

**EDGEWOOD CITY COUNCIL  
FEBRUARY 19, 2013 CITY COUNCIL REGULAR MEETING**

On Tuesday, February 19, 2013, Council President Judy Beardslee called the Edgewood City Council Regular Meeting to order at 6:34 p.m. The invocation was given by Council Member Powell followed by the Pledge of Allegiance.

The following attendance is noted:

**Attendees:**

Ray Bagshaw, Mayor  
Judy Beardslee, Council President  
John Dowless, Council Member  
Lee Chotas, Council Member (arrived late)  
Neil Powell, DDS, Council Member  
Pam Henley, Council Member

**Staff**

City Clerk Bea Meeks  
Administrative Assistant Cinnamon Wild  
Chief Marcus  
City Attorney Smith

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**CONSENT AGENDA**

***Approval of the following:***

- *December 4, 2012 City Council Workshop*
- *December 18, 2012 City Council Meeting*
- *Crowder Gulf Disaster Recovery and Debris Management Agreement*

City Clerk Meeks said that, in an earlier discussion with Council Member Chotas, he indicated corrections/changes to the December 4, 2012 Workshop Minutes, and she asked that they be pulled until Council Member Chotas is present to provide the changes/corrections.

***Council Member Powell made the Motion to approve the December 18, 2012 City Council Meeting Minutes and the Crowder Gulf Disaster Recovery and Debris Management Agreement, with Second by Council Member Dowless. Approved unanimously 4/0.***

## PRESENTATIONS

### 1. *Mayoral Proclamation – Pine Castle Pioneer Day*

Council President Beardslee referred to Mayor Bagshaw, who presented a Proclamation proclaiming February 23 and 24, 2013 Pine Castle Pioneer Day.

#### A. ORDINANCES – FIRST READING

##### 1. Ordinance 2013-01

**AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SUBPART B “LAND DEVELOPMENT REGULATIONS”, CHAPTER 101, “GENERAL AND ADMINISTRATIVE PROVISIONS”, CREATING ARTICLE I, ENTITLED “PASS-THROUGH FEES”, IN THE CODE OF ORDINANCES; PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance 2013-01 in title only.

***Council Member Dowless made the Motion to approve Ordinance 2013-01, with Second by Council Member Henley.***

Council President Beardslee asked for discussion; there was none. Council President Beardslee asked for comments, and the following comments were given:

**Tina Demostene, 5106 Leeward Way, Edgewood, FL.** Ms. Demostene said she is a Planner and wants to make sure that the Ordinance covers the deficits. She asked about the raw costs and what are the deficits. Council President Beardslee referred to the Mayor. The Mayor said there are deficits as it relates to the consultant’s invoiced amount and the City’s required fee, which, in some cases, does not cover the consultant’s fee. She said she wants to make sure that the fees are being absorbed by the homeowner, and not the City.

**Roxanna Sigler-5004 The Oaks Circle, Edgewood, FL.** Ms. Sigler said Council was previously given an accounting of fees. She asked what FEG’s contract term is, and was told it is 5 years, with 2 additional years but can be terminated with 30 days’ notice. She said she does not want to pay for additions to homes or boat docks that she cannot use. She said her concern is “taxpayers’ money being spent wisely.”

Council President Beardslee announced that Council Member Chotas is now in attendance.

Council Member Powell said Council had a workshop regarding the pass-through fees. He said that based on the figures he sees, the City Clerk has helped to bring things in line so that the City is not being absorbed with a lot of extra costs that should not be passed on to the citizens. Council Member Powell said he has a concern about residents having to get a permit for everything.

Council Member Chotas said development should bear its weight as it seeks approval. He said he has questions about some of the wording in the Ordinance, and feels a workshop is needed. He asked for a delay so he could have time to discuss with the City Attorney.

Council Member Dowless wanted to know if Council Member Chotas' concerns were application or substance. Council Member Chotas said he feels there should be some degree of predictability by the developer so that when they file an application, they know what their costs will be. He said the changes he is dealing with are the words that are clear and eliminate any ambiguity. City Attorney Smith confirmed for Council President Beardslee that Council saw this Ordinance in a workshop. City Attorney Smith said changes can be made as long as it does not affect the title. Council Member Chotas said he does not think it will change the title.

Tina Demostene referenced Page 4, Line 161, suggested changing to show that Certificate of Occupancy will not be issued until all fees are paid. City Attorney Smith said there is a paragraph in the Ordinances that provides for this.

The Second and Final reading of Ordinance 2013-01 was approved by the following roll call vote:

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

Council President Beardslee announced that the second and final reading will be March 19, 2013.

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

None.

#### **NEW BUSINESS**

1. Resolution 2013-02

**A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2012-2013 FISCAL YEAR; AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Smith read Resolution 2013-02 in title only. *Council Member Powell made the Motion to approve Resolution 2013-02, with Second by Council Member Dowless.*

Mayor Bagshaw said that, in driving through the City, he saw the need to repair all City sidewalks that have been neglected. Council President Beardslee confirmed that the request was to move funds from red light citation revenues into sidewalk expenditures. There were no comments from the audience.

Resolution 2013-02 was approved by the following roll call vote:

<i>Council Member Powell</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Henley</i>	<i>Favor</i>
<i>Council President Beardslee</i>	<i>Favor</i>

Council President Beardslee noted under "Old Business" is permitting fees and that it will probably take a while to discuss. For this reason she would like to let those who have signed up to speak and to have the opportunity to do so. Mayor Bagshaw said that most are probably here to discuss the trees removed on Jessamine.

Mayor Bagshaw reported that the HOA at Legacy had an arborist report that showed that the trees on Holden Avenue were planted so close to Legacy's wall and sidewalk that damage was going to be incurred. The trees were also directly under the power lines and Duke Energy was topping the trees. The City approved removing the oak trees however, the HOA has to replace the trees. The HOA also removed trees on Jessamine Lane that the City was unaware of until resident David Willis contacted the Mayor. He said he believed the residents are in attendance for resolution.

Brett Barner: 5101 Cranes Point Court (2-year resident) said part of the allure in the City was the trees on Jessamine Lane. He said he looked at the Ordinance and knows that there is a permitting process including fees. He wanted to know how council is addressing the matter. City Attorney Smith said the plan is that the HOA will have to provide a mitigation plan. He said there is also a civil fine per tree. City Attorney Smith confirmed for Council President Beardslee that the replacement tree should be comparable; size for size. City Attorney Smith said he is not aware of a mitigation plan at this time. Mr. Barner said he would like to see them replace the trees. Mayor Bagshaw said some of the reasons sidewalks are damaged is because of where oak trees are being planted. He said Duke Energy is saying do not plant an oak tree within 50 feet of a power line.

Council Member Henley asked who is approving the plans for the trees that are being planted. Council President Beardslee said she was on Council when the plan was approved. She said it occurred at the time when all the hurricanes hit and the City lost a lot trees.

JT Blanton said this is Edgewood and there is a lot of wood and there are going to be cracked sidewalks.

David Willis-5157 Cranes Point Court: Mr. Willis said he is representing himself individually and Cranes Point HOA. Mr. Willis said he is familiar with the background of the Beazer development. He said the subject location was an orange grove. He said at the time of the development, the area residents were concerned about the removal of the trees. He said it was part of the requirements imposed by Council to maintain the trees inside and outside of Legacy. He said that he did not think that any official has the right to remove the trees on Holden Avenue. He noted his request for records and it lacked an application and fees. He wants to know why they did not adhere to the City Code. He asked "what are the replacement trees". He said no one was consulted about trees on Jessamine Lane. He questions whether the HOA had the authority to remove trees on Holden. He explained to Council President Beardslee the right-of-way on Holden Avenue versus Jessamine Lane. He questioned the application, fees, compliancy and who authorized the removal. He requested that the matter come back to the agenda as an official item as it relates to the proposed action.

Michael Hendrix-5001 Legacy Oaks Drive – Legacy HOA Treasurer - He said that on Holden Avenue there was a power line issue, sidewalk issue, and they have issues with Beazer as it relates to the subdivision wall. He said he understands that the oak trees were supposed to be Laurel Oaks as opposed to the Live Oaks. He confirmed for Council President Beardslee that he is speaking individually and on behalf of the HOA. He confirmed that the HOA intends to replace the trees. Council President Beardslee noted that

Mr. Hendrix provided a letter from the arborist regarding the trees. Council Member Dowless acknowledged that he lives in Legacy and that he is on the HOA board. Council Member Dowless showed pictures of the condition of the trees on Jessamine Lane (attached to these minutes). Council Member Dowless said he understands that there was a miscommunication between the HOA president and the arborist regarding a permit for the trees on Jessamine Lane. He said that Legacy has every intention of replacing the trees. Mr. Hendrix said Legacy is bearing the costs, not the City. Council Member Henley said that she understands that part of the property is City property, and part of the property is shared property. Council Member Dowless said that the HOA president reviewed records in Orange County and he was told that this part of the property was not deeded. Council Member Dowless said he does not know. Council Member Dowless said they are trying to "get to the bottom of this". Mayor Bagshaw confirmed that if a tree is diseased, or going to cause damage, fees can be waived. City Attorney Smith confirmed for Council Member Dowless that the tree replacement had to be comparable in size and type. Mayor Bagshaw noted for Jessamine Lane, there was a maintenance agreement between the City and Beazer that shows Beazer was to maintain; this is City right-of-way. This was conveyed to the HOA. City Clerk Meeks said this was Track K, a City right-of-way. Mr. Willis said there are a couple of small City rights-of-way at the corner of Jessamine Lane and Holden Avenue. Additionally, there is a small section of City right-of-way which was dedicated as part of the subdivision. He said as you go down Jessamine Lane and it makes a right hand turn there is a small section also dedicated as part of the plat as City right-of-way. Mr. Willis said there is absolutely no question that the entire property from the wall out to the road is City right-of-way along Jessamine Lane. Mr. Willis said that is not the typical situation where you have a private home owner or company coming in to say they want to take down a tree on my property. He said this was mandated as a condition of the subdivision's approval. He said the entire Council unanimously approved the condition.

Richard McMillin- 5558 Jessamine Lane: Mr. McMillin said the Live Oak was specifically specified because of the longevity. He wants to know why a member on the Council, who was also on the HOA in Legacy, allowed the situation to happen. Council Member Dowless said all he was aware of being permitted was Holden Avenue. He said he did see an email that went to the Board regarding Jessamine Lane and responded and said "you must get a permit", and he was not aware of the tree removal until after the fact. Mr. Hendrix confirmed that Council Member Dowless did send an email stating that a permit needs to be pulled.

Council President Beardslee said to sum it up, trees were removed on Holden Avenue and Jessamine Lane around the Legacy subdivision exterior wall. No permit was issued for Jessamine Lane due to confusion between the arborist and the HOA. Council President Beardslee asked what about the process for issuing a tree permit? Mayor Bagshaw said either the tree company (on behalf of the homeowner) or the homeowner comes in and makes application. He said, depending on the situation, there may or may not be a fee, or a requirement to replace the tree. The Mayor said the code says any Council member can approve. City Attorney Smith confirmed for Council Member Chotas that a maintenance right-of-way agreement was executed. City Attorney Smith said the Agreement obligated Legacy to maintain the landscaping within the right-of-way. City Attorney Smith said he didn't think the Agreement addressed trees. In response to Council President Beardslee, City Attorney Smith said the Code controls. Council Member Chotas said this is a code enforcement issue and should go there. City Attorney Smith said yes, but does not necessarily have to go to Code Enforcement. Council Member Powell said he did not hear a specific date as to when the trees are going to be replaced. Mr. Hendrix said there is an HOA meeting in March and they will present a plan to the association at that meeting. Council Member Powell noted trees planted on Waterwitch Circle, stating that the City took responsibility for the trees, but now there are problems with the sidewalks. He said that no one individual wants to pay for sidewalks. Council Member Chotas said that there needs to be a mitigation plan in the context of a Code Enforcement hearing and the mitigation plan will show what should be

done in the terms of trees and sidewalk modification that would make a long term sustainable place for people to walk along the road, have shelter and have some degree of enjoyment of the amenities of our community. Council Member Chotas and Council President Beardslee said they have no objection to staff moving the issue to Code Enforcement. Chief Marcus said Code Enforcement is not in the position or expertise to come up with a plan. City Attorney Smith said Council wants to start the Code Enforcement process; not to craft a mitigation plan. He said the point of Code Enforcement is to determine if there was a violation and if there is a violation, issue the appropriate citations. David Willis said Legacy needs to submit in writing what they propose to do, and suggested City Council should formally change the conditions of the Legacy subdivision.

Mayor Bagshaw noted that there is an agreement that states certain things on Jessamine Lane, and this is where it is confusing. He said the HOA was put on notice to stop removing the trees and it stopped. Council Member Chotas said that he does not recall that there is anything that says landscaping and trees are maintained in perpetuity. Mr. Willis said it was in perpetuity in the Legacy Agreement. Council President Beardslee said direction has been given and an update should be given in March.

## **OLD BUSINESS**

### **1. Permitting Fees**

City Clerk Meeks presented the concerns regarding permitting fees and provided Council with a spreadsheet revealing receipts versus payments made to FEG for their review. She noted that not all the fees paid covered the invoiced amount from FEG. City Clerk Meeks said that in almost all the applications received, the fees for boat docks, gas lines, and additions to homes, variances and special exceptions do not cover the consultants' review fees. City Attorney Smith suggested including the Engineer in this discussion. City Clerk Meeks addressed concerns with FEG and checklists that she requested. City Clerk Meeks said that if staff had the checklists, it would minimize review time. She said that with almost every application provided to FEG, they request additional documents. Council President Beardslee asked the Mayor to meet with Engineer Sebaali to address the concerns. Mayor Bagshaw said he can do that before the next meeting. City Attorney Smith said he will check with some other cities as to their required permitting fees.

Roxanna Sigler: Ms. Sigler said she is troubled by the multiple requests to FEG for a checklist, and feels it should have come back in a reasonable time. She said she understands there is a learning curve but for how long?

Tina Demonstene: Ms. Demonstene said that the City's fees are low, so do not be surprised to get an analysis that shows the City fees should be higher. She said it is acceptable to include an administrative fee.

City Clerk Meeks asked and received additional time to provide a proposed fee schedule.

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

None.

## **CITIZEN COMMENTS**

None.

## **BOARDS & COMMITTEES**

None.

## **STAFF REPORTS**

### **1. Police Chief**

- Reported that the on site assessment for accreditation is March 12, 2013.
- Reported that violence continues to surround Edgewood; his officers continue to work hard to keep it away from Edgewood.
- Reported that there is nationwide attention regarding school security and his department is in the process of creating a response and protocol plan for an active shooter.

### **2. City Clerk**

### **3. City Attorney**

- Reminder to re-address the sign code. He said it will be a lengthy process and historically, he works with staff first and then the matter goes to workshop.

## **MAYOR & COUNCIL REPORTS**

### **Mayor Bagshaw:**

None

### **Council Member Chotas:**

Reported on the monthly meeting he attended of the Friends of Cypress Grove Park. He provided a flyer to Council regarding upcoming events in the park. He also provided City Clerk Meeks with a copy of the minutes for the February 4, 2013 meeting. Council Member Chotas said he hopes the Mayor will work with the Parks department for a concert event. Mayor Bagshaw said he has been in communication with "Todd", who oversees Orange County parks.

Council Member Chotas said with the City Clerk's assistant, he did some research regarding the tower and has not heard anything further regarding approvals particularly, the Starceovich property. City Attorney Smith agreed with Council Member Chotas that the City is preempted from regulating co-locations but not land use. City Attorney Smith noted E911 legislation and stated that if the footprint is not expanding but just an antenna on existing tower, there is no public hearing process.

### **Council Member Henley:**

Council Member Henley noted the City's change to Peachtree. She said the original idea was to bring in a qualified accountant/bookkeeper but the person brought in was not meeting the needs of the City. The City would not fill the position and it would be absorbed in house. She said in June she sent an email requesting that 941s and W2s not be done in-house. She said that it didn't occur. She said that the City Clerk did them. She said not all the information was on the W-2. She said she personally feels that it is the right move to bring Peachtree in-house but feels the City needs someone who knows how

to do Peachtree, or otherwise outsource. Staff has done a great job trying to fill the gap. City Clerk Meeks confirmed that the 941s have always been done by Marge Peters (McDermitt~Davis) since the departure of the Accounting Clerk. City Clerk Meeks said she was not aware of the request that staff not prepare the W-2s, and that she did not come in on Saturday to prepare the W-2s. She said the problem is that the information on Peachtree on Cinnamon's computer is not on all the other computers. Council Member Henley said she understood that the problem is that the computers are not all updated. City Clerk Meeks said computers are updated every time the request is made. Council Member Henley thinks Shannon should be doing the payroll. Chief said his position is that he prefers she didn't but he will do what Council directs. ***It was the consensus of Council for the Mayor and staff to move forward to outsource payroll.***

**Council Member Dowless:**

None.

**Council Member Powell:**

Council Member Powell reported that the double tracking CSX has done for the Sunrail project has left a lot of debris, and he has been working with them to keep right-of-way cleaned up.

**City Clerk Meeks:**

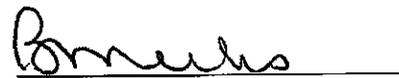
- Updated Council on the March municipal election.

**ADJOURNMENT**

Having no further business, ***Council Member Dowless made the Motion to adjourn the meeting, with Second from Council Member Powell.*** The City Council meeting adjourned at 9:11 p.m.

  
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John Dowless  
Council President

**ATTEST:**

  
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Bea L. Meeks, MMC, CPM  
City Clerk

**APPROVED BY CITY COUNCIL ON JUNE 18, 2013.**