

**EDGEWOOD CITY COUNCIL  
REGULAR MEETING – MAY 15, 2012**

On Tuesday, May 15, 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 Dowless gave the invocation followed by the Pledge of Allegiance. *City Clerk Meeks announced that the recorder is not working and request that everyone “speak up”.*

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  
Drew Smith, City Attorney  
Sam Sebaali, Engineer  
Ellen Hardgrove, Planner

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**CONSENT AGENDA**

1. Approval of:
  - March 20, 2012 Regular City Council Meeting

City Clerk noted corrections from Council Member Dowless, Council Member Chotas also noted errors.

*Council Member Dowless made the Motion to approve the consent agenda with the noted corrections, with Second by Council Member Powell. The Motion was unanimously approved.*

Council President Beardslee announced that there will be a change in the order of the Agenda items, and said Council will address Ordinances, first and second reading.

**ORDINANCES – FIRST READING**

1. **ORDINANCE 2012-04** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO PARKING; AMENDING SECTION 62-21 TO PROVIDE FOR LIMITING OR RESTRICTING PARKING IN PUBLIC AREAS; PROVIDING FOR NOTICE AND SIGNAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2012-04 in title only.

**Motion by Council Member Powell to approve the first reading of Ordinance 2012-04, with Second by Council Member Henley.**

No discussion from Council, and no comments from audience. **Unanimously approved in the following roll call vote:**

<b>Council Member Henley</b>	<b>Favor</b>
<b>Council Member Chotas</b>	<b>Favor</b>
<b>Council Member Dowless</b>	<b>Favor</b>
<b>Council Member Powell</b>	<b>Favor</b>
<b>Council President Beardslee</b>	<b>Favor</b>

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

- 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.**

City Attorney Smith read the second and final reading of Ordinance 2012-02.

**Motion by Council Member Powell to approve the second and final reading of Ordinance 2012-02, with Second by Council Member Henley.**

**Council Member Powell asked to amend the motion to table the final reading.** Council Member Chotas noted that the Ordinance is adopting the International Property Maintenance Code (IPMC) by reference, and noted that the City Attorney said this is appropriate. He said people need to be aware there is a lot of reading to know what they need to do to maintain their property. He encouraged everyone to read the Code as he and Council member Dowless did. **Council Member Chotas second the Motion to table the final reading.**

Council President Beardslee announced the second and final reading will be tabled to the June 19, 2012 Regular City Council meeting. City Clerk Meeks noted the Ordinance was published in the Orlando Sentinel.

Council President Beardslee announced that the next agenda item being moved is New Business.

1. Planning & Zoning – Variance Recommendations

- 1077 WINDSONG ROAD – CHARLES KRAMER AND LAURA KRAMER, OWNER (Boat Dock); Doug Langford, Contractor

City Clerk Meeks announced that Council has been provided with the Planning & Zoning Board's recommendation at their seat. She noted that the recommendation was made in the Planning & Zoning meeting held "last night", May 14, 2012, which is why it wasn't in their agenda packet. Engineer Sebaali framed out the reason for the variance, and described the existing and proposed boat dock. In response to Council Member Chotas, City Clerk Meeks said that there were no objections to any of the variances. City Engineer Sebaali confirmed that the P&Z Board approved the variances including his conditions and recommendations. Council Member Chotas wanted to make sure if the neighboring property extended their boat dock, they could still get out; Engineer Sebaali said they would be able to get out. Council President Beardslee said her thought was first come first serve and if the adjacent property owners were concerned they would have responded to the notice letters. City Clerk Meeks noted that the contractor, Doug Langford, is in attendance and available to answer questions. Mr. Langford gave a presentation and responded to questions. In response to Council President Beardslee's request for public comment, there were none.

***Motion by Council Member Powell to approve the recommendation of the Planning & Zoning Board, including the conditions and recommendations of the City Engineer, with Second by Council Member Henley. The Motion was unanimously approved.***

- 5507 JESSAMINE LANE – JEFF AND HAYLEY BAKER, OWNER (Reconstruction and Expansion of Front Porch); Jordan Homes, Contractor

Engineer Sebaali framed out the reasons for the variance request, and described the existing and proposed dwelling request for a 6 x 6 foot porch. Engineer Sebaali said he concurred with Planner Hardgrove's recommendation, as did the Planning & Zoning Board. Engineer Sebaali said that one of the P&Z members ask if the existing house would require a variance. Engineer Sebaali said that his review of the Code, the house would not be included in the variance. Planner Hardgrove said the house did not need a variance because it is a non-conforming use. In response to Council President Beardslee's request for public comment, there were none.

***Council Member Chotas made the Motion to approve the recommendation of the Planning & Zoning Board, as articulated by Planner Hardgrove, with Second by Council President Beardslee. The Motion was unanimously approved.***

Council President Beardslee announced that Council would now move to Presentations.

## **PRESENTATIONS**

- Vince Constantine – Tops In Details – 2002 Sign Ordinance

Council President Beardslee announced that if there are repeated comments, to select a spokesperson to convey.

Richard Fawcett thanked Mayor and Council for what they do. He related an outing with his wife wherein, they took a bike ride in the City and said he thought the landscaping looks bad and likened the area to the Orange Blossom Trail. He said the pole signs are the last thing he

notices, the landscaping is first. He said if the economy is a reason for the owners not to remove the signs, he had some alternatives, and noted the alternatives.

Scott Haines (Majestic Marble) said his business has been in operation about 34 years; he bought the business about five years ago. He noted the monies he has lost since the economy "tanked", and he is just now just starting to do business.

Vince Constantine (Tops in Details) said he never received notice about the change in signage. Said he agrees with Mr. Fawcett in that there are other things that could be done besides changing signage. He noted that the owner of his building has difficulty with change, and related how long it has taken to get permission from the owner to paint the building. He said he sees no benefit to removing the signs. He said it is tough to keep the doors open because of the economy, so trying to rebrand the business is the goal. He said they would encourage other business owners by painting and improving their signage, but not removing them. He said that driving through Apopka recently, he noticed it was difficult to see the monument signs because of the traffic. He said that signage is the only source of advertising. He said the new buildings should have to have monument signs. He asked that the City allow them to make improvements to their buildings but not remove the signs. He said that Mayor Bobber wanted to improve Orange Avenue when she was Mayor, and the change in signage he made was allowed at that time. He said the business owners are attending the council meeting because they realized they have to take the signs down by June 1, 2012, or receive a violation notice.

Richard Brinkman said he was Mayor of Edgewood from 1990 to 1997. He is also a business owner who applied for a sign permit in good faith, and is now being told to take it down. He said the Ordinance is not "fairly" clear. He noted the installation cost of his current sign was \$5000.00 to \$10,000. He said there needs to be a basic fairness, and the basic fairness is to grandfather the signs that were legally permitted and installed. He noted that the cheapest alternative are trailer signs. He said if something happens to the sign in excess of 50% damage, the sign should become a monument sign, and referenced signs before 1982 were grandfathered in. He stated that Mayor Bagshaw is doing a great job.

Richard Dawson (Dawson Decorating) said this meeting should have happened in 2002, rather than receive a letter in 2011. Council Member Dowless asked City Attorney to explain the '82 and '02 Ordinance. City Attorney Smith said that anything prior to 2002 would be in conflict. He said the '02 ordinance allowed an amortization period for 10 years to allow people time to comply and get value from their signs. In response to Council Member Chotas, City Attorney Smith said the notice required for the 2002 Ordinance was to advertise in the paper. Council Member Henley deferred to Mayor Bagshaw about her conversation with him regarding owners who have "cut" their signs down at minimal expense. Mayor Bagshaw said this is a grey area as to what is a pole sign. He noted that Mr. Brinkman's sign appears to be on a pedestal. He said that there are a lot of new businesses that have come into the City since 2002 ordinance and that he has to believe that they came in to get a permit for their signage and staff should have told them about the Ordinance. He noted that there are many owners not maintaining their signs, and it gets to a point that the City has to step in. He noted a tree that fell in a parking lot because the owner did not maintain the tree. He said he thinks the City didn't do what they should have to make sure the Ordinance was followed. He said the City and the business owners should work together and take ownership and clean things up. Council President Beardslee deferred to Planner Hardgrove, who addressed the grandfather clause. She said the Ordinance covers every sign in the City, and does not have to be moved if they permitted as a

ground sign. She noted that the "Bell" property sign does not meet the Code. She said staff needs to have some guidance. She said the definition of ground sign in 2002 did not change, and Discovery Church is not a ground sign, although it was permitted as a ground sign. She noted the directory sign at Fort Gatlin shopping center needs to come out, but what do they get in return. She said this regulation has ramifications.

Council Member Chotas he agrees with Planner Hardgrove that there needs to be a balance, with a view to not imposing undue burden. He asks that Planner Hardgrove work with the City Attorney to revise the Ordinance. Mayor Bagshaw pointed out the concerns that Edgewood Isle is having because of the requirements in the Ordinance.

Council President Beardslee summarized what the property owners are asking for, and the problems that may have been caused by former staff. In response to Council President Beardslee, City Attorney Smith said that the City can direct Code Enforcement to hold off on any violations until Council determines the direction they want to go. She noted that at the time the Ordinance was adopted, the City had Glatting-Jackson create a Master Plan, which didn't come to fruition. She thinks that at this point this needs to go back to the table.

***Council Member Chotas made the Motion to (1) Direct Code Enforcement not to pursue pole sign violations based on 2002-04 Ordinance until September 1, 2012, (2) Direct City Attorney propose an Ordinance making signs permitted subsequent to 2002-004 compliant with Code, and (3) Direct City Planner, Mayor and City Attorney to propose amendments to 2002-004 Ordinance to correct deficiencies pointed out by City Planner, and to reconcile beautification landscaping, signage and economic conflicts and address other issues for codification by City Council. Council President Beardslee second the Motion.***

Council Member Powell said that some cities have a beautification committee, and he said it makes sense to have a beautification committee to come back to Council with recommendations of improvements needed. He thinks it would be prudent to do this as Council decides further direction in the matter. In response to Council Member Henley, City Attorney Smith said there can be a moratorium while Council makes further consideration. Council Member Chotas said that if the City had a beautification committee, they would be constrained by Sunshine and therefore would like to see Mayor Bagshaw be a committee of one and work with the business/property owners. Mayor Bagshaw said he is willing to do this although he has plenty on his schedule. Council President Beardslee suggested the Mayor have meetings with the owners. Chief Marcus wanted clarification as to enforcement on illegal signs, not those signs pertaining to the Ordinance. ***Friendly amendment by Council Member Chotas to move to 9/18 and not 9/1.*** Council Member Chotas said we need to respect those who did comply with the Ordinance. ***Council President Beardslee accepted the friendly amendment.***

***The Motion was unanimously approved (5/0).***

Mayor Bagshaw confirmed for Council Member Dowless that he is comfortable with the project. Council Member Dowless said he would like to see cooperation to work with the Mayor in "cleaning things up". City Attorney Smith responded to public question regarding code enforcement process if a violation exists. Mayor Bagshaw said it should be clear that the letters

go to the property owners and not the business owners. City Attorney Smith confirmed that Ordinance applies to signage, and the property owner must comply.

John Moccio said he would like to work with the Mayor. He said he was part of the Glatting-Jackson Master Plan, and he said at the time there was no ground sign ordinance. He also explained some of the problems with the conversion of the Ordinance. Mr. Constantine said the business owner should receive the letter instead of the owner. JT Blanton said it would be a tragedy to put the burden on the property owners.

Richard Dawson asked about notifying businesses and owners about meetings when there may be something the Council is considering that affects them. Council Member Powell said that not everyone is on the web and noted that there is a kiosk where the meetings are posted.

**BREAK AT 8:33 p.m. - RECONVENE AT 8:43 p.m.**

## **UNFINISHED BUSINESS**

### **1. Florida Law Enforcement Agency Crash Report Reimbursement – Chief Marcus**

Could not get a copy of the Agreement. He said the State has entered into a contract to provide crash data documentation. He said they have been informed that they do not have to sign the contract. He said that HSMV is now changing the rule which allows them to do what they have already done. He said the State is going to send funds to the cities anyway.

## **NEW BUSINESS**

None.

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

None.

## **CITIZEN COMMENTS**

Given under presentations.

## **STAFF REPORTS**

Police Chief

Reported that there are still car burglaries happening in the City and noted that the burglaries are excessive. Council Member Henley asked about burglaries occurring on lake homes in the County. Mayor Bagshaw said that Orange County doesn't notify the City about activities on the border of the city. Chief Marcus said a lot of what the Police Department learns is on the "radio". Council Member Dowless said at his HOA meeting they talked about how good the police department is.

City Attorney Smith said he was asked to explain to Council budget amendments, and explained that coding errors do not require an amendment. Council President Beardslee asked for his help in educating them on the amendments.

City Attorney Smith also noted there is consideration for regulation of pain clinics, and that Orange County is now taking a zoning approach. He said the Mayor mentioned this to him that the location is just outside of the City of Edgewood. He said Council may want to look at the direction the County wants to go. He said the first step could be defining what a pain clinic is, and wanted to know if Council would like for him to work with the Mayor and Planner Hardgrove to address, or go with the status quo. Council Member Chotas said that a doctor's office can turn into a pain clinic so special exception would help to keep this from happening. Council President Beardslee said she thinks it is better to be proactive. City Attorney Smith confirmed for Council Member Chotas that Orange County's Ordinance is a zoning Ordinance. Mayor Bagshaw said that Council may want to consider an Ordinance prohibiting internet cafés. City Attorney Smith said he will check on both and bring it back to Council.

City Clerk

City Clerk Meeks announced Frank Aguilar resigned from P&Z. City Clerk thanked him for his service, and gave him his name plate.

## **MAYOR & COUNCIL REPORTS**

*Mayor Bagshaw*

- Announced he will bring back to Council in June a recommendation for Mr. Aguilar's replacement to the Planning & Zoning Board.
- Announced he will be installed on Metro Plan Board next week.
- Reported that the City now has a contact with Orlando regarding quiet zones, and hopes the City will be able to work with the City of Orlando. He said he hopes to put together a committee to address quiet zones.
- Reported on Gatlin/Orange and how FDOT has changed their direction on the project and he opposes it. Reported on the funds distributed by the State and that this needs to be high on the list, and recommends Council members send letters to the City's legislative representative, as he has done.

*Council Member Chotas*

- No report

*Council Member Henley*

- Reminded Council and staff of the May 18, 2012 workshop.

*Council President Beardslee*

- Reported that Council will be going through each and every ledger item, so that by the time "we" get to budget workshop the general ledger is correct.

Council Member Dowless

- Noted the water quality issues he noted before to Council. He said that City Clerk Meeks made contact with DEP. He related that in their recent Legacy HOA meeting, a resident brought in water that had algae in it.

Council Member Powell

- Reported on "scabs" (layers in the road), and said one of the layers broke in the west bound lane (Oak Lynn/Orange Avenue). He contacted his FDOT contacts and they have made repair. He said that he heard that there are plans to extend Holden.
- Reported on work done on Oak Cove Lane.
- Reported that he is continuing pursuing work on the clean-up of the rail road right-of-way.

City Clerk Meeks reported on a phone call she received from resident regarding sighting a coyote ten feet from his front door.

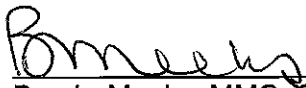
Council President Beardslee said she would like to attend a grant writing class. She said she knows there is no money in the budget but would really like to do this. Council President Beardslee reminded everyone that Council Member Powell would like a theme for the City to be addressed again. Brian Leahy and his committee will bring to June meeting.

Having no further business, Council Member Chotas made the Motion to adjourn, with Second by Council Member Powell. The meeting adjourned at 9:32 p.m.



Judy Beardslee  
Council President

ATTEST:



Bea L. Meeks, MMC, CPM  
City Clerk

APPROVED BY CITY COUNCIL ON: JUNE 19, 2012