

**EDGEWOOD CITY COUNCIL
REGULAR CITY COUNCIL MEETING
SEPTEMBER 17, 2013**

On Tuesday, September 17, 2013, Council President Dowless called the Edgewood City Council regular meeting to order at 6:30 p.m. The invocation was given by Council Member Chotas followed by the Pledge of Allegiance.

The following attendance is noted:

Attendees:

Ray Bagshaw, Mayor
John Dowless, Council President
Lee Chotas, Council Member
Michael Hendrix, Council Member

Absent:

Neil Powell, Council Member
Pam Henley, Council Member

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Drew Smith, City Attorney
Ellen Hardgrove, Planner
Sam Sebaali, Engineer

City Clerk Meeks announced a quorum with three Council members present, and two Council members absent. She requested Council excuse the absences of Council Members Powell and Henley; both who called prior to the meeting to inform the City Clerk of their absences. ***Council President Dowless asked for Council consensus for approval. Unanimous consensus to approve.***

Council President Dowless asked to change the order of the agenda; there being no objections, he moved to Item "K" (1 and 2), New Business, on the agenda (Select Medical).

NEW BUSINESS:

VARIANCE 2013-02 – SELECT MEDICAL - 5579 South Orange Avenue

SPECIAL EXCEPTION 2013 – 03 – SELECT MEDICAL - 5579 South Orange Avenue

Council President Dowless referred to Planner Hardgrove, who presented her report and explained the applicant's request for a variance. She referred to the Code's criteria for approving a variance. She said the Planning & Zoning Board and staff recommended approval. However, she noted additional information that staff felt was needed. She explained that staff asked for details regarding buffering. Council President Dowless asked about the special conditions that were requested when the facility was initially approved. Planner Hardgrove explained the additional width needed for the right-of-way. She said the request meets the first of the five criteria; however, there is a condition imposed on criteria number six. Kevin Mineer, Genesis Group, Tampa, Florida recognized David Fleeman, Thomas Jeffs, architect, along with representatives from the hospital; John Prusaczyk and Nellie Castorman. Mr. Mineer said that Select Medical is asking for variance for a setback (2.5 feet reduction), and for additional beds through the approval of a special exception. He said the variance only addresses the wing that will be located on Larue Avenue. He said the right-of-way given during the initial construction gave the lesser width, which is why the reduction in setback is requested. He said the variance will not impact the farmers market or City Hall parking. Additionally, an access will be created on Gem Street. Mr. Mineer noted that Select Medical is proposing to add additional landscaping. He said the intent of the Code is still met because the sidewalk still allows for 15 feet. He said they are proposing dynamite red Crepe Myrtle trees. City Attorney Smith confirmed for the City Clerk that Council is only addressing the variance. Mayor Bagshaw agreed and asked that discussion regarding landscaping be held with staff before the final plan is presented. City Attorney Smith said there is no problem with discussing the special exception along with the variance, as long as Council's decision is made in separate motions. Planner Hardgrove said the special exception is for thirty-two additional beds. She noted that the Code has four criteria that must be met. She said staff and the Planning & Zoning Board agreed Select Medical is above the minimum criteria requirement. In response to parking space requirements, Engineer Sebaali said that the City's Code is not specific. He said the plan provides for two parking spaces per bed. Engineer Sebaali said he does not know if the parking is proportional to the additional staff. Planner Hardgrove said they are adding 65 parking spaces. Nelly Castorman, CEO, Select Medical, said there are currently 165 employees. She said there are at least 35 employees during a shift. She said Select Medical anticipates the addition of 15 to 30 employees with the expansion. She noted that this would be about 50 employees during the day shift. Planner Hardgrove confirmed that there are currently 79 parking spaces. John Prusaczyk, Director of Plant Operations, Select Medical, confirmed that sometimes Select Medical's parking lot is full. He said he is comfortable with the additional parking that is proposed. David Fleeman, Genesis Group, said they are proposing 51 spaces in the first phase, which exceeds the parking space requirements. Total parking with phase two will be 144 spaces. Planner Hardgrove said it is all regular parking and no additional handicap spaces, as all were done in the initial building of the facility. Engineer Sebaali said the ratio will improve with the addition. Engineer Sebaali said they might want to consider all parking be put in place in the first phase. Engineer Sebaali said that the Planning & Zoning Board recommended approval subject to his recommendations. Engineer Sebaali highlighted his conditions for Council. Engineer Sebaali said that the approval tonight should not be for the plan submitted; only approve special exception. David Fleeman confirmed for Council they are okay with the conditions being made subject to approval.

Council President Dowless opened to the public; there being no questions or comments regarding the applications for a variance and special exception, Council President Dowless closed the public hearing.

Council Member Chotas made the Motion to approve the applicant's request for a Variance subject to the conditions set forth in staff reports, Seconded by Council Member Hendrix.

Select Medical's application for Variance #2013-02 was approved by the following roll call vote (3/0):

Council Member Chotas	Favor
Council President Dowless	Favor
Council Member Hendrix	Favor

Council Member Chotas made the Motion to approve the applicant's request for Special Exception and incorporating the conditions of the City Planner and Engineer, Seconded by Council Member Hendrix.

Select Medical's application for Special Exception #2013-03 was approved by the following roll call vote (3/0):

Council Member Hendrix	Favor
Council President Dowless	Favor
Council Member Chotas	Favor

**Council President Dowless Recessed the Council Meeting at 7:15 p.m.
Council President Dowless Reconvened the Council Meeting at 7:21 p.m.**

CONSENT AGENDA:

1. Review and Approval of Minutes
 - June 18, 2013 Regular City Council Meeting

Council President Dowless noted that at Page. 7, under Council Member Powell's report, the word should be striping instead of stripping. City Clerk Meeks noted that the correction will be made. There were no other corrections/changes/additions made to the June 18, 2013 minutes.

Council Member Hendrix made the Motion to approve the June 18, 2013 minutes with correction, Seconded by Council President Dowless. Unanimous approval of minutes with correction.

3. Cornerstone Charter Academy – Ducktoberfest – Request For Sponsorship

Mayor Bagshaw said the City has helped sponsor this event for the past few years, and encourage Council to make a donation. City Clerk Meeks said last year Council donated \$500.00.

Comments:

Shirley Cannon, 1314 Shorewood Drive, Orlando, FL stated that there was a time that there was no community school, and that supporting a good school helps the community. She encouraged Council to sponsor the event.

Roxanna Sigler, 5004 The Oaks Circle, Edgewood, FL, said that she doesn't want to see an increase in the donation.

Consensus of the Council to approve a donation in the amount of \$500.00.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

Ordinance 2013-05 AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COUNCIL," PROVIDING RULES AND REGULATIONS RELATED TO PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS; CREATING CHAPTER 2, "ADMINISTRATION," ARTICLE VIII, "PUBLIC PARTICIPATION BEFORE BOARDS AND COMMITTEES," PROVIDING RULES AND REGULATIONS RELATED TO PUBLIC PARTICIPATION AT BOARD AND COMMITTEE MEETINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2013-05 in title only. City Attorney Smith said Section 1 applies to Council, and Section 3 applies to City boards.

Council President Dowless opened to the public; there being no questions or comments regarding Ordinance 2013-05, the Council President closed the public hearing. **Council President Dowless made the Motion to approve Ordinance 2013-05, Seconded by Council Member Hendrix.**

Ordinance 2013-05 was approved by the following roll call vote (3/0):

Council Member Hendrix	Favor
Council Member Chotas	Favor
Council President Dowless	Favor

City Clerk Meeks confirmed with the City Attorney that the Ordinance's effective date is October 1, 2013.

Ordinance 2013-06 AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES UPON THE ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS FOR FISCAL YEAR 2013/2014, BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2013-06 in title only. **Council Member Hendrix made the following Motion:** I move to adopt Ordinance No. 2013-06 setting the City of Edgewood's millage rate for Fiscal Year 2013/2014 at 4.7000 mills which represents a .0780 percent increase over the roll-back rate of 4.6636 mills. **The Motion was Seconded by Council President Dowless.**

Council President Dowless opened to the public; there being no questions or comments regarding Ordinance 2013-06, the Council President closed the public hearing.

Ordinance 2013-06 was approved by the following roll call vote (4/0):

Council President Dowless	Favor
Council Member Chotas	Favor
Council Member Hendrix	Favor
Mayor Bagshaw	Favor

Resolution 2013-08 A RESOLUTION OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2013/2014, BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Resolution 2013-08 in title only.

Discussion: Mayor Bagshaw confirmed for Council President Dowless that the farmer's market/special events will be one line item in the budget. Mayor Bagshaw also confirmed that accounting services are under Contracts/Consulting; the total budget for this service is \$35,000. Mayor Bagshaw confirmed that \$125,000 is designated for Capital Improvement Project(s) (CIP). Council Member Chotas said that in the next fiscal year he wants to have a zero based budget.

Council President Dowless opened to the public; there being no questions or comments regarding Resolution 2013-08, the Council President closed the public hearing. **Council President Dowless made the following Motion:** I move to adopt Resolution No. 2013-08 adopting the City of Edgewood's budget for fiscal year 2013/2014. **The Motion was Seconded by Council Member Chotas.**

Resolution 2013-08 was approved by the following roll call vote (4/0):

Council Member Chotas	Favor
Council Member Hendrix	Favor
Council President Dowless	Favor
Mayor Bagshaw	Favor

NEW BUSINESS (continuation)

- City Code RE: Tree Management & Alcoholic Beverages

At the request of Council President Dowless, City Clerk Meeks provided a copy of the application used to apply for a tree permit. City Clerk Meeks provided information on permits that are approved electronically. She noted that tree permits are not approved electronically because there is a fee associated with the application. Mayor Bagshaw said that City Clerk Meeks has instructed staff not to approve tree permits without an application.

Council President Dowless referred to City Attorney Smith to address the City having the ability to sell alcoholic beverages. City Attorney Smith noted that the Code allows Council to approve alcoholic beverages on public property for special events. The City is exempt except for the condition of serving

alcoholic beverages. City Attorney Smith said approval can be done by placing a request on the agenda and make a motion to approve. He said Council needs to be very specific as to any conditions they approve. He said this will help the Police Department know if someone is outside the area allowed to consume alcoholic beverages. In response to Council Member Chotas, City Attorney Smith said that the City can get additional insurance for the serving of alcoholic beverages. City Attorney Smith said there is nothing in the Code to prohibit someone bringing their own alcoholic beverages, but approval could be for onsite sales only. Council President Dowless said that he wants this to be a discussion for all Council Members however, he would like for the City Attorney to have something prepared for next meeting.

STAFF REPORTS

- *City Attorney:*

None

- *Police Chief:*

Chief Marcus said the State provided a device to monitor the speed of cars, which his department set up in the Legacy subdivision. He said it has helped to reduce the number of cars speeding through the neighborhood.

He also updated Council on a report previously provided regarding home burglaries being done by an individual on a bike. He said the burglar was caught and arrested by an Edgewood police officer.

Chief Marcus confirmed an insurance plan was approved by staff and open enrollment has been done.

- *City Clerk:*

None.

Code Enforcement:

None.

MAYOR & COUNCIL REPORTS

- *Mayor Bagshaw*

Mayor Bagshaw said comments have been made about staffing in City Hall and said there is a need for the staff that is currently in City Hall. He said staff is doing an outstanding job and is happy to be able to outsource the accounting.

He reminded Council about the Tri-County luncheon at Cornerstone on September 19, 2013. Announced Health Fair at Cypress Grove Park on October 5th (Orange Co.).

He reported that he has begun the landscaping on the "big median". He said this will dress the City up.

- *Council President*

Council President Dowless said he will be moving staff reports to the end of agenda in the next Council agenda.

He announced that he will be attending the Florida League of Cities Community Revitalization summit in Winter Park. Council President Dowless said he has a desire to beautify Orange Avenue and would like to attend a grant workshop in Jacksonville. He said the workshop is for the purpose of learning how to obtain grants for projects like Orange Avenue.

Council President Dowless said he would like to attend the upcoming Institute for Elected Municipal Officials being held in Altamonte Springs. City Clerk Meeks confirmed that she will register him for the class.

- *Council Member Chotas*

None.

- *Council Member Hendrix*

None.

GENERAL COMMENTS:

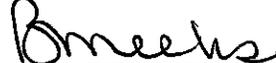
Shirley Cannon announced that the History Committee for the Pine Castle Women's Club is sponsoring a historic map for the Conway chain of lakes. She said that she was given a newspaper article that had been published by the Women's Club in 1959. She said one of the goals at that time was to bring the communities together in South Orlando. She said the Women's Club has the same goal as it did in 1959. She showed Council a historical map of the Conway/Belle Isle/Pine Castle area. She asked that the City help get the word out to residents who have information that will help preserve the City's history. Council President Dowless asked that the information be put in the City Newsletter.

Council President Dowless wished the Police Chief Happy Birthday and adjourned meeting at 8:16 p.m.



John Dowless
Council President

ATTEST:



Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON 10-15-2013