee the first year. Acting Director of Environmental Services Brenda Dewees stated they are going to have to install the monitoring wells the first year so they have mobilization costs plus they have to survey all of the locations of the wells themselves. In addition to that they have to go out 150 feet each way to do a transect location to monitor the wetlands and to see the effects of our production wells on those wetlands.

Acting City Manager Barlow commended Ms. Dewees and her staff for rapidly addressing this in a short amount of time.

Councilman Cooper questioned there not having to be any shut down or interruption of service to the citizens. Ms. Dewees informed him no. These are actually separate wells. They are shallow wells. They are only 15 feet deep. They are completely separate from our production wells for our City water supply. St. Johns wants to ensure that our production wells are not degrading any of the wetlands in the area.

Mayor Thomas asked for comments from the public.

The following citizens spoke:

Dot Carlson, 1714 Edgewater Drive/624 Art Center Avenue, asked where the wetlands are that they are studying. Ms.

Deweese informed her six of them are west of I-95 and two of them are east of I-95. Ms. Carlson asked when they applied for the CUP was that an anticipation of an increase in population because she read that. Ms. Dewees informed her yes. Ms. Carlson asked where they expect the increase to be. Acting City Manager Barlow stated everywhere that they serve water customers.

Ms. Carlson mentioned the property west of I-95 being really wet. She had a feeling they were going to have to spend some money to get these people to move in. Councilwoman Rhodes stated it doesn't have anything to do with anybody moving in. Ms. Dewees stated the reason they are monitoring the wetlands west of there is because that is where our production wells are.

Pat Card, 3019 Willow Oak Drive, stated it appears that since we draw our water from the Florida aquifer, which is at approximately 150 to 175 feet and at 70 feet, there is a tremendous clay bed that separates the Florida aquifer from the surficial aquifer. What in effect they are checking here is whether or not the water is going to run down hill to the river. He asked if this was right. Ms. Dewees stated it was a four-year process in order for us to acquire a 20-year CUP. During that process there were several models that St. Johns has that they run to ensure that what allocations they are asking for as far as ground water resources are concerned that there is going to be adequate supply in the aquifer. Their models sometimes disagree with other people's models. In order to confirm their models, they like to monitor the wetlands to ensure that what we are pulling out of the lower aquifer is not degrading the upper aquifer.

Carol Ann Stoughton, 2740 Evergreen Drive, stated Eastern Shores has been a round a long time. Here is another deal where we are taking over from something that was put in a long time ago and the town has a burden when the developer didn't do it. The anticipation of future growth. We aren't putting anything over on the public. That future growth is Restorations.

Mayor Thomas asked Ms. Stoughton what that has to do with wetlands. Ms. Stoughton stated it is wetlands. There are wetlands. Why are we providing water west of I-95 when there is nobody out there? She thinks they should be providing water for the people here and not spending money

out there. It's as simple as that. This is another snow job to the people and an expense to the town that the taxpayers shouldn't have to pay for. Councilwoman Rhodes stated we aren't providing water out there. That is where our wells are and that is where they have to be monitored. It has nothing to do with providing water to anybody.

Councilman Cooper asked if they are mandated to get the 20-year CUP from St. Johns to do this. Ms. Dewees stated we got the 20-year CUP and in that permit that was part of it.

Due to there not being any more citizen comments, Mayor Thomas entertained a motion.

Councilman Cooper made a motion to confirm and approve the execution of the Acting City Manager on the execution of Work Order 2007-02 with CPH to provide environmental monitoring of the wetlands identified in the City of Edgewater's Consumptive Use Permit, second by Councilwoman Rhodes.

The MOTION CARRIED 3-0.

- D. Authorization for the City Manager to execute an amended Agreement with the Florida Department of Environmental Protection for the Eastern Shores Grant

Acting City Manager Barlow informed Council that Items D, E, and F were tied together. He then provided the background information with regard to the necessity of amending the agreement with FDEP.

Acting City Manager Barlow commented on Items 9E and 9F.

Councilman Cooper asked if the added \$13,797 is part of the actual grant that is there. Is there still money left to cover that or is that going to be an additional expense for us. Ms. Dewees informed him that would be an additional expense. The grant we received is a cost share grant so there are certain requirements that the City has to pay for. One of these things is engineering survey and design fees. They will only cover actual construction costs of the improvement.

Councilwoman Cooper asked about the homes that would be affected there. Is the return on the revenue projected

somewhere? Ms. Dewees stated there are several homes in there. In order to help reduce the flooding concerns in that area, the reason they flood is the water is coming from Marion Avenue and coming into this mobile home park. In addition to that there is water that is being sheet flowed, untreated right into our canals that are essentially going into the Indian River lagoon system. Councilman Cooper stated so we have some heavy toxins that are flowing in because there is no control over it. Ms. Dewees explained part of the grant money will pay for them to evaluate that and test for those nutrients that are going into the river right now untreated and to show that what we have done is cleaning up this water and stormwater. Keep in mind that one of the routes this is going to take is to direct this water into a stormwater pond that the City did purchase back in September. They are going to clean that area up, enhance it and beautify it a little bit and treat the water before it goes into the canal system and eventually into the Indian River lagoon.

Councilwoman Rhodes had an issue with the engineers. Ms. Dewees informed her the engineer was here to answer any questions.

Ms. Dewees introduced Jim Shira with B&H. Councilwoman Rhodes asked him why he is surprised. Mr. Shira stated because they didn't prepare the grant application. The grant application that was prepared by others assumed a certain type of stormwater treatment process and the grant application was submitted by this previous firm. It was approved and when it was given to them to implement then and only then were soil surveys done, that is where the surprise came. Ms. Dewees informed her that was another grant. Acting City Manager Barlow stated it is also a catch 22. They had to secure the grant money. Councilwoman Rhodes stated they went through this with the shell in ParkTowne. She is over it. She is over the engineers. The very definition of an engineer is you are supposed to know. Mr. Shira informed her had they done it from the onset they would have known. Councilwoman Rhodes feels with what the engineers are paid she would expect a little bit of knowledge. Acting City Manager Barlow stated sometimes they have to do the grant to get the money to hire the engineer to do the soil sample to determine that they can't. Different grants can be very convoluted on what step they have to do first.

Mayor Thomas asked Ms. Dewees what the Mayor's goal is for runoff into the Indian River. Ms. Dewees informed him probably zero run off to the Indian River. This will help tremendously. Acting City Manager Barlow commented on this being a very old stormwater problem.

Mayor Thomas asked for public comment or questions.

The following citizen spoke:

Carol Ann Stoughton, 2740 Evergreen Drive, asked who the engineer was and if there is any way that the city can go back after these people who we had to pay to do these services for non performance of work. It's a sad state of affairs. She feels it is a sin that whoever did it and got paid for it didn't do the job. Maybe they should look into that and get some money back.

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

Councilwoman Rhodes moved to approve the attached agreement with FDEP for the Eastern Shores Stormwater Improvement Project with modification that FDEP may require and authorize the City Manager to execute the agreement, second by Councilman Cooper.

The MOTION CARRIED 3-0.

E. Authorization for the Mayor to execute an Easement Agreement for the Eastern Shores Mobile Home Park Stormwater Project

Councilman Cooper moved to approve the easement agreement and authorize the Mayor to execute the document, second by Councilwoman Rhodes.

The MOTION CARRIED 3-0.

F. Authorization for the City Manager to execute Work Order 2007-05 allowing B&H Consultants to complete work on the Eastern Shores Stormwater Project

Councilwoman Rhodes moved to approve Work Order 2007-05 to B & H Consultants in the amount of \$13,797 and authorize

the City Manager to execute the document, second by Councilman Cooper.

The MOTION CARRIED 3-0.

Mayor Thomas called a ten-minute recess at this time. The meeting recessed at 8:50 p.m. and reconvened at 9:00 p.m.

G. Notice of Proposed Property Taxes (TRIM Notice) pursuant to Section 200.069, F.S. setting the Tentative operating millage for Fiscal Year 2009

Finance Director McKinney asked Council to set the tentative millage rate for fiscal year 2008/2009 at 6.43899 mills, which is the roll back rate, which would generate the same amount of revenue that we received in the 2007/2008 fiscal year. He then commented on what a taxpayer would pay in the current year and next year. He contacted all of the other agencies we pay taxes to and with our millage rate and everyone else's tentative millage rate the current year 07/08 tax bill on a \$150,000 home with the 25,000 homestead exemption would be \$2,532.80. With our proposed millage and that of all the other districts the total tax bill would be a decrease from \$2,532 down to \$2,203 that is assuming also the \$25,000 Amendment 1 exemption. He then commented on how that relates to an average home such as in Florida Shores. This year we saw 15.6% decrease in our taxable value. The only city greater than Edgewater was Deltona. We are pretty much single-family dwellings. We don't have a high commercial or second home base like New Smyrna, Ponce Inlet, and Daytona Beach Shores. He mentioned other cities going to Council and asking for the roll back rate. The ones that have seen a decrease they still had a lot of construction such as condos and commercial.

Councilwoman Rhodes stated to put it at the highest they can put it because they can always come down and can not go back up. She thinks they need to leave options open. Going to the roll back rate, she doesn't know that they could do much better than that especially with as cash strapped as we are. She suggested setting it at the 6.44 and coming down if they are able.

Councilman Cooper stated he realized they are stuck with this and they have to go to the roll back rate but with Amendment 1 and they haven't got the mandate yet of what is

going to happen and if there is going to be sizeable cuts again. They also have another survey coming forward on utility fee increases and things of that nature that may help with this problem. He is concerned because the State says they are going to give an additional \$25,000 homestead exemption cities are now already implementing a higher ad valorem to take away that exemption. We are right in there taxing where a higher power gave you a break and the cities are taking it back. He would like to guard themselves against doing it if they don't have to. He would like them to look harder at revenue generating areas. They need to exercise every avenue they possibly can to generate revenue and not generate it just by going to the tax rolls because they can.

Finance Director McKinney stated when he comes before them on August 11th for the General Fund Budget workshop. They met at 6 p.m. this evening to discuss the cost allocation. With that in mind with what the millage rate he is asking for, if he can come back August 11th with Tracey and say they can balance the budget at 5.9 or 5.6 then that is what he is going to present to them August 11th. Right now if they go below 6.4 and they have to be at 6.4 then they have to do a mailing out to the entire city. Our maximum millage is 6.9 by the State's calculation. He only brought before Council the roll back rate.

Councilman Cooper stated his heart goes out to the citizens so they understand completely what they are actually doing.

Acting City Manager Barlow stated the entire staff is working very hard in the budget. They want to make sure they do everything they can for cost containment.

Councilwoman Rhodes stated 2007 was the first year in recent memory that we actually met our unrestricted funds. We made 16%, which was just squeaking by. We did that by virtue of selling the ParkTowns property. We are not going to have that luxury next year. She thinks they need to be mindful of that and not put themselves in a position where they cannot make the Charter requirement. Acting City Manager Barlow stated it is a concern of theirs as well. They have 17 positions allocated in last year's budget that they have frozen trying to hold down costs. We have done a lot of job sharing lately. The employees are working hard but they are getting by.

Councilwoman Rhodes stated at some point we are going to have to alleviate that burden on our employees. Our employees are working over and above and they have been doing it for at least two years now. At some point they are going to have to be in a position where they can have the staff we need to get the work done without over burdening our employees and burning them out. She would like to see them get there this year. She also wants the unrestricted funds met too. Acting City Manager Barlow stated they are doing a lot of clean up work. He is hoping around mid quarter 2010 the economy will turn and they are putting things in place now. This year and next year he is convinced it is going to be rough tight years without a doubt but they are trying. Councilwoman Rhodes stated our insurance costs are going to go up because the employees are all going to be sick with stress related illnesses. In her mind for the future that would be a goal of hers.

Mayor Thomas opened the public hearing.

The following citizens spoke:

Dominic Capria, 606 Topside Circle, stated he knows it is a tough job keeping the millage rate down. That is for sure. He thinks they are doing a good job trying to do it but he feels the millage rate is a little high because of Amendment 1. He voted against Amendment 1. This concerns him because for years they have been comparing with other cities such as New Smyrna. New Smyrna has approximately 225 plus employees, which is much more than us. Their tax rate has always been lower than us. We have been number 2 ever since he lived here which is 19 years. He thinks they are shooting for number 1 on the hit parade. He knows they have to put the millage rate at that because of the law and he was positive they were going to reduce some of that. He would like to see it go much lower and not be number one on the hit parade.

Robert Lott, 2112 S. Riverside Drive, stated he keeps hearing a lot of wish in one hand. Everybody wants lower millage rates. He keeps hearing we want to be compared to New Smyrna Beach but then we don't want the commercial aspect of New Smyrna Beach, such as the condos, the rental properties and all those revenue-generating things to keep the millage rate down. They can't have it both ways. He was talking to the citizens in the audience. They have to make a decision and have solutions and not just make

complaints. Come up with solutions. There are solutions and they can grow. We can grow in a smart way. We can create these revenue streams and ease the tax burden on the residents of this City. The State did mandate a 6.9% and they didn't even approach that. They stated at the roll back rate, which is commendable as well. It is difficult. It is hard. We have to start making some tough decision on how we are going to grow and what type of growth we need. He hopes everybody is ready to keep their minds open and look at some of the opportunities that should come.

Mayor Thomas closed the public hearing and entertained a motion.

Councilwoman Rhodes moved to have the City advertise the millage rate at 6.43899 mills, second by Councilman Cooper.

The MOTION CARRIED 3-0.

H. Notice of Proposed Property Taxes (TRIM Notice) pursuant to Section 200.069, F.S. setting the Tentative non ad-valorem voted debt service millage for Fiscal Year 2009

Finance Director McKinney made a staff presentation. The Edgewater I&S is for the debt we issued for the animal shelter and for the 08/09 fiscal year we have a debt payment principle and interest of \$31,918. Our proposed voted debt service requirement for fiscal year 08/09 would be a millage rate of .033047 which would have them at exactly \$31,918 in ad valorem revenue.

Councilwoman Rhodes stated it seems to her that last year the millage rate for this debt service was a lot higher. Finance Director McKinney informed her it was lower. It was .0271. Our 2007 adjusted taxable value was \$1,195,974,542. Our preliminary taxable value going into next year with new construction is \$980,595,906. We have had a decrease in our taxable value. In order to make their debt service requirement the millage rate had to go up.

Councilman Cooper commented on this being added to the millage rate they just passed so it would bring their millage to 6.76946. Councilwoman Rhodes stated that was ad valorem and this is non ad-valorem. Acting City Manager Barlow stated this is the debt service on the animal

shelter bond to meet our debt service payments. Councilwoman Rhodes stated she didn't think they had a choice with this one. Finance Director McKinney informed her they didn't. He figured it out to be 6.47946.

Mayor Thomas opened the public hearing.

The following citizen spoke:

Carol Ann Stoughton, 2740 Evergreen Drive, asked what the current debt service was in ParkTowne. We have a bond that we have until 2018. What is that debt? Finance Director McKinney stated we have some notes. Ms. Stoughton asked how much was that. Finance Director McKinney informed her there was more than one. Ms. Stoughton asked if it was figured in our debt. Finance Director McKinney informed her yes. Ms. Stoughton asked how much it is. Finance Director McKinney informed her he could give her that information tomorrow. Ms. Stoughton feels people should know we aren't out of the woods yet and that wasn't a gain to our community but it is still a debt. She thinks they should negotiate some of these debts and pay them off if they no longer own the property. She informed Finance Director McKinney he could get back to her on that.

Finance Director McKinney stated he would provide to Tracey our total debt outstanding on ParkTowne. She said pay down the debt. He has spoken with our debt financial advisor strictly to restructuring our debt and he said at our current rate structure we couldn't refinance any of our debt because other than CPI we have not adjusted our rates since 2002. Unless we adjust our rates he cannot refinance and pay down the debt any quicker.

Councilman Cooper asked if it was in ParkTowne plaza that the payments commence shortly. Finance Director McKinney informed him yes and this year we also have to pay interest on the FIND note. Councilman Cooper stated their payments will start commencing and that will be paying down the debt the City incurred. ParkTowne now starts to pay and it will pay the debt as far as the City is concerned. Finance Director McKinney stated we have debt we have used to finance ParkTowne but some of it they have paid outright.

Acting City Manager Barlow commented on the debt we have on the improvements made in Florida Shores. Finance Director

McKinney also mentioned having debt on Terra Mar. He spoke of having \$32 million in Enterprise debt service.

Mayor Thomas entertained a motion.

Councilman Cooper made a motion for the City Manager to advertise the non ad valorem millage rate at .033047 mills, second by Councilwoman Rhodes.

The MOTION CARRIED 3-0.

10. OFFICER REPORTS

A. City Clerk

City Clerk Wenzel stated she put a document in their boxes today. There is an Institute for Elected Municipal Officials coming up in October. She asked them to look over the paperwork and let her know if they would like to attend. Mayor Thomas informed her he wasn't going.

B. City Attorney

City Attorney Ansay commented on the declaratory action that the City filed related to the proposed Charter Amendment for the lands west of I-95. They had a hearing a week ago today. The judge has not ruled. The attorneys for the interested landowners affected by the measure presented their arguments. The attorney for ECARD presented their arguments. She explained to the court that Council and the City was hoping to get a resolution as quickly as they can so that if the court rules that the measure is valid we will have sufficient time and the judge concurred and said he was going to do everything possible to make that happen. She recognized they had a meeting on August 18th. The deadline is the 28th of August. That will give them plenty of time to pass a resolution if the court rules that it must go on the ballot, they can do it at that meeting. She fully expected the judge to rule by that date.

City Attorney Ansay stated the City Council denied the application for vested rights of River Club. SeaGate came with three applications. One staff granted and denied two. One Council granted of those two but denied the third, which was River Club. They have appealed that and will be going forward with oral arguments defending the City's

position in that denial and SeaGate will be attempting to try to get the court to overrule that. She agreed to let them know how that turns out. She believed that would be in the next week or two.

City Attorney Ansay stated she gave a note to Mr. Barlow earlier and suggested that Council think about including in the agenda at the very beginning a section that deals with any additions, changes or deletions to the agenda. It is common in a number of municipalities to do that up front. Tonight was a night where they had a number of agenda items that they postponed. She thinks that sometimes is a good idea. If they have things they know they have to pull that maybe they could do it up front in case folks are present for those. She feels this might be a good way to address those issues.

C. City Manager

Acting City Manager Barlow stated the department directors quarterly reports have been placed in their boxes.

Acting City Manager Barlow reported that the Wastewater Maintenance Building is near completion. Jack Corder is working on finalizing the plans for the renovation of the shelter. Time wise they feel they are on schedule and still shooting for the December 25th goal.

Acting City Manager Barlow reported that North Flagler has been completed and reopened. Brenda is working with the County to see if they can get the street sweepers to come out there and do a final clean on Park Avenue. That went extremely well.

1) Tentative Agenda Items

Acting City Manager Barlow asked Council to look at the Tentative Agenda Items listing in the back of their agenda packets. There are some very important dates coming up. The August 4th meeting has been canceled. On August 11th they have a workshop for the General Fund Budget. August 18th is a 6 p.m. workshop presentation on the rate study and a regular Council meeting at 7 p.m. One very important date is August 23rd at 9 a.m. in the Community Center for the Community Visioning Process. He encouraged Council to encourage the citizens and their neighbors to participate. This is the first public workshop where all the citizens

have the opportunity to give input on what they want their community to look like as they go forward. August 25th is the Enterprise Fund budget workshop. September 1st is Labor Day so they are rescheduling that meeting to September 8th. The second Community Visioning process meeting is going to be September 6th at the same time as the first one, which he expected to last three or four hours. Since they had to reschedule the Labor Day meeting they also had to reschedule the September 15th meeting to September 22nd.

Acting City Manager Barlow stated any part of the agenda they aren't required to keep and they are discarding to leave it on the dais because we do recycle at City Hall and we can add it with our recycling.

Mayor Thomas stated what Acting City Manager Barlow didn't tell them was he was very active in the paving of North Flagler Avenue. He negotiated and got all the concrete donated. Acting City Manager Barlow stated it was \$23,000 worth of concrete donated by Tarmac Industries.

Councilman Cooper asked Acting City Manager Barlow for an update on the amphitheater roof. We are running out of time. Acting City Manager Barlow stated he had a conversation with Mr. Corder last week regarding that and it appears he has negotiated and they will need to re-bid that because they can't get a contractor to come in under the original price. That is one of his top priorities upon returning to work. He thought he told him the grant was good until next Spring. He agreed to double-check the date.

11. CITIZEN COMMENTS

The following citizens spoke:

Mike Visconti, 316 Pine Breeze Drive, wanted to speak about Reflections & Restoration west of I-95. Here in Edgewater we have per say building permits for building homes. Here we have two developers who are willing to bring millions of dollars into Edgewater and build homes in residential and commercial properties using their money. Bringing their money here. Right now our economy is really low because of the building. If you build one house on a piece of property, you get the tree removal, then the excavation, then the slab, then cement mixer, then the framers, then cement blocks, then the roofers. All of these are the

trades that need the work. In one house you have all these trades, plus people buying appliances for their homes. They have to have some money coming in and give these trade people work that we need so badly here and everywhere. He spoke of seeing one building permit in the newspaper. We need building, some jobs and for people to work. Right now he sees a lot of places closing down. He went to the printers in New Smyrna, Quick Print and they are closing their doors Friday, August 1st. He also commented on the restaurant across the street being closed. He closed his business for the same reason, no building. He hopes that these developers come in and start right way doing what they have to do and supply this work for Edgewater and the vicinities.

Dominic Capria, 606 Topside Circle, stated 1.01(1)(a). He was confused due to not being able to find 1.01(1)(a) probably because he had an old Charter. He asked if that is dealing with building heights.

City Attorney Ansay stated the Charter amendment that was passed was Section 1.01(a)(1). Mr. Capria again asked if that had to do with building heights. City Attorney Ansay informed him yes.

Dot Carlson, 1714 Edgewater Drive/624 Art Center Avenue, asked Council where a citizen would find what she just referred to. This just says Ordinance 2008-O-08. She looked at the Charter online. 1.01(a)(1) is not there for the general public to read. If you are going to ask them to vote on this, they better get this one clear because they are asking them to remove residential height. As Mr. Lott said we can't get any businesses and can't reduce the tax base because we don't have high condominiums and high apartment buildings. Last year it was commercial and industrial. Took that out. That is out there. She asked if that was reflected in there that commercial and industrial was removed from that amendment by a vote of the people in 2007. Acting City Manager Barlow provided Ms. Carlson with his copy of the Charter.

Ms. Carlson stated if that pertains to height on residential and it doesn't. She has read the ballot language if that is what they are going to use. It says amendment to delete this section from the Charter and that refers to all building heights in Edgewater. The building heights in Edgewater were upped for commercial and

industrial in 2007. She asked if anyone remembered that vote. Now they are going after the residences. People were guaranteed they wouldn't have condos looming over their neighborhoods. They can't guarantee that and are going to demolish it because Restoration needs the height. She also stated she needed her letters back.

Carol Ann Stoughton, 2740 Evergreen Drive, asked why when the people voted in 2006 it wasn't put in the Charter, what they voted on. Mrs. Wadsworth told her they didn't have enough to go to print. If the people voted on a petition that was submitted and what happened happened why isn't it in the Charter. If City Attorney Ansary works for the Council and the Council work for the people why isn't what they voted on in the Charter. Because you all plan to change it? She wanted to know how much they are going to spend for other consultants to try to ram this down their throat again. She would hate to see the City spend money because there is a big conflict here. She will still come and speak her mind. She sees that the people voted by the developer paid certain Council people to get in office and if they do vote they were paid by the developers to get in office. She wanted to know why it wasn't put in the Charter.

Mayor Thomas stated you are saying that Restoration paid to have some people put on this Council. Ms. Stoughton accused him of trying to put words in her mouth. She didn't say that. She wanted to know why it wasn't put in the Charter. The fact that the people voted with a petition. Why wasn't that put in the Charter? Are they going to spend monies to try to ram this down the peoples throat again. They all know what is behind it. Why wasn't it put in the Charter?

Acting City Manager Barlow stated that is the responsibility of staff, not the City Attorney. The Council did pass a referendum which brought it into law. The question is why wasn't that put to print. That was the responsibility of the previous City Clerk. From his understanding was she was gathering numerous other legislative changes and doing one major update. He is working with the City Clerk and they are working to have all of their Codes, and we already have an agreement that was executed numerous months ago putting all of our codes online.

Ms. Stoughton stated it is two years old. She would like to see it in the Charter. They voted for it and it should be in there. What is the game we are playing now? Because we don't want to put it in because we want to over ride it? You might laugh but you are representing a Council and she is the people.

Councilwoman Rhodes stated well if it is over written it would be stupid to put it in now and then take it out again. Ms. Stoughton stated duh we voted on it. It should be in there.

Councilwoman Rhodes stated that is a waste of money. Ms Stoughton stated you see what is going on here. It will all be put in the paper.

City Attorney Ansay stated as far as the legal issue is concerned once the amendment is passed is effective and becomes law. The issue of actually getting it printed that lies with staff and Municipal Code Corporation. Bonnie doesn't sit and type up the Charter that goes into the book and gets distributed. We have a contract with a Corporation that does that and they are actively working with that corporation to make those changes effective. It is not an instantaneous process. Once that happens it will also be online and there will be a lot of other benefits to it. It is the law whether someone's outdated version of the Charter has it or not. It remains the law once it was passed. It is certainly from a legal perspective fully effective.

Mayor Thomas stated usually when the Legislature passes laws they are usually in effect July 1st or October 1st and it doesn't go in the law book but it is still a law. City Attorney Ansay explained that was a different deal. When legislation is passed and it has an effective date specified that becomes effective on that date. Typically the law is unless the measure being passed states otherwise it becomes effective upon passage or adoption. Usually what the Legislature does is they pass it early in the spring and they make effective July 1st. She commented on some reasons why this is done. Here it became effective immediately. It is the law whether or not there is a lag in getting folks copies of the Charter updated or not it certainly is the law doesn't affect the effectiveness of it at all.

Bob Lott, 2112 S. Riverside Drive, stated he sat on the Charter Review Committee in 2004 and he has chaired the Committee in 2008. Every five years they take a look at the Charter. Every Council person appointed a citizen from their district and one at large and they sit down and go over the Charter to see if things have changed that would make things in the Charter no longer relevant or damaging. It has been a very action packed two years. They already have a 35-foot height limit in the Land Development Code that the previous Council invoked. There is a very difficult process that one has to go through to get any kind of deviation from the Land Development Code. When you put the Land Development Code in the Charter, they not only have all of those requirements that they must meet in order to get that variance for that Land Development Code but on top of that they have to put that to vote to the citizens. That means they have to educate the citizenry as to exactly what that means. He stated one of the reasons this Charter Review Committee requested this amendment be looked at again is because they learned a lot of things. The City of St. Petersburg spends most of their time in court trying to alleviate situations they shouldn't have to do because it is in their Charter. It shouldn't be in the Charter. We are government by representation we are not a full-fledged democracy or socialist republic. They have to reevaluate these things as they come down the road. It was this Committee's opinion that they really needed to look at it. Especially when the first vote passed 51% to 49%. It wasn't exactly a mandate. Once the public was educated to what actually it meant it they turned around to 73% and said they really didn't mean that. They probably should have gone back and asked to have the whole thing removed then. They were trying to do what they felt was best for the City. It's not a matter of ramming it down somebody's throat or special interest. It is a matter of governing our community. They have to give the elected officials the opportunity to make the decisions that are in the best interest of the City. When they take that way from them i.e. putting it in the Charter, they can't tolerate that. He hoped that added a little bit of clarification.

Mayor Thomas informed Ms. Carlson she had already had one turn. Ms. Carlson stated so did he. Mayor Thomas stated he didn't think so, not under Citizen Comments. Ms. Carlson stood corrected and thanked Mayor Thomas.

12. ADJOURNMENT

There being no further business to discuss, Councilwoman Rhodes moved to adjourn. The meeting adjourned at 9:48 p.m.

Minutes submitted by:

Lisa Bloomer