



Edgewood City Council Meeting Minutes Tuesday, September 15, 2020 - 6:30 pm

Call to Order

Council President Horn called the Edgewood City Council meeting to Order at 6:30 p.m. 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 Rifle announced there was a quorum with all 5 Council members and Mayor present.

Attendees

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

Staff

Bea L. Meeks, City Clerk
Sandra Riffle, Deputy City Clerk
John Freeburg, Police Chief
Shannon Patterson, PD Chief of Staff
Stacey Salemi, Police Analyst

Consulting Staff

Drew Smith, City Attorney
Allen Lane, PE

Presentation(s)

Chief Freeburg gave special recognition to Police Analyst Stacey Salemi for her work in preparing the grant package for the City to receive reimbursement from the CARES grant. Chief Freeburg said thanks to Police Analyst Salemi's work, the City received the grant, which was over \$30,000. He said that Stacey will be working on another CARES grant. Police Analyst Salemi was thanked and given a nice round of applause for her work.

Consent Agenda

- a. Consideration of Minutes from Previous Meeting(s)
 - Approval of August 19, 2020 City Council Meeting Minutes

Council Member Rader made the motion to accept the August 19, 2020 as presented; second by Council Member Pierce approved 5/0.

Ordinance(s)

None.

Public Hearings

SECOND/FINAL BUDGET HEARING(s):

1. **ORDINANCE 2020-04** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES UPON THE ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS FOR FISCAL YEAR 2020/2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Meeks presented to Council the 2020/2021 fiscal year final levy. City Clerk Meeks said the final levy is 5.2500 mills, as directed by Council in the budget workshop.

City Attorney Smith read Ordinance 2020-04 in title only.

Council President Horn asked for public comment; there was none. Council Member Pierce made the following motion:

I move to adopt Ordinance No. 2020-04 setting the City of Edgewood's millage rate for fiscal year 2020/2021 at 5.2500 mills, which represents a 6.02 percent increase over the roll-back rate of 4.9518 mills.

Council Member Rader seconded the motion and the motion was approved with the following roll-call vote:

| | |
|------------------------|-------|
| Council President Horn | Favor |
| Council Member Lomas | Favor |
| Council Member Pierce | Favor |
| Council Member Chotas | Favor |
| Council Member Rader | Favor |

2. RESOLUTION 2020-04 - A RESOLUTION OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2020/2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Meeks presented the 2020/2021 fiscal year budget based on a millage rate of 5.2500. City Clerk Meeks confirmed that the budget presented is the budget Council tentatively approved in the September 9, 2020 special meeting.

City Attorney Smith read Resolution 2020-04 in title only.

Council President Horn asked for public comment; there was none. Council Member Chotas made the following motion:

I move to adopt Resolution No. 2020-04 adopting the City of Edgewood's budget for fiscal year 2020/2021.

Council Member Lomas seconded the motion and the motion was approved with the following roll-call vote:

| | |
|------------------------|-------|
| Council Member Pierce | Favor |
| Council Member Lomas | Favor |
| Council President Horn | Favor |
| Council Member Chotas | Favor |
| Council Member Rader | Favor |

SECOND/FINAL ORDINANCE HEARING(s)

1. ORDINANCE 2020-03 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, ENACTING AND APPROVING OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF EDGEWOOD AND THE CENTRAL FLORIDA POLICE BENEVOLENT ASSOCIATION FOR THE TERM OCTOBER 1, 2020, TO SEPTEMBER 30, 2023; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2020-03 in title only. He confirmed that Steve Micciche, the negotiator for the union confirmed all modifications to the Police Department's Collective Bargaining Agreement (CBA) are acceptable and that the City could make the changes in the final draft. City Attorney Smith said

that the CBA, with the approved modifications, is attached to the Ordinance presented in this council meeting. City Attorney Smith said that the changes are not material and did not require a second ratification vote.

Council Member Chotas made the motion to approve Ordinance 2020-03, as presented; second by Council Member Pierce and approved in the following roll-call vote:

| | |
|------------------------|-------|
| Council Member Chotas | Favor |
| Council Member Rader | Favor |
| Council President Horn | Favor |
| Council Member Pierce | Favor |
| Council Member Lomas | Favor |

Unfinished Business

None.

New Business

None.

Public Comments

Richard Yates, 5503 Lake Mary Jess Shores Court - Resident Yates said there is an ongoing issue with a business on Mary Jess Road leaving sand and debris on the roadway. He said the dirt that is being disposed on the roadway is creating a silica dust. Mr. Yates said he has made many complaints to City Hall staff and Rosen Material, but nothing has been done. He read some past emails. Mr. Yates said he built his home in 1986, and was a general contractor for many years. He said Mary Jess Road is like a highway with over 100 trucks each day and some are uncovered loads. Mr. Yates said the trucks start to run at 5 am. He said last week a street sweeper came through for the first time. He said that when CEMEX had their business on Mary Jess Road and he complained, they installed a wash basin which solved the problem. He estimated at least twenty-five loads a day are going in and out of Rosen, plus other trucks.

Mr. Yates showed photos to council that he said he took "yesterday". Attorney Smith asked if the city can keep the photos which Mr. Yates confirmed they can.

Mr. Yates said he uses his blower at least three to four times a week at the entrance of his subdivision. He noted that the sand/dirt is blowing into the retention pond and that he has been trying to get to the lake advisory boards to talk to Rosen Materials

Mr. Yates read another email from City Clerk Meeks and explained the open access to the retention pond. Staff spoke to the engineer who said the sand would not blow into the drain on Orange Avenue. Mr. Yates asked to see how Rosen is in compliance. He added that the dust from the leaf blower encompasses his

house. He thinks that Rosen can spend some money and keep the streets cleaner and there is no reason for it to be the way it is. He is not going to clean the streets anymore and will let the dirt flow where it goes. Mr. Yates said that he has contacted the EPA not received a response yet.

In response to Council Member Pierce, City Clerk Meeks said that she never said that Orange County Environmental Protection (EPD) cannot do anything. She said she passed on the information that Orange County EPD provided to her and Code Enforcement Officer Renteria which also included the criteria of when dust/dirt is unsafe. City Clerk Meeks said that staff also made a site visit to Rosen, who has been working with the City to correct the situation. She said the fence Mr. Yates referenced that is in need of repair, will be replaced once the City reconstructs the flume, which abuts to the fence. City Clerk Meeks said that in the process, staff found out that Rosen may never have gotten an MS4 certificate; she confirmed that this is not ruled by the city.

City Clerk Meeks referred to Engineer Lane, who explained that the MS4 is related to the City's municipal storm water plan that regulates construction and pollutant producing entities, such as the trucks hauling dirt. He said the permit regulates storm water, runoff. A site under construction can typically be sprayed with water or sodded for erosion protection measures; however, for an open and operating business it is for EPD and the property owner to address. Engineer Lane said that the City is working with Rosen on the storm water retention and tracing material offsite. He said the City talked with Rosen about getting a method to stop tracking materials off-site and bringing the storm water pond up to standards. Engineer Lane said is trying to work with them under the MS4 permit.

In response to Council Member Chotas, Engineer Lane said all that CPH is addressing is the storm water pond violations. He also explained how the flume allows runoff to drain in the pond. City Clerk Meeks said the flume is owned by the City and is under proposal to be repaired. She said that she is not aware of dirt on the road being against any ordinance. Council Member Rader said the MS4 should cover the blowing dirt. He said if the sand is a weekly occurrence then it is a problem.

Council Member Chotas said he wants to know if Code would be violated by bringing private dirt onto public property. City Attorney Smith said the Code may regulate but he cannot speak to the issue. Council Member Chotas he would like careful consideration in the matter and would like to ask Rosen not to use the blower, if it is a nuisance.

City Attorney Smith was asked to look into the matter as to whether or not this is a nuisance under Code and if it is enforceable, or is it a private matter.

Mr. Yates thanked the council for their consideration.

Boards & Committees

5357 Oak Terrace Drive – #2020-05 Boat Dock Variance

Engineer Allen Lane introduced the request for Variance No. 2020-05 and explained that the request is for the height of the boat dock. He provided a summary of when the application was submitted in November 2019, and explained the code changed in December 2019; the dock was constructed shortly after. During inspection, the roof appeared to be higher than the plans and the allowable height of 13 feet; it measured

13.5 feet. The length of the boat dock is slightly longer than the plans showed. The as-built showed the dock is 65.08 in length; however, since the code was revised, the length is determined by the water elevation. During the as-built review, Engineer Lane did not consider the length of the dock to be an issue due to the code change and depth of the water at the end of the dock. Engineer Lane explained that the length of the boat dock is not up for a variance; the variance is for the height, which is six inches too high. He said the total area of the constructed dock is within the allowable area per code.

Engineer Lane explained that the applicant had to show that the criteria for hardship were justified as required in Code Section 14-11(b). He reviewed the criteria and agreed the criteria were met.

In response to Council Member Pierce, City Attorney Smith said the dock was already constructed when it was noticed that it was built too high. The dock was constructed by a different builder and that the deck was high. The roof is aesthetically pleasing and similar to nearby boat docks. The additional six inches does not affect navigation or safety and would not be noticeable to the untrained eye. The alternative to a variance would be to remove the roof.

Council President Horn said that the fixed point of the deck is high and everything goes up in perspective. Council Member Rader added that Council is addressing the variance because of Code, and the hardship is on the dock builder because they made the error. He said if the variance is allowed once, then Council will allow this again.

In response to Council Member Chotas, City Attorney Smith said there is a height limit requirement, possibly for visual aesthetics, and to prevent varying roof heights that could obstruct the view.

City Attorney Smith raised the question about where the line is drawn. Code provides that the exterior height is measured. It could be the interior height; however, the City would not want to discourage an architecturally superior roof. He suggested having an interior height for the roof.

Council Member Pierce recalled that Council has granted this type of request before for the same reason. In response to Council Member Lomas, Council President Horn said the plans showed the tiles but at the allowable height. The framing for the tiles made it higher.

In response to Council President Horn, Sheila Cichra, Streamline Permitting, said she knew the 13 feet and the Normal High Water Elevation requirements. She said the builder is accustomed to Orange County's requirement of measuring from the deck.

Council President Horn noted that he is in the same business, and in every municipality there is a slight variation in code. He said in Edgewood, the roof height is 13 feet and the City did not mirror Orange County. The finished floor is higher and the contractor would have known about the six inches.

Mayor Dowless said he remembers the previous request and noted that if the City mirrored the County, it would simplify things. Brief discussion was held regarding the pros and cons of mirroring Orange County's code.

Council Member Chotas made the motion to approve the variance.

City Attorney Smith reminded the Mayor and Council of the boat dock variance conditions. In response to Council Member Lomas, Ms. Cichra said a unique hardship would be imposed. In response to the Mayor, Ms. Cichra said this would not be a problem in Orange County. Mayor Dowless said he would like the City to standardize their Code to some degree. Council Member Rader stated that contractors can read the Code. Council President Horn said they should have known they would need a variance because the dock already existed. He said he does not like that this is “after-the-fact” request. Ms. Cichra said she should have brought this to the contractor’s attention.

Council Member Pierce second the motion. The motion was approved in the following roll-call vote.

| | |
|------------------------|--------|
| Council Member Lomas | Oppose |
| Council President Horn | Favor |
| Council Member Rader | Favor |
| Council Member Chotas | Favor |
| Council Member Pierce | Favor |

Further discussion regarding measuring from the interior height versus the exterior height. Council President Horn said he would like to have seen the original boat dock plans. Ms. Cichra said she could have communicated better so that an adjustment would have been made to lower the roof. She said that the roof measurement is the only thing that varies in Edgewood’s Code and Orange County’s. There was no further action taken.

City Attorney Report

At the request of the City Clerk, City Attorney Smith explained invoicing for the roads and streets improvement project, and addressed concerns about transitioning to the 2020/2021 fiscal year. He said the intent is for the contractor to complete the project this year; however, if the invoice is received after the fiscal year, there may be an amendment. Brief discussion was held regarding the project, including the proposal amount. City Clerk Meeks confirmed that she keeps a ten percent retainer until Notices to Owners have been released. City Clerk Meeks said she also had communications with accounting personnel Lindsey Rock, who confirmed the roads and street budget is currently under budget. She said Council can carry the unused funds forward by approving a budget amendment.

City Attorney Smith reminded Mayor Dowless and Council that the solid waste contract needs to be finalized, as the contractor is pushed for time and they need to order their trucks. He explained that the contract is approved in a franchise ordinance. He suggested holding a special meeting for first reading of the Ordinance, and hold the second/final hearing in Council’s regular October meeting. In response to Council Member Rader, City Attorney Smith said they need to agree on the size of the trash bins. City Clerk Meeks said she will send out a poll for hearing dates for the special meeting.

Mayor Dowless said the City received a \$5000 offer for the hydraulic spill caused by Waste Management; he asked the attorney to make a counteroffer in the amount of \$10,000.

Police Chief & City Clerk Reports

Chief's Report

Chief Freeburg reported on the DUI checkpoints hosted by the City; he said Mayor Dowless attended. Chief Freeburg said a barrier was installed around the fingerprinting machine and that his Department may start a soft opening for finger printing. He said at present no one else is providing fingerprinting service; therefore, they may get a lot of requests. In response to Council President Horn, PD Chief of Staff Shannon Patterson explained the fee for the service; noting that residents are not charged. Chief Freeburg said the Police Clerk vacancy has not been filled; therefore, they would need to limit how many fingerprints they do.

City Clerk's Report

City Clerk Meeks reported that she and Mayor Dowless spoke prior to the meeting regarding HOA Covenants and Restrictions versus City Code. City Clerk Meeks said that HOA Presidents and/or Property Managers want the City's Code Enforcement Officer to provide enforcement instead of their HOA. She would like for the HOAs to take action first because of the costs and fees the City incurs in enforcement action.

Council Member Rader said that the City can get a finding much faster than an HOA; particularly, if there is a pattern. City Attorney Smith said the HOAs can send their letter first and show they are not relying only on action from the City for enforcement.

In response to Mayor Dowless, City Attorney Smith said law enforcement is different from code enforcement. To show the difference, he cited a traffic violation is statutory and code enforcement enforces private property.

City Clerk Meeks said she would like to hear from Council Member Chotas, as he is the Council Member whose area of responsibility is Code Enforcement. Council Member Chotas said he liked what City Attorney Smith said. The City can thank the HOA for bringing the matter to the City's attention and then ask the HOA what have they done to address the matter with the homeowner. City Clerk Meeks agreed with this approach and will share the information with the Code Enforcement Officer.

City Clerk Meeks reported on drainage problems on Mandalay Road. She said a company is scheduled to pump two drains on Mandalay, run a camera through the line to check for obstructions and then jet through the line for cleaning. She said there are two more drains that need to be cleared; however, the County will have to remove the inserts that hold the inlet baskets to allow access. City Clerk Meeks said that the City will also have to address some concerns at Bali Hai Lagoon that is also on Mandalay Road.

She reminded Council that she will send out dates for the special meeting for the approval of the City's solid waste franchise.

City Clerk Meeks stated that Deputy City Clerk Riffle is overseeing the sidewalk repair/maintenance project. She said Deputy City Clerk Riffle has made site inspections with Council Member Lomas.

Mayor & Council Reports

Mayor Dowless:

Mayor Dowless showed Council a map of streets to resurfaced. He said he hopes to get the work done and update the City’s capital improvement plan (CIP).

He reported that the City is changing their commercial insurance from FMIT to Preferred Government Insurance Trust (PGIT). He explained PGIT also has a safety grant program that cities can get \$5000 for safety repairs, such as sidewalks. He said this is something he and staff will be looking further into.

Mayor Dowless thanked Council Members for stepping up to help with City business.

He noted that the Oakwater Professional Park annexation will be considered in the October Council meeting. He added there are also six houses that want to annex into the City.

Council Member Chotas:

No report.

Council Member Pierce:

In response to Council Member Pierce, Chief Freeburg said staff conducted a red light sampling and said there were about 75 trucks per day on Mary Jess Road. He said that cut-throughs are not allowed through Rockwood Estates and most trucks go up Orange Avenue. He said Mary Jess is also designated for local delivery only.

Council Member Rader:

No report.

Council Member Lomas:

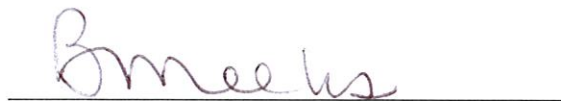
Council Member Lomas confirmed her site visits with Deputy City Clerk Riffle, and also inspections she did on her own.

Adjournment

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



Richard A Horn
Council President



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

Approved in October 20, 2020 Council Meeting