



CITY COUNCIL MEETING MINUTES
Tuesday, January 16, 2018

CALL TO ORDER

Council President Dowless called the January 16, 2018 City Council meeting to order at 6:30 p.m. He asked for a moment of silence then resident Les Slesnick led everyone in the Pledge of Allegiance.

City Clerk Meeks noted the absence of Council Member Pierce and then announced there was a quorum. City Clerk Meeks said Council Member Pierce gave advance notice of a work conflict. ***Council President Dowless made the Motion that Council Member Pierce be excused; Second by Council Member Fortini. The Motion was approved (4/0) to excuse Council Member Pierce.***

PRESENTATION

None.

CONSENT AGENDA

1. Review and Approval of Minutes
 - December 19, 2017 City Council Meeting Minutes

Council President Dowless noted an addition to the minutes and one correction to the minutes. **Council President Dowless made the Motion to approve the minutes with the one addition and correction; Second by Council Member Chotas. Approved (4/0)**

ORDINANCES

None.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- **ORDINANCE 2018-01** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA TO EXTEND A TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF EDGEWOOD ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, ZONING APPROVALS, SPECIAL EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW NEW DEVELOPMENT OR CHANGE

OF EXISTING USES TO ANY OF THE FOLLOWING USES ON PROPERTIES WHICH ARE BOTH LOCATED WITHIN THE C-1, C-2 OR C-3 ZONING DISTRICTS AND ADJACENT TO ORANGE AVENUE, HOFFNER AVENUE, GATLIN AVENUE, HANSEL AVENUE, OR HOLDEN AVENUE: PUBLISHING PLANTS, SKATING RINKS, FROZEN FOOD LOCKERS, AMUSEMENT AND RECREATIONAL FACILITIES IN WHICH THE AMUSEMENT AND RECREATIONAL ACTIVITIES DO NOT OCUR WITHIN A FULLY ENCLOSED STRUCTURE (INCLUDING MINIATURE GOLF COURSES, GO-CART TRACKS, GOLF DRIVING RANGES, BASEBALL BATTING RANGES AND TRAMPOLINE CENTERS), MECHANICAL GARAGES, HEATING AND AIR CONDITIONING SALES AND SERVICE, WHOLESALE BAKERIES, SOFT DRINK BOTTLING, PRODUCTS TESTING (MATERIALS, EQUIPMENT, OR PRODUCTS), MACHINE SHOPS, MANUFACTURING, STORAGE AND WHOLESALE DISTRIBUTION WAREHOUSES, TRADE SHOPS (EXCEPT FOR CABINET MAKERS AND UPHOLSTERING) TIN SMITHS, RUG AND CARPET CLEANING, MATTRESS RENOVATIONS, ELECTRICAL SHOPS, ROOFING SHOPS, PLUMBING SHOPS, CAR WASHES, CONFECTIONARY MANUFACTURE, FURNITURE STRIPPING, GARMENT MANUFACTURING, VEHICULAR BODY AND PAINTING SHOPS, BUS REPAIR, CAB REPAIR, LIGHT TRUCK REPAIR, MEAT PROCESSING (INCLUDING STORAGE, CUTTING, AND DISTRIBUTION), WHOLESALE PRODUCTS DISTRIBUTION, WHOLESALE COMMERCIAL ESTABLISHMENTS THAT OCCUPY MORE THAN 50,000 SQUARE FEET, MACHINERY SALES, MACHINERY RENTAL, MACHINERY STORAGE, OUTDOOR STORAGE OF MERCHANDISE, OUTDOOR STORAGE OF PARTS OR OTHER EQUIPMENT, BUILDING MATERIAL STORAGE, CONTRACTORS' STORAGE AND EQUIPMENT YARDS (INCLUDING WELL DRILLING EQUIPMENT AND LAND CLEARING EQUIPMENT), MINIWAREHOUSES, MILK BOTTLING AND DISTRIBUTION PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING, WELDING SHOPS, COIN LAUNDRIES, THRIFT STORES, OPEN AIR FLEA MARKETS, AUCTIONS, RADIO BROADCASTING AND TELECASTING STATIONS STUDIOS AND OFFICES, NEW OR USED CAR OR BOAT SALES, ADOPTING FINDINGS OF FACT; DIRECTING STAFF TO CONTINUE TO STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE C-1, C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith gave the second and final reading of Ordinance 2018-01 in title only. Council President Dowless opened for public comments.

Public Comments:

Scott Baker, Esquire - Attorney Baker noted that he represents twenty-two Edgewood business owners. He asked that Council not extend the moratorium. He said there were concerns about the uncertainty and what way to go for future sales of a business. He said there were concerns with being able to add on to a business.

Tina Demostene: Resident Demostene opened with "Good job". She said the moratorium is a minor slow down to allow staff time to re-group and she is in favor of the moratorium.

Addressing one of resident Demostene's comments, Mayor Bagshaw confirmed that he asked Planner Hardgrove to move forward with the Zoning Code and on the Edgewood District. Planner Hardgrove said Orange County is working on transient oriented changes because of SunRail. She said they are using form-based planning which is more restrictive. She said form-based code is more mixed use. She confirmed for Council President Dowless that there will probably be at least three Planning & Zoning

Board meetings needed to address everything. Council President Dowless said he does not want the process to take more than one year.

Council Member Chotas made the Motion to deny the extension of the moratorium; stating there is no need shown to extend. The Motion died due to the lack of a Second.

Motion by Council Member Fortini to approve the second and final reading of Ordinance 2018-01; Second by Council Member Horn.

The Motion was approved by the following roll call vote (3/1):

<i>Council Member Chotas</i>	<i>Deny</i>
<i>Council Member Horn</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>

ORDINANCE 2018-02 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; REPEALING AND REPLACING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE, DEFINITIONS, PERMITTING PROCESSES AND APPEALS FROM SIGN PERMIT DENIALS, PROHIBITED SIGNS, GENERAL REGULATIONS AND SPECIFIC STANDARDS OF ZONING DISTRICTS, SIGN LIGHTING AND ILLUMINATION, EXISTING SIGNS WHICH WILL BE NONCONFORMING AFTER ENACTMENT OF THIS ORDINANCE, REMOVAL OF SIGNS, SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith gave the second and final reading of Ordinance 2018-02 in title only. Council President Dowless referred to City Attorney Smith.

City Attorney Smith said he would address the changes made as a result of the first public hearing.

Section 122-10 (Agenda Pg. #38 Line 834) [Electronic changeable message signs unless otherwise specifically allowed herein.] The question was asked about changing the electronic message. Mayor Bagshaw said he is okay with electronic messaging except it cannot be not flashing or moveable. City Attorney Smith said crawler signs are not allowed.

Public Comments:

Tina Demostene – Resident Demostene commended staff on their work of the Ordinance. She offered the following: (1) Regarding animated signs and prohibited signs, she said projecting lights are not addressed. Council Member Fortini said they are non-intrusive. (2) Section on flags does not specify “no commercial message”. Acknowledged that you cannot address content (3) Noted on Page 15/Line 611 that there was no requirement to include “to scale drawing elevation” and “to scale site plan”. City

Attorney Smith said the change can be made. (4) Noted on Page 17/paragraph “c” regarding obtaining approval from “any other government agency” resident Demostene suggested adding “Not to exceed a certain number of days”. City Attorney Smith said the extension is for the City’s benefit. (5). Noted there was already an Appeal section and did not feel it needed to be written again. City Attorney Smith said in this section of the Code, it is specific to the sign code. (6) Regarding decals, resident Demostene said another part of the Code says not to exceed 2 square feet or 10%. City Attorney Smith said branding is exempt. (7) Did not see a prohibition on lighting around windows. (8) Referenced Page 23 regarding temporary signs (banner signs) and stated she thought 40 sq. ft. is too large. Resident Demostene asked about the process specific to a variance. City Attorney Smith said a typical variance just needs to show hardship. (9) Regarding “intent” on Page 28, “Comprehensive Sign Plan”, resident Demostene said she thought it is important to establish a color theme. (10) Resident Demostene referenced line 1114 and said she thought it was important to include an analysis. Discussion was held on Resident Demostene’s comments and some changes were made based on the discussion.

In response to Mayor Bagshaw, Planner Hardgrove said the Code does not address the size of hanging signs. City Attorney Smith pointed out where this is addressed in the code. Council President Dowless said he would like for there to be consistency for shopping center tenants. Resident Demostene suggested making it a requirement that the developer determines the consistent theme. City Attorney Smith noted the following language be added “multi-occupants shall be architecturally consistent with other signage on the parcel”

Council Member Fortini said she wanted to go back and discuss digital signage and encouraged allowing digital signage. She said you cannot get one message without flipping a few times to get your message. Council Members said they were good with a digital sign changing once a day and fit within one sign. Resident Demostene said she objects to the digital sign. Mayor Bagshaw said there are pros and cons but safety is a factor with digital signage. He said it can be re-addressed at another time.

Sue Fulford- Edgewood business owner – Ms. Fulford referenced Council Member Fortini’s concern about Cornerstone sign. Council Members confirmed that Cornerstone is not in the City; therefore, the City’s sign Code does not affect the Cornerstone sign. City Attorney Smith confirmed for Council Member Chotas that the comprehensive sign plan does not include digital signage.

Bethanne Baer, Realtor-Agreed that digital signs will happen but need to see in real life. She suggested looking at other cities similar in size that allows digital signs. Planner Hardgrove said that OCPS will be asking for an electronic message sign for the proposed school on Holden. City Attorney Smith confirmed for Council Member Chotas that under the comprehensive sign plan, if it is a prohibited sign but fits their plan, it is allowed.

John Moccio- City Attorney Smith confirmed for resident and business owner Moccio that if you have a sign that is not architecturally consistent, it is grandfathered in.

City Attorney Smith summarized the following amendments to the Ordinance:

- 1 Lines 611-613 - Add “to scale drawing elevation” and “to scale site plan”,
- 2 Lines 1042-1046 – Add “ and architecturally consistent with other signs on the parcel”,
- 3 Lines 1003-1009 – Include a requirement to establish a color theme and color palette,
- 4 Between Lines 1114-1115 – Add language regarding providing an analysis prior to the deviation of the requirements of the sign code,

Council President Dowless noted there are five amendments; noting the first stated amendment are two separate changes (Line 611 and Line 613).

Council President Dowless made the Motion to approve the second and final reading of Ordinance 2018-02 with the agreed upon amendments; Second by Council Member Fortini.

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

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Horn</i>	<i>Favor</i>

ORDINANCE 2018-03 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF ALL OF THE INCORPORATED AREA OF THE CITY OF EDGEWOOD WITHIN A MUNICIPAL SERVICE TAXING UNIT DESIGNATED BY ORANGE COUNTY TO PROVIDE FIRE PROTECTION AND EMERGENCY RESCUE SERVICES; PROVIDING FOR ANNUAL RENEWAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

City Attorney Smith gave the second and final reading of Ordinance 2018-03 read in title only.

Council President Dowless made the Motion to approve the second and final reading of Ordinance 2018-03; Second by Council Member Horn.

Council President Dowless opened for public hearing; there were no public comments.

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

<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Horn</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>

Council President Dowless confirms the Ordinance will be sent to the County.

UNFINISHED BUSINESS

- Planning & Zoning Board Appointment

Mayor explained that Council did not address the reappointment of Marion Rayburn in the December Council meeting.

Council Member Chotas made the Motion to approve the reappointment of Planning & Zoning Board Member Rayburn; Second by Council Fortini. Approved.

NEW BUSINESS

None.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

No Citizen Comments.

BOARDS & COMMITTEES

None.

STAFF REPORTS**City Attorney Smith:****Police Chief Freeburg:**

- Monthly Report

Chief Freeburg reported that he attended his first Florida Police Chief's conference. He also reported on the recent arrest made off of Stratemyer. He said there were several arrests made for drugs and guns. Chief Freeburg said his department is trying to get more involved on social media. He reminded everyone that it is "move over month" and will be heavily enforced.

City Clerk Meeks:

City Clerk Meeks reported that qualifying for the March election begins next week. She said that due to qualifying, City Hall will be open all day on Friday instead of closing at noon.

MAYOR & COUNCIL REPORTS

- **Mayor Bagshaw -**

Mayor Bagshaw thanked Council for the gift cards presented to him in the December Council meeting. He reported on the quiet zones. He said project should be completed in two months. Mayor Bagshaw reported that Gatlin Avenue to Stratemyer will be repaved.

- **Council President Dowless –**

No report.

- **Council Member Chotas –**

No report.

- **Council Member Fortini –**

Council Member Fortini asked Mayor Bagshaw to give a report on the Ft. Gatlin shopping center. Mayor Bagshaw said all he can give is “rumor”. He shared a discussion his wife had with a tenant regarding damage to the shopping plaza that may mean demolition of the building. Mayor Bagshaw said he was told that The Waterfront has sold again. He confirmed that Kal Hussein closed on the thirteen acres on Holden Avenue, where the proposed school site is.

- **Council Member Horn –**

No report.

- **Council Member Pierce:**

Absent.

ADJOURNMENT

Having no further business or discussion, Council member Fortini made a Motion to adjourn; Second by Council Member Horn. The City Council meeting adjourned at 8:43 p.m.

John Dowless
Council President

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

Approved on February 20, 2018.