

CITY COUNCIL AGENDA
Regular Meeting
Tuesday, May 17, 2016
6:30 p.m.

CALL TO ORDER

On Tuesday, May 17, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. A moment of silence was given followed by the Pledge of Allegiance.

City Council Members

Ray Bagshaw, Mayor (Quorum)
John Dowless, Council President
Neil Powell, D.D.S., Council Member
Pam Henley, Council Member
Lee Chotas, Council Member
Susan Fortini, Council Member

Staff

Bea Meeks, City Clerk
Chris Francisco, Police Chief
Drew Smith, City Attorney
Sandy Repp, Administrative Assistant

CONSENT AGENDA

1. Review and Approval of Minutes
 - April 19, 2016 Regular City Council Meeting

City Clerk Meeks noted the following correction on Page 2 given by Council President Dowless:

It was the consensus of the Council that they were not ready to make a decision.

Council Member Powell made the Motion to approve the April 19, 2016 minutes, with correction; Seconded by Council Member Henley. Unanimously approved (5/0).

PRESENTATIONS**Mayoral Proclamation**

- Municipal Clerk's Week-

Mayor Bagshaw noted the importance of the City Clerk and noted his appreciation of City Clerk Meeks. Council President Dowless also gave kudos to City Clerk Meeks, which was met with applause.

- Women's Lung Health Week-

Mayor Bagshaw acknowledged Women's Lung and Health Week and said the Proclamation was mailed to the American Lung Association.

Mayor Bagshaw acknowledged a third Proclamation acknowledging Teacher's Appreciation Week. He said the Proclamation was mailed to Orange County Public Schools, at their request.

2014/2015 FY Audit – Tom Reilly, Holland & Reilly, CPA

Tom Reilly, CPA gave a PowerPoint presentation . He explained why GASB 68, related to the Florida Retirement System (FRS), delayed the completion of the audit. He continued to provide the highlights of the audit. *Council Member Chotas questioned the liability of FRS. CPA Reilly said the State of Florida is in a good position compared to other states.* City Clerk Meeks explained the difference in the calendar year and fiscal year of the City and FRS.

CPA Reilly said the City had a lot of capital outlay but it was all planned. He said excess of expenditures over revenues \$552,660 was needed to meet the Charter requirements. He said \$800,000 was transferred to roads and streets. He showed the General Fund broken down by revenues and expenditures. He said the majority of expenses are Public Safety. Council President Dowless pointed out that the City had a Capital Improvement Plan two years ago, and that the City started making improvements to roads and streets. CPA Reilly commented on the compliance with Charter and said the City has come down from 96% to 77.6%. He noted the significant improvement was due to the capital outlay expenditures. He said that the City's accounting process has improved which made the process run smoothly. *Council Member Chotas questioned the red light camera funds and transparency. CPA Reilly said all the detail that Council wants should be provided in the internal reports (Financial Statements) provided by accounting.*

Council Member Henley made the Motion to accept the FY 2014/2015 audit; Seconded by Council Member Powell. Unanimously approved (5/0).

Council President Dowless asked to move the Baker boat dock application up on the agenda. There being no objections by Council, the following discussion and consideration was heard:

Baker Boat Dock – Jeff and Haylee Baker, 5566 Jessamine Lane

City Clerk Meek explained that this agenda item should have been placed under New Business, as this was not considered by the Planning & Zoning Board.

In response to Council President Dowless, who asked if Council Members had any ex parte communications in this matter; Council Member Chotas said he went to the property and spoke to the property owner. There was no other ex parte communication.

City Engineer David Mahler presented his report. He said the boat dock met Code requirements. Engineer Mahler confirmed for Council Member Henley that the boat dock complied with the City Code. City Attorney Smith said that the engineer does not consider view, riparian rights, etc.

Comments:

City Clerk Meeks asked to allow Dr. Williamson to give a PowerPoint presentation showing why he objects to the placement of the dock.

Dr. Paul Williamson, 5130 Cranes Point Court – Dr. Williamson gave a PowerPoint presentation. He said he is not objecting to the boat dock; he is objecting to the placement of the boat dock as it relates to his view. He is requesting that Council not permit the Bakers to relocate their dock to a location that impedes or obstructs his lakefront view.

Renea Anderson- Ms. Anderson said she represents the builder of the boat dock. She said she will accept questions. In response to Council Member Powell, she said there are two boat slips. Council Member Powell questioned the depth of the water because of the dock being so close to the shore. Ms. Anderson said the depth of the water is 4 feet. She said a variance is required if the depth is more than 5 feet.

Terry Young, 5115 Cranes Point- Mr. Young said there is no reason for the Baker boat dock to be located so close to Dr. Williamson's home. He provided another copy of Gail Adams and Richard McMillin's letter. Mr. Young said he is attorney but he is speaking as a friend to Dr. Williamson. He said the existing dock is gone and the Bakers have a sidewalk going to the location of the proposed boat dock.

Richard Dreggors-State Certified Appraiser- Mr. Dreggors provided an Affidavit related to how boat docks can affect the value of property. He said Dr. Williamson's property is valued at \$1,000,000. In response to Council Member Fortini, he said he has not done an analysis of Dr. Williamson's property. He suggested that there was a 15%-20% decrease in value. Mr. Dreggor's comparison was based on a boat dock built on a lake in Maitland.

Renea Anderson- Ms. Anderson said it is standard procedure to permit a boat dock at the end of the home construction. She referred to Dr. Williamson's PowerPoint presentation and showed that the length of Mr. Baker's property is not as long as Dr. Williamson's boat dock. She expressed her concerns about referring to the boat dock as a flag dock; she said the dock is more

square on the end. She said referring to the Baker boat dock as a flag boat dock is a misrepresentation.

Jeff Baker, 5515 Jessamine Lane 5566 Jessamine Lane - Mr. Baker said he is being asked to build a dock in the middle of his property. He said he has rights too. He said that Dr. Williamson is not showing the unobstructed view of his property to the South. He said the dock does not extend beyond Dr. Williamson's fence, which obstructs Dr. Williams's view. Mr. Baker says he wants to be a great neighbor but wants his rights respected as well.

Council Member Powell said he built his boathouse on the side of his canal because he did not want to obstruct his view (straight). Council Member Fortini asked if there could be a compromise since there is 200 feet of shoreline. Mr. Baker said there are depth problems the further into the cove you go and then you have to get a variance.

City Clerk Meeks confirmed 24 notice letters were sent out, and there were three objections; all three supported Dr. Williamson's objections.

City Attorney Smith said the question becomes "is the view unreasonably being interfered".

Council Member Chotas said he can vote against the application if it was for a variance; he cannot vote against a view. He said he is willing to approve a variance for a larger boat dock moved to the west. Council Member Chotas suggested that Mr. Baker speak to his wife about having a large boat dock.

Terry Young (rebuttal) – Mr. Young said it is clear the dock is within code. However, he noted the conditions and consideration for navigability and unreasonable impairment of view. City Attorney Smith delineated between view and property value.

Jeffrey Baker said he wants happy neighbors. He said he saw the same view Dr. Williamson wants. He said Dr. Williamson would not compromise. He said he would be interested to know what an appraisal would show property value for him if put the dock where Dr. Williamson wants it.

City Attorney Smith explained that Council can approve the application, deny the application or approve the application with conditions. Council Member Henley asked about placing a condition of a 25 foot setback.

Dr. Williamson said he was not given any options. He said he believes a compromise can be reached. Dr. Williamson said his compromise is 60 feet. Mr. Baker said he would consider a 25 foot setback.

Mr. Baker said that when he met with Dr. Williamson his intent was to build the boat dock within code. He said they staked off the area from 15 feet to show what the view would be for both. He said Dr. Williamson was not acceptable to the 25 feet.

Council Member Henley made the Motion to approve the boat dock with a 25 foot set back from the west side of Paul Williamson's property; Second by Council President Dowless. Unanimously approved (5/0).

ORDINANCES

1. **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 first reading of Ordinance 2016-06 in title only. He said the Ordinance was considered by the Planning & Zoning Board who asked for revisions to include C-2 & C-3 zoning. City Attorney Smith explained that if the Ordinance is adopted, the current automotive use stays in place. However, if the use is abandoned for more than six months, the automotive use goes away pursuant to the Ordinance.

MOVER: Council Member Henley SECONDER: Council Member Fortini
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Council President Dowless opened for Public Hearing.

Russell Hall explained that he is purchasing a property that is currently an automotive repair business. He said he spoke to City Clerk Meeks who explained the Ordinance and abandonment. City Attorney Smith confirmed that the City Clerk's explanation was correct.

In response to Council President Dowless, Mayor Bagshaw said that Council needs to make a decision based on their vision and what they want to do moving forward. Council Member Fortini said she wants to move forward with the Ordinance as is. Council Member Chotas said change should not take away property rights. City Attorney Smith said he researched the matter and he does not feel the City is out of line or unreasonable. Council Member Henley said she is

having trouble with the Ordinance because she doesn't want it to affect a property owner's investment.

Having no further comments, the public hearing was closed.

The Motion to approve the first reading of Ordinance 2016-06 passed with the following roll-call 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 President Chotas</i>	<i>Favor</i>

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- ORDINANCE 2016-07** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA REQUESTING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ESTABLISH BIRD SANCTUARIES ON THOSE PORTIONS OF LAKE JESSAMINE, LAKE MARY JESS, LAKE CONWAY, LAKE GATLIN, LAKE MILLY AND LAKE JENNIE JEWEL THAT LIE WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY OF EDGEWOOD; AGREEING TO ASSUME RESPONSIBILITY FOR ENFORCEMENT OF REGULATIONS OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION WHICH WOULD APPLY TO SUCH AREAS; PROVIDING FOR NON-CODIFICATION AND AN EFFECTIVE DATE.

MOVER: Council Member Powell
SECONDER: Council Member Fortini

City Attorney Smith gave first reading of Ordinance 2016-08 in title only.

Council President Dowless opened for Public Hearing.

In response to resident Brett Barner regarding an update, Mayor Bagshaw said that Belle Isle has already passed a similar Ordinance.

Having no further comments, the public hearing was closed.

The Motion to approve the first reading of Ordinance 2016-07 passed with the following roll-call 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 President Henley</i>	<i>Favor</i>

NEW BUSINESS

None.

UNFINISHED BUSINESS

1. Charter Review Committee

City Clerk Meeks explained that Keith Farmer was added to the list after the initial list was proposed. She confirmed that resident Martha Mitchell, declined being on the committee. Council President Dowless recognized Mr. Farmer who was in attendance.

It was the consensus of the Council to approve the list of proposed members for the Charter Review Committee, including the addition of Keith Farmer.

GENERAL INFORMATION (No action required)

CITIZEN COMMENTS

Resident Brett Barner- Mr. Barner asked about the status of Cypress Grove Park and the adjacent property. Mr. Barner asked for it to be placed on the next agenda. Mayor Bagshaw said he has a meeting with Commissioner Pete Clarke on May 18, 2016. The Mayor said he cannot commit to placing the matter on the next agenda until he has a discussion with Commissioner Clarke.

Mr. Barner also referenced the quiet zones and asked if the City already paid the \$309,000 for the crossings. Mayor Bagshaw said the area is not pedestrian friendly and that the County will have to pay for the upgrades.

BOARDS & COMMITTEES

Baker Boat Dock – Jeff and Haylee Baker, 5566 Jessamine Lane

At the request of Council President Dowless, this item was moved up on the agenda to “Presentations”.

STAFF REPORTS

City Attorney:

City Attorney Smith noted the revised Ordinance regarding the sign code for the Workshop on May 24 2016.

Police Chief:

- Chief Francisco gave his monthly PowerPoint presentation.
- He noted complaints regarding individuals jumping over the fence into Cypress Grove Park.
- Chief Francisco said that Jamaica Lane is not conducive for pedestrian access to the park if the County moves forward with purchasing the adjacent property.

City Clerk:

- Reminded Council Members about the May Tri-County meeting.
- Confirmed she provided Council Member Henley with the link for online ethics training, and will provide to other Council Members upon request.
- Asked Council Members to stay a few minutes after the meeting to sign bank authorization documents.

MAYOR & COUNCIL REPORTS

Mayor Bagshaw

- Reported that Truthful Acting, located in the plaza behind City Hall, created the Edge Theater and are now looking for a larger space.
- Reported that he is working with inquiries from people looking for property in Edgewood for business purposes.

Council President Dowless:

- Council President Dowless acknowledged Council Member Powell's recent Honor Flight, and thanked him for his service.

Council Member Powell:

- Reported that resident Bob Olson who inquired about the trains blowing their horns. He said he checked with DOT and confirmed that they are aware of the situation.
- Reported that he talked to Mr. Luthe, who is retired from CSX and he told Dr. Powell there is a tag with a phone number on the telephone poles.

Council Member Henley:

No report.

Council Member Chotas:

Council Member Chotas said he had no report. However, he noted his appreciation to Mayor Bagshaw for coordinating a meeting with Commissioner Clarke.

- **Council Member Fortini:**

No report.

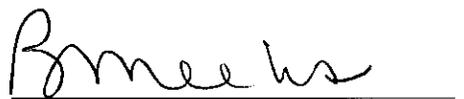
ADJOURNMENT

Having no further business or discussion, Council Member Chotas motioned to adjourn the meeting at 9:59 p.m.; seconded by Council Member Henley.

ATTEST:



John Dowless
Council President



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

Approved by Council on June 21, 2016 with corrections provided by Council Member Lee Chotas.

Page 3/2nd Paragraph: In response to Council President Dowless, who asked if Council Members had any ex parte communications in this matter; Council Member Chotas said he went to the adjacent property owned by Dr. Williamson and spoke to Dr. Williamson who conveyed the same information as is contained in Dr. Williamson's PowerPoint, the property owner. There was no other ex parte communication.

Page 4/5th Paragraph: Council Member Chotas said he can vote against the application if it was for a variance from Code Compliance. Hhe cannot vote against a Code Complaint Application because in his opinion there is no unreasonable interference with Dr. Williamson's view. He said he is willing to approve a variance for a larger boat dock moved to the west. ~~Council Member Chotas suggested that Mr. Baker speak to his wife about having a large boat dock.~~

Page 5/4th Paragraph: In response to Council President Dowless, Mayor Bagshaw said that Council needs to make a decision based on their vision and what they want to do moving forward. Council Member Fortini said she wants to move forward with the Ordinance as is. Council Member Chotas said change should not impermissibly take away investment back expectations property rights. City Attorney Smith said he researched the matter and he does not feel the City is out of line or unreasonable. Council Member Henley said she is having trouble with the Ordinance because she doesn't want it to affect a property owner's investment.