

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – MARCH 20, 2012**

On Tuesday, March 20, 2012, the Edgewood City Council held a regular meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 6:30 p.m. Council Member Powell gave the invocation followed by the Pledge of Allegiance.

The following attendance is noted:

Attendees:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Dowless
Council Member Chotas
Council Member Henley

Staff:

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

CONSENT AGENDA

1. Approval of:

- July 19, 2011 Edgewood City Council Meeting
- August 4, 2011 Edgewood City Council Workshop

Council Member Dowless made the Motion to approve the consent agenda, with Second by Council President Beardslee. The Motion was approved unanimously

Council President Beardslee noted that in the July 19, 2011 City Council meeting, the Auditors indicated that the City should implement an Accounting Manual. In response to Council President Beardslee Council Member Henley agreed to work on implementing the manual.

Council President Beardslee acknowledged Valerie Harris, 5561 Jessamine Lane, who said she was a citizen and retired military veteran. She asked Council to discuss parking in the City Hall parking complex. Ms. Harris said she was approached by a man working on City Hall landscape and was told she could not park in the parking lot on Thursdays because of the Farmers Market. She said she was met with aggression and hostility, and then said it was the Mayor who initially did not identify himself. City Attorney Smith said it is not uncommon for City Halls to limit their parking to staff only, and gave examples of other cities that have City lots for business only. Council President Beardslee said that Council does not receive compensation, and she has worked with the Mayor for a year, and as a Council member for nine years. She said Mayor Bagshaw is the first Mayor who has been a working Mayor. She said she does not want to diminish Ms. Harris' concerns but that he is hard working. Council Member Powell verified that Ms. Harris works at Select Medical and he noted that Select Medical was supposed to provide adequate parking for their employees, and if they are not accommodating the parking then they are breaking their agreement. Ms. Harris said she parks in the City Hall parking lot because she

wants to. Council Member Powell said that if she isn't doing business with the City then she needs to park at the hospital. Ms. Harris said the Hospital CEO said Select Medical has an agreement with the City for overflow parking. In response to Council President Beardslee, Council and Staff acknowledged that they are not aware of any such agreement. It was the consensus of Council that City Attorney Smith would be prepared to discuss parking at the next Council meeting, as well as provide a draft Ordinance addressing same.

PRESENTATIONS

1. Mayoral Proclamation – Sexual Assault Awareness Month (April)

City Clerk Meeks read a Mayoral Proclamation proclaiming April as Sexual Assault Awareness Month. City Clerk Meeks noted that Devon Hutchins from the Victim Service Center of Central Florida was in attendance.

(Cinnamon Wild, Administrative Assistant, now in attendance)

2. Relay For Life

Council President Beardslee introduced Susan Shaw, American Cancer Society, attending on behalf of Relay For Life. Ms. Shaw gave a brief video presentation and provided Council Members with a packet of information about Relay For Life. She noted that Amanda Skaggs, First Southern Bank, is the 2012 chair for the Relay for Life and explained what people can do who want to volunteer to participate. In response to Council Member Powell, Ms. Shaw said there are a variety of things that volunteers can do. She said the volunteers are in teams and are not walking the entire 18 hours. She explained the various activities that volunteers can participate in. In response to Council President Beardslee, Ms. Shaw explained what program services are provided for cancer patients.

3. TECO Energy/People's Gas

Council President Beardslee introduced Dennis Maschinot, TECO Energy, and said she asked Mr. Maschinot to come and talk about the benefits of natural gas and what can be done to expand natural gas services in the City. Mr. Maschinot gave a brief history about the company. He said gas lines runs north and south on Orange Avenue and serves 39 residents, most in Harbour Island. He said TECO is getting ready to serve four more customers, as they extend the line from Julie's Waterfront Restaurant to Shannon's Restaurant. Mr. Maschinot explained further the benefits of natural gas, including costs. Council President Beardslee asked Council consensus for Mr. Maschinot to return in sixty to ninety days with a complete study, as to what it would cost the City to have natural gas. Council President Beardslee noted the existing franchise agreement with TECO that has been in existence since 1995.

Council President Beardslee moved Boards & Committees to this portion of the agenda.

1. Planning & Zoning Board's Consideration and Recommendation(s) from March 12, 2012 Planning & Zoning Board Meeting regarding Ballentine Electric

Council President Beardslee deferred to Engineer Miller who referred to Planner Hardgrove's memo of February 28, 2012, and noted that the Planning & Zoning Board did not accept all of Planner Hardgrove's recommendations. Engineer Miller said it is good to develop the property and have it on the tax roll however, there are some inconsistencies with past approval. He said he thinks it would benefit the City but needs to be done consistently with the past few years. In response to Council President Beardslee, he said his report was not geared towards the variances, but towards engineering. He said that if the Planning & Zoning Board's variances are approved, the plan needs to be revised. He suggested that

Ballentine Electric revise their plan and bring back through the Planning & Zoning Board. He noted properties on Orange Avenue are required to tie into sewer, and also provide cross-access. Council President Beardslee said that she asked City Clerk Meeks to provide the conditions that allow for variances and meeting criteria, one of which is hardship and that she fails to see what the hardship is for a non-owner. In response to Council Member Chotas, who asked how variance number (1) can be done without a binding lot agreement, City Attorney Smith said they are asking not to combine the lot. Engineer Miller confirmed for Council Member Powell that the subject property is vacant. In response to Council Member Powell, City Attorney Smith confirmed that residential property abuts the property across the railroad tracks. Engineer Miller said that in the past the City has waived the residential requirement.

City Clerk Meeks confirmed that Rob Ballentine and Robin Smith were in attendance. Mr. Ballentine said that they were denied their request to not be required to have cross access, and noted that the road has nowhere to go. He noted the two foot variance is because of the way the property lays. In response to Mayor Bagshaw, Robin Smith said it is up to the City if they want to require the Ballentines to tie into sewer. She said it would cost Ballentine Electric \$5000 for further engineering to find out what would need to be done for sewer. Council Member Dowless asked Engineer Miller about the purpose of the denials. Engineer Miller said cross access is part of the master plan for the city and is a Code requirement. He said the City has been consistent in requiring the cross-access. Engineer Miller said the cross access is generally twenty-four foot wide. Engineer Miller said that he thinks the building is a "little bit too big" for the property.

John Warren, principal of the subject property, noted a six inch setback on the north and south side of the property. He said that in developing an adjacent office building, there was a twelve foot offset given for parking on the north side of the property. He said the lots are "oddball" lots. He said if the City doesn't make some accommodations to get some business onto the lot it is going to sit for another 10 years. He said the landscape buffer is "ridiculous". He said he believes there are some engineer options available. He said the property is not deep enough for cross access. He said the City needs to not follow the rules but look at the situation, not all properties are the same. He said he might get his partners to give up two feet of the twelve foot offset.

Resident J.T. Blanton, 637 Vizcaya Avenue, said he was on Council when the cross access requirement was implemented. Mr. Blanton said this looks like a case that it doesn't seem practical.

City Attorney Smith reminded Council that they have to decide if they want to approve the Planning & Zoning Board's recommendation or set for hearing.

Council Member Powell made the Motion to reject the Planning & Zoning Board's recommendation and set for hearing; with Second by Council President Beardslee. The Motion was approved unanimously.

Council President Beardslee announced the hearing will be at the April 17, 2012 City Council Meeting. City Clerk Meeks asked applicants to advise if plans change before April 6, 2012 to let her know because of advertising requirements. City Attorney Smith said it will be a de novo hearing. Council Member Chotas asked if two feet was given back from the offset that may help with that variance. Mr. Warren said he did not believe it would make the lots non-conforming.

Council President Beardslee called for a recess at 8:03 p.m. and the meeting reconvened at 8:13 p.m.
ORDINANCES – FIRST READING

- 1. ORDINANCE NO. 2012-02: AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF**

EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE. **(Tabled from 2/21/2012 City Council Meeting)**

City Attorney Smith read Ordinance No. 2012-02 in title only. Chief Marcus said he was asked to provide Council with a copy of the International Property Maintenance Code, and requested that it be tabled. In response to Council President Beardslee, City Attorney Smith said that as long as the City Clerk has a copy available to the public, that it is legal. He said Code Enforcement provides a copy of the Code with the violation and provides them with a time to cure.

Council Member Chotas made the Motion to table and move Ordinance 2012-02 to the April 17, 2012 City Council Meeting; with Second by Council Member Powell. The Motion was unanimously approved.

Mayor Bagshaw noted that he missed Chief Marcus' email and did not respond, which resulted in the delay in ordering the International Property Maintenance Code.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. **ORDINANCE NO. 2012-01: 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 read Ordinance No. 2012-01 in title only.

Council Member Powell made the Motion to approve second and final reading of Ordinance 2012-01, with Second by Council Member Dowless.

Council Member Henley expressed her concerns with the structure of vacation and sick leave and propose it be scratched and be made as one bucket (PTO). Council President Beardslee said for HIPPA purposes it makes sense but from an accounting position, it could be a nightmare. Chief Marcus said the PTO the officers have through their PBA works well and explained the process. Council President Beardslee said that there should be caps. She said she didn't like that the language doesn't speak to buy-out if you are at your cap. She wants the Ordinance to speak to "use it or lose it". She noted that "480" hours was suppose to be 200 hours. Chief Marcus said there cap is at 240 hours for. Council President Beardslee said that it should be equitable in relation to the Collective Bargaining Agreement. City Attorney Smith said if the idea is to be consistent with the CBA then the Policy can be modeled after the CBA, although it doesn't have to be.

Chief Marcus noted a change in annual evaluations being moved to the calendar year. He also noted that the section covering "Administrative Leave" regarding exempt employees was in conflict with another

portion of the Personnel Policy, noting that it should say Mayor and not supervisor. Noted also proof of illness requirement needs to change to three consecutive days except this will probably go away with the PTO.

Council Member Powell made the Motion to table to the April 17, 2012 City Council meeting; with Second by Council President Beardslee. The Motion was unanimously approved.

Council Member Powell stated that by tabling the matter, the City Attorney will have time to make the changes and bring back to Council.

- 2 ORDINANCE NO. 2012-03: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO MAINTENANCE OF PRIVATE INFRASTRUCTURE WITHIN GATED COMMUNITIES; AMENDING SECTION 126-559 TO REPLACE THE REQUIREMENT FOR ANNUAL ENGINEERING REPORTS WITH A REQUIREMENT THAT ENGINEERING REPORTS BE GIVEN TO THE CITY UPON REQUEST; CLARIFYING PROVISIONS WITHIN SECTION 126-559; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance No. 2012-03 in title only.

Council President Beardslee made the Motion to approve Ordinance 2012-03; with Second by Council Member Powell.

Council member Chotas said he noted that correction allows for 90 days. City Attorney Smith said Council can set a 90 day time frame for completion, and then the Engineer could extend.

Council Member Chotas said to strike line 45 "commence", and replace with complete within 90 days up to 120 days provided for cause.

Council Member Chotas moved to amend Council President Beardslee's Motion, and she accepted the amendment to include the language.

The Motion, as amended was approved 4/1 (Notice of Conflict by Council Member Dowless); roll-call vote as follows:

| | |
|------------------------------------|-----------------|
| Council Member Dowless | Conflict |
| Council President Beardslee | Favor |
| Council Member Chotas | Favor |
| Council Member Powell | Favor |
| Council Member Henley | Favor |

UNFINISHED BUSINESS

None.

NEW BUSINESS

None

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

None.

STAFF REPORTS

Chief Marcus reported on the following:

- The annual Torch Run will be held on April 17, 2012. He explained that the Torch Run is a fund raiser for Special Olympics. He said the City will be a water stop for the walkers and runners.
- Confirmed that the red light cameras are “up and running”. He said citations began being issued on March 3, 2012.
- Noted that there are violent profile crimes taking place just outside of the City but not in the City, and believes this is because of the number of marked cars in Edgewood
- In response to Council Member Powell, Chief Marcus explained the purpose of the Master Police Officer program, which is in the initiation process. Chief Marcus said he would get something in writing to Council Member Powell and the rest of Council.

City Clerk Meeks reported on the following:

- Noted that Administrative Assistant Cinnamon Wild was in attendance and shadowing her, as part of cross-training.
- Provided an update on the status of completing minutes, and providing copies to the auditor.

City Attorney reported on the following:

- City Attorney Smith said the City should anticipate challenges on red light citations, and noted the challenges that Winter Park is having.

MAYOR & COUNCIL REPORTS

Mayor Bagshaw reported on the following:

- Updated Council on the status of the engineering Agreement and noted the changes. City Attorney Smith said his issues have been addressed. It was the consensus of Council to wait until the April 17, 2012 Council meeting to consider the Engineer’s Agreement.
- Confirmed he has preliminary report regarding traffic at Holden/Gatlin and Orange Avenue, the plan would reduce the wait time. Mayor said he will continue to monitor.
- Updated Council on the Farmer’s Market; noting that it continues to be successful.
- Advised that he has been approached about having a food truck event. He said the City’s electric would not be used but the City would need at least \$150 to \$200 for compensation. The Mayor said the interested food truck vendors want to start in April.

Motion by Council Member Powell to have a one time trial run of truck vendors; with Second by Council Member Dowless.

Council Member Chotas noted his concerns regarding “public purpose”, and Mayor Bagshaw said that the residents have been asking about have the event. Council Member Powell “*called to question*”.

The Motion was approved 4/1 Beardslee opposed.

Council Member Powell reported on the following:

- Informed Council that he was approached about the waterfront properties at Waterwitch, and said they are interested in annexing into the City. Council Member Powell said he would like to pursue.

In response to Council Member Dowless’ question regarding the railroad crossing quiet zones, Mayor Bagshaw provided the status. Council Member Dowless also questioned the water quality in Legacy, explaining that the water is discolored. He said that residents have called and complained, and were told to let the water run for a certain period of time however, this did not stop the problem. City Clerk Meeks said she will check with DEP about the annual water quality report.

Council President Beardslee reported on the following:

- Council President Beardslee addressed her request for the way Council receives their financial information. She said that it is imperative for the upcoming budget preparation to receive the Financial Statement, a snapshot and the bank statements. She said the purpose will allow council members three to four months to acclimate so that it will make the budget process easier.
- Noted FRS changes in 2011 wherein employer contribution decreased and employees have to contribute 3%, and that it has been found to be unconstitutional. She said she feels that it may impact the City. She also noted a reduction in the Investment plan.
- Addressed having a 5-year capital improvement plan (CIP), and said she will be getting with Planner Hardgrove. Mayor Bagshaw said FEG agreed that they would address the CIP too, and he wants to make sure the City uses one or the other firms, and not both because of costs. Mayor Bagshaw reminded Council that the 4.7 millage did not give the City more money.

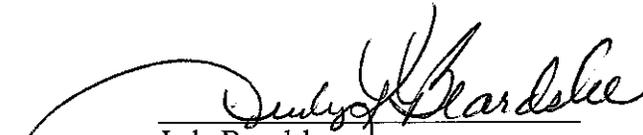
(Council Member Powell left the meeting at 10:09 p.m.)

- Council President Beardslee asked if Council wants to approve the Newsletter every time it’s submitted. Council Member Chotas said he is not inclined to take this authority away from the Mayor. He said if the Mayor chooses to send out a newsletter for Council to check for typos, this is okay.
- Requested that the City Clerk send her notice of when Metro Plan meetings are scheduled.
- Noted she still has concerns about the liability with the Farmer’s Market. Mayor Bagshaw confirmed that the vendors are signing Hold Harmless Agreements. Chief Marcus said he has an unmanned car on the streets to aid in traffic control. She said Council doesn’t know if the vendors have adequate insurance if an injury occurs.

City Clerk Meeks made council aware that the City will probably receive a letter from Florida League of Cities regarding having no “wet floor” signs in place when floors are mopped. She confirmed that they are now posted.

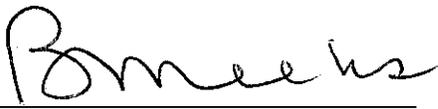
ADJOURNMENT

There being no further business or discussion, the meeting adjourned at 10:24 p.m.



Judy Beardslee
Council President

ATTEST:



Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON May 15, 2012.