

CITY COUNCIL REGULAR MEETING MINUTES
Tuesday, December 17, 2019
6:30 p.m.

CALL TO ORDER

Council President Horn called the Edgewood City Council meeting to Order at 6:30 p.m. He gave the invocation followed by leading everyone in the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

City Clerk Meeks announced a quorum, with three Council Members present. She announced that Council Members Chotas and Fortini gave advance notice of their absence and requested a motion to excuse their absence.

Council Member Pierce made the Motion to excuse Council Members Chotas and Fortini's absence; Second by Council President Horn. Approved (3/0)

Attendees

John Dowless, Mayor
Richard Alan Horn, Council President
Ben Pierce, Council President Pro-Tem
Chris Rader, Council Member

Absent

Lee Chotas, Council Member
Susan Fortini, Council Member

Staff

Bea L. Meeks, City Clerk
Sandy Riffle, Deputy City Clerk
John Freeburg, Police Chief
Drew Smith, City Attorney
Ellen Hardgrove, AICP, City Planner

PRESENTATION

None.

A. CONSENT AGENDA

1. Review and Consideration of City Council Meeting Minutes

- November 19, 2019

City Clerk Meeks explained that before the Council meeting, City Planner Hardgrove requested an addition to the minutes to include the conditions for each of the approved waivers. She noted that Council was provided with a copy of the additions to be made at their dais seat. Additionally, City Clerk Meeks will correct the spelling of Planner Hardgrove's name.

Mayor Dowless also requested the following corrections be made:

- Page 6 - 2nd paragraph –

Planner Hardgrove said if Council is inclined to **removed** “F” and G”

- Page 9 – 4th paragraph -

Mayor Dowless said that during staff's meeting with the applicant, they found there were some **loop holes** inconsistencies in the Code that need to be addressed in the future.

Council Member Rader made a motion to approve the November 19, 2019 meeting minutes with corrections; second by Council Member Pierce. Motion passed (3/0).

2. McDirmit ≈ Davis' Letter of Engagement

City Clerk Meeks referred to the agenda memo regarding McDirmit≈Davis' Letter of Engagement. She noted that Council approved the continuation of services provided by McDirmit≈Davis in their March Council meeting; however, the term of the agreement is on a fiscal year basis.

Council Member Pierce made a motion to authorize Mayor Dowless to sign the Letter of Engagement; second by Council Member Pierce. Motion passed (3/0).

ORDINANCES

1. **Ordinance No. 2019-11** -AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO ILLICIT STORMWATER CONNECTIONS AND DISCHARGES; AMENDING THE CODE OF ORDINANCES; CREATING CHAPTER 30, “HEALTH AND SANITATION,” ARTICLE V, “ILLICIT DISCHARGE PREVENTION”; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2019-11 in title only, followed by giving some history on the purpose of the Ordinance. City Attorney Smith said the Ordinance is a result of the City's recent stormwater audit by the Florida Department of Environmental Protection (FDEP). He said FDEP requested that the City amend their current Ordinance and include a provision for code enforcement to have a stronger arm, which allows them to go onto property without a warrant. The provision is needed to address illicit discharge, primarily from grease traps and mechanical oils, so that water bodies are protected.

City Attorney Smith also noted a scrivener's error on page 25, Section 30-63, it should read "stormwater pollutants."

In response to Council Member Rader, City Attorney Smith said case law is moving code enforcement towards needing a warrant; however, the District Court is not considering exceptions. Council Member Rader asked if it is inappropriate. City Attorney Smith responded that there is no provision for a warrantless search. Council President Horn said there can be an administrative search warrant because the Courts do not want a warrantless search.

City Clerk Meeks said Code Enforcement Officer Renteria is scheduled to attend a class to assist with the required processes.

There were no public comments.

Council Member Rader made a motion to approve the first reading of Ordinance 2019-11; second by Council Member Pierce.

The Motion was approved by the following roll call vote (3/0):

<i>Council Member Pierce</i>	<i>- Yes</i>
<i>Council Member Rader</i>	<i>- Yes</i>
<i>Council President Horn</i>	<i>- Yes</i>
<i>Council Member Chotas</i>	<i>- Absent</i>
<i>Council Member Fortini</i>	<i>- Absent</i>

2. Ordinance No. 2019-12 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 134-1, "DEFINITIONS," OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR THE TERM BEAUTY SALON; PROVIDING THAT PERMANENT MAKEUP APPLICATION AND LASER HAIR REMOVAL ARE SERVICES THAT MAY BE PROVIDED AT A BEAUTY SALON; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2019-12 in title only. City Attorney Smith said the Ordinance is a result of a request that was made for a use in a beauty salon. He said the use request was for permanent makeup, which is regulated the same as tattoos. City Attorney Smith said he felt the use should be specific in the code. He said laser hair removal was added as well for clarity. City Attorney Smith said that the Planning and Zoning Board requested an amendment to the fifth "whereas" clause to add "to continue the prohibition of tattoo parlors in the commercial district."

Mayor Dowless asked if there is anything else that should be added. City Attorney Smith said no, the amendment was made to clarify that permanent makeup is different from tattoos. In response to Council Member Rader, City Attorney Smith said this is not to be confused with a medspa. He said the functions would define the use.

There were no public comments.

Council President Horn made a motion to approve the first reading of Ordinance 2019-12 with amendment; second by Council Member Pierce.

The Motion was approved by the following roll call vote (3/0):

<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Absent</i>
<i>Council Member Fortini</i>	-	<i>Absent</i>

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- 1. Ordinance No. 2019-10** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Smith read Ordinance 2019-10 in title only, followed with a word clarification on line 288, page 41, noting that “hearing” should be plural. He said the ordinance addressed all the minor comments, and a definition was created for maintenance and repair.

Council President Horn said that nothing addressed a turbidity curtain that would go around the work area during construction. City Attorney Smith said this would be temporary during construction.

City Clerk Meeks asked if that would fall under NPDES. City Attorney Smith confirmed but considers it to be a good idea to add it section 14-11(a) line 147, to include sedimentation and erosion controls as part of the required application package. City Attorney Smith said the engineer would know to look for it.

Council President Horn said the Ordinance did not include notifying City Hall of maintenance work. City Clerk Meeks said it was agreed to remove that language. Council Member Rader said routine maintenance needs to be defined. Council President Horn said having no notification opens up to opportunities for less scrupulous contractors to inform homeowners to call the work “maintenance and repairs.” City Attorney Smith agreed that Council President Horn’s point is fair; he said the people who don’t care about code will do it anyway. Council President Horn said that notification makes it easier to get things done within the code.

City Clerk Meeks read an email from resident Tina Demostene regarding the revisions for repairing boat docks. Resident Demostene said she appreciates staff’s support of the ordinance for processing. Council Member Rader said Resident Demostene was the one who recommended a more holistic approach.

There were no public comments.

Council Member Pierce made a motion to approved Ordinance 2019-10; second by Council President Horn.

The Motion was approved by the following roll call vote (3/0):

<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Absent</i>
<i>Council Member Fortini</i>	-	<i>Absent</i>

UNFINISHED BUSINESS

1. Request For Proposal Review Committee – Recommendation for Secondary Debris Management Services Provider

Council Member Pierce updated Council on the RFP process and announced that Crowder Gulf is the committee's recommendation for the secondary debris management service.

There were no public comments.

Council Member Rader made a motion to approve Crowder Gulf for secondary debris management services; second by Council President Horn. Motion approved (3/0).

NEW BUSINESS

None.

GENERAL INFORMATION (No action required)

None

CITIZEN COMMENTS

Resident Steve Kreidt said his family moved to Edgewood in 2004. He said he has a proposal for Council and went on to explain that he and his son travel extensively, and they enjoy Airbnbs. He said his house is frequently empty, and he and his wife considered an Airbnb. He said he thinks this is good for exposing people to a community, and this location is good because of the closeness of the airport. Resident Kreidt said that current code does not allow an Airbnb, and they want to be in compliance. He asked if Council would consider allowing Airbnbs. City Clerk Meeks noted that currently, only R-3 zoning allows an Airbnb with the approval of a special exception.

City Attorney Smith said Resident Kreidt's request is to open the door to the hosted stays, not the empty house version. He said Maitland recently addressed this, and he can send Maitland's ordinance for Council to review and discuss in January meeting.

City Attorney Smith said in 2011, the State took away the ability to prohibit unless there was a preexisting Code. He said the way we deal with boarding houses encapsulates the type of rentals that cause problems; that is making sure the host is actually a host.

Mayor Dowless noted that an investment home will cause traffic.

Council President Horn asked about a hotel tax. Mayor Dowless said that the county handles the tax. City Attorney Smith clarified that the Department of Business and Professional Regulations is responsible, but they have delegated to the counties.

Resident Kreidt noted that in the Airbnb network, there is a “grade” on guests. City Attorney Smith said that with an ordinance, complaints would be addressed. In response to Council President Horn, City Attorney Smith said there is an application with a fee, but not a tax. *No action was taken; it was agreed to place this on the January agenda for discussion.*

BOARDS & COMMITTEES

- 5655 S. Orange Avenue – Cornerstone Hospice/PACE Application for Special Exception

City Planner Hardgrove provided a brief summary of Cornerstone’s application, noting the operating hours, adult daycare for 55 and older, and no overnight stays. Planner Hardgrove said staff is in support of the facility as a progressive option rather than an institution. City Planner Hardgrove recommends approval.

Attorney Brent Spain of Theriaque & Spain spoke on behalf of the applicant. He said the adult daycare is the completion of a 2016 project in the shopping center. He said it is legislatively funded and that Cornerstone has received funds for this year.

There were no public comments.

Council Member Rader made a motion to approve Special Exception 2019-01 to allow an adult daycare; second by Council Member Pierce.

The Motion was approved by the following roll call vote (3/0):

<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Absent</i>
<i>Council Member Fortini</i>	-	<i>Absent</i>

- 4721 S. Orange Avenue (Gatlin Hall Brewery)– Commercial Review

City Planner Hardgrove introduced the plan for a food hall and brewery in Ft. Gatlin Shopping Center. She said there is a small expansion to add a cooler, which does not trigger the ECD. Planner Hardgrove said staff recommends support after review by her and CPH. She said this is a physical expansion, which means it needs to go for commercial review.

Council Member Rader asked if there is a long term tracking mechanism so that it is not incrementally added. City Planner Hardgrove said a condition would be that no parking of fleet vehicles in the front,

even though this is an ECD requirement already. City Attorney Smith said that it is not a bad idea to add it as a condition so that it is on the site plan. Council Member Rader said that the tracking is administrative but not a condition of approval. City Attorney Smith said Council can add the condition that "All fleet vehicles must be in compliance with the ECD".

In response to City Planner Hardgrove, City Attorney Smith said the tracking will not be on the site plan; it is administrative and will be in the minutes. He confirmed for City Clerk Meeks that it would not be added to the Business Tax Receipt. City Planner Hardgrove asked if a decision letter will be sent with details. Deputy City Clerk Riffle confirmed a letter with full details will be provided to the applicant.

There were no public comments.

Council Member Rader made a motion to approve the commercial review of Gatlin Hall Brewery with conditions that all fleet vehicles must be in compliance with the Edgewood Central District; second by Council Member Pierce.

The Motion was approved by the following roll call vote (3/0):

<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Absent</i>
<i>Council Member Fortini</i>	-	<i>Absent</i>

STAFF REPORTS

City Attorney Smith:

City Attorney Smith reported that the Oakwater annexation is moving forward. He said Oakwater needs to be within a budgeted amount, and that is what they would like to communicate back to Council. Mayor Dowless said Oakwater has up to \$50,000 to spend for paving. He said if all is not used for paving, it can be used for beautification.

Police Chief Freeburg:

Chief Freeburg referred to his report and asked if there were any questions; there were none.

He reported that there was a bomb threat at Edgewood Isle. He explained that a robocall went out about a bomb in the area and to go to the website for more information. He said the website had malware. He said the plaza was cleared in a few minutes and people returned back to the shopping center. Chief Freeburg said the County supported the perimeter, and dogs from GOA were used.

City Clerk Meeks:

City Clerk Meeks reported on the following:

1. Announced that two candidates qualified for the two open seats for the March 17, 2020 election; for this reason, there will not be a municipal election in March. City Clerk Meeks reminded Council that Council Chamber will be the precinct for the Presidential Preference Primary on March 17, 2020. She reminded them that a tentative date of March 24, 2020, was set to hold their March Council meeting.

Council President Horn made a motion to move the March meeting to March 24, 2020, due to the Presidential Preference Primary; second by Council Member Pierce. Motion passed 3/0.

City Clerk Meeks announced that Chris Rader and Susan Lomas will be sworn in at this meeting.

2. Confirmed that the records management compliance report was timely completed and submitted to the State.
3. Announced that Friday, January 10, 2020, City Hall staff will be working in the afternoon handling records disposition. She said this will take place after City Hall closes at noon, and staff takes a lunch break.
4. Confirmed that appropriation requests were filed with Representative Anna Eskamani and Senator Linda Stewart. City Clerk Meeks said that Rep. Eskamani filed HB 3547. She said the bill made it through the subcommittee; however, this is not unusual. She explained the four roads and streets projects she submitted to support the appropriation requests. City Clerk Meeks said it is now “wait and see”.
5. Thanked Attorney Patrick Brackins for making contact with Landfall Strategies. She said Ryan Kelley, from Landfall Strategies, made contact with her and sent additional support documentation, which she has forwarded to the Florida Division of Emergency Management.
6. Confirmed participation in the December 16, 2019 pre-legislative session conference call and provided a couple of proposed legislation that could affect the City. City Attorney Smith said he is attending Legislative week in Tallahassee in February, and will convey concerns/questions Council might have regarding legislation.
7. Announced that City Hall will be closed Christmas Eve day and Christmas day.
8. Announced she will be out of the office from December 20, 2019 through January 3, 2020; returning Monday, January 6, 2020.
9. Announced that Byron Brooks, Orange County Chief of Staff, requested a meeting with her on January 7, 2020, to discuss Mayor Deming’s proposed one-cent sales tax. City Clerk Meeks said the project list is completed and that a calendar request will be sent to Mayor Dowless.

MAYOR & COUNCIL REPORTS

- **Mayor Dowless**

Mayor Dowless said the Santa fly-in was great and gave credit to Police Analyst Stacey Salemi and Sgt. Ireland for their work decorating the grounds.

Mayor Dowless thanked City Planner Hardgrove for her input regarding Mayor Deming's proposed sales tax.

In response to Mayor Dowless's request for an alternate to attend MAC meetings in his absence, Council Member Pierce volunteered.

Mayor Dowless said the projects that the City could use the proposed sales tax to include Gatlin/Holden/Orange realignment, SunRail, bike paths, and safety for pedestrians. Mayor Dowless thanked Council President Horn for his assistance with the project list.

- **Council President Horn**

Council President Horn said that the Florida Department of Transportation completed the reforming of the apron from Orange Avenue to Harbour Island Road.

In response to Council President Horn inquiring about the status of the dog bar, City Planner Hardgrove said waiver applications have been submitted and are in staff review. She said potentially, they could be going to the Planning & Zoning Board meeting for review in January.

Mayor Dowless inquired about window signage, specifically East-West Records. Deputy City Clerk Riffle provided a brief report.

- **Council Member Chotas**

Absent

- **Council Member Fortini**

Absent

- **Council Member Pierce**

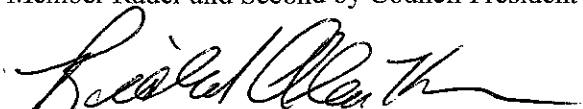
No report

- **Council Member Rader**

Congratulated Susan Lomas on her election to City Council.

ADJOURNMENT

Having no further business, the Council meeting adjourned at 7:43 p.m., on the Motion of Council Member Rader and Second by Council President Horn (3/0).



Richard Alan Horn
Council President



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

Approved on January 21, 2020.