

**EDGEWOOD CITY COUNCIL  
OCTOBER 15, 2013 CITY COUNCIL MEETING**

On Tuesday, October 15, 2013, Council President Dowless called the Edgewood City Council regular meeting to order at 6:32 p.m. The invocation was given by Mayor Bagshaw followed by the Pledge of Allegiance:

The following attendance is noted:

**ATTENDEES**

Ray Bagshaw, Mayor  
John Dowless, Council President  
Neil Powell, D.D.S., Council Member  
Pam Henley, Council Member  
Lee Chotas, Council Member  
Mike Hendrix, Council Member

**STAFF**

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

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**CONSENT AGENDA:**

1. Review and Approval of Minutes
  - August 5, 2013 – City Council Budget Workshop
  - September 17, 2013 – City Council Regular Meeting

Council President Dowless asked for Council consensus to add Holland & Reilly's Agreement to provide audit services to the City, and AED Agreement to the consent agenda. It was confirmed that the funds were approved in the current budget for audit services. If Council approves, the approval will include the Mayor signing the Agreements. Council President Dowless referred to Chief Marcus to explain the AED Agreement.

The following corrections to the Minutes were provided:

August 5, 2013 (Correction provided by Chief Marcus)

“The salary for police officers is based on ~~2084~~ 2184 hours...”

September 17, 2013 (Correction provided by Council Member Chotas)

“Council Member Chotas made the Motion to approve the applicant’s request for a Variance ~~that meets the Code criteria~~ subject to conditions set forth in staff reports, Seconded by Council Member Hendrix.”

***Council Member Powell made the Motion to approve the consent agenda as presented, including corrections to the Minutes; Seconded by Council Member Hendrix. Unanimously approved (4/0).***

## **PRESENTATIONS**

Council President Dowless said that he will move an “Unfinished Business” item regarding legacy tree mitigation to the top of the agenda after presentations. He noted that he was waiting on the arrival of Council Member Henley, who gave advance notice that she would be late.

- Council President Dowless

Council President Dowless did not make his presentation

- Mayoral Proclamation – Week of the Family

Mayor Bagshaw read and presented the Week of the Family Proclamation to Lynn Whitcomb, who was in attendance on behalf of Orange County. Ms. Whitcomb expressed her appreciation for the Proclamation and provided City Clerk Meeks with flyers regarding Week of the Family.

- Mayoral Proclamation – Red Ribbon Week

City Attorney Smith read the Proclamation designating the week of October 23 – 31 as Red Ribbon Week.

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

**Resolution 2013-09:** A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY’S BUDGET FOR THE 2013-2014 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 Clerk Meeks explained that Resolution 2013-09 is a budget amendment. She said if approved, a general ledger account for the HRA funds will be established, along with a designation of funds into the account.

**Council Member Powell made the Motion to approve Resolution 2013-09; Seconded by Council Member Chotas. Unanimously approved (4/0).**

Council President Dowless said he asked to have code enforcement placed on the agenda because of the appearance of Orange Avenue. He said he wanted to see if the Code is adequate, or if Code Enforcement is lacking. City Clerk Meeks explained the history behind the landscaping code; including how the Ordinance was vacated and recreated in 2003 and amended in 2004. Council President Dowless referred to Chief Marcus to explain the Code Enforcement process. Chief Marcus said the City has a code enforcement officer. Chief confirmed that his report is not broken down to show what violations are being sent out by the Code Enforcement officer. Mayor Bagshaw said he thinks the problem is related to the sign Ordinance. Drew said the moratorium on signs is the loophole. **It was the consensus of Council that Code Enforcement will start enforcing the removal of dead landscaping along Orange Avenue; in particular, the dead hedges.**

**Council Member Henley in attendance 6:55 p.m.**

#### **UNFINISHED BUSINESS**

- Legacy Trees

**Council President Dowless and Council Member Hendrix declared a conflict.** City Clerk Meeks confirmed that both Council Members were provided with conflict forms.

**Council President Dowless turned the gavel over to Council President Pro Tem Powell, for this portion of the meeting.**

City Attorney Smith swore in all those in attendance that came to speak. City Attorney Smith confirmed this part of the meeting is quasi-judicial.

Resident David Willis asked for a copy of the tree permit application. City Clerk Meeks said she provided everything that was requested. Mayor Bagshaw said he signed off on an email approving the tree removal, and Administrative Assistant Cinnamon Wild took that as the permit. City Attorney Smith said Council can accept this as the tree application. Council Member Chotas said he has attended meetings on this matter and he has not made a final decision. He said the goal is to have a meeting of the minds as to the type of trees to be placed on Jessamine Lane and Holden Avenue. Council Member Hendrix went to the podium and gave his summary on the meeting that was held to resolve the tree mitigation plan. He said the meeting was held on September 11, 2013. (City Clerk Meeks was provided with a copy of the 9/11/2013 Legacy proposal from this meeting) Council Member Hendrix read HOA president Stephen Klosterman's statement into the record (City Clerk provided with a copy). Council Member Chotas said he wanted to clarify that he asked the forestry representative to visit the area, and while on Jessamine Lane, a Legacy HOA representative came on site; it was not a called meeting. David Willis asked for cross examination

(For further information, please see below).

***Due to this matter being quasi-judicial, and the length of time of the proceeding, the information regarding this proceeding will be made available on CD upon request.***

The following were sworn-in:

1. Andrew Kittsley, Urban Forrester-City of Orlando
2. Georgia Donberg and Debbie Clements, Duke Energy, (provided handouts to Council and City Clerk)
3. Bonnie Bagshaw, 409 Oak Lynn Drive, Edgewood, FL.
4. Mike Teague, 5553 Jessamine Lane, Edgewood FL.
5. Anthony Franklin, 4911 Oak Terrace Drive, Edgewood, FL.
6. Martha White (Ms. White was not part of the en masse swearing in and did not provide a speaker form)
7. Raquel DuVinage, 4924 Lake Milly Drive, Edgewood, FL.
8. Terry Young, 5115 Crane's Point, Edgewood, FL
9. Charlette Franklin, 4911, Legacy Oaks Drive, Edgewood, FL
10. Inta Carreno, 614 Glen Grove Lane, Edgewood, FL.
11. Jose Behar, 5038 Tuscan Oaks Drive, Edgewood, FL.
12. Brett Barner, 5101 Cranes Point Court, Edgewood, FL.
13. Robert Fisher, 621 Glen Grove Lane, Edgewood, FL.
14. J.T. Blanton, , 637 Viscaya, Edgewood, FL.
15. Liz Gillam, 5113 Tuscan Oaks Lane, Edgewood, FL.
16. Chris Raeder, 4852 Lake Milly Drive , Edgewood, FL.
17. Gail Adam, 5558 Jessamine Lane, Edgewood, FL

***Council Member Henley made the Motion that Legacy HOA install (5) live oak trees, no less than 100 gallon; placing (4) on the west side and (1) on the east near the "S" curve on Jessamine Lane. The Motion was Seconded by Council Member Chotas.***

Discussion:

Council Member Powell expressed his concerns about the oak trees and the damage they can cause to infrastructure in the future. Resident Bonnie Bagshaw suggested liners. She said there are two products available to keep roots from going into the sidewalk.

***Council Member Chotas amended the Motion to include acceptance of the mitigation plan and that one tree removal application be submitted. The application should include Cabbage Palm, and deferral of the request for certain replacement trees on Holden Avenue to be handled at a later time.***

***Council Member Powell called to question; unanimously approved ( 2/1 Powell).***

#### **GENERAL COMMENTS:**

Inta Carreno, 614 Glen Grove Lane, Edgewood, FL: Stated her concerns regarding people parking on right-of-way for the school buses (Jessamine Lane/Holden Avenue). She asks for a "no parking" sign to be placed on the east side of Jessamine Lane. Chief Marcus said he will not advocate her request because the sign will create another problem; people will be in the street. Chief Marcus agreed to assess the situation and report back to Council in their November meeting.

***10:20 p.m. Recess - Reconvened 10:29 p.m.***

Council President Dowless resumed the discussion with Chief Marcus regarding code enforcement, and concerns with landscaping deficiencies on Orange Avenue and Hansel Avenue. Council Member Chotas stated that Orange Avenue could be improved but there needs to be a balance, and the economy has to be considered. Council Member Powell said this is not Winter Park, but a lot of what exists is historical. Council Member Chotas said if there is a code, enforce it or change it.

Richard Fawcett, 234 Prescott Drive, Edgewood : Mr. Fawcett thanked Mayor Bagshaw and Council for all that they do. He said driving northward from City Hall, there is no landscaping, there is dirt and driveways eroding. He said It reminds him of Oak Ridge road. He said he doesn't feel it is that big of a burden for the properties to be maintained.

Brief discussion was held regarding the review of landscape plans for existing business, and how Code Enforcement can locate the plans to determine what the requirements are. It was agreed that the City

Clerk, along with City Hall staff will locate the landscape plans from archives. ***It was the consensus of Council that Code Enforcement start enforcing the Code, as it relates to landscaping particularly, dead hedges.***

**NEW BUSINESS:**

City Attorney Smith explained the history of an Interlocal Agreement with the School Board that the City didn't sign because they were in the process of amending their Comprehensive Plan. He explained that one of the two comments received from the Florida Department of Economic Opportunity regarding the City's amendment to the Comprehensive Plan, was the Interlocal Agreement. He recommended that the City sign the agreement and satisfy this comment.

***Council Member Chotas made the Motion to authorize the Mayor to sign the Interlocal Agreement dated March 9, 2011; Seconded by Council Member Henley. Unanimously approved (5/0).***

In response to Council Member Chotas, City Attorney Smith said the City's capital improvement plan will be incorporated into Comprehensive Plan.

As follow-up to concerns stated by Council Member Henley in a previous meeting, City Attorney Smith explained to Council that the Code provides that if the proposed alcohol vendor agreement is approved, it allows for: 1) Agreement to serve alcoholic beverages and 2) Set standards; and he explained the conditions. Mayor Bagshaw said this is not for every week that the Farmers Market is held. He said it is primarily for special events. Council Member Henley stated she is not in favor of serving alcohol at City events.

***Council Member Powell made the Motion to approve as amended; Seconded by Council Member Hendrix. Approved (4/1 Henley Opposed).***

**CITIZENS COMMENTS:**

None.

**STAFF & COUNCIL REPORTS:**

***Chief Marcus reported on the following:***

- Provided his Quarterly Activity report to the Council and reported on same. Chotas asked the chief for a report regarding unsolved crimes for the past year.
- Officers in competition for growing a beard to raise money for School for Autism.

- Reported on vehicle that crashed into Sharon's Restaurant.
- Chief Marcus confirmed that the Police Department does maintain records retention/disposition pursuant to Florida Records Management program.

***City Attorney Smith:***

No report.

***Mayor Bagshaw:***

No report.

***Council Member Chotas:***

No report

***Council Member Hendrix:***

No report.

***Council Member Powell reported on the following:***

- Reported that he had received a complaint about property located on the canal at Tulon Drive . Council Member Powell said he contacted Jeff Charles at Orange County, and was told the County will clean the canal area.

***City Clerk Meeks***

- City Clerk Meeks referred to Memo dated October 4, 2013; City Hall Operations Update, and provided the following :
- Status of the City's records retention program
- Deadline to submit newsletter article
- Request from Republic Services
- Doris Click request for donation for Holiday Concert in the Park. Council President Dowless explained the request. Mayor Bagshaw cautioned Council and noted that Ms. Click is asking for donations for other events.

**Council Member Henley made the Motion that the City sponsor the Holiday Concert in the Park with a \$720.00 donation; Seconded by Council President Dowless. Unanimously approved (5/0).**

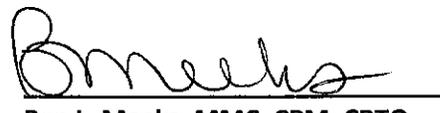
Council President Dowless said he wants to include a survey in the newsletter to establish a bank of residents who express a desire to help with City projects and/or Boards.

Having no further business or discussion, the Edgewood City Council meeting adjourned at 11:52 p.m.

**ATTEST:**



**John Dowless**  
Council President



**Bea L. Meeks, MMC, CPM, CBTO**  
City Clerk

**APPROVED BY CITY COUNCIL ON January 22, 2014.**