

**EDGEWOOD CITY COUNCIL  
REGULAR MEETING—JANUARY 17, 2012**

On Tuesday, January 17, 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 6:31 p.m. Council Member Powell gave the invocation followed by the Pledge of Allegiance.

The following attendance is noted:

**Attendees:**

Mayor Ray Bagshaw  
Council President Judy Beardslee  
Council Member Neil Powell  
Council Member John Dowless  
Council Member Malcolm Henley  
Council Member Lee Chotas

**Staff**

City Clerk Bea Meeks  
Police Chief Pete Marcus  
City Attorney Kalanit Oded (Sitting in for Attorney Drew Smith)

**CONSENT AGENDA**

1. Approval of:

December 20, 2011 Minutes – Regular City Council Meeting

***Council Member Powell made the Motion to approve the Consent Agenda, with Second by Council Member Dowless. Unanimously approved.***

**PRESENTATIONS**

None.

**ORDINANCES – FIRST READING**

None.

**PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

- 1 **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 Oded read Ordinance No. 2011-07 in title only.

**Council Member Powell made the Motion to approve Ordinance 2011-07, with Second by Council Member Dowless.**

Council Member Chotas questioned wording that related to constitutional rights of panhandling. In response to Council Member Henley, Attorney Oded said she has not heard any complaints. Chief Marcus confirmed for Mayor Bagshaw that the City does require permitting for solicitors. Council Member Powell expressed his concerns about the "restrictiveness" of the proposed Ordinance, noting that he doesn't want it misinterpreted from what Council is trying to stop from happening. **Council Member Chotas made a Motion for the following amendment:**

The City Council recognizes a constitutional right to beg, panhandle or solicit in a peaceful and non-threatening manner. The City Council finds, however, that an increase in aggressive begging, panhandling or soliciting throughout the city has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder.

The law is not intended to limit any persons from exercising their constitutional right to beg, panhandle or solicit funds, picket, protest or engage in other constitutionally protected activity. Its goal is instead to protect citizens from the fear and intimidation accompanying certain kinds of begging, panhandling or solicitation that have become an unwelcome presence in the city, and to prohibit aggressive begging, panhandling and solicitation, and begging, panhandling and solicitation in certain public places based upon significant governmental interests.

Council Member Chotas said if Counsel thinks this is not appropriate, he would like to know why, and that he cannot support the Ordinance without the amendment. He said he is okay to defer to February meeting. City Clerk Meeks confirmed the newspaper notice included language allowing Council to table to another meeting time certain. Council Member Henley suggested a different language for the first paragraph.

**Council Member Powell Second the amendment.** Council President noted that Council Member Chotas said he is not willing to approve the Ordinance without the amendment and would like to move to the February City Council meeting. She said she felt confident that City Attorney Smith understood her intent to provide a safe environment, not to impede on anyone's rights, to create a safe environment not just for the residents, but for anyone who comes and goes through the City. She said this was her intent of the Ordinance and she wants to make sure the proposed change does not take away from her intent. Attorney Oded said it is better to have legislative findings to support what the City is doing, and she has to warn Council of this. **Council Member Powell called to question. Council unanimously approved the amended Motion.** Council President Beardslee opened to public comment. There being no public comments, the Public Hearing was closed and City Clerk Meeks took the following roll call vote:

**Roll call Vote:**

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

***All favor-second and final reading of Ordinance No. 2011-07 as amended.***

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 Oded read Ordinance 2011-08 in title only.

***Council Member Powell made the Motion to approve Ordinance No. 2011-08, with Second by Council Member Dowless.***

Council President Beardslee opened for public hearing, there being no comments the public meeting was closed.

Council Member Chotas said he is in favor of complete repeal of the business tax receipt. He said that Chapter 205, Florida Statute, regarding local business tax receipt is a mechanism to raise additional funds. Council Member Chotas proposed that the City of Edgewood do away with the Business Tax Receipt, and still have an occupational license and assess a fee for the privilege of doing business in the City. He suggested that the Ordinance be sent back for review. Council Member Henley reminded Council of the meeting wherein Council discussed annexation, and said we did not annex. Council Member Henley said if this is not broke don't fix it. Council President Beardslee said she is giddy over the potential of making a tax go away; on the other hand, she said they need to consider the ramifications. Council President Beardslee said she remembered when a Business Tax Receipt was an occupational license. She said she does not want to do something to impact the budget immediately. Council Member Dowless said he thinks we are trying to clarify who pays, instead of changing the rate. Council President Beardslee suggested that the Ordinance be sent to Attorney Smith for review and recommendation. Council Member Chotas suggested sending Chapter 205 to Attorney Smith, with specific emphasis on requirements as it relates to a Committee. Council Member Chotas referenced the equity study committee and questioned if the City went through the process. City Clerk Meeks said that the City did perform the equity study. Council Member Powell noted his concerns about eliminating the business tax levy. He noted that the police get a lot of calls from businesses regarding theft, cars parked where they shouldn't be, etc. therefore, businesses requires the need for police protection. Mayor Bagshaw noted to Council an article that was in the Orlando Sentinel this past weekend that related to unlicensed professional. Resident JT Blanton said this is simply a clarification of an application that exists,

and that it boggles his mind that it takes a committee to clarify. Mayor Bagshaw asked if Council approves the Ordinance; make it effective until next fiscal year, because the levy was included in the current fiscal year budget.

***Council President Beardslee made the Motion to table the final hearing to the February 21, 2012 City Council meeting to allow the Ordinance to go back to review, specifically address requirements that may or may not have been addressed. Council Member Dowless Second the Motion, and the Motion was unanimously approved.***

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

None.

## **GENERAL INFORMATION (No action required)**

None.

## **CITIZEN COMMENTS**

None.

## **BOARDS & COMMITTEES**

None.

## **STAFF REPORTS**

### 1. Police Chief

#### Quarterly Activity Update – Fourth Quarter 2011

- Chief Marcus deferred to his quarterly report. Council President Beardslee said the report does seem larger. In response to Council Member Dowless, Chief Marcus explained the difference between assault and battery. He also explained obstructing justice.
- Reported that the red light camera at Orange and Holden is being install however, there are some problems with the cable. He said the installation is proceeding at both intersections. He provided the Council with a handout that will be sent out to resident providing notice of the cameras. Council President Beardslee asked about distribution. In response to Council President Beardslee, Mayor Bagshaw said it has not been decided yet when the handout will be provided to residents, and noted it would be at the Council pleasure.

- Chief Marcus confirmed for Council Member Powell that the camera violations will only address “straight on” driving and not right on red. Council Member Powell said the notice does not provide this information.

#### City Clerk

- Reported that Cinnamon Wild, Administrative Assistant, has reached her 6-months employment status. Noted that evaluation has not been done but will be favorable.
- Noted that Cinnamon provided a report of the work she has been performing including, the Business Tax Receipts, archives, and day-to-day operations.
- Reported that Cinnamon is working on selling ads for the City Newsletter to help offset the costs associated with the Newsletter.
- Reported that she is working with Tom Reilly, Holland & Reilly, including confirmation letters to be sent to entities that provides revenues to the City, as part of the FY 10/11 audit.
- Noted that there are still some outstanding minutes to be prepared, some of which were left from the former Acting City Clerk. These will be completed for the auditors.
- Reminded Council that the election is January 31, 2012.

#### City Attorney

**No report.**

### **MAYOR & COUNCIL REPORTS**

#### Mayor Bagshaw

- Reported that he contacted Rollins College inquiring as to students who may be willing to work on website as part of their class work. Council President Beardslee said she thinks it is difficult to navigate around the website. Mayor Bagshaw said it needs to be more user friendly. Council Member Dowless said it is busy. City Clerk Meeks said they get complaints in City Hall about the web site. Chief Marcus said they are not encountering any problems with Scott Zane going to reserve and continuing his computer work.
- Reported that Sun Rail is still looking at the quiet zones. Mayor Bagshaw confirmed for Council President Beardslee that freight has to travel at night.
- Announced that Edgewood is hosting the February 16, 2012 Tri-County luncheon at Tommy Addison. He said the City’s insurance broker will be sponsoring the event.
- Reported that the group putting together the Farmers Market is “shooting” for first Thursday in February as the start date.

- Reminded Council that City Hall will be closed on February 20, 2012 in observation of President's Day.
- Noted that she will make available a copy of Cinnamon's report, if requested.

Council Member Chotas

No report.

Council Member Henley

No report.

Council Member Powell

Council Member Powell said he had no report but wanted to know how many read Quality Cities, and noted the legislative information provided. He encouraged that Council contact the City's legislators particularly, as it relates to home rule.

Council member Dowless

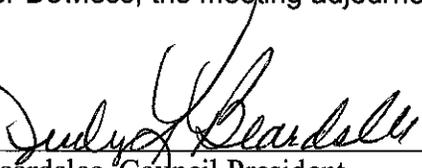
- Reminded City Attorney Oded that Attorney Drew Smith was to follow up on his questions regarding engineering requirements at Legacy.
- Noted that Mayor Bagshaw was digging on the grounds at City Hall today making repair to the irrigation system. Council President said she thinks that residents are seeing what is going on. Council Member Dowless said the is City lucky to have Mayor Bagshaw.

Council President Beardslee

- Noted for City Clerk Meeks who that there is a Resolution that says City will not sale anything more than a business card for the Newsletter. City Clerk Meeks said she was not aware of this Resolution, and that City Hall staff was following what former staff was doing. She said she will research and locate the Resolution.

## ADJOURNMENT

Having no further business, on the Motion of Council Member Powell, with Second by Council Member Dowless, the meeting adjourned at 8:23 p.m.

  
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 Judy Beardslee, Council President

  
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 Bea L. Meeks, MMC, CPM  
 City Clerk

CITY COUNCIL APPROVED: **February 21, 2012 (Regular Council Meeting)**