

**EDGEWOOD CITY COUNCIL
MAY 21, 2013 CITY COUNCIL REGULAR MEETING**

On Tuesday, May 21, 2013, Council President Judy Beardslee called the Edgewood City Council regular meeting to order at 6:33 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 President Pro Tem
Lee Chotas, Council Member
Neil Powell, DDS, Council Member
Pam Henley, Council Member

Staff

City Clerk Bea Meeks
Chief Marcus
City Attorney Smith



Council President Beardslee said that she had some news to share with Council. She said she has served the Council for nine and one-half years. She said the City is a great place to live and she has learned so much serving on Council from all levels. She said she has worked with many wonderful and knowledgeable people. She then announced that she is resigning from the Edgewood City Council; effective immediately. She provided her letter of resignation to each Council member. In response to Council Member Chotas, she said she is resigning for a variety of reasons. Council Member Dowless said he admired the Council President's tenure and appreciates her experience, acumen, cautiousness and insightfulness. He said her resignation is a loss for Edgewood and she will be missed.

Council Member Powell made the Motion to express the Council's gratitude, with Second by Council Member Chotas, who said he still doesn't know why she resigned but respects her reasons. Unanimously approved.

Former Council President Beardslee handed the gavel to Council President Pro Tem Dowless.

A. CONSENT AGENDA

- Minutes – Special City Council Meeting – April 23, 2013

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

PRESENTATIONS

None.

Mayoral Proclamation

None.

City Attorney Smith said the City Clerk needs to schedule the election of a new Council President for the June Council meeting. Council President Pro Tem Dowless announced a change in the order of the agenda, and said that Tom Reilly, CPA, will present the City's 2011/2012 audit

1. Holland & Reilly – 2011/2012 FY Audit

Tom Reilly presented the following audit report for the 2011/2012 FY (Power-point presentation attached to the minutes):

- Noted that Council has been provided with two reports; the full audit report and the back-up documents to the audit report.
- Noted that there were a few challenges in the 11/12 FY
 - Staff turn-over in the accounting department
 - A lot of reclassifications on the general ledger
- Noted that there was excellent cooperation with staff. Mr. Reilly said his primary source of contact was with City Clerk Meeks, Administrative Assistant Cinnamon Wild and Mayor Bagshaw. He said everything his firm asked for was timely provided.
- Financial Statements
 - Referring to the Table of Contents, beginning with the financial section; Mr. Reilly noted that there is the Auditor's Report and the Management's Discussion & Analysis.
 - Holland & Reilly rendered an unqualified opinion on the Financial Statements.

Mr. Reilly said this will be the last year that Council will hear the term unqualified opinion. The reports will now be called unmodified reports.

- Management Discussion & Analysis
 - The analysis is the comparison of numbers from last year and the current year. The explanations come from management, as Holland & Reilly are prohibited from writing the explanations. Mr. Reilly said the explanations are intended to describe in layman's terms what happened during the course of the year.
- Financial Statements (Two Sets)

- Pgs. 10-11 provide the government wide financial statements on the accrual basis of accounting
- Pgs. 12 and 14 provide the financial statements based on the modified accrual basis of accounting; Assets and Depreciation. Mr. Reilly noted that this is all the City has because the City has no debt
- Pgs. 13 and 15 provide the reconciliation from the modified accrual basis to the accrual basis
- The Financial Statements consist of the fund financial statements to government wide financial statements

Mr. Reilly said the red light citations impacted the City's funds this year. He said the funds generated a net of \$247,373. He noted a decline in investment earnings; citing an unrealized gain in the City's SBA Investment earnings. He said the City looks excellent.

He said the City gets most of its revenue from Ad Valorem and the State, except for the addition of red light citation revenue. Additionally, most of the funds go into the general fund expenditure; most of which are spent in public safety. Mr. Reilly said the standards changed two years ago from unreserved balance, to unassigned fund balance. He said the City was impacted by FEMA monies and school impact fees paid. He said those funds were "pretty much" made up this year.

Mr. Reilly said the Board of Governance letter is a required communication between Holland & Reilly and the City. He said it is an opinion of reasonable assurance however, he noted that his firm does not check every single transaction. He noted that twenty-six adjustments were made that netted \$176,000.

- Management Letter

- Noted that the report on internal control can be found on pages 33/34.
- Noted that the red light camera subsidiary ledger should reconcile with general ledger.
- Addressed Council Member Powell's question regarding the unrestricted reserve exceeding the 75% gross annual revenues, which conflicts with the Charter. Mr. Reilly said they are simply addressing what the Charter says and not saying anything is wrong. He said the City may want to commit to take out of an unassigned category. Council Member Chotas questioned the reserves exceeding 106%, as noted in the audit. Mr. Reilly said he will review and advise at a later date if the percentage was incorrect. Council Member Chotas said the goal would be not to spend more but to unburden the tax payers. Mayor Bagshaw said the revenues from red light cameras may not always be in place, as they come up for review every year. He said that there were a lot of things not included in the budget for roads and streets. He said these things need to be put on a schedule so that the City doesn't face the emergencies that it has recently been faced with

- In response to Council President Pro Tem Dowless, Mr. Reilly said he feels the accounting issues are being addressed
- In response to Council Member Henley, Mr. Reilly said in his opinion there have been improvements made in the City's accounting. He said Administrative Assistant Cinnamon Wild is bright and has made good improvements

CITIZEN COMMENTS:

None.

STAFF REPORTS

City Attorney:

City Attorney Smith provided a memorandum to Council regarding new legislation addressing public participation at public meetings. He said Council has always accepted public comments and now need to formalize the process. ***It was the consensus of Council to wait and see how other municipalities address this legislation.***

Police Chief:

Chief Marcus said that it is hurricane season and that he revised the preparedness plan. He said his department is still soliciting for residents who have special needs, in case of emergency situations.

Chief Marcus said a false alarm notice has been sent to a City business owner, who has not responded. He said he provided a copy of the letter to the City Clerk and he would like her assistance in recovering the fees for the excessive false alarm responses by his department. ***It was the consensus of Council that the City Clerk sends a letter requesting payment. If the fee is not paid, the City Clerk will request approval from Council to record a lien against the property owner.***

Chief Marcus reported that Police Car #56 "died". He said repairs will cost \$1000 and he is not willing to pay this. He said he would like to purchase a replacement vehicle; the cost will be \$35,000. Mayor Bagshaw agreed that the purchase should be made, including getting the vehicle outfitted.

Council Member Powell made the motion to amend the budget to use funds from the Contingency Fund, not to exceed \$35,000, to purchase the vehicle; seconded by Council Member Dowless.

Council President Dowless opened for public comment.

City Attorney Smith confirmed for Judy Beardslee that a budget amendment is required to move the funds.

Motion unanimously approved.

Chief Marcus said there is a second car (#57) that needs to be replaced. In response to Council Member Powell, the Chief said the car might get \$1000 in a surplus sell.

Council Member Henley asked about the process regarding the City's Insurance. City Clerk Meeks said she has been working on getting the insurance rates. City Clerk Meeks said there is a committee however, the insurance company cannot give quotes; they can only give estimates. Council Member Henley said she wants to make sure that the officers and all staff is protected by the policy.

City Clerk:

City Clerk Meeks reported on the following:

- U.S. Census Bureau is conducting the American Housing Survey. For this reason, some Edgewood residents may be contacted.
- Finalizing paperwork to renew the City's insurances (FMIT) with the Florida League of Cities.
- Mayor has documents from the Florida Department of Transportation to sign. When the State receives the signed document, the City will receive funds in the amount of \$12,859. These funds are included in the current fiscal year budget and they are associated with the Traffic Maintenance and Signal Agreement.
- Announced that she achieved her certification as business tax official (CBTO)
- Reviewing information from the County regarding the non-ad valorem assessment; unit count due July 1, 2013.
- Payroll outsourcing to Payroll Processing Plus is complete.
- Announced vacation from May 24, 2013 thru May 31, 2013.
- City Hall staff receiving a lot of questions regarding permitting and zoning.
- Comprehensive Plan Amendment near completion and ready to move forward to transmittal approval.

Code Enforcement:

No report.

MAYOR & COUNCIL REPORTS

- Mayor Bagshaw

Mayor Bagshaw reported that the design firm has been awarded a contract for the redesign of lighting and turn-lanes at Orange, Holden and Gatlin Avenues. He reported on the status of sidewalk repair. He said the residential area should be complete this week or by the first of next week (May 27, 2013). Mayor Bagshaw reported that the road repair contract came in close to the budgeted amount ensuring the three areas on the schedule will be repaired. As an FYI, Mayor Bagshaw said Dan Evans who has been very generous to the City particularly, in his donations to Toys for Tots program, is closing his HVAC company. He said Mr. Evans is closing his business to retire but will still be an Edgewood resident. Mayor Bagshaw said he will be sending Mr. Evans a letter acknowledging his retirement and thanking him for his generosity to the City.

- Council Member Powell

Council Member Powell said the County requires sidewalks but people walk in the street. In response to Council Member Powell, Chief Marcus said as long as they are not obstructing traffic they can walk in the road.

➤ Lake Mary Jess Shores Court

Council Member Powell updated Council on the history of the funds received from the Orange County Department of Environmental Protection, designated for water control/retention. He said the City committed \$100,000 to improve the quality of water coming off of Orange Avenue and surrounding areas that flows into Lake Mary Jess. He said DEP came up with a plan to divert the water into a retention pond off of Commerce Drive; the project is completed. He said extending the canal is still a work in progress; part of the water that flows into the ditch comes off of the City's property designated by the City as part of flood control for the neighborhood. He said it is a concrete structure so that when the water gets too high theoretically, it flows through a culvert out into a berm on the south side of the property separating it from the ditch. He said it was pointed out to him that the culvert has rusted out. Council Member Powell was told by DEP that if the property was designated a wetland, this would be DEP's problem. According to Dan Homblette, who did a site visit with Council Member Powell, the property is not a wetland; it is designated as a retention pond. Council Member Powell thinks the property should be placed on the market. Council Member Chotas said there could be a negative value instead of a positive value, and that this is an engineer and attorney question. In response to Council Member Chotas, City Attorney Smith said he would not order a title search at this time, and agree this is an engineering question. Mayor Bagshaw said the Lake Mary Jess retrofit project may come in under budget and funds may be available to help.

Council Member Powell said they recently completed the repaving of Holden Avenue. He has been making calls to the County Public Works' Department about the stripping, and was told that they will lengthen the stripping.

Council Member Powell said he received a call from a resident who was concerned about the trees on the South side of Holden Avenue. He said the trees are in the County therefore, he gave notice to the County.

In response to Council Member Powell, Mayor Bagshaw said that the Legacy HOA has obtained a landscape architect and have recommendation of 3 trees; but decay of root destruction is the hold up.

Council President Pro Tem Dowless

No report from Council President Pro Tem Dowless.

- Council Member Henley:

No report.

- Council Member Chotas:

Council Member Chotas thanked Chief Marcus and Det. Beardslee for meeting with him. He said he will be working as the liaison for code enforcement.

OLD BUSINESS

1. Resolution No. 2013-03

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 No. 2013-03 in title only. City Clerk Meeks explained that the Resolution is a budget amendment. She said the amendment includes the addition of a line item to support the Commerce Drive project. Council President Pro Tem Dowless opened for public comments; there were none.

Council Member Powell made the Motion to approve Resolution 2013-03, with Second by Council Member Henley. Unanimously approved.

NEW BUSINESS

None.

BOARDS & COMMITTEES

None.

ORDINANCES

1. Ordinance No. 2013-02

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, ANNEXING A 0.33± ACRE PARCEL OF UNINCORPORATED ORANGE COUNTY, FLORIDA INTO THE CITY OF EDGEWOOD, WHICH PARCEL IS LOCATED IN THE SOUTHWEST CORNER OF THE HOFFNER AVENUE AND HANSEL AVENUE INTERSECTION, AND WHICH IS CONTIGUOUS TO THE CITY OF EDGEWOOD; REDEFINING THE BOUNDARY LINES OF THE CITY OF EDGEWOOD, FLORIDA TO INCLUDE SAID PARCEL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 2013-02 was pulled from the agenda due to the objections from Orange County.

2. Ordinance No. 2013-03

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY CODE BY EXPANDING CHAPTER 62, TRAFFIC AND VEHICLE, THROUGH ADOPTION OF ARTICLE IV, THE "TRAFFIC LIGHT SAFETY ACT"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2013-03 in title only. He updated Council on the new legislation pending the governor's signature. He explained that an appeal of a red light citation will go before the local hearing officer. City Attorney Smith said this is a codification of what the State has already done. In response to Council Member Henley, City Attorney Smith said he thinks the process will be less burdensome and not cost as much as going to County hearings. In response to Council Member Powell, City Attorney Smith said Council will appoint the hearing officer and they will have legal training. He said the legislation allows the City to use their current special magistrate. He said he has concerns with this, as does the special magistrate as it relates to dual office holding. He said the special magistrate has made a recommendation for the red light hearing officer. City Attorney Smith said he will bring the information to the next meeting, if Council chooses to have a local hearing officer.

Chief Marcus confirmed that the City does not cite right turns on red. City Attorney Smith confirmed the magistrate gets paid regardless if costs are awarded or not.

Council Member Powell noted that at page 70, line 90, the paragraph does not speak to turning to right on red. City Attorney Smith said the verbiage can be removed. City Attorney Smith provided replacement language.

Council Member Chotas made the Motion to approve the first reading of Ordinance 2013-02 with change of verbiage provided by City Attorney Smith, with Second from Council Member Henley

Council President Pro Tem opened for public comment; there being none, public comments closed.

The first reading of Ordinance 2013-03 was approved by the following roll call vote:

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

City Clerk Meeks announced that she will advertise the second and final reading of the Ordinance for public hearing in the June 18, 2013 regular City Council meeting.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

GENERAL INFORMATION (No action required)

None.

ADJOURNMENT

Council Member Powell made the Motion to adjourn the Council meeting, with Second by Council President Pro Tem Dowless. The City Council meeting adjourned at 8:59 p.m.

ATTEST:



John Dowless
Council President



Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON August 20, 2013.