



**CITY COUNCIL REGULAR MEETING City Hall
Tuesday, September 17, 2019
6:30 p.m.**

CALL TO ORDER – DETERMINATION OF QUORUM

Council President Horn called the Council meeting of September 17, 2019 to order at 6:30 p.m. Council President Horn asked for a moment of silence then led everyone in the Pledge of Allegiance.

City Clerk Meeks announced a quorum and noted that Council Member Chotas was not in attendance and that he had given advance notice of his absence. City Clerk Meeks asked for a Motion to approve Council Member Chotas' absence.

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

The following attendance is noted:

Council Attendees

John Dowless, Mayor
Richard Alan Horn, Council President
Susan Fortini, Council Member
Ben Pierce, Council Member
Chris Rader, Council Member

Absent

Lee Chotas, Council Member

Staff

Bea L. Meeks, City Clerk
John Freeburg, Police Chief
Sandy Riffle, Deputy City Clerk
Shannon Patterson, PD Manager

PRESENTATION

1. Nick Lepp, AICP CTP – MetroPlan Orlando – Update Regarding the Orange Avenue Corridor Study

(Provided a PowerPoint presentation)

Mr. Lepp said his report and presentation was originally given to Council in June 2018. He said the June report provided two options. Mayor Dowless explained that after Planner Hardgrove reviewed the plan she realized there was a third option that was not included. It was noted that the “grid” option provided better bicycle safety and distributed traffic better.

Council Member Rader made the Motion to approve the plan with the inclusion of the third option; Second by Council Member Pierce.

There were no public comments.

Approved (4-0).

In response to Resident Susan Lomas, City Clerk Meeks said the plan will be put on the City’s website when it is made available to the City.

CONSENT AGENDA

1. Review and Consideration of City Council Meeting Minutes

- August 20, 2019 Regular City Council Meeting

Council Member Rader made the Motion to approve the August 20, 2019 Minutes as presented; Second by Council Member Fortini. Approved (4/0).

ORDINANCES

1. Memo – RE: Millage Levy and Tentative Budget
2. Public Hearing/Adoption of the Tentative Millage Rate – FY 2019/2020

ORDINANCE NO. 2019-06 - 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 2019/2020, BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Smith gave the first reading of Ordinance 2019-06 in title only.

City Clerk Meeks announced that Ordinance No. 2019-06 proposes a millage rate of 5.25 mills which represents a 13.37 percent increase over the roll-back rate of 4.6308. Council President Horn said this would be a millage increase millage to 5.25 mills from 4.95 mills.

There were no public comments.

Council Member Pierce made the following Motion:

“I move to adopt Ordinance No. 2019-06 setting the City of Edgewood’s millage rate for Fiscal Year 2019/2020 at 5.25 mills which represents a 13.37 percent increase over the roll-back rate of 4.6308 mills”.

Second by Council Member Fortini

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

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

City Clerk Meeks said the proposed budget will be approved with Resolution 2019-03, which will be read at the final budget hearing on October 1, 2019 special meeting and budget hearing.

- 3. Memo – RE: Planning & Zoning Board’s Recommendation of Ordinance 2019-04
- 4. **ORDINANCE 2019-04** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO TREES; AMENDING CHAPTERS 50 AND 130 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO CLARIFY AND CONSOLIDATE REQUIREMENTS RELATED TO TREES, SHRUBS, AND PLANTS; AMENDING PROVISIONS RELATED TO MAINTENANCE AND RESPONSIBILITY FOR TREES AND TREE BRANCHES LOCATED WITHIN AND ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2019-04 in title only.

City Attorney Smith gave a history of what led up to the Ordinance. He said the current policy was a little disjointed; therefore, some things were pulled forward into other sections to consolidate policies. He said that regarding tree maintenance and where the responsibilities lie, it has always been the responsibility of the private property owner adjacent to right-of-ways. City Attorney Smith said that is has always been the private property owner’s responsibility for maintaining those trees that are within the right-of-way line. City Attorney Smith said the confusion has been what happens when a tree falls; if it falls into the right-of-way, it is the City’s problem. If the tree falls half and half whose problem is it? He said if it is a City tree that falls onto private property, it is the City’s problem. City Attorney Smith said the Ordinance also addresses what happens if a tree from the private property falls into the right-of-way. If the wind blows a healthy tree down from City property and it falls onto private property, the City will take it down. However, if it is a private tree that blows down into the right-of-way, the City will only take out the portion that is in the right-of-way. Mayor Dowless said the current Ordinance leaves

the City paying for a private owner’s tree(s) and these costs have contributed to going over budget for tree maintenance and removal.

City Attorney Smith said that a policy for maintaining trees in the right-of-way has always been in existence. He said the Ordinance addresses private property owners’ responsibilities. City Attorney Smith said the biggest change was a private property owner’s responsibilities when they have been put on notice that an arborist identified their tree(s) as diseased and/or is in danger of falling.

Public Comments

City Attorney Smith confirmed for resident Susan Lomas that if a City tree falls onto private property, the City only cuts to the property line; in situations that are an act of God

Council Member Rader said there is some disparity and that he completely disagrees with basically giving privilege to certain members of the community that others are not granted. He said this also sets up a precedent for future development’s responsibility for maintenance outside the subdivision wall. Council Member Rader also expressed concerns about limbs under utility lines.

City Attorney Smith said if it is preferred go the professional contractor route, when it involves the roadway. He said Council can strike line 184 (all) and 185 (up to when and replace where private property owner shall utilize a licensed professional contractor to perform any required maintenance, and then pick-up with “when such maintenance....”.

(12) A private property owner shall neither be required nor permitted to cut or maintain tree limbs or trees. A private property owner shall utilize a licensed and insured tree maintenance provider whenever such maintenance would occur immediately above a public road or would require the blocking or rerouting of traffic upon a public road during the maintenance activity.

City Attorney Smith confirmed for Mayor Dowless that this changes the maintenance responsibility for anything on the outside of a subdivision. He explained that if there is a subdivision wall between a tree or a bush, then that bush or shrub is maintained by the City, or the right-of-way. He agreed with Mayor Dowless in that the Covenants and Restrictions may provide otherwise. Council President Horn said he would like to remove the language because it can be added back in.

City Attorney Smith said the two proposals are (1) Replace paragraph 12 with language he suggested and (2) Strike from paragraph 1 everything that was added by the Planning & Zoning Board.

Council Member Rader made the Motion to approve the first reading of Ordinance 2019-04 with the amendments to Paragraph 130-10 C1 and C12; Second by Council Member Horn.

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

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

City Attorney Smith gave first reading of Ordinance 2019-07 in title only.

City Attorney Smith gave a brief history regarding parking violations and stated the need for more “teeth” to allow enforcement for parking violations and due process. He said the current process does not give the County the right to process. City Attorney Smith said approval of the Ordinance will allow the City to address the violations in-house. He said the red light hearing officer can hear these violations.

In response to Council Member Fortini, City Attorney Smith said the fees are in line with Florida Statute.

There were no public comments.

Council Member Fortini made the Motion to approve the first reading of Ordinance 2019-07; Second by Council Member Pierce. Approved (4/0).

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

ORDINANCE 2018-08 - 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 first reading of Ordinance 2019-08 in title only.

City Attorney Smith explained the Ordinance is a result of a resident asking about installing a screened enclosure without a pool. This Ordinance allows the enclosure within the same footprint as a pool enclosure. Discussion was held regarding “line 95” and the five-foot setback Council Member Rader said lines 155-156 should be put back in until Planner Hardgrove can explain.

Council Member Fortini made the Motion to approve the first reading of Ordinance 2019-08 to the October 1, 2019 Special Council Meeting; Second by Council Member Rader. Approved (4/0).

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. **ORDINANCE 2019-05** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 18 – “ELECTIONS” BY PROVIDING FOR THE CITY COMMISSION TO SET BY RESOLUTION THE QUALIFYING PERIOD FOR CITY ELECTIONS HELD CONCURRENT WITH THE PRESIDENTIAL PREFERENCE PRIMARY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith gave the second/final reading of Ordinance 2019-05 in title only. City Attorney Smith reminded Council why the Ordinance is needed when the City’s election is held during a Presidential Preference Primary.

There were no public comments.

Council Member Rader made the Motion to approve the Second/Final reading of Ordinance 2019-05; Second by Council Member Fortini.

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

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

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

Alexander Mestdagh, Esquire (Represents Deeper Fellowship Ministries International, Inc.) -Spoke in regards to the parking agreement currently held between Discovery Church and Water’s Edge Shopping Center. Deeper Fellowship wants to change the day and time and wanted to know if the City would allow this change. City Attorney Smith said the City adopted an Ordinance a few years back to not allow crossing the street from parking area to a facility. City Attorney Smith said assignments are allowed.

City Clerk Meeks said the Agreement is tied into Discovery Church's Business Tax Receipt (BTR). Attorney Mestdagh said Deeper Fellowship could do offsite shuttling. Chief Freeburg said the Church would have to renegotiate the agreement with the Police Department. It was noted that two-thirds of the Church parking is offsite. Chief Freeburg confirmed traffic is worse on Tuesday than it is on Saturday. He said the area is poorly lit in winter months. Chief Freeburg said if you use a shuttle, you would still need someone to let those who park across the road from Church know to not to cross over the road but take the shuttle.

Andrew Hansen, Discovery Church – Mr. Hansen said Discovery Church has been operating for about 27 years and safety is important to them too. He said Discovery has had a great relationship with the City and the Police Department. He said he is available to answer any questions.

Susan Lomas – Resident Lomas questioned if Resolution 2019-02 has been signed. City Clerk Meeks said the Resolution was signed; however, she had not provided to staff to place on the City's website. City Clerk Meeks said she will have staff post immediately.

Resident Lomas said she attended a transportation meeting and she asked Commissioner Uribe about the truck traffic on Holden Avenue. Mayor Dowless said the City has a plan in place and that "no truck" traffic signs have been ordered. In response to Resident Lomas, City Attorney Smith said Boise Cascade is a local business.

BOARDS & COMMITTEES

None.

STAFF REPORTS

City Attorney Smith:

City Attorney Smith said he has been providing City Clerk Meeks with information regarding ADA websites. He noted two cases against Plaintiffs who have been filing statewide cases. He said the Court(s) have been favorable to municipalities in these cases.

Police Chief Freeburg:

- Chief's Report

Chief Freeburg said DOT will add to the "no truck" signs already ordered. He said his department has done some soft enforcement already. Chief Freeburg said two of his officers have been certified in child safety seats, and with the bicycle program. Chief Freeburg said Staff met to discuss and plan events for the holidays. He also reported on a crash that occurred on Orange Avenue. He said Edgewood officers performed CPR and kept the injured person alive until paramedics arrived. Chief Freeburg said the individual passed away; however, they were an organ donor and able to give their organs because the officers kept them alive.

City Clerk Meeks:

City Clerk Meeks reminded Council Members that the final budget hearing is scheduled for October 1, 2019 at 6:30 p.m.



Richard A. Horn
Council President



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

Approved on November 19, 2019.