

**EDGEWOOD CITY COUNCIL – REGULAR MEETING
NOVEMBER 19, 2013**

On Tuesday, November 19, 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 Powell followed by the Pledge of Allegiance, which was led by Marcos from Boy Scout Troop 36:

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
Ellen Hardgrove, Planner
Sam Sebaali, Engineer

Council President Dowless recognized resident Brett Barner for leading the efforts in placing signs on the storm drains, and distributing tags on residents' doors. Council President Dowless explained that the tags provided an explanation of what can and cannot go into the storm drains.

CONSENT AGENDA

1. Review and Approval of Minutes
 - July 16, 2013 – City Council Regular Meeting
 - August 19, 2013 – City Council Budget Workshop
 - August 20, 2013 – City Council Regular Meeting

- September 3, 2013 – City Council Special Meeting (Grievance)
- September 3, 2013 – City Council Special Meeting (First Budget Hearing)

Council Member Chotas provided the following corrections to the July 16, 2013 Minutes:

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The matrix provided all the comments from residents Tina Demonstene and Alissa Torres, both ~~who~~ whom are planners.

City Attorney Smith reported that he is currently working on the City's red light hearing process. He said that a training meeting ~~was~~ would be held on July 18, 2013 with GATSO and staff.

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He said that the uninterrupted time would be valuable to staff. No Member of Council had ~~no~~ any objections. ~~to the request.~~

Reported that the restriping being done by Orange County, at the intersection of Holden and Orange Avenues is complete.

Council Member Powell moved to approve the Consent Agenda with corrections, Seconded by Council Member Henley. Unanimously approved (5/0).

Council Member Dowless announced he will be changing the order of the Agenda; there were no objections.

NEW BUSINESS

1. **SITE PLAN – SELECT MEDICAL** - 5579 South Orange Avenue
2. **LANDSCAPE PLAN – SELECT MEDICAL** - 5579 South Orange Avenue

Select Medical Site Plan: Council Member Dowless referred to Engineer Sebaali. Engineer Sebaali reminded Council that they previously approved a Variance and Special Exception at this project site. Engineer Sebaali recommended approval subject to some general conditions. Engineer Sebaali confirmed that the submittal is only for the first phase of construction; 24 beds. He confirmed for Council Member Chotas that the conditions provided in the Variance and Special Exception were met. Engineer Sebaali noted that the initial tree removal request was for seven trees, he said they have added two additional trees for removal. He said neither tree is historic.

Select Medical Landscape Plan: Engineer Sebaali referred to Planner Hardgrove to report on the landscape Plan. Planner Hardgrove addressed the lighting plan; stating that Council was provided with the streetlight plan. She explained the plan and the difference in the plan from the initial plan. She referred to her Memo dated November 13, 2013, including her recommended conditions. Planner Hardgrove explained the three options she provided Council. She said Staff is recommending approval of the plan, as approved by the Planning & Zoning Board. Mayor Bagshaw said option (2) is his recommendation subject to the conditions provided. In response to Council Member Hendrix, Engineer Fleeman said the coverage area is determined by the height of the pole, the lamp and the bulb therefore, he couldn't give an exact answer on the lighting coverage area.

Comments:

No comments from audience regarding the site plan.

Council Member Powell made the Motion to approve the Site Plan subject to the Engineer's conditions; Seconded by Council Member Hendrix. Unanimously approved (5/0).

There were no comments from the audience regarding the landscape street light plan.

Council Member Chotas made the Motion to approve the November 13, 2013 submitted landscape street light plan, option 2; subject to the conditions in the staff memo from Planner Hardgrove. The Motion was Seconded by Council Member Powell. Unanimously approved 5/0.

Comprehensive Plan

AN ORDINANCE EXTENSIVELY AMENDING THE CITY OF EDGEWOOD COMPREHENSIVE PLAN TO IMPLEMENT THE RECOMMENDATIONS OF THE EVALUATION AND APPRAISAL REPORT OF THE CITY OF EDGEWOOD COMPREHENSIVE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Smith provided the second and final reading of Ordinance 2013-04, in title only.

Council Member Powell made the Motion to approve the final reading of Ordinance 2013-04, with Second by Council Member Chotas.

Council President Dowless referred to Planner April Fisher, who explained the Department of Economic Opportunity's Objections, Recommendations and Comments Report ("ORC"), and explained how the City responded. Mayor Bagshaw noted that resident Alyssa Torres, who works for Orange County, worked with Planner Fisher in preparing the response to the Florida Department of Transportation

("FDOT"). Council Member Chotas provided a brief history to Boy Scout Troop 36, as to the purpose of a Comprehensive Plan.

Public Hearing:

Resident JT Blanton made a general comment and noted that he had no objections for approval.

Unanimously approved 5/0.

Unsolved Crimes: Det. Beardslee said his presentation is being made at the request of Council Member Chotas. Det. Beardslee explained the type of unsolved crimes that the City has incurred. He said year-to-date there have been 20 cases of larceny; five have been solved. In response to Council Member Chotas, he said a lot of people do not want fingerprints because fingerprint powder is made of charcoal. He said fingerprints are not always useful because the prints have to be in the AFIS system. Det. Beardslee said that it takes a long time to get print results back from Orange County. He said there are efforts legislative efforts being made that will require taking pictures of the jewelry when it is pawned.

Code Enforcement (Debbie Cabales-Det. Ron Beardslee)

Chief Marcus said Council President Dowless asked about Code Enforcement operations in the last Council meeting. In response to the Council President's question, he asked Code Enforcement staff to give a presentation. Code Enforcement Officer Cabales provided a list of violations of businesses on Orange Avenue. Council President Dowless said he would like to get some "legal teeth" to require the owners to clean their properties. Council President Dowless said that Council may want to consider an MSTU for these property owners. City Attorney Smith said that to establish an MSTU, you have to show that there is a mutual benefit. Mayor Bagshaw recommended a letter be prepared to send to the property owners to address the clean-up needed on Orange Avenue. Council Member Chotas suggested pulling the site plans and then send letters to property owners advising of their violation. City Attorney Smith said Council needs to decide what area is priority, and Council President Dowless said Orange Avenue and Hansel Avenue. Mayor Bagshaw said if deterioration is seen, along with dead vegetation, this can be code enforced. It was agreed that City Clerk Meeks will get the site plans of the various plazas on the Orange Avenue and Hansel Avenue corridors, so that the landscape plan can be reviewed to determine compliancy.

Ordinance 2013-07

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE REPLACEMENT TREE STOCK LIST CONTAINED IN SECTION 130-7 TO INCLUDE THE JAPANESE BLUEBERRY TREE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

City Attorney Smith provided the first reading of Ordinance 2013-07, in title only.

Council Member Powell made the Motion to approve the first reading of Ordinance 2013-07, with Second by Council Member Chotas. Unanimously approved 5/0.

Public Hearing:

No comments from the audience.

Legacy Tree Mitigation

Council Member Chotas said he wants to rescind his motion made in the October 15, 2013 Council meeting, and move to approve at next Council meeting. City Attorney Smith explained the rules regarding rescinding a Motion.

Brett Barner, 5101 Cranes Point Court, Edgewood: Resident Barner said he and others thought this matter was resolved, and now it seems the process is starting over. He said he would like to leave it at what was approved at the last meeting. Council Member Hendrix said Legacy HOA has a quote however, they were holding off on installing the trees because of this agenda item. Council Member Hendrix said another consideration is that residents within Legacy have offered oak trees from their yard because of the damage that the trees are causing. In response to Council Member Chotas, Mayor Bagshaw said to leave things as they are, although he felt the four trees should not have been placed all on one side of the street. Council Member Henley said she is in favor of rescinding the Motion. City Attorney Smith said that Council can rescind the Motion and put the money into a tree fund, and the trees can be put where Council decides.

Council Member Henley made the Motion to rescind the Motion made in the October 15, 2013 Council meeting regarding Legacy tree mitigation plan, and consider in the December 17, 2013 meeting, to include that the Legacy HOA pay into the tree fund and the City determine the type and location of trees. Seconded by Council Member Powell. Council President Dowless and Council Member Hendrix rescused themselves. Both confirmed they will provide a Notice of Conflict to the City Clerk. City Attorney Smith said that this cannot be heard until the next Council meeting. City Attorney Smith said Legacy still has a mitigation plan and if they follow through with what has been approved, then there is nothing that can be done. In response to Council Member Henley, Mayor Bagshaw said that the Code needs to be changed so that trees cannot be planted under power lines. City Clerk Meeks was directed to place this item on the December 17, 2013 Agenda.

City Clerk Meeks made the following formal announcement regarding the City Election and Council agreed with the following:

The qualifying period begins at 8 am on January 13, 2014 through 12 pm on January 24, 2014. Qualifying papers received in the mail on January 24, 2014 will be accepted.

City Attorney Smith:

No report.

Chief Marcus:

Presented his report and recommendation to Council regarding parking on right-of-way; no action was taken. Also reported on Edgewood's second robbery of the year; it was a purse snatch. He said an arrest was made.

City Clerk Meeks:

City Clerk Meeks reminded Council that a special meeting is scheduled for November 26, 2013, at 9:30 a.m. She reported that part-time clerical assistant Roxanna Sigler's mother had passed away.

Mayor Bagshaw:

Mayor Bagshaw reported on his December 17, 2013 meeting with Orange County regarding the County's road work on Holden Avenue. He announced the annual holiday luncheon will be on December 13, 2013. Mayor Bagshaw also reported on a new business owner at the business location formerly known as McWells. Additionally another new business, Batteries, Inc. has also made its home in Edgewood.

Council Member Chotas:

No report.

Council Member Henley:

No report.

Council Member Hendrix:

No report.

Council Member Powell:

Council Member Powell reported that he talked to Mary Ann Gurney regarding the railroad right-of-way, and the need to clean the area. Council Member Powell said he is trying to get CSX to remove a dead tree, and that he will continue to press them to remove the tree. Council Member Chotas suggested sending a letter to place them on Notice.

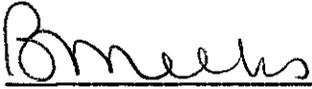
Council President Dowless:

No report.

Council Member Hendrix made the Motion to adjourn the meeting at 9:57 p.m.

Attest:



John Dowless
Council President

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

APPROVED BY CITY COUNCIL ON 2/18/2014