

CITY COUNCIL REGULAR MEETING Tuesday, November 19, 2019 6:30 p.m.

CALL TO ORDER

Council President Horn called the Edgewood City Council meeting to Order at 6:30 p.m. He asked for a moment of silence followed by leading everyone in the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

City Clerk Meeks announced a quorum, with four Council Members present. She announced that Council Member Chotas gave advance notice of his absence and requested a motion to excuse his absence.

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

Attendees

John Dowless, Mayor Richard Horn, Council President Ben Pierce, Council President Pro-Tem Susan Fortini, Council Member Chris Rader, Council

Absent

Lee Chotas, Council Member

Staff

Bea L. Meeks, City Clerk John Freeburg, Police Chief City Attorney Drew Smith Ellen Hardgrove, Planner Shannon Patterson, PD Chief of Staff

PRESENTATION

Mayor Dowless presented David Smith, owner of A-1 Septic, with a Certificate of Appreciation for the donation of sand he gave to the City in preparation of Hurricane Dorian.

Beth Watson, Orange County Property Appraiser (OCPA) Manager of Communications and External Affairs addressed the recent concerns regarding the omission of non-ad valorem assessments on some residents' tax bill. In attendance with Ms. Watson was Roger Ross, Director, Tax Roll, and Customer Service & Exemptions, with Orange County Property Appraiser. Ms. Watson read a statement that essentially stated it was the City's responsibility to send the addition of a non-ad valorem assessment information to OCPA (Statement provided for the record). Ms. Watson's statement was followed with questions and comments. Of concern to Council was "how did other non ad-valorem assessments make the tax roll, when staff was not providing anything to OCPA"? Council questioned the process and the fact that OCPA is provided with a copy of the Certificate of Occupancy from the Orange County Building Department. There was no resolve of Council and Staff's questions.

CONSENT AGENDA

- 1. Review and Consideration of City Council Meeting Minutes
 - September 17, 2019 Regular City Council Meeting
 - October 15, 2019 Regular City Council Meeting

City Clerk Meeks noted correction(s) from Mayor Dowless; there were no other corrections.

Council Member Fortini made the Motion to approve the minutes of September 17, 2019, with correction and the October 15, 2019 minutes as presented; Second by Council Member Rader. Approved (4/0)

ORDINANCES

2019-10 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Council President Horn referred to City Attorney Smith for his comments. Council Member Fortini asked what changed in this draft Ordinance from the previous Ordinance. City Attorney Smith said the previous Ordinance only dealt with canals, but that has changed with the revised

Ordinance, as more information has been added. The revised ordinance gives staff the ability to administratively approve more than they do now. City Attorney Smith confirmed the Ordinance does not affect the variance being addressed on the agenda in this meeting (referencing Windsong variance).

City Attorney Smith provided the following revisions:

Line 44 - Definition of access walkway

City Attorney Smith said a request was made to add the definition of a canal. He said he could not find a jurisdiction that defines canal. He said this is probably because a narrow lake is no different than a canal and this could be why there is no definition of a canal. City Attorney Smith said the City wants to preserve navigability.

Line 50 - Expand definition of docks to include floating docks.

City Attorney Smith said he did not make a change because the definition covered non-floating docks so change was not necessary.

Line 70 -

The definition of terminal platform was added. City Attorney Smith explained that this definition was added so you can distinguish between a walkway and a terminal platform.

Line 96 -

City Attorney Smith said in preparing for the meeting tonight he found a change that needed to be made. He said that clarification of what is the overall calculation, and what is counting towards overall square footage was provided. He said the goal was to make the application materials easier for the reviewer. Council Member Rader questioned the roof overhang and if a dimension should be added. It was agreed to add "any roof structure".

City Attorney Smith said he did some cleanup and the list is broken down differently than before, and is more in line with Orange County so that it is easier for the reviewer. City Attorney Smith noted that subsection "J" should say boundary survey instead of site plan, which accurately depicts current conditions.

Line 109 –

City Attorney Smith noted that other adjacent docks were addressed in the previous Ordinance but easier to see and understand now.

Line 146

City Attorney Smiths said the notarized statement required from the adjacent property owner saying they have no objections if you are encroaching into their setback, was in two places in the code. He said one was a "may" and one was a "shall"; it was interpreted as a "shall". He said at line 1046, a 5-foot encroachment into the 15-foot setback is allowed, if you have a letter of no objection. City Attorney Smith said if the applicant has a letter of "no objection", it does not have to be approved by Council; it can be approved by staff. City Attorney Smith said if an applicant is below the minimum standards, they would have to get a variance approved.

City Attorney Smith said the next comment was dealing with canals. He said one of the suggestions was to have a minimum navigability corridor of twenty-five percent, which is what the City provides for canals. City Attorney Smith said he moved away from canals and the twenty-five percent and included a straight 25-foot obstruction to obstruction requirement. He said there will always be a 25-foot navigational lane. Council Member Rader asked if there is a universally accepted definition of navigability. City Attorney Smith said there is not a hard and fast definition. Engineer Lane said that during his plan review, he looks at the depth of water at the end of the boat dock. City Attorney Smith asked would it be beneficial to include with the application that the applicant provide a navigable lane. Engineer Lane said he thinks the applicant would have to get a survey company to do this.

City Attorney Smith said that maximum length, which triggers a lot of reviews has gone away. He explained further and said he thinks this will mitigate the concerns Council Member Rader had. Council Member Rader asked Engineer Lane to review this part further and provide his comments.

Line 194 –

City Attorney Smith said the revised Ordinance removes the provision of a variance due to the calculation of the roof overhang.

Line 321 - Maintenance

The revised Ordinance provides a provision that allows property owners to do maintenance on their boat docks, as long as they do not expand the footprint. Council President Horn said he would like a provision added that would require notification to the City. Discussion ensued regarding routine maintenance; City Attorney Smith he will look at defining routine maintenance. It was agreed to add "...do not expand or enclose the footprint".

Line 238 -

Narrows the provision of when an objection would trigger administrative decision.

City Attorney Smith said there was other cleanup in the revised Ordinance but it was not substantive. He confirmed that the Planning & Zoning Board will review and make recommendation before the final council meeting.

City Attorney Smith provided the notes he took during discussion. It was agreed to strike notice to staff regarding routine maintenance.

It was the consensus of Council to have the first reading of Ordinance 2019-10. City Attorney Smith gave the reading of Ordinance 2019-10 in title only.

There were no public comments.

Council Member Rader made the Motion to approve the first reading of Ordinance 2019-10, with the changes; Second by Council Member Fortini.

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

Mayor Dowless said that before Council moves to the next agenda item, he wanted to apologize to Roger Ross and Beth Watson for some comments he made earlier. His apology was accepted.

PUBLIC HEARINGS (ORDINANCES - SECOND READINGS & RELATED ACTION)

1. **ORDINANCE 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.

City Attorney Smith gave the second and final reading of Ordinance 2019-08 in title only.

City Attorney Smith said that he received written comments regarding Line 88 and Line 85 (Unfairly or overly restricting).

Planner Hardgrove said the origin of changes came from screen enclosures and how they are treated differently. She said the question came up of what is the difference between a property line with or without a pool. She said the change is to treat the mistake. She said there is no difference if it is a pool or pool with a screen enclosure; both can be five feet from the property line. Planner Hardgrove said that other changes were made in the Code as a result of this revision. She said some clean-up was done to ensure public safety and public nuisance, which led to limiting the number of structures you can have on a property, as well as the size. Planner Hardgrove said there is no opposition to the screen enclosure; the opposition is to the number of structures and size. She said the impervious surface ratio (ISR) takes care of this. Planner

Hardgrove suggested an exception to the 200 square feet maximum of a detached garage, and increase to 600 square feet.

Public Comments:

Todd Nolan, 525 Linson Court

Resident Nolan said it is not an issue now of people with six sheds, and he would like this removed. His second concern was the 200 square foot requirement; he said this isn't very big. City Attorney Smith confirmed for Council President Horn that the current code does not address number of structures or maximum square footage. City Attorney Smith said this is an increased regulation. Resident Nolan said the Ordinance addresses the size of a screen enclosure without any variance process or hearing. Resident Nolan confirmed for Attorney Smith that he doesn't oppose height restrictions as long as it is within the typical building parameters.

Planner Hardgrove said if Council is inclined to remove "F" and G", she recommends they add in "the square of all accessory structures including screen enclosures shall count for the impervious surface ratio maximum for the lot".

Mayor Dowless noted his concern about height. Planner Hardgrove said Orlando's Code states the height regulates the setback. City Attorney Smith confirmed for Council Member Rader that everything just discussed got a relaxed setback. Council Member Rader said this is a problem because a 35-foot workshop can now be five feet from the parking lot. Planner Hardgrove said today you can build as many accessory structures as you want, and you can build them five feet from the property line.

City Clerk Meeks said the biggest challenge right now are generators. In response to Council Members' questions, Planner Hardgrove said there is a regulation that deals with appurtenant fixtures that specifically say side yard. Planner Hardgrove said the appurtenant fixtures, i.e., generators and pool pumps, need to be removed. Discussion ensued regarding accessory structures and appurtenant fixtures. Council Member Fortini said to clarify in the Ordinance that the appurtenant structures should not be considered accessory structures.

Council President Horn said he would like to see the removal of the number of accessory structures. He said you should be allowed to have what you want as long as it does not exceed the ISR. He said he is also okay with the maximum of 200 square feet, but understands if someone wanted a 12x24 shed, this exceeds the 200 square feet but is not excessive.

Planner Hardgrove said what she is hearing is to eliminate the number of units. She said square footage is still up for debate. She said to add in "the height of accessory structures shall be sixteen feet unless such is located within the building envelope of the primary structure whereby; if so, the maximum height of the accessory structure shall be the same as the primary structure within the underlying zoning district". She agreed to taking out paragraph "f' regarding impervious surface ratio, because the ISR will now apply to "all" and not just screen enclosures.

City Attorney Smith summarized stating that you remove "F" and "G", which is the number of structures and the square footage on accessory structures. In line 184 of the Ordinance, add "appurtenant structures shall not be construed as accessory structures". He said include a limitation on detached garages to a 600 square foot area. Also, restrict the types of accessory structures to sixteen feet unless the accessory structure is located within the building envelope. City Attorney Smith said "H4" becomes "F" which applies to all accessory structures, which is the ISR. Planner Hardgrove said that under "Definition" in line 134, take out playhouse and other appurtenant fixtures

Council President Horn made the Motion to approve the Second/Final reading of Ordinance 2019-08, as amended; Second by Council Member Fortini.

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

Council Member Rader - Yes

Council Member Pierce - Yes

Council Member Fortini - Yes

Council President Horn - Yes

Council Member Chotas - Absent

UNFINISHED BUSINESS

 Request For Proposal Review Committee – Recommendation for Debris Management Services

Council Member Pierce gave a summary of the proposals. He said each member independently did their own review and ranking. The members selected the same top three companies. Council Member Pierce said the decision came down to pricing of the three major services that would be needed. The committee's recommendation was SDR. Council Member Pierce said there was discussion regarding selecting a secondary company; however, the committee opted not to select a secondary provider. Council Member Rader said he liked the idea of a secondary selection. City Attorney Smith said Council can select a primary and the Committee can come back to council with a recommendation for a secondary selection.

Council Member Pierce made the Motion to approve the recommendation of SDR as the primary debris management service; Second by Council Member Fortini.

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

Council Member Fortini - Yes

Council Member Pierce - Yes

Council Member Rader - Yes

Council President Horn - Yes

Council Member Chotas - Absent

NEW BUSINESS

1. RESOLUTION 2019-04 - A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2018-2019 FISCAL YEAR; AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Meeks referred Council and Staff to her agenda memo. Brief discussion was held.

City Attorney Smith gave the reading of Resolution 2019-04.

There were no public comments.

Council Member Fortini made the Motion to approve Resolution 2019-04; Second by Council Member Rader.

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

Council Member Pierce - Yes

Council Member Rader - Yes

Council President Horn - Yes

Council President Horn - Yes
Council Member Fortini - Yes
Council Member Chotas - Absent

GENERAL INFORMATION (No action required)

COUNCIL ANNOUNCEMENT:

PLEASE TAKE NOTICE that the City of Edgewood, Florida, jointly with the Presidential Preference Primary, will hold a general election on Tuesday, March 17, 2020 for the purpose of electing two City Council Members. The two candidates with the highest number of votes are deemed elected and will serve a three-year term. Qualifying begins on December 2, 2019 at 9 a.m., and ends December 6, 2019 at 4 p.m., at the Office of the City Clerk, 405 Bagshaw Way, Edgewood, Florida 32809.

Per Charter requirements, Council President Horn announced the City's general election and qualifying information. City Clerk Meeks said that qualifying packets will be ready the week of November 25, 2019.

CITIZEN COMMENTS

Resident Susan Lomas said she was taken aback by Channel 13 news being in her neighborhood particularly, because they were there regarding the omission of non-ad valorem assessment on some

resident's tax bill. She said she didn't understand why the residents had not been told. City Clerk Meeks said she was waiting to complete the one-hundred plus forms that had to be signed by the Mayor and then forwarded to the County, along with some other interruptions in preparing the forms.

BOARDS & COMMITTEES

• Bailey's Pharmacy – Variance 2019 and Waiver Application

City Planner Hardgrove provided her report regarding variance and waiver application of Bailey's Pharmacy. She said the applicant has revised their September proposal of five waivers and one variance, to now two waivers; of which one is being sponsored by staff. Planner Hardgrove said the site plan is for illustrative purposes only. Planner Hardgrove explained that the waiver is for the width and length of sidewalk attached to the building, and the second waiver is sponsored by staff. The Planning & Zoning Board recommended approval.

Planner Hardgrove gave the conditions that staff is recommending for approval. She said understory trees are acceptable instead of the required shade trees. She said this is because of the distance between buildings.

Council Member Rader said he wanted to make sure that an irrigated landscape buffer is included. Planner Hardgrove said she anticipates the site plan going before the Planning & Zoning Board and Council in December.

Mayor Dowless said that during staff's meeting with the applicant, they found were there were some inconsistencies in the Code that need to be addressed in the future.

Kim Fischer, engineer for the applicant, acknowledged that there were a lot of changes. She said the sidewalk they plan will be covered. Planner Hardgrove asked Ms. Ficsher if Bailey's could accommodate the landscape buffer on both sides of the driveway. Mayor Dowless said there are two driveways; however, the proposed plan is for one driveway.

Waiver 1: The buffer on the South side of the driveway is 3.45 feet, and the buffer on the north side 6 feet.

Council Member Fortini made the Motion to approve Waiver 1, with the following conditions as amended:

(1) A minimum 6 feet wide landscaped buffer shall be provided along the north side of the driveway (adjacent to building) and 3.45 feet wide buffer on the south side of the driveway (to the cross access easement). The buffer shall include a year-round-green tree planted every 35 feet on center and shrubs that will be planted to create a continuous hedge. The shrubs shall be at least 30 inches high at planting of a species capable of growing to at least 36 inches in height within 18 months. The hedge shall be maintained at a height not less than 36 inches. The tree canopy clearance shall be maintained at 13.5 feet above adjacent driveway grade. All landscape material used shall meet state grades and Standards Florida #1 or better. Given the buffers will be adjacent to buildings, understory/small trees will be acceptable. Each tree must be a minimum of ten feet tall, with a minimum two-inch caliper at planting.

- (2) The building entrance on the building's east side shall be designed and maintained for the general population (not employees only) and is handicapped accessible.
- (3) A minimum eight feet wide sidewalk shall connect the public sidewalk within the road right-of-way directly to the building entrance (east side).

Second by Council Member Rader.

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

Council President Horn - Yes

Council Member Fortini - Yes

Council President Pierce - Yes

Council Member Rader - Yes

Council Member Chotas - Absent
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Council Member Rader made the Motion to approve Waiver 2 (approval of a 15-foot build-to line rather than the required ECD 25-foot build to line); Second by Council Member Fortini.

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

Council Member Rader - Yes

Council Member Pierce - Yes

Council President Horn - Yes

Council Member Fortini - Yes

Council Member Chotas - Absent
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• 1141 Windsong Road – Variance (Boat dock)

Engineer Lane presented his report and the three conditions recommended by the Planning & Zoning Board. Engineer Lane said both variances had the same conditions. He confirmed the total square footage of the boat dock is 1021 square feet. Engineer Lane said the new Ordinance would accommodate these variances. He said it was the width of the walkway that tripped the variance. He said the Planning & Zoning Board recommended approval with conditions. He said the conditions are (1) No alterations of 10/14/2019 that would result in the increase of the square footage of the dock; (2) No mechanical additions that would result in increased size of the existing dock or of the shaded area; and (3) No addition of a second floor. Engineer Lane noted that if you increase the square footage of something, you are not repairing it. City Attorney Smith said the conditions could become inapplicable if code changes.

Public Comment-

Melinda Elannan and Brittany Rediford (applicant and friend respectively)

Ms. Rediford explained how the .06% increase occurred. She said a neighbor does not want the allowance of a boat cover because it will increase the shaded area. She asked Council to approve without

the condition of the mechanical alteration condition (boat cover). Ms. Elannan said she was told that there is no permit process required to install a touchless boat cover. Council President Horn says that Orange County may not require a permit; however, the City considers a boat cover an alteration and this requires a permit.

In response to Council Member Fortini, City Attorney Smith said the condition regarding the mechanical alteration was included as a condition because that is what the neighbor requested. Council President Horn said the applicant is not trying to make the boat dock larger; she just wants to cover her boat. He said only the shaded area makes it larger.

Council Member Fortini made the Motion to approve Variance 2019-03 with the removal of condition number 2 (No mechanical additions that would result in increased size of the existing dock or of the shaded area); Second by Council Member Pierce.

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

Council Member Pierce - Yes

Council President Horn - Yes

Council Member Fortini - Yes

Council Member Rader - Yes

Council Member Chotas - Absent

Council Member Fortini made the Motion to Approve Variance 2019-02 (allow a boat dock exceeding more than 25% of the canal width), striking condition number 2 (No mechanical additions that would result in increased size of the existing dock or of the shaded area); Second by Council Member Rader

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

Council Member Rader - Yes

Council President Pierce - Yes

Council President Horn - Yes

Council Member Fortini - Yes

Council Member Chotas - Absent

STAFF REPORTS

City Attorney Smith:

• Discovery Church Parking

City Attorney Smith referred to a letter from Attorney Randi Fitzgerald. He confirmed that he talked to the attorney and let her know that he would not provide a response until after the Council meeting. City Attorney Smith explained why he feels a variance would be required. Contrary to what is stated in the letter, he said the City has never said there cannot be a Church. He said the City is allowing status quo; however, they are not allowing off-site parking across Orange Avenue. City Attorney Smith noted that the current parking agreement spells out the days of the week of Church service. He said he treats off-site parking across the roadway from the Church as a lawful non-conforming use. City Attorney Smith said he stands by the Church needing a variance if they deviate from the current Agreement. It was the consensus of Council that City Attorney Smith "stay on course" with what he presented to Council.

Police Chief Freeburg:

• Chief's Report

Chief Freeburg said the City had a successful Halloween event. He said Christmas is coming and that staff is currently planning the Santa Fly-In. He also showed Council the new bags given to PD. The bags are an individual first aid kit (IFAC) for each officer.

City Clerk Meeks:

City Clerk Meeks provided the following report:

- The \$50,000 retainage related to Hurricane Irma has been paid per Council's request.
- Landfall Strategies, to date, still has not provided documentation requested from the Florida Division of Emergency Management. If the document is no provided, the City loses a reimbursement of \$43,000 (+/-).
- The forms required to collect three year's arrearages of the City's non-ad valorem assessments are completed and ready for the Mayor's signature.
- The Florida Department of Revenue confirmed that the City was in compliance with TRIM and levy.
- Qualifying for the municipal election will be held the week of December 2, 2019, beginning at 9 a.m. City Hall will remain open until 4 p.m. on Friday, December 6, 2019, which is the closing day for qualifying.
- Confirmed application is being made for a brewery in Ft. Gatlin Shopping Center
- Confirmed she will be on vacation the week of November 25, 2019.
- Confirmed appropriation forms requesting funds for road work/maintenance, were submitted to Senator Linda Stewart and House Rep Anna Eskamani.

MAYOR & COUNCIL REPORTS

Mayor Dowless-

Mayor Dowless gave kudos to staff for all their work in preparing for and working the Trunk or Treat event.

Mayor Dowless said there is a need for more than one authorized online user for the City's banking. Currently, Lindsey Rock, who is contracted through McDermit-Davis, is the only authorized user. Mayor Dowless said there needs to be a separation of powers. It was the consensus of Council to add Mayor Dowless and City Clerk Meeks as authorized online users of the City's bank accounts.

Mayor Dowless said City Hall and administrative operations of the Police Department will be closed Thanksgiving Day and the day after. He reminded Council about Santa's Fly-in scheduled for December 13, 2019. He noted that City Hall and administrative operations of the Police Department will be closed Christmas Eve day and Christmas day.

Mayor Dowless said he will prepare and send out a letter to those residents who will receive non-ad valorem assessment letter requesting payment of arrearages.

Council President Horn -

Council President Horn said Governor DeSantis is trying to push a law requiring underground utilities. He said he is checking on the status of repair of the entranceway at Orange Avenue and Harbor Island Road.

Council Member Chotas -

Absent.

Council Member Fortini -

No report.

Council Member Pierce -

No report.

Council Member Rader-

Noted that a town hall meeting for the proposed sales tax was being held "this evening", which created a conflict for council members who wanted to attend. He said he is an advocate and feels that the City should stay plugged-in and stay current with the proposed tax.

ADJOURNMENT

Having no further business, the Council meeting adjourned at 9:33 p.m., on the Motion of Council Member Rader and Second by Council Member Pierce.

Richard Alan Horn Council President Bea L. Meeks, MMC, CPM, CBTO

City Clerk

Approved on December 17, 2019