

CITY COUNCIL REGULAR MEETING
Tuesday, October 15, 2019
6:30 p.m.

CALL TO ORDER

Council President Horn called the Council meeting of October 15, 2019 to order at 6:30 p.m. Mayor Dowless gave the invocation then led everyone in the Pledge of Allegiance.

Deputy City Clerk Riffle announced that Council Member Fortini asked in advance to be excused from the meeting.

Council Member Rader made the Motion to approve Council Member Fortini' s absence; Second by Council Member Chotas. Approved (4-0).

The following attendance is noted:

Council Attendees

John Dowless, Mayor
Richard Alan Horn, Council President
Ben Pierce, Council Member
Chris Rader, Council Member
Lee Chotas Council Member

Absent

Susan Fortini, Council Member

Staff

Sandra Repp, Deputy City Clerk
John Freeburg, Police Chief
Shannon Patterson, Chief of Staff
Ellen Hardgrove, AICP
David Mahler, Senior Project Engineer

Absent

Bea L. Meeks, City Clerk

A. PRESENTATION

Mayoral Proclamation – “Week of the Family”

Mayor Dowless presented the Proclamation for the Week of the Family to representatives from Week of the Family Foundation.

TAKE NOTICE THAT THE ORDER OF THE AGENDA DOES NOT FOLLOW THE AGENDA SET FOR THE MEETING – THE ORDER OF THE AGENDA IS FOLLOWED IN THE MINUTES OF THE MEETING

Mayor Dowless Report

Mayor Dowless thanked Council President Horn for personal privilege to move his report, as he wanted to share information with the large number of people in attendance. Mayor Dowless reported on the following:

1. Reported that the City received nearly \$99,000 from FEMA for Hurricane Irma reimbursements. He said \$50,000 was retained by the City due to a hydraulic spill on Harbour Island Road that caused damage. He said FEMA will also reimburse the City the \$50,000 upon proof of payment.
2. Reported that Edgewood activated their quiet zones today, and unveiled the “No Train Horn” signs. Mayor Dowless said news media channels 9, 6, 13, and 35 were in attendance for the unveiling. He said residents located by the train tracks were very excited. Mayor Dowless said this was about a \$1-million investment for the four crossings. He said the City covered about 30% of that expense and DOT covered about 70%. He said Edgewood received information indicating that other communities may not receive their funds, and that the City got in just under the wire before the funding changed. Mayor Dowless noted that this was a project of the late Mayor Bagshaw that the City completed.
3. Mayor Dowless asked Shannon Patterson, PD Office Manager, to come forward. He said Shannon is the Police Department’s Office Manager, and has been with the City for more than twenty years. Mayor Dowless said and Shannon does so much more than manage the office. Mayor Dowless presented her with new business cards and announced that her title is changing to Chief of Staff.

Council President Horn said that Council will continue with changing the order of the agenda.

ORDINANCES

1. **ORDINANCE 2019-09** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Planner Hardgrove said this is the first reading for a change to the City’s boat dock regulations. She said she has received feedback from the public to look at the entire boat dock ordinance. Per Attorney Smith, this is a first reading or Council can decide to take no action if there will be comprehensive changes.

Attorney Smith gave the first reading of Ordinance 2019-09 in title only.

Public Comment:

Doug Langford (resident) – Resident Langford said he has been involved with dock construction since 2004, including work in Edgewood. Resident Langford said he believes that the proposed revision of the portion of the ordinance seems short-sighted, as there are other sections that should be revisited to make it cleaner, simpler and reduce expense. He said submitting permits is expensive and there can be relief from some variances in the future, including the City's time. He said there was a revision proposed for a section that spoke to "if a boat dock on canals is less than 25 feet from property line", it needs a variance. Resident Langford said it is almost an automatic to need this variance for Edgewood boat docks in canals. He said he does not think that it makes sense to completely remove the requirement. A big issue is that Edgewood calculates square footage by everything waterward of the NHWE. In Orange County, square footage is counted from where the walkway meets the terminal platform. Apparently, Edgewood counts shaded area, which includes overhangs that extend past the terminal platform, which might be in conflict with Orange County. Resident Langford said that while the City does have an ordinance for boat docks, there are cases where Florida regulations are applied for the area of shading. Edgewood should not plug code from other states or anyone else. A good comprehensive review, possibly from stakeholders in the business, would make sense.

Tina Demostene (resident) - Resident Demostene said she spoke with Mayor Dowless and said she brought information to show why changes should be more comprehensive. She passed out aerials to be entered into the record, as well as a memo with areas of the Code that she thinks should be reviewed. Resident Demostene said the County Ordinance counts the terminal platform and Edgewood counts the walkway. Edgewood residents share the lake with other residents, and have more restrictions. She cautioned about changing an excerpt of the code when the City needs a more comprehensive look at the Code.

Resident Demostene said if the City decides to change an excerpt, it should add the definition of a canal. Also, the City should change Section 14-11 (B)(3) to include that a minimum navigable corridor should be maintained regardless of the 25 per cent. She said the aerial shows why there is barely 40 feet between some docks. She said people are building over the property line and do not leave a lot of room. There are things to tweak to make the process more streamlined, remove ambiguity, provide consistency and not require more restrictions than others on the lakes.

Ms. Demostene said there are a few boat docks on her lake that have been modified without permits. She said this may be because of the restrictive requirements. If improvements are made, more permits may be pulled and this could show in the tax rolls for improvements. She kindly asked Council to reconsider making an amendment and make a more comprehensive ordinance and relieve some of the need for variances.

Council Member Pierce asked Ms. Demostene what was wrong with the dock requirements being more restrictive than Orange County? Ms. Demostene said if residents are continually going for variances and the City continually grants them, why doesn't the City change the ordinance to reflect what we do? Many requests are because of low water depth and they have to ask to extend the length of walkways. Council Member Pierce said a lot of variances are about depth. Ms. Demostene said that results in larger dock measurements because of the added walkway.

Council Member Chotas said a property line is not a helpful descriptor because they can extend

all the way over the water and people don't have the right to exclude people from riding through it, and yet they could exclude the neighbor's dock within 20 feet of the shoreline. He said it is a ridiculous provision and asked Resident Demostene how long does she suggest that the City leave that provision in the ordinance in order to allow a comprehensive rewrite. Ms. Demostene said she would contribute a suggested rewrite to present to staff. Attorney Smith said it could possibly be in front of the Planning & Zoning Board in November and to Council in December.

Council Member Chotas asked Attorney Smith if there is a down side to passing this Ordinance in first reading because it has to come back for another reading anyway. City Attorney Smith said this has to be advertised for second reading.

Council Member Rader said the subject matter changes substantially.

Council Member Chotas asked if the ordinance is irresponsible as drafted. Attorney Smith said no. Ms. Demostene said it is important to do this the right way and not just solve a single problem. There is a variance coming along that is recommended for approval. It is not onerous to extend it for a couple of months.

Attorney Smith said that he is trying to assist the Council in weighing the options of timing. There's nothing immediately in the pike. He has no problem following Ms. Demostene's lead.

Council Member Rader said during his time on the Planning & Zoning Board, he saw a lot of dock variances. Most requests were typically because of the slope of the lake and water level. Also, most were situational and they were almost always approved.

Council Member Pierce said he does not agree that Edgewood should do what other municipalities do.

Council President Horn asked if there would be a motion to table the first reading

Council Member Pierce made the motion to table Ordinance 2019-09; Second by Council Member Rader. Motion passed (4/0).

Attorney Smith said this can be abandoned if there is a new ordinance number.

BOARDS & COMMITTEES

Bailey's Pharmacy – Variance 2019 and Waiver Application

Mayor Dowless said that he received an email from the applicant to postpone this review until November 19, 2019. They would like to meet with the DRC committee to see if things can be worked out.

Council President Horn made the motion to table the waivers and variance until November 19, 2019 at 6:30 pm; second by Council Member Rader. Motion passed (4/0).

ORDINANCES

1. **ORDINANCE 2019-03** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD

COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY .28 ACRES LOCATED AT 302 MANDALAY ROAD; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP IS A SMALL SCALE AMENDMENT UNDER SECTION 163.3187, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2019-03 in title only. Planner Hardgrove said the applicant is present. The applicant, Mr. Jose Neto, approached the podium and said that he was withdrawing his request for a Small Scale amendment. City Attorney Smith said there is no decision for Council. Council President Horn thanked the applicant for attending.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. **ORDINANCE NO. 2019-08 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134 – “ZONING” BY CLARIFYING LOCATION STANDARDS FOR ACCESSORY STRUCTURES, INCLUDING SCREEN ENCLOSURES AND POOLS; DEFINING TERMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

Council President Horn said that it was intended for Council to have the second reading of the accessory structure but it did not make it to the agenda. This will be moved to the November 19, 2019 agenda.

City Attorney Smith gave the Second/Final reading of Ordinance 2019-08 in title only.

Council Member Rader made the Motion for a continuance of Ordinance 2019-08 until the November 19, 2019, 6:30 p.m., city Council meeting; Second by Council President Horn. Approved 4/0.

CONSENT AGENDA

1. Review and Consideration of City Council Meeting Minutes
 - October 1, 2019 City Council Special Meeting Minutes

Council President Horn asked for a motion to approve the consent the agenda.

Council Member Rader made the Motion to approve the Minutes from the October 1, 2019, special meeting, as presented; Second by Council Member Chotas. Motion passed (4/0).

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. **ORDINANCE 2019-04 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO TREES; AMENDING CHAPTERS 50 AND 130 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO CLARIFY**

AND CONSOLIDATE REQUIREMENTS RELATED TO TREES, SHRUBS, AND PLANTS; AMENDING PROVISIONS RELATED TO MAINTENANCE AND RESPONSIBILITY FOR TREES AND TREE BRANCHES LOCATED WITHIN AND ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith gave the Second/Final reading of Ordinance 2019-04 in title only. City Attorney Smith explained that the revision made from the first reading was that instead of not requiring the maintenance of trees if they hung over roadways, the revised Ordinance does require a licensed professional for maintenance over roads. Council Member Rader said he thought there was a provision regarding a wall; City Attorney Smith said that the language was removed. Council Member Chotas said that he viewed trees around the City that were either on the right-of-way adjacent to a road or private road, and most were in good shape except for some isolated branches. Council Member Chotas said if the homeowner has the responsibility to hire an arborist to cut high limbs, it would be expensive but it could be required by the terms of this ordinance. Up until now it was a City expense. Council Member Chotas had concerns about the cost of removing an isolated branch whether or not it would be an inappropriate redistribution of cost to the homeowner, and could be subject to abuse to the private sector. The City could have done the maintenance over the last ten years now it is the homeowners' responsibility.

Mayor Dowless said the abuse has been the other way around in the past. Mayor Bagshaw was very conscious of tree maintenance and a lot of work has been done. He said that Mayor Bagshaw and the arborist has reviewed trees in the city a couple of times. Mayor Dowless said the potential of abuse from the City is not likely. He said the City needs to be proactive with the trees. He is sure there was a review of trees in the City and an arborist report on tree survey done not too long ago. City Clerk Meeks may have more information on this.

City Attorney Smith said that line 170 of the Ordinance authorizes Council to make a determination in a dispute. He said that "at private expense" will be added to the language at the end.

Council Member Chotas said that is a good addition but does not know if it solves the problem of isolated branches. A lot comes down to enforcement; will the request be for problem trees or branches? A lot of that is on the Mayor's table. Mayor Dowless said his focus is on budget and not to pay for private problems.

City Attorney Smith said that with the addition of the language, the city's decision can be appealed. Council Member Chotas said it must be within 30 days. Attorney Smith said it is like a motion of appeal. Council Member Chotas agreed that this helps.

Mayor Dowless said it becomes less expensive to split the cost and do it all at once. He wants to protect other taxpayers.

Council President Horn said that for economies of scale there can be a city arborist working in the city and everyone would not have to hire different companies if homeowners are interested in doing that. Council Member Chotas and Mayor Dowless agreed that could help.

No public comment

Motion by Council Member Horn to approve the second/final reading of Ordinance 2019-04 with addition of “at private expense” to line 170; second by Council Member Rader. Motion passed (3/1).

The Motion was approved by the following roll call vote (4/0):

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

2. **ORDINANCE 2019-07** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES TO PERMIT HEARINGS BEFORE THE LOCAL HEARING OFFICER OF LOCAL PARKING VIOLATIONS WITHIN THE CITY OF EDGEWOOD; PROVIDING FOR DEFINITIONS; ADOPTING STATE PARKING STATUTES UNDER CHAPTER 316, FLORIDA STATUTES; PROVIDING FOR CIVIL PENALTIES FOR PARKING NEAR A FIRE HYDRANT AND PARKING IN A FIRE LANE; ESTABLISHING PROCEDURES BEFORE THE LOCAL HEARING OFFICER; ESTABLISHING ADMINISTRATIVE COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith gave the second/final reading of Ordinance 2019-07, in title only.

There were no public comments or Council comments.

Council Member Rader made the motion to approve the second/final reading of Ordinance 2019-07; second by Council Member Pierce. Motion passed (4/0).

The Motion was approved by the following roll call vote (4/0):

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

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Request for Proposals – Debris Management

Mayor Dowless said that there will be a 4-member committee to review the RFPs for debris management. He said seven proposals were received and remain unopened. Mayor Dowless said Council Member Pierce agreed to serve on behalf on the council, and Chief Freeburg will represent PD. Additionally, City Clerk Meeks will serve on the committee and Mayor will appoint a resident to also serve on the committee.

Council Member Chotas moved to approve the procedure set forth in the memorandum from the City Clerk, dated October 9, 2019, regarding the RFP review committee for debris management services.

This would not be just for debris management. He asked if this is a standard procedure and Attorney Smith said that it is just for this RFP.

Council Member Chotas restated the motion to approve the process for a re-evaluation committee; second by Council Member Horn. Motion passed (4/0). No roll call vote.

GENERAL INFORMATION (No action required)

CITIZEN COMMENTS

STAFF REPORTS

City Attorney Smith:

- Opioids Negotiation Class Action Notice

City Attorney Smith referenced the copy of the class action opioid negotiations he provided to Council, noting that the purpose of the class action is for negotiation of settlements. He said it is an opt-out notice and he recommends the City do nothing. He continued with saying that opting out would allow the City a lawsuit and he does not foresee the City needing to do that. He said every City would be sharing for costs incurred. City Attorney Smith said there is no down side to NOT opting out. If there is a settlement, at any point, the City can opt out. The only quirk is that, if a county opts out and the municipalities do not, there is no way for the money to flow. He does not see any reason for Orange County to opt out. He said that November 22, 2019 is the opt-out date.

There was no direction from Council to change anything.

Chief Freeburg said Edgewood does not have a huge cost compared to the general area.

Resident, Les Slesnick, commented about the marketing of narcotics which were falsely marketed to doctors.

Police Chief Freeburg:

- Police Chief's Monthly Report

Chief Freeburg said the City is getting ready for Halloween on Friday (10/18/19). He said set up will begin around 11:00 am on Friday. Chief Freeburg said that everything is almost done. Chief Freeburg noted that this is the first big event without Mayor Bagshaw.

City Clerk Meeks:

Absent.

MAYOR & COUNCIL REPORTS

Mayor Dowless

Mayor Dowless reported on the following:

- Announced that resident Tom Perley agreed to serve on the review committee for the debris management proposals. He said resident Perley completed information online to the City's questionnaire that was sent out with the City newsletter some time ago. He said Deputy City Clerk Riffle will send out the survey again. He said as a result of the talent questionnaires, the City learned they have a resident who is expert in digital marketing. Mayor Dowless said the City will consult with this resident.
- Mayor Dowless complimented City Attorney Smith, Code Enforcement Officer Virginia Renteria, and Chief Freeburg. He said there have been ongoing problems with Pop's Auto looking like a salvage lot. He said staff kept detailed records, which resulted in the owners being fined \$250 a day for the repeat violation. Mayor Dowless said the owners are keeping the property cleaner and up-to-code.
- Mayor Dowless invited everyone to the City's Halloween event on Friday, October 18, 2019. He said there will also be live entertainment.

Council President Horn

No report

Council Member Chotas

Council Member Chotas reported on the Community Action Board meeting he attended. He said Orange County prepared a needs assessment and that the City of Edgewood might have something to add. Council Member Chotas said he could not think of anything Edgewood needs for housing, medical, demographics. Council Member Chotas asked if there is something to make a recommendation for within the City of Edgewood. He said the needs assessment aids in determining what needs to be solved on a demographic or social standpoint.

Council Member Chotas said there are also programs to educate and provide affordable housing. He said those in need might be referred out to a nonprofit, depending on their need. Council Member Chotas said

there are people who are poor that do not act poor. He asked the room if there is someone they know in Edgewood in need.

Cindy Frangello, resident, said that where she works there is always domestic violence issues across all strata. Chief Freeburg said there is not a lot of domestic violence in the City.

Council Member Fortini

Absent.

Council Member Pierce

Council Member Pierce said he will not be able to attend Friday's Halloween event because he will be out of town.

Council Member Rader

Council Member Rader said he will be unable to attend Friday's Halloween event as he will not be in town.

Council Member Rader said that Mayor Dowless was asked to attend a planning council for an organization called the Blue Zones Project. He said the focus is making healthy communities focused around an environment and healthy choices. For example, Edgewood has recently gone through this with the Edgewood Central District, to become pedestrian oriented with more green space. This could produce opportunities for funds down the road for such things as underground utilities and streetscaping. He said that Seminole County is on a third generation of infrastructure sales tax and he doesn't like dependency on a tax that should be part of programs.

Council Member Chotas asked if money uses bonds or spends tax revenues; Council Member Rader said they spend tax revenues.

Council Member Rader asked if Pop's Auto restriped their parking lot. City Attorney Smith said it was not authorized by City. He noted that the restriping was addressed. Council Member Rader says that other municipalities enforce deterioration of property, and that this is something for the City to consider.

Council Member Rader said The Waterfront restaurant has a parking problem. He asked where was the restaurant in their plan to hook up to sewer and noted that you cannot park on septic and berms, etc. Deputy City Clerk Riffle said that code enforcement is vigilant. She said the restaurant is getting parking arrangements for events off property.

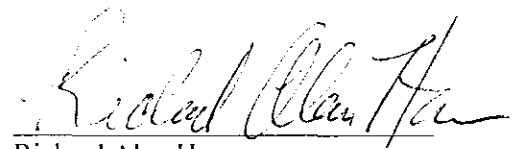
Referencing the proposed annexation for Oak Water, City Attorney Smith said there are easement issues. He stated "Does the association have the right to give Edgewood the easement"; they can but how? It's in the hands of the association and they are talking to Attorney Jacob Schumer, who is in the same law firm as City Attorney Smith.

Mayor Dowless said that the March City Council meeting will need to be moved to the last Tuesday of the month, or a different Tuesday because the Presidential Preference Primary is March 17, 2020. He noted that there is a potential election for Edgewood too. Mayor Dowless asked for March 24, 2020 be reserved for the March Council meeting.

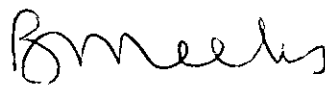
Resident Les Slesnick, asked for the city's position on vaping. City Attorney Smith said he has not delved into this. State regulation and some jurisdictions trying to spread awareness and adopt ordinances to regular sales.

ADJOURNMENT

Having no further business, the Council meeting adjourned at 7:58 p.m. on *Council Member Rader's Motion to adjourn; second by Council Member Pierce. Motion passed (4/0).*



Richard Alan Horn
Council President



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

Approved on November 19, 2019