

**JULY 18, 2017**  
**REGULAR CITY COUNCIL MEETING MINUTES**

**CALL TO ORDER**

On Tuesday, July 18, 2017, Council President Dowless called the Edgewood City Council meeting to order at 6:34 p.m. Council President Dowless asked for a moment of silence and then lead everyone in the Pledge of Allegiance.

City Clerk Meeks announced a quorum.

The following attendance is noted:

**Attendees**

Ray Bagshaw, Mayor  
John Dowless, Council President  
Lee Chotas, Council Member  
Richard Horn, Council Member

**Absent**

Pam Henley, Council Member (Excused)  
Susan Fortini, Council Member (Excused)

**Staff**

Bea L. Meeks, City Clerk  
Acting Police Chief John Freeburg  
Lt. Vince Jackson  
Drew Smith, City Attorney  
Sandy Repp, Administrative Assistant  
Ellen Hardgrove, AICP

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**CONSENT AGENDA**

City Clerk Meeks announced that Council Member Henley was out-of-state on a campus visit with her twins and that Council Member Fortini was ill. City Clerk Meeks requested that Council Members Henley and Fortini be excused from the meeting.

*Council Member Horn made the Motion that Council Members Henley and Fortini be excused from the meeting; Second by Council Member Chotas. Motion approved (3/0).*

I. Review and Approval of Minutes

- June 20, 2017 Regular City Council Minutes

Council President Dowless stated two corrections that he provided to City Clerk Meeks prior to the meeting.

*Council Member Horn made a Motion to approve the minutes with the stated corrections; Second by Council Member Chotas. Motion approved (3/0).*

<b>PRESENTATIONS</b>
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- Orange Avenue Visioning – LITTLE | Land Design

**Presenters: Michael LeBouef, Little  
Keith Bongirno, Land Design**

Michael LeBouef gave a PowerPoint presentation and explained the survey that will be mailed out to residents and businesses. He said that Council will be reviewing the survey questions and then decide on those survey questions that will go out to the public. Mayor Bagshaw emphasized that the survey questions are not only for the residents but business owners too. Council President Dowless said he would like for the survey to include a request for email addresses for those who want to be contacted through email. Mr. LeBouef said they should have the survey results for the September 19<sup>th</sup> City Council meeting, followed by a charrette two weeks after the Council meeting.

**Public Comments:**

Daniel Evans – Questioned the language and asked for it to be understood by everyone.

<b>ORDINANCES</b>
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1. **ORDINANCE 2017-02** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA ESTABLISHING 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 OCCUR 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), MINI WAREHOUSES, 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 STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE 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 first reading of Ordinance 2017-02 in title only.

Council President Dowless referred to Mayor Bagshaw for his comments. Mayor Bagshaw said the Ordinance does not affect those business currently having the uses in the moratorium Ordinance. He said the moratorium applies to new businesses. Council President Dowless said the Planning & Zoning Board addressed this before and Council did not act on it, and they requested the Ordinance be placed back on the agenda. City Attorney Smith explained what affect the Ordinance, if approved, would have on current and new uses, as well as changes to uses. He noted that the moratorium is for 180 days. He said the Planning & Zoning Board recommended that a condition of having the ability to do interior work, as long as you are not expanding the footprint or changing the use. City Attorney Smith explained administrative relief and how it applies to those who may have a hardship. He said there is a process to ask Council for relief. He said the Planning & Zoning Board also recommended that a use can be changed if it is a permitted use in that district, as long as there are no modifications to the property.

Planner Hardgrove said the issue of site plan was discussed in the Planning & Zoning Board meeting. She said that they discussed that if a building permit is needed then this means there is a significant change. She said the current moratorium Ordinance would not allow a change in use if it required interior modifications. The Mayor proposed that if the footprint is not being expanded, then allow the change in use.

In response to Mayor Bagshaw, City Attorney Smith offered the following change in Section 3 of the Ordinance:

“Nothing herein shall be interpreted to cause a suspension or termination of a use identified in Section 2 which is lawfully existing as of the effective date of this Ordinance. Building permits shall be processed for properties upon which a use identified in Section 2 exists as of the date of

this Ordinance for any work ~~not related to a change of use to use identified in Section 2~~ which does not increase the space utilized upon said property for a use identified in Section 2.”

Council Members had no objection to the change. Council Member Chotas said he will vote against the moratorium as he did not believe there has been a demonstrated need.

**Comments:**

*John Moccio* - Resident and Business Owner - Mr. Moccio said he did not feel there is a need for the moratorium, but will accept it with the changes. He said he would not accept without the changes. He read his written comments into the record.

*Sue Fulford* – Business Owner- Mrs. Fulford referenced an article in the Orlando Sentinel, which she provided to City Clerk Meeks. Mrs. Fulford said she feels the moratorium should be waylaid until the City’s visioning process is complete. She asked if the City has looked at grants. She asked where do property owners go for restitution for damage to their structures. Mayor Bagshaw said if she is referencing the current road project, it will be done at the end of FDOT’s work.

*Fran Pignone* – Owner of Fort Gatlin Shopping Center – Ms. Pignone said she opposes the moratorium and explained why.

*Richard Dawson* – Business Owner – Stated he opposes the moratorium.

*Ivan Smith* – Referenced a Supreme Court case regarding the taking of property and said property owners should receive compensation.

*Scott Baker* - Real Estate Attorney – Attorney Baker said he represents 16 Edgewood commercial property owners. He said he is speaking in opposition for them and explained why. He asked why wouldn’t the City wait for the visioning process to be completed first. He said if they are going to approve, he likes the changes described by Mayor Bagshaw. He made reference to “form based code” versus “ use base code”. In response to Mayor Bagshaw’s change to the Ordinance, Attorney Baker said he totally supports the change to Section 3.

*Mike Hendrix* – Resident – Mr. Hendrix stated he supports the moratorium and explained why.

*Neil & Adena Boris* – Residents – Both stated they support the moratorium. They stated that they appreciate that a visioning process is ongoing and that the moratorium is temporary. Stated that they think everyone agrees better look is needed on Orange Avenue.

*Blair Howard* – Business Owner – Mr. Howard thanked Mayor Bagshaw for reaching out to him and sitting down and talking to him about his concerns. He said he likes the changes that are being proposed however, generally speaking, he thinks the City is putting the cart before the horse. He said he opposes the moratorium with the understanding he feels that vision should be first.

*Chris Rader* – Planning & Zoning Board Member – Planning & Zoning Board Member Rader thanked Council for reconsidering the item. He said it is a moratorium and not a taking and encouraged approval as recommend by the Planning & Zoning Board. He said this process is 15 years in the making. He said he wants people to know where Edgewood is.

*Cecil Moore, Jr.* – Partner with Hooker/Moore Properties – Mr. Moore noted the recent recession and the difficulty in their due diligence to get tenants. He said he feels the moratorium will cause vacancies. He noted infrastructure impact and noted the bottleneck. He said higher uses will be a detriment. He said he is looking for the City to work with “them”, and business owners work with the City. He stated he has no problem with expansion of the uses. He said he wants market forces making the determination. He noted that commercial leases are generally 3 to 5 years.

*Cecile Moore, Sr.* – Mr. Moore said lived in Edgewood almost 79 years. He said he built the mini-warehouses in Edgewood about 30 years ago that are now owned by Frank Ward. He stated he opposes the moratorium.

City Clerk Meeks advised that Council Member Henley recognizes with her absence she cannot vote however, she asked the City Clerk to convey to Council that she favors the moratorium.

City Attorney Smith responded to Council President Dowless’ question about the reference made to lawsuits during public comments. City Attorney Smith read an opinion that supports the temporary moratorium.

Council Member Horn said he is conflicted however he understands the goal. He also likes form base code over use base code. He agrees with the amendment.

Council Member Chotas said he does not see the need for the moratorium and explained why. He said he previously asked for a rezoning ordinance to make the Zoning Code consistent with the comp plan.

Mayor Bagshaw said the amendments will give property owners options that would have been taken away from them without the amendments. He said the City has to start somewhere. He noted the Orange County overlays being established on Orange Avenue South of Hoffner and referenced the designated brownfields.

Council President Dowless referenced the information provided regarding Orlando’s Urban Area. He said prior to Mayor Bagshaw and him being involved on MetroPlan, the City was not being included in studies and projects. He said if the City doesn’t act on this now, the City will never have another chance. He stated he supports the moratorium and he does not want to see it go beyond 180 days.

***Council President Dowless made the Motion to approve the first reading of Ordinance 2017-02 with amendment as discussed in Section 3. City Attorney Smith read the amendment into the record. Second by Council Member Horn.***

***The Motion to approve the first reading of Ordinance 2017-02 was approved in the following rollcall vote (2/1) :***

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

City Clerk Meeks announced the 2<sup>nd</sup>/final reading will be held on August 15, 2017 at 6:30 p.m., or soon thereafter.

**2017 VAR-03 –“ Construction of A Covered Patio Within NHWE Setback” – Marlyn and Carol Felsing**

There were no objections to Council President Dowless moving the Felsing variance request to this part of the agenda.

Planner Hardgrove explained what the variance request is for and why. She said the Planning & Zoning Board recommended approval. She said the criteria has been met with two conditions. Planner Hardgrove said if the request had been for a screen enclosure, the Felsing would not need a variance but it is enclosed so they need the variance.

No questions from Council. The applicants were in attendance to answer any questions; there were none.

*Council Member Horn made the Motion to approve the variance with conditions as presented; Second by Council Member Chotas*

<i>The Motion to approve Felsing Variance 2017-03 with conditions was approved in the following rollcall vote (3/0) :</i>	
<i>Council Member Horn</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Henley</i>	<i>Absent</i>
<i>Council Member Fortini</i>	<i>Absent</i>

**2. ORDINANCE 2017-03 - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 62, ARTICLE II, “STOPPING, STANDING, AND PARKING;” INCREASING CIVIL PENALTIES FOR CERTAIN PARKING VIOLATIONS; INCREASING THE DELINQUENT FEE PENALTY ASSESSED WHEN AN INDIVIDUAL FAILS TO RESPOND TO A PARKING VIOLATION NOTICE; PROHIBITTING THE PARKING OF IMPROPERLY REGISTERED VEHICLES UPON PUBLIC STREETS OR CITY OWNED PROPERTY; PROVIDING FOR IMMOBILIZATION AND IMPOUNDMENT OF VEHICLES PARKED UPON PUBLIC STREETS OR CITY OWNED PROPERTY WITHOUT PROPER REGISTRATION; PROVIDING FOR THE WITHHOLDING OF LICENSE PLATES AND RENEWAL STICKERS BY THE STATE FOR UNPAID PARKING VIOLATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

City Attorney gave the first reading of Ordinance 2017-03 in title only. There were no public comments. City Attorney Smith explained the changes.

*Council Member Horn made the Motion to approve the first reading of Ordinance 2017-03; Second by Council Member Chotas.*

*The Motion to approve the first reading of Ordinance 2017-03 was approved in the following rollcall vote (3/0) :*

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

City Clerk Meeks announced the 2<sup>nd</sup>/final reading will be held on August 15, 2017 at 6:30 p.m., or soon thereafter.

**PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

None.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**1. Set FY 17/18 Tentative Millage Rate**

City Clerk Meeks referred to her memo regarding the tentative millage rate. She reminded Council that they cannot increase the tentative millage rate they approve but can decrease it. Mayor Bagshaw said that if they establish a millage rate at 5.2 mills, Council can decrease it. He said next week he and staff should have budget spreadsheets ready and can meet with Council members individually if they would like.

*Council Member Chotas made the following Motion: I move to set the City of Edgewood’s tentative millage rate for Fiscal Year 2017/2018 at 5.2 mills; Second by Council Member Horn.*

*The Motion to set the tentative millage rate at 5.2 mills was approved in the following rollcall vote (3/0) :*

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

*Council Member Horn made the following Motion: I move to schedule the first public hearing on the City of Edgewood’s Fiscal Year 2017/2018 tentative budget and millage rate, at a Special Council*

*Meeting on Tuesday, September 5, 2017, at 6:30 p.m., or as soon thereafter as the matter may be heard; Second by Council President Dowless.*

*The Motion to schedule the first public hearing was approved in the following rollcall vote (3/0):*

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

**2. Officer Chris Meade -- FRS Calculations for 2008 Rejoin**

Mayor Bagshaw said a matter with the Florida State Retirement System has occurred and referred to City Clerk Meeks for further explanation. City Clerk Meeks referenced her memo and explained the buyback of service that occurred in 2008 and that not all of Officer Meade's service was purchased. City Attorney Smith explained that the buy-in included buy back service regardless of a break in service, which is what occurred here in this matter. City Attorney Smith confirmed for Council Member Chotas that this a duly authorized obligation of the City of Edgewood. City Attorney Smith also confirmed that this is a legal obligation of the City that needs to be paid.

*Council Member Chotas made the Motion that the Mayor be authorized to pay the legal bills of the City; Second by Council President Dowless. Approved (3/0).*

**GENERAL INFORMATION (No action required)**

None

**CITIZEN COMMENTS**

Les Slesnick -Resident- Stated that he knew it was very difficult for Council to consider the moratorium and feels they made the right decision. He said he respects Council Member Chotas' decision. He explained why he felt Council made the right decision, as it relates to residential property value.

**BOARDS & COMMITTEES**

- 1. 2017 VAR-03 – Construction of A Covered Patio Within NHWE Setback – Marlyn and Carol Felsing**

Variance request moved up on the Agenda.

**STAFF REPORTS**

City Attorney Smith reported that the Collective Bargaining Agreement is ready to go to the Union to ratify. If approved, the Agreement will come back for approval through an Ordinance approval process. Mayor Bagshaw said that one of the major issues is that the Union did not ask for a 15% raise over the next three years. He said Orange County gave an 11% increase and other cities are concerned with keeping and retaining officers. He said the City's salary will never be number one but the City needs to be competitive. He said the City has now created salary ranges.

**Police Chief:**

- Monthly Report –

Acting Chief Freeburg referred to his report provided in the agenda packet. Council Member Horn asked if there could be better policing of the semi-trucks speeding through the city. Acting Chief Freeburg said he will let alert the Officers.

Mayor Bagshaw said he is going to make the recommendation of moving Captain Freeburg to Chief. He said there will be a contract that Council will need to approve. Council President Dowless said he would like a full council. No objections to move ahead with the contract.

**City Clerk:**

City Clerk Meeks reported on the following:

- The City has hired Virginia Renteria as the City's Code Enforcement Officer/Administrative Assistant.
- Reminded Council Members to pick up their mail.
- Noted that renewals for the 2017/2018 Business Tax Receipts is in process.
- Reported that permitting is at the highest level since she began her tenure with the City in 2011.

<b>MAYOR &amp; COUNCIL REPORTS</b>
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- **Mayor Bagshaw**

Mayor Bagshaw reported on the following:

- He met with Sunrail representatives and they said that Edgewood will be the first City to get their quiet safety zones installed. He said the project may possibly begin in October.
- Discovery is moving forward in purchasing property on Sand Lake Road. The Church is for sale.
- County did close on the 9 acres off of Jamaica Lane as additional land for Cypress Grove Park.
- Leak on the Police Department's roof, Mayor Bagshaw said patchwork was done to the roof last year but it is a flat roof and will need to be re-roofed.
- **Council President Dowless**

No report.

- **Council Member Henley**

Absent.

- **Council Member Chotas**

No report.

- **Council Member Fortini**

Absent.

- **Council Member Horn**

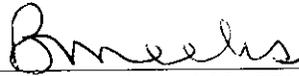
No report.

**ADJOURNMENT**

Having no further business or discussion, Council Member Chotas made a Motion to adjourn; Seconded by Council Member Horn. The City Council meeting adjourned at 9:07 p.m.



John Dowless  
Council President



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

*Approved in September 19, 2017 City Council Meeting.*