

CITY COUNCIL OF EDGEWATER
REGULAR MEETING
SEPTEMBER 13, 2010
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	Excused
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. Special Meeting/Executive Session of August 16, 2010

Councilman Cooper moved to approve the August 16, 2010 Special Meeting/Executive Session minutes, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

B. Regular Meeting of August 16, 2010

Councilman Cooper moved to approve the August 16, 2010 Regular Meeting minutes, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

There were no Presentations at this time.

4. CITIZEN COMMENTS

The following citizens spoke:

Robert Clinton, 315 N. Ridgewood Avenue, asked the Council to review the temporary free standing sign ordinance. The way it reads today is the only way they can put a sign on their own property to advertise something or just to say they are open is to have somebody in a leprechaun suit stand out by the side of the road and hold it. He drove around today and found 25 free standing signs in front of businesses. If the city continues to remove these signs all it is doing is hurting the local businesses. He spoke of Publix, Winn Dixie and Goodwill not being able to have a sidewalk sale without the City citing them for having something on the sidewalk as far back as they are from the highway. The way he understood the sign ordinance and the Code Enforcement today, they were telling him his A-frame sign that was professionally made and cost about \$100 could become a flying projectile during a hurricane. He spoke of bringing the sign in at night when they close. He was told real estate signs were fine because they were temporary. He referred to 404 N. Ridgewood Avenue that has been on the market for going on 10 years with a real estate sign in the front yard for those ten years and even with the past hurricanes it hasn't become a flying projectile. He wanted Council to review that and come up with a better reason than it becoming a flying projectile. He then commented on George Trovato signs that have been up for over half of the hurricane season and none of those have blown away yet.

Councilwoman Bennington asked Mr. Clinton if he had been cited. Mr. Clinton informed her he was. Councilwoman Bennington asked him if he paid it. Mr. Clinton informed her he had.

Mayor Thomas stated they just voted on that and he thought they had gone more lenient but Mr. Clinton informed him the only change they had made was advertising on park benches. He commented on receiving a lot of complaints and asked if they could have Planning & Zoning look into this. City Manager Barlow informed him the Council had requested way back an aesthetic overlay district of U.S. #1 with this property included which would fall within the Ridgewood standards. When that ordinance comes before Council in draft form that was when they could tailor and address some of that. They are no different than a majority of the other communities especially on Ridgewood that prohibit those. Mr. Clinton informed him New Smyrna had no prohibition on it. City Manager Barlow stated he hadn't looked at New Smyrna's overlay district or if they had an overlay district or what they did to address aesthetics. The purpose of the overlay district was to determine what they wanted U.S. #1 to look like as far as standards.

Mayor Thomas asked who would give them the draft. City Manager Barlow informed him he and Development Services Director Darren Lear were about ¾ of the way through. He had to put it on the back burner until

they get through the budget. He was hoping before the end of this year the Council would see a draft.

Mr. Clinton stated some of the sandwich signs he has seen it is illegal for the sign to be on the ground on private property but they can put it in the back of a pickup truck and back the pickup truck to the highway. City Manager Barlow informed him that wasn't permitted either.

Councilwoman Bennington asked why Mr. Clinton was cited when there are so many other ones and the other ones weren't. Mayor Thomas commented on Code Enforcement being complaint driven and he felt someone probably complained.

Councilwoman Bennington commented on biting at City Manager Barlow and Mr. Lear about Code Enforcement. She doesn't think it is right if there are so many other businesses with these signs and he was the only one cited. She felt that was selective enforcement.

City Manager Barlow didn't know the particulars of Mr. Clinton's case as this was the first he had heard about it. He wasn't sure if the others had been issued a notice of violation or were in the process. He didn't know if it was a complaint on just his. They find a lot with Code if they cite one business or resident, they will go out and find ten more and then each one of those will go out and find ten more. They also try to do active patrol as well. He commented on most of the cases before Code right now being property neglect cases.

Councilwoman Bennington asked City Manager Barlow to have Mr. Lear do a background and let them know how Mr. Clinton was particularly cited and what the status was of some of the signs Mr. Clinton was saying were out there. City Manager Barlow pointed out the citation had been paid and once it is paid it is an admission of guilt. Councilwoman Bennington stated she understood. Mayor Thomas pointed out people can complain anonymously. Councilwoman Bennington wanted to know if it was an anonymous complaint, somebody complained or if Code Enforcement was driving down the road and saw it.

City Manager Barlow agreed to look at it. About four years ago they transitioned into where those cases are now visible online by the residents.

Councilman Cooper referred to the digital signs that he hoped they were working on as well. He would like to see the business community become a little more proactive and offer what they feel would be a proper solution and bring the submission of the solution to Council so City Manager Barlow and Mr. Lear can take a look at it and bring different ideas forward. He commented on the restriction on free standing signs and asked if they need to modify in that area. If they

don't have the business community's input, they might not like the modification.

Charles Murphy, Pelican Cove East, wanted to talk about the Notice of Proposed Property taxes they just received. Mayor Thomas informed him he could talk about it now or during the discussion regarding the budget and tentative millage rate.

Mr. Murphy stated with property values going down all over the country, especially in Florida and Volusia County, his taxable value had gone up considerably this year, \$7,605.

City Manager Barlow asked him if his assessed or market value go up or down. Mayor Thomas informed him the Tax Appraiser was showing that.

Mr. Murphy stated his millage went up overall 3.9%. Mayor Thomas stated they proposed a 7.0 and went down to 6.59. Mr. Murphy informed him that was for all of the taxing authorities. Mayor Thomas informed him all they could control was the City of Edgewater.

Councilman Cooper informed Mr. Murphy he should see a minor decrease under Edgewater. Mr. Murphy concluded he should be talking to the County and not the City.

Mayor Thomas asked him if Edgewater went up or down. Mr. Murphy informed him it had gone up. City Manager Barlow stated if Mr. Murphy had homestead exemption there was what they call recapture so if the market values here and taxable values here and even though the property values decrease there is a recapture. It was his understanding this was the first time they have experienced this in Volusia County. It has to go up with the cost of living which was 2 point something percent.

Mayor Thomas asked Finance Director McKinney to take Mr. Murphy to the back of the room and try to explain things to him and if he had any other questions they would let him come back at a later date. City Manager Barlow informed Council the recapture was State Statute and nothing this government could control.

John King, 1309 2nd Street, stated he purchased his home in 2006 as a retirement home. He was currently unemployed and had retired. He couldn't find a job down here. With the economy the way it is and people losing their jobs the way they are, he finds it difficult to accept the concept that the millage rate would increase. Business has to cut back. They all have to cut back. The City needs to cut back and if that means reducing services he says reduce services. He couldn't understand why the millage rate should be increased. He understood he concept of the roll back millage rate and he didn't really buy that. When he bought his house it was appraised by the bank and he tried to refinance this year and it is only worth 1/3 of

what he paid for it in 2006. He had a hard time with the concept of any increase in the millage rate.

Mary Ann Morrisette, 510 N. Riverside Drive, expressed concern with the Police and Fire budgets. She spoke of a number of cities around the country going bankrupt because of the enormous cost of those two services. She knows they were looking at consolidating the fire with the County and that that would change everyone's contribution. The real problem is the pension. She didn't understand why they wouldn't go to a 401K like all private businesses have had to do and put the cost on the actual employee rather than on the rest of them. She knows they have a number of employees in the past who have been double dippers. That bothers her. Those are areas that are a problem now and are going to be an even bigger problem in years to come. She wondered if there was any plan to address that.

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

There were no Changes/Modifications to the Agenda at this time.

6. CITY COUNCIL REPORTS

Councilman Cooper had nothing at this time.

Councilwoman Rogers stated when the millage was set at 7.0 initially that evening there was a lot of conversation going back and forth and they were directed by the Finance Director that their millage probably wouldn't be that high and there would probably be some potential costs savings they would realize and their millage would probably be more like 6.36. She was trying to shoot for a millage of six and a lot of people didn't like that as far as her colleagues on Council and felt it was irresponsible but she feels Council and they do have some candidates in the audience, should be directing the city and telling the city what millage they want and then City staff should be working their numbers to meet what the Council wants as a target. It never works that way. She was hoping for them to start at 6. That didn't happen and they started at 7. She missed a meeting and she read in the newspaper "Unofficial Blessing" and he points out Councilwoman Rogers wasn't at the meeting when the Council went down to 6.36. Then the next time they had a meeting they have a wonderful presentation regarding their roads. That presentation had to have taken a week to two weeks to prepare so when they did the unofficial blessing of going down on the proposed millage staff already knew that they were going to be discussing a possibility to increase the millage to accommodate the fixing of the roads. The evening they talked about the roads they were also talking about a possibility of reducing an employee stipend so they could use that money to pay for the roads. That was what she wanted to do. That night the millage went back up. She believed it now stood at 6.59. She recognized there being new faces in the audience. If they read in the paper it is not always the greatest

representation because they can't possibly go 100% on everything that is discussed at their budget workshops and their meetings. They can't even read the minutes and get that. The best thing to do is to get a CD and listen to it.

Councilwoman Rogers stated they never talked about cutting back on Fire and Police. She tried to do that in 2007.

Councilwoman Bennington had nothing at this time.

Mayor Thomas addressed the comment about the double dippers. They had some of that going on and there were still some employees that did retire and are getting their retirement benefits but when they reemployed they aren't getting retirement benefits. They can't accrue any more retirement benefits.

Mayor Thomas stated he and City Manager Barlow attended the meeting today on the possibility of fire and rescue service consolidation with Volusia County. He was really proud in the government contributing of the percentage. Edgewater was the lowest at 11.46. Some were up to 37%. We were the second lowest behind Deland out of all the cities in Volusia County in the unfunded liability. We are at \$675,283. We are doing an excellent job.

Ms. Morrisette asked if he could address the fact that 1% of the calls for the Fire Department were for residential fires. Mayor Thomas spoke of discussing most of the calls were for medical and the paramedics being on the vehicles too.

Ms. Morrisette stated 1% of the calls are for house fires which is what most of them consider the Fire Department needed for.

7. CONSENT AGENDA

- A. Request for approval of the 2010 Flu Vaccination Program Interlocal Agreement with the City of Port Orange
- B. Request for approval of the Combined Operational Assistance and Voluntary Cooperation Agreement for Volusia County, Florida

Councilman Cooper requested Item B be pulled for discussion.

Councilwoman Bennington moved to approve Item A of the Consent Agenda, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

Councilman Cooper expressed concern with liability. When they open up all of the assorted police departments in an agreement, they have an

opportunity to cut crime and catch more of the criminal types but they have had experiences in Edgewater with a couple bad apples that have cost them tremendous amounts of money and now they are leaving this wide open to virtually any police department. He expressed concern with supervisory control and procedures. If he has an emergency problem and he is a Deltona Police Officer he can call in and talk to a supervisor that night that might not be the regular supervisor that could give them permission to do something. He expressed concern with not knowing the screening and training within other departments. He asked City Attorney Ansay if she had a chance to tear this apart and if his concerns were mistaken.

City Attorney Ansay stated she did review it but hadn't had a chance to tear it apart. The provisions in the agreement related to liability provide that all of the parties to the agreement essentially agree to assume liability for their own employees and their own folks involved. The city would not be taking on the liability of an employee from another jurisdiction. The agreement also provides that the traditional protections provided by Section 768.28, Sovereign Immunity, continue to be in place despite the provisions of the agreement where services are going to essentially be cross provided. That provides an additional level of protection. These types of agreements are pretty common. She didn't know anecdotally of any issues or problems from a liability perspective where any one city has been overwhelmed with a liability as a result of services or actions of other folks. Can it happen, certainly but she thinks if they look at the immunities and responsibilities provided for in the agreement, she thinks the terms of the agreement would provide they wouldn't be taking on those responsibilities. It doesn't mean they won't get sued if something does happen. They would have to get it sorted out through the court system.

Councilman Cooper stated extending this much power to the entire County for even the lowest police officer, the newest hired, the first candidate out of the academy, he asked if they had concerns along those lines. City Attorney Ansay informed him that was an issue for Council to discuss with the City Manager. This was a policy issue and not a legal issue.

Councilman Cooper stated because it involves the entire County, shouldn't the citizens have input. He asked if this should have been put forward to the citizens as a resolution to ask them if they wanted every police force within the county to have the right to arrest you for anything you are doing anywhere in the County. There are no jurisdictions any more.

City Attorney Ansay informed him there was no legal requirement that that be done. She has never seen this type of mutual cooperation type of agreement placed on a ballot but it wasn't something that would be prohibited that she knew of.

Councilman Cooper stated it scared him as he tore it apart to the point that he had the tremendous feeling that big brother has just gotten bigger again. He knows that wasn't the intent of the document and they are trying to provide a better service. He suggested that somehow they bring this back to the citizens. He then commented on the amount of people that are behind this but the underlying factors scare him.

Mayor Thomas asked Councilman Cooper to give him an example of what he would be afraid of, which he did at this time.

Mayor Thomas spoke in favor of this.

Councilman Cooper felt the concept was a great idea on the surface. For the five of them to make judgments on the whole County and this could be used in a different direction too. He wasn't saying it would be but it could be.

Councilwoman Bennington questioned how long this had been in effect.

City Manager Barlow informed Council this was just an amendment to the existing mutual aid agreement that the Police Department has had in effect for quite some time. He further commented on a pursuit that occurred in Daytona Beach that went into Holly Hill. The case was thrown out on a technicality because the officer didn't have jurisdiction in Holly Hill when he made final contact. He further commented on the Closest Unit Response Agreement the Fire Department has. He also mentioned the Police Department staffing being down around the 2001 level.

Mayor Thomas stated right now as it is the Sheriff's Department can make an arrest in the City of Edgewater and their liability is from the Sheriff's Department. City Manager Barlow confirmed that was correct. The Sheriff's Department has jurisdiction over the entire County. Mayor Thomas stated State law enforcement can make an arrest in the City of Edgewater and their agency is liable and not the City.

Mayor Thomas felt Councilman Cooper was being over cautious. He felt once a police officers gets off-duty he wants to go home. Councilwoman Bennington stated it is the nature of the beast after they have been on-duty for twelve hours unless it is a life or death situation she didn't think they would go out of their way. Councilman Cooper pointed out that some of that was covered in the document.

Councilman Cooper stated he knew the intent was to provide better service and help protect the citizens.

Councilwoman Rogers commented on being concerned about the liability and the fact that the City does have a seemingly high turnover with

the young officers coming aboard because the City's pay rate is so low. They may have a young rookie involved in something. She felt this needed to go back and the attorneys should be able to come in and fine tune this more so because they don't need to have that kind of liability. The taxpayers will ultimately pay for it. What they need is something like this but it's got to be very specific. They don't want a rookie officer involved in something where there is a prior investigation.

City Manager Barlow commented on it appearing a majority of the other cities in the County having already signed on. Before they withdraw from the Police Department mutual aid, he suggested he and City Attorney Ansay would go back and review it and bring it back before their next meeting. He didn't want to be the only agency that can't give or receive assistance. Councilman Cooper didn't either but he wanted some recommendations from the legalese aspect of the concerns they have and how are they addressed. He commented on what he considers grey areas.

It was the consensus of Council to bring this item back.

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. 2nd Reading, Ordinance No 2010-0-13 - Amending the Land Development Code by enacting Article X (Boat Slip Allocations)

City Attorney Ansay read Ordinance 2010-0-13 into the record

City Manager Barlow made a staff presentation.

Councilwoman Rogers stated she did not bring City Manager Barlow the evidence they talked about regarding the situation she has with her property on Riverside where she owns two separate waterfront tracts of land. For some reason Volusia County combined them on the property tax website but it is in fact two separate waterfront parcels. At this time she has two water slips and she should have four because she has two separate waterfront pieces of property. She asked if this would affect her.

City Manager Barlow stated based on what he understands is currently her waterfront access is one parcel. Based on that by this ordinance, she would automatically be granted two slips. If she was to subdivide and was permitted to subdivide that into two parcels, there could be opportunity but without seeing all the supporting documents he wasn't sure and he didn't know if he had that authority to make that determination.

Councilwoman Rogers then asked if what they were doing tonight would negate or hinder her in any way. City Manager Barlow informed her he didn't know that. City Attorney Ansay stated she would be careful.

Councilwoman Rogers stated she had asked him that and he had said no so what she wanted to do was postpone this and get her attorney involved on this because she doesn't want to lose the opportunity because they had talked about it.

City Attorney Ansay stated they had to discern Councilwoman Rogers' concerns and rights as an individual property owner verses her official duties as a Councilperson. She didn't want to see her crossing those lines to her peril. If Councilwoman Rogers' felt like she couldn't vote on this because she had a conflict, then she would understand that this could potentially impact her in a financial way and she may advise her to abstain from voting as a result of that. She would not advise her to advocate taking action because it provides a detriment to her.

Councilwoman Rogers requested to abstain from voting on this.

City Manager Barlow asked Councilwoman Rogers to get him the paperwork.

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

Councilwoman Bennington moved to adopt Ordinance 2010-0-13, second by Councilman Cooper.

The MOTION CARRIED 3-0. Councilwoman Rogers abstained. Form 8B is attached and incorporated hereto.

B. 2nd Reading, Ordinance No. 2010-0-18 - Amending Article III, Section 21-37 (Special Activity/Permit Requirements)

City Attorney Ansay read Ordinance 2010-0-18 into the record.

City Manager Barlow made a staff presentation by highlighting the proposed changes.

Due to there being no Council comment or public comment, Mayor Thomas entertained a motion.

Councilman Cooper moved to approve Ordinance 2010-0-18, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

C. 2nd Reading, Ordinance No. 2010-0-16 - Establishing policy to temporarily reduce impact fees for non-residential properties

City Attorney Ansay read Ordinance 2010-0-16 into the record.

City Manager Barlow made a staff presentation.

Councilman Cooper asked if a business expanded and moved, if they would be eligible for this. City Manager Barlow informed him this related to impact fees. The only time they trip the threshold for impact fees is if they are building new construction or expanding and bringing a greater impact on those services.

Councilwoman Cooper made mention of the annexation fees. City Manager Barlow then commented on the ordinance they had already done regarding annexation fees.

Councilwoman Rogers wasn't at the meeting when this was approved. Since they have had this discussion since May, she was pretty consistent and still was that she would not approve this. She spoke of citizens that have lost their houses and jobs. If a business wants to come into Edgewater they have enough beauty in the City and there is enough positive attributes in the City that they don't need to go on and start reducing impact fees. She spoke of overspending in the budget regarding impact fees that was addressed in the CAFR. They don't have money to give away. The citizens don't have money to give away. She spoke of the citizens that won't see much of a difference in their taxes and the citizens that will have a tax increase. She has had a tax increase since she has lived here. Her property taxes are looking like they are going to be double since 2002, which she wasn't happy about.

Mayor Thomas asked City Manager Barlow to explain to the public why they were trying to pass this ordinance, which he did at this time.

Mayor Thomas spoke of trying to attract business and Edgewater having the second highest millage in Volusia County due to being a bedroom community. He spoke of not having the condo tax base, the business tax base and the commercial tax base. They want to turn this around so the residents' tax bills won't be so high.

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

Councilman Cooper moved to approve Ordinance 2010-0-16, second by Councilwoman Bennington.

The MOTION CARRIED 3-1. Councilwoman Rogers voted NO.

D. 2nd Reading, Ordinance No. 2010-0-17 - Establishing policy to temporarily defer applicable Sidewalk, Fire/EMS, Police and Transportation/Road Impact Fees

City Attorney Ansay read Ordinance 2010-0-17 into the record.

City Manager Barlow made a staff presentation.

Due to there being no Council or public comment, Mayor Thomas entertained a motion.

Councilwoman Bennington moved to approve Ordinance 2010-0-17, second by Councilman Cooper.

The MOTION CARRIED 3-1. Councilwoman Rogers voted NO.

E. 1st Reading, Ordinance No. 2010-0-20 - Repealing and Restating Chapter 8 (Civil Defense and Disaster Preparedness) to Chapter 8 (Comprehensive Emergency Management Plan and Disaster Preparedness)

City Attorney Ansay read Ordinance 2010-0-20 into the record.

City Manager Barlow made a staff presentation.

Councilman Cooper referred to the definition for Emergency that continued on Page 12 at the top of the page where it stated "the City Council and City Manager determines that the exercise". He wanted it to state Mayor and City Manager instead of City Council and City Manager due to the difficulty of getting the whole Council together in a disaster situation.

City Attorney Ansay referred to Section 8.4(2), which went through the pecking order of whom can make that declaration. She suggested they make sure the definition instead of saying it's the Council or Manager, the pecking order is the Council and if the Council can't do it then it goes down the list of folks in Section 8.4. She spoke of being the City Attorney in New Smyrna when the hurricanes came through in 2004. She spoke of it being a struggle to get the whole Council together. They will make sure the definition includes all the others down the line.

Councilman Cooper expressed concern with it being two heads making the determination. He was looking for two voices to determine that something is a disaster.

Councilman Bennington didn't think in an emergency they needed to take the time for two people to decide. One person needed to decide. Councilwoman Rogers agreed.

City Attorney Ansay explained they went through probably 25 to 30 ordinances of other jurisdictions around the State. When she was reviewing the ordinances, she picked communities on the southwest coast that had recently dealt with major storms. Almost all of them were similar. She didn't recall one ordinance where there was a combined decision once they got past Council.

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

Councilwoman Bennington moved to approve Ordinance 2010-0-20, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

Mayor Thomas called a ten-minute recess at this time. The meeting recessed at 7:00 p.m. and reconvened at 7:10 p.m.

F. 1st Reading, Ordinance No. 2010-0-21 - Amending Article IV (Peddlers, Solicitors, Canvassers) of Chapter 11 of the Code of Ordinances

City Attorney Ansay read Ordinance 2010-0-21 into the record.

City Clerk Wenzel made a staff presentation.

Councilwoman Bennington asked about somebody going to door to door without a permit and being subject to a violation. City Manager Barlow informed her they would have to treat them like they do any ordinance violation which was per Florida Statutes. City Clerk Wenzel informed Council the Police could also issue a citation which is a \$300 fine. Councilwoman Bennington expressed concern with them having to go before the Code Enforcement Board.

Councilman Cooper expressed concern with a minor wanting to have a lemonade stand. He spoke of there being so many rules and regulations and that they are basically saying they don't want anyone to solicit in the City in any fashion or form. He spoke of taking the boy scouts, the girl scouts, the cub scouts, the lemonade stands, the Fraternal Groups that might be doing a good thing, out of the loop. It even took him out of the loop for getting pies for Christmas.

Councilwoman Bennington pointed out there were exemptions.

Councilman Cooper then mentioned people being fingerprinted. City Manager Barlow informed him the intent was protection. He spoke of individuals with criminal histories coming into Edgewater selling merchandise without some kind of way that they can regulate that. Councilman Cooper suggested they just say that.

City Clerk Wenzel then commented on the criteria established for basing a denial.

City Manager Barlow further commented on regulating the door-to-door solicitors that are going through neighborhoods knocking on doors.

Councilman Cooper felt they could have cleaned this up and not seen so much legalese that they basically exclude every human being from ever doing anything.

City Manager Barlow explained it was tightened up based on some of the previous experience where they weren't comfortable with some of those knocking on doors and had no reason to deny that to happen.

City Manager Barlow informed Council of a scam he and Detective Floyd participated in that was occurring in Edgewater as it related to water softeners. He commented on the pressure from the salesperson and the criminal history of the individual that the previous ordinance allowed him to be in his house as a solicitor and this being concerning.

Councilman Cooper commented on having a section where someone will be arrested for calling on the phone. He wanted to know how this was going to be enforced. City Clerk Wenzel pointed out a lot of this was in there that they didn't change. City Attorney Ansay stated the underlined portions were the portions that were added.

There was a brief discussion regarding specifically identifying the organizations they know are honorable and honest groups.

City Attorney Ansay explained this ordinance currently exists. A lot of the portions Councilman Cooper was referring too already exist and have been the law in Edgewater. The portions underlined were new and the portions stricken through were being removed.

Councilwoman Bennington questioned it being for peddlers, canvassers and solicitors. In her mind a solicitor is someone that goes door to door. She commented on City Manager Barlow making mention of someone set up in a vacant lot to sell merchandise. City Manager Barlow informed her the ordinance addressed itinerant merchant also. Councilwoman Bennington questioned the vendors they have for the 4th of July having to get a permit. City Manager Barlow informed her they were associated with a special activity that is co-sponsored by the City. He further commented on legitimate businesses in Edgewater that pay for business tax receipts. He spoke of not wanting vendors just rolling through town setting up and competing with the businesses that are paying the taxes and the business tax receipts.

Mayor Thomas questioned this stemming from complaints from the citizens of Edgewater. City Manager Barlow commented on City Clerk Wenzel receiving complaints in the past. He again referred to his situation with the scam regarding the water softeners.

Councilwoman Bennington asked if people coming door to door regarding religion were covered under this. Councilman Cooper mentioned this being about selling a commodity. City Clerk Wenzel stated if they

aren't asking you to give them money for a service or a product and are just wanting to talk to you this does not apply

Mayor Thomas asked for public comment.

The following citizen spoke:

Bill Glaser, 1703 Needle Palm Drive, asked the Council to speak into their microphones. He asked if this ordinance, say somebody wanted to circulate a petition to address some grievance or whatever with the city or whatever, does this person have to have a permit? Councilwoman Bennington informed him no because they aren't selling anything.

Mr. Glaser stated he was reading the ordinance and it said a while back he was going to circulate a petition and he came down to find out if he needed a permit because it kind of implied he did and they could never figure out whether he did or didn't so he chose to seek forgiveness rather than permission and went ahead and circulated the petition. Mr. Glaser stated so a citizen circulating a petition does not fall under these. City Attorney Ansay informed him no.

NoraJane Gillespie, stated part of this came about when the Volunteer Fire Department tried to hire a club to come in here to go door to door to sell photographs and take pictures down on Mango. This was what started the whole thing.

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

Councilwoman Rogers moved to approve Ordinance 2010-0-21, second by Councilwoman Bennington.

The MOTION CARRIED 3-1. Councilman Cooper voted NO.

G. Resolution No. 2010-R-14 - Request to approve the Tentative Millage Rates for Fiscal Year 2010/2011

City Attorney Ansay read Resolution 2010-R-14 into the record. She informed Council tonight was the public hearing on the tentative millage rate and on September 27th they would have the hearing on the final millage rate and adoption of the resolution. Since they aren't doing it by ordinance there aren't two readings required. They have to take action on the tentative millage rate but the action would not be to approve the resolution, it would be to approve the rates.

Finance Director McKinney went over the attached Powerpoint Presentation by describing the Revenue Outlook.

Mayor Thomas commented on the General Fund budget going down. Mr. McKinney informed him they were at 2002-2003 General Fund level with less staff and providing basically the same level of service.

Councilman Cooper compared the FY10 and FY11 property values and how much the City lost and yet they still lowered the budget by six hundred and some thousand dollars. He commented on the projection being to cut again next year and they still have to run the City. Mr. McKinney pointed out they were at 42% less assessed value since the FY08 year when it was almost \$1.2 billion. They have used all of their reserves, except for the 15%. They have used all of the available unreserved.

Councilwoman Rogers spoke of only being down \$344,000 in the General Fund budget compared to last year when looking at the overall dollars. Mr. McKinney informed her \$347,108. Councilwoman Rogers commented on only dealing with that less amount. She pointed out Edgewater hadn't cut back, laid off or did anything like some of the other municipalities. She further spoke of positions being frozen and whenever they freeze positions during the course of the year when they have amendments to the budget they always seem to be using those dollars that were put aside for frozen positions to give them reason to validate why they are able to say they need an amendment for something. They are using those dollars that they really didn't spend in the first place to allow them to spend in the second place by saying they didn't put the money on this frozen position. Mayor Thomas commented on an amendment being for an unbudgeted, unforeseen thing that happens during the year. Councilwoman Rogers felt that was why they had budgets for capital items, repairs and replacements. They are already doing that in the budget process. Mr. McKinney commented on the budget amendments that had been done this year. Councilwoman Rogers stated she was referring mostly to the types of amendments where they used frozen positions so they didn't spend the money and here they didn't spend the money and that's been used. They did quite a few amendments last year. City Manager Barlow commented on as tight as the budgets get they are going to see more of a need for amendments because there is no fat there.

Councilwoman Bennington stated the amendments that come before them were not adding anything to the budget. They were taking them from a line item from something else they allotted and moving it over to what they need it for at the time. It's not increasing the taxes. The frozen positions weren't even budgeted so they can't use those positions to borrow money from and take it from a line item for a policeman to fix something they need. Councilwoman Rogers stated that wasn't always the case and was just one example.

Mr. McKinney commented on the first budget amendment he did when he came on board being purchasing four new police vehicles. They hadn't purchased a police vehicle in three years. Councilwoman Bennington

stated the Police budget suffered for some other things they needed for Council to buy those.

Councilwoman Rogers didn't think the citizens in Edgewater could do amendments to their budgets. She felt they needed to start thinking outside the box and start doing something different. She wasn't saying they could never do any amendments. There were always those instances, those dire emergencies but people need to become better informed.

Mr. McKinney continued his Powerpoint Presentation by describing the Budget Challenges with regard to Debt Reduction.

Councilwoman Rogers asked if they smoothed out some of the debt service due to the refinancing that there are some they aren't having to pay debt on so it wasn't showing in the total debt service. They are going to pay for it a little later. They were able to defer some of the debt into later years. She felt it was a little misleading to say they lowered the debt service. They just said they weren't obligated to it this year or this year and at a later time, it would come back on the books. Mr. McKinney informed her they had the FIND debt service. All of that money is held in reserve 100%. He could pay that debt off tomorrow in its entirety and it wouldn't affect the General Fund budget whatsoever. The Council gave them authorization last year to hold that in reserve for cash flow statement purposes only. Councilwoman Rogers stated so they had the funds in reserve. If they did pay the debt they would be in violation with the Charter Reserve requirement. City Manager Barlow informed her that wasn't part of the emergency reserve. Mr. McKinney informed her this was a separate bank of money that strictly was put in place for cash flow purposes only.

Mr. McKinney referred to the debt service schedule as it related to the SRF. In 2014 the debt service increases \$1.5 million. They talked about in the Budget Workshop if they made no changes in the Water/Sewer Fund come 2014 there would need to be a 31% increase in the water and sewer rates in order to pay for the debt service on the Water/Sewer Fund plus the upkeep and maintenance of the infrastructure. Council made the decision at the final budget workshop to smooth it out at 6% annually over the next five years. They showed in the workshop that this year they needed a 15% increase, the following year would be a negative increase and the next year would be a 9% increase. This City has not incurred any substantial new debt in the time that he and City Manager Barlow have been here and they have done nothing but reduce it.

Mr. McKinney then commented on Fire Station #55 and this being an annual debt service of \$50,000 over 15 years, which would be the biggest debt service the City has issued since 2002.

Councilman Cooper pointed out the refinancing lowered the debt and saved thousands in interest. Mr. McKinney commented on the FIND refinancing. Councilman Cooper stated when they refinanced they lowered the interest considerably which helped to lower the debt. They added two years but the payment they added was far less than the payment they were already making. Mr. McKinney commented on how the economy, foreclosures, and people conserving water have affected the budget. They knew if they didn't do the SRF debt service they were looking at a 35% to 40% increase in the rates last year. There was no way the ratepayers could afford that amount of increase. Councilwoman Rogers stated he did the best he could with what he had and she wanted the citizens to realize they have deferred something to a later date and they don't know what the future will bring and what else will come about in the City that will change the budget at some time.

Mr. McKinney continued his Powerpoint Presentation by describing the Budget Fund Unfunded CIP with regard to Street Resurfacing. He informed Council they allowed the increase in the millage of .231 mills to pave roads. They had the current year paving that was getting ready to start and the prices came back lower than anticipated so there was a potential that Evergreen and Mockingbird Lane might actually be done this fiscal year. They can add more roads to next year to further accelerate the paving program.

Councilman Cooper commented on the City being behind on the road resurfacing. Mr. McKinney stated Ms. Dewees would reassess the roads that can be done on the millage rate that is given or if Council wanted to reduce the millage rate for the two streets they can do this year, they could bring that back at the next meeting in advance. Councilwoman Bennington asked how much they were talking about. Mr. McKinney informed her \$25,000. Councilman Cooper asked what that would be on the millage. Mr. McKinney informed him it would be 0.415, which would change the millage to 6.5495.

Mr. McKinney continued his Presentation by describing the Enterprise Funds - Rate Increase.

City Manager Barlow asked Mayor Thomas to invite public comment after which time Mr. McKinney would continue his presentation, which he did at this time.

The following citizens spoke:

Cynthia Degrammont, 213 Ranken Drive, representing part of Ranken Homeowners Association, stated she was there last year and nothing was done about their taxes. Last year her taxes went up \$800. This year they could either go up \$600 or \$2,000. A majority of the homeowners, 28 altogether, their high side is anywhere from \$2,000 to \$3,000. Her husband hasn't had a raise in four years. They all need to eat and they all need drugs. She commented on what some of the homeowners are

paying in taxes. She asked when they would have a cap on this. Her husband is never going to be able to retire because in a few years their taxes are going to be \$20,000. She expressed concern with someone purchasing their property at this rate. She spoke of money her husband is paying for his mother who has multiple sclerosis. She asked what she was getting for her money. She would like a streetlight but it will cost an extra \$18 to \$20 per month. She asked what she was getting for \$12,500 and what she was getting for an extra \$2,000. They paid for their own road. When she was in New Smyrna Beach in 1985, they had to pay for their road to be paved. She didn't understand about repaving. She suggested they do the best they can with patching the roads.

David Bartek, 201 Ranken Drive, stated they are in the toughest financial times since the depression. They all know that. The point of the matter is the Council has said they have this budget, they have dropped the budget and are operating less. They aren't asking for any more but the City is asking for more from them. There isn't any work out there. He isn't collecting unemployment. He's paying his taxes. He spoke of moving here from Montana. He thought his property was assessed wrong but after the Property Appraiser looking at it he determined he didn't make a mistake. He was in shock. He has paid well over \$100,000 in taxes over the last nine years. The Council just keeps going up and up. He loves Edgewater but felt this wasn't a Cadillac and they were paying Cadillac prices. He asked Council to look at this whole thing. He thinks they are almost looking at the Obama. They are going to whack the richer guys and give everyone else a break. He suggested they pass it around if they are going to do that.

Teresa Bartek, 201 Ranken Drive, stated they also do their own road. They have a little homeowners association, they pay into a fund and they maintain their road. They have to make a u-turn to get into Ranken Drive because the City will not grant them an entrance into their driveway.

Mayor Thomas wanted to know how much their Edgewater taxes had gone up. Ms. Degrammont informed him \$2,000. Mr. Bartek stated he didn't have the numbers regarding what was Edgewater and what was County. Mayor Thomas stated all they could do was Edgewater. Ms. Degrammont informed him \$1,000 for Edgewater. Mayor Thomas asked Ms. Degrammont if her property value went up. Ms. Degrammont informed him her property value went down by \$100,000. City Manager Barlow stated that was the recapture he was talking about. Ms. Degrammont didn't understand why her friends in Edgewater were paying \$200 - \$800 less. Ms. Degrammont commented on being on the water. They have already paid for their property and are paying their houses and are doing the right thing. She didn't know why their property should keep going up between \$600 and \$2,000 every year.

Councilwoman Rogers stated her property taxes were doing the same as Ms. Degrammont's. The previous Finance Director, Jon Williams, did an overlay of the City and she believed the figure he used was anybody that paid \$1,500 or more a year in property taxes, he put little red dots on this overlay. A majority of the taxes are paid from the east side of U.S. #1 and it is all of the waterfront. Florida Shores is going through foreclosures, etc. but a majority of the tax base is still being paid on the east side of U.S. #1. She commented on the homes that are for sale that are not selling. The ones that are selling are selling for well below because a lot of people are letting them go as short sales. As those homes go and as those property taxes aren't paid, meaning they will not be collected unless a bank pays it then it goes into foreclosure. Eventually this is what is going to happen in Edgewater. Where they are getting the crem dela crem as far as the tax revenue, those people are going to leave. They have more homes on Riverside Drive in Edgewater for sale than New Smyrna.

City Manager Barlow commented on what was being discussed was the Property Appraiser and what he values property as on the river, which has nothing to do with the City of Edgewater. They had no influence on how he does appraisals or values Riverside Drive properties. Tonight was talking about the millage rate in Edgewater, not necessarily the fairness whether property on Riverside Drive's assessed value is substantially greater than something that is not on Riverside Drive.

Ms. Vogel pointed out the assessments were going down but the taxes kept going up.

Jean Vogel, 2435 Swordfish Lane, representing all of their homeowners, stated they were going to be facing some foreclosures and the City was going to lose those revenues. They feel they are doing the lion's share of the taxes for the City of Edgewater. They aren't getting a break. They need a break. She was concerned about the health of the City. She made mention of a rating and a bond that would be used. Mr. McKinney informed her the City wasn't rated. It is cheaper for the City to buy bond insurance than for the City to be rated.

Ms. Vogel thanked Councilwoman Rogers and applauded her for her concern for them as citizens. They are looking at a double dip recession. This is the worst economy this country has ever seen. She thanked her and has heard over and over again that she is concerned for the citizens. She asked the Council to take into consideration not just the people who live on the river but the entire City.

Councilman Cooper stated the Edgewater increase was the smallest of the three. He needed the people to do the same thing when they go to the School Board meetings. They went to the maximum on the ad valorem and so did the County. The City is cutting everywhere they can. The only thing he can do next is lay people off and that is going to take

services away. That is the very next thing they are faced with within the next six months. They need to voice the voice and be at the School Board and County meetings because that is where they are getting slammed. Ms. Vogel stated the School Board meeting was going to be tomorrow night and they were going to be there.

There was a brief discussion regarding people moving out of the State and the City collecting less because of it.

Councilwoman Rogers stated motive. She told Ms. Vogel when she went to the School Board meeting, the various parties making the decisions, find out what their tax bills are and what their motive is. She has motive up there because she is the only one on the Council that has gotten tax increases, which she pointed out last year. Her increase is almost equivalent to one of her colleague's tax bills. People will say she bought on Riverside Drive but she paid enough for it. She didn't blow that money and put it into real estate wanting it to do something for her for the future. That is why her property is for sale. In ten years she knows she can't afford it.

Susan Hole, 2441 Swordfish Lane, stated their property has been devalued by 50% since 2004 and their taxes have increased \$6,000. She bought when it was affordable and with hard earned money. She works 70 hours a week to support herself and her family. She didn't see any retirement in sight. She stated Mayor Thomas mentioned that the community had voted down big business and condos. She felt they may have to look at some issues to bring in big business and quit taxing the normal individual.

Councilman Cooper commented on being in negotiations with other cities to expand our services and generate revenue. Right now big business isn't moving anywhere. They are doing everything they can to expand their services so they can charge other cities and bring more in so they don't have these huge increases. They are after that in every way. He spoke of losing one of our largest industries in town. Some of the things that have been voted on throughout the years have cost them this homestead problem.

Martha McLeod, 215 Ranken Drive, agreed with what everyone has said. She spoke to a friend who lives in Waterford Estates and her taxes will go up \$150 if the highest rate here for them will be \$1,500 and their houses are about the same size. Their neighborhood isn't a gated neighborhood and isn't as gorgeous as Waterford Estates. She asked the Council to help them. They can't afford to stay where they are and they can't sell their homes.

Diane Killian, 133 E. Ocean Avenue, stated they moved here from Broward County. She didn't understand the fairness of taxing. Since she has been here her taxes went up \$600, \$800 and \$1,000 this year. Her husband is a retired firefighter. By any means they are not poor,

they are middle class. Mayor Thomas asked her if she was talking about her whole tax bill or just Edgewater. Ms. Killian stated just Edgewater.

Ms. Killian stated as she understands once they claim homestead exemption, they can't go up more than 3%. She asked what happened to that. Mayor Thomas informed her that was Save Our Homes and he thought that was working against them.

Ms. Killian stated they can't afford to live here and are going to have to sell the house they have updated, renovated and put their life savings into. Fall of the Roman Empire was taxation without representation.

Bill Glaser, 1703 Needle Palm Drive, stated he has been perusing budgets and millage rates and he has come to the conclusion that cities and counties in Volusia County are kind of emulating the folks in Washington. He made mention of Congress deciding the folks that receive social security didn't need a cost of living increase for the last two years but their federal income tax goes up, the cost of food goes up, their homeowner's insurance goes up and their car insurance goes up. The Council increased the water and sewer bills and then to add insult to injury they raised his taxes 10%. He referred to a letter from Property Appraiser Morgan Gilreath that didn't have one number that reflects the millage rates he was paying to any County or City entity. Everybody had changed numbers from what was on the paper. He didn't know what the County Property Appraiser's office could save in not sending out this stuff. If they would just send them a simple bill letting them know how much their property decreased and how much they were increasing their taxes it would save a lot of money.

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

City Attorney Ansay informed Mayor Thomas that Mr. McKinney had something he needed to present.

Mr. McKinney continued his Powerpoint Presentation with regard to Resolution 2010-R-14 by describing the tentative millage for Operating and Voted Debt Service. He asked Council if it was okay for them to move forward with the advertisement at 6.591.

Councilman Cooper stated if they tore this apart again and got it down to the 6.36 they would see next to nothing in the tax bill as far as a decrease. He again commented on cutting services and cutting personnel. He urged the citizens to provide input if they really want the City to cut services. For two years, the vibe the Council has received is that the citizens want to maintain services and that reflects in the budget.

Councilwoman Rogers stated yes, what they did here from the citizens that do come to the meetings they weren't always citizens that voiced this. What they heard mostly was from Fire and Police. She spoke of it happening in other municipalities. They are cutting back and Edgewater isn't doing it. They have to start somewhere. She felt the citizens needed to pay attention when going into this election to what is the motive of the candidate and who is backing them. Pay attention to who is backing them and then they will find out if their taxes will go down in the future.

Councilwoman Bennington moved to approve a tentative Operating millage rate of 6.591, second by Councilman Cooper.

The MOTION CARRIED 3-1. Councilwoman Rogers voted NO.

Mr. McKinney continued his Powerpoint Presentation with regard to Resolution 2010-R-14 by describing the tentative millage for Voted Debt Service.

Councilwoman Bennington moved to approve the tentative millage rate for voted debt service 0.475, second by Councilman Cooper.

The MOTION CARRIED 4-0.

Mayor Thomas called a ten-minute recess at this time. The meeting recessed at 8:16 p.m. and reconvened at 8:25 p.m.

H. Resolution No. 2010-R-15 - Request to approve the Tentative Budget for Fiscal Year 2010/2011

City Attorney Ansay informed Council this was another resolution related to adoption of the tentative budget. The resolution itself would be passed at the September 27, 2010 meeting. She then read Resolution 2010-R-15 into the record.

Mr. McKinney went through the attached Powerpoint Presentation with regard to Resolution 2010-R-15, the Tentative Summary of Funds. He informed Council they needed a motion to accept the tentative budget as presented. All the necessary legal advertisements would be posted in the newspaper for the final budget hearing.

City Manager Barlow informed Council the next public hearing would be held on September 27, 2010.

Councilman Cooper commented on the budget including the Fire Station #55 rebuild. He asked about not starting to pay for it until the following year. Mr. McKinney informed him that was correct. He then commented on the tentative schedule with regard to the Fire Station #55 rebuild. He informed Council if they didn't go forward with the

project, the budget would reduce and the debt service would not be issued.

City Manager Barlow reminded Council the bids were out and once they came back they would have some good, hard numbers.

Councilman Cooper stated originally this was going to be a 15 year obligation at almost \$62,000 a year. He stated Mr. McKinney has done some adjusting and he's got some better financing and it is reduced now from \$62,000 to \$50,000. Mr. McKinney informed him on the principal but he didn't know what the interest was yet. It could potentially be between \$55,000 and \$60,000 total debt service annually. City Manager Barlow reminded Council this was preliminary since they hadn't opened the bids yet. Mr. McKinney pointed out they had 13 prime contractors attend the mandatory pre bid last week.

City Manager Barlow informed everyone this was their match to the federal grant of \$1.1 million. There was a brief discussion regarding how much time the grant had left.

Due to there being no Council or public input, Mayor Thomas entertained a motion.

Councilman Cooper moved to approve the Tentative Budget for Fiscal Year 2010/2011 at \$39,253,527, second by Councilwoman Bennington.

The MOTION CARRIED 3-1. Councilwoman Rogers voted NO.

I. Resolution No. 2010-R-17 - Request for approval regarding Contingency Emergency Medical Services Transport

City Attorney Ansay read Resolution 2010-R-17 into the record.

City Manager Barlow made a staff presentation. He further commented on a workshop he and Fire Chief Steve Cousins attended at the County Council level regarding this issue in preparation for their meeting on Thursday. It looked like they were close to coming out with an ability to reinstate contingency transport with very specific guidelines that states when that can occur. He further commented on some of the guidelines and opportunities.

Mayor Thomas commented on a situation in Edgewater where Edgewater was denied transport by EVAC and the lady passed away. Our people are just as qualified as the people at EVAC. City Manager Barlow commented on that being a key point. It appears the new protocols will vest the authority with the first paramedic on scene touching that patient to make that decision. Is this emergency transport and is EVAC greater than ten minutes out? He also informed Council this resolution encourages the County Council to include the Fire Chiefs' in that opportunity.

Councilwoman Bennington asked if she heard City Manager Barlow say about reimbursing EVAC. If Edgewater transports, EVAC will still bill the patient. City Manager Barlow informed her they reimburse us for that transport. Councilwoman Bennington asked if the patient would still be billed. City Manager Barlow informed her the patient had to be billed and there was a cost for that service. The patient's insurance company would pay for that generally.

Councilwoman Bennington commented on a bill she just received from EVAC for \$612.43. She has had a real problem with EVAC for years. She realized the County would not let them break away. She thinks this is a necessary step towards that. If they did it themselves, the patient wouldn't get a bill and it would fall under their taxes.

City Manager Barlow explained by State Statute, it vests the County of Volusia the authority to decide who does transport within the County. EVAC is the only one that can do transport today. They are subletting them under their agreement to do that and do the billing. He further commented on seeing very few cities in the State that provide that service and availability at the cost of the taxpayers. If they are a resident of that community they do not receive a bill and they only charge visitors.

Councilwoman Bennington commented on 1% of the City's calls being Fire and the rest being emergency. She thinks for the amount of money EVAC charges they should be getting the service of their paramedics that they have trained to be able to provide this for them. She got great service but Edgewater was right there. Why couldn't they transport her? It wasn't life threatening and she didn't need an ambulance. City Manager Barlow explained the County won't allow them. He pointed out between 88% and 90%, which is the same average throughout the State in communities similar to ours, are emergency medical services related and the remainder are fire or other emergency related incidents. He then commented on the demographics of our community making this unique. He spoke of all patients not necessarily going to Bert Fish Hospital and the insurance dictating where they go. He spoke of having to take into account when they get into the full transport business in Edgewater and how many additional resources that would take.

Councilwoman Bennington commented on several cases where EVAC was called and someone was transported to the emergency room, where they were not admitted and sent home and Medicare/Medicaid would not pay for it and the patient was stuck paying for the transport bill. City Manager Barlow commented on this being another challenge that was discussed at the workshop he attended.

Councilwoman Bennington stated Edgewater's firemen are the greatest firemen when it comes to medical problems. Hopefully down the line

they can establish and break away from the County somehow and do their own transport. She feels that is a trend that is going to come about. City Manager Barlow commented on Marion County most recently as a whole County taking over their transport services. If it was the consensus of Council that they want him to start looking at that, he felt the way to do that was a regional partnership for transport services with our regional partners now, South Daytona, Ponce Inlet, Port Orange and New Smyrna and that way they get to share those resources.

Councilwoman Bennington felt it was ridiculous to be charged a large amount of money by EVAC when Edgewater has the people right here that answer the calls that can do it. City Manager Barlow commented on those that are getting the EMS transport, even nowadays, whether they are government or not, they are still charging for that transport and aren't doing ad valorem taxes.

Councilwoman Bennington commented on EVAC being a non-profit organization. She wanted to know why the head of EVAC was making \$200,000 a year.

Councilman Cooper felt the protocols needed to be stringent or lenient enough so a person can be transported because life and safety are first and foremost over anything. They need to make the protocols as liberal as they have to so they can transport and save lives and not lose lives. He doesn't want to see the City go into buying new ambulances and adding expense. If the protocols are set right it will balance itself and they will get their fair share.

City Manager Barlow informed Council he placed in their mailboxes today a study that was recently commissioned by the Civic League of the Halifax Area.

Mayor Thomas asked for public input.

Cynthia Degrammont, 213 Ranken Drive, asked if they were going to build another Fire Station. Mayor Thomas informed her yes. Ms. Degrammont asked where. Mayor Thomas informed her it would replace the one on U.S. #1. Councilman Cooper informed her it would be bulldozed and they would put up a new one.

Ms. Degrammont asked if they always have to send the fire engine out for every call. City Manager Barlow commented on recently implementing some emergency medical dispatch protocols.

Councilman Cooper stated if they were to do their own EVAC transports, the cost to the city as it presently stands, they would have to have a proper number of ambulances and it would be a cost to the taxpayer. He hoped it would be offset by the charges back to the people that have to use the ambulance service. As it stands right now, if they

fix the protocols it doesn't incur any expense on Edgewater's part and would generate revenue.

Ms. Degrammont asked if someone could be transported in the fire engine. City Manager Barlow informed her they had a transport capable vehicle that looks like an ambulance but it is red.

Mayor Thomas entertained a motion.

Councilwoman Rogers moved to approve Resolution 2010-R-17, second by Councilman Cooper.

The MOTION CARRIED 4-0.

Councilman Cooper stated they have a refurbished ambulance and asked City Manager Barlow if they had permission to use that. City Manager Barlow informed him that was the one they have been using since 2004. They ran it until 2010 and just replaced it this year. They have a brand new one and kept the older one as a reserve.

9. BOARD APPOINTMENTS

- A. Planning & Zoning Board - Councilwoman Rogers' appointment due to the expired term of Pat Card, who seeks reappointment

Councilwoman Rogers moved to reappoint Pat Card to the Planning & Zoning Board, second by Councilman Cooper.

The MOTION CARRIED 4-0.

10. OTHER BUSINESS

- A. Request to acknowledge proposed revisions to the ParkTowne Industrial Center Development Agreement and authorization for the Mayor to sign the acknowledgement page

City Manager Barlow made a staff presentation.

Councilman Cooper referred to Paragraph 3 and stated Edgewater may have property in ParkTowne but no longer manages or owns ParkTowne and asked if they have a right to do this. He then mentioned Edgewater having no more rights than someone else who owns property there. Development Services Director Darren Lear explained they still had to bring that in front of Council to make that change. They are talking about amending the PUD Agreement for ParkTowne. Councilman Cooper felt what he was telling him was they still had some control over ParkTowne and by voting for this tonight they would be telling ParkTowne to get on board and not make this so confusing.

Councilman Cooper asked if they had any insight that they were going to go along with this. Mr. Lear informed him it took a long time for it to get two driveways put in there. This could take a while to come back before Council to amend the PUD agreement. The City is the property owner and were voting as a property owner.

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

Councilwoman Bennington moved to authorize the Mayor to sign the acknowledgement page of the proposed revisions to the ParkTowne Industrial Center Development Agreement, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

- B. Request to approve the co-sponsorship and Indemnification Agreement between the City and Jamfest Productions, LLC for in-kind services for the October 16, 2010 concert at the Edgewater Ranch

City Manager Barlow made a staff presentation.

Councilman Cooper asked about the City generating revenue from this. City Manager Barlow commented on the local businesses generating revenue.

Councilman Cooper asked how much the event last year generated to the City. City Manager Barlow commented on being reimbursed about \$4,500 for services the City provided. He further commented on this being a tremendous benefit to Edgewater.

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

Councilwoman Bennington moved to approve the co-sponsorship and Indemnification Agreement between the City and Jamfest Productions, LLC for in-kind services for the October 16, 2010 concert at the Edgewater Ranch, second by Councilwoman Rogers.

The MOTION CARRIED 4-0.

11. OFFICER REPORTS

- A. City Clerk

City Clerk Wenzel had nothing at this time.

- B. City Attorney

City Attorney Ansay commented on conducting a private attorney-client session in the Anthony Cassata v. City of Edgewater case that dealt

with the police cruiser that rear ended another vehicle. The mediation was conducted last week and the case had a tentative settlement in the amount of \$25,000 for Council's approval. They needed to get final approval from Council and the case would be resolved and they would execute all the necessary releases and documents to effectuate the settlement.

Councilman Cooper asked what the overall cost to the City was with the deductible. City Attorney Ansay informed him she believed the deductible was \$5,000. Anything above the \$5,000 limit in fees and/or settlement costs gets paid by the carrier. They needed a motion for approval of the settlement in the amount of \$25,000.

Councilwoman Bennington so moved, second by Councilman Cooper.

The MOTION DIED 2-2.

City Attorney Ansay wanted to make sure before they move on, as they spoke at the closed session, the insurance carrier in the event that the City determines it does not want to settle for this amount will have certain rights under the policy and they basically control the settlement. They needed to look closely at the exposure the City now has financially. If they don't settle for the \$25,000, they are essentially agreeing they will take on the costs to defend the case and if a judgment of any kind is entered, be financially at risk for that judgment. This was a case they talked about at length in the private session in terms of the liability and damages. They think that liability for the plaintiff was a slam dunk because they were rear ended. They believe that there are issues related to damages. They don't think the damages asserted by the plaintiff are what they have expressed however in order to take that risk and go forward they are talking about retaining multiple medical experts and a tremendous cost. The insurance company's decision to settle for \$25,000 is a business decision and they can't do it for less.

City Attorney Ansay stated they would need a motion for reconsideration.

Mayor Thomas asked for a motion.

Councilwoman Rogers made a motion to reconsider due to the fact that the City could be held liable as far as a judgment goes and it would cost them more in the end, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

Councilman Cooper made a motion to accept the insurance company's offer of \$25,000 to settle this case, second by Councilwoman Bennington.

The MOTION CARRIED 4-0.

Councilman Cooper asked what the original asked for settlement was. City Attorney Ansay informed him she believed it was around \$100,000.

C. City Manager

City Manager Barlow commented on the proposed median improvements on U.S. #1 from Edgewater Plaza north to Wilkinson. Mr. Lear has established a meeting with the consultant and DOT to talk about this further. He hoped to have additional information before September 27th. There is a public workshop with DOT and their consultant in the Chambers on October 7th at 5:00 p.m.

City Manager Barlow reminded Council of the September 27th Council meeting, which would be the second hearing on the budget stuff.

Councilwoman Rogers asked about the turn lane on Turgot. She wanted to make sure the parents of the children that go to the YMCA were aware of the meeting. What they are planning to do will affect the way the kids are crossing U.S. #1.

Councilman Cooper commented on having a new director to answer to. He or she will be introduced at the TPO on the 26th.

Councilman Cooper stated as they ran into the sidewalk problem about a year ago, is DOT or can they somehow straighten out these rights-of-way why they lost their sidewalks. They had 54 rights-of-way that never got addressed and they tried to stick it on them so they lost the sidewalks. He asked if that would be addressed.

City Manager Barlow didn't know. Councilman Cooper asked if they could bring that up at that meeting. City Manager Barlow didn't think the powers that be would be there due to it being a different group of individuals.

Mayor Thomas commented on what he considered a problem that he witnessed in City Hall. He saw a guy in there and he was bitching Lisa out. They all take their share of complaints from the public but what concerns him is it is taking time away from their normal duties. If he had a complaint he should have gone to the Police Department and they tried to point him that way and Bonnie and Lisa work for the Council. He wanted to give it some thought on what to do. Lisa was very polite and kept taking it but there gets to be a point where you need to cut it off.

City Manager Barlow commented on it not happening regularly. He felt frequency was pretty low. Unfortunately being a public servant and trying to be accessible and open to the citizens it's hard to prescreen them before they come in.

Councilman Cooper informed the citizens they can contact the Councilmembers. He encouraged them to use the Council as their sounding board and to not be afraid to.

Mayor Thomas stated most of the people he wanted to talk to had already left the meeting but he wants the citizens to tell them what kind of quality of life they want in Edgewater. They have attacked the budget since he has been here in 2005. They had the sale of ParkTowne and they are working on getting out of debt. When he moved here in 1978, Florida Shores had wells, septic tanks, and dirt roads. He loves his sewer, he loves his garbage pickup and he loves his paved roads. He then commented on the amendment that would be on the ballot with regard to allowing the 35' height west of U.S. #1 and not east of U.S. #1. They have lowered the regulations on inviting new businesses into Edgewater so they can get them here and reduce the tax rate and shave the budget.

12. CITIZEN COMMENTS

The following citizens spoke:

Gene Empter, 513 Portside Lane, complimented the Council and staff for doing a fine job. He was impressed. He finds that the City Manager in terms of the finance and operation was running well. It's not problem free but they are never going to not have to deal with the tax issues. He felt Councilman Cooper said it best of all. It's not Edgewater. Look at the County. Look at the Hospital. Look at St. Johns. Those are the ones that he thinks are causing more of the problems than local. Personally he thinks they are doing a good job.

Mayor Thomas thanked Mr. Empter and told him he loves positive.

Justin Kennedy, 1005 Fernald Street, agreed with Mr. Empter. He felt there was probably more money that could be cut. He asked at the end of the day how many jobs are they talking about. They only have 114 employees. Councilman Cooper informed him they had 189 employees. To get to the target is to set a goal and work toward it. He commented on good things the Council is working on. He felt the Council was doing a good job and thanked them.

13. ADJOURNMENT

There being no further business to discuss, Councilman Cooper moved to adjourn. The meeting adjourned at 9:18 p.m.

Minutes submitted by:

Lisa Bloomer

Attest:

APPROVED:

City of Edgewater, Florida

Bonnie Wenzel, City Clerk

Michael L. Thomas, Mayor