

**EDGEWOOD CITY COUNCIL
March 19, 2013 CITY COUNCIL REGULAR MEETING**

On Tuesday, March 19, 2013, Council President Judy Beardslee called the Edgewood City Council Regular Meeting to order at 6:36 p.m. The invocation was given by Council Member Powell, followed by the Pledge of Allegiance:

The following attendance is noted:

Mayor/City Council Members:

Ray Bagshaw, Mayor
Judy Beardslee, Council President
John Dowless, Council Member
Neil Powell, DDS, Council Member
Lee Chotas, Council Member
Pam Henley, Council Member

Staff:

Bea L. Meeks, City Clerk
Cinnamon Wild, Administrative Assistant
Pete Marcus, Police Chief
Drew Smith, City Attorney

ORGANIZATIONAL MEETING

1. Final Certification of election results.

City Clerk Meeks said the City election is a stand-alone election. For this reason the Canvassing Board, consisting of Council Member Powell, Planning & Zoning Chairwoman Regina Dunay and the City Clerk, was at the election office on Election Day to certify the votes, including absentees; there were no provisional ballots.

2. Administer Oath of Office to newly elected City Council members.

City Clerk Meeks swore in the following Council Members:

- Neil G. Powell, DDS
- John Dowless

City Clerk Meeks swore in Ray Bagshaw, Mayor.

3. Election of Council President

Council Member Chotas made the Motion for Council Member Dowless to be the Council President, with Second by Council Member Dowless.

Council Member Henley nominated Council President Beardslee; with Second by Council Member Powell.

The following voted for Council Member Dowless:

- Council Member Chotas
- Council Member Dowless

The following voted for Council President Beardslee

- Council Member Powell
- Council Member Henley

Council Member Dowless withdrew his nomination and nominated Council President Beardslee to continue as the Council President, with Second by Council Member Chotas. The nomination was unanimously approved.

Council President Beardslee said that it is not in the Charter but Council historically has appointed a Council President Pro Tem. ***Council Member Chotas nominated Council Member Dowless, with Second by Council Member Henley. The nomination was unanimously approved.***

- 4. Council President to designate areas of responsibility (not already under the jurisdiction of the mayor), to be assigned to individual Council members pursuant to Section 3.12 of the City Charter.

The following assignments were accepted:	
Council Member Powell	-Public Works
Council Member Dowless	-Land Development/Master Plan - Cypress Grove Liaison
Council Member Chotas	-Code Enforcement
Council President Beardslee	- HAINC Liaison
Council Member Henley	-Finance & Budget

- 5. Review of City Contracts/Agreements (Pgs. 7-11)

Council President Beardslee said she would like to table review of contracts and agreements. Council President Beardslee made the Motion to table the review, with Second by Council Member Henley. The Motion was unanimously approved. Council President Beardslee asked Council Members to email the City Clerk if they wanted a copy of any of the Agreements.

6:48 p.m. Council Member Powell excused himself from the meeting.

CONSENT AGENDA

1. December 4, 2012 – Council Workshop Minutes

Council President Beardslee made the Motion to approve the Minutes of December 4, 2012, as corrected, with Second by Council Member Dowless. –Unanimously approved.

2. December 17, 2012 – Council Workshop Minutes

Council President Beardslee made the Motion to approve the Minutes of December 12, 2012, as corrected, with Second by Council Member Dowless. –Unanimously approved.

3. January 8, 2012 – Council Workshop Minutes

Council Member Chotas made the Motion to table approval of the minutes of the January 8, 2012 Council Workshop Minutes to the April Council meeting, with Second by Council President Beardslee. Unanimously approved.

4. February 26, 2013 – Special Council Meeting Minutes (Pg. 30)

Council Member Chotas made the Motion to approve the minutes of the February 26, 2013 Special Council Meeting, with Second by Council President Beardslee. Unanimously approved.

PRESENTATIONS

1. Mayoral Proclamation – Sexual Assault Awareness Month

Mayor Bagshaw presented a Proclamation to Jody Swain, -Victims Service Center. Mr. Swain said the Proclamation helps bring awareness to the problem. Mr. Swain responded to Council Member Chotas' questions regarding the statistics associated with the rape and sexual assault of women.

2. Mayoral Proclamation – Mayors' Day of Recognition for National Service

Mayor Bagshaw acknowledged the Proclamation request from Florida League of Cities titled the Mayors' Day of Recognition for National Service.

ORDINANCES

None

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. Ordinance 2013-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SUBPART B "LAND DEVELOPMENT REGULATIONS", CHAPTER 101, "GENERAL AND ADMINISTRATIVE PROVISIONS", CREATING ARTICLE I, ENTITLED "PASS-THROUGH FEES", IN THE CODE OF ORDINANCES; PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF

DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE. (Pgs. 39 – 45)

Ordinance 2013-01 was read in title only by City Attorney Smith. *Council Member Dowless made the Motion to approve Ordinance 2013-01, with Second by Council Member Henley.* City Attorney Smith explained revisions made after discussion with Council Member Chotas and the Planning & Zoning Board (Revision sheet attached to these Minutes). City Attorney Smith said the most substantive part of the changes were taking out the successor applicant, and changing the Mayor's duties from "may" to "shall".

7:19 pm. Admin Assistant Cinnamon Wild left the meeting.

Council Member Chotas asked if it would be appropriate to insert a general reference to address the concern that the Council President raised by specifying that the Mayor may, on his own initiative, designate someone to exercise the authority he is granted under the Ordinance. City Attorney Smith said you can use a designee, but that still leaves a concern for the Council President. City Attorney Smith said the Charter provides that if the Mayor is unable to perform, the Council President has the authority.

Council Member Chotas referred to Page 42 and suggested that an Agreement needs to be recorded in order to burden title to land. City Attorney Smith said it is not in the revisions however, there is the ability to lien. Council Member Chotas asked for an insertion so that it is clear, that property may have a lien imposed in the event their agent does not pay fees due under this Ordinance.

Council President Beardslee referred to Line 146, and questioned the word "periodically". City Attorney Smith said he considered using 30 days however, there may not be any activity. City Attorney Smith said "shall, on a timely basis,..." replacing "periodic basis". She also noted Lines 219-222 and ask when the applicant will be invoiced. City Attorney Smith said that "monthly" can be inserted. Council President Beardslee also noted Lines 256-259 regarding separate review deposit is required and ask should it read "no work shall be undertaken or continued". City Attorney Smith said he has no problem adding the language.

Council Member Chotas questioned Line 169 regarding whether 18% simple interest is appropriate. City Attorney Smith said 18% would be the cap. *It was the consensus of Council that 18% be changed to 12%.*

Tina Demostene, 5106 Leeward Way, Edgewood, FL: Ms. Demostene noted lines 51 and 52 (old Ordinance) under "Application", and said she would encourage Council to have the City attorney add "Application, for purposes of this Section, shall mean and refer to an application, petition or proposal, including revisions to previously approved or existing applications...." Ms. Demostene said that she would also encourage Council to include boat dock applications in the pass through Ordinance, along with Developer Agreements.

Council Member Chotas moved to continue the second reading to April 16, 2013 at 6:30 or as soon thereafter as second reading may be heard, with Second by Council President Beardslee. Unanimously approved.

UNFINISHED BUSINESS

1. Permitting Fees

Council President Beardslee said Mt. Dora's fees were not in the packet. Council President Beardslee recognized Tina Demostene.

Tina Demostene: Ms. Demostene said the City's permitting fees are significantly low and encouraged adding a fee for revisions; she says this will encourage cleaner applications.

Roxanna Sigler : Ms. Sigler said she echoes and agrees with Tina Demostene , adding that she has spoken before and does not want to pay for permitting somebody's boat dock unless she can use it. She said that foremost in Council's mind should be "how many residents of Edgewood does this expenditure benefit". For instance, She said everyone in the City can use the Farmers Market, and if she chooses not to go, that's her choice; she does not have access to someone's boat dock. She noted the planner's fee is not included in the spreadsheet given and that it is lower than usual.

Council President Beardslee referred to City Clerk Meeks' memo of March 12, 2013. Council President Beardslee said she is not prepared to support one set of fees over the other, without having an opportunity to review them. City Attorney Smith said staff is looking for direction, and the fees will be established in a formal Resolution.

Council Member Chotas questioned the spreadsheets. City Clerk Meeks asked to delay the item until June to allow staff time to prepare more spreadsheets. Council Member Chotas said he liked Tina Demostene's suggestion to charge fees to revise existing approvals.

CP Beardslee asked to postpone until staff can draft resolution with backup. ***Consensus okay to bring back to Council in June.***

2. Payroll Services

City Clerk Meeks confirmed she prepared a memo regarding the outsourcing of payroll and the Mayor is prepared to make a recommendation. Mayor Bagshaw said City Clerk Meeks, Police Clerk Shannon Patterson and he met with two payroll companies. The companies were not too far apart in their proposal fees however, one company is located nearby. Mayor Bagshaw recommended Payroll Processing Plus. Council President Beardslee said to go with Payroll Processing Plus and prepare a budget amendment for this service. Mayor Bagshaw said a payroll account needs to be established and was established. ***Council Member Dowless made the Motion to authorize Mayor Bagshaw to contract with Payroll Processing Plus, with Second by Council Member Henley. Unanimously approved.***

NEW BUSINESS

None.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

Resident Ellen James said she has a storm drain on her property (Mandalay) that is backing up and ask council to consider cleaning it as soon as possible while it is dry. She said it will cost more after the rain. Mayor Bagshaw said it cost approximately \$2500 to pump. Mayor Bagshaw recommended doing the work now while it is dry. ***Council President Beardslee made the Motion to approve stormwater funds for the Mandalay Road runoff issues not to exceed \$3500, with Second by Council Member Dowless. Approved unanimously.*** Council President Beardslee asked if Code Enforcement could drive around the City and check the stormwater drains. Mayor Bagshaw said Jerry Reynolds can do some of the work.

BOARDS & COMMITTEES

None.

MAYOR & COUNCIL/STAFF REPORTS**City Attorney:**

City Attorney Smith asked for clarification regarding boat docks being added to the proposed pass-through fee Ordinance. ***It was the consensus of Council to add boat docks to the Ordinance.***

Mayor Bagshaw said he met with Orange County's administrative staff regarding the fire and rescue contract. He noted that they discussed the following: (1) extending the current contract rate for fire and rescue services for five years; 2) give the City free trees. (Informational only, no action taken.)

Mayor Bagshaw recognized resident Robert Brown, who was in attendance. Mayor Bagshaw stated that he has worked with the businesses on Commerce Drive concerning reconstruction plan of the wall that separates Mr. Brown's property from the businesses. When Mr. Brown obtains quotes for the work, he will provide to the Commerce HOA, who is willing to share some of the costs. Mayor Bagshaw noted that the City received letters from FEMA notifying the City that they are closing out Hurricanes Francis and Jean. Mayor Bagshaw also reported that Friends of Cypress Grove asked if the City will help support their event being held on May 25th (Memorial Day Salute). ***Council Member Chotas made the Motion that the City donate \$570.00 for sponsorship of the Memorial Day Salute, with Second by Council President Beardslee. Unanimously approved.*** Mayor Bagshaw discussed the fire and rescue contract. The fire department asked if the City will consider putting the City's logo on the side of their trucks. The Mayor was also informed that the County is going to talk to the Sheriff about Edgewood's Police Department patrolling the park.

City Clerk:

- Clerical staff assistant Roxanna Sigler successfully completed her 90-day probation period under the current Personnel Policy, as a permanent part-time employee.
- Administrative Assistant Cinnamon Wild will be forwarding the Newsletter to the printer this weekend, with a goal to have mail out no later than March 25, 2013.
- The City's agreement with Florida League of Cities for continuation of insurance under the Florida Municipal Insurance Trust (FMIT) has been signed by the Mayor and returned to the League as approved in the current 12/13 FY budget.
- The agreement for Traffic Signal Intersection and Intersection Control Beacons Maintained and Operated for FY 2013/2014 has been executed by the Mayor and returned

to the Florida Department of Transportation. The City will receive funds in the amount of \$4786.00 in the FY 2013/2014. These funds will be included in the 13/14 FY budget. The compensation from FDOT for the current fiscal year will be \$4646.00

- Jean Abi-Aoun from FEG provided the final draft of the Comprehensive Plan Amendment for transmittal to the State, along with a summary report outlining the main changes to the Plan. City Clerk Meeks stated that staff needs direction from Council as to whether the Amendment should be on the April regular City Council agenda, or hold a special meeting. Council also needs to address the Baptist Church and Russell Home, both which are on Holden, as they were annexed into the City after the 2009 Future Land Use Map (FLUM) was adopted. Council discussed this in December 17, 2012 workshop and agreed to transmit these small scale comp plan amendments concurrent with the Comprehensive Plan Amendment. Essentially, Ordinance 2009-04 needs to be adopted (will be assigned a 2013 Ordinance number) and transmitted. FEG has offered to handle the process however, Council may want to consider having Planner Hardgrove handle the process, as she was involved with this project in 2009 and may have the legal, map and analysis she prepared in 2009, minimizing the cost that will be associated with these amendments. City Clerk Meeks said she discussed this with Planner Hardgrove, and they shared the same opinion as to why this was not included in the current update to the Comprehensive Plan.
- Legislative Updated:

City Clerk Meeks provided the following legislative update:

- **HB831 General Bill** by Fasano

City Clerk Meeks explained that if your City did not regulate pill mills in their zoning/land use the passage of this Bill will require it. If approved, effective July 1, 2013.

- **SB 1342 Traffic Control**

City Clerk Meeks noted that SB 1342 Bill would require signalization changes and that citations be sent Certified/Return Receipt Requested. It should be noted that it cost \$6.11 to mail 1 oz CR/RR mail, although you have the option of an electronic return receipt at a cost of \$4.81. Unfortunately, you have to get the electronic return receipt at the post office. It cannot be retrieved online.

- **GENERAL BILL** by Abruzzo

City Clerk Meeks provided the following abbreviated text of proposed legislation: Traffic Control:

Revising provisions for enforcement of specified provisions using a traffic infraction detector; prohibiting a notice of violation or a traffic citation for a right-on-red violation under specified circumstances; specifying that, in any hearing involving a traffic infraction detector or similar unattended device, each person so charged has the right to confront the witnesses against him or her; requiring traffic control signals to maintain certain signal intervals and display durations based on posted speeds, etc.

Effective Date: July 1, 2013 (if passed)

- **Business Tax Receipt:** There is no bill number and it is currently being analyzed. Consideration is being given to square footage being used as the figure to calculate the levy instead of the profession. They are looking at 3 tiers, and dollar parameters will be set and Cities can pick the amount. The other part of the discussion was that they are trying to decide who should collect. Should the County collect and remit to the Cities or leave the County out of it. They don't want both entities collecting.

Council Member Henley:

None.

Chief Marcus:

Chief Marcus read from a prepared statement to update Council on the Police Department's accreditation assessment, which was flawless (Statement is attached to these minutes)

Council Member Chotas:

Council Member Chotas reported on his April 6, 2013 attendance at the Friends of the Park meeting.

Sgt. Ron Beardslee followed up on the accreditation statement given by Chief Marcus and discussed the Chief's policies and procedures.

Council President Beardslee:

None.

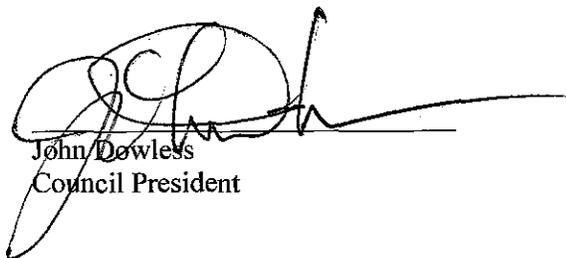
Code Enforcement:

None.

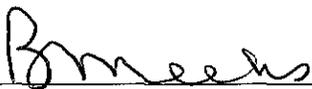
ADJOURNMENT

There being no further business or discussion, *Council Member Dowless made the Motion to adjourn the meeting; with Second by Council Member Chotas. The Council meeting adjourned at 9:05 a.m.*

ATTEST:



John Dowless
Council President



Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY COUNCIL IN JUNE 18, 2013.