

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – MAY 17, 2011**

On Tuesday, May 17, 2011, Council President Judy Beardslee opened the regular meeting of the Edgewood City Council at 6:30 p.m., Council Member Powell gave the invocation followed by the Pledge of the Allegiance.

The following attendance was noted:

Council Attendees:

Council President Judy Beardslee
Council Member Neil Powell
Council Member John Dowless
Mayor Ray Bagshaw

Council:

Council Member Malcolm Henley (Excused)
Council Member Jim Bozeman

Staff Attendees:

City Clerk Bea Meeks
Chief Pete Marcus
City Attorney Drew Smith
Art Miller, Engineer
Ellen Hardgrove, Planner

CONSENT AGENDA

- 1 Mayor's Proclamation Declaring May, 2011 Neuro-fibromatosis (NF) Awareness Month Across America

City Clerk Meeks noted that she was advised of a clerical error and said the correction would be made.

Motion by Council Member Dowless to approve the consent agenda, with Second by Council Member Powell; the Motion was unanimously approved.

PRESENTATIONS:

Chief Marcus presented a commendation to Officer Scott Zane for noticing smoke while on duty; his quick response helped to minimize the damage.

A presentation was to be made to Cypress Grove Park however; the group was not in attendance. ***Motion by Council Member Powell to table the presentation and move to June 21st meeting, with second by Council Member Dowless; the Motion was unanimously approved.*** Council President Beardslee asked Doris Click, who was in attendance, if she would let the Cypress Grove group know of the schedule change.

Council President Beardslee moved ahead to New Business

1. **Review and Consider Planning & Zoning Board's Approval of Variance Application No. 2011-01-Russell Home** The first variance request concerns the building setback on the south side of the property, and the second request concerns the impervious surface ratio.

Council President Beardslee noted that she received calls regarding this agenda item in particular, a conversation she had with Doris Click. For this reason, Council President Beardslee wanted to table the matter for a public hearing before Council in the June 21, 2011 meeting. Council President Beardslee noted that the City is complying with the Code but not sure if it is the spirit of intent of the Code. In response to Council Member Powell, Council President Beardslee said that Council is only addressing the variances to be followed by site plan review. Council President Beardslee said that her concern is that if they are any changes it comes back to a noticed public hearing. In response to Council Member Dowless, City Attorney Smith explained how the City's Code addresses variances. The Russell Home representative said they cannot move forward with getting funds without approval of the variances. Council President Beardslee stated that the purpose of the Russell Home is near and dear to the hearts of the City. She confirmed that her issue has to do with the Code process. City Attorney Smith confirmed that Council did not approve the application that was submitted in 2009

Council Member Powell made a Motion to approve variance however it failed due to the lack of a second.

Council Member Dowless asked about the process, and Council President Beardslee confirmed that the City Attorney said there was no flow in the process. City Clerk Meeks confirmed that there were 55 letters mailed to property owners and that 2 were returned; there were no "for" or "against" responses. Engineer Miller said one person opposed the variances in the Planning & Zoning meeting. Council Member Dowless said he would like to go through with the presentation.

Planner Hardgrove gave an overview of the subject property, The Russell Home. She said the property was in existence prior to a zoning code being in existence. She explained the allowable uses as it relates to the number of occupants. Planner Hardgrove spoke as to the variance for a setback. The request is for a 30 foot setback; she does not oppose the variance request because it would be an allowable use in R-3 even though

zoned R-1AA. Planner Hardgrove explained that the setback is now changed from the previous request on the north side, and is now on the south side; it will be a wider setback (3.8 feet). Planner Hardgrove explained the three conditions of the setback variance. She noted that Engineer Miller will address the second variance request related to the impervious surface ratio. Planner Hardgrove confirmed for Council President Beardslee that a landscape buffer and wall are not required by Code.

Engineer Miller noted that the proposed site plan shows the masonry wall. Engineer Miller explained why this is in the code. He said that impervious surface ratio that the Russell Home is requesting, 45% to 70%, does not affect Granada Woods, because it is draining to the County Park. Engineer Miller said that there is an impact on the park however; they will have to "prove up" all the easements and the St. John's approval. Engineer Miller explained the conditions, as approved by the Planning & Zoning Board.

Council President Beardslee asked the Planner about what the Code says about variances. Planner Hardgrove read the information from the code as it relates to "special conditions". She said there are special conditions and circumstances related to the subject property.

Representatives from the Russell Home gave a slideshow presentation showing the proposed facility. It was noted that the tea room operates on donations only.

City Clerk Meeks gave Council a copy of the survey of the property that shows the location of the posted signage. City Attorney Smith confirmed that the City was in compliance.

Planner Hardgrove confirmed Orange County allows a 30 foot setback in R1AA zoning

Public Comments Regarding Variance Request:

Floralée Shindoll, 4601 Judy Court, Orlando, FL: Spoke on behalf of HAINC. (provided speaker request form and copy of letter read for the record) In response to Mayor Bagshaw, Ms. Shindoll confirmed she represents HAINC, and that 50% of HAINC members oppose the variance request.

Doris Click, 228 Doolittle Street, Orlando, FL – Speaking on her own behalf (provided speaker request form and copy of letter read for the record). Ms. Click cited the following as reasons for opposing the request: (1) Improper Notice Variance 2011-01 and (2) Improper sign posting. Council President Beardslee reiterated to Ms. Click that this was not a public hearing. Ms. Click confirmed she would not be repeating what Ms. Shindoll addressed, and provided Council with a copy of her concerns, which she read into the record.

Holly Sampson, 4092 Posada Drive, Orlando, FL - Spoke on her own behalf and in favor of the Russell Home. She also presented a petition with signatures of five homeowners in

Granada Woods who favored the "Home" (provided speaker form and petition retained for the record). She related a meeting held "last summer" and said that that they were all in favor of the proposed rebuild. She noted that Jim Werthen was not able to attend but said he would sign the Petition she presented. She said that Mr. Werthen's only concern is if the Russell Home would be good stewards, and make sure proper abatement of any hazardous materials was done, along with silt fencing to help control dust and debris. She noted that the neighbors are elated to have a perimeter wall installed. City Clerk Meeks noted that the City Planner provided a printout from the Property Appraiser's records showing the location of the homeowners who signed the Petition in correlation to the subject property.

Brian Leahy, Edgewood Resident – (provided speaker form) Asked to see elevation and pointed out how the proposed elevation gives the appearance of a colonial home. He is in favor of the variances.

Council Member Powell made a Motion to accept the Planning & Zoning Board's recommendation, with Second by Council Member Dowless.

Council Member Dowless stated that he is a strong believer in the process, and if the process is broken than it needs to be fixed. He further stated that someone who has followed the current "construction manual" on how to get this done, should not suffer as a result of the City having a broken system. Council President Beardslee reiterated her concerns about the process. She also noted her concerns about the tea room and other activities in a residential area and the appropriateness of same. Voting in opposition only because of her passion for the process because she is very much in favor of what the Russell Home does in the community. Janet Russell responded to Council President Beardslee' concerns, and stated the Russell Home does not have fund raisers. Council Member Powell noted that the Russell Home is only seeking to improve and make it a better facility, and "called to question"; ***the vote was 2/1 (Opposed by Beardslee)***. The recommendation of the Planning & Zoning Board was approved.

ORDINANCES:

None.

PUBLIC HEARINGS:

None.

UNFINISHED BUSINESS:

The following items were addressed:

1. Set and Notice June Workshop RE: Employee Benefits (Per February 8, 2011 City Council Workshop).

Council and Staff noted times not available; agreed on June 6, 2011 at 1:30 p.m. Workshop. City Attorney thinks that June Council meeting is feasible to have in Council meeting.

2. Review & Discussion of Resolution No. 2005-R-05-Opposing Commuter Rail – Approved by Council December 6, 2005.

Mayor Bagshaw requested to have Sun Rail on agenda because of the length of time when approved and consider again. Council Member Powell said he talked to CSX representative about the commuter rail and was told it looks as if “it’s a go”. He also felt the citizens would be paying the taxes to support. Council Member Dowless said he believes the project will “come through”, and stated his reasons why. He is supportive of Sun Rail. Council President Beardslee noted that by the time information came to Council it was too late to get a station. Mayor Bagshaw said his concerns are that it appears that Edgewood will be standing by them. Council President Beardslee noted that she is not sure that there is a need to revisit the previous Resolution. *Consensus to leave as it stands.*

3. Review & Discussion temporary pay rate increase given to Debbie Wallace for the position of Acting City Clerk; approved by Council on December 21, 2010.

Council President Beardslee confirmed the time-frame that Debbie Wallace served as Acting City Clerk. City Clerk Meeks deferred to the Police Chief, because Code Enforcement has gone back under the Police Department. Chief Marcus stated that the increase was for the time Debbie Wallace served as acting City Clerk due to the increase in her duties, and noted that she no longer performs the additional duties therefore the pay increase should no longer be in place.

Council Member Powell made a Motion to revert Debbie Wallace’s pay to what it was as the Code Enforcement Officer, with Second by Council Member Dowless. The Motion was unanimously approved (3/0)

GENERAL INFORMATION:

None.

CITIZEN COMMENTS:

Resident Brian Leahy requesting confirmation that the variance for the Russell Home was approved. Mr. Leahy was told the variance was approved.

BOARDS & COMMITTEES:

STAFF REPORTS:

Police Chief

1. Report & Discussion Regarding “Code Red”, a Citizen’s Alert Systems.

Chief Marcus said 911 does not exist anymore. He explained the “code red” Citizen’s Alert Systems, and said the City can use this system for a defined fee, or opt to sign a contract for own system. He said the beginning price is \$3500.00, and it increases at different levels of service. In response to Council Member Powell, Chief Marcus said he would have to research if calls go to cell phone. Council President Beardslee said she is in favor of making it safer for the community, but will it make it any safer than it is. Chief Marcus said right now the City uses the Sheriff’s Office, and look to continue into the future.

2. Chief Marcus announced that Officer Melville is retiring and reserve officer David Ireland is coming on as a full time officer.

City Clerk

City Clerk Meeks deferred City Council to the handout provided them reflecting the status of work in City Hall (report retained with Agenda file).

Code Enforcement

None.

Public Comments

Dr. Richard Coble asked to speak. A brief recess was called to allow him time to complete a speaker form.

Following a brief recess, Council President Beardslee opened the meeting for public comments and recognized Dr. Richard Coble. City Attorney Smith responded to Dr. Coble’s request for records. Dr. Coble agreed with City Attorney Smith that questions are not public records requests. Dr. Coble stated his concerns about a bias against Pop’s Auto Care and the Hispanic employees. He feels that Pop’s is being discriminated against. He said “his people” feel threatened. City Attorney Smith said that no one on staff will make any statements or give sworn statements unless a lawsuit is filed. Council President Beardslee asked City Attorney Smith if this is the proper forum to engage in a discussion with Dr. Coble. Council Member Powell asked Dr. Coble to explain what he is talking about. Dr. Coble gave Council Member Powell a notebook with his records requests. Dr. Coble said his wife, Leslie, is in attendance and is an attorney and can file suit tomorrow. He stated he has no problems making this a public forum. Council President Beardslee noted that Council understands where he is coming from and that Council needs to speak with their Counsel. City Attorney Smith asked if tomorrow was a good time to talk in the morning and “Leslie” indicated she was busy.

MAYOR & COUNCIL REPORTS:

There being no other public comments, Council President Beardslee deferred to Council and Mayor report(s).

Council Member Dowless asked about bank signature card, and City Clerk Meeks confirmed she sent him one and will follow-up with him. He said he checked on the number of trains in Edgewood and was told they are being diverted to Lake County line therefore, there should not be any more trains than the City has.

Mayor Bagshaw said he talked to Planner Hardgrove about the City's Comp Plan regarding the need to prioritize needs of the City and, look at ways to make Orange Avenue more attractive. He also felt there are some things that need to be brought up-to-date. He said he will talk to Planner Hardgrove about the associated costs. He also talked to Engineer Miller and asked him to review the City's streets and sidewalks, for Council's consideration as they begin to prepare the budget. Mayor Bagshaw reported trees continue to be removed; most recently, Waterwitch Cove. The Mayor said he is telling homeowners that the City will not replace trees that are removed because an arborist declared them dead or diseased. He feels this is a monetary decision to save the City money. He noted that several Council Members and the City Clerk are attending Tri-County luncheon. He said he let Tri-County League know that the City would like to host a luncheon in January or February.

City Attorney had no report

Council President Beardslee noted that articles for Newsletters are not in and requested City Clerk Meeks contact absent Council members for their articles. Council President Beardslee gave an update on City Hall operations and reported that she talked to McDermitt/Davis about them bringing an employee on staff to handle finance related duties; not as an extensive long term basis. She reported that an ad has been placed to bring someone in to assist City Clerk Meeks. Mayor Bagshaw said that the outcome of the discussion with McDermitt/Davis will be brought to Council with a recommendation.

In response to Council Member Powell, Council President Beardslee said that Holland & Reilly have come up with some procedures and improvements that will better protect the City. Mayor Bagshaw said that Tom Reilly said he is pleased with the City Clerk and the way she is thinking and feels she has the City's best interest.

Council President Beardslee also reported that a meeting was held with another depository, who can assist the City with another layer of internal and external security to reduce risk exposure. Council Member Powell noted that Council was not happy with Greenlee-Kurras' audit, and he wanted to know what is the status. City Clerk Meeks confirmed that Greenlee-Kurras has not sent adjusting journal entries to McDermitt/Davis. Council President Beardslee reported that the new depository will provide a good accounting trail.

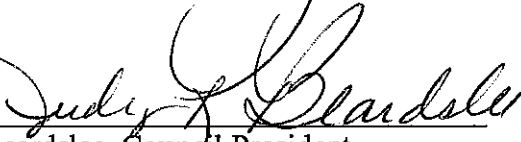
Chief Marcus said that he has been preparing his budget in excel however, last year he was told not to prepare in excel. Council President Beardslee asked him to prepare in excel.

Council President Beardslee said she appreciates the Mayor and thankful he has hit the ground running and addressing areas that needed to be addressed. She said we just need to not get sidetracked or beaten down by the challenges.

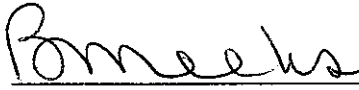
ADJOURNMENT:

There being no further business,

Council Member Powell made the Motion to adjourn the meeting, with Second by Council Member Dowless; Motion passed unanimously (9:34 p.m.).



Judy Beardslee, Council President



Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: **December 20, 2011 (Regular Council Meeting)**