

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
SEPTEMBER 14, 2009
6:00 P.M.
COUNCIL CHAMBERS

MINUTES

1. **CALL TO ORDER**

Mayor Thomas called the Regular Meeting to order at 6:00 p.m. in the Council Chambers.

ROLL CALL

Mayor Michael Thomas	Present
Councilwoman Debra Rogers	Present
Councilwoman Gigi Bennington	Present
Councilwoman Harriet Rhodes	Present
Councilman Ted Cooper	Present
City Manager Tracey Barlow	Present
City Clerk Bonnie Wenzel	Present
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**

A. Regular Meeting of August 10, 2009

Councilwoman Bennington moved to approve the August 10, 2009 minutes, second by Councilman Cooper.

The MOTION CARRIED 5-0.

3. **PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS**

A. Presentation of plaque to Robert Skelton of Fantastic Design Group for his fundraising efforts in support of the 4th of July Fireworks celebration

Mayor Thomas called Robert Skelton to the podium. He spoke of Mr. Skelton raising money so they could have the fireworks display this year.

Mayor Thomas then read a plaque and presented it to Mr. Skelton for his fundraising efforts in support of the 4th of July Fireworks celebration.

B. Presentation by Bernadette Britz-Parker regarding Volusia Honor Air

Bernadette Britz-Parker, 110 Lake Winnemissett Drive, Deland, made a presentation to Council regarding Volusia Honor Air, which takes World War II Veterans to the World War II Memorial in Washington, D.C. at no cost to them. To date, they have had three flights and taken 314 World War II Veterans to the Memorial. Their fourth flight is October 3rd when they will be taking an additional 100 Veterans. She spoke of the Veterans from Edgewater that have gone on the trip.

Ms. Britz-Parker showed Council a short video from the flight they took in May.

Ms. Britz-Parker commented on this truly being a day all about the Veterans. They go and see all of the Memorials in Washington, D.C.

Ms. Britz-Parker then presented statistics about the World War II Veterans. She presented Council with brochures.

Ms. Britz-Parker commented on doing another flight in May. They are waiting for the available dates from U.S. Air. As soon as they get the available May dates, they will reserve a plane.

Ms. Britz-Parker asked Council to spread the word about Volusia Honor Air and to consider signing up to be a guardian. She guaranteed them if they did it, it would be one of the most memorable days of their life.

4. CITIZEN COMMENTS

The following citizens spoke:

Dominic Capria, 606 Topside Circle, congratulated Ms. Britz-Parker for doing a magnificent job. Being from World

War II, he has been there and he thinks all of the Veterans should go and see it.

Bill Glaser, 1703 Needle Palm Drive, felt it was nice to see more than two or three people attending a City Council meeting. He asked if the City Council has a policy about answering questions from their constituents, taxpayers, residents, voters, whatever when they come to the podium and ask a question.

Mayor Thomas asked if they try to answer it that night or if they can't answer it, they will get them an answer shortly. City Manager Barlow stated that is their mode of operation but he wasn't familiar with a policy.

Mayor Thomas stated they would try to answer the question at that time. If they can't they will get back with him.

Mr. Glaser asked if there are times when they choose not to answer a question someone asks. Mayor Thomas stated if it was personal they wouldn't have to answer it. Mr. Glaser informed him it would be about City business. Mayor Thomas stated he didn't see why they wouldn't.

Mr. Glaser was wondering because on occasion he has asked questions at the podium and didn't get an answer.

Mr. Glaser stated a while back, the City Clerk at the time, apparently there were a lot of people asking questions that weren't getting answers. She proposed that when someone ask a question, if they couldn't answer the question that night, it would be given to the appropriate City personnel to try to get an answer. He wondered if that policy was still in effect.

Mayor Thomas didn't think it ever was a policy. City Manager Barlow didn't recall seeing a written policy. Councilwoman Rhodes stated it was a consensus among Council. As far as they know, it was still in effect.

Councilman Cooper commented on how he does it. He takes any letter or e-mail that is given to him. He runs it by the City Manager and the particular Department Head to find out all the information he can. He tries to get everything done within the month he receives the complaint or the inquiry.

Mr. Glaser stated they put in their 30-year old petition about a stop sign and he thought if they turned it in Council would discuss it. They turned it in and that was the last he has ever heard of it.

Councilwoman Rhodes suggested they put it on the agenda.

Councilman Cooper informed Mr. Glaser he would get an answer and that apparently it had slipped through the cracks.

John Cordeiro, 1515 Pine Tree Drive, stated there is an epidemic in Edgewater and Volusia County. That epidemic is corruption. He also commented on a there being a pandemic in Washington. As far as corruption, the last election here when Carol Stoughton was running, this is corruption. Don Mears from Restoration sided up with Jon Williams because he didn't want her in there because Carol Stoughton as much as Council doesn't like her, she hates corruption in government and she would expose everything. That is why they didn't want her in there. Don Mears told Jon Williams how to stop her from getting in and that was to get the Fire Department against her. That is what happened and that is corruption.

Mr. Capria then commented on reading in the paper that the Council is giving raises to people that don't make much money. What about them on Social Security that don't make much money either? They raise their taxes to give to those people because they don't make much money. He spoke of the people that won't get any raise for years because President Obama has stopped it. He asked the Council if it bothered them that they are taking money from the retired people and then giving it to Edgewater employees. He feels this is wrong. His taxes went up \$300 this year and the value of his house went down \$31,000. Something is definitely wrong. All Council does is spend, spend, spend. They don't care and they don't think but then all they want to do is tax the poor people on social security and there are allot of people on social security in Edgewater. He told the Council they should get a copy of the Constitution and read it.

Cynthia Degrammont, 213 Ranken Drive, has been here since 1985 where she lived in New Smyrna. She moved to Edgewater in 2001. She commented on her taxes. Her husband hasn't gotten a raise in 4 years. He is taking care of his

invalid mother, which he is trying to keep her out of the government. He has been taking care of his mother for ten years. She has had multiple sclerosis for 24 years. She commented on the potential for her taxes to go up \$2,000 more. She didn't know why some people have their taxes only \$100 and her house went down \$30,000 but she didn't understand why her taxes could go up \$2,000. In another five years her taxes will be \$20,000. She knows City Manager Barlow is familiar with where they live. Some of her neighbors pay \$23,000. She understands they have a private road and all they get is water and sewer that they pay for.

Mayor Thomas asked her how much her City of Edgewater taxes went up. Ms. DeGrammont wasn't sure where it would be. She was looking at columns. Councilwoman Rhodes informed her it should say City of Edgewater in the very left column. Ms. DeGrammont stated \$2,400. Mayor Thomas asked her if the City of Edgewater went up \$2,400. City Manager Barlow pointed out for Council that was probably based on the maximum millage of 7.1, which they are not there.

Ms. DeGrammont stated it would go up \$2,900 for Edgewater and they are a private homeowners association. They have nothing from the City, not that they aren't doing a good job. She doesn't know how they can ask one man to pay \$2,000 every year. Last year it was \$800. Each year it just keeps going up and the property value goes down. He is trying to keep his mother out of the government. She doesn't understand why someone's taxes go up \$100 and hers goes up \$2,000.

Mayor Thomas asked Finance Director McKinney how much her taxes went up. Finance Director McKinney informed him they went from \$2,400 to \$2,900, which was an increase of \$500. Councilwoman Rhodes stated that was based on the proposed and not on the real.

Ms. DeGrammont stated they had the Property Appraiser come out.

Mayor Thomas commented on everything going up so it's not just Edgewater. Ms. DeGrammont informed him they have five neighbors moving out of the neighborhood because they cannot pay their taxes. They are being taxed out. She wasn't sure how many people could afford \$20,000 in taxes every year.

City Manager Barlow commented on Ranken Drive having large homesteads on the lots. City Attorney Ansay mentioned it being based on the value of the property. Councilwoman Rhodes stated the values of the property are huge there.

City Manager Barlow also mentioned a lot of them are newer properties and haven't had the opportunity to appreciate homestead for a great deal of time.

Ms. DeGrammont stated last year she paid \$9,383. This year it is proposed at \$10,801, which is a \$1,400 increase. If her taxes keep on going up, within five years she will be paying \$20,000. Her husband hasn't gotten a raise increase or the standard living for four years. She understands it's not just Edgewater. They do have to start budgeting and watching their money.

Mayor Thomas informed her if she waited until they got to that item she would see that they cut \$1.7 million out of the City's budget. City Manager Barlow commented on the operating budget being below the 2005 operating budget.

John Profitt, 607 N. Riverside Drive, stated why would anyone want to move to Edgewater if the Village is 6.49 and NSB is 3.74. He realized NSB had a beachside with condos but Port Orange doesn't have any condos and they are at 4.6 mills. His new proposed taxes for this year were \$33,549.00, up from \$31,924.00. The City of Edgewater went from \$7,887 to \$8,773. They have to cut this spending.

Brad Stewart, Chipmunk Hardwoods, stated his taxes this year are \$19,737 on his building alone. He has gone up every year since he built the place and he was the first one to build in ParkTowne. Being the first one to build, he has been hassled since day one and increase fees, increase taxes, increase everything and yet the City was so nice to send seven people over last year to visit him for one of his renters who has another small business there to issue him a citation because he was the building owner. He was curious to know how the City has the ability to raise taxes like this in absurd amounts of money and they can send even people to his facility to create an issue instead of trying to work with the business owners and come to a situation where they can get these people and keep their jobs. He is losing 14 jobs over there because of this. They can't get people to answer the phone. The Attorney

calls, they won't even return the calls. He is pretty disappointed in Edgewater and he will be relocating his business and selling his home.

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

Mayor Thomas stated they needed to add Resolution 2009-R-25 as Item 8J under Public Hearings.

6. CITY COUNCIL REPORTS

Councilwoman Bennington had nothing at this time.

Councilwoman Rhodes wanted to know what was going on with Mr. Stewart.

City Manager Barlow stated Brad Stewart is a property owner in ParkTowne. His building is divided at least into two units. He occupied one half of the building and rents the other half out. The part he rents out, what they do is take bottled hazardous waste and it goes through a process where it actually just chews it up and is supposed to clean it and dispose of it. It is a highly regulated operation by the Department of Health. It most recently was discovered they were injecting chemicals, which considerably exceeded the limits allowed for our sewer system. What happens is when those chemicals get in there and if they don't catch it it can actually imbalance the entire wastewater treatment plant and create a lot of damage plus disable the entire plant. A sewer plant is essentially a delicate operation as far as balance and chemicals to treat it then they can send out the effluent to not only the residents but the Indian River also. Individuals did arrive, not seven people from the City. They had representatives from the City as a resource to meet with Brad as the property owner because he is responsible for that entire property and that is by State Statutes. He also believed the Department of Health was there as well. Part of the remedy for the City was they didn't stop the operation. They said they could operate. They just could not discharge into our sewer system until they could address those levels. The Department of Health did their inspection as well and pretty much shut them down until they could connect back to the sewer system. There are other means. They can discharge their stuff into containment containers, haul off and have that refined or

processed to be discharged somewhere else or they could change their operation.

Councilwoman Rhodes asked why he was fined without giving him an opportunity to correct the problem. City Manager Barlow stated because the City's Code allows that because of the nature of the infraction. He has an opportunity to come before the Code Board and appeal that fine.

Mr. Stewart wanted to know where the proof was. City Manager Barlow stated samples were pulled and sent off to an independent laboratory and those are part of the case as well.

Councilwoman Bennington asked if the case was going to the Code Enforcement Board. City Manager Barlow informed her if he wished to appeal the citation.

Councilman Cooper stated the laboratory results were what he believed Mr. Stewart wanted as well as the Council would want to know too. He felt Mr. Stewart would want to know if his renter was doing something that would cause this kind of a problem.

Mr. Stewart stated this company, ever since the first day they have come onto his property they have been treated like they are criminals. They keep the property extremely clean. When all these people showed up, they were working so it's not like they had just cleaned up. During the day it isn't a pretty operation. They are taking boxes and bags that are sealed and they put them on a conveyor belt. They go through a machine and they are processed. The State and the County Health Department regulate them. The City is supposed to be watching them. He is relying on all these people, he's paying a mountain of taxes. What does he know? He isn't a scientist. He isn't a chemist. He goes by there and there is no exposure to anything. They are all wearing gloves. Everything is safe. The signs are up. Everything is treated. They bring the trucks in. Everything is sealed up. They are telling him he is the guilty party here when he is trying to bring industries into this County. This County has a very bad attitude about business in general and the fact is that there are a lot of hospitals, fire departments, clinics, and tattoo parlors and all of those businesses create that product and yet Edgewater doesn't want anything to do with it. This has been here for five years and now all of a sudden it is

a cut and dry and they just march in. What really set him off was that he was bringing stuff out to his dumpster when this whole parade of people came in. He said hi to every one of them and not one of them even looked him in the eye and said hi. They just marched down there and then when they realized he owned the building then they came by and gave him the summons. He is saving his tax money for a damn good attorney.

City Manager Barlow stated in contrary of what Mr. Stewart has presented. Councilwoman Rhodes doesn't want this to be a he said he said kind of thing. She just wanted to know what was going on and if he is correct, if he is being treated like he says he is being treated, maybe they need to look into some training. They can give a person a citation and treat them with respect. City Manager Barlow stated he wasn't sure that didn't occur.

Councilwoman Rhodes stated she felt they should look into it and if that did occur then remedy it. If it didn't occur, then there is nothing they can do about it.

Mayor Thomas asked how they knew to go and look at this and if something was showing up at the Wastewater Plant. Environmental Services Director Brenda Dewees informed him they noticed an odor coming out of the lift station. Mayor Thomas stated so they traced it to that facility. He doesn't know what is going in the sewer so they had to test that and they are waiting for the results on that. Environmental Services Director Dewees informed him they already received them.

City Manager Barlow stated that was when they notified Mr. Stewart, when they received those and the plant was shut down by the Health Department.

Mayor Thomas stated all they are trying to do is protect the rest of the citizens. Councilwoman Rhodes stated and that is absolutely what they should be doing. Mayor Thomas stated that is exactly right. They aren't going to let the whole Wastewater facility go down because somebody is emptying something in there that isn't right.

Mr. Stewart proceeded to comment and Mayor Thomas informed him he was out of order and could take it up with the Code Enforcement Board.

Councilman Cooper read into the record a request for action he did for a citizen regarding a believed over charge by the City for water and sewage usage at 3027 Willow Oak Drive. He requested they investigate the homeowners' claim. (Copy of Councilman Cooper's report and letter from homeowner attached)

Councilwoman Rogers felt it was good they had a few citizens show up this evening talking about their property taxes. She has done an analysis of her own and pretty much when they voted on the millage she was the only one that voted no to have it set at that rate. What motivated her was she lives on Riverside and she is tired of paying these taxes. Her tax bill is going to go up between \$750 and \$1,200. If they pull all of their tax bills on Council, they would see her tax bill is about what the rest of the Councilmembers are combined. That is her motivation.

Councilwoman Rogers stated the other indication is that they have in the State of Florida an issue with the Save Our Homes. The Council did not come up with that. That is Statewide. The Save Our Homes is what caused this problem as well as many other things. Unless they as a group get together and start going to the State and start fighting that they are going to continue and this is going to get worse. She isn't going to stop. She has already made her appointment with Volusia County to have her tax value adjusted. She further commented on when she first moved to Edgewater, she did get her tax value adjusted twice. She is going to fight. She lives here and is tired of paying these increased bills. She spoke about an analysis Jon Williams did when he was City Manager. She feels they need to do something.

Councilwoman Rogers then spoke about a document she presented during the budget workshops where there were only a couple of people who showed up. They need to start doing some cutbacks. They need to do some layoffs. People are losing their jobs. Citizens incomes are fixed. Regardless of social security or whatever their income source is, their incomes are fixed and people are tired of paying these things and they are losing jobs and yet they may not be hiring new employees to fill positions and they are putting freezes, if they look and see if they are a government worker or a City worker they aren't doing bad right now. It's everybody else that is doing bad. She and her husband are self-employed. This was their dream

location. Her property is on the market. She knows she doesn't want to be here when she is 60. It's sad. They have a business that is getting ready to go. She knows his service. Her husband buys woods from him. He has nothing bad to say. His wood is great. His service is great and he isn't going to want to drive to Orlando to get that. This is what they need in this City is more business so their taxes are lower. He is a small guy, \$20,000 a year, that is ridiculous. They have all these services but they need to do something bigger than what they are doing anyways. They need to think outside of the box. Why are they not doing what corporate America does, which is consolidate and start getting rid of the top heavy, the salaries and the pensions. That is what corporate America is doing. That is why people are losing their jobs.

7. CONSENT AGENDA

- A. Request to approve disposal of Fixed Assets
- B. Approval of the two-year renewal option and authorize the City Manager to execute Addendum #1 between the City and Dedicated Transport Service d/b/a/ Baker's Transport Service that will continue to September 30, 2011
- C. Acceptance of the FY 2008-2009 CDBG funding for lift station two improvements and authorize the City Manager to execute the Agreement

City Manager Barlow made a staff presentation.

Councilwoman Rhodes moved to approve the Consent Agenda, second by Councilman Cooper.

The MOTION CARRIED 5-0.

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. **2nd Reading, Ordinance No. 2009-O-05** - Amending and Restating Chapter 12.5 (Parks and Recreation) of the Code of Ordinances. (***Continued from the August 10, 2009 meeting***)

City Attorney Ansay read Ord. 2009-O-05 into the record.

City Manager Barlow made a staff presentation.

Councilwoman Bennington asked who says the Recreation and Cultural Board bylaws don't belong in this ordinance when they have always been there. City Manager Barlow explained those are bylaws that are traditionally adopted by resolution. They pulled them out of the majority of the ordinances.

Councilwoman Bennington asked if they want them out of the ordinance so by resolution they are more adaptable and can be changed easier. City Manager Barlow stated it is standard and they have done it with all the other ones. Councilwoman Bennington questioned why they are doing it with all of the other ones.

City Attorney Ansay explained there were for some reason a couple of boards that had their bylaws in the ordinance and some that didn't. As things change with the boards and the boards basically control their bylaws but they have to come back to council for change, to do it by ordinance requires so much time so sometimes they find themselves in a position where if they are going to change the dynamics of a board they need to do two readings. It is very uncommon. It isn't legally required and she doesn't know of anyone that does it by ordinance.

Councilwoman Bennington stated what she is seeing they are doing and she realizes the boards have approved their new by-laws is they are taking a lot of their powers and duties away in the new by-laws. They aren't acting as recommending things to Council as boards that give them information that they need. They have specific purposes. The Animal Control Board just hears bad animal cases. They don't give them any recommendations on the ordinance or problems that they see that they may need to address as City Council. She was concerned about that.

City Manager Barlow stated there was nothing that prohibits that. They can communicate that to staff for that feedback. There is nothing that would prohibit them to continue to be an advisory board to Council.

Councilwoman Bennington stated she always assumed that the City's boards had a specific function but they also are advisors to them and they feed them information on different things that are coming up that they need input from other than just staff and Council.

City Manager Barlow asked her if she would like that in the bylaws. Councilwoman Bennington stated yes she would like that in their duties and responsibilities that they are an advisory board and not that they just hear bad dog cases or they just do historical things. She would like them to advise Council on things that they are going to do.

City Manager Barlow informed her they could pull Item 8D then and include those in the by-laws.

Councilwoman Bennington stated that was just her but she didn't know how the rest of the Council felt. Councilwoman Rhodes stated there is nothing that prohibits them from doing it.

Councilwoman Bennington stated she has had a couple of different board members saying they are taking their ability to be advisors away from them and they need to let them know they aren't by putting this in their by-laws.

City Attorney Ansay asked if they were talking about Item 8D. Councilwoman Bennington referred to Items 8C and 8D.

Councilman Cooper stated they aren't restricting them and they would love reports and recommendations from the boards. Councilwoman Bennington stated they felt they are by not listing that.

Councilman Cooper confirmed Councilwoman Bennington wanted to add a clause that states they are welcome to bring advisory notes, memos, and recommendations to Council at any time and if they specifically say it maybe that will support them.

City Manager Barlow offered to pull the bylaws and put a purpose clause in there, which would identify the purpose of the boards in the bylaws.

City Attorney Ansay recommended when they get to those agenda items, they could make a motion to approve those bylaws and add that language. They could say conditioned on the fact that the City Manager adds language that one of the purposes of that particular board is to provide advisory guidance to Council on issues related to the specific board.

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

Councilwoman Rhodes moved to approve Ord. 2009-0-05, second by Councilman Cooper.

The MOTION CARRIED 5-0.

B. **Resolution No. 2009-R-15** - Designating specific City parks in which leashed canines are permitted
(Continued from the August 10, 2009 meeting)

City Attorney Ansay read Res. 2009-R-15 into the record.

City Manager Barlow made a staff presentation.

Councilman Cooper asked if they were set as far as the proper signage. City Manager Barlow believed Leisure Services Director Jack Corder had those already ready to be executed.

Councilman Cooper asked if there were signage for the parks that prohibit leashed dogs. City Manager Barlow informed him they couldn't afford that.

Councilman Cooper asked if they could have notice in the newsletter. City Manager Barlow informed him it would be in the next newsletter.

Mayor Thomas asked for public comment.

The following citizen spoke:

Bill Glaser, 1703 Needle Palm Drive, asked if heard them say they were going to provide smelly bags. City Manager Barlow informed him they were not scented bags.

Mr. Glaser wondered if they were also going provide those amenities to the people that live west of the railroad tracks. City Manager Barlow informed him the bags would be available for anyone who uses those parks designated.

Mayor Thomas entertained a motion.

Councilwoman Rogers moved to approve Resolution 2009-R-15, second by Councilman Cooper.

The MOTION CARRIED 5-0.

C. **Resolution No. 2009-R-10** - Amending the By-Laws
of the Recreation/Cultural Services Board

City Attorney Ansay read Res. 2009-R-10 into the record.

City Manager Barlow made a staff presentation. If they wanted to they could add the purpose provision. Councilwoman Bennington informed her they didn't have to and that it was already in there.

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

Councilman Cooper moved to approve Resolution 2009-R-10, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

D. **Resolution No. 2009-R-20** - Amending the By-Laws
of the Animal Control Board

City Attorney Ansay read Resolution 2009-R-20 into the record.

City Manager Barlow made a staff presentation. If they wanted to staff could add the purpose provision.

It was the consensus of Council to include the purpose provision in all of them so that way it is covered.

City Manager Barlow suggested they include that in the motion as well.

Councilwoman Bennington asked how they put that in the motion.

City Attorney Ansay suggested the wording move to approve the draft as presented contingent on language related to the board's purpose being added into the final draft.

Councilwoman Bennington so moved, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

E. 1st Reading, Ordinance No. 2009-O-06 - An amendment to the Land Development Code, Article V (Site Design Criteria) and Article XI (Concurrency Management System); adopting the Metropolitan Planning Organization's (MPO) Traffic Impact Analysis Methodology (TIA)

City Attorney Ansay read Ord. 2009-O-06 into the record.

City Manager Barlow made a staff presentation.

Mayor Thomas stated that means if they decided to put a traffic light up and it doesn't meet the criteria, then they couldn't do it. City Manager Barlow informed him not necessarily. It depends on where the traffic light is located and who is going to pay for it.

Mayor Thomas stated if they decide to put a stop sign somewhere do they have to go through their criteria. Development Services Director Darren Lear explained this was basically for new development such as a new subdivision or large commercial project. It is replacing the standards they have for traffic studies in the Code right now to have a better coordination with the other municipalities in the County so they are working off the same page with the same type of standards. He further explained the MPO would be the clearinghouse. The developer would have to do the traffic study to those MPO standards and they would give them to the City to review and MPO would get them as well.

Mayor Thomas asked for public comment.

The following citizen spoke:

Cynthia DeGrammont, 213 Ranken Drive, commented on a veterinarian that is moving to the north corner of U.S. #1 and Ranken Drive. They have a private road that is 26 acres, with 28 homes or lots in there and they maintain that road. They are going to be liable for paving that road, putting that road up to Code and for all the traffic that is going to incur on a road. They have already talked to Mr. Barlow and homeowners are getting together. They retained a lawyer because they don't think the 26 homeowners paying all those taxes should be liable for someone who could get injured on Ranken Drive. They wondered why the City was able to say that a commercial

property can come in and use their road and they are going to be liable for it.

City Manager Barlow explained staff has met with the Ranken Road Property Owners association and there is a dispute on terminology or definition based on who is allowed to use that portion of the road. It appears they have retained an attorney. He received a draft letter from him today. It was a consensus as they met with them that if they got that letter in time, he would bring this before Council as an agenda item. This is premature without the City Attorney being able to evaluate all the factors with it and give a recommendation. They were looking at putting this on the 28th agenda.

Ms. DeGrammont felt they are putting 28 homeowners responsible for the public to use the road. Right now they are paying insurance for the private road, which is quite steep.

City Manager Barlow informed Council this has nothing to do with the agenda item now and this is a property rights issue that will be back before Council.

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

Councilwoman Bennington moved to approve Ord. 2009-0-06, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

F. **SA-0904** - Stonecipher Enterprises Inc. requesting a Special Activity Permit for an Annual Biketoberfest Oyster Roast to be held on October 17, 2009 at Earthquake Magoon's, 132 W. Park Avenue

City Manager Barlow made a staff presentation.

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

Councilwoman Bennington moved to grant the Special Activity Permit to Stonecipher Enterprises, second by Councilman Cooper.

The MOTION CARRIED 5-0.

- G. **Resolution No. 2009-R-21** - Supporting the actions by the Florida Department of Environmental Protection and the Environmental Regulation Commission to consider reasonable, science based amendments to the designated uses and classification system of surface water bodies while protecting the quality of Florida's Waters

City Attorney Ansay read Resolution 2009-R-21 into the record.

City Manager Barlow made a staff presentation.

Mayor Thomas asked if it affects how much we empty into the Indian River. Ms. Dewees explained this is dealing with their stormwater runoff. Right now they have outfalls from the Gabordy Canal and 18th Street Canal. This will allow the State to make larger classifications based on scientific methods.

City Manager Barlow stated they don't anticipate our classifications changing and asked if this was correct. Ms. Dewees explained they will change but they will be basically the same. The 11 classifications, one of them includes shellfish harvesting, which is what the Indian River Lagoon is classified as right now. That would more than likely continue as the same designation.

Mayor Thomas asked for public comment.

The following citizens spoke:

Mike Visconti, 316 Pine Breeze Drive, stated in the last water bill they received, someone wrote a good article about the rain barrels. He requested to put down where they could locate them or where they could buy them. Ace Hardware, Osborne Hardware and himself. He asked to put their phone numbers and the times they can purchase the rain barrels. Let's catch this rainwater. They should collect the rainwater. The more people that buy the rain barrels the more rainwater they are going to save and they are going to take to water their plants and gardens. He would like to see this done in the next newsletter.

Mayor Thomas asked if that would be legal. City Attorney Ansay commented on discussing this issue last month of listing certain vendors. They can but they have to be real careful when they do it to make sure they have given everyone that actually sells them the opportunity to participate. Her experience is even though they can do it more often than not leads to people who are omitted having issues. They have to make sure they have a fair process.

Dominic Capria, 606 Topside Circle, stated based on reasonable science based amendments on runoffs, they have runoffs. They have four retention ponds, which the City uses at no cost. They pay for it. He asked how this amendment is protecting us any better than we are protected?

Ms. Dewees explained EPA has requested and encouraged states to designate water bodies on a science-based activity. What DEP did back in 2006 was they created a policy advisory committee to actually study the water bodies throughout the State of Florida and come up with a science-based way to determine exactly how these water bodies are affected by different deposits and minerals that are generated with stormwater runoff. The committee has come up with these recommendations that they want to provide and become a rule so they can be better classified.

Councilwoman Rhodes informed Ms. Dewees she gave a really good explanation. Councilwoman Rogers agreed. Councilwoman Rhodes was impressed because she didn't understand it before.

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

Councilman Cooper moved to approve Res. 2009-R-21 and authorize the Mayor to execute the document, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

There was a ten-minute recess at this time. The meeting recessed at 7:20 p.m. and reconvened at 7:30 p.m.

H. **Resolution No. 2009-R-22** - Approve the Tentative Millage Rates for the City for Fiscal Year 2009/2010

City Attorney Ansay read Res. 2009-R-22 into the record.

Finance Director McKinney made a staff presentation by first reading the TRIM as required by Florida Statutes. They are asking for a millage rate of \$6.49 mills per \$1,000 of assessed value to be levied. He then commented on the budget workshops and the few items that have surfaced and presented itself as they come here tonight. He informed Council this was the draft resolution that would come before them on September 28th. By State Statute, they must present two public hearings. He is only asking them to approve the tentative millage rate followed by the tentative budget with two separate motions.

Mayor Thomas stated the City budget is going down \$1,700,000 from last year. Finance Director McKinney informed him yes. Councilman Cooper stated and no services are being cut.

Councilwoman Bennington asked what percentage of the total General Fund budget is the ad valorem tax. Finance Director McKinney informed her less than half. Out of \$12.6 million only \$5 million is ad valorem tax.

Councilwoman Rhodes asked if they are able to set a tentative millage. She thought they couldn't go up. What happens if they set a tentative millage of 6.49 and they come back on the 28th and say it needs to be 6.5, can they do that?

City Manager Barlow told her to lock them in at 6.49 and they will make it work. Councilwoman Rhodes told her she wanted to lock him in at 6 mills. City Manager Barlow informed her he couldn't make that work without affecting services or jobs.

Finance Director McKinney stated they must set a tentative millage because based on the tentative millage tonight is what they draft the final resolution as and they are required by State Statute to hold the two public hearings and they must adopt this evening a tentative millage.

City Manager Barlow stated they adopted the maximum millage of 7.1 and they collectively have worked together and issued a 6.49. Finance Director McKinney stated at this point they could say 7 mills but if they come back next

week as long as through the second public hearing, they can do anything tonight or two weeks from now up to 7.1297. They cannot exceed it without sending a mailing out to every resident of Edgewater. Councilwoman Rhodes stated they wouldn't exceed it. Finance Director McKinney informed her he understood.

Councilman Cooper stated that is the important thing that the citizens understand even though they are setting it at 7.1297, what they have worked and talked about in the budget hearings is the 6.49 and that is what it will be. It will never get to the 7.1297. He asked Finance Director McKinney to explain why they set the projected amount higher than the actual amount they are budgeting for, which he did at this time. As far as he was aware, other than New Smyrna, we are the only City in Volusia County that is below roll back.

Mayor Thomas stated the TRIM notice that the citizens got with their tax bill is showing 7.1297 so in actuality if they vote for the 6.49 it will be less in taxes when they get their real tax bill. Finance Director McKinney informed him that was correct. He offered to the residents the opportunity to come in and see him and he would run their actual tax numbers for them. He also commented on how it can be calculated through the Property Appraiser's website.

Councilman Cooper commented on the other taxing districts being at roll back and this being what they are going to propose. Finance Director McKinney informed him that was correct. Councilman Cooper stated that is the majority of the tax they are getting on their TRIM rates. They are the only ones that cut it back. Everybody else has gone to their full rate and taxing them accordingly.

Councilwoman Rhodes felt they also had to consider those of them that fall under the Save Our Homes 3% cap. In the past, their property values have risen and they could only raise your taxable value by 3%. Now that the property values are dropping, if they are under Save Our Homes for a long time, they can still raise her property value until it reaches the assessed level. Now they can continue to raise it by 3% so that is contributing to a lot of people, the rise in their taxes. That thing that was supposed to help everybody that lived here for a long time doesn't help them now.

City Manager Barlow reminded Council this millage rate is predicated on a General Fund Operational Budget that is pushed below their 2005 Operational Budget. Through Council's actions, the commitment of staff and employees alike they have done everything they can to try to look for those efficiencies.

Councilwoman Bennington stated she heard somebody earlier at the beginning of the meeting complain that they were giving City employees raises. The raises they are giving to the low-income employees amounts to \$29,000. None of the other City employees are getting a penny. She doesn't think trying to raise some of the lower paid employees, that are below the poverty line really, up that is going to cost them \$29,000 is extravagant. It's not going to change the millage dropping \$29,000.

Mayor Thomas stated they are trying to erase the debt level of the City. He compared buying something with cash to buying it with a credit card. What they have strived to do and they are getting there is to get to a balanced budget. He commented on making extreme progress on that in the four years he has been here. He feels this has helped them too.

Councilwoman Rogers commented on the figures being close to 2005. If they go back and look at department by department they are going to see some departments like Parks and Recreation that has gone way down and some departments have gone way up. When they are looking at the total that is the case but they have a situation that is growing and is only going to get worse. Our State revenue is going to be less next year. The values are going to go down. Morgan Gilreath is even making mention it is really going to hit us the next time around. She commented on the number of employees in the Police Department going down by four from 2004 and their budget only went up under what she believed was \$200,000. The Fire Department went up like 7.5 or 8.5 employees and their budget went up \$1.5. She doesn't agree with that. They did not do the best job. They didn't do zero based budget. They didn't go back and start from zero. What they did was took last year's figures and they said they were trimming and didn't hire anybody and then they went forward. That isn't what people are having to do that are losing jobs, that are losing pay or are getting a part time salary instead of a full time salary. They are actually having to do what the Council should do. Zero

based budgeting. What are the bare bones? She heard an indication that the citizens don't want to lose services. The citizens are screaming and she is being told they don't want to lose services. Unfortunately they don't have the majority of citizens coming to the meetings that she hears and talks to and that gripe and if they did then perhaps her colleagues would have listened more when she was making some of her statements and comments rather than laughing or gesturing and they wouldn't be looking at 6.49. They should have gone to at least what they did last year if not lower because it is going to get tougher next year and is going to continue to get tougher and at some point they are going to have to lay off. She doesn't want people to lose their jobs but look at what is happening. Somebody has to pay for it. Unfortunately a lot of people are having to pay for it now and they are moving and they are leaving.

City Manager Barlow stated after Councilwoman Rogers brought up some of those concerns during the Budget workshop, he dug into that and looked at that. In fairness, those were very gross numbers. Those were put together based on expenditures. What was not factored in was additional revenues and some of the indifferences or increases in some of those expenditures. He commented on the reference made to the Fire Department and the increase in staff and there being more details to factor in. He also referred to grants.

Councilwoman Rogers recalled City Manager Barlow mentioning the County requiring the City. City Manager Barlow stated that was pretty much his summary on that sheet itself. He is a City Manager that works for the consensus of the Council. If it is consensus and the Council tells him to lay employees off or cut services that is his job and he is willing to carry that out but he needs a consensus in that direction.

Councilwoman Rogers stated something City Manager Barlow mentioned the evening he gave her that sheet was that Volusia County had the City of Edgewater where they were required to staff more. City Manager Barlow stated per that agreement it was a third man and they offset for some of those costs as well. Councilwoman Rogers stated but then by doing that that was only then. That wasn't as time went on. Eventually that dropped off but their expenditures kept going up. The requirement to have that third man wasn't there anymore but their expenses kept

going up. City Manager Barlow informed her they were still under contract with Volusia County for those services. Councilwoman Rogers stated there was some change with that. City Manager Barlow informed her Council would see coming up in their Closest Unit Response Agreement of what they endeavor which is some change in staffing, which was what he thought Councilwoman Rogers was referencing.

Finance Director McKinney informed Council for this evening he was asking for a motion to approve the tentative millage rate of \$6.49 per \$1,000 for fiscal year 2009-2010.

Mayor Thomas asked for public comment.

The following citizen spoke:

Dominic Capria, 606 Topside Circle, stated he couldn't bring everything he wants in three minutes. According to the City Charter, the City Council, not the Mayor has the authority to give him more than three minutes. He was requesting five or six minutes, which he was granted.

Mr. Capria didn't attend all of the budget workshops but he did attend a few. He stated they gave Council 13 months more, which saved \$16,000. He asked if that was worked out in the budget. City Manager Barlow informed him it was.

Mr. Capria stated \$56,000 utility tax that they received back from the State. He asked if that was worked into the budget. Finance Director McKinney informed him the State provides him with figures for all State revenues and he took the numbers right from the State website posted and that was part of that.

Mr. Capria then asked about the \$32,000 for the Victim Advocate, which is paid by the government and not by the City. Was that worked into the budget? Finance Director McKinney informed him it was.

Mr. Capria then asked about the \$372,000 grant for sidewalks on U.S. #1 which they will use some of the City workers for, if it is going to start this year, was any of that worked into the budget. City Manager Barlow stated that project was pulled and the revenues and expenditures have been pulled.

Mr. Capria then asked about the stimulus package from the State. Has the City received any money on that? City Manager Barlow informed him indirectly that is somewhat part of the CDBG and some of the utility projects we have and those are past due cost and with minor match on the City's part and that \$372,000 was the stimulus grant we almost got.

Councilman Cooper explained we were turned down on the \$372,000. DOT looked at it and wouldn't go the extra cost that they originally said they would go for and they wanted to pass that cost on to Edgewater so they had to let that go.

Mr. Capria then asked about debt that they moved up to the year 2014. He asked if that was costing the city extra money. City Manager Barlow informed him that was on the agenda later and that it was about thirty thousand and change and would be disclosed when they get to that agenda item.

Mike Visconti, 316 Pine Breeze Drive, stated on the trash pickup, they have two pickups a week. He just came back from Connecticut and every City in Connecticut he went through had one pickup a week. He spoke of Raleigh North Carolina that has one pickup a week. He also mentioned Port Orange having one pickup a week. He asked how much money they would save only having one pickup a week? They have a lot of senior citizens here. He feels one pickup is plenty for him. He lives in Meadow Lake and with the senior citizens there guaranteed one pickup a week is fine. He was sure they could save some money on just one pickup a week for garbage pickup.

City Manager Barlow informed him he didn't have the numbers. He reminded him that is an Enterprise Fund and does not affect the millage.

Mr. Visconti wasn't trying to lose anybody's job but he was thinking that one day they could work somewhere else.

Councilwoman Rhodes informed Mr. Visconti that doesn't affect the millage rate. That is an Enterprise Fund and isn't paid for with property taxes. It's paid by those that use it. Maybe they could look into that and save some money in the Refuse Fund.

Councilwoman Rogers asked if they had transfers going into that fund like they are going to have to do with water and sewer. Finance Director McKinney commented on it being a solvent Enterprise Fund.

Mr. Visconti felt the City could save some money with only one garbage pickup a week.

Councilwoman Rhodes commented on it being a logistical nightmare. Some people do need two pickups a week and to isolate the ones that do and the ones that don't would be impossible.

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

Councilwoman Rhodes moved to approve the Tentative Millage Rate at 6.49, second by Councilwoman Bennington.

The MOTION CARRIED 4-1. Councilwoman Rogers voted NO.

- I. **Resolution No. 2009-R-23** - Approve the Tentative Budget and providing for appropriations for Fiscal Year 2009/2010

City Attorney Ansay read Resolution 2009-R-23 into the record.

Finance Director McKinney informed Council this was a draft resolution going for final public hearing on September 28th. Tonight he was asking the Council to approve the Tentative Budget for fiscal year 2009/2010 which does encompass General Fund all the way to Workers Comp Fund. That total budget for next year would be \$40,000,719.00. He asked Council if they wanted him to read all the different ones fund by fund. Council informed him no.

Mayor Thomas asked for public comment.

The following citizens spoke:

Dominic Capria, 606 Topside Circle, asked what the figure was between last year and this year. Finance Director McKinney had to get it. Mr. Capria informed him he could give him the information at the next meeting.

Bill Glaser, 1703 Needle Palm Drive, informed Council he was making his comments as a disinterested neutral third party taxpayer, resident, voter. As he walks around the ghetto, known as Florida shores, he has noticed a strange behavior and he hasn't figured out whether these folks don't have enough time on their hands or have too much time on their hands. Say you are walking down the street and there are six piles of yard trash and the folks that pick it up and pick up every other pile and go on about their business. Other days they stop and pick up half a pile. Other days there is a pile that has been there for a month or whatever. They drive by it two or three times a week. He has never really understood whether they have too much time or not enough time on their hands. He was wondering if possibly if they have too much time on their hands maybe they could be cross trained in the string trimmer because once the weeds on the guardrails around the 18th Street Canal get above the guardrail he would think that they would be able to see that maybe the weeds need to be cut. If you want to see a good example, on Mango Tree.

Mayor Thomas asked how this affects the budget. Mr. Glaser informed him if they cross train folks to do this work, maybe they would be able to get more done with less or less done with more. It was just a suggestion.

Mr. Glaser stated if they really wanted an example go to Bond Street on Mango Tree between Bond and halfway down the block. There is garbage, trash, junk that has been there for a year. Every Sunday morning he walks that area there and it has been there every day. Maybe they could cross train these folks or get them to wake up, whatever they need to do and they could clean it up. It is City property.

Councilwoman Rhodes asked Mr. Glaser if he had ever told anybody about it. Mr. Glaser informed her he has come down and complained about so many things that he probably forgets what he even complained about. Councilwoman Rhodes informed him if he told somebody and nothing was done he would have a legitimate complaint but if he didn't tell anybody.

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

Councilwoman Bennington moved to adopt Resolution 2009-R-23, second by Councilwoman Rhodes.

The MOTION CARRIED 4-1. Councilwoman Rogers voted NO.

J. Resolution 2009-R-25 - Authorizing the Mayor and the City Clerk to Certify and File the Map of the Extension of Mary Street

City Attorney Ansay read Resolution 2009-R-25 into the record.

City Manager Barlow made a staff presentation.

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

Councilwoman Rogers moved to approve Resolution 2009-R-25, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

City Attorney Ansay informed the Council she just received a comment from the City's Finance Director. They wanted to go back to Item 8I. The motion they had on the floor approved the resolution. They need to technically make sure that the approval was of the tentative budget even though it was of the motion approving the Tentative Budget they need to move approval of the budget.

Councilwoman Rhodes informed her actually it was an approval of the resolution so it didn't mention the budget at all.

City Attorney Ansay stated they needed to make sure the motion was for approval of the tentative budget.

Mayor Thomas stated they would go back to Item 8I and asked City Attorney Ansay the correct wordage.

City Attorney Ansay informed him move approval of the Tentative Budget as outlined in the agenda package.

Councilwoman Bennington so moved, second by Councilwoman Rhodes.

The MOTION CARRIED 4-1. Councilwoman Rogers voted NO.

9. BOARD APPOINTMENTS

There were no Board Appointments at this time.

10. OTHER BUSINESS

- A. Refinance the Notes Payable dated August 28, 2002 between the Florida Inland Navigation District and the City of Edgewater (***Continued from the August 31, 2009 Special Meeting***)

Finance Director McKinney made a staff presentation. This will free up \$168,638.08 annually based on what their payment would have been and what their payment is which will allow them from raising their rates in the General Fund Millage Rate.

Councilwoman Cooper further commented on why they refinanced this loan.

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

Councilman Cooper made a motion to approve the refinancing and authorization for the Mayor to execute the amendment Contract and Promissory Note, second by Councilwoman Rhodes.

The MOTION CARRIED 5-0.

- B. Award Bid for Solid Waste Transfer Trailer to Warren Equipment Inc.

City Manager Barlow made a staff presentation.

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

Councilwoman Rhodes moved to award the bid to Warren Equipment Inc. in the amount of \$48,949,00 and authorize the City Manager to execute the Bid award documents and purchase order, second by Councilman Cooper.

The MOTION CARRIED 5-0.

- C. Award of Bid for Lift Station #2 Improvements to Masci Corporation

City Manager Barlow made a staff presentation.

Councilman Cooper stated the question came up earlier regarding if Edgewater got any money from the stimulus. This is one of the areas they were able to get some money.

Councilman Cooper asked if this lift station was one of Ms. Dewees' top priorities. Ms. Dewees informed him absolutely.

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

Councilman Cooper made a motion to award the bid to Masci Corporation in the amount of \$144,629 and authorize the City Manager/Mayor to execute all documents associated with the bid award and the agreement, second by Councilwoman Bennington.

The MOTION CARRIED 5-0.

D. WAV Dissolution - Authorization to terminate the City's membership and authorize the Mayor to execute a letter to WAV regarding the same

City Manager Barlow made a staff presentation.

Mayor Thomas stated it makes him really sad that this is happening. It's going to be a water war. They were all trying to work together and now they are all on their own. City Attorney Ansay is the Attorney for WAV. St. Johns, some of their decisions, are not likable by the City's about the reuse water and different things they don't see eye to eye on. Now they are going to be the only ones in control.

Mayor Thomas further commented on being excited about the programs they had to educate the youth.

Councilwoman Rhodes stated it is a darn shame. Why can't they all play together nicely?

City Attorney Ansay commented on being involved in water related issues in Volusia County for 15 years and she wrote her law school thesis on alternative water supply issues. In the end when you don't work together, the only people

that make good out of it are lawyers who represent the cities who are fighting over it and the consultants. Now they have every individual City trying to find out the answer.

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

Councilwoman Bennington made a motion to authorize the termination of the City's membership in WAV and authorize the Mayor to execute a letter terminating the City's participation in WAV, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

- E. Consideration of the Fourth Amendment to the Interlocal Agreement of the East Volusia Local Government Fire-Rescue and Emergency Medical Services Automatic Aid and Closest Unit Response System

City Manager Barlow made a staff presentation by going over the changes included in the Fourth Amendment.

Councilwoman Rhodes asked what the plan is for our City. We staff that third man.

City Manager Barlow commented on in the past they stopped backfilling with overtime.

Councilman Cooper stated there was some talk in reference to reaching out and bringing in Oak Hill. He asked what happened with those talks. City Manager Barlow informed him they are still in discussions with the County in being able to provide the estimate what it would cost them to staff the Oak Hill Fire Station. He wasn't comfortable enough to only staff Oak Hill with two people.

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

Councilman Cooper made a motion to approve the Fourth Amendment to the Interlocal Agreement of the East Volusia Local Government Fire-Rescue and Emergency Medical Services Automatic Aid and Closest Unit Response system, second by Councilwoman Rogers.

The MOTION CARRIED 5-0.

F. Joseph Landers requesting to remove one 56-inch Historic Live Oak and one 38-inch Historic Live Oak for property located at 2630 Mango Tree Drive

City Manager Barlow made a staff presentation.

Councilwoman Bennington wanted to know why Mr. Landers wanted to remove these trees. Development Services Director Darren Lear thought it was because he was afraid the 56" tree would fall from the storms. The 38" tree is alongside the roadway and neither one of them are in bad condition. They are both in good condition. The one by the roadway isn't close to the house.

Councilwoman Bennington doesn't believe in removing trees just because someone is afraid it might fall down when it is healthy and they have certified it. She had a fit when her husband cut trees to put in a pool. These are historic and are big trees.

Councilwoman Rhodes agreed with Councilwoman Bennington. She hates to see people cut down trees and she thinks they are crazy to do it, especially old trees like this. Odds are they have been there 100 years and aren't going anywhere. But by the same token this is this man's property. If he doesn't want the trees on it he shouldn't have to have the trees on it.

Councilwoman Bennington stated according to their Code the only option he has is to put 38 trees in those two trees place or pay the City \$17,980.

Mr. Lear informed Councilwoman Bennington the trees they mitigate with and he could plant those on public property. It doesn't have to be 38 2.5" trees. That is the minimum size.

Councilwoman Bennington stated she bought trees that were 2.5" and they weren't cheap.

Councilman Cooper commented on doing this before for a developer and the City having a place for the trees. He felt sad because Mr. Landers wasn't there to give him his reason. He lives on Mango and he went to his property today.

Councilwoman Rhodes asked Councilman Cooper what business it was of his. It's his property. Councilman Cooper informed her he wanted to see if the trees were bad. Councilwoman Rhodes stated it is his property. What difference does it make what his reason is? It is his property and he wants to cut the trees down.

Mayor Thomas stated it is a violation of City Code. It's as simple as that. Councilwoman Bennington pointed out it was deemed historic.

Councilwoman Bennington wished Mr. Landers was there. Councilwoman Rhodes stated if it was her she would never do it. She thinks trees are important. But who is she to tell someone what they can do with their property.

Councilwoman Rogers felt Councilman Cooper did good by going by the property. That is what they are supposed to do.

Councilwoman Rhodes asked if it was in the public right-of-way. Mr. Lear didn't believe it was but it was close.

Mayor Thomas entertained a motion.

All of the members of the Council wished Mr. Landers was at the meeting.

Councilwoman Rogers asked if they wanted to do a motion or did they want to give the man an opportunity to come to the meeting because it would be interesting to hear what the man has to say.

City Manager Barlow informed Council they could continue this item to the 28th agenda and request that he attend. In the meantime they could evaluate this agenda request and come up with a combination between option two and option three if they feel they are going to allow him to take the trees down. He reminded them as government that is part of some of their responsibility to maintain the aesthetics, the safety and the longevity and sustainability of our community.

Councilman Cooper asked Mr. Lear if Mr. Landers had offered any information to him out of these options. Out of two and three is he ready to do two or three? Mr. Lear

informed him he has communicated with Building Official Dennis Fischer. He knew Mr. Fischer informed Mr. Landers his request would be on the agenda tonight but he has not heard from him personally.

Councilwoman Bennington made a motion to table this until their next meeting.

Councilwoman Rhodes asked what happens if he doesn't come.

City Manager Barlow stated they would request his attendance and if he refuses to come to the 28th meeting without an excusable excuse, then Council would need to make a decision based on that.

Mayor Thomas asked City Attorney Ansay if he needed a motion. City Attorney Ansay informed him no, that was fine. Council agreed.

Mayor Thomas stated he didn't give his report earlier because he was trying to hurry the meeting and he had several things but he wanted to touch on one.

Mayor Thomas presented a report on the boat ramp at Kennedy Park. The boat ramp is running very smooth with the new changes that they made. He spoke of people he spoke to at the boat ramp being from all over.

Mayor Thomas saw a police officer go through there twice.

Councilwoman Rhodes commented on using the boat ramps as a revenue source.

Mayor Thomas questioned if they could do that because he thought they had received some money or a grant from FIND.

City Attorney Ansay stated if FIND has restricted it they would have to look at any grant documents they have with FIND. While not necessarily popular, in other Counties it is now common practice to impose a charge for launching. She spoke of some communities offering annual passes with one rate for residents and one rate for non-residents. Councilwoman Rhodes felt residents should be free because they are already paying for it.

Mayor Thomas stated that was something to consider.

11. OFFICER REPORTS

A. City Clerk

City Clerk Wenzel wanted to discuss the meetings for the remainder of this year, if they wanted to continue with once a month.

Mayor Thomas felt they needed to look at the agenda. Councilwoman Rhodes felt it would depend on the size of the agenda.

City Manager Barlow stated he and City Clerk Wenzel worked together on this and he asked her to project a calendar and they put a tentative calendar together. He commented on the agenda tonight being a pretty heavy agenda and they are wrapping up around 8:30 p.m.

City Manager Barlow felt one meeting a month with this big agenda they were pretty efficient.

Councilwoman Rhodes asked if they were required by Charter. City Manager Barlow informed her no.

City Manager Barlow stated he asked City Clerk Wenzel if they could identify potential dates through January and that helps them with the planning.

City Clerk Wenzel went over the dates they came up with through January. They came up with October 19th, November 16th, December 14th, and January 11th.

It was the consensus of Council to go with the meeting dates identified by City Clerk Wenzel.

City Clerk Wenzel agreed to cancel the first meeting of each month through January.

City Clerk Wenzel then informed Council if they didn't attend the Benefits Fair there was a packet for personal. There was a dependent eligibility form that needed to be returned to Personnel by September 16th. Some Councilmembers expressed they received the form and some didn't. Personnel Director Donna Looney informed her it was only for the people that have dependent coverage. They do not have to fill it out if they don't have dependent coverage.

B. City Attorney

City Attorney Ansay had nothing at this time.

C. City Manager

City Manager Barlow informed Council their next meeting was scheduled for September 28th. He would like to schedule a presentation prior to the regular Council meeting at 5:00 p.m. for Glenn Storch to come in who is representing Miami Corp that is doing a Comprehensive Plan Amendment through Volusia County. They need to see the presentation and make sure they are comfortable with it because of its proximity to Edgewater.

City Manager Barlow commented on having in the budget three streets to be paved. They were able to extrapolate a savings of \$36,580. He could add three additional smaller streets this year and go ahead and pave them and that would be three more. He suggested paving the section of Banyan Tree next to the Library, Kumquat from SR 442 to 20th and East Marion Avenue from U.S. #1 to Riverside. Those are the three next worst streets by their evaluation. They can get all three streets paved for the \$36,580 if he gets authorization from Council.

It was the consensus of Council to pave the three streets identified by City Manager Barlow.

12. CITIZEN COMMENTS

There were no Citizen Comments at this time.

13. ADJOURNMENT

There being no further business to discuss, Councilwoman Rhodes moved to adjourn. The meeting adjourned at 8:43 p.m.

Minutes submitted by:
Lisa Bloomer

Attest:

APPROVED:
City of Edgewater, Florida

Bonnie Wenzel, City Clerk

Michael L. Thomas, Mayor