

**EDGEWOOD CITY COUNCIL
REGULAR MEETING– OCTOBER 18, 2011**

On Tuesday, October 18, 2011, the Edgewood City Council held a regular meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 6:30 p.m. Council Member Powell gave the invocation followed by the Pledge of Allegiance.

Council President Beardslee noted the following Council Members in attendance

Attendees:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Dowless
Council Member Henley (Arrived Late/Left Early)

Absent

Council Member Bozeman (No indication of excused or unexcused. City Clerk noted that Council Member Bozeman called in his absence stating he was sick)

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Andrew Hand, City Attorney (Sitting in for Attorney Drew Smith)

CONSENT AGENDA

Approval of:

- A. September 20, 2011 Minutes - Regular City Council Meeting
- B. Satisfaction of Code Enforcement Lien – 4214 Laval Drive, Edgewood, FL – (Lien amount \$7000.00 – Request City accept \$1500.00)
- C. Satisfaction of Code Enforcement Lien – 1368 Windsong Drive, Edgewood, FL – (Lien has been accruing since May 24, 2010 (\$250.00 per day) – Request City accept \$2500.00)

Motion by Council Member Powell to approve the Consent Agenda items, with Second by Council Member Dowless; the Motion was approved unanimously (3/0).

PRESENTATIONS

1. Mayor Bagshaw presented a check, in the amount of \$3000.00 to the Academy for Autism.
2. Mayor's Proclamation – Week of the Family (October 29th thru November 5th)

Mayor Bagshaw presented a Proclamation recognizing October 29th thru November 5th as Week of the Family. Victoria Laney accepted the Proclamation and gave a brief presentation regarding some upcoming events celebrating Week of the Family. Ms. Laney also provided the Council and Staff with a calendar of the events.

3. Mayor's Proclamation – Declaring the month of November “Pancreatic Cancer Awareness Month

Mayor Bagshaw presented a Proclamation declaring the month of November as “Pancreatic Cancer Awareness Month”. Marian Palma Cardona, Pancreatic Cancer Action Network - Orlando Affiliate Education & Outreach Coordinator accepted the Proclamation and gave a brief presentation on the proposed legislation for *Pancreatic Cancer Research & Education Act* (S. 362/H.R.733).

ORDINANCES – FIRST READING & PUBLIC HEARING

1. **ORDINANCE NO. 2011-01: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED PERSONNEL POLICIES, PROCEDURES, AND RULES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Hand read Ordinance Number 2011-01 in title only.

Council President Beardslee deferred to the City Charter regarding adoption of Ordinances, and voting as it relates to the absence of Council members and what the requirements are. She expressed her concerns about Council's ability to adopt Ordinances due to absent Council members.

Regarding the Personnel Policy, Council President Beardslee said she would like to see an analysis of at least five other municipalities, as it relates to any impact before she can support parts of the Ordinance. Council Member Powell acknowledged that there have been several workshops, and went on to explain to the audience why the Personnel Policy was reviewed and proposed changes made. Council Member Powell said he doesn't want to have a City “to just employ people”, and said there is no reason to disagree therefore **Council Member Powell made the Motion to table the Ordinance**

to November 15, 2011, Council President Beardslee added a friendly amendment that a review be conducted from Florida municipalities of their statistical data, at least five municipalities. She noted that the City needs to have a means to retain employees, and that benefits were an important part to retaining employees. City Clerk Meeks suggested that she contact the Florida Association of City Clerk's District Director and request the data, and that all requests be sent to a designated Council Member. Council President Beardslee rescinded her Motion. Council Member Powell's Motion died for lack of a second. **Council Member Powell made the motion to postpone the first reading to the November 15, 2011 regular City Council meeting. Council Member Beardslee Second the Motion, with a friendly amendment to include at least three like municipalities current benefits, and that the information be provided directly to Council Member Dowless.** Resident Lee Chotas ask if there was any entitlement or any costs, Council President Beardslee replied no however, she felt there will be a penalization to employees. Resident Lee Chotas (Attorney) said he is willing to review the Personnel Policy at no charge to the City. City Clerk Meeks restated the Motion. In response to Council Member Dowless, Council President Beardslee said that she has concerns about the "accrual bucket", and explained her reasons why. Council Member Powell said he did not have his list with him therefore, he was unable to let Council Member Dowless know his concerns. In response to Council President Beardslee, City Clerk Meeks said that she did have concerns about the "accrual bucket" given the insurance and how it affects employees co-pay, and that she is not amenable to not being allowed to wear jeans on Friday. In response to Council President Beardslee, Chief Marcus said to attract and retain good employees, the City needs to be competitive in terms of what the City offers employees. Chief Marcus said that he does not want to see the City go backwards in terms of where the City is now. Resident JT Blanton said that in the past, trying to find comparable analysis was hard to find. He also said if it is not broke don't fix it. In response to Council President Beardslee, Police Clerk Patterson said she had no questions or comments.

The Motion Passed. City Clerk Meeks said the Ordinance will be placed on the November 15, 2011 Agenda for first reading.

2. **ORDINANCE 2011-05: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING SECTION 62-57 (REGULATION STANDARDS OF DISABLED VEHICLES) OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO INCREASE THE TIME ALLOWED TO PARK DISABLED AND UNREGISTERED VEHICLES ON SPECIFIC PROPERTIES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

City Attorney Hand read Ordinance 2011-05 in title only

Attorney Lee Chotas thanked the City for working with him on this part of the City Code. He said he is fine with the proposed Ordinance with the addition of two minor changes at Paragraph 56, Section 2 (c) "One or more disabled or unregistered vehicles may be parked

in the rear yard of a business possessing a local business tax receipt for a mechanical garage, or other vehicular repair or storage uses, in excess of 30 days but not to exceed 180 days, provided that the disabled vehicle(s) shall be completely screened from view from all **public roads** and adjoining **residential** properties. Screening may include properly permitted buildings, fences, walls or evergreen hedges not less than six feet in height which create a visual barrier, not less than 95 percent opaque". Mayor Bagshaw said he had a concern about not having any limitation on the number of disabled cars allowed within the 180 days, adding that he thinks it needs to be refined. Lee Chotas recommended passing the Ordinance on first reading, and have the City Attorney fine tune. Resident Brian Leahy said he didn't think an Ordinance should be approved just for one commercial owner, and said he thinks this should be a variance.

Council President Beardslee made the Motion to approve the first reading of Ordinance Number 2011-05, with the amendment given by Lee Chotas. Council Member Powell Second the Motion to include Lee Chotas' amendment and including strike adjoining. The Motion passed 4/0, on a roll call vote taken by the City Clerk:

Council Member Powell	Favor
Council Member Dowless	Favor
Council President Beardslee	Favor
Mayor Bagshaw	Favor

"One or more disabled or unregistered vehicles may be parked in the rear yard of a business possessing a local business tax receipt for a mechanical garage, or other vehicular repair or storage uses, in excess of 30 days but not to exceed 180 days, provided that the disabled vehicle(s) shall be completely screened from view from all **public roads** and adjoining **residential** properties. Screening may include properly permitted buildings, fences, walls or evergreen hedges not less than six feet in height which create a visual barrier, not less than 95 percent opaque".

3. **ORDINANCE 2011-06:** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, IMPOSING A TEMPORARY MORATORIUM FOR 180 DAYS ON THE ISSUANCE OF ANY BUSINESS TAX LICENSE, PERMIT, CONDITIONAL USE APPROVAL, SITE PLAN APPROVAL AND ANY OTHER OFFICIAL ACTION OF THE CITY OF EDGEWOOD HAVING THE EFFECT OF PERMITTING OR ALLOWING THE CONSTRUCTION AND/OR OPERATION OF THE FOLLOWING BUSINESSES USING SLOT MACHINES OR SLOT MACHINE LIKE EQUIPMENT OR SIMULATED GAMBLING DEVICES WITHIN THE CITY OF EDGEWOOD: GAME ROOMS, ARCADES, INTERNET CAFES, SWEEPSTAKES REDEMPTION CENTERS OR ESTABLISHMENTS, AS MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE, EXCLUDING APPROVALS AND PERMITS FOR THE CONTINUANCE OF ANY EXISTING

BUSINESS; THE TEMPORARY MORATORIUM SHALL APPLY TO ALL REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF EDGEWOOD; PROVIDING FOR DEFINITIONS; PROVIDING A PROCEDURE FOR EXTRAORDINARY HARDSHIPS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND SETTING AN EFFECTIVE DATE.

City Attorney Hand read Ordinance Number 2011-06 in title only. City Clerk Meeks noted that Patti Jackola a Court Reporter is in attendance recording this portion of the Council meeting.

Council Member Powell made the Motion to approve the first reading of Ordinance Number 2011-06. Council Member Dowless Second the Motion.

Council President Beardslee asked if there were any questions or comments from the audience, there were none. Council President Beardslee said that her understanding is that Council directed the City Attorney to draft an Ordinance for Council review, due to Council concerns that this could become a prevalent business in the City. Also, the 180 days would allow some time to see what was being done on the State level; she requested clarification as to any ongoing legislation that may or may not make impact the City. Council Member Powell said it's a "work in progress" and the 180 days allows time for review and investigation, and allows the City Attorney time to review and "massage" so that the City is on solid ground when "it's all said and done". **The Motion passed 4/0, on a roll call vote taken by the City Clerk:**

Council Member Dowless	Favor
Council President Beardslee	Favor
Mayor Bagshaw	Favor
Council Member Powell	Favor

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- 1. ORDINANCE 2011-04:** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA ENACTING AND APPROVING OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF EDGEWOOD AND THE CENTRAL FLORIDA POLICE BENEVOLENT ASSOCIATION FOR THE TERM OCTOBER 1, 2011, TO SEPTEMBER 30, 2014; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Attorney Hand read Ordinance 2011-04 in title only. Council President Beardslee disclosed that she will file a Notice of Conflict.

Council Member Powell made the Motion to approve the first reading of Ordinance Number 2011-04. Council Member Dowless Second the Motion.

City Clerk Meeks stated that Notice was done in the Orlando Sentinel.

Chief Marcus spoke in favor of approving the Ordinance and noted that he and Mayor Bagshaw worked tirelessly to come to an agreement that is fair for the officers and the City. He noted that all parties are in agreement. **The Motion passed 3/0; Notice of Conflict-Beardslee, on a roll call vote taken by the City Clerk:**

Mayor Bagshaw	Favor
Council Member Dowless	Favor
Council Member Powell	Favor

Council President Beardslee asked City Attorney Hand if the member vote is good as it relates a member vote. City Attorney Hand said "it should be" and that her vote constitute a "no" vote, instead of a negative vote. City Clerk Meeks ask City Attorney Hand to confirm that if it doesn't constitute a "no" vote, would she have to re-advertise before bringing the Ordinance back to the "table". Mayor Bagshaw noted that the Collective Bargaining Agreement would expire. City Attorney Hand said he would have to check on this. Council President Beardslee said if the Ordinance was brought back to the table, she is aware of an Attorney General Opinion that would probably say it is better that she doesn't vote but it would be okay due to the size of Edgewood. City Council President Beardslee asked if City Attorney Hand had an opinion; he said she should go ahead and make her vote and if there is a deficiency then "we can deal with that".

Council President Beardslee called for a five minute break.

Break 7:38

Council President Beardslee made the Motion to table this item to the end of the meeting, Council Member Powell Second the Motion. The Motion passed unanimously to table Ordinance 2011-04.

NEW BUSINESS

- 1. RESOLUTION 2011-07: RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF EDGEWOOD FOR THE ADOPTION OF THE CITY OF EDGEWOOD'S CAFETERIA PLAN.**

Council President Beardslee stated that since the Personnel Policy review was table to the next City Council meeting, she was making the Motion to

***table Resolution 2011-07 until the November 15, 2011 City Council meeting;
Council Member Dowless Second the Motion. Motion passed unanimously.***

CITIZEN COMMENTS

Council President Beardslee ask if there were any citizen comments regarding items on the Agenda or, items not on the agenda? There were no comments.

STAFF REPORTS

Police Chief

- Gave an update on copper theft.
- Noted crashes up from 24 to 36 crashes which is not good, and most occurred at lights proposed for red light camera (noted in 3rd Quarterly update)
- Poker run cancelled which allowed more monies for the School for Autism
- Reported on the Halloween festivities scheduled for October 31, 2011. He noted that flyers are being sent to HOAs and the information is posted on the City's website.
- Noted that the City is getting ready to prepare for Toys For Tots; updated information will be provided as plans progress.

Council Member Powell ask if officers are meeting with business owners, and Chief Marcus confirmed they are.

City Attorney

- City Attorney Hand reported on his discussion with Attorney Cassady regarding Ordinance Number 2011-04, as well as reviewing certain Statutes and the City Charter. He provided two options he felt were safe. He noted that Council President Beardslee claiming a Notice of Conflict was appropriate. He said the ad the City Clerk published provides for a continuance therefore, Council can continue to the next City Council meeting, or schedule a Special Council meeting.
- Council President Beardslee questioned the simple majority vote noted in the City Charter, and City Attorney Hand explained that a simple majority consists of three Council members and the Mayor. Council President Beardslee explained her concerns with the fact that there is no guarantee that they will have all five Council members present.

- Resident Lee Chotas asked if Council President would consider asking Council whether her vote on the Collective Bargaining Ordinance, as a matter of law, affects her personal interest sufficient to require her to recuse herself. Council President Beardslee said that she knows that Attorney Virginia Cassady would say not to take an ethical risk exposure. City Clerk Meeks confirmed the Ordinance doesn't have to be re-advertised. City Attorney Hand said the date of the Contract can be retroactive, as long as it is stated in the Motion. He said he would have to check to make sure that the Contract did not include language that states if the Contract is not approved by a certain date, it is null and void.

(Council Member Powell made telephone contact with Council Member Henley and ask if he can come to meeting to vote on this item). Council President Beardslee moved to the next agenda items until Council Member Henley arrived.

MAYOR & COUNCIL REPORTS

Mayor Bagshaw

- Recommended having a holiday newsletter.
- Noted that he has been in discussion with Council Member Dowless, who is helping the Mayor with FDOT and Orange County. He said there will be yellow stripping, re-signaling and turn signals however, not reconfiguration, at Gatlin and Holden.
- Noted that City Clerk Meeks arranged a meeting with a grant writer wherein, they discussed landscaping and hardscape grants, as well as façade grants for the business owners. He said he has met with three business owners, who have expressed an interest in having a business in the City. The businesses are large and would bring an influx of customers.
- Guest speaker at the Brazilian Chamber of Commerce promoting the City.
- Keeping involved with Metro Plan.

In response to Council Member Powell, regarding his meetings related to Holden and Gatlin's funding list, Mayor Bagshaw said that items have been funded and de-funded for about fifteen years. He said that the "biggest wrench" is that in order for the work to be done, Orange County would need to give up some frontage at Cypress Grove, and the County is not willing to do this.

Council Member Powell

- Reported that the sidewalk on the south side of Holden Avenue needs attention. Noting that the sidewalk is cracked as a result of heavy trucks parking on the sidewalks, so that

work can be done in the right-of-way. He contacted the County maintenance department and they made repairs. He sent the County a thank you letter.

- Noted that Mayor Bagshaw called attention to damage in Harbour Woods, as result of a tree that had fallen and cracked. When he contacted the County, he was told that this is the City's responsibility.
- Noted that he is still in contact with CSX and was told that they are going to do another clearing and cleaning of right-of-way before FDOT takes over the property on November first.
- Reported on a resident's property that backs up to commercial property on Force Four doesn't drain properly. He said Jerry Reynolds has made corrections but he thinks the property owner's ground covering is causing some of the drainage problems.

Council President Beardslee made the Motion to bring back Ordinance 2011-04. City Clerk Meeks noted for the record that Council Member Henley is now in attendance. Council President Beardslee read in title only.

Council Member Powell made the Motion to approve Ordinance 2011-04; Council President Beardslee noted her Conflict of Interest. Council Member Henley Second the Motion, the Motion passed 4/0, on a roll call vote taken by the City Clerk:

Council Member Henley	Favor
Council Member Dowless	Favor
Council Member Powell	Favor
Mayor Bagshaw	Favor

Council President Beardslee noted that the Ordinance passed, with an effective date of October 2011.

Dr. Henley excused himself from the meeting.

Council President Beardslee deferred back to Council Member Powell, who said he was done with his report.

Council Member Dowless

- Reported on his attendance in a meeting with Senator Simmons related to Sun Rail. He said that a subordination agreement has been signed by the City, where CSX is in charge of signaling however, the City is responsible for the maintenance. He said the

agreement the City has with CSX will carry over to Sun Rail. Council President Beardslee stated that she thought this had been resolved several months ago.

- Reported on the quiet zones, noting the City would need to speak to Metro Plan. Mayor Bagshaw said work is still being done in this regards to find funding. Council Member Dowless said that there needs to be attendance at the next meeting in Altamonte Springs, and noted that he will forward Senator Simmons email to the Mayor. Council Member Dowless confirmed for Council President Beardslee that he will keep Council updated on this matter.

Council President Beardslee

- Continued discussion regarding Newsletter and establishing a deadline to submit articles. City Clerk Meeks was directed to notify Council Members with Administrative Assistant's email address, along with the deadline date of November 9, 2011.
- Council President Beardslee noted the Ordinance regarding the Code regulating monument signs. She said that she feels this needs to be addressed as it relates to proper notice. City Clerk Meeks said her understanding is that there was supposed to be a moratorium Ordinance, and it has not been done. Council President Beardslee recommended revisiting the Ordinance and identify the business owners who will be affected. She suggested giving them notice of 120 to 180 days to comply.
- Requested to talk more in January about commercial grants. She suggested including this information in the Newsletter.
- In response to the Council President, City Clerk Meeks confirmed there will be a final budget amendment in the November council meeting.

City Clerk

- Confirmed with Council that they reviewed the 2012 Election Calendar, and reminded them that an approved Ordinance in 2007 allows the City to hold their municipal election in line with the Presidential Preference Primary, which will be held on January 31, 2011. ***Counsel consensus to move forward with the election calendar and post the Notice of Election.***
- TRIM Compliance Package mailed to DOR on 10/14/11.
- Deferred to several documents at the dais that needed to be signed, with request that Council members sign the documents.
- Confirmed that the Request For Proposals for Audit Services was published and on the website. Council was provided with the deadline to accept submittals is October 25, 2011.

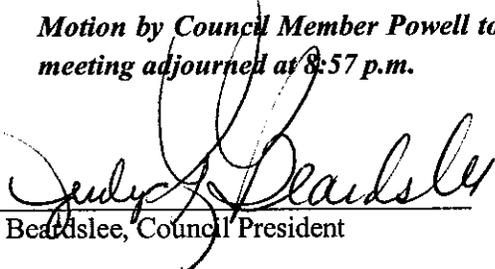
- Request was made to Council to leave the proposed Personnel Policies & Procedures at the dais, and noted that any changes will be provided in the Agenda packet. The City Clerk said this request is being made in an effort to save copy paper.
- Confirmed employees have received their insurance cards for health, dental and vision.
- Confirmed worked in tandem with Officer Scott Zane to close out the City's grant for the new phone system.
- Confirmed receipt of closeout verification packets from FEMA. City Clerk Meeks said she will complete the packets after FEMA responds to her phone call because she has some questions.
- Noted that she and Sgt. Beardslee attended telephone conference with EOC.
- Confirmed building plans for the Russell Home have been submitted.
- Noted that Administrative Assistant Cinnamon Wild requested the City Clerk ask about the date of the next Newsletter.
- Reminded Council that she has tickets available for the Ducktober Festival being held at Cornerstone Charter School.
- Announced that she will be on a mini-vacation October 22, 2011 thru October 24, 2011.

At the conclusion of City Clerk Meeks report, Council President Beardslee said before the meeting adjourned, she wanted to discuss attendance. Council President Beardslee said that lack of attendance affects voting. She acknowledged that there are times that situations arise that a Council member cannot attend a meeting however, they all need to be responsible. She said this is the third meeting where there has been an issue due to the absence of a Council Member. Mayor Bagshaw said he was on the Charter Review Committee and recalls there was an established amount of absences. Mayor Bagshaw remembered discussion regarding the number of absences; there was concern about "sequentially". Discussion was held regarding an excused absence; it was agreed that if the record is silent, the absence is not excused. There was discussion about the number of absences by Council Member Bozeman. City Clerk Meeks was asked to explain the attendance log she maintains, she said that there were meetings she marked as excused because of email provided regarding the absence. City Clerk Meeks said that she will have to go back and listen to the recording of the meetings because there are some meetings where it is silent as to whether or not a Council member's absence is excused. Council Member Powell noted that Council may want to thank Council Member Bozeman but tell him "somehow we can get along without you". Council President Beardslee said it needs to be considered but she doesn't think there is anything coming up that would require 4 out of 5 Council members present; however, if it did happen, they would not be able to take care of City business. She noted that "tonight's" meeting is a good example. Council Member Powell said it is in the Charter and in the Code and said Council needs to exercise

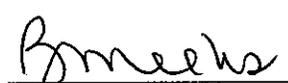
those requirements. Council President Beardslee asked Council Member Powell if he wanted to make a Motion, and he said **"so moved" [there was no Second]**. Resident Lee Chotas suggested that they not make the Motion because he said he didn't think that Council would want to treat something as automatic and invalidate previous actions. Council Member Powell said there has not been good communication with Council Member Bozeman, which seems to have begun in March of this year. Council President Beardslee would like to see a definitive answer about the attendance log, and be prepared at the November 15th meeting to see if the position has been forfeited or not. Mayor Bagshaw suggested sending a letter to Council Member Bozeman in the interim to allow him to respond. Resident Lee Chotas said you have to enforce the Charter. Council may want to revisit to determine if forfeiture may have already occurred, and Council Member Bozeman's vote may not have counted. Council President Beardslee said she would like the data validated before proceeding. Resident Lee Chotas said Council may want to ask if he treated his absence as a resignation.

There being no further discussion,

Motion by Council Member Powell to adjourn, with Second by Council Member Dowless; the meeting adjourned at 8:57 p.m.



Judy Beardslee, Council President



Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: **November 15, 2011 (Regular Council Meeting)**