

**City Council Meeting
Tuesday, October 18, 2016**

CALL TO ORDER

On Tuesday, October 18, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council President Dowless asked Morris Rich from the Church of Christ of the Latter Day Saints to give the invocation, followed by leading everyone in the Pledge of Allegiance.

City Clerk Meeks announced there was a quorum with the following attendance:

Attendees

Ray Bagshaw, Mayor
John Dowless, Council President
Lee Chotas, Council Member
Susan Fortini, Council Member
Pam Henley, Council Member
Neil Powell, DDS, Council Member

Staff

Bea L. Meeks, City Clerk
Chris Francisco, Police Chief
Drew Smith, City Attorney
Ellen Hardgrove, AICP, City Planner

CONSENT AGENDA

1. Review and Approval of Minutes
 - September 20, 2016 Regular City Council Meeting **Powell/Fortini**

Council Member Powell made the Motion to approve the Consent agenda; Seconded by Council Member Fortini. Unanimously approved (5/0).

Council President Dowless requested to move Agenda Item G (1) up for consideration. Council President Dowless referred to Mayor Bagshaw, who confirmed the applicant, Kal Hussein, had not been in contact with the City regarding his rezoning application, as it relates to this Council meeting.

[TABLED TIME CERTAIN IN 9/20/2016 CITY COUNCIL MEETING] ORDINANCE 2016-08 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA REZONING CERTAIN LANDS GENERALLY LOCATED ON THE SOUTH SIDE OF HOLDEN AVENUE NEAR THE INTERSECTION OF HOLDEN AVENUE AND HOLDEN RIDGE AVENUE COMPRISING APPROXIMATELY 13.46 ACRES +/- FROM R1A AND R1AA (SINGLE FAMILY DWELLING) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR A PLANNED DEVELOPMENT ON SAID LANDS AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH DEVELOPMENT; PROVIDING THAT THE OFFICIAL ZONING MAP BE MODIFIED ACCORDINGLY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2016-08 in title only.

Council Member Chotas made the Motion to deny the second and final reading of Ordinance 2016-08.

Council Member Chotas said his Motion was based on the applicant not being in attendance, and because of new facts in the matter;

The Motion was Seconded by Council Member Fortini.

In response to Council Member Chotas, City Attorney Smith confirmed the Planned Development goes away. Mayor Bagshaw said that there is a meeting being held tomorrow and that information will be forthcoming following the meeting.

The Motion to DENY the second/final reading of Ordinance 2016-08 was approved IN the following rollcall vote (5/0):

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

PRESENTATIONS

1. Mayor's Proclamation – Week of the Family (November 5 – 12, 2016)

Mayor Bagshaw presented his Proclamation supporting “Week of the Family” to Victoria Laney and Morris Rich. Ms. Laney thanked the Mayor and Council. She noted that she was leaving some brochures that provided information related to Week of the Family.

Mayor Bagshaw introduced Marco from Theater on the Edge. Marco gave a brief presentation regarding the expansion to Theater on the Edge. He said this is a community theater located in Edgewood that is separate from the school and is non-profit. Marco provided information regarding an upcoming play at the theater.

2. Chief Chris Francisco Presentation(s)

Chief Francisco said his presentation is being postponed to a later date.

ORDINANCES

1. **2016-10** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-2 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO CLARIFY THE EXISTING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE, BOAT, AND RECREATIONAL VEHICLE SALES LOTS; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-3 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO CLARIFY THE EXISTING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE AND BOAT SALES LOTS; PROVIDING ADDITIONAL STANDARDS TO BE CONSIDERED DURING REVIEW OF AN APPLICATION FOR A SPECIAL EXCEPTION FOR AN AUTOMOTIVE REPAIR CENTER WITHIN THE C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR THE LAWFUL NON-CONFORMITY OF USES LAWFULLY IN EXISTENCE AS OF THE DATE OF ENACTMENT OF THIS ORDINANCE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2016-10 in title only. City Attorney Smith explained the original Ordinance was to prohibit auto repair. After meeting with business owners, the Ordinance was changed to a special exception use.

Comments

John Moccio, 460 Harbour Island Road, Edgewood, FL – Mr. Moccio stated that he is a resident and is also the owner of SMD. He said he had some issues with some items in the Ordinance. Mr. Moccio gave a brief history of his business relationship with the City. Mr. Moccio said that based on the Ordinance, his business located at 4954 South Orange cannot get a special exception because it will be cost prohibitive based on the Ordinance. ***(Mr. Moccio's statement entered into the record and made part of these minutes).***

City Attorney Smith said the use does not go away. He said it can continue under a lawfully non-confirming use. City Attorney Smith confirmed for Council Member Fortini that the current businesses can continue the legally non-confirming use unless the use has not been in place for more than 12 months (grandfathered-in).

Council Member Chotas provided his comments regarding the Ordinance. After brief discussion, ***Council Member Chotas made the Motion to hold a workshop.***

Council discussed holding a workshop on November 2, 2016 at 4:00 p.m., and hold first reading of Ordinance of 2016-10 in the November 15, 2016 City Council meeting. The second reading will be December 20, 2016. ***Council Consensus.***

Council Member Henley Second the Motion. Unanimously approved (5/0).

2. **ORDINANCE 2016-11** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, SUBMITTING TO THE ELECTORS OF EDGEWOOD PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF EDGEWOOD; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

City Attorney Smith read Ordinance 2016-11 in title only. City Clerk Meeks noted that an email from Charter Review Committee member Chris Rader was placed at Council Member's dais seat. Council Member Fortini acknowledged her attendance at the meeting and provided a brief update. City Attorney Smith laid out for Council what their options are and said they are not bound by the CRC's recommendation.

- Council President Dowless said he would like to add that each Council member appoints a CRC member and not just the Council President. He said that if the seven members have not been appointed then the Council President would select the remaining members.
- Council Member Fortini said she felt that business owners should be included. City Attorney Smith said it should be spelled out specifically if you are going to include business owners.

It was the Consensus of Council to add the Council President's recommendation regarding the appointment of Charter Review Committee Members to the second reading of the Ordinance.

Council President Dowless said he wanted to discuss each recommendation individually.

City Administrator

Shall the Edgewood Charter be amended to provide that the city may hire a city administrator which shall be recommended by the mayor and appointed by the city council?

Mayor Bagshaw commented that Mark Durbin thought the City was too small for a City Manager, but he was not opposed to a City Administrator. It was noted that Council can hire a City Administrator now without a Charter provision. City Attorney Smith pointed out that the Administrator does not have to be a full-time position. In response to Council Member Fortini, City Attorney Smith explained the difference in "shall" have a City Administrator versus "may" have a City Administrator.

Comments:

Resident Bonnie Bagshaw offered her comments regarding having a City Administrator.

Terms

Shall the Edgewood Charter be amended to change the staggered two year terms of council members and the mayor to staggered three year terms for council members and the mayor and to include a transition schedule to phase in the altered term lengths?

Comments:

- Council President Dowless: Mayor 3 year term; Council 2-year term
- Council Member Henley: 3-year term for Mayor and Council Members
- Council Member Fortini: 3-year term for Mayor and Council Members

Council Member Powell gave a brief history on why changing the terms was not moved forward as a Charter amendment in the past

It was the consensus of Council to accept the change in the terms as presented; including the transition period.

Ordinances and Resolutions

Shall the Edgewood Charter be amended to remove provisions that call for at least four members of the city council or three members plus the mayor to cast votes when an ordinance is under consideration and provide that a majority vote of the full council shall be required for the adoption of an ordinance?

Council Member Chotas explained that the purpose of the amendment is for the Mayor not to vote. He said a vote would be by simple majority.

Compensation

Shall the Edgewood Charter be amended to allow the city council during its annual budget process to include a salary to be paid to the mayor of up to eight thousand dollars?

Comments:

- Council Member Chotas said the compensation is too low.
- Council President Dowless and Council Member Fortini agreed that Council Members should not get paid.
- Council Member Chotas recommended the Mayor's compensation be up to \$12,000 for compensation for the Mayor.

Resident Brett Barner suggested that the Mayor's compensation be a \$1,000 monthly stipend

It was the consensus of Council to change "A city administrator shall be recommended by the mayor to "may be recommended".

It was the consensus of council that in selecting a Charter Review Committee, each council member will select one resident and Council as a whole can pick a non-residential property owner.

Council Member Fortini made the Motion to approve the Charter Amendments as amended by Council; Seconded by Council Member Powell.

The Motion to approve the first reading of Ordinance 2016-11 was approved, as amended by Council, in the following rollcall vote (5/0):

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

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

This item was moved to the beginning of the meeting.

UNFINISHED BUSINESS

1. *[TABLED TIME CERTAIN IN 9/20/2016 CITY COUNCIL MEETING]* Khaled Hussein, 1090, 1098, 1100, 1103, 1110, 1130 Holden Avenue – Rezoning Application 2016 RZ-01

This item was moved to the beginning of the meeting.

2. Reschedule joint Planning & Zoning Board Meeting and City Council Meeting

It was the consensus of council to hold the joint workshop on Monday December 12, 2016 5:30 p.m.

NEW BUSINESS

1. Letter of Engagement - Holland & Reilly

City Clerk Meeks referred Council to her memo provided in the agenda packet. City Clerk Meeks said that Council already approved the budget for the audit.

Council Member Fortini made the Motion to approve the Letter of Engagement as presented; Seconded by Council Member Henley. Unanimously approved (5/0)

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

Resident Brett Barner questioned WFTV's report regarding the City's janitorial service and the hiring of Raelea Bagshaw. City Clerk Meeks responded with her explanation of her interpretation of the City's Personnel Policy regarding nepotism. Mayor Bagshaw responded as well; explaining the particulars of the hiring. It was noted that Ms. Bagshaw's service to the City will end on October 31, 2016 thus, bringing this matter to a close.

BOARDS & COMMITTEES

No reports.

STAFF REPORTS**City Attorney:**

- No report.

Police Chief:

- Monthly report

Council Member Fortini asked the Chief to give only the highlights of his report.

City Clerk:

- Received approval from Council for the municipal election qualifying period to be one week, as opposed to two weeks.
- Confirmed she submitted the annual mileage report to the Florida Department of Transportation.
- Confirmed she submitted the required banking information to the State's Chief Financial Officer.
- Announced the City's workers comp audit is being held on October 19, 2016. City Clerk Meeks said she has all the required documentation ready for the audit.

- Confirmed payroll has been updated to align with the budget and the changes made by employees in open enrollment.
- Announced that damage reports from Hurricane Matthew have been provided to the County's Emergency Management office.

G. MAYOR & COUNCIL REPORTS

- **Mayor Bagshaw**

Mayor Bagshaw announced the dates of the Halloween Costume Contest to be held in Bagshaw Park.

- **Council President Dowless**

No report.

- **Council Member Powell**

No report

- **Council Member Henley**

No report

- **Council Member Chotas**


Council Member Chotas said he had no report. Council Member Chotas expressed his concerns regarding the City Clerk referencing the Mayor and his wife, Bonnie, cleaning City Hall until a new cleaning service is hired. City Clerk Meeks and the Mayor confirmed there will be an active search for a cleaning person/company.

- **Council Member Fortini**


No report

ADJOURNMENT

Having no further business or discussion, Council member Henley made a Motion to adjourn; Seconded by Council Member Fortini. The City Council meeting adjourned at 9:12 p.m.



John Dowless
Council President



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

Approved by City Council on November 15, 2016.