

**CITY COUNCIL MEETING MINUTES**  
**Tuesday, June 18, 2019**

**CALL TO ORDER**

Council President Horn called the June 18, 2019 City Council meeting to order. Council President Horn asked for a moment of silence and then led everyone in the Pledge of Allegiance.

**ROLL CALL & DETERMINATION OF QUORUM**

City Clerk Meeks announced that Mayor Dowless was not in attendance but that there was a Council quorum.

**PRESENTATION**

Police Chief John Freeburg introduced Officer Ryan White and gave the ceremonial Oath of Office.

**CONSENT AGENDA**

None.

**ORDINANCES**

None.

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

None.

**UNFINISHED BUSINESS**

1. Agreement for Traffic Control on Private Road (Camelot)

City Attorney Smith confirmed that this is the same Agreement considered in previous Council meetings; however, Exhibit “A” is now attached. Chief Freeburg explained why the Police Department has no enforcement rights unless agreement is in place. Council Member Chotas asked about changing Paragraph 3 regarding the effective date and questioned the property signage. City Attorney Smith said signage can be added.

***Council Member Pierce made the Motion to approve the Agreement with referenced changes;  
Second by Council Member Fortini.***

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

*Council Member Rader - Yes*  
*Council Member Pierce - Yes*  
*Council Member Chotas - Yes*  
*Council Member Fortini - Yes*  
*Council President Horn - Yes*

2. Appointment to Community Action Board

In a memo to Council Members, Mayor Dowless recommended the appointment of Council Member Chotas to the Community Action Board. Council Member Chotas accepted the appointment.

*Council Member Fortini made the Motion to accept Mayor Dowless' recommendation to appoint Council Member Chotas to Orange County's Community Action Board; Second by Council Member Rader. Approved (5/0).*

**NEW BUSINESS**

1. Voting Delegate – Florida League of Cities Annual Conference

In a memo to Council Members, Mayor Dowless recommended Council President Horn represent the City as a voting delegate at the Florida League of Cities Annual Conference.

*Council Member Chotas made the Motion to accept Mayor Dowless' recommendation; Second by Council Member Fortini. Approved (5/0).*

2. Non-ad Valorem Assessment

City Clerk Meeks reported to Council Members that the house/unit count needed for the Non ad-valorem assessment does not match the information provided by the Orange County Property Appraiser. City Clerk Meeks said for this reason she is not able to give an estimate of expenditures or revenues regarding this assessment.

Council Members discussed the current assessment which is \$292.96. Council Member Chotas said he is not in favor of increasing the assessment.

*Council Member Chotas made the Motion to not increase the current Non ad-valorem assessment; Second by Council Member Fortini.*

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

*Council President Horn - Yes*  
*Council Member Fortini - Yes*  
*Council Member Chotas - Yes*  
*Council Member Pierce - Yes*  
*Council President Rader - Yes*

**Public Comment(s)**

Resident Jim Worthern said he agreed with Council Member Chotas regarding the non-ad valorem assessment, as he thinks this should be a break even revenue.

**GENERAL INFORMATION (No action required)**

None.

**CITIZEN COMMENTS**

Les Slesnick – 1239 Waterwitch Cove Circle

Resident Slesnick asked about the status of Council/Staff discussion with applicable agencies regarding Holden/Orange/Gatlin Avenues. Resident Slesnick described a recent blocking at the intersection. City Clerk Meeks and Chief Freeburg explained that Mayor Dowless is in discussion with the Florida Department of Transportation and others, and a meeting is scheduled in July.

Jim Muzsynski -5537 Chenault Avenue

Resident Muzsynski expressed his concerns about a recent death of a resident and his concerns with the Police Department’s disconnect to communicate the loss. He told Council that things were being taken from the house. Chief Freeburg addressed Mr. Muszynski’s concerns.

**BOARDS & COMMITTEES**

None.

**STAFF REPORTS**

**City Attorney Smith:**

- Grass Maintenance at Holden Avenue and Jessamine Lane

City Attorney Smith referred to the memo provided to Council. He explained the City’s responsible area of mowing and that of individual property owners. He said individuals are responsible for the rights-of-way. He gave a brief history of the maintenance provided when the subject subdivision was in County and when it annexed into the City.

Council Member Rader questioned precedent. City Attorney Smith said because mowing was done in the past, it does not mean the City has to continue. Council Member Chotas feels the Ordinance should be corrected, and that he is reluctant to pay tax payer dollars to maintain private property.

**Public Comment(s)**

Susan Lomas – 513 Glen Grove Lane

Resident Lomas said she came before Council in the May meeting to say how disappointed she is. She said that in the May meeting, New Horizon's contract did not lay out all of their duties. Resident Lomas referenced a survey she brought to the meeting showing that the ten-foot buffer is inside their wall.

Jim Muszynski: (Council President when the annexation was done)

Resident Muszynski said the residents in Jessamine Glen were promised by the City that they would maintain the level of service the county was providing. Mr. Muszynski confirmed that there was a verbal agreement. He said the intent was to maintain the subject area. Mr. Muszynski said it was his recollection that Council and residents had an understanding that the subject area would be maintained at the same level the County provided, if not better. City Attorney Smith recommended a Resolution. Council Member Chotas said he wants a Resolution reflecting past history. that, as an inducement of annexation, it was the intent of Council to maintain Jessamine Glen. *It was the consensus of Council that a Resolution would be brought before them to consider in the July City Council meeting.*

Jim Worthen –

Resident Worthen said he supports what Residents Lomas and Muszynski already said.

## STAFF REPORTS

### Chief Freeburg:

- Monthly Report

Chief Freeburg referred to his agenda packet report. He reported that Sgt. Ireland attended an informational session for bike safety. Chief Freeburg explained that the Florida Department of Transportation has a bike safety and pedestrian initiative to participate in bike safety. He reported that his Department participates in a peer support program. He said Officer LaFan is the Orange County representative, and Sgt. Ireland is the Brevard County representative. Chief Freeburg said Wednesday (June 19, 2019) will be the certification of the Department's reaccreditation at Champions Gate. He said to let him know if any Council member wants to attend.

### City Clerk Meeks:

City Clerk Meeks reported on the following:

1. Complied with Ordinance to change name of Larue Avenue to Bagshaw Way
  - Orange County Property Appraiser's records already reflect the name change;
  - Performed a zip code search for 405 Bagshaw Way, Edgewood, FL through the US Postal Service and the address came up as Bagshaw Way;
  - In notice to all the applicable agencies/entities, they were advised that street signs would be installed 60 days from the date of the Notice; the notice date was June 10, 2019;
  - Staff will take steps to make applicable changes to stationery, website, permit applications, business cards, etc.
2. Met with Tom Drake and Liz, with the Federal Railroad Administration, who made the following request regarding the City's quiet zones:

- An Average Annual Daily Traffic count for inventory forms needs to be done and be included with Notice of Exception (NOE). The City has to allow 21 days from date of NOE better before activating quiet zones.
3. Hurricane Irma
- Received email asking why the City did not go through procurement process when contract was extended.
  - There were no changes to Orange County's contract, or the City's; therefore, a procurement process was not needed.
4. Status of New Horizon's contract
- New Horizons owners are not in agreement with no increase in annual agreement fee;
  - Discussed with Mayor Dowless and Council Member Fortini;
    - Almost a \$17,000 increase in 8 years (26%);
    - In response to New Horizons' concerns about their overhead. I explained that overhead is the cost of doing business and city is not New Horizon's only contract;
    - Will bid out irrigation system for Bagshaw Park;
  - New Horizons is amenable to a 2% increase this year, but wants to address another increase next fiscal year. It was explained to New Horizons how the agreement addresses a request for an increase.
5. Out of office in FACC conference from June 21<sup>st</sup> through June 26<sup>th</sup>.

## MAYOR & COUNCIL REPORTS

### Mayor Dowless

Mayor Dowless provided a memo to Council Members regarding the following items:

- MetroPlan Transportation Improvement Program

Mayor Dowless reported that he and Council Member Chotas discussed the plan and that Council Member Chotas discovered an area of roadway "left out" on a stretch of Orange Avenue. Council Member Chotas confirmed for City Clerk Meeks this is the same area that Mayor Bagshaw referred to as the "black hole". Mayor Dowless' report indicated that he will be following up with Council on this program.

- Planning and Zoning Board

No discussion or action on the vacancy on the Planning & Zoning Board.

- Neighborhood Partnership Grants

Legacy at Lake Jessamine HOA

Harbour Island HOA

Mayor Dowless provided comments and recommendations in his memo to Council regarding the request for a Neighborhood Partnership Grant from the Legacy at Lake Jessamine HOA and Harbour Island HOA. Mayor Dowless recommended approving a 50% match for each HOA, which would result in granting \$3712.50 for Legacy HOA and \$1984.47 to Harbour Island HOA.

A brief discussion was held regarding Council Members Chotas, Pierce and Horn's \*voting conflict. City Attorney Smith said that if the HOA had 100 plus members they could vote. He said that even though Legacy has over 100 HOA members, Council Member Rader should file a conflict because he is the HOA President.

*Council Member Fortini made the Motion to approve a 50% matching grant to Legacy HOA; Second by Council Member Pierce.*

<i>The Motion was approved by the following roll call vote (4/0):</i>	
<i>Council President Horn</i>	<i>Yes</i>
<i>Council Member Fortini</i>	<i>Yes</i>
<i>Council Member Chotas</i>	<i>Yes</i>
<i>Council Member Pierce</i>	<i>Yes</i>
<i>Council President Rader</i>	<i>Conflict</i>

*Council Member Fortini made the Motion to approve a 50% matching grant to Harbour Island HOA; Second by Council Member Rader.*

<i>The Motion was approved by the following roll call vote (3/0):</i>	
<i>Council President Horn</i>	<i>Yes</i>
<i>Council Member Fortini</i>	<i>Yes</i>
<i>Council Member Chotas</i>	<i>Conflict</i>
<i>Council Member Pierce</i>	<i>Conflict</i>
<i>Council President Rader</i>	<i>Yes</i>

*\*Council President Pierce and Council Members Chotas and Rader filed a Form 8B with the City Clerk\**

Mayor Dowless' memo also provided that per Resolution 2002-R005, he was appointing Council Member Rader to the Development Review Committee. Mayor Dowless also thanked Council President Horn his leadership and donated time for overseeing public works, to include roads and streets and fallen trees.

- **Council Member Chotas**

No report.

- **Council Member Fortini**

No report.

- **Council Member Horn**

No report.

**Council Member Pierce**


No report.

- **Council Member Rader**

No report.

**ADJOURNMENT**

Having no further business or discussion, Council Member Fortini made a Motion to adjourn; Second by Council Member Pierce. The City Council meeting adjourned at 8:08 p.m.

  
Richard A. Horn  
Council President

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

Approved on 7-16-19