

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – FEBRUARY 21, 2012**

On Tuesday, February 21, 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 Malcolm Henley (before new Council sworn-in)
Council Member Pam Henley (after being sworn-in)

Staff:

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

ORGANIZATIONAL MEETING

Administer Oath of Office to newly elected City Council members.

City Clerk Meeks administered the oath of office to Judy Beardslee, Lee Chotas and Pam Henley

Council President Beardslee moved to Item “G” (Presentations) on the agenda and recognized Council members Jim Bozeman and Malcolm Henley for their service as Council members

Election of Council President

Council Member Powell made the Motion for Judy Beardslee to be Council President, with Second by Council Member Dowless. The Motion was unanimously approved.

Council President Beardslee to designate areas of responsibility (not already under the jurisdiction of the mayor), to be assigned to individual Council members pursuant to Section 3.12 of the City Charter

Council President Beardslee designated the following areas of responsibility:

- Finance and Budget – Council Member Henley
- Code Enforcement – HAINC Liaison – Council Member Dowless

- Land Development & Master Plan – Council President Beardslee
- Public Works – Council Member Powell
- All other responsibilities fall under Mayor Bagshaw pursuant to the City Charter

Council Member Powell asked for Mayor Bagshaw’s help to review the City Ordinances and make some changes as it relates to matters that are out-of-date. Council President Beardslee suggested a committee made up of residents. Council Member Powell said he would “spear-head” the committee. City Attorney Smith said he would not need to be at the first meeting, but perhaps the second meeting and the last meeting. In response to Council President Beardslee, Mayor Bagshaw said that he has a couple of residents in mind. City Attorney Smith said the meeting is done under “Sunshine”.

Council President Beardslee said the Charter doesn’t require a Council President Pro Tem but historically it has been done.

Council Member Chotas nominated Council Member Dowless to be the Council President Pro Tem. There being no other nominations, the recommendation was unanimously approved.

CONSENT AGENDA

Approval of:

- January 18, 2011 Minutes – Regular City Council Meeting.
- January 25, 2011 Minutes – City Council Workshop
- February 1, 2011 Minutes – City Council Workshop
- January 10, 2012 Minutes – City Council Workshop
- January 17, 2012 Minutes – Regular City Council Meeting
- August 23, 2011 Minutes – City Council Workshop

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

Council member Powell questioned some dates contained in the minutes. Council Member Chotas asked if he could vote since he was not on Council at the time, and City Attorney Smith said yes.

Council President Beardslee made the Motion to move the consent agenda to end of the meeting, with Second by Council Member Chotas. The Motion was unanimously approved.

PRESENTATION TO MAYOR

City Clerk Meeks presented Certificate of Completion of the Institute for Elected Municipal Officials to Mayor Bagshaw.

MAYORAL PROCLAMATION – PINE CASTLE PIONEER DAY

On behalf of Mayor Bagshaw, Council President Beardslee read the Mayoral Proclamation proclaiming the weekend of February 25 through 26, 2012 as Pine Castle Pioneer Day.

REQUEST FOR QUALIFICATION – ENGINEERING SERVICES (Presenting in Alphabetical Order)

Mayor Bagshaw thanked all the firms for their interest and for being part of the four firms selected for final consideration. City Clerk Meeks said a ranking sheet was provided in Council's agenda packet. Mayor Bagshaw said that Council does not have to select this evening. City Clerk Meeks reminded Council that they have a presentation packet in their agenda

- Booth, Ern, Straughan & Hiott (BESH)

City Clerk Meeks introduced Duane Booth, representing BESH. Mr. Booth gave a slideshow presentation which included a brief history of their firm and highlighted some of his firm's projects.

Council Member Powell questioned BESH's fee schedule in particular, mileage. Mr. Booth said that they do not require mileage reimbursement for central Florida area. In response to Council Member Powell, Mr. Booth said there is a per hour charge for attending Council meetings. Mr. Booth said it would be a principle or another engineer. Mr. Booth said his fee is \$145.00 per hour and \$130.00 per hour for other engineer (actual attendance). In response to Council President Beardslee, Mr. Booth said that BESH does work on-call, as needed. She questioned where the City would be in order of priority. Mr. Booth said they have five licensed engineers and two interns. He said that they have not been booked up to where no one was available. In response to Council Member Chotas, Mr. Booth noted the Cities that BESH is the engineer of record. Mr. Booth said they do not track time for phone and/or email questions. Council Member Powell asked about the area of expertise related to sidewalks. Mr. Booth said the engineer's hourly fee is \$130.00 and his hourly rate is \$145.00, it depends on who is working on the project. Mr. Booth said he had no questions and noted that he was born and raised in Central Florida, and toured the City prior to the meeting.

- Bowyer-Singleton & Associates, Inc.

City Clerk Meeks introduced Ray Malave. Mr. Malave said his firm is only four miles away, and is a team of two, he would be project manager. Mr. Malave gave a slideshow presentation noting cities and projects his firm has managed. He noted that Bowyer-Single is district engineers for CDDs (Community Development Districts).

Council Member Powell asked about fees for attending Council meetings. Mr. Malave said it would be a principle engineer, or another engineer and noted the hourly rate as presented on the fee schedule provided to Council. Mr. Malave said that the engineer attending would be familiar with the project. In response to Council Member Powell, Mr. Malave said he knows the public works director with Orange County and he has a good rapport with him. Council President Beardslee said that Council has been use to paying one hourly rate so the questions Council Member Powell is asking are valid because Council is not use to the various hourly rates. Council President Beardslee asked where Edgewood would be in order of priorities. Mr. Malave noted the number of staff the firm has and normally pre-schedules their calendars. In response to Mayor Bagshaw, Mr. Malave said some of the staff has worked with Sun Rail as it relates to development that could occur because of the stops.

Mr. Malave said he had no questions and noted that he is use to working with small cities.

- Florida Engineering Group (FEG)

City Clerk Meeks introduced Sam Sebaali from FEG, who introduced John Avi-aougn. Council Members were provided with a bound presentation. Mr. Sebaali thanked Council for selecting their firm

to make a presentation. Mr. Avi-aougn gave a presentation that included sample projects and staff background. Mr. Avi-aougn noted that FEG's office is in the City of Edgewood, and has been in business for 19 years. Mr. Avi-aougn said that FEG is familiar with the City's code and can assist the City in updating the Code. Council Member Powell asked about their fee schedule and what the fee would be to attend City Council meetings. Mr. Sebaali said it would be \$120.00 per hour. In response to Council Member Chotas, Mr. Sebaali said the firm has a planner on staff that can help with getting grants. Council President Beardslee asked where Edgewood would be in order of priorities particularly in an emergency. Mr. Sebaali said they are always accessible, and the City would have their cell numbers. In response to Council Member Dowless, Mr. Sebaali confirmed they have four professional engineers and 5 support staff.

In response to Council Member Dowless, Mr. Booth said that BESH has five licensed engineers and two licensed surveyors. Mr. Malave said that Boyer-Singleton has twenty engineer/designers, eighteen licensed engineers, and six licensed surveyors.

- Weaver-Boos Consultants

City Clerk Meeks introduced Jeff Schaffer, Weaver Boos. He also introduced two other staff members, Max Spann and Ben Ellis. He noted that Weaver-Boos has 250 employees nationwide. Mr. Schaffer said the local office began in 2008 in Clermont, but they are looking to move to Winter Garden or Oakland. He said they have the look and feel of a small firm but have large number of experts. Mr. Spann noted the firm's experience with procuring grants. The local staff consists of two registered professional engineers and a Planner, and noted their fee schedule and how their fees are broken down. Mr. Spann noted they are available on an as needed basis.

Council Member Powell asked about reference to "retainer" in fee schedule provided. Mr. Schaffer explained the process and a way to make it "cost certainty". Mr. Schaeffer said Ben and Max would probably be the one to attend at \$113.00 hourly, if the City did not want to contract on a retainer basis.

Council Member Chotas said he is impressed with all four companies. In response to Council Member Chotas, City Attorney Smith said that it is okay to see proposed contracts. Council Member Chotas asked all four firms to provide proposed contract relevant to the City. Council Member Powell said he would like to have a workshop. Council President Beardslee said she is okay with a workshop. Mayor Bagshaw thanked Frank Aguilar for reviewing the proposals and selecting the firms. Council President Beardslee asked if the firms could submit contracts on Friday, February 24, 2012. Mayor Bagshaw encouraged the firms to review the City's budget.

Council agreed to hold a Special Meeting on March 5, 2012 at 1:30 to review and discuss potential negotiations for engineering services.

Council President Beardslee called for a recess and the meeting reconvened at 8:59 p.m.

ORDINANCES – FIRST READING

- 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 2012-01 in title only.

Council Member Dowless made the Motion to approve the first reading of Ordinance No. 2012-01, with Second by Council Member Powell.

Council Member Powell began the discussion:

- Page 87 stating the need to remove “or 17”. City Attorney Smith said that he believes there is a Florida Statute that applies to ages when people can work. Council Member Chotas said that applicants who are younger than 18 years of age may be considered for certain types of employment, and to strike “17 years”.
- Council Member Powell question “rate of pay” on page 91, noting that pay rate after reinstatement may be the same rate. City Attorney Smith said for medical or military reason, employees do come back at same rate. Discussion on using “will” or “shall”, and it was agreed to use “shall.
- In Section 4-4, it was agreed that union dues will be struck.
- Referencing Section 5-1 (recruitment process) Council Member Powell said he thought the Charter included this process. Council Member Beardslee said the Council is the policy maker and it will be good to have the Charter provisions in the policy. Also, Charter provides no remedy if the Mayor doesn’t do what the Charter says.
- Referencing Section 6-5 Gifts – Council Member Powell questioned the receiving of gifts. City Attorney Smith said that the policy is to avoid gifts being provided to one employee, it should be to the City.
- Referencing Section 6-20 Prohibitive Conduct regarding firearms – City Attorney Smith said this covers “right to carry”.
- Referencing Section 13-1 - Part-time employees not eligible for part-time pay – Council Member Powell said this is contrary to other sections of the Personnel Policy. Council President Beardslee said she is confused because she thought Part-time employees would be added and included in insurance benefits (50% contribution). Mayor Bagshaw said for the pre-budget items, he requested that if benefits are added in, it would not begin until the next fiscal year budget. Council Member Henley said she didn’t think it was a good idea for part time employees to be eligible for insurance benefits.
- Referencing Section 14-5 Proof of Illness and Notification Requirement – Council Member Powell said he thought the language is very restrictive. City Attorney Smith said he will add language regarding “notify employer as soon as reasonably possible”
- Referencing Section 14-8 - Bereavement Leave – In response to Council President Beardslee, City Attorney Smith says the current policy applies to employees not on probation. Council Member Henley said “give the leave” and if the employee leave before probation ends, the funds are given back.
- Referencing Section 15-4 Major Offenses – Council Member Powell says this should include “against elected officials”.
- 15-11 (typo) “at its convenience”.

Council Member Chotas amended Council Member Dowless’ Motion to included Council Member Powell’s corrections, with second by Council President Beardslee. The Motion to amend was accepted by Council Member Powell and unanimously approved.

Council President Beardslee announced that the second and final reading of Ordinance 2012-01 will be heard at the March 20, 2012 City Council meeting.

- 2. 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.

City Attorney Smith read Ordinance No. 2012-02 in title only.

Council Member Powell made the Motion to approve the first reading of Ordinance No. 2012-02, with Second by Council President Beardslee.

City Attorney Smith confirmed for Council President Beardslee that the Ordinance is a housekeeping matter. After brief discussion regarding the International Property Maintenance Code, and concerns about Council not having a copy, *Council Member Powell withdrew his Motion.*

Council President Beardslee made the Motion to table Ordinance No. 2012-02, to the March 20, 2012, with Second by Council Member Powell. The Motion was unanimously approved.

- 3. 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 the first reading of Ordinance No. 2012-03, with Second by Council Member Powell.

Council member Dowless said he wants to see a reference to time. Council Member Chotas said every 5 years or sooner, with the recommendation of the City Engineer.

Council President Beardslee withdrew her Motion.

Council President Beardslee made the Motion to approve the first reading of Ordinance No. 2012-03, with amendment that report is due every five years or sooner, with the

recommendation of the City Engineer, with Second by Council Member Powell. The Motion was unanimously approved.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION

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.
[TABLED FROM 1/17/2012 CITY COUNCIL MEETING]

City Attorney Smith read Ordinance No. 2011-08 in title only.

Council Member Powell made the Motion to approve the second and final reading of Ordinance No. 2011-08, with Second by Council Member Dowless.

Council Member Chotas referenced Florida Statute regarding classifying or restructure of rates. City Attorney Smith said that Council is not doing this. Council member Henley said she would like to know that people working within the City have an active license, likes knowing there is a double “barrier”.

Resident Frank Aguilar said it doesn't seem to be fair across the board. He pointed out that the City had some difficulty with the budget, and it looks like residents will make up the difference. Council Member Dowless pointed out that the change will not take place until the next fiscal year. City Attorney Smith reminded Council that you can only increase the business tax up to 5% every other year.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- 1. RESOLUTION 2012-01:** A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA, SUPPORTING ANTI-STALKING LEGISLATION INCLUDING SENATE BILL 950 AND HOUSE BILL 1099; ENCOURAGING ORANGE COUNTY LEGISLATIVE DELEGATION TO SUPPORT SENATE BILL 950 AND HOUSE BILL 1099 AND OTHER ANTI-STALKING LEGISLATION; DIRECTING THE CITY CLERK TO PROVIDE COPIES OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Council Member Powell made the Motion to approve Resolution 201201, with Second by Council President Beardslee. The Motion passed unanimously.

Council President Beardslee continued discussion of Consent Agenda, which was tabled at the beginning of the meeting.

Approval of:

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- January 10, 2012 Minutes – City Council Workshop
- January 17, 2012 Minutes – Regular City Council Meeting
- August 23, 2011 Minutes – City Council Workshop

Council Member Dowless gave kudos to City Clerk Meeks for all the minutes she prepared. Council Member Powell noted that the year referenced in some of the minutes was 2012, and should be 2011. He said he would get with the City Clerk for these corrections.

Council Member Powell made the Motion to approve the Consent Agenda, with Second by Council Member Dowless. The Motion passed unanimously.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

B. STAFF REPORTS

Police Chief

- Reported that there have been 1712 red light camera incidents from February 1 thru February 21, 2012 (572 actual violation). He said the cameras go live on March 2, 2012.
- Reported that fingerprinting has been averaging 18 per day for the past three weeks.
- Reported on the switch to electronic citations and electronically transmitted citations to Orange County. Council President Beardslee asked if the Police Department is able to cover it all. Chief Marcus said he is checking his budget through the end of March. He said if he needed, will bump part time up. Chief Marcus said he doesn't need full time yet, if kept under control

City Clerk

- City Clerk Meeks referred Council to her status memo.

MAYOR & COUNCIL REPORTS

Mayor

- Mayor Bagshaw said Alphonso's is opening next week.
- Reported that he met with Holden Cove representative, and a builder's meeting is scheduled. He said he asked the City Planner to get more involved. He noted that the property owners said they don't want to build under Edgewood's code.

- Noted that he plans to send letters to Oak Cove to invite them to annex
- Reported that he talked to Mr. Hansel about his vacant lot, and he was told that they have plans to develop.
- Reported that the Farmer's Market is having good attendance, and that the attendance doubled the second week. He is also getting calls from people requesting to be a vendor.
- Reported on the status of getting the topper for the bulletin board.

Council Member Powell commended Mayor for the landscape that was done.

City Attorney

- Sunshine Law

City Attorney Smith provided handout regarding Sunshine Law. He said the information provided is the "thou shall not" list. He provided highlights of the information provided.

Council Members Chotas, Henley and Dowless had no reports.

Council Member Powell

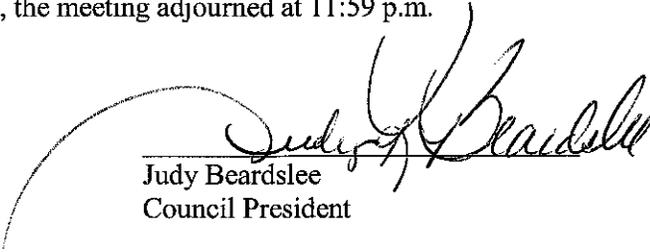
- Reported on the Lake Jessamine Water Advisory Board, noting that they meet once a month. He said that due to the difficulty of the meeting being held at 4 p.m., the Board is talking about changing the time to 6:30 p.m. Council Member Powell asked if City Hall can accommodate.
- Reported that DOT has officially taken over the Right of Way of railroad. He referenced the tree that was chopped down prior to DOT take over, and said "they" are in the process of clearing the tree.

Council President Beardslee

- Noted that there is a need for capital improvement plan, and that the inventory of sidewalks and roads needs to be updated. She said this will be helpful in preparing budget for next fiscal year.
- She said the Farmers Market is going well and asked if there is a blanket policy for liability. She also asked if Larue Avenue could become one way street. Mayor Bagshaw said all vendors sign a hold harmless agreement, and that making Larue Avenue a one way street would not be good.
- Referenced natural gas and costs she found relevant to running the lines. She said she talked to a TECO representative about a conversion. She asked City Clerk Meeks to put "natural gas" on the next agenda, and said that she will have a TECO representative at the meeting.
- In response to Council President Beardslee, there was no interest by Council to hold council meetings twice a month.
- Reported on the upcoming Relay For Life, and noted Amanda Skaggs, First Southern is the chair person for this year's event.

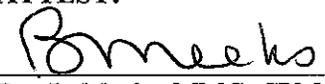
C. ADJOURNMENT

There being no further business or discussion, on the Motion of Council Member Chotas, with Second by Council Member Dowless, the meeting adjourned at 11:59 p.m.



Judy Beardslee
Council President

ATTEST:



Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON April 17, **2012.**