



**City Council Regular Meeting Minutes  
Tuesday, November 17, 2020  
6:30 pm**

**CALL TO ORDER**

Council President Horn called the Edgewood City Council meeting to order at 6:30 pm. Council President Horn asked for a moment of silence, followed by leading everyone in the Pledge of Allegiance.

**ROLL CALL & DETERMINATION OF QUORUM**

Deputy City Clerk Riffle announced a quorum, with four Councilmembers present. She announced that Councilmember Pierce gave advance notice of his absence, and she requested a motion to excuse his absence.

*Councilmember Chotas made the motion to excuse Councilmember Pierce’s absence; second by Councilmember Lomas. The motion was approved (4/0).*

**Attendees:**

- John Dowless, Mayor
  - Richard Alan Horn, Council President
  - Chris Rader, Councilmember
  - Lee Chotas, Councilmember
  - Susan Lomas, Councilmember
- Quorum

**Absent:**

- Ben Pierce, Council President Pro-Tem

**Staff:**

- Sandy Riffle, Deputy City Clerk
- John Freeburg, Police Chief
- Shannon Patterson, Police Dept. Chief of Staff
- Drew Smith, City Attorney
- Allen Lane, City Engineer
- Jim Winter, City Landscape Engineer
- Ellen Hardgrove, City Planner

**PRESENTATIONS**

Mayor Dowless presented a certificate of appreciation to Marion Rayburn for her eight years of service on the Planning & Zoning Board.

Chief Freeburg introduced new Officer Laura Bartkovsky and administered her oath.

Chief Freeburg introduced new Police Clerk, Haymee Watkins.

**CONSENT AGENDA**

a. Review and Consideration of City Council Meeting Minutes - October 20, 2020 City Council Meeting

City Clerk Meeks provided a sheet with requested corrections to the October 20,2020 minutes from Councilmember Rader to each Councilmember at the dais.

On the bottom of page two, the word “speak” should be added to read “she would speak to him regarding ...”

*Councilmember Rader made the motion to approve the October 20, 2020 minutes with corrections; second by Councilmember Lomas. The motion was approved (4/0).*

**ORDINANCES**

None

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

Ordinance 2020-05 - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ANNEXING APPROXIMATELY 16.32 ACRES INTO THE CORPORATE LIMITS OF THE CITY OF EDGEWOOD; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR LAND USE DESIGNATION; PROVIDING FOR REVISION OF CITY CHARTER AS TO LAND BOUNDARIES; PROVIDING FOR FILINGS WITH APPROPRIATE GOVERNMENTAL ENTITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Smith gave the second and final reading of Ordinance 2020-005 in title only.

Council President Horn asked for public comments; there were none.

*Councilmember Chotas made the motion to approve the second and final reading of Ordinance 2020-05; Second by Councilmember Rader.*

A roll call vote was taken and the motion was approved (4/0).

Councilmember Chotas	Favor
Councilmember Rader	Favor
Council President Horn	Favor
Councilmember Lomas	Favor
Council President Pro-Tem Pierce	Absent

**Public Comment:**

Edgewood resident Jim Muszynski asked the Council if there is a report regarding revenue versus expenses of annexing this property into the City. Mayor Dowless said that the estimated generated revenues are at \$30,000 per year and that he would review the information. City Clerk Meeks said that she would provide the report to Mr. Muszynski.

**BOARDS AND COMMITTEES**

The Council agreed to Council President Horn’s request to move Boards and Committees forward in the agenda.

a. **429 Harbour Island Road – Boat Dock Variance Requests**

City Clerk Meeks stated that Council President Horn filed Form 8B - Memorandum of Voting Conflict. Council President Horn said that he is the next-door neighbor to this property. The proposed dock would be within 10 feet of his own dock, and the applicant also requested a quote from Council President Horn to perform the work. He has no problem with the proposed dock and has signed a letter of no objection.

Engineer Lane introduced two variance requests to add a boathouse, roof, and new terminal platform to an existing dock walkway and terminal platform at 429 Harbour Island Road. The existing walkway to the platform is proposed to remain.

Variance 2020-07 is a request for reduced side setbacks of 3 feet on the east side and 11 feet on the west side, in lieu of the required 15 feet.

Variance 2020-08 requests an increased width of 5'9" on the existing walkway, in lieu of the maximum allowed 5 foot.

Engineer Lane said the variance requests were presented to Planning and Zoning (P&Z). The Board recommended approval with conditions –

1. the roof overhang on the east side could extend no more than 1 foot because that would be 2 feet from the property line and
2. no watercraft may be moored on the east side of the dock as it would be in close proximity.

After P&Z, a few minor changes were made to the plans. The map with the shoreline's length was modified to show the shoreline at 79.55 feet; the length shown to P&Z was shorter.

The other change was the calculation of the terminal platform. The deck, boat slip, and personal watercraft area should be 675.86 square feet, which is slightly larger than what was presented to P&Z. This is significant due to the length of the shoreline.

In response to Councilmember Lomas, Engineer Lane said they do not need a variance for height, and the boathouse would not affect the neighbors.

Councilmember Rader commented on his concerns about the applicant's efforts to minimize the boat dock's impact which is increasing its encroachment. He asked if the structure could have been moved to create more room and maintain the existing footprint.

Discussion ensued regarding the depth at the end of the dock. Councilmember Rader asked if they explored different options for positioning the dock without increasing the encroachment and diminish the impact to the east side.

Property owner, Mr. Weibel, said they wanted to minimize the environmental impact, and this design was the easiest way without tearing out the existing dock. The dock would still be positioned behind the neighboring dock.

In response to Councilmember Rader, contractor Sheila Cichra of Streamline Permitting said they worked for six months and talked with both property owners. The dock to the east is large, so there are no obstruction issues, and it gets to an adequate depth. It also allows the neighbor to the west an adequate view. Even if the existing walkway were torn down, it would still be the ideal location. She said that both neighbors were involved and are on board and will be good for future property owners.

Councilmember Rader reminded Ms. Cichra that residents do not give variances to City code.

***Councilmember Chotas made a motion to recommend approval of Variance 2020-07, to allow reduced side setbacks of 3' on the east side and 11' on the west side, with the condition that the roof does not extend more than 1 foot from the boathouse and that there is no mooring on the east side; second by Councilmember Lomas.***

The motion for Variance 2020-07 was approved by the following roll call vote (2/1).

Councilmember Rader	Oppose
Councilmember Chotas	Favor
Councilmember Lomas	Favor
Council President Horn	Recused
Council President Pro-Tem Pierce	Absent

Councilmember Rader added that his vote was not to discourage the intent but that there could have been a solution more in line with Code.

***Councilmember Lomas made the motion to approve Variance 2020-08 to allow a walkway width of 5 foot 9 inches; second by Councilmember Chotas. The motion passed (3/0).***

The motion was approved by the following roll call vote (2/1).

Councilmember Lomas	Favor
Councilmember Chotas	Favor
Councilmember Rader	Favor
Council President Horn	Recused
Council President Pro-Tem Pierce	Absent

**b. 429 Oak Lynn Drive – Proposed Preliminary Plan for Subdivision Approval And Variances from Chapter 126 – Subdivisions**

Planner Hardgrove introduced the request to approve a preliminary plan for a subdivision and variance requests from Chapter 126 for the property located at 429 Oak Lynn Drive, to be known as Oak Lynn Place Replat, submitted by Todd Nolan. The property is Lot 19 of the Oak Lynn Second Plat, which was platted in the City in 1958. There will be two additional lots to have three houses.

City Clerk Meeks said this was formerly known as Trish Ward’s property.

All three lots are zoned R-1AA and meet the requirements for the zoning district. Planner Hardgrove noted that three units per acre is consistent with the Comprehensive Plan and future land use designations for low-density residential. All of the lots will exceed the typical lot size of the surrounding neighborhood.

The applicant has requested two variances related to the subdivision regulations due to the adjacent rights of way (ROW) of Alleman and Haverill Drive. Haverill Drive has a 35-foot ROW. Code would require an additional 25-feet to come from the property for the ROW. Alleman Drive has a 20-foot ROW, and Code requires 20 additional feet from this property.

City Council approved a similar subdivision on lot 18 in 2001. It was a 4-lot subdivision, and the same ROW issues existed. City Council required a dedication of 15 feet off of both sides. The applicant has requested the same; to add 15 feet from their property to Haverill Drive and 15 feet for Alleman Drive.

Planner Hardgrove continued that it would be impractical for the property owner to give the amount required by Code in this situation and no benefit for getting a blind ROW. The City Engineer has determined that there is enough ROW to use for such projects as drainage improvements.

In response to Councilmember Chotas, the roads are public, and the dedication of extra width is an easement. The roads exist, but they are substandard in width.

In response to Councilmember Lomas, Planner Hardgrove said they would not be adding 15 feet on each side, and the roads would remain the same pavement width of 20 feet.

Councilmember Chotas said that he does not mind small neighborhoods having small roads. but he would prefer that they be private. He asked if there was any thought to vacating any of the public roads and let the property owners take ownership. Planner Hardgrove said that the entire plat in 1958 was with public, paved roads, and Councilmember Chotas said that it would not make sense to vacate just that small section.

Attorney Smith said that there is no public purpose, and it creates an island of a private road. Councilmember Chotas confirmed that he sees that this is not a dead-end area.

In response to Council President Horn, Planner Hardgrove confirmed the width of Oak Lynn and Lynwell Drives are both 20-feet wide.

The subdivision regulations require that when there is a substandard ROW adjacent to a proposed subdivision, the deficiency needs to be corrected, so a variance is required. P&Z and staff both recommended approval.

The third requested variance is also part of subdivision regulations and relates to septic tanks. Subdivision regulations state that no more than 50% of lots in a block on septic tanks. He could not build on the two lots unless he extended the sewer line and staff thought it would be impractical for him to extend the sewer for two lots. If central sewer were ever extended to the subdivision, he would be required to hook up with the rest of the subdivision. Staff and P&Z recommended approval of this variance.

In response to Councilmember Chotas, Planner Hardgrove reviewed the criteria for subdivision variances from Code Chapter 126 and said that the criteria have been met in all. The code section that requires ROW width does not reference whether it should be by dedication of land or by easement.

Councilmember Rader questioned if the preliminary plan should have a utility easement to provide the water and would like to confirm that water can get there. Planner Hardgrove said she is sure there is water from one of the roads. The property owner, Mr. Nolan, confirmed there is water on Haverill.

Mr. Nolan came to the podium and described the declining condition of the existing house, a 1930's colonial. All of the lots are the right size, and he does not think it detracts from the neighborhood. It will also allow him to restore the house to a good condition.

In response to Council President Horn, Mr. Nolan said that he intends to sell the lots and restore the home.

In response to Councilmember Chotas, Mr. Nolan said he does not think it would work financially to make it two lots rather than three, particularly given the house's damage.

Councilmember Chotas said he feels uncomfortable about making little lots and then made reference that P&Z made the recommendation to approve.

In response to Councilmember Lomas, Councilmember Chotas said that he thinks there would be less impact with only two lots.

Planner Hardgrove said the number of lots is consistent with the land development code and the Comprehensive Plan. If the variances are denied with ROW, the property owner could still divide the lot into three. Mr. Nolan is not asking for rezoning, and this meets RIAA standards.

There was no public comment.

*Councilmember Rader made a motion to approve all three of the variance requests related to 429 Oak Lynn Drive as recommended by Planning and Zoning; second by Councilmember Lomas.*

*Variance 1: Chapter 126-288 – Half streets: To allow the provision of a 15-foot right-of-way, per Code 126-288, on Haverill Drive in lieu of the required 25 feet[EaR1].*

*Variance 2: Chapter 126-290 – Additional right-of-way: To allow the provision of a 15-foot right-of-way per Code 126-290 on Alleman Drive in lieu of 20 feet.*

*Variance 3: Chapter 126-522 – Central sewerage Systems: To allow septic tanks for all new parcels in lieu of only 50% of the lots.*

*The motion was approved by a roll call vote (4/0).*

Councilmember Rader	Favor
Councilmember Chotas	Favor
Councilmember Lomas	Favor
Council President Horn	Favor
Council President Pro-Tem Pierce	Absent

### **Preliminary plan for subdivision approval - Chapter 126**

*Councilmember Lomas made a motion to approve the application for Preliminary Plan for Subdivision for the area known as Lot 19, Oak Lynn Estates replat; second by Councilmember Rader.*

*The motion was approved by a roll call vote (4/0).*

Council President Horn	Favor
Councilmember Lomas	Favor
Councilmember Chotas	Favor
Councilmember Rader	Favor

### **c. 101 Mary Jess Road Suncoast Building Materials – Variance Requests and Amendments to Special Exceptions**

Planner Hardgrove introduced the request for six variances from City landscaping regulations and four changes of conditions to a special exception approved in 2016 for property located on the north side of Mary Jess Road, west of the railroad tracks. The Special Exception allowed the construction of a warehouse for building materials in 2019. A Certificate of Occupancy was issued on December 9, 2019 before the required landscaping, as part of the approved site plan of November 2018, was installed.

In response to Councilmember Lomas, Planner Hardgrove said this is not normal procedure, and there is usually a hold put on the Certificate of Occupancy.

Planner Hardgrove said that the applicant requests to modify the required landscaping that was approved on the site. Staff recommends denial of most of the requests. The representative for the applicant did not really object to the recommendations made by the P&Z Board. Planner Hardgrove summarized the requests.

Reduction of landscaping in required northern buffer

- An amendment to a special exception condition to eliminate the required landscape screening between 8 and 25 feet in height above grade along the wall located on the north property line.
- **Variance 2020-VAR-09:** A variance in Code Section 114-5(2) to allow the number of shade trees in the buffer along the northern perimeter at a rate of 1 shade tree per 193.33 lineal feet in lieu of 1 shade tree per 40 lineal feet.

Planner Hardgrove said that the buffer is adjacent to single-family homes. The Special Exception was to allow outside storage up to 25 feet. P&Z and staff are recommending denial.

Shade trees versus small trees along Mary Jess Road. Staff recommends approval of this request.

- An amendment to the special exception condition to allow the existing oak trees to remain instead of replacing them with the required understory/small trees.
- **Variance 2020-VAR-10:** A variance in Code Section 11 4-4(I)a.2 to allow the number of shade trees along Mary Jess Road, west of the driveway, to be to be one shade tree per 52.2 feet in lieu of one shade tree per 40 lineal feet.

Because of the existing utility lines, staff recommended understory trees. The applicant said they want to keep the trees because it is very pretty when you see the trees by the road. P&Z's recommendation is to keep the existing trees, and added a condition that if any of the trees die, they would be replaced in kind with the same kind of oak. The public who attended and spoke said they wanted the oak trees to remain and keep the character of the road.

The applicant also needed a variance because they could not meet the requirement of 1 tree per 48 feet because of the power pole west of the driveway. It changes the requirement to one per 52.2 feet.

Elimination of hedge and restoration of the wall along Mary Jess Road

- **Variance 2020-VAR-11:** A variance in Code Section 11 4-4(1) a.3 to eliminate the continuous hedge requirement along the public street right-of-way.
- Elimination of the Special Exception condition, which requires the restoration of the wall along Mary Jess Road to a good condition.

The applicant requests to remove the hedge along the wall, approved in the 2016 landscape plan, so that the health of the existing oaks is not impacted. P&Z supported this request.

In response to Councilmember Lomas, Landscape Architect Winter said the trees are located approximately seven feet from the wall.

Planner Hardgrove said the recommendation of Landscape Architect Winter is to deny the request to eliminate the hedge but give them a variance to decrease the plant size and plant small groundcover. This should serve the same purpose for landscaping while protecting the big oaks.

In response to Councilmember Rader, Landscape Architect Winter confirmed that because of a smaller root ball, the size reduction protects the oaks as the digging will not be as deep by the trees' root systems.

Planner Hardgrove said that staff recommends denial of removing the Special Exception that requires the wall to be restored to good condition. P&Z also recommended denial and further clarified the condition of the wall should be restored to a clean, fresh, smooth finish similar to what is expected of new or recent construction.

Postponement of trees along the western property perimeter

- **Variance 2020-VAR-12:** A variance in Code Section 114-4(I)b.3 to allow the postponement of the requirement for 1 shade tree per 50 lineal feet along the west property line, south of the railroad spur

Planner Hardgrove said the applicant wants to postpone the installation of the trees because of the future building. Staff's opinion is that the building will not affect the trees. There needs to be a buffer so drivers on Mary Jess Road see trees instead of outdoor storage. Staff and P&Z recommend denial.

Reduction of landscaping adjacent to the southern building facade

- **Variance 2020-VAR-13:** A variance in Code Section 11 4-4(4) to allow the reduction of the required landscaping along the building perimeter facing the public right-of-way.

Planner Hardgrove said this is a code requirement. She showed Council the area and said the building requires softening with landscaping.

Shade trees vs. palms internal in the parking lot

- **Variance 2020-VAR-14:** A variance in Code Section 11 4-4 (I)c. to allow the required trees in the parking area to be palm trees in lieu of shade trees.

Planner Hardgrove said shade trees in parking lots are very important as they provide shade and habitat for birds and both P&Z and staff recommends denial as there is no reason they cannot meet this requirement.

Elimination of landscaping along the eastern property perimeter

- Elimination of the Special Exception condition which requires a continuous hedge along the eastern property line between the wall on the north end and the railroad spur on the south end.

Planner Hardgrove said this was a requirement because there has been a change in character along the rail line. Where it was mostly industrial, it is now primarily commuter rail, and we would like to have a nice representation of the City. The hedge would be located on the west side of the fence so there would be no conflict with the rail line.

In response to Councilmember Rader, Planner Hardgrove said the landscape plan was approved with the site plan in 2018 based upon the conditions of approval. The certificate of occupancy was issued in December 2019.

Planner Hardgrove confirmed to Councilmember Rader that if these modifications are accepted, the plan would have to be finalized and approved to move forward. Planner Hardgrove explained that the applicant told P&Z that they want conditional approval of the site plan so they can move forward.

Planner Hardgrove referenced the summary sheet of requests that City Clerk Meeks provided for the Council. She recommended that they look at the condition of replacing the oak trees. If they want to keep consistency, then the live oak is a good idea. The concern from staff was the location of the overhead power lines.

Jared Huhn, P.E., with FEG, representing the applicant, came to the podium. He said the applicant would like to make the revisions and have it approved by staff so that they can move forward and not come back to P&Z.

Planner Hardgrove confirmed to Attorney Smith that Council would give conditional approval so that staff can review to ensure that the plan complies with the conditions of approval.

Councilmember Rader said that he wants the plan on record to show that the landscape plan is consistent with what is approved. He said his concern is that it was not built before and wants to know what will keep this from happening again because Orange County did not place a landscape hold.

Deputy City Clerk Riffle explained that the City placed a zoning hold on the application. The County mistakenly overturned the hold before the final inspections could be made and issued the Certificate of Occupancy.

Engineer Huhn said that they have made it clear to the property owner that he must comply with the conditions of approval or code enforcement action will be put into place.

In response to Councilmember Chotas, Attorney Smith said conditional approval of the site plan could be done last. Then there would be a motion to authorize staff to confirm that the new landscape plan conforms to the motions that are made.

Attorney Smith confirmed to Councilmember Chotas that it would be a part of the record that the applicant agreed with P&Z's recommendations.

## Public comment

**David Willis**, Edgewood resident and attorney, stated he represented Ms. Mary Wozniak, who was unable to attend the meeting. She lives on Laval Drive, which is on the north side of this property.

Attorney Willis said he understands the applicant will agree to a 50-foot landscape buffer with trees every 40 feet on the north side of the property, which was part of the original approval, to screen the residences from the industrial property. There are some concerns about the activities going on at the property.

Attorney Willis showed photos from December 2019 with views from the Wozniak residence. The applicant was storing concrete debris. The conditions were that only new materials were to be stored outside, but they are not doing that. They brought in a backhoe and buried the debris against the wall. Ms. Wozniak thinks that is why they are requesting the variance because of the amount of concrete buried back there. There are no trees, and they should have been planted a long time ago. If the applicant does what they are supposed to do, it will go a long way in resolving these long-existing problems.

Attorney Willis confirmed to Councilmember Chotas that his client wants Council to deny the variance requests and for the applicant to keep their promises.

**Jim Muszynski**, Edgewood resident, said he is in favor of keeping the original conditions. He said there should be an agreement to have irrigation if there is going to be a hedge. He said that the power lines are south of the wall, and they only affect the oaks. They do not affect the agreement.

Mr. Muszynski said that it is absurd they got an agreement, and they are only here because they were caught not following the agreement. He wants the original agreement followed, and any new restrictions that add to the protection of the neighborhood be agreed upon. Until that is done, there should be no new construction. He agreed with Mr. Willis and his client to protect the neighborhood's residential character and said the time to treat the applicant as an honest broker is over.

In response to Councilmember Chotas, Planner Hardgrove said that it becomes a code enforcement issue if the landscaping dies. Councilmember Chotas told Engineer Huhn to relay that information to his client so that he will not attempt a half-hearted job.

Councilmember Chotas asked Planner Hardgrove if there is any risk that the applicant will not move forward with the project with the design approved by the City following the recommendations of P&Z. Planner Hardgrove said that P&Z denied everything except keeping the big oaks and the hedge changes. The issue is code enforcement to ensure that everything is well irrigated to make the landscaping last. Landscape Architect Winter said the northern buffer would take years before it provides the coverage, and it needs to be cared for.

In response to Councilmember Chotas, Landscape Architect Winter said there were three trees on the north side because of parking. Engineer Huhn confirmed to Councilmember Chotas that those trees will be installed.

In response to Mayor Dowless, Attorney Smith said a neighbor may allow code enforcement on their property to view what is going on inside the wall if it is not visible from the outside.

City Clerk Meeks said that Ms. Wozniak has given permission for code enforcement to be on her property.

In response to Councilmember Rader, City Clerk Meeks said City Hall called Orange County Environmental Department, who did not cite Suncoast for illegal dumping activity.

*Councilmember Chotas made a motion to accept all of P&Z's recommendations; second by Councilmember Rader.*

*The motion was approved by a roll call vote (4/0).*

Council President Horn	Favor
Councilmember Lomas	Favor
Councilmember Chotas	Favor
Councilmember Rader	Favor
Councilmember Pierce	Absent

*Council Member Chotas made a motion authorizing staff to conform the landscape plan to the approved conditions without having to return to Planning and Zoning.*

Engineer Huhn said there is a separate new site plan for a new building addition that is not related to the requested variances. It will still need to come before the P&Z Board.

In response to Councilmember Rader, Attorney Smith said he would not require a second amendment to mandate the installation of the landscaping prior to a substantive site plan, but if there is reason for denial when the applicant comes back, it can be denied at that time.

In response to Councilmember Lomas, Attorney Smith said that Councilmember Chotas' motion is to approve that staff can confirm the landscaping plans are consistent with these motions made tonight.

*Councilmember Rader seconded the motion made by Councilmember Chotas.*

*The motion was approved by a roll call vote (4/0).*

<i>Councilmember Rader</i>	<i>Favor</i>
<i>Councilmember Lomas</i>	<i>Favor</i>
<i>Councilmember Chotas</i>	<i>Favor</i>
<i>Council President Horn</i>	<i>Favor</i>
<i>Council President Pro-Tem Pierce</i>	<i>Absent</i>

Councilmember Rader suggested that the applicant move quickly so that does not become part of a future discussion.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**New business was heard after Boards and Committees.**

**RESOLUTION 2020-05** A resolution of the City of Edgewood, Florida amending the city's budget for the 2019/2020 fiscal year; authorizing the Mayor and/or his designee to take all actions necessary to implement the terms and conditions of t this resolution; providing for an effective date.

Attorney Smith read Resolution 2020-05 in title only.

City Clerk Meeks explained to Council they have the final budget amendment for the 2019/2020 fiscal year, meeting the deadline of the statute within 60 days of the end of the fiscal year. The City is within boundaries and also brought in more revenue than expenditures. The amendment's purpose is housekeeping because of some line items such as consultants' fees that were greater than expected due to development. The pass-through fees covered the extra expenses, but the budget needs to reflect no shortfall.

Council President Horn asked how much extra revenues the City took in. City Clerk Meeks explained the actual revenues versus the actual activity. It is the same for the proposed versus actual expenditures. This will clean up the line items so that everything balances.

In response to Councilmember Chotas, City Clerk Meeks said she would get a further explanation regarding the fund balance from Tammy Campbell, as Lindsey Rock only does the line items.

The Council's consensus was that they would rather not approve the Resolution until Ms. Campbell can explain.

City Clerk Meeks said this requires a special meeting before the end of the month as it must be 60 days within the close of the fiscal year.

*Councilmember Chotas made a motion to table the discussion of Resolution 2020-05 to a time set by City Clerk Meeks on Monday morning of November 23, 2020; second by Councilmember Rader. The motion was approved (4/0).*

City Clerk Meeks said the meeting would be held at 8:30 am.

Attorney Smith said that City Clerk Meeks would send out the notice.

## Public Comments

None

## Staff Reports

### City Attorney Report

Attorney Smith reported that Debra Babb-Nutcher can no longer serve as the Code Enforcement Magistrate. They are able to move Kate Hollis, who also covers red light hearings, to Code Enforcement Hearings.

Attorney Smith said that he needs to adjust the Code to be sure this is compliant. He also mentioned that the City needs a new code enforcement officer.

Attorney Smith asked for a motion to install Ms. Hollis as Interim Code Enforcement Hearing Officer as a part of her duties.

Councilmember Rader said that the City could gain efficiency and have both Red Light and Code Enforcement hearings on the same day.

In response to Councilmember Chotas, City Clerk Meeks said that she believes Ms. Hollis' rate per house is \$150, which is the same as in 2018.

*Councilmember Chotas made a motion to appoint Kate Hollis as Interim Code Enforcement Hearing Officer as a part of her duties; second by Council President Horn. The motion was approved (4/0).*

### Police Chief & City Clerk Reports

#### Chief's Report

- Chief Freeburg said they would have DUI check points this Friday.
- Officers have concluded Glock training.
- Orange County offered to pay for de-escalation training to be on the same page with the same policies. Chief Freeburg explained that de-escalation is geared towards mental health and protecting both the suspect and the public. It is called "patient policing" as they determine the levels of force and wait for backup. It is about balance and making the right decisions. The community needs to do their part too, and that message needs to get out.

#### City Clerk's Report

- City Clerk Meeks said she is preparing for the audit with the new auditor.
- Confirmed that the Mayor and Councilmembers were emailed a copy of the letter from the State confirming that the City is in compliance with their levy and TRIM.
- City Hall is looking for an administrative assistant.

## Mayor & Council Reports

- Mayor Dowless said that golf carts are not allowed without a special ordinance for the neighborhoods. He does not have an issue with it and asked for Council's input.

Attorney Smith said they have to opt in to allow golf carts per state law.

Chief Freeburg said there could be issues such as on Halloween. Council President Horn said that 95% of the golf carts out on Halloween were not street legal.

Chief Freeburg added that there have been a couple of issues from Harbour Island; people call the Police Department when the carts are out there.

In response to Councilmember Chotas, Attorney Smith said allowing golf carts can be done by street designation. He can prepare an ordinance to authorize the program and then designate streets by resolution.

Mayor Dowless said there is no Santa fly-in this year, but we can have Santa drive in convertibles. The fire truck is not available.

City Clerk Meeks explained there was not much response for the holiday employee lunch. Chief said all of his officers cannot attend at the same time and they can't get sick. Mayor Dowless said it could be outside and probably on the same day as the luncheon. It is meant to be fun.

- **Councilmember Lomas** asked about the status of the roads and if they are finished. Mayor Dowless said he had the engineer's report for improvements.

Councilmember Lomas said the sidewalk vendor is terrible. There will be no more removal so that we can finish what we have and regroup. Areas were left exposed when they lifted several sidewalks and left them open. Chief Freeburg blocked everything off and the City's liability was increased. The tree root situation and the AT&T cable can potentially cost a lot if there is damage. We are looking to cure the root and still have a sidewalk. There are other vendors to use.

Mayor Dowless said we are looking at other vendors. It may cost more, but we will not have to pay for the cable. He added that there are mushrooming costs and repairs have to be made after the paving is complete.

Council President Horn suggested a water evacuation to expose the roots.

- **Councilmember Rader** said that Holden Ave PD moved out of Development Review Committee and is going to P&Z. Councilmember Rader added that he noticed Pop's Auto is gone.

## ADJOURNMENT

Having no further business or discussion, *Council Member Chotas made the motion to adjourn; second by Councilmember Rader.* The meeting adjourned at at 8:24 pm.



Richard A Horn  
Council President



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

Approved in <sup>DEC 15, 2020 PG</sup> ~~October 20, 2020~~ Council Meeting