

**CITY COUNCIL AGENDA**  
**Regular Meeting**  
**Tuesday, June 21, 2016 - 6:30 p.m.**

**CALL TO ORDER**

On Tuesday, June 21, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. A moment of silence was held in remembrance of the Pulse Nightclub victims, followed by an invocation given by Council Member Powell who also led the Pledge of Allegiance.

City Clerk Meeks announced that the Mayor and four Council Members were present. She noted that Council Member Fortini was absent. City Clerk Meeks requested a Motion to excuse Council Member Fortini's absence, as advanced notice was given. ***Council Member Chotas made the Motion to excuse Council Member Fortini's absence from the City Council meeting; Seconded by Council Member Henley. Unanimously approved (4/0).***

**Attendees**

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

**Absent**

Susan Fortini, Council Member (Excused)

Bea L. Meeks, City Clerk  
Chris Francisco, Police Chief  
Drew Smith, City Attorney  
David Mahler, City Engineer  
Allen Lane, City Engineer  
Shannon Patterson, Police Clerk and Accreditation Manager  
Sgt. Vince Jackson  
Sgt. John Freeburg  
Officer David Ireland  
Sandy Repp, Administrative Assistant

**CONSENT AGENDA**

1. Review and Approval of Minutes

- May 17, 2016 Regular City Council Meeting

## 2. 90<sup>th</sup> Annual FLC Conference – Voting Delegate Recommendation

City Clerk Meeks announced that Council Member Chotas met with her and presented corrections to the May 17, 2016 minutes. She noted that each Council Member had a copy of the corrections at their dais seat. The corrections were read into the record. City Clerk Meeks said the corrections will be attached to the approved executed minutes.

***Council Member Chotas made the Motion to approve the consent agenda items, with the noted corrections to the Minutes; Seconded by Council Member Henley. Unanimously approved (4/0).***

With the Consensus of Council, Council President Dowless changed the order of items on the agenda as follows:

1. Quiet Zones
2. Seabrook Boat Dock
3. Cypress Grove Park

### **Quiet Zones**

Council President Dowless said the City paid the required funds for quiet zones a few months ago. However, the City recently received an email advising that if the City wanted to move forward with the installation of quiet zones, additional funds in the sum of approximately \$500,000 will have to be paid within the next two weeks. Council President Dowless said he contacted Orange County Mayor Jacobs, which was followed by a conference call that he and Mayor Bagshaw both participated in. Council President Dowless indicated that currently the matter is looking more favorable for the City.

### **Seabrook Boat Dock**

Council President Dowless referred to City Engineer David Mahler who explained the two reasons why Bill and Beth Seabrook requested a variance to construct a boat dock. He said it was addressed at the Planning & Zoning Board meeting on June 13, 2016. He said Engineer Allen Lane attended that meeting and was in attendance in this meeting to answer any questions. Engineer Mahler said that the Planning & Zoning Board had no objections to the length of the boat dock. However, the Board wanted the dock built to meet the 15 foot setback. Engineer Mahler said the Seabrooks are in attendance to respond to questions.

In response to Council Member Chotas, Engineer Mahler said the hardship necessitating the extension of the length was that the water was too shallow for the boat draft. Engineer Mahler provided the depths of the water. Matt (Summer Time Boat Docks) said the draft of the cradle is three feet and it is recommended that there be another two feet for a five foot depth water clearance. He said due to the fluctuations of the water elevation on Conway, the depth often changes. He said that the purpose of building the boat dock is so that the Seabrooks can be

confident that they can get in and out all during the year. Matt said the proposed length is 75.6 inches (10 foot extension). Matt confirmed for Council Member Chotas that the square footage of the boat dock is 1234 sq.ft., with a total shaded area of 237 square feet beyond the shaded area. Matt said the Seabrooks have obtained the required DEP permit.

***Beth and Bill Seabrook:*** Bill Seabrook confirmed that the information Matt from Summer Time provided was correct. He said it has been difficult getting their boat in and out at certain times of the year. He said they have not seen a seaplane land on the landing strip Ivan Smith referenced. Bill Seabrook said they are trying to use the existing dock's footprint. He confirmed they have signed consents from neighbors. Beth Seabrook said she met with Mrs. Andrews and that she had no concerns. City Attorney Smith confirmed that the Planning & Zoning Board did not agree with item #3 (proposed setbacks). ***Planning & Zoning Board Chair Regina Dunay said the argument was to maintain the same footprint for environmental reasons. She said the Seabrooks were not using the same pilings. She said the Board was not persuaded.*** Engineer David Mahler said there is a hardship if the Seabrooks cannot use the lift they want. City Attorney Smith said that maybe the question should be what is a reasonable draft? Engineer David Mahler said there are at least six boat docks that are the same length. City Attorney Smith said that Council only needs to address the variance. He confirmed that the variance is for length and setback. Council Member Chotas said that all three variances were not asked for. He said that the Planning & Zoning Board should be able to consider the impact on the vegetation, and the hardship for the increase in the size of the boat dock. In response to Council Member Chotas, City Clerk Meeks confirmed that if a boat dock exceeds 1000 sq. feet of area; a variance is required. It was noted that the proposed square footage of the Seabrook's boat dock exceeded 1000 square feet. **Bill Seabrook confirmed he will pull the application and resubmit.** The Seabrooks were asked to consider environmental concerns including scouring vegetation when the boat is coming in and out to shore.

### **Cypress Grove Park**

Matt Suedmeyer, Manager, Orange County Parks and Recreation Division, asked Council to consider the deannexation of property adjacent to Cypress Grove Park. He referenced a letter from Orange County Commissioner Pete Clarke indicating that the intent of the County is to move forward with purchasing the property. Mayor Bagshaw said he responded with a letter indicating that a deannexation cannot be guaranteed. Mayor Bagshaw asked for a concrete idea of what will be done with the park. He noted that there are too many unknowns. Additionally, Mayor Bagshaw said there has been no discussion regarding Jamaica Lane. Council Member Chotas noted that the City is not being asked to do anything at this time.

**Council President Dowless called for a recess at 7:47 p.m. – Reconvened at 7:57 p.m.**

### **Public Comments**

***Resident Brett Barner*** gave a timeline of meetings and request for placing this item on the agenda. He said he and some others went door-to-door and showed the Orange County Park's presentation and explained to them the financial implications to Edgewood. He said 279 people signed the Petition; four did not. He said the opposition was related to traffic and not in favor of

anything adding more traffic. He said security was another reason for opposing the Petition, along with the needed improvements to Jamaica Lane.

**Edgewood business owner Fran Pignone** said her feelings are just as strong as the last time she spoke. She noted her concerns regarding quid pro quo. She opined that she thought that is was being used in the acquisition as part of the park being used for the eventual connection of Holden and Gatlin Avenues. She said she objects to the quid pro quo and would pursue from every level.

**Resident Jim Muszynski** said he signed the Petition in support of the deannexation. He said the overall goal is to maintain and preserve the residential character of the community. He said the adjacent property to the park can be used as parks or can be warehouses.

**Resident Ellen James** said if the property is deannexed, the City will lose a tax base. She also stated concerns regarding the Police Department's inability of not being able to control the drug problems because it is the County's jurisdiction.

**Resident Judi Willis** said she lives close to the park project and thinks it would be great to have a larger park. She said she walks there a lot and rides her bike there too. She said she fully supports the park.

Park Manager Suedmeyer said a conceptual plan and intent of the park is rarely developed until meeting with the community. He said all that the County has presented is a conceptual of those things that are priority. He said when and if they develop this portion of the park, they will have community input. He said no due diligence performed on access; currently it is the main entrance to the park. Park Manager Suedmeyer explained the various funds for developing and maintaining parks. He thanked everyone for their positive feedback and support and those that did not support. He said "this is not a done deal". He said the price of the property is going up. Additionally, the State Statute requires two appraisals. He said he is not aware of the County Commission purchasing property above the appraisal value. At the request of Council President Dowless, Park Manager Suedmeyer explained the difference in a passive park and active park. He said that a passive park does not have brick and mortar. He said that Cypress Grove is an active park. Matt said Doris Click and "her group" do not want it to be an active park, they want it to be passive. He confirmed that the County can still purchase the property without deannexing. He said INVEST money can be used in unincorporated Orange County. He said the reason they want the property to be deannexed today is so they can pull permits now. Park Manager Suedmeyer said he is in total agreement that the Edgewood Police Department should be able to control the activity that goes on in the park. Council President Dowless said that no one is looking for quid pro quo, which is usually seen in a negative light, and no one on Council is doing anything in a negative light. In response to City Attorney Smith, Park Manager Suedmeyer said the County is not requiring any action by Council at this time.

**Resident Brett Barner** said that since the initial meeting with Commissioner Clarke the INVEST funds became available to purchase the park. He explained the issues regarding permits if the property is not deannexed. He said there are a large number of residents who would love to have the amenities that have been discussed. He said the property owner's desire is to sell the property to the County for use as park land. City Attorney Smith said timing is important. He explained that if the City deannexed and the deal falls through, the property does

not come back to the City and the County would regulate. He said it is premature to discuss deannexation until the County purchases the property. Mr. Barner said he would like for council to support the deannexation.

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

**ORDINANCE 2016-06** - 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 PROHIBIT AUTOMOTIVE REPAIR CENTERS WITHIN THE C-2 ZONING DISTRICT; 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 CLARIFY THE EXISTING CODE PROVISIONS WHICH PERMIT AUTOMOBILE SERVICE CENTERS; 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 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 gave the second and final reading of Ordinance 2016-06 in title only.

City Attorney Smith said that after the first reading of the Ordinance, he, the Mayor, Council Member Chotas and business owners met. He said he came out of the meeting with the idea to move to a special exception use or conditional use (whichever term you want to use). Council Member Chotas said if Council denies this Ordinance, the City Attorney can create a revised Ordinance that allows flexibility to be granted for the existing businesses who want to be a special exception use. Council Member Henley agreed. City Attorney Smith said he has started on the template of the Ordinance.

**MOVER:** Council Member Chotas  
**SECONDER:** Council Member Henley

***Deny the Second and Final reading of Ordinance 2016-06;***

Council President Dowless opened for public comments.

*Edgewood business owner Fran Pignone* thanked Council for changing the use allowing flexibility

***The Motion to deny the Second/Final reading of Ordinance 2016-06 passed with the following roll-call vote (4/0):***

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

**UNFINISHED BUSINESS**

1. Non-ad Valorem Assessment – City Clerk

City Clerk Meeks presented her report regarding the non-ad valorem assessment for waste disposal for the 2016/2017 fiscal year. She referred to Mayor Bagshaw for a recommendation. Mayor Bagshaw said that the City’s non-ad valorem assessment is not in a deficit; for this reason, the assessment should remain the same.

*Council President Dowless made the Motion to keep the non-ad valorem assessment for waste disposal the same (\$292.96); Seconded by Council Member Henley. Unanimously approved (4/0).*

**CITIZENS COMMENTS**

Resident Janie Drummond thanked Chief Francisco and Officers for their support and service during the Pulse Nightclub incident. She also thanked Mayor Bagshaw and Reserve Officer Zane for their representation for the tribute/memorial held at Old Town.

**BOARDS & COMMITTEES**

1. Charter Review Committee Update

Mayor Bagshaw said Bob Olsen was selected as chair of the Charter Review Committee however, he tendered his resignation due to medical concerns. He said Keith Farmer is Vice Chair and is willing to step up and be the CRC Chair. Mayor Bagshaw said that Council President Dowless has a potential candidate to serve on the CRC. With Council approval he would like for the Council President to pursue this candidate. *There were no objections to the Mayor’s request.*

Edgewood business owner Fran Pignone questioned if Council was going to hire an attorney trained in Charter Review. City Attorney Smith said that he has been a municipal attorney for thirteen years.

**STAFF REPORTS**

- **Chief Francisco**

Chief Francisco presented his monthly PowerPoint presentation updating Council on the status of the Police Department. Chief Francisco said that Code Enforcement Officer Cabales provided assistance at the Orange County Emergency Operations Center as a translator for families of victims of the Pulse Nightclub incident.

Mayor Bagshaw updated Council on the police vehicle that was totaled in an auto accident. He said the City received a check from the insurance company for \$16,000+ (included police package too). Police Chief Francisco explained the options to purchase a police vehicle on an information sheet provided to Council. He said he would need approximately \$25,000 in addition to the insurance funds. Chief Francisco confirmed for Council Member Henley that there are four Ford police vehicles and three Dodge police vehicles on the road.

**Council Member Chotas made the Motion to Supplement Chief Francisco's budget not to exceed \$25,000, plus insurance, towards acquisition the of a new police vehicle; Seconded by Council President Dowless. Unanimously approved (4/0).**

Staff was directed to bring this before Council as a budget amendment.

- **City Attorney**

No report.

- **City Clerk**

City Clerk Meeks reported that the State Floodplain Management's office completed their field assistance report. She said the City was found to be appropriately and effectively implementing their floodplain management program in accordance with the National Flood Insurance Program.

## **MAYOR & COUNCIL REPORTS**

- **Mayor Bagshaw:**

Mayor Bagshaw reported that City Clerk Meeks received a Home Rule Hero award from Florida League of Cities. He said City Clerk Meeks was one of the two City Clerks in the State of Florida to receive the award this year. He said this is the first year the League gave the award to a City Clerk. City Clerk Meeks was recognized with applause from Council and meeting attendees. Mayor Bagshaw noted that City Clerk Meeks works throughout the year on legislative matters.

Mayor Bagshaw said it is difficult to be a leader, as it is easy to say yes and hard to say no. He referenced an incident at a recent workshop involving Code Enforcement Officer Cabales. He said he reviewed the tape from Code Enforcement Officer's body camera. He said the tape is available for review. He said the tape will show that Code Enforcement Officer Cabales acted appropriately and professionally. Mayor Bagshaw said it puts the City in a tough position when an employee feels they have been harassed. He said he is passionate about employees and the respect they deserve. He publicly apologized to Code Enforcement Officer Cabales for being wrongly accused of something. He noted that there are policies in the Charter regarding employees. Mayor Bagshaw said he wants to make sure that it is conveyed to Code Enforcement Officer Cabales that a public apology has been made. City Attorney Smith confirmed for Council President Dowless that if a Council Member has an employee concern, they should talk to the Mayor.

- **Council Member Powell**

No report.

- **Council Member Henley**

Council Member Henley reminded Council Members that budget is around the corner and wants to lay the groundwork on how the budget is prepared. She said she wants the budget numbers to be provided to McDermit-Davis to do the inputting. She said there may or may not be an additional cost. Mayor Bagshaw said he will discuss this with the accounting firm and that there should not be an additional cost.

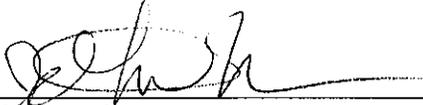
- **Council Member Chotas**

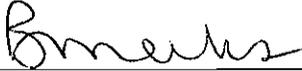
No report.

<b>ADJOURNMENT</b>
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Having no further business or discussion, Council Member Chotas motioned to adjourn the meeting at 9:31 p.m.; seconded by Council Member Powell.

**ATTEST:**

  
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John Dowless  
Council President

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

**Approved by Council on July 19, 2016.**