

**EDGEWOOD CITY COUNCIL  
REGULAR MEETING – AUGUST 16, 2011**

On Tuesday, August 16, 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 Dowless gave the invocation followed by the Pledge of Allegiance.

The following attendance is noted:

**Attendees:**

Mayor Bagshaw  
Council President Beardslee  
Council Member Powell  
Council Member Dowless

**Absent**

Council Member Henley  
Council Member Bozeman

**Staff:**

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

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**CONSENT AGENDA**

1. Approval of:
  - A. April 19, 2011 Regular City Council Minutes
  - B. The Planning & Zoning Board's recommendation to approve Variance Application No. 2011-03 – John Pantaleon, Owner, Lot 15 Harbour Island 1334 Harbour Island Road – Proposed Garage and Summer Kitchen, with Engineer Miller's conditions A thru F, and recognizing that the variance request meets the requirements of Section 14-11.

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

Council President Beardslee moved Item "D" under New Business up on the agenda (Code Amendments Regarding Regulations Standards of Disabled Vehicles). Council President Beardslee noted that since Mayor Bagshaw has come into office, Code Enforcement is changing. Mayor Bagshaw said the City is working to clean things up. Mayor Bagshaw said "John's" (John Rossio) building is one of the nicer buildings on Orange Avenue. Attorney Lee Chotas thanked Council for their code work as it relates to Windsong (house damaged by fire). Attorney Chotas noted his representation of SMD Automotive, an Edgewood business. Attorney Chotas requested Council consider amending the current Code related to disabled vehicles. He said that the current code says there can be no untagged vehicles, and this is a problem because dealers remove the tags when they deliver cars for repair, and then bring them back

when they pick up the car. Consensus of Council to refer the matter to City Attorney Smith, and bring back to October Council meeting.

## **PRESENTATIONS**

None.

Council President Beardslee said that she was going to move Item "F" on the agenda. Council President Beardslee asked if anyone wanted to speak to any issue that was not already on the agenda, and noted the form that needed to be given to the Clerk.

The following spoke under general comments.

- Miriam Wilkins, Attorney at Law, 1953 Thomasville Road, Tallahassee, FL. Attorney Wilkins said she represents (Winter Park West LLC) an internet business center in Edgewood (Edgewood Isles shopping plaza). She said she met with Mayor Bagshaw and he suggested that she attend the meeting to apprise Council about the business. She said that they will be offering fax, internet time, no phone time, faxing, copying and printing, in conjunction with the sell of their product they will be offering promotional sweepstakes. Attorney Wilkins said Council may have heard of them as an internet café and asked if anyone had any questions. Council Member Powell noted that prior to the meeting, he saw a news broadcast regarding internet cafes, and asked how it is that the local law enforcement in some areas are able to bring about such interruptions or legal involvement versus what is being proposed to Council? Council Member Powell also asked how is it that on the news it didn't seem okay but this group does say it's okay. Attorney Wilkinson said she is the former game promotions and sweepstakes program attorney for the State of Florida. She said she worked for the Department of Agriculture and Consumers for six years. She said she is also the former assistant director of the Division of Consumer Services responsible for regulating game promotions and sweepstakes throughout the State of Florida. Under current law, sweepstakes or game promotion offering or conducting game promotions is governed by F.S. 849.09. She said in general Chapter 849 is a prohibition of gambling in Florida however, over the years legislature has made certain exceptions. The sweepstakes law was passed in 1971 which allowed businesses to conduct their sweepstakes in conjunction with the sell of consumer goods and services. She stated "A sweepstakes is a game or a contest or a gift enterprise conducted in conjunction with the sale of consumer products or services in which the elements of chance and prize are present." She explained the three elements needed to prove illegal gambling, and said if one of the elements is missing it is not illegal. Under the sweepstakes statute, you do not have to make a purchase. She explained how the image on the terminal looks like a slot machine but it is a desktop computer. She said it takes a forensic analysis to fully understand. Council Member Powell said he is just trying to understand how some places can be raided and this is why he wants to understand, and has no objections. Council Member Dowless asked if the owners had more than one business, and Attorney Wilkinson said this is their first business. Council Member Dowless asked what warrants law enforcement doing raids when the law has been in existence for a long time. She said she talked to the State Attorney in Polk County, and she was told they don't care about the law and they will raid the business. She noted that some governments are regulating the sweepstakes through Ordinance. Council Member Dowless asked about safety and what will the sweepstakes business in Edgewood do for precautions. Attorney Wilkinson said there will be armed security. Council President Beardslee asked for clarification as to their attendance, and Mayor Bagshaw said he wanted to make sure that Council was aware of their presence. He confirmed the City has no Code prohibiting such a business and they have been issued their Business Tax Receipt. Mayor Bagshaw said he also wanted Council to think about

how the City moves forward as to regulating these types of businesses. Council President Beardslee said she is opposed to the business and proposed that the City look at the Code for future situations such as this one. In response to Council President Beardslee, Chief Marcus said it is hard to say what the impact is going to be, and he hasn't seen anything to prohibit the business or seen anything illegal. He said it would be premature on his part to give an opinion. He said due to the geographic location of the City, the City can possibly expect some problems but it's too early to project the impact. Council Member Powell said the concern is the element the business attracts. Chief Marcus said he is not as concerned about the clientele that will frequent the business but concerned about those that may prey on those that do frequent the business. Council President Beardslee said she has never seen an internet café and wanted to know if there are age requirements. Attorney Wilkinson said the City of Jacksonville pioneered the law and they established the age limit but it is not State law. Attorney Wilkinson confirmed for resident JT Blanton that he does not have to make a purchase. Mr. Blanton wanted to know if there are any statistics of gambling addicts who are addicted to this type of sweepstakes. Attorney Wilkinson said she has looked at some of the statistics but thinks they are questionable. Mr. Blanton said some residents will look at it as a clever dodge to gamble. Council Member Powell asked about the anticipation of the number of people as it relates to parking. He acknowledged there are a lot of parking places so it may not be a problem. Attorney Wilkinson said that it depends on the number of terminals. Resident Frank Aguilar said it is his understanding that you can request an entry when you come in and asked can you get more entries if you make more purchases; the response was yes. Resident Brian Leahy said his concern is having an armed guard. Mayor Bagshaw said he requested that an armed guard be in place, and that they get clearance through the Police Chief. Council President Beardslee said she does not object based on moral issues but based on resources. City Attorney Smith said there is nothing currently in the City's code that prohibits the business. City Attorney Smith named some governments who are creating restrictions relevant to these businesses. ***It was the consensus of Council to address restrictions at the next City Council meeting, along with looking at Seminole County's restriction.*** Larry (inaudible last name) 4583 Windwerl Place, WP 32789, commented on the recent Polk County arrest and said that their hope is to bring in good people and be a good business in the City. He said that 8 a.m. to 2 a.m. is the proposed hours of operations and open at noon on Sunday. Council President Beardslee said it doesn't matter to her however, she wants officers patrolling in the neighborhoods at certain times, and doesn't want them getting reallocated because of the potential impact of the internet café. City Attorney Smith said the City can't control the hours of operations. Larry confirmed for Council President Beardslee that no one under the age of 18 can come in, and said it is the same age limit requirement to play McDonald's monopoly game. ***Consensus that Mayor Bagshaw and Chief Marcus work with the business on the hours of operations.***

Council President Beardslee moved to unfinished business regarding FEMA and deferred to the Mayor for an update. Council President Beardslee noted the FEMA issue first came to her attention in July 2010, and it originally was \$103,000 and it has increased. There is a disparity because of the liability and she asked the auditors to include this in the audit. At that time, it was approximately \$108,000. Council President Beardslee ask if it was Mayor Bagshaw's recommendation that the money be paid now, and Mayor Bagshaw said yes particularly since the letter states the reimbursement has to be paid on or before September 9, 2011.

***Motion by Council Member Powell to reimburse FEMA by September 9, 2011, with Second by Council Member Dowless; the Motion was approved unanimously (3/0).***

Council President Beardslee moved school impact fees to this portion of the agenda. She deferred to Mayor Bagshaw, who noted that the report from Orange County Public Schools comes directly from the City's day sheet. He said the previous Mayor kept 10% instead of 3% for administrative fees, and this compounded with not paying the impact fees led to the current outstanding balance. Mayor Bagshaw also noted that there are under-collected impact fees from Beazer; so a letter has been sent to them requesting payment. Council President Beardslee noted that it seems that the reserve looked good because of this. Council President Beardslee asked the Mayor for his recommendation. Mayor Bagshaw said City Attorney Smith spoke to Orange County Public School representatives who essentially said they want the money. City Attorney Smith said Mayor Bagshaw has addressed the issue of the school impact fees with auditors Greenlee-Kurras. Council President Beardslee said be it right or wrong she doesn't want this to be an "I told you so moment". She noted that when residents get their proposed tax bill, that it's because of these shortfalls. Council Member Powell said that Council has been approving reduction of millage rate thinking the City had sufficient funds but they were given the wrong information. Council President Beardslee said procedures have changed for risk controls. City Attorney Smith said that there is no damage to the City (legally recognizable damage) so there is nothing that can be done. Resident Frank Aguilar noted there were no capital improvements in the three years that the tax was reduced.

***Motion by Council Member Powell to pay the school impact fees, with Second by Council Member Dowless; the Motion was approved unanimously (3/0).***

***Council President Beardslee called for a recess at 7:50 p.m. The meeting reconvened at 8:03 p.m.***

#### **ORDINANCES – FIRST READING**

**ORDINANCE 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.

Council President Beardslee asked to table Ordinance 2011-01 to the September Council meeting, as Chief Marcus said he and Police Clerk, Shannon Patterson, wanted to have more review time of the policy as it relates to "leave". City Attorney Smith asked if he had the go ahead to make any minor revisions; Council consensus was yes.

***Motion by Council President Beardslee to table Ordinance 2011-01 to the September Council meeting, with Second by Council Member Powell; the Motion was approved unanimously (3/0).***

**ORDINANCE 2011-02:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RECOGNIZING STATE PREEMPTION IN THE FIELD OF FIREARMS REGULATION, AND AMENDING SECTION 134-345 OF THE CODE OF ORDINANCES TO AVOID ANY POTENTIAL CITY ACTION THAT MAY CONFLICT WITH THE STATE'S REGULATION OF FIREARM SALES; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2011-02 in title only. City Attorney Smith gave a brief introduction as to the history of the Ordinance and the State's preemption. He noted that if the City is fined, you cannot use City funds to defend. He said that the City can zone firearm shops. In response to Council President Beardslee, City Attorney Smith said there is a difference in firearm shops and pawn shops.

***Motion by Council Member Powell to approve Ordinance 2011-02, with Second by Council Member Dowless. The Motion was unanimously approved in the following roll call vote:***

<b>Council President Beardslee</b>	<b>Favored</b>
<b>Council Member Powell</b>	<b>Favored</b>
<b>Council Member Dowless</b>	<b>Favored</b>

In response to Council President Beardslee, City Attorney Smith said that the Mayor's vote is not taken in the first reading of an Ordinance, it would be needed in second reading if only three Council members are present.

Council President Beardslee moved ahead to Agenda item "I-A" under New Business, and noted for the record she will not be voting on the Collective Bargaining Agreement due to a potential conflict of interest. City Attorney Smith said this is to move forward so a quorum is not needed. Council President Beardslee deferred to Mayor Bagshaw, who said the Agreement has been presented to the officers for their review and they are satisfied with the Agreement. He said that Council needs to review to see if there are any concerns. Mayor Bagshaw said he added to the contract a "step program", and explained that the program is a way to retain officers. He explained that a committee will be formed for certain projects for Edgewood based community projects. Mayor Bagshaw said the officers ask for a 10% raise but agreed to 8% over three years. Mayor Bagshaw feels the City shouldn't lose officers because of pay. He said other than what he noted, the CBA is what has been approved over the years. Council Member Dowless asked about educational reimbursement and the Mayor said it's based on the information provided on page 156 of the Agreement. Council President Beardslee said the first reading of the Ordinance will be on September 6, 2011, with final hearing on September 20, 2011. Chief Marcus said if you look at Edgewood and look at other agencies that have a Collective Bargaining Agreement, they still don't have an agreement. He said the City has been able to come up with a workable agreement unanimously. Council President Beardslee said she feels the City has accomplished a lot since March.

Mayor Bagshaw reported that due to the recent resignation of Planning & Zoning Board member Phil Crisler, he was recommending Brian Leahy to the Planning & Zoning Board. There being no objections, Brian Leahy agreed to fill out the required forms and provide them in the September 6, 2011 special Council meeting.

Council President Beardslee reported that the Insurance Review Committee held two meetings, and then deferred to Mayor Bagshaw, and the Mayor asked Dana Wood to explain the City's new benefits. Dana provided a packet to Council and explained how the plans were numbered. Dana said the City currently has Blue Cross/Blue Shield, and noted that she has no preference to any one carrier. She said she "shops" for plans based on the City's needs. Dana said she wanted to make sure there were options that are not cost prohibitive. Dana said the plan the City selected is the number one plan. She said the plan is different from the current plan. She said she wanted to make sure Council is aware that the maximum out-of-pocket is \$4000, and explained the two star designation. She said it involves more employee involvement, but it is a savings to the City. Council President Beardslee said this plan mimics an 80/20 plan. Dana confirmed for Council Member Dowless that this is more affordable for employees who want to add dependents. Council President Beardslee said the City will save approximately \$22,000 per year. Dana said there is a medical bridge plan that the employee can add. Council President Beardslee said she would like to see the supplemental plans condensed.

Dana responded to Council President Beardslee's request for explanation regarding Guardian Dental (Plan 1), which mirrors the current Aetna plan. Dana also explained that if you package Guardian Vision

with Dental, the premium is less. Dana said United Healthcare (UHC) dental plan is more expensive. *It was the consensus of the Council that the City accepts this package, including vision which will be paid by the City, with 50% of dependent coverage also being paid by the City.* The package will include life insurance with UHC (\$50,000), along with short term disability and accidental death and dismemberment.

Discussion held regarding City Clerk Meeks and Dana meeting to sign paperwork, and schedule open enrollment with respective departments. *Consensus of the Council for City Clerk Meeks and Dana Wood to move forward as discussed, and have insurance in place on October 1, 2011.*

## **STAFF REPORTS**

### *Chief Marcus*

Chief Marcus reported on an uptick of copper theft.

### *City Clerk Meeks*

City Clerk Meeks said she forgot to send out email recognizing staff/council birthdays, and noted the birthdays of Sgt. Jackson, Det. Beardslee, Council Member Dowless and Officer Ireland. City Clerk Meeks also reported that there are now courier forms in City Hall for bank deposits. She reminded Council that her six month review is due and noted the memo provided to them regarding the review.

City Attorney Smith reminded Council that September 20, 2011 is the final budget hearing, and encouraged all Council to be in attendance for the purposes of a quorum.

## **MAYOR & COUNCIL REPORTS**

Mayor Bagshaw reported on his attendance at Florida League of Cities Conference, and shared what he learned particularly, the struggles of other cities. He said he feels the City is very fortunate. Mayor Bagshaw reported that two arborists looked at the big oak tree on big island (laurel oak), and that the State will be coming in at their expense to remove the tree, including grinding the stump. He said the City will be working with the County for some grants to make improvement to the island. The Mayor confirmed for Council Member Powell that the police building's mortgage will be paid in September 2011. It was noted that the City will be debt free. It was agreed to plan a celebration prior to the September 20, 2011 Council meeting.

Council Member Powell updated Council regarding "Stratemeyer". He said it looks a lot better, and that a letter of thanks has been sent to Mike Dier. Council Member Powell said he has been in contact with Jeff Luthy, who is in charge of right-of-ways. He also reported that Jerry Reynolds has been following through on several items he has notified Jerry about.

Council Member Dowless said the newsletter was great but need to add contact info, and other important information.

Council President Beardslee said she is still having problems with her City email. Council President Beardslee ask for consensus from City Attorney to check Charter as it relates to Council Member Bozeman's absences, and ask that City Clerk Meeks put the matter on the September 6, 2011 Special Council meeting agenda. Council Member Powell said he left Council Member Bozeman a phone

message to call him but has not received a call ack. Mayor Bagshaw noted that Council Member Bozeman did not pick up his budget and agenda packet.

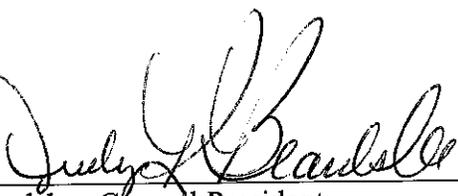
City Clerk Meeks ask for direction from counsel relevant to the outstanding impact fees owed by Beazer Homes. Council President does not want to hold their Certificate of Occupancies. After brief discussion, *it was the consensus of Council that City Attorney Smith check to see if the City can hold the Certificate of Occupancies.*

Council member Powell commended City Clerk Meeks for the report she provided to Council, and suggested Council read the report.

Regarding employee evaluations, Council President Beardslee said there are Cities where evaluations are done by the City Manager or the Mayor but the City of Edgewood hasn't done any that she is aware of. City Attorney Smith said that Council can establish their process. Council President Beardslee said that in years past the Mayor did the evaluation and the Council had no knowledge and couldn't give input. She said she thinks it's fair that council members give input, as both positions (Police Chief and City Clerk) serve at the pleasure of council. Council Member Powell said that you need to have a close working relationship. Council President Beardslee said she understands but it is more like a vote of confidence. Council Member Powell said he had concerns because of possible "Sunshine" violations. Council President Beardslee said the purpose is to make it fair. Chief Marcus said he would appreciate Council members' input as it gives him direction as to what they expect. Mayor Bagshaw said he will provide a form to Council to fill out and then return to Mayor, compile the comments, but not go public.

Chief Marcus said he has been appointed as one of the eleven State wide commissioners to sit on the Florida Commission for law enforcement accreditation.

Having no further business, the City Council meeting adjourned at 9:24 p.m.

  
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Judy Beardslee, Council President

  
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Bea L. Meeks, MMC, CPM  
City Clerk

CITY COUNCIL APPROVED: **April 17, 2012**