

**CITY COUNCIL REGULAR MEETING MINUTES**  
**Tuesday, December 20, 2016**

**CALL TO ORDER**

On Tuesday, December 20, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council President Dowless asked for a moment of silence followed by the Pledge of Allegiance.

City Clerk Meeks announced there was a quorum however; Council Member Fortini was unable to attend the meeting due to a conflict. *Council President Dowless made the Motion to excuse Council Member Fortini from the meeting; Seconded by Council Member Henley. Unanimously approved (4/0).*

The following attendance is noted:

**Attendees**

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

**Absent**

Susan Fortini, Council Member (excused)

**Staff**

Bea L. Meeks, City Clerk  
Chris Francisco, Police Chief  
Drew Smith, City Attorney  
Shannon Patterson  
Sgt. Vince Jackson  
Sgt. John Freeburg

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**CONSENT AGENDA**

1. Review and Approval of Minutes

- November 15, 2016 Regular City Council Meeting
- December 12, 2016 City Council Joint Workshop With Planning & Zoning

Council President Dowless noted a correction to the November 15, 2016 City Council meeting minutes on page 2; plaque instead of ~~plague~~.

***Council Member Chotas made the Motion to approve the minutes with correction; Seconded by Council Member Powell. Unanimously approved (4/0).***

## **PRESENTATIONS**

1. Mayoral Proclamation – Announcement/Notice of City of Edgewood’s General Election

City Attorney Smith presented a Mayoral Proclamation declaring the City’s municipal election will be held on March 14, 2017, and stating the qualifying period to be January 17, 2017 through January 23, 2017.

2. Mayoral Proclamation – School Choice Week

Mayor Bagshaw noted his Mayoral Proclamation recognizing January 22, 2017 through January 28, 2017 as School Choice Week.

## **ORDINANCES**

No Ordinances presented for first reading.

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

1. **ORDINANCE NO. 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 EXISITING 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.

Council President Dowless called on Planning Zoning Board Chairwoman Regina Dunay to expand on the Planning & Zoning Board's justification and recommendation to deny the Ordinance. Chairwoman Dunay provided verbiage from the Urban Land Use 2014 Technical Assistance Panel Report in particular, the following statement: "Edgewood also has to get past its reputation as a collection of auto mechanic shops and thrift stores".

Planning & Zoning Board Member Rader said the Ordinance does not go far enough and that it is contrary to the City's goals as to where they want to go with the vision of the corridor. Planning & Zoning Board member Rader said his Board would like to see a moratorium on automotive repair.

City Attorney Smith said if there is a moratorium then you need to look at all the uses. Planning & Zoning Board Member Rader noted that a special exception runs with the land. He said the alternative is to not allow a new automotive use.

Council President Dowless opened for Public Hearing.

John Moccio, resident and City of Edgewood business owner, 460 Harbour Island Road stated that he owns one of the automotive uses on Orange Avenue. Mr. Moccio stated his reasons as to why he thinks it is unfair to change the use.

Rebecca Moccio, resident and City of Edgewood business owner, 460 Harbour Island Road said she wanted to address the Planning & Zoning Board and their comments. She said the purpose of their property is designed to be automotive. In response to Council Member Henley, Ms. Moccio explained why their property's only use is for automotive repair. She said if the City takes away their use, the building will be empty. At the request of Mayor Bagshaw, City Attorney Smith confirmed that the property would have a lawful non-conforming use as long as the use continues.

Planning & Zoning Board Member Rader responded to Ms. Moccio regarding the Planning & Zoning Board's recommendation to deny: (1) Do not codify something for one business (2) There is still a legal non-conforming use, and (3) If you cannot make this decision, it will continue for other matters. Chairwoman Dunay addressed property value concerns stating she does not think it should be an issue. She said if a special exception is approved, what would be the reasons be for denial. City Attorney Smith read off a list of reasons to say no to a special exception.

Council President Dowless closed the public hearing.

Council Member Chotas said he has considered this matter for a long time. He said he thought about how he wanted the corridor to be but did not want to burden SMD Automotive. He said he thinks a special exception makes sense. Council Member Chotas said that at lines 167 and 334 the verbiage "lawfully in existence as of the date of adoption" should be added.

***Council Member Chotas made the Motion to approve Ordinance 2016-10 amending with the addition of "Lawfully in existence as of the date of the adoption" at lines at 167 and 334. Council Member Powell Second the Motion.***

***The Motion to approve the second/final reading of Ordinance 2016-10 with amendment by Council Member Chotas resulted in a tie in the following rollcall vote (4/0):***

<i>Council Member Henley</i>	<i>Oppose</i>
<i>Council Member Chotas</i>	<i>Favor</i>

<i>Council Member Powell</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Oppose</i>
<i>Council Member Fortini</i>	<i>Absent</i>

In response to Council Member Dowless, there were no further Motions after the tie vote on Council Member Chotas' Motion.

*It was the direction of Council that the City Attorney provide a draft moratorium Ordinance for the Planning & Zoning Board after the determination of allowable uses in the C-2 and C-3 zoning districts.*

#### UNFINISHED BUSINESS

1. RE: Sign Code – Draft Ordinance

Council President Dowless agreed with the recommendation of discussing no longer than 30 minutes. City Attorney Smith said he wanted some direction from Council as to taking this to a workshop.

**Comments:**

John Moccio, resident and City of Edgewood business owner, 460 Harbour Island Road said that other business owners have an interest in this Ordinance. City Attorney Smith explained the difference in straight zoning and comprehensive zoning. Mr. Moccio questioned the Code's 20% window coverage rule and asked to reconsider the percentage of window covering. Mr. Moccio also asked that the Ordinance expand on sign abandonment. Mr. Moccio questioned the 100 sq.ft. maximum allowance of signage. Council President Dowless said there is an allowance for multiple units. Mr. Moccio said need to change the eight feet height limit for hedges because you cannot see the signage. Mr. Moccio said he was confused about conforming and non-conforming signs. City Attorney Smith explained lawfully and non-lawfully conforming signs.

*Council agreed to hold a two hour sign code workshop on Wednesday, January 11, 2017 at 6:30 p.m.*

#### NEW BUSINESS

1. 2017 Vote Processing Equipment Use Agreement And Elections Services Contract For Municipal Elections

*It was the consensus to approve the Agreement as presented and agreed that the absentee ballot postage should continue to be paid by the resident.*

2. 2017 Municipal Election Calendar

City Clerk Meeks referred to the Election Calendar and noted the qualifying period. She also explained that because there are no State and County elections in March, there will not be a County Canvassing Board. She said the City would have to provide a Canvassing Board.

**Council President Dowless made the Motion that the Canvassing Board Members be City Clerk Meeks, Council Member Chotas and resident Regina Dunay; Seconded by Council Member Henley. Unanimously approved (4/0).**

### 3. Waste Management – CPI

City Clerk Meeks referred to her memo and noted that no action was needed.

Council Member Powell asked about paper rebates and wants to know what the City can do to get a rebate. Mayor Bagshaw will follow-up with this question to Waste Management.

### 4. Temporary 180 Day Moratorium – Draft Ordinance (Re: Medical Marijuana Dispensaries)

City Attorney Smith said the draft Ordinance is for information only and for Council to decide if they want to move forward with the Ordinance. *It was the consensus of Council to move forward with first reading.* City Clerk Meeks stated to Council that the budget for legal ads is about half-way into the budget. She said she is letting Council know because there may be a budget amendment request to increase the funds for legal advertising.

## GENERAL INFORMATION (No action required)

None

## CITIZEN COMMENTS

None.

## BOARDS & COMMITTEES

No reports.

## STAFF REPORTS

### City Attorney:

City Attorney Smith said that the City of Maitland is doing a study for their downtown master plan. He said he will provide a copy to the City Clerk to share with Council and the Planning & Zoning Board, as he thought it would be interesting to them.

### Police Chief:

- Monthly report

Chief Francisco provided Council with an Interlocal Agreement (mutual aid with other cities/not the County) and asked Council to approve the Mayor and Chief signing the Agreement. Chief Francisco expanded on what the mutual aid allows when responding to a mutual aid request. In response to Council President Dowless, City Attorney Smith said he reviewed the Agreement and he has no objections. Council Member Henley said she cannot vote on something that she has not read. Chief said that when the Agreement expires at midnight on December 31<sup>st</sup> the City will not respond and vice versa.

*Council President Dowless made a Motion to approve and authorize the Mayor and Chief to sign the Agreement; second by Council Member Powell. Approved (3/1 Henley oppose).*

Chief Francisco said the City received the Commander's award from Toys For Tots, in recognition of all the toys the City collected.

Chief Francisco presented his monthly PowerPoint presentation.

**City Clerk:**

- Updated Council on the RFQ/RFP for cleaning services that will be advertised on December 29, 2016 and January 5, 2017.

<b>MAYOR &amp; COUNCIL REPORTS</b>
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- **Mayor Bagshaw:**

- Updated Council on the status of quiet zones and his discussion with Orange County staff. He said Edgewood is first on the list when the project begins in February.
- Reported that the Santa Fly-in was a success. He said there were 104 Santa letters left in the Christmas mailbox. Mayor Bagshaw said that Shannon Patterson and PD staff mailed out over 100 acknowledgment postcards to the kids who mailed a letter to Santa. He said the postcards were mailed from Christmas, Florida.
- Reported that there was a great turn out at the City's Toys For Tots event.
- Reported that the redevelopment for Julie's Waterfront is not moving forward because of the need for more parking.

- **Council President Dowless:**

No report.

- **Council Member Powell:**

No report.

- **Council Member Henley:**

No report.

- **Council Member Chotas:**

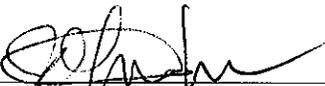
No report.

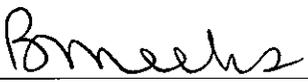
- **Council Member Fortini**

No report.

**ADJOURNMENT**

Having no further business or discussion, Council member Henley made a Motion to adjourn; Seconded by Council Member Powell. The City Council meeting adjourned at 8:29 p.m.

  
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John Dowless  
Council President

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

Approved on January 17, 2017.