



**EDGEWOOD CITY COUNCIL  
JANUARY 15, 2013 CITY COUNCIL REGULAR MEETING**

On Tuesday, January 15, 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 Dowless, 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  
Pete Marcus, Police Chief  
Drew Smith, City Attorney

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**CONSENT AGENDA**

***Approval of the following Minutes:***

- December 18, 2012 City Council Meeting

The following corrections were requested:

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Council Member Dowless said that ~~conformity brings good aesthetics~~ some kind of uniformity helps aesthetically the City look better. Council member Chotas said he wants to clarify that the City can only enforce the law with the owner, but the owner based on the lease ~~can enforce the business owner~~ can require the business owner to correct.

Council Member Chotas reiterated the City Clerk's reminder to provide comments ~~relevant~~ relative to the Comprehensive Plan Amendment before January 10, 2013.

***Council Member Powell made the Motion to approve the December 18, 2012 Minutes with corrections, with Second by Council Member Henley.*** After further discussion, it was agreed that City Clerk Meeks would listen to recorded meeting to verify corrections, and bring back to Council in their February Council Meeting. ***Council Member Powell withdrew his motion.***

***Accept the following as provided to the City:***

December 4, 2012 Sun Rail Meeting (Minutes from Parsons)

## **PRESENTATIONS**

Mayor Bagshaw acknowledged signing the Proclamation recognizing January 2013 as Human Trafficking Awareness Month

## **ORDINANCES – FIRST READING**

None.

## **PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

**ORDINANCE 2012-12** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 34, LICENSES AND BUSINESS REGULATIONS, CREATING ARTICLE VI, HERBAL INCENSE AND BATH SALTS; BY ADDING SECTION 34-137, "SALE OR DISPLAY OF HERBAL LICENCE AND BATH SALTS"; PROHIBITING THE SALE, DISPLAY OR DISTRIBUTION OF HERBAL INCENSE AND BATH SALT PRODUCTS; PROVIDING DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, CODIFICATIONS, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2012-12 in title only. ***Council Member Powell made the Motion to approve the second and final reading of Ordinance 2012-12, with Second by Council Member Dowless.*** Council President Beardslee opened to public hearing. There being no comments, the public hearing was closed. The Second and Final reading of Ordinance 2012-12 was approved by the following roll call vote:

***Council Member Chotas***

***Favor***

|                                    |              |
|------------------------------------|--------------|
| <i>Council Member Dowless</i>      | <i>Favor</i> |
| <i>Council President Beardslee</i> | <i>Favor</i> |
| <i>Council Member Powell</i>       | <i>Favor</i> |
| <i>Council Member Henley</i>       | <i>Favor</i> |

**NEW BUSINESS**

1. Discussion - Land Use & Permitting Fees

Council President Beardslee referred to City Attorney Smith who provided a model ordinance regarding pass through fees. City Attorney Smith said the model Ordinance is broader than what was discussed at the workshop but it is consistent with a detailed program of how the process works. He said that what Council may want to pare down is the items that the pass through fee is applied to. Council President Beardslee said she would like to see how the Ordinance relates to what the City currently charges in each of the areas that the City actually has the same fee. Mayor Bagshaw noted that on the checks signed prior to the meeting, he made a notation as to the additional expenses the City incurred on the fees that were collected, and the City's additional cost was \$1250.00. Council President Beardslee said in her opinion there is definitely an amount that tax dollars pay that are not covered by the application fee. Council President Beardslee said she doesn't want to adopt a fee schedule unless Council knows it is going to fit what the City has. City Attorney Smith said the Council President's comments are consistent with what he was directed to do. He said it was what was proposed for looking at the pass through portion or just the development fees. City Attorney Smith said in general the fees are 2-pronged, which is exactly what the Council President is proposing. The second prong is to go back and look at what type of development is appropriate for the pass through fee. He said the direction at the workshop was assigned more towards those that require legislative or quasi judicial action. Council Member Chotas said he likes that the Ordinance allows for the applicant to say the fee isn't fair. He said the City Attorney did a good job capturing what was talked about. Council President Beardslee said ten days was not enough time to object to a fee. Council Member Dowless pointed out that it is a minimum of ten business days. Council Member Powell questioned the tree permit process and said he knows the City wants to protect viable and valuable trees and referenced the camphor tree, which is an invasive tree. He didn't think a permit was necessary. Mayor Bagshaw said it is not on the protected list and the City doesn't charge for a permit but residents must get a permit. Council Member Chotas ask for consensus to give direction to City Attorney Smith to move forward to draft the first reading of the Ordinance. ***It was the consensus of Council to bring an Ordinance back to the February Council meeting for first reading.***

Review and Consider Administrative/Zoning Fee

City Clerk Meeks explained staff's request for the approval of Resolution 2013-01 to allow for an administrative/zoning fee. Clerk Meeks confirmed for Council President Beardslee that the City does not have this fee. City Clerk Meeks suggested the fee be \$35.00. In response to Council President Beardslee, Clerk Meeks explained that the raw costs include staff time to review the application. She explained that every application is copied and entered onto the

permit log, these records are placed on the retention/disposition schedule according to the required schedule. Clerk Meeks said that Orange County does not permit residential fences however, residents are required to obtain approval from the City. She said applications for fences are reviewed, copied, retained on permit log and then archived. Council Member Powell said he wants to look at the prohibitive fees. Clerk Meeks explained to Council Member Powell that the Resolution is a draft and that she is only asking to add the administrative/zoning fee.

City Attorney Smith read Resolution 2013-01 in title only. ***Council Member Dowless made the Motion to approve the Resolution 2013-01 with Second by Council Member Chotas.***

Council Member Powell said he did not like the word restate, and to replace the word with amend. City Attorney Smith said he can replace the word restate with amend. Council President Beardslee said that she is not opposed to the verbiage but she is opposed to the fee. She said that there is a salary for staff and so they are paid for their time. Council President Beardslee asked Council should the residents be expected to pay for staff time too. Council Member Powell agreed with Council President Beardslee. Council Member Dowless said he thinks taxes are kept as low as they can. He said user fees are justifiable. He said if a part-time person needed to come in because of the permitting process, then it is a justifiable user fee. Mayor Bagshaw said Orange County will also collect a fee for building permits issued by the County. He said the City does not recapture anything, as it relates to building permit fees. Council Member Henley said she would not mind charging for a fence permit. City Clerk Meeks confirmed for Council Member Henley that an applicant for a boat dock would pay the \$350.00 application fee, and the \$35.00 administrative/zoning fee. Council Member Henley indicated she is not in favor of this. Mayor Bagshaw said he wanted to make sure that everyone understands that Orange County is always going to collect money; he said the City does not recapture anything. He said Orange County will always receive a fee. City Attorney Smith suggested the City Clerk review and determine if the fees are low or high and update the entire fee Resolution. ***Council Member Dowless withdrew his Motion.*** Council Member Henley said that if there is not a fee associated with the permit, such as the fence permit, there should be a fee.

Resident J.T. Blanton said “he thinks it is unfair to consider this just as fee operations. He said fees are an important part of the overall budget (inaudible). Your fees should be fair, reasonable and competitive and you shouldn’t be embarrassed about charging them. He said any piece of paper that comes through City Hall should have a service charge attached to it”. Mr. Blanton said it should have nothing to do with who touched it, it’s the fact that “we” processed it. Council Member Dowless said he is willing to look at fee comparisons and prepare a spreadsheet. Council President Beardslee suggested that he obtain two comparisons of like cities, i.e. Windermere and Oakland.

## **STAFF REPORTS**

### ***City Attorney Smith***

- No report.

### ***Mayor Bagshaw***

- Received multiple calls regarding trips and falls on city sidewalks. He said he has had four companies that reviewed the sidewalk conditions, which resulted in an estimate of \$30,000 to repair sidewalks. He said there is already \$15,000 in the current budget for sidewalk repair. Council President Beardslee asked about the funds in the red light camera citation fund. She asked staff to look at the funds in contingency and the red light camera citations and bring a budget amendment to the next meeting. Council Member Chotas commended the Mayor for getting on top of the issue and bringing it to a solution.

### ***City Clerk Meeks***

- Requested to return to consent agenda for approval of the acceptance of the Sun Rail minutes. ***Council Member Chotas made the Motion to accept the Sun Rail minutes, with Second by Council President Beardslee; unanimously approved.***
- Noted that Council Member Chotas provided comments regarding Comp Plan Amendments, and ask that if any other Council Member had any comments to provide to her.
- Noted that City Hall will be closed on January 21, 2013 therefore, payroll will be prepared on Friday, January 18, 2013.
- Working on getting W-2s prepared. Clerk Meeks said she wants to make sure the retirement box is marked on all the checks, as this has been a problem in the past. She said she will make contact with Sage to get this task completed.
- Currently in the qualifying period for the City election.
- Noted that Council Members and staff have been provided with 2013 calendars as a courtesy from the City's exterminating company.

### ***Chief Marcus***

- Chief Marcus referred to his quarterly report and asked if there were any questions; there were none.
- He said the Police Department has gone through the first phase of their re-accreditation and there were a couple of site concerns. He said the on-site inspection will be in March.
- Chief Marcus confirmed for Council Member Powell that the Police Department does not have a boat. Council Member Powell said Council should consider a boat in future budgets because of properties in Edgewood on the lake.

- He referenced a study from the State regarding red light cameras, and noted (1) Seventy percent of those who challenged their citation were dismissed, (2) Decrease in rear-end and side impact crashes. Council Member Henley asked about the officers getting training for red light camera; Chief Marcus said the training has been done.
- Chief Marcus reported that fingerprinting has increased due to current proposed legislation; there is an increase in applicants for concealed weapons permits.

***Council Member Chotas***

- Reported on attending a meeting at the Cypress Grove Park. He said he came away with a new appreciate for the contributions of the group. He said this is a real resource for our community and would hate to see institutional knowledge go that has been instrumental in maintaining the passive nature of the park which is so close to the City. He said he is sending a notice to folks in his neighborhood encouraging them to get involved. He said he is looking to expand the City's access to the park and understands that the Mayor is working with Orange County recreation about coordinating an event.

***Council Member Henley***

No report.

***Council Member Powell***

No Report

***Council Member Dowless***

- Council Member Dowless asked Mayor if has talked to his neighbors about signing up for email through a program called Next Door.com. Council Member Dowless said it is a good template for a community website. He said he would like for the whole City to use this.
- Complimented Mayor Bagshaw and explained that his neighbor was at the Farmers Market and he pointed out the Mayor to his daughter; the daughter said it couldn't be the Mayor because he was cleaning the table. Council Member Dowless said he thought that was a lesson in leadership for his neighbor's daughter.

***Council President Beardslee***

No report.

Council Member Chotas said there was a tower installed on the Starcevich property, and he believes the City approved up to five antennas on the tower. He said there is more than that on

the tower, which is a violation. He said he thinks the Federal government is passing rules this year to cause the re-stacking of commercial space (bandwidths). He said he would like for the City to be aware of the resources and where there is non-conformance, it needs to be addressed. City Clerk Meeks said approval was recently given for additional antennas. Council Member Chotas asked why it wasn't approved by Ordinance. City Clerk Meeks said all the information was sent to the City Engineer and he approved the application.

**GENERAL INFORMATION**

None.

**CITIZENS COMMENTS**

None.

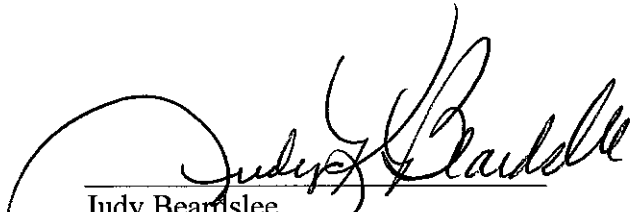
**BOARDS & COMMITTEES**

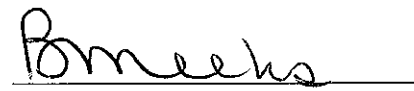
None.

**ADJOURNMENT**

With no further business or comments, on the **Motion of Council President Beardslee, with Second by Council Member Dowless, the meeting was adjourned at 7:59 p.m.**

**ATTEST:**

  
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Judy Beardslee  
Council President

  
\_\_\_\_\_  
Bea L. Meeks, MMC, CPM  
City Clerk

**APPROVED BY CITY COUNCIL ON APRIL 16, 2013.**