

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – MARCH 15, 2011**

On Tuesday, March 15, 2011, the Edgewood City Council held its regularly scheduled meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Judy Beardslee called the meeting to order at 6:30 p.m. Council Member Powell gave the invocation, followed by the Pledge of Allegiance, led by Council President Beardslee.

Council President Beardslee welcomed Orange County Mayor Teresa Jacobs and Orange County Commissioner Jennifer Thompson.

Council President Beardslee deferred to City Clerk Meeks who noted the following attendance and, confirmed there was a quorum.

Attendees:

Council President Judy Beardslee
Council Member Neil Powell
Council Member Jim Bozeman
Council Member Malcolm Henley

Excused Absence:

Mayor Michael Teague
Council Member Dave Willis

Staff:

City Clerk, Bea L. Meeks
Police Chief, Pete Marcus
City Attorney, Drew Smith
City Planner Ellen Hardgrove

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ORGANIZATIONAL MEETING

1. Final Certification of Election

City Clerk Meeks reported that there was no final certification of election results because the candidates were unopposed; therefore the City held no election.

2. Introduction of Orange County Mayor Teresa Jacobs
3. Administer oath of Office to newly elected City Council members

Council President Beardslee called on Orange County Mayor Jacobs for the ceremonial swearing in of Council Members John Dowless and Neil Powell and Mayor Ray Bagshaw. [City Clerk

Meeks, a Notary Public for the State of Florida, performed the official swearing-in prior to the Council meeting]

Orange County Mayor Jacobs thanked Council for their work and commended them for their endeavors; Mayor Jacobs recognized her staff that was in attendance. Mayor Jacobs expressed her feelings and love for local government, and their importance to government

Council President Beardslee recognized Orlando Boy Scout Troop #23, represented by three boy scouts in attendance.

4. Election of Council President

Council Member Powell nominated current Council President Beardslee for Council President; with Second by Council Member Dowless and nomination was approved by unanimous vote.

5. Council President to designate areas of responsibility (not already under the jurisdiction of the Mayor)

The following designations were made:

Council Member Powell	-Public Works
Council Member Bozeman	-Cypress Grove Liaison (meets 1 st Monday at 7 pm)
Council Member Dowless	-HAINC
Council Member Bozeman	-Code Enforcement
Council Member Henley	-Land Development/Master Plan
Council President Beardslee	-Finance & Budget

PRESENTATIONS

1. Certificate of Appreciation

Council President Beardslee thanked Council Member Willis and Mayor Teague for their service to the City, and noted that the City had plagues to present to both. Chief Marcus said he will deliver the plagues to Willis and Teague, as both were unable to attend the Council meeting.

2. Presentation by Chief Marcus

Chief Marcus gave a brief video presentation after, stating that what was being shown does not happen in the City. Chief Marcus introduced Officer Scott Zane, who also handles the City's IT. The video was a presentation about video cameras which help to reduce complaints against officers. The videos attach to a taser gun which cost approximately \$10,000, which includes the purchase of three additional tasers that he said the Police Department needs. Council Member Powell asked for a breakdown, and wanted to know if the officers only carry a taser

when they are on duty. Chief Marcus said they will be issued to each officer. Council President Beardslee asked about maintenance cost and projected life span. Chief Marcus said maintenance is low, and that the cameras come with a 1-year warranty. All officers currently have tasers. Chief Marcus confirmed for Dr. Powell that the current tasers have no trade-in value. City Attorney Smith confirmed for Beardslee that the camera would not hurt from a liability standpoint, particularly if the person tased claims excessive use. Chief Marcus said the City averages about five forced uses in a year. Council President Beardslee extended her thanks to the department for the quality of life the City has because of the protection of the police department. Chief Marcus said he will be presenting a formal proposal. Council President Beardslee said she will be meeting with Mayor Bagshaw in the next few weeks regarding the budget and they can discuss the tasers at that time.

ORDINANCES

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

1. Consideration/Approval: Red Light Camera

City Clerk Meeks provided Council with a copy of Exhibit C, the proposed locations for red light cameras. In response to Council President Beardslee, City Attorney Smith explained the purpose of the attached Holly Hill agreement, and how it relates to the City piggy-backing, and that there has to be an approved contract to be able to do the traffic study. Chief Marcus confirmed that Holden and Hoffner are not the City's lights. City Attorney Smith confirmed for Council President Beardslee that State law requires 30-days notice before cameras are installed. City Attorney Smith said he is not aware of any changes that have been made that affect red lights. Council Member Powell questioned paragraph 1, section 2.1 of the Agreement under Compensation, regarding money coming from the fees when collected. Chief Marcus said the company's fee comes out from the top and if no funds are generated, they receive no funds and write it off at the end of the year. City Attorney Smith deferred to 2.1.6 however, Council Member Powell said it's still confusing. City Clerk Meeks said the fees were brought up in the December 21, 2011 meeting and council was told that the City pays nothing. City Attorney Smith said he will send a letter confirming the fees.

Council Member Powell moved to approve, with Second by Council President Beardslee; followed with question by Council Member Bozeman, who asked how much in fines are generated now, and Chief Marcus said he couldn't say without the information in front of him. He said the City receives \$29.00 per ticket, of which \$2.00 is restricted to the Education Fund.

He said the City averages 2500 to 2800 citations issued city wide; he is unable to break down by what is from running a red light.

Council Member restated his Motion to approve the Agreement as written sending a letter stating the agreement is cost-neutral to the City, and condition the approval on their acceptance of the letter, including operation and installation. Council Member Dowless asked who brought the red light camera to council and the reason, and Council President Beardslee explained it wasn't to generate revenues, it is because of traffic safety on Orange Avenue. Chief Marcus explained to Council Member Dowless that the camera serves as a 3-party witness. City Attorney Smith confirmed for Council Member Bozeman that legislation removed the issue of cameras in the right of way. City Attorney Smith said the issue regarding State rights-of-way has been resolved.

Public Comments Related to Red Light Cameras

Resident, Ryle Lancaster said he received a ticket in Brooksville, Florida as a result of a red light camera, agrees with use of camera if it is to save lives. He just doesn't want lights to have a short time span; in other words don't have a short yellow. Chief Marcus said the officers review the violations before they issue violations. Chief Marcus said they are not setting the lights up to make it easy to give citations.

Resident, JT Blanton confirmed with Chief Marcus the \$4600 cost of each light and confirmed that State and Local agencies receive funds from the citations issued. City Attorney Smith said that GATSO wants to do the study to determine if the light warrants having one as it relates to getting back their costs.

Resident, Bonnie Bagshaw says a study reveals the need for a camera then the City has a problem. Council Member Powell said the City has done several studies, and the State presented a plan that agrees a correction is needed at Holden and Orange intersection, but it affects Cypress Cove Park. The State says there are no funds, and the intersection is low on their priority list. He said that until there are funds are available, the problem will not be fixed.

Chief Marcus confirmed for resident Brian Leahy that an officer has to go to school to be trained, and that installation of red light cameras will not require hiring another officer.

Having no more comments and questions, Council President Beardslee called to question, the Motion passed unanimously.

Council President Beardslee moved Items 7 and 8 up on the agenda

7. Holden Cove – Voluntary Annexation

Planner Hardgrove reported that she, Chief Marcus and City Clerk Meeks held a telephone conference with Attorney Tom Sullivan regarding the proposed annexation of Holden Cove.

Planner Hardgrove provided the history regarding the proposed annexation of Holden Cove for the new Council members. She explained that a voluntary annexation requires all owners' signatures. She reported that there is an issue in that the City and County's development standards are not the same; she explained the differences. She said property owners with lots platted under Orange County regulations don't want builders to get stuck with having to get variances to maintain the County standards. She said there are 28 lots, of which 4 homes have been built. Council President Beardslee asked about fees and City Attorney Smith said the City can ask for the fees in the annexation agreement. Council President Beardslee said we need to look at the fees/costs. City Attorney Smith explained how you address fees in the Annexation Agreement. City Clerk Meeks explained how she handled fees for land development in past employment. Engineer Miller said there was a schedule adopted that covered most instances for pass-through fees. Council President Beardslee said that she wanted to let Council look at the fees and address procedures. She said she has on the agenda to address the area maps and planning, and look at budget as to how it fits into the City planning. Council President Beardslee referenced an agreement she heard about that the City is not included. Planner Hardgrove said she wasn't so sure that is necessary for the City to be part of a Joint Planning Agreement. Planner Hardgrove said the first step for City is to establish a boundary. Council President Beardslee said they will discuss it in the workshop that she wants to schedule later in the meeting. In response to Planner Hardgrove, Council President Beardslee said that Tom Sullivan needs to submit an application. Planner Hardgrove said they have the initial application which is a letter of interest that was submitted to former Mayor Teague. Planner Hardgrove said it needs to be amended with the new property owners, and that Mr. Sullivan said he would prepare the annexation agreement. Council President Beardslee questioned the amount of fees, and City Clerk Meeks referenced that it has already been determined that the property is compact and contiguous by Planner Hardgrove therefore, you are looking at the cost of letters to property owners, advertising and preparing the Ordinances which City Clerk Meeks said she can prepare the Ordinances. City Attorney Smith said to his knowledge, the Ordinances have not been prepared. Planner Hardgrove said County could object because of a "finger like" area. Annexation agreement will not include the County's utility area. Planner Hardgrove said that Mr. Sullivan will need to know up front if there will be any fees so that when he is talking to property owners about the annexation, he can let them know the costs. Planner Hardgrove said she will let Mr. Sullivan know that there may be fees.

Public Comments Related to Holden Cove

Resident, JT Blanton said some owners in Holden Cove attended HAINC meeting and were aware there would be some fees, and are anxious to annex.

Resident, Frank Aguilar stated his concerns about the owners not wanting to get a variance. Planner Hardgrove gave the differences in Orange County's requirements versus Edgewood's requirements. In response to Mr. Aguilar, City Attorney Smith explained that a variance required showing a hardship, which Holden Cove wouldn't be able to show.

In response to resident, Bonnie Bagshaw, City Attorney Smith said the variance to a property coming into the City is different than a variance for an existing property in the City. ***Consensus to get the agreement and take to workshop.***

Russell Home – Variances

Planner Hardgrove gave the history of this project that was presented to the Planning and Zoning Board before, and then went to Council, the application was withdrawn. She explained the grant that the Russell Home received and that the City donated \$5000 as well however, the Russell Home returned the donation to the City when they withdrew their variance application. Planner Hardgrove confirmed that the Russell Home will have to reapply. Planner Hardgrove said Engineer Miller will need to be part of the project. Mayor Bagshaw recommended that the Russell Home look at the re-configuration before they resubmit so Council doesn't have to re-address the same issues. Regina Dunay agreed with the Mayor and gave a reminder about the concern regarding the Tea Room. ***Council consensus to authorize Planner Hardgrove and Engineer Miller to work on this project.*** The Planner and Engineer were asked to keep the City Clerk apprised on the matter. Council Member Henley expressed concerns about costs to the City, and Planner Hardgrove said there is a fee for the variance. Planner Hardgrove said that she didn't think there will be any fees until they submit an application.

At the request of Council Member Bozeman, Council President Beardslee called for a 5-minute recess.

2. Website

Council President Beardslee explained that she would like to see a means to contact residence through an email alert system. Officer Zane confirmed that the system is not automated, and that there are 208 subscribers, about 150 still active. Officer Zane noted that he and City Clerk Meeks have been in discussion about the website. Officer Zane confirmed no additional costs associated with the website. With Chief Marcus' approval Council President Beardslee said she would like Officer Zane to maintain the City website until the City Clerk is "up-to-speed". Officer Zane agreed to write a newsletter article to explain the website changes. Chief Marcus confirmed for Mayor Bagshaw that Officer Zane works part time "on the streets" and part time as the City's IT personnel. Chief Marcus said that since City Clerk Meeks came on-board, communication has not been an issue. Council President Beardslee gave kudos to both departments.

Public Comments Related to Newsletter

[Inaudible] – Questioned whether or not if newsletter would become totally electronic and no longer provide a paper copy. Council President Beardslee responded to resident that she isn't in favor of not providing a paper copy but they can opt out. Officer Zane said two lists are generated, one for the newsletter and one for workshops/special meetings. Council Member

Dowless asked about interface with Facebook. City Attorney Smith explained it has to be maintained as part of records retention.

3. Let's Get Together!!!

Council President Beardslee said City Clerk Meeks had been tasked with bringing back an overview as a submittal for the Special Event Committee. Council President Beardslee said she appreciates Council Member Powell's suggested prizes, but she wasn't sure it will get the involvement.

Sara Schlosseun [ph sp] suggested the prize be a dinner for two at a local restaurant. City Attorney Smith suggested going out into the community and get prizes from local business owners. Council President Beardslee asked the committee if they would be willing to go to the local vendors to see if they are willing to donate. Council President Beardslee asked the committee to attend the April council meeting with their ideas. Council President Beardslee said her idea was \$250-500 (1st), followed by 2nd and 3rd place. Mayor Bagshaw asked the City Attorney what happens if there are only three applicants, and he said use language that says "City reserves the right to reject.

4. 1368 Windsong (Residents Requested/Code Enforcement Concerns)

Judy referred to City Attorney Smith, who said to let residents speak as they may have questions he can answer.

Charles McCanless: Problems with vagrants, police should go inside and look at the house. City Attorney Smith confirmed for Mr. McCanless that he has spoken to Lee Chotas, who has been monitoring the foreclosure of the property. Mr. McCanless said he understands part of the problem is identifying the owner.

City Attorney Smith said the banks have been dragging their feet but sale of the house is scheduled now for May 3, 2011. City Attorney Smith explained the problems associated with properties in foreclosure, as it relates to the City proceeding any further particularly as it relates to demolition.

Council President Beardslee stated that she feels the City will be in a better position to address after the May 3, 2011 scheduled foreclosure sale. City Attorney Smith confirmed there is currently a lien on the property.

Council President Beardslee confirmed that the City expended tax payer's dollars to put a fence around the property. Chief Marcus said signs have not been posted yet. He reported that he patrolled the property today and saw no signs of the fence being breached. Chief Marcus said it would help if the residents would call when they see vagrants.

Sara Chosen [ph sp]: Said there is a problem with the fence because they can lift up posts that line up with front door. Chief Marcus ask her to call the police department when she sees this being done. She said it would be helpful if the police would enter driveway to the right of the mailbox, noting that you are able to drive around the front door. Chief Marcus said he will send further instructions out to his officers based on the information Ms. Chosen gave. Ms. Chosen said she wanted to talk about the investigation, City Clerk Meeks said a copy of the investigation report is on file and Ms. Chosen can obtain a copy of it from her.

Newsletter-City Newsletter to Extend Newsletter

Council Member Bozeman confirmed for Council President Beardslee that he will have his article completed in a couple of days. City Clerk Meeks will prepare an article introducing Mayor Bagshaw and Council Member Dowless. The deadline is March 25, 2011. Mayor Bagshaw said there are some clerical errors he wants to monitor.

Mayor and Council Members agreed to hold a Special Meeting to approve newsletter, to be followed by workshop on April 7, 2011 beginning at 2:00 p.m.

Post Disaster Debris

Council President Beardslee deferred to Council Member Powell, who agreed in the February regular Council meeting, to review and bring comments to Council. Council Member Powell said essentially it's all legalese. He said everything they say they will do is associated to a cost/fee. Council Member Powell said he wants to discuss further with City Attorney Smith and be prepared to discuss in the April 7, 2011 special meeting

City Attorney Smith Drew reports that he may not be available for the April 19, 2011 regular Council meeting.

Resident, Frank Aguilar asked about the agreement and the amount the City owe FEMA. He wanted to know what the City's responsibilities were going to be. City Attorney Smith said they would work with FEMA. Mr. Aguilar wants to prevent another overpayment to FEMA and avoid the current situation.

Council President Beardslee said FEMA is almost through with large project audits; small project audits are done. Currently the estimated overpayment is \$134,000.

Council President Beardslee gave kudos to Shannon Patterson in the Police Department for handling the copious records tasks, and commended her on how she kept up with everything related to FEMA.

Council President Beardslee made the Motion to Table agenda Item J-2, Annual Review of Contracts, with Second by Council Member Dowless; the Motion passed unanimously.

Council President Beardslee made the Motion to Table agenda Item J-1, Resolution RE: Policies and Standards of newsletter, with Second by Council Member Dowless; the Motion passed unanimously.

Council President Beardslee made the Motion to Table agenda Item J-42, Agreed Upon Procedures Review, with Second by Council Member Dowless; the Motion passed unanimously.

City Attorney Smith asked Council to rescind Item J-1, Resolution RE: Policies and Standards of newsletter, and amend to move to April 7, 2011 special Meeting. ***Council President Beardslee made the Motion to rescind agenda Item J-1 and move to April 7, 2011 special Council Meeting, with Second by Council Member Dowless; the Motion passed unanimously.***

Planning & Zoning

City Clerk Meeks noted that Mayor Bagshaw submitted his written resignation from the Planning & Zoning Board; for this reason, an appointment to the Board needs to be made. Mayor Bagshaw recommended resident, Frank Aguilar.

Council President Beardslee made the Motion to appoint resident Frank Aguilar to the Planning & Zoning Board to complete the term that was held by Mayor Bagshaw; with Second by Council Member Powell; the Motion passed unanimously.

Temporary Hire-City Hall

Council President Beards said no surprise there are some problems in City Hall with respect to backlog of work particularly, finance and records retention. For this reason, she recommends approval of funds for a temporary employee to assist the City Clerk. City Attorney Smith stated that the Mayor already has some spending authority without further Council action.

Council Member Bozeman made the Motion to approve funds in the amount \$2000 however, not to exceed \$2000 for the purpose of a temporary employee to assist the City Clerk, with Second by Council President Beardslee; the Motion passed unanimously.

Resident, Frank Aguilar, asked about the Mayor's power. City Attorney Smith said the duties were reset at the beginning of the meeting.

Finger Printing Fee

Chief Marcus deferred to his Memo regarding his request to increase the fee for live scan fingerprinting, and the benefit of establishing the ability to receive credit card payments.

Council President Beardslee made the Motion to approve the fee increase for fingerprinting, including the fee for receiving payment by credit card, with Second by Council Member Dowless; the Motion passed unanimously.

Chief Marcus said he will bring a proposed Resolution to the next regularly scheduled Council meeting.

Agreed Upon Procedure Review

Council President Beardslee explained her concerns about internal cash control, internal control, referenced the fact that auditor David Donifrio thought former City Clerk Sandra Modigh was still serving as the City Clerk. She said these concerns and more will be discussed in more detail at the April 7, 2011 special Council meeting.

Council President Beardslee asked if anyone in the audience wanted to speak about something that was not on the agenda, and no one wanted to speak. Council Member Bozeman asked about Engineer Miller's attendance, as there was nothing on the Agenda related to engineering. Engineer Miller stated he was in attendance because of the Harbour Island Road project, and because the City had review of contracts on the agenda. Council President Beardslee stated that the review of contracts is something that Council is supposed to do annually. She also noted that the review of contracts was tabled until the April meeting so that Mayor Bagshaw and Council Member Dowless had time to become more familiar with the contracts. Engineer Miller confirmed that his attendance was not required and the City was not incurring a fee.

Staff Report:

Chief Marcus: Confirmed light fixed at corner of City Hall.

City Attorney Smith: None

City Clerk Meeks: None

Council Member Bozeman: None

Council Member Dowless: None

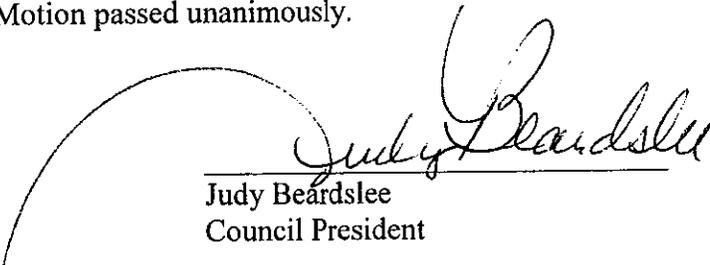
Council Member Powell reported that he has been working on a couple of projects and is still waiting on bids Harbor Island Road project.

Council President Beardslee reported that she would like to set a time to have a workshop to review potential annexation boundaries, and work towards a plan. She said the discussion should include lands the City may want to annex. Mayor Bagshaw referenced a planning meeting he went to in Orange County, and said Council may want to consider having staff from Orange County attend the meeting. Council President Beardslee confirmed with City Attorney Smith that she would like for him to attend the meeting.

Council President Beardslee asked City Attorney Smith about the requirement to have a specific dollar amount of life insurance on high risk employees. She said she wanted to make sure the City didn't fall behind. Council President Beardslee noted that some of the things considered for discussion in the April, May or June meetings may require a budget amendment.

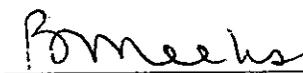
Council Member Powell said he spoke to State Representative in our area and shared the City's wishes and desires. He encouraged everyone to contact their local legislators particularly as it related to unfunded mandates

Council Member Dowless gave the Motion to Adjourn at 10:02 p.m., with Second by Council Member Bozeman; Motion passed unanimously.



Judy Beardslee
Council President

ATTEST:



Bea L. Meeks, MMC, CPM
City Clerk