

**EDGEWOOD CITY COUNCIL
REGULAR MEETING--DECEMBER 20, 2011**

On Tuesday, December 20, 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 6:31 p.m. Council Member Powell gave the invocation followed by the Pledge of Allegiance.

Council President Beardslee noted for the record that there is one vacancy on Council and that Council Member Henley is absent due to medical reasons.

Attendees:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Dowless
Council Member Chotas (sworn in during the meeting)

Absent

Council Member Henley

Motion by Council Member Powell to approve Council Member Henley's absence as excused, with Second by Council Member Dowless; the Motion was approved unanimously (3/0).

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Drew Smith, City Attorney
Art Miller, City Engineer

CONSENT AGENDA

1. Approval of:

- A. May 17, 2011 Minutes -- City Council Meeting
- B. June 6, 2011 Minutes -- Special City Council Meeting
- C. June 6, 2011 Minutes -- City Council Workshop
- D. June 21, 2011 Minutes -- City Council Meeting
- E. July 12, 2011 Minutes -- City Council Workshop
- F. November 15, 2011 Minutes - City Council Meeting

Council Member Dowless said a correction needs to be made in the minutes of May 17, 2011, and noted that the correction should be made on Page 6 (double negative). Council President pulled Consent Agenda Item 1 (A).

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

Motion by Council Member Dowless to approve item A with correction made to Page 6, with Second by Council Member Powell; the Motion was approved unanimously (3/0).

Council President Beardslee announced that she wanted to move ahead to the second and final reading of Ordinance No. 2011-05.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

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 Smith read Ordinance 2011-05 in title only.

Motion by Council Member Powell to approve the second and final reading of Ordinance No. 2011-05, with Second by Council Member Dowless.

City Clerk Meeks confirmed for Council President Beardslee that she received no written requests to speak. Council President Beardslee opened for questions and comments. Attorney Lee Chotas, 1205 Windsong Road, Edgewood, FL (representing SMD), stated that as a practical matter, "we support the revisions" to the Ordinance and urge that the amended Ordinance be approved. Having no further comments, the final and second reading was approved by roll call vote (4/0):

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

Council President Beardslee stated she was moving to Unfinished Business. She noted Council Member Bozeman's resignation was announced at the November Council meeting, and explained the Charter requirements for filling a vacancy. She deferred to Mayor Bagshaw, who announced Lee Chotas as his recommendation to fill the vacancy. Mayor Bagshaw said that Mr. Chotas has already qualified for the January election, with no opposition, and will be on Council after the January 31, 2012 election.

Motion by Council President Beardslee to approve Mayor Bagshaw's recommendation, with Second by Council Member Dowless; the Motion was approved unanimously (3/0).

Following Council approval, Lee Chotas was sworn in by City Clerk Meeks, and took his seat at the dais.

Review and Consideration of Russell Home Site Plan (moved from "Unfinished Business")

In response to Council President Beardslee, it was noted that there were representatives for the Russell Home in the audience waiting for the review and consideration of the site plan for the Russell Home. Council President Beardslee moved ahead on the agenda to address this item. She noted that City Engineer Miller was also in attendance for this agenda item.

Council President Beardslee deferred to Mayor Bagshaw, who asked Engineer Miller if he had some comments to give. Engineer Miller referred to his review and memo regarding the Planning & Zoning Board meeting. He noted that the Planning & Zoning Board recommended approval with conditions. He also noted that the submittals with revisions did satisfy his conditions.

In response to Council President Beardslee, Council Members indicated they had no comments or questions. In response to Council President Beardslee, Engineer Miller said that there have been no significant changes since May. In response to Council President Beardslee, the applicants had no questions or additional comments.

Council President Beardslee made the Motion to approve the Site Plan with the conditions noted in Engineer Miller's November 23, 2011 memo, with Second by Council Member Powell. The Motion passed unanimously (3/0).

Mayor Bagshaw asked to address stormwater issues with Engineer Miller before he left the meeting. Mayor Bagshaw said he received a call from a resident in Lake Mary Jess Shores and Commerce Drive (Engineer Miller said that the resident is Mr. Brown) complaining about a culvert, which is causing drainage problems. Engineer Miller said there is a wall between Mary Jess Commerce Center and Lake Mary Jess Shores Subdivision, with weep holes and swale on the commercial side that has been cleaned out at certain times. There is a pipe and when it is cleaned out, the drainage is fine. He said there are a lot of oak trees and leaves that Jerry Reynolds has had to clean it out. Engineer Miller said that the HOA is responsible for a portion, and the City for another portion. Council Member Powell said that based on the observations of Jerry Reynolds, who feels there is a lot of ground cover; the problem is caused by the water having nowhere to drain on Mr. Brown's property. City Clerk Meeks said that Jerry Reynolds has sent her pictures he took when responding to Mr. Brown's complaints. Jerry Reynolds told the City Clerk that there are times when he goes to the site following Mr. Brown's complaints, the site was dry. City Clerk Meeks said that if you look at the aerial view on the Property Appraiser's website, there appears to be a lot of ground cover. Engineer Miller said the wall was originally built 1986, with weep holes. The owners requested the City close the weep holes and the City did, but it affected the drainage. The City re-opened the weep holes and added swales. He said that Mr. Brown thanked the City for their help, and then the trees and leaves affected the drainage again, and Mr. Brown began complaining again about one year ago.

Council Member Dowless asked Engineer Miller about the independent engineering report that Legacy is required to do annually. Council Member Dowless said that the fee is onerous. Engineer Miller said he did copy Council Member Dowless in a response to City Clerk Meeks' email regarding this matter. He said that Legacy has not provided any reports. Engineer Miller

said the idea behind the requirement is so that the HOA was aware of their assessment, because of their responsibility as a private community. Engineer Miller said that maybe the Ordinance should be changed to requiring a report every three to five years, and after that, every year. Council Member Dowless said the HOA has recently been turned over to the homeowners. Engineer Miller said there is still some work to be done (remaining lift and resurfacing). Engineer Miller said that Beazer has a performance bond. Engineer Miller recommended amending the Ordinance one to five years after Certificate of Completion, then ten years. Engineer Miller said after ten years, you may want a report every year depending on what the engineering report says. Council Member Dowless requested the amendment.

Council Member Dowless made the Motion to review the Ordinance and amend the agreement with Legacy, as recommended by Engineer Miller. A friendly amendment was requested from Council President Beardslee, to include "review the Ordinance and determine if any amendments need to be made, then she Second the Motion. Discussion requested by Dr. Powell, who said he wants some detailed language as it relates to engineering report requirements. In response to Council Member Powell, Council President Beardslee said she accepted his amendment. The Motion passed unanimously (3/0).

Council President Beardslee asks City Attorney Smith to follow through on this request.

PRESENTATIONS:

None.

ORDINANCES – FIRST READING

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 Smith gave the first reading of Ordinance 2011-01 in title only.

Council President Beardslee made the Motion to approve the first reading of Ordinance 2011-01, with Second by Council Member Dowless. The Motion passed unanimously (3/0).

Council President Beardslee deferred to Council Member Powell, noting she was aware that he had some questions. Council Member Powell provided the following:

(Probationary Employer). Council Member Powell noted that Florida is an at-will employee State, and ask why have probationary periods when employees have benefits on day one of their employment. Council President Beardslee asked City Attorney Smith if the City has any defense since Florida is an at-will employee State. City Attorney Smith said "not really". He said that when it comes to an unemployment hearing, the question will be "cause". Council Member Chotas pointed out the inconsistencies on pages 62 and 64 of the Personnel Policy, and it was agreed that this was supposed to be changed.

Resident JT Blanton said that a probationary period is viewed as the right thing to do. Council President Beardslee said that she viewed the probationary period as a time for supervisors to earmark an employee's performance. Council Member Chotas said he feels you eliminate the ability to terminate an employee who may camouflage their abilities. Council Member Powell said the language is useless verbiage. Council Member Chotas said delete the language on page. 24 Probationary Employee/Probationary Period, and replace with 6 months on page. 62, Council President Beardslee said she feels an employee should still have a 90-day review. Mayor Bagshaw ask Council President Beardslee if can review further. Council President Beardslee asks if there was anyone who wanted to workshop again. City Clerk Meeks pointed out the conflict with not having a cafeteria plan Resolution in place, as the personnel policy doesn't address cafeteria plan. City Attorney Smith said he can push back discussion and move forward with adding cafeteria plan and still have first and second reading to change the personnel policy. Council Member Chotas recommended approving first reading with such revisions as may occur at second reading, and to have all the documents that will show Council the changes. Council President Beardslee said she has six areas in the policy that she wants to discuss, and believes her part will be at least an hour.

Council President Beardslee made the Motion to table approval of the first reading of Ordinance No. 2011-01 to February 21, 2011 City Council meeting, to allow for a workshop. Council Member Powell recommended January 10, 2011 at 3 p.m. Council Member Dowless Second the Motion which passed unanimously (4/0).

2. **ORDINANCE NO. 2011-07: AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 30, HEALTH AND SANITATION, OF THE CODE OF ORDINANCES, TO CREATE ARTICLE IV, BEGGING, PANHANDLING AND SOLICITING ON SIDEWALKS AND STREETS, TO PROHIBIT PANHANDLING IN CERTAIN AREAS OF THE CITY AND AGGRESSIVE PANHANDLING THROUGHOUT THE CITY; PROVIDING LEGISLATIVE FINDINGS, PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND EFFECTIVE DATE.**

City Attorney Smith read Ordinance 2011-07 in title only.

Council Member Powell made the Motion to approve the first reading of Ordinance No. 2011-07, with Second by Council President Beardslee.

Council President Beardslee opened for discussion. Council Member Chotas said he provided City Attorney Smith with verbiage changes as follows:

- Line 77- replace - person or vehicle, which or who requires
- Line 82 replace - ~~escape from~~ the undesired conduct... to avoid the undesired conduct
- Line 91 change intimidate to intimidating

- Line 90 strike ~~an unwanted~~

The Motion to approve the first reading of Ordinance No. 2011-07 passed unanimously on roll call vote as follows:

Council Member Powell	Favor
Council Member Chotas	Favor
Council Member Dowless	Favor
Council President Beardslee	Favor

Council President Beardslee announced that the second and final reading of Ordinance No. 2011-07 will be heard at the January 17, 2012 City Council Meeting.

1. **ORDINANCE NO. 2011-08: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO THE LOCAL BUSINESS TAX ACT; AMENDING SECTION 34-19 OF THE CODE OF ORDINANCES BY PROVIDING THAT PERSONS ENGAGING IN OR MANAGING ANY PROFESSION IN THE CITY SHALL NOT BE REQUIRED TO PROCURE A BUSINESS TAX RECEIPT WHEN SUCH PERSONS ARE EMPLOYED BY A BUSINESS THAT HAS PROCURED A BUSINESS TAX RECEIPT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance No. 2011-08 in title only.

Council Member Powell made the Motion to approve the first reading of Ordinance No. 2011-08, with Second by Council President Beardslee.

Mayor Bagshaw said he opposes this Ordinance because the City will be one of the few cities to have this Ordinance in place. Additionally, he said the City raised the millage rate on the residents, and the commercial businesses do not pay ad valorem but receive the same services that the residents receive. He believes the current Ordinance is fair and reasonable and needs to stay on the book. Council President Beardslee said that she respectfully disagrees. She said that there is still ad valorem coming from the commercial real estate. She said she doesn't think it will put a dent in our budget. Mayor Bagshaw noted calls he is receiving because certain storefronts only allow certain businesses. Council Member Dowless said he originally supported the Ordinance but now is open based on Mayor Bagshaw's comments. Council Member Chotas ask for clarification of language in the Ordinance, and City Attorney Smith said the Ordinance removes a levy on the profession; there would still be a levy on the business. Council Member Chotas said perhaps delete "inequity". Council Member Chotas recommended passing on first reading.

The Motion to approve the first reading of Ordinance No. 2011-08 passed unanimously on roll call vote as follows:

Council Member Powell	Favor
Council Member Dowless	Favor
Council President Beardslee	Favor

Council President Beardslee announced that the second and final reading of Ordinance No. 2011-08 will be heard at the January 17, 2012 City Council Meeting.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. **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.

UNFINISHED BUSINESS

1. Mayor's Recommendation of Qualified Candidate to Complete the Council Term Vacated by Council Member Bozeman

Moved to the beginning of the Agenda.

2. **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 her thoughts behind the Resolution and noted that Holland and Reilly said the City needed to have Cafeteria Plan in place because two employees have a cafeteria plan.

Council President Beardslee made the Motion to approve Resolution 2011-07, with Second by Council Member Powell with correction "ending September 30, 2014". Council President Beardslee called to question with correction, and the Motion to approve Resolution 2011-07 was approved unanimously.

B. NEW BUSINESS

1. Review and Consideration of Russell Home Site Plan

Moved to the beginning of the Agenda.

GENERAL INFORMATION (No action required)

CITIZEN COMMENTS

Resident JT Blanton commended Council for the selection of new Council Member Chotas.

BOARDS & COMMITTEES

None.

STAFF REPORTS

1. Police Chief

Chief Marcus reported on the following:

- The December 10, 2011 Toys for Tots event. He noted that there was low attendance. He noted that there was an increase in toys and people are still bringing toys. Gave kudos to Council Member Dowless for the call out system, and gave judos to Mayor Bagshaw for the banners.
- The work related to the red light camera at Mary Jess and Holden is proceeding, and that he is working with the contractors. He said residents will receive a notice regarding the cameras.
- Burglary on December 15, 2011 at a business located on Jamaica Lane. Chief reported that his department has been able to recover the stolen goods, with the help of the Orlando Police Department.
- Working with a vendor on the possibility of obtaining a smaller camera that can be a cost effective way for getting good leads.
- Police personnel attended the December 19, 2011 Christmas event for Academy for Autism. His officers took up a collection and also gave them a "rehabbed" basketball goal.
- Reported on the Chief's conference he attended in Chicago. He said it is one of the largest police conferences particularly, for vendors. He said he is looking at a licensed tag reader to aid in looking for stolen cars. He feels the camera will be a very valuable resource. Mayor Bagshaw said he and the Chief discussed this and the camera would be an added safety for officers.
- Noted the resignation of Officer Zane.

Chief Marcus said Edgewood officers continue to patrol the City. Council President Beardslee said the door hangers making residents aware to lock their car doors is great. Chief Marcus closed his report by wishing Council a "Merry Christmas".

2. City Clerk

City Clerk Meeks reported on the following:

- Deferred Council to her status memo (informational only), and ask that they contact her with any questions or discussions.

- Noted that Request for Qualifications for engineering services are being submitted and the deadline for submittal is December 29, 2011. She asked Council for directions as to selecting a firm. Mayor Bagshaw said he is amenable to putting a committee together. In response to Council President Beardslee, Mayor Bagshaw said there is time to select a firm, as he has asked Engineer Miller to complete the NPDES requirements due in March. Council President Beardslee said "go ahead and get it done", and requested the matter be placed on the January 10, 2012 Workshop agenda for the Mayor's recommendation. Council President Beardslee said she is amenable to extending Art Miller's contract for 90 days, with the Mayor allowed referral of projects to Engineer Miller; all council members in agreement.
- Expressed concerns about calls regarding pole signs and needs direction regarding referring technical questions to planner and/or engineer. Mayor Bagshaw said he is willing to contact a couple of sign companies to look at existing signs and see what can be done to dress up the signage. Council Member Chotas said that some business owners have not received the letter regarding the sign ordinance. City Clerk Meeks said that the letters were sent to the property owners. Council member Chotas said it makes sense to educate the sign companies to be able to respond to the owners. Council President suggested a meeting with the property owners to discuss. Mayor said he is just putting out options. Council Member Chotas referenced landscaping around the signs. Mayor Bagshaw said he thinks we can work with the property owners on the landscaping. Council member Powell said he doesn't think it's a good time to impose more costs. Council member Dowless said he feels staff should not have to answer the questions. Mayor Bagshaw recommended getting Planner Hardgrove and Engineer Miller's input about a workshop.
- Waste Management fees increased due to CPI, aligns with the Agreement the City has with Waste Management.
- Requested directions on Hertz request to move their office from one location on South Orange Avenue, to another location on South Orange Avenue. City Clerk Meeks noted her concerns with the requirements of Ordinance 2010-02, which hasn't been codified to date. It was agreed that Mayor Bagshaw would work with City Clerk on this matter.
- Noted the current Calendar, as it relates to holiday closing dates.
- Wished everyone Merry Christmas.

3. City Attorney

No report

C. MAYOR & COUNCIL REPORTS

Mayor Bagshaw provided follow up on local business owners wanting to have a Farmers Market. He said they are considering having the market on Thursdays from 4:00 to 7:00 p.m., on City Hall property. In response to Council Member Powell, Mayor Bagshaw said there will be no vendor fees at this time. In response to Council Member Powell's concerns about clean-

up, Mayor Bagshaw said that Jerry Reynolds will make sure the area is kept clean. Council Member Powell said the vendors should pay a deposit and then be reimbursed when clean up is done.

Mayor Bagshaw reported on his meeting with DOT, and thanked Council Member Powell for providing the contacts the contact information for Senator Andy Gardiner. Mayor Bagshaw said he feels DOT is being pushed to come up with a plan. Mayor said he has not given up on realignment at Gatlin.

Mayor Bagshaw reported that if proper name was not listed on City newsletter, it was discarded by post office staff. He said the City has corrected this and added "or current resident" so that the newsletter will be delivered.

Council Member Chotas reported that Harbour Island has a few thousand dollars for Azaleas. He noted that it has been brought to his attention that the street sweepers do not come across the bridge. Mayor Bagshaw said the City does not pay for street sweeping, and is done through water management. Council Member Powell said there are two types of street sweepers. He said Lake Jessamine Association is looking at the vacuum sweeper because of the number of curbs and the baskets for the stormwater. He said they are looking into the kind of contract they can get for that area. He said that MSTU funds pay for these types of things.

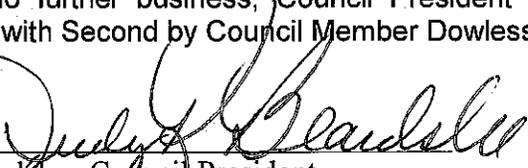
Mayor Bagshaw said the School for Autism sent a thank you book made of handprints. Mayor Bagshaw said that he has instructed Art Miller not to approve any Certificate of Occupancies in Legacy until they resolve issue of unpaid impact fees with Beazer Homes. Council is in agreement with the hold.

Council Member Dowless said he had nothing to report and wished everyone Merry Christmas.

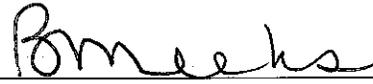
Council Member Powell reported that Mike Heffinger, DOT, confirmed with him that he will be working with him on track maintenance. He said there will be dual tracks, and he is not pushing them on maintenance right now. Council Member Powell also reported on crossing concerns at Jamaican Lane.

Council President Beardslee noted the Mayor's hours in City Hall, and expressed her thanks to the Mayor for his work and substantial time in the City. She closed with wishing everyone Merry Christmas.

Having no further business, Council President Beardslee made the Motion to adjourn the meeting, with Second by Council Member Dowless. The meeting adjourned at 9:21 p.m.



Judy Beardslee, Council President



Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: **January 17, 2012 (Regular Council Meeting)**