

CITY COUNCIL REGULAR MEETING MINUTES
Tuesday, January 21, 2020
6:30 p.m.

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 Riffle announced a quorum, with four Council Members present. She announced that Council Member Pierce gave advance notice of his absence, and she requested a motion to excuse his absence.

Council Member Fortini made the Motion to excuse Council Member Pierce's absence; Second by Council Member Rader. Approved (4/0)

Attendees

John Dowless, Mayor
Richard Alan Horn, Council President
Chris Rader, Council Member
Lee Chotas, Council Member
Susan Fortini, Council Member

Absent

Ben Pierce, Council President Pro-Tem

Staff

Sandy Riffle, Deputy City Clerk
John Freeburg, Police Chief
Drew Smith, City Attorney

Absent

Bea L. Meeks, City Clerk

PRESENTATION

None.

CONSENT AGENDA

1. Review and Consideration of City Council Meeting Minutes
 - December 17, 2019 Regular City Council Meeting

Council Member Rader made the Motion to approve the December 17, 2019 minutes as presented; Second by Council President Horn. Approved (4/0)

ORDINANCES

None.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- 1. **ORDINANCE 2019-11** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO ILLICIT STORMWATER CONNECTIONS AND DISCHARGES; AMENDING THE CODE OF ORDINANCES: CREATING CHAPTER 30, "HEALTH AND SANITATION," ARTICLE V, "ILLICIT DISCHARGE PREVENTION"; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

City Attorney Smith gave the second and final reading of Ordinance 2019-11 in title only. He explained that during an audit with the Florida Department of Environmental Protection (FDEP), FDEP wanted the City to increase code enforcement’s ability to go onto a property. City Attorney Smith said it is a state regulation and this would make Edgewood the lead in enforcement. He said there is some limitation and FDEP would be called to help with more serious issues.

Council Member Chotas made the Motion to approve the Second/Final Reading of Ordinance 2019-11; Second by Council Member Rader.

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

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

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

- 2. **ORDINANCE 2019-12** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING SECTION 134-L "DEFINITIONS," OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR THE TERM BEAUTY SALON; PROVIDING THAT PERMANENT MAKEUP APPLICATION AND LASER HAIR REMOVAL ARE SERVICES THAT MAY BE PROVIDED AT A BEAUTY SALON; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith gave the second and final reading of Ordinance 2019-12 in title only. City Attorney Smith explained that the Ordinance was driven by a request from a local business to perform microblading. He said the Ordinance distinguishes between microblading and tattoo parlors. City Attorney Smith confirmed that the Ordinance changes nothing regarding tattoo parlors, as they continue to be a prohibited use.

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

Council Member Rader made the Motion to approve the Second/Final Reading of Ordinance 2019-12; Second by Council Member Fortini.

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

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

UNFINISHED BUSINESS

None.

I. NEW BUSINESS

1. **Discussion Only**- AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA RELATING TO ESTABLISHING SHORT-TERM RENTAL STANDARDS AND PROVIDING FOR A PROCESS FOR GRANTING SHORT-TERM RENTAL CERTIFICATES IN CHAPTER 21-5 'SUPPLEMENTAL DISTRICT REGULATIONS' OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith introduced a proposed Ordinance (no assigned number) regarding short-term rentals for discussion. He said an Ordinance might be moot after the legislative session if they take this away from municipalities. He said the proposed Ordinance allows jurisdictions that have had prohibitions on the books, as of 2011, to keep prohibitions. City Attorney Smith noted there could be some regulations but jurisdictions could not prohibit if a prohibition was not already in place. He said there is a possibility that the industry is lobbying, and it could be a matter of time before the State takes over with this.

City Attorney Smith confirmed for Mayor Dowless that Edgewood prohibits boarding houses. Mayor Dowless replied that he believes that the City needs to be upfront about whether or not short-term rentals are allowed or not, and make it clear they should be hosted stays only so that the house would not just be a rental. Does not want to involve the City with all the regulations, but making sure that people are living in their home.

Council Member Rader said some of the premise in Maitland was health and life safety. They have the structure to conduct these inspections on a regular basis. City Attorney Smith said the State's move towards pre-emption does not affect HOA's and they would not be forced to allow short term rentals. However, if an HOA has not yet addressed this, it might be a challenge for them.

Council Member Fortini said she would not stay at a rental when the host is there.

Council President Horn asked for public comments. Deputy City Clerk Riffle announced that Resident Regina Dunay sent an email before the meeting stating why she opposes the use.

Mayor Dowless said the City needs to watch out for residents from homes that are being used as an investment. He said he does not have an issue and wants to respect the neighborhoods.

Council President Horn said he could understand how this could be a possibility for large homes to offer hosted stays. He noted that if the state will pre-empt jurisdictions, there is nothing the City should do until then.

City Attorney Smith agreed with Council President Horn. He suggested that perhaps Council should wait to draft an ordinance until after the legislative session and the issue gains momentum.

Steve Kreidt – Edgewood resident, said he favors the ordinance. He said host stays are a big trend in larger homes and with millennials. He said this is a way to maintain property value and he has favorable experiences with Airbnb’s. He believes it is forward-looking. Resident Kreidt said the City of Edgewood is moving towards this with redevelopment along Orange Avenue and the City needs to continue trending as a good place to live. He believes the owner-occupied option is a great way to have it adopted.

City Attorney Smith said there is a trend to pre-empt by the State. Council Member Rader said that it might be a waste of money to craft this ordinance if the pre-emption occurs. Council Member Rader said there are reasons why you do not want short-term rentals, including the burden on staff and the Police Department. Council Member Rader suggested Council wait for the State.

Mayor Dowless asked about parking. City Attorney Smith said there are parking calculations and no regulations about who can park in the driveway. Mayor Dowless said that this could be a problem if people do not pay attention. Council President Horn noted short driveways and cars potentially blocking pedestrian sidewalk use. *No action was taken.*

GENERAL INFORMATION (No action required)

None

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

None.

STAFF REPORTS

City Attorney Smith:

City Attorney Smith said he will be attending legislative action days in Tallahassee. He noted the following proposed legislation that he is monitoring:

1. Proposed legislation regarding home occupation bill - Legislators are proposing to pre-empt home occupations.
2. Bert Harris/Growth Management – Proposed legislation regarding the remediation process, which raises the question of how to identify similarly affected persons. The proposed legislation will put a lot on the City and undermines the resolution to avoid years of litigation in a land use case.

3. Sovereign Immunity – Proposed legislation to consider changing sovereign immunity. In its current form, legislators are looking to eliminate caps to \$1,000,000 a year, which would have a significant impact on Edgewood's insurance.

Chief Freeburg:

Chief Freeburg said officers went to active shooter training. He said his department participated with the federal government. Chief Freeburg said this was excellent training for his officers.

City Clerk Meeks:

It was noted that City Clerk Meeks was attending the International Institute of Municipal Clerks, Region III conference

MAYOR & COUNCIL REPORTS

Mayor Dowless-

Mayor Dowless reported that Edgewood, with the help of Planner Hardgrove, Engineer Lane, and himself, made a list of priorities for transportation in case the penny sales tax passes. He said the list ranged from realignment of Holden/Gatlin to landscaped median, bike safety, and pedestrian safety.

Mayor Dowless said there are some train horns still sounding in the City's quiet zones. He said the continuing train horns could be because Orange County has not activated their quiet zones. Mayor Dowless said Deputy City Clerk Riffle is contacting residents near crossings to log times of the horns.

Council President Horn-

Council President Horn expressed condolences to Mayor Dowless on the passing of his mother.

Council Member Chotas-

Council Member Chotas announced that he would be out of the Country and requested absence for April and May Council meetings.

Council Member Fortini-

No report.

Council Member Pierce-

Absent.

Council Member Rader-

Council Member Rader, in reference to the Mayor's comments about the ECD, said that some tweaks are needed. However, the first two applicants in the ECD are requesting a lot of changes to code. He said this could set a precedent.

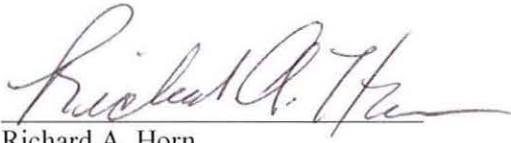
Referred to the Mayor's mention of the list for sales tax and he attended the listening session hosted by Orange County Mayor Demings. Commends the effort from Orange County and agrees with the need for

an infrastructure sales tax, but he was disappointed with some of the messaging during the presentation about funding.

Mayor Dowless added that he liked the idea of shifting the burden away from homeowners. Mayor Dowless added that we are trying to build transportation on ad valorem and gas tax and gas taxes continually goes down. If this passes, the City could lower property tax to benefit our residents.

ADJOURNMENT

Having no further business, the City Council meeting adjourned at 7:10 p.m. on the Motion of Council Member Chotas; Second by Council Member Fortini.



Richard A. Horn
Council President



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

Approved in the February 18, 2020 City Council meeting.