

CITY COUNCIL MEETING NOTES Tuesday, October 16, 2018

CALL TO ORDER

Council President Dowless called the October 16, 2018 City Council meeting to order at 6:30 p.m. He gave the invocation and led everyone in the Pledge of Allegiance.

Deputy City Clerk Riffle announced there was a quorum.

The following attendance is noted:

Attendees:

Ray Bagshaw, Mayor
John Dowless, Council President
R. Alan Horn, Council Member
Susan Fortini, Council Member
Ben Pierce, Council Member
Lee Chotas, Council Member

Staff:

Sandra J. Riffle, Deputy City Clerk
John Freeburg, Police Chief

PRESENTATION

Mayor Bagshaw presented the Proclamation for Week of the Family to Elizabeth Rahter.

CONSENT AGENDA

1. Review and Approval of Minutes

- August 21, 2018 City Council Meeting Minutes
- September 18, 2018 City Council Meeting Minutes

Council Member Fortini moved to approve the minutes as presented; second by Council Member Horn. Motion passed unanimously (5/0).

ORDINANCES

- **ORDINANCE 2018-12** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA. REZONING AND CHANGING THE OFFICIAL ZONING MAP CLASSIFICATION OF PROPERTIES LOCATED ALONG THE STATE ROAD 527 CORRIDOR, DESIGNATED COMMERCIAL ON THE FUTURE LAND USE MAP OF THE COMPREHENSIVE DEVELOPMENT PLAN AND IDENTIFIED SPECIFICALLY HEREIN, FROM C-1 (RETAIL COMMERCIAL), C-2 (GENERAL COMMERCIAL, AND C-3 (WHOLESALE COMMERCIAL); P-0 (PROFESSIONAL OFFICE); R-3 (MULTIPLE FAMILY RESIDENTIAL); AND R-1 (SINGLE FAMILY RESIDENTIAL) TO THE EDGEWOOD CENTRAL DISTRICT ZONING DISTRICT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2018-12 in title only. The title was read as 2018-02 but it was for 2018-12.

Planner Hardgrove introduced the rezoning ordinance to rezone from commercial districts, P.O., R-3 and R-1 to the Edgewood Central District (ECD). Planner Hardgrove said the ECD is designed to replace the heavy commercial uses and promote active people-oriented uses. Planner Hardgrove read the requirements identifying the criteria that must be considered for rezoning:

1. Whether the City is consistent with the City's Comprehensive Plan. Planner Hardgrove noted that FLUM policy numbers 112, 114, 115, 116, and 117 direct the City to amend the regulations to support the vision of Orange Avenue beautification. She recommended the City rezone the entire corridor to ECD rather than piecemeal parcels. Planner Hardgrove said this is a City sponsored rezoning to act as a catalyst for redevelopment.
2. Whether the proposal is in conformance with the intent of the zoning regulations. Planner Hardgrove said all but nine parcels meet the requirements of the ECD. She said those parcels that do not meet the requirements, are currently nonconforming in their existing zoning. Planner Hardgrove pointed out that the City is not creating a nonconforming situation.
3. Changed conditions of land use since the effective date of the existing zoning. Planner Hardgrove explained that the corridor was on the outskirts of Orlando where industrial uses were. As Orlando grew, there became a conflict between industrial and residential uses. Many of the industrial parcels are not being used for the fullest development.
4. Land Use compatibility considering the types and uses involved. Creation of the ECD includes that standards for development have been met and are compatible with land use.
5. Whether the proposal would result in demand on public facilities and services exceeding availability. Planner Hardgrove said that road capacity will always be a challenge because Edgewood is a pass-through community Adequate public services are available to support this kind of environment, including

sewer and water Some internal traffic can be decreased with development of land uses to encourage walking and biking.

There should be no impact on police or fire services. This was considered by the Planning & Zoning Board and they recommended approval for rezoning to the ECD. There will be one more hearing November 20, 2018.

Council President Dowless opened for public comments.

Brent Spain represents I.B. Golf Associates, property owner of 5146 Hansel Ave. Attorney Spain submitted a handout with sketches of the property for the Council showing the double and triple frontages of the parcels and how the ECD will affect them. Mayor Bagshaw clarified that this is the property with the thrift store.

Sam Sebaali of FEG spoke on behalf of Attorney Spain. Engineer Sebaali said that Mr. John Winter, of I B Golf Associates, has owned the shopping center for the past thirty-six years and operates the thrift store. Mr. Winter became concerned when he received notice of the rezoning and asked Engineer Sebaali to consider the impact of the new district on his business. Engineer Sebaali said that State Road 527 (a/k/a Orange Avenue) and Hansel Avenue are on either side of the shopping center. Engineer Sebaali illustrated the existing conditions with ninety-four parking spaces. Brief discussion was held regarding the building's setbacks, parking and frontages and the impact from rezoning.

Council Member Fortini asked how many parcels would be affected with the Hansel Avenue and Orange Avenue frontages. Planner Hardgrove responded that there are three parcels with similar double frontages; they are McGinnty's, the credit union and the shopping center.

Planner Hardgrove said the vision for the ECD is that the building is at the build-to line of 25 feet and the parking is in the middle. She said parking can be behind or beside the structure. Per Planner Hardgrove, Council Member Chotas has expressed the need for a Glitch Bill. There will be a list of items to be changed with the ECD, which may be coming to Council in the November meeting and there will be an opportunity to look at this situation. The goal is not to discourage development.

Council Member Fortini asked if this would be addressed by a variance. Attorney Smith said that there is a waiver provision in the ordinance which allows for the situation to be addressed at the front end. Planner Hardgrove said this is a unique situation and staff can go back and look at it so that changes can be made for highest and best use and still stay consistent with the rezoning. Attorney Smith said you cannot grant a waiver now because they are not ready for redevelopment and they do not know what they need.

Council Member Chotas said that it would be better to encourage redevelopment rather than just accommodate redevelopment. He said it would be good for the other properties as well, who are not thinking as proactively, to come up with a solution that encourages redevelopment without putting them in the position of staying as a nonconforming use because of uncertainties.

Council Member Chotas asked if it would be appropriate to consider this in a glitch bill or if it must be modified now. He clarified that the glitch bill would be for the Ordinance that has already been adopted. Engineer Sebaali said that is correct. Council Member Chotas pointed out that Engineer Sebaali is not asking for modification of this ordinance, but for the ordinance that has already been adopted, which means that it needs to occur in the glitch bill.

Attorney Spain returned to the podium and asked that his property, if not the whole island, be omitted from the rezoning ordinance until such time that the glitch bill is available to review with the City Attorney and City Planner.

Attorney Spain said that there needs to be an acknowledgement that a glitch bill would be drafted and be considered by the Planning & Zoning Board by the November meeting. Attorney Spain said he cannot give assurances to his client until the glitch bill is adopted on what will be heard to reasonably address the double frontage.

Attorney Smith suggested an alternative would be to pass the first reading of the ordinance and table the second reading to align the timing of the glitch bill with the second reading so the glitch ordinance would be in place before the second reading of the final zoning hearing. Attorney Spain indicated he is open to that as it will be changing the timing with the glitch bill. Mayor Bagshaw asked if this will encompass the whole island. Attorney Smith confirmed it would.

Council President Dowless said that it appears to be the consensus of the council to move ahead simultaneously with the glitch ordinance for the second reading. Per Attorney Smith, in the November meeting, Council will table the second reading for time certain. It was agreed that the second reading for both Ordinance 2018-12 and the glitch bill will be tabled for December and both will be considered in December.

Council Member Chotas said that the Planning & Zoning Board approved Ordinance 2018-12 and asked if 2018-02, which is in the agenda, is a scrivener's error. Per Attorney Smith, the ordinance is 2018-12 not 2018-02. Council Member Chotas would like to correct that so that the current reading of the title reflects 2018-12. Council Member Chotas asked whether this has to be advertised and Attorney Smith said that it was advertised as 2018-12.

Council Member Pierce asked Planner Hardgrove to explain the property that is zoned as R-1 at Orange Avenue and Prescott Road. Planner Hardgrove said that is

the Miracle Temple property. The parcels are consistent with the Comprehensive Plan, even this R-1 zoned parcel, as they have a FLUM designation of future commercial use.

Council President Dowless asked about the Professional Office zoning district which Planner Hardgrove said is separate from the C-1 zoning district. Attorney Smith said Professional Office zoning is limited to offices.

For clarification, Attorney Smith read the second page of the Ordinance, as it was missing from the agenda packet.

Council President Dowless made the Motion to approve the first reading of Ordinance 2018-12; Second by Council Member Fortini.

The Motion was approved by the following roll call vote (5/0):

*Council Member Chotas - Favor
Council Member Horn - Favor
Council Member Fortini - Favor
Council President Dowless - Favor
Council Member Pierce - Favor*

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

GENERAL INFORMATION

Deputy City Clerk Riffle gave a status report on the pole signs and window signage of those businesses in the Edgewood Central District. Attorney Smith said that the City has the discretion of how hard they will push with Code Enforcement as the City nears the end of the time period.

In response to Council President Dowless, Attorney Smith suggested that given the number of pole signs and the resources the City has, that it would be a phased Code Enforcement response. The process is to issue a Notice of Violation with a time period to come into compliance. The next step is Notice of Hearing and then a hearing before the Magistrate. Sixty days would be a low-end estimate of the time required for the process.

CITIZEN COMMENTS

Joe Neto, PC President of Warriors Security – Mr. Neto said his company is a military grade cybersecurity firm and they are interested in building on the empty lot at 302 Mandalay Road, which is

currently R-1 zoning. He said he would like Council to consider entering this property into the new ECD. There was no discussion or action taken.

BOARDS & COMMITTEES

None.

STAFF REPORTS

City Attorney Smith:

Attorney Smith reported on ADA compliance for the City's new website. The City is involved in a form lawsuit, along with other cities. In response to Council President Dowless, Attorney Smith said that the claim is that the plaintiff cannot hear everything on the website. This is moving across the state. Mayor Bagshaw said that the City is in transition and coming into compliance. City Clerk Meeks is aware that many municipalities have been served. There is software that reads certain formats per Attorney Smith.

Police Chief Freeburg:

Chief Freeburg commented/reported on the following:

- Chief Freeburg asked if the Board had any questions on his report. He reported that the City has recently completed concurrency training for "Stop the Bleed", basic first aid. He said most of the Edgewood officers carry a tourniquet and have ordered some for City Hall.
- Officers Ireland and LaFan went to BlueLine Support, which is a hotline to other officers for support. It encourages officers to reach out.
- Chief Freeburg updated Council on the status of the City's recent animal cruelty case. He confirmed that arrests were made within 6 hours.
- Police Department personnel have prepared a training bulletin on littering to emphasize what can be enforced with the ordinances.
- Council Member Horn asked about an accident earlier in the day. Chief said there were no major injuries; however, due to the effects of Hurricane Michael, the officers temporarily cannot use software programs to issue reports because the server is hosted in Panama City. The officers have to handwrite the reports until the program is back online, which should be within a couple days.

City Clerk Meeks:

Absent - No Report.

MAYOR & COUNCIL REPORTS

Mayor Bagshaw -

- Mayor Bagshaw reported that he is continuing to work on the Oakwater annexation which includes getting commitments from OUC. He said he has reached out for assistance in order to give them answers. The City is looking at other areas and that he has talked with representatives from Pine Castle. He said they understand about completing the corners of an intersection for safety and their concern is that they do not want the bigger residential areas to be considered.
- Developers continue to come into City Hall and ask about parcels.
- Discussion is being held with Discovery Church and another church for possible purchase of the property. Mayor Bagshaw said the shape of the lot is more conducive to a church or a nonprofit business. In response to Council President Dowless, Mayor Bagshaw said the parking would not work for a megachurch and explained that the Church can only use 39 spaces across the street. He said the sale/purchase is still under consideration.
- Mayor Bagshaw reminded Council of the Food Trucks on Friday.

Council President Dowless –

No report.

Council Member Chotas –

No report.

Council Member Fortini –

Council Member Fortini ask why ads are still being posted in the newspaper. Attorney Smith said because the law says the City has to. Council President Dowless says the newspapers lobby for this.

Council Member Horn –

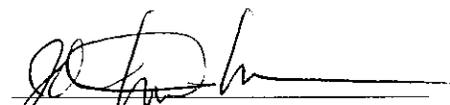
No report.

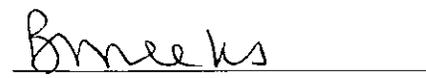
Council Member Pierce:

No report.

ADJOURNMENT

Having no further business or discussion, Council Member Fortini made a Motion to adjourn; Second by Council Member Horn. The City Council meeting adjourned at 7:38 p.m.



John Dowless
Council President

Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approved on November 20, 2018.