

**CITY COUNCIL – REGULAR MEETING
MARCH 18, 2014**

On Tuesday, March 18, 2014, 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:

The following attendance is noted:

ATTENDEES

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

STAFF

Bea Meeks, City Clerk
Sgt. Vince Jackson, Acting Police Chief
Drew Smith, City Attorney
City Planner, Ellen Hardgrove
Officer David Ireland

ORGANIZATIONAL MEETING

1. Final Certification of election results.
 - Accept the March 11, 2014 Canvassing Board Minutes

It was the consensus of the City Council to accept the Minutes of the Canvassing Board, as presented by City Clerk Meeks.

2. Administer Oath of Office to newly elected City Council members.

City Clerk Meeks administered the Oath of Office to the following newly elected City Council Members:

- Dan Drummond
- Michael Hendrix
- Pamela Henley

3. Election of Council President

Council Member Hendrix made the Motion to re-appoint Council President Dowless to continue to serve as the Council President; Seconded by Council Member Powell. Unanimously approved.

- 4. Council President to designate areas of responsibility (not already under the jurisdiction of the mayor), to be assigned to individual Council members pursuant to Section 3.12 of the City Charter.

Designated areas of Council Members' responsibilities were made:

Finance & Budget <p style="text-align: center;">Council Member Hendrix</p>
Code Enforcement <p style="text-align: center;">Council Member Henley</p> HAINC liaison <p style="text-align: center;">Council Member Drummond</p> Cypress Grove liaison <p style="text-align: center;">Council Member Henley</p>
Land Development/Master Plan <p style="text-align: center;">Council Member Drummond</p>
Public Works <p style="text-align: center;">Council Member Powell</p>
Metro Plan <p style="text-align: center;">Council President Dowless</p> <hr/> Police Department* City Hall* Contract Staff* <p>Pursuant to Section 4.04 of the <i>City Charter</i>, the mayor has jurisdiction over the police department, city hall and contract staff.</p>

City Clerk Meeks reminded Council that the Charter does not provide for a Council President Pro Tem however, Council has been appointing one. ***Council Member Henley nominated Council Member Powell to be the Council President Pro Tem; Seconded by Council Member Hendrix. Unanimously approved.***

5. Review of City Contracts/Agreements

Council President Dowless referred to Mayor Bagshaw to present his report on current contracts with the City. Mayor Bagshaw referred to the memo in the agenda packet and recommended approval of the current contracts however; he noted that there may be changes along the way.

Council Member Powell made the Motion to approve the Mayor's recommended; Seconded by Council Member Henley. Unanimously approved.

CONSENT AGENDA

1. Review and Approval of Minutes

- December 17, 2013
- January 21, 2014
- February 18, 2014

City Clerk Meeks noted the following correction provided by Council Member Drummond, to the January 21, 2014 Minutes:

He said you have an elected official, who is responsible ~~for~~ to the City's administration, and directly responsible

Council Member Hendrix noted that the January 21, 2014 Minutes should reflect "terminating the Police Chief's contract" instead of "terminating the Police Chief".

Council Member Drummond made the Motion to approve the consent agenda with the noted corrections; Seconded by Council Member Henley. Unanimously approved.

NEW BUSINESS

1. Special Exception Application For Church at 5232 S. Orange Avenue (Application #2014-01) [Known as Bob Harrell Properties]

City Planner Hardgrove presented her report, including the history of the previous Church at the subject location. She noted that were seven conditions included in the previous special exception at the subject location. Mayor Bagshaw noted that there were residents in attendance at the Planning & Zoning meeting and one resident said that they preferred the Church, as opposed to having a bar. Planner Hardgrove noted that it is rumored that that the Autism Academy will be moving from their location. She said there is a condition attached to the Academy related to parking.

Council Member Drummond made the Motion to approve the Special Exception with the conditions stated in Planner Hardgrove's memorandum and as approved by the Planning & Zoning Board. Unanimously approved.

[Approved Conditions: (1) Occupancy of the proposed 10,000 square feet church space identified as part of this application shall be limited to Saturdays and Sundays, and weekdays after 5:30 pm, and Thanksgiving. Exception: no more than ~~two~~ three employees shall being allowed to occupy the building during weekdays. (2) The facility will close with lights out every night by 10 p.m. except Christmas Eve, New Year's Eve, Holy Week, and Thanksgiving. (3) The approval is specifically for church religious services. The approval does not include the authorization for missionary services such as, but not limited to, rehabilitation services or a homeless shelter. (4) The facility will not house a licensed day care program. (5) Church events (church services or special events) shall not exceed a maximum of 177

attendants, including church staff. A 6 feet high fence or wall shall be constructed to block access from the south parking area to the railroad right-of-way. (7) Future tenants in any part of the buildings onsite that will have hours during the permitted hours of the church (i.e., Saturdays and Sundays, weekdays after 5:30 p.m., and Thanksgiving and the limited ~~two~~ **three employees** during weekdays between 9a.m. and 5p.m.) will not be allowed unless 1) this special exception is voided by the property owner, 2) the City Clerk or his/her designee approves such use by verifying the minimum quantity of parking per code is available for all uses on site, or 3) the special exception is amended reducing the maximum number of church attendants to balance the demand for parking with quantity available. Minimum quantity of parking can be achieved with verified joint use parking consistent with Code Section 134-606 and 134-607 (see below). If the property owner chooses to void the special exception, he/she shall submit a notarized affidavit to City Council.]

2. Variance(s) Application For Russell Home at 510 Holden Avenue (Application #2014-02)

[Each Variance description was read by City Attorney Smith, discussed individually and considered individually]

Planner Hardgrove gave a brief history of the Russell Home from when the property was in Orange County before being annexed into the City in the 1990s. She said Council will be considering six variances to allow the Russell Home to renovate the existing structure. She noted that the Planning & Zoning Board approved the six variances with very specific conditions. Planner Hardgrove responded to questions regarding Variances 4, 5 and 6.

Variance #2 - Rear Yard Setback (south): Section 134-579 requires 35 feet, 26 feet proposed.

Planner Hardgrove explained Variance number 2, as it relates to the parking. She reported that the Russell Home is wanting a "stabilized parking/turf block". She said the buffering that is being requested is fine. Planner Hardgrove said that when the Russell Home makes application for their site plan approval, the drainage will be checked by the engineer. She explained to Council President Dowless the reasons for the recommended approval for the 67% impervious surface ratio (ISR) variance.

David Richmond, Board of Directors, provided an explanation as to why the plan changed from the previously approved plan.

Mr. Kelly, DRMP, said his firm did the calculations for the ISR, and noted that the Russell Home has the ability to drain into Cypress Grove Park and the retention pond.

Council President Dowless opened for public comments; there were no comments.

Council Member Powell made the Motion to approve Variance #2; Seconded by Council Member Drummond. Unanimously approved.

Variance #1 - Front Yard Setback (North) Variance of 3.5 feet: Code Section 134-579 requires 30 feet, 26.5 feet proposed.

There was no Council discussion.

Council President Dowless opened for public comments; there were no comments.

Council Member Hendrix made the Motion to approve Variance #1; Seconded by Council Member Powell. Unanimously approved.

Variance #3 – Dumpster location and screening: Section 30-49 Dumpster in front yard not allowed – proposed in front (north) yard.

Council President Dowless made the Motion to approve Variance #3; Seconded by Council Member Powell.

Planner Hardgrove confirmed for Council Member Henley that the dumpster will be screened with a fence. Council Member Powell, referring to the plants used for screening the dumpster, said that the plants need to be maintained to keep them healthy and alive. Mr. Richmond said there will be irrigation.

Council President Dowless opened for public comments; there were no comments.

Unanimously approved.

Variance #4 - Screening of Vehicle Use Area from residential property (south property line): 7' wide landscaping and 8' high masonry wall required, 6' high opaque PVC fence (47 feet length) and 6' high chain link (east 48' length) proposed.

Council Member Powell made the Motion to approve Variance #4; Seconded by Council Member Hendrix.

There was no Council discussion.

Council President Dowless opened for public comments; there were no comments

Unanimously approved.

Variance #5 - Screening of Vehicle Use Area from residential property (east property line), 7' wide landscape buffer required, 6' wide proposed; 8' high masonry wall where parking lots are adjacent to residential districts, 6' high chain link fence proposed.

Council President Dowless made the Motion to approve Variance #5; Seconded by Council Member Drummond.

There was no Council discussion.

Council President Dowless opened for public comments; there were no comments.

Unanimously approved.

Variance #6 - Impervious Surface Ratio; Maximum 45%, 67% proposed.

Council Member Drummond made the Motion to approve Variance #6; Seconded by Council Member Hendrix.

There was no Council discussion.

Council President Dowless opened for public comments; there were no comments.

Unanimously approved.

City Clerk Meeks said that the applicants for the Church and Russell Home will be provided with a letter confirming Council’s decision.

- 3. Crowder Gulf – Consideration for Renewing Contract for Disaster Recovery & Debris Removal Services

Mayor Bagshaw explained that the City’s Agreement with Crowder Gulf is a piggy-back Contract with Orange County. He explained that the city gets the same rates as Orange County. Council Member Powell said that he reviewed the initial Agreement prior to the first presentation to Council, and he had no objections to the Agreement.

Council Member Drummond made the Motion to approve continuation of the Agreement; Seconded by Council President Dowless.

Council President Dowless opened for public comments; there were no comments.

Unanimously approved.

- 4. Dan Fulford Properties – Code Enforcement Board Case No.: C-11-06-33

Mayor Bagshaw explained the history of Dan Fulford Properties Code Enforcement lien, which was caused by former tenants of Mr. Fulford’s. Council Member Henley said that the property owner remedied the deficiency in 22 days, and she feels the City should help the property owner because he cleaned up the property. Mayor Bagshaw recommended reducing the lien to \$300 or \$400, which would cover the City’s hard costs associated with the enforcement.

Council Member Powell made the Motion to reduce the lien to \$300.00; Seconded by Council Member Henley. Unanimously approved.

GENERAL INFORMATION (No action required)

Mayor’s Proclamation – Proclaiming April 1, 2014 as National Service Recognition Day

STAFF REPORTS

City Attorney:

- 1. City Attorney Smith reported that some Ordinances will be coming before the Council in their next meeting. He said two of the Ordinances will address: (1) medical marijuana, and (2) estate sales. City Attorney Smith noted that estate sales are not addressed in the current Code, and that the City Clerk is properly following along with garage sales permit requirements. Mayor Bagshaw explained the problems with parking related to an estate sale. Council Member Powell agreed that there should be some controls. **It was the consensus of the Council that the City Attorney address estate sales to include in the Code. Additionally, estate sales will be exempt from paying a fee, and include avoidance of traffic hazards for estate and garage sales.**

MAYOR & COUNCIL REPORTS

- Mayor Bagshaw

1. Consideration of Pay Increase For Acting Police Chief

Mayor Bagshaw referred to his memo and further explained his request to approve a 10% temporary pay increase for Sgt. Vince Jackson, who is the Acting Police Chief.

Council Member Powell made the Motion to approve the 10% temporary pay increase, as recommended by the Mayor; Seconded by Council Member Drummond.

Council President Dowless opened for public comments; there were no comments.

Unanimously approved.

2. Review and Consideration of Employment Agreement, Police Chief

Mayor Bagshaw said he and the City Attorney worked together on the proposed Contract for the Police Chief. The Mayor said he is ready to make a recommendation but didn't want to attach a name to the contract until they were comfortable with the contract. He asked that Council consider Chris Francisco as the Police Chief. City Attorney Smith said Council will approve "as to form". Mayor Bagshaw confirmed that applicant Francisco has reviewed the Contract and agrees with the form of the contract. In response to Council Member Hendrix, the Mayor said the salary would be between \$80,000 to 85,000.

Resident Lee Chotas said he was impressed with the applicants and had an opportunity to interview two of the applicants. He said he was impressed with Chris Francisco, and supports the Mayor's recommendation.

Council Member Powell made the Motion to approve the Contract for the Police Chief, with a base salary not to exceed \$85,000 to take effect April 15, 2014; Seconded by Council Member Hendrix. Unanimously approved.

It was agreed that Mayor Bagshaw would negotiate the contract with applicant Chris Francisco.

Mayor Bagshaw announced that there will be classic car show held in conjunction with the Farmer's Market on March 27, 2014. He also reported that April 24th marks the City's 90th birthday, and that plans are in the making to celebrate.

Mayor Bagshaw said that he and Council Member Drummond have been working together on the improvements to the Gatlin and Orange Avenues intersection. He said to move the project forward, Council needs to decide on an upgrade of the mast arms; the City's portion would be approximately \$150,000. Council Member Drummond says there needs to be a demarcation so that when you come into the City, you know you are in the City. ***Consensus of Council to move forward.***

- Council Member Drummond

Council Member Drummond reported that as Council has been discussing, FDOT is working in two phases on the intersection at Gatlin and Orange Avenue. The first phase is the upgrade they just discussed in the Mayor's report. The first phase also includes lighting. He said the second phase will require deciding long term what the City is going to do with the intersection. Council Member

Drummond said Council “will be kicking themselves” if they do not figure out a way to consolidate the two traffic lights. He said to move this project to the next level is to get their attention, which will take a letter from the Mayor. Council Member Drummond said with Council Consensus, he would like to prepare a letter for the Mayor’s signature. Mayor Bagshaw said that Metro Plan is aware of this project.

Resident Chotas said he is concerned and that the City needs to make sure that FDOT is committed to putting interim improvements into place. He said the City needs to be mindful of the safety that could be remedied with the interim improvements. *It was the consensus of Council to prepare the letter.*

Council Member Drummond said he spoke to Belle Isle officials regarding combining City resources. He said they were open to discussion.

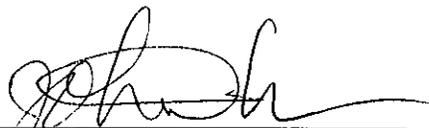
Council Member Drummond referenced commercial signage and the Ordinance approved in 2002. He asked that a “carrot and stick approach” be considered. He suggesting sending letters out again and allow a time frame to comply, and recommended offering funds to offset the cost associated with the signage. He recommended \$1000 to assist the property owners. Council President Dowless agreed with Council Member Drummond. Council Member Henley said she would like to see what the numbers are. *There was no action taken.*

- Council Member Hendrix

Council Member Hendrix provided a handout to Council and noted that he has talked to the Mayor regarding accounting personnel. Council Member Hendrix said he needed clarification as to what the City actually pays McDermit~Davis for the accounting personnel’s services (Lindsey), and for the preparation of the financial statements. He noted that there needs to be better accountability, and believes having a full-time accounting staff member will be better for the City. Council Member Henley said she would like to allow Lindsey some time, as she just began working in City Hall part-time. Mayor Bagshaw said that he has talked to the City Clerk about gradually moving more and more accounting duties over to Lindsey. He said this should help address Council’s concerns. City Clerk Meeks noted that when the City had a permanent part-time accounting staff member, there were days that they did not have enough work to do. *There was no action taken in this matter.*

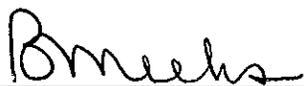
ADJOURNMENT

Council Member Powell made the Motion to adjourn the meeting. The meeting adjourned at 7:40 p.m.



John Dowless
Council President

ATTEST:



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

Approved by Council on April 15, 2014.