

**CITY COUNCIL REGULAR MEETING  
TUESDAY, DECEMBER 19, 2017  
6:30 p.m.**

**CALL TO ORDER**

Council President Dowless called the regular City Council Meeting to order at 6:30 p.m. He gave the invocation and then led everyone in the Pledge of Allegiance.

**OATH OF OFFICE**

City Clerk Meeks administered the Oath of Office to Ben Pierce, who is completing the term of Council Member Pam Henley.

**PRESENTATION**

Mayor Bagshaw presented resident Richard McMillen with a certificate recognizing him for volunteering his time to be Santa Claus for the City's pet photos with Santa. Mayor Bagshaw also presented resident Les Slesnick with a certificate for him and his wife Ella Slesnick, in recognition of their time helping with the Santa Fly-in.

Council President Dowless gave kudos to Mayor Bagshaw and his wife Bonnie for their work in the recent special events held in the City, and for the lighting and decorating of City Hall and Bagshaw Park. Council President Dowless presented Mayor Bagshaw with gift cards for the Mayor and his wife from current and former Council members. The recognitions and presentations were met with applause.

**CONSENT AGENDA**

1. Review and Approval of Minutes
  - November 11, 2017 Visioning Workshop/Charrette Minutes
  - November 21, 2017 City Council Meeting Minutes

*Council Member Chotas made the Motion to approve both sets of minutes with a spelling correction; Second by Council Member Horn. Approved 5/0.*

Following approval of the minutes, it was noted that Council Member Henley and family was in the audience. Council President Dowless asked Council Member Henley to come forward and he recognized her for her service to the City as a Council Member since 2011. He presented Council Member Henley

with a glass vase with an inscription noting her years as an Edgewood City Council Member, and thanking her for her years of service.

2. 2018 Vote Processing Equipment Use Agreement And Elections Services Contract For Municipal Elections - Orange County Supervisor of Election

*Council Member Chotas made the Motion to approve the Vote Processing Equipment Use Agreement And Election Services Contract, as recommended by the City Clerk Meeks; Second by Council Member Fortini. Approved 5/0.*

(Note: For anyone listening to the recording of this meeting, consideration of the Agreement was done further into the meeting)

## ORDINANCES

- **ORDINANCE 2018-01** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA TO EXTEND A TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF EDGEWOOD ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, ZONING APPROVALS, SPECIAL EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW NEW DEVELOPMENT OR CHANGE OF EXISTING USES TO ANY OF THE FOLLOWING USES ON PROPERTIES WHICH ARE BOTH LOCATED WITHIN THE C-1, C-2 OR C-3 ZONING DISTRICTS AND ADJACENT TO ORANGE AVENUE, HOFFNER AVENUE, GATLIN AVENUE, HANSEL AVENUE, OR HOLDEN AVENUE: PUBLISHING PLANTS, SKATING RINKS, FROZEN FOOD LOCKERS, AMUSEMENT AND RECREATIONAL FACILITIES IN WHICH THE AMUSEMENT AND RECREATIONAL ACTIVITIES DO NOT OCUR WITHIN A FULLY ENCLOSED STRUCTURE (INCLUDING MINIATURE GOLF COURSES, GO-CART TRACKS, GOLF DRIVING RANGES, BASEBALL BATTING RANGES AND TRAMPOLINE CENTERS), MECHANICAL GARAGES, HEATING AND AIR CONDITIONING SALES AND SERVICE, WHOLESALE BAKERIES, SOFT DRINK BOTTLING, PRODUCTS TESTING (MATERIALS, EQUIPMENT, OR PRODUCTS), MACHINE SHOPS, MANUFACTURING, STORAGE AND WHOLESALE DISTRIBUTION WAREHOUSES, TRADE SHOPS (EXCEPT FOR CABINET MAKERS AND UPHOLSTERING) TIN SMITHS, RUG AND CARPET CLEANING, MATTRESS RENOVATIONS, ELECTRICAL SHOPS, ROOFING SHOPS, PLUMBING SHOPS, CAR WASHES, CONFECTIONARY MANUFACTURE, FURNITURE STRIPPING, GARMENT MANUFACTURING, VEHICULAR BODY AND PAINTING SHOPS, BUS REPAIR, CAB REPAIR, LIGHT TRUCK REPAIR, MEAT PROCESSING (INCLUDING STORAGE, CUTTING, AND DISTRIBUTION), WHOLESALE PRODUCTS DISTRIBUTION, WHOLESALE COMMERCIAL ESTABLISHMENTS THAT OCCUPY MORE THAN 50,000 SQUARE FEET, MACHINERY SALES, MACHINERY RENTAL, MACHINERY STORAGE, OUTDOOR STORAGE OF MERCHANDISE, OUTDOOR STORAGE OF PARTS OR OTHER EQUIPMENT, BUILDING MATERIAL STORAGE, CONTRACTORS' STORAGE AND EQUIPMENT YARDS (INCLUDING WELL DRILLING EQUIPMENT AND LAND CLEARING EQUIPMENT), MINIWAREHOUSES, MILK BOTTLING AND DISTRIBUTION PLANTS, ICE CREAM MANUFACTURING, CITRUS PROCESSING, WELDING SHOPS, COIN LAUNDRIES, THRIFT STORES, OPEN AIR FLEA MARKETS, AUCTIONS, RADIO BROADCASTING AND TELECASTING STATIONS STUDIOS AND OFFICES, NEW OR USED CAR OR BOAT SALES, ADOPTING FINDINGS OF FACT; DIRECTING STAFF TO CONTINUE TO STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO THE C-1, C-2 AND C-3 ZONING DISTRICTS;

PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2018-01 in title only.

City Clerk Meeks confirmed for Council President Dowless that John Moccio sent an email regarding the moratorium. She confirmed that a copy was sent to all Council Members and a copy was placed at their dais seat. City Clerk Meeks said business owner Sue Fulford also asked to speak.

At the Request of Council President Dowless City, Attorney Smith gave a brief history of the moratorium.

**Public Comment**

*Sue Fulford*- Business owner Fulford said she objected to the moratorium because she does not see what the moratorium has accomplished since August. She said she feels the market will dictate what will happen in the City and feels strongly that Council should vote no.

In response to Council President Dowless, Mayor Bagshaw said the owner of parcels recently purchased on Orange Avenue can have the same uses in place when the properties were purchased; however, they cannot change the footprint of the business. Mayor Bagshaw said if the parcel was non-conforming, they cannot bring in those businesses that are in the Moratorium Ordinance. Mayor Bagshaw said that properties are being sold along Orange Avenue indicating there is a lot of interest. He said the summary from the visioning team should be available in February. Mayor Bagshaw said he agrees that a decision will have to be made soon but the City would like to have the visioning summary to give Council some direction.

Council Member Chotas said he voted against the moratorium because there is no need. He said people have a right to utilize their land without being unduly burdened by the Government. He does not think a need has been articulated. He said he has always been in favor of rezoning along Orange Avenue. He said he will vote against the extension of the moratorium.

Council President Dowless made the Motion to approve the first reading of Ordinance 2018-01; Second by Council Member Horn.

*The Motion was approved by the following roll call vote (4/1):*

<i>Council Member Pierce</i>	<i>Favor</i>
<i>Council Member Horn</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>Oppose</i>
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City Clerk Meeks announced that the second/final reading of Ordinance 2018-01 will be published in the Orlando Sentinel and will be heard in the January 16, 2018 City Council Meeting.

**ORDINANCE 2018-02** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; REPEALING AND REPLACING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO SIGNS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR A PURPOSE, DEFINITIONS, PERMITTING PROCESSES AND APPEALS FROM SIGN PERMIT DENIALS, PROHIBITED SIGNS, GENERAL REGULATIONS AND SPECIFIC STANDARDS OF ZONING DISTRICTS, SIGN LIGHTING AND ILLUMINATION, EXISTING SIGNS WHICH WILL BE NONCONFORMING AFTER ENACTMENT OF THIS ORDINANCE, REMOVAL OF SIGNS, SUBSTITUTION OF NON-COMMERCIAL SPEECH FOR COMMERCIAL SPEECH, CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT), ILLEGAL SIGNS ON PUBLIC PROPERTY AND SAFETY CONSIDERATIONS; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith gave first reading of Ordinance 2018-02 in title only.

**Public Comment**

John Runner- Ron Jon's Automotive- Mr. Runner said he is not against putting up a new sign however, he wanted to know if Council is considering the height of the signs. He said the signs should be staggered in height. Mayor Bagshaw said there was an increase in height.

Planner Hardgrove referred to her Proposed Sign Regulation Overview dated December 6, 2017. She said the proposed sign regulation has three heights in signs; ground signs, low profile signs (i.e., monument sign up to 6' in height) and a tall profile sign with a maximum height of sixteen feet. She said the tall profile sign is like a pole sign except the pole is wider, giving it a more aesthetic appearance. The low profile sign can be eight feet high but must start on the ground. She said you can have a maximum of two feet of clearance between the ground and the sign face. The tall profile sign is up in the air (i.e., Brinkman sign). Planner Hardgrove confirmed the signs can be staggered. In response to Council President Dowless, Planner Hardgrove provided a summary of the signs that can be permitted. She explained large parcel signs, which are for shopping centers, are allowed. She summarized saying these are the three ground signs; low profile, tall profile and large parcel signs. Planner Hardgrove said the attached signs are wall signs, projecting signs and hanging signs. She said awning signs are different from the hanging signs. She said copy area has not changed and it is content neutral as to what can go on the sign. There were no changes made to the single occupant versus multi-occupants' sign, except for large parcel signs as they relates to an anchor tenant.

In response to Council President Dowless, Planner Hardgrove explained the allotted amount of signage on windows. Planner Hardgrove emphasized that the signage is based on the entire window area and not per window.

In response to Council President Dowless, Planner Hardgrove said the window signage is allowed up to twenty-five percent of the total window. The twenty-five percent does not count towards copy area.

Planner Hardgrove said the biggest change is the pole sign. She said the proposed Code allows for conversion or amortization. City Attorney Smith said the Ordinance provides for a twelve month amortization of your pole sign or you can convert. He confirmed that the only thing being amortized is the pole sign.

Council President Dowless asked City Clerk Meeks to explain the notice process given in 2011 to business owners, regarding their compliance with the 2002 sign ordinance. City Clerk Meeks explained that the Council President at that time was Council President Judy Beardslee, who directed staff to send a notice to business owners regarding compliance. City Clerk Meeks said business owners were contacted by email or U.S. Mail (300 +/-). Business owners were provided with a rendering of the required signage and asked to comply to avoid code enforcement. City Clerk Meeks said the letter was met with opposition and business owners came to a Council meeting to voice their concerns. She said Council decided to not enforce the Ordinance at that time, which led to consideration for changing signage requirements again.

In response to City Attorney Smith, Planner Hardgrove said that the change to tall signs is that you can only have one tall sign per business in addition to an awning sign. In response to Planner Hardgrove, City Attorney Smith said if you have more than one tall sign today, it is not amortized. He said all that is being amortized is the pole sign. Planner Hardgrove said currently there are only two tall profile signs that meet today's Code and they are located on the Brinkman and Stemberger properties.

Planner Hardgrove said Le Coq au Vin will be affected by the Ordinance. She explained the change that the Planning & Zoning Board did at the last minute. She said the minimum width of the pole structure (up to the sign face) must be a minimum of twelve inches. The Planning & Zoning Board did not think that the width was enough and wanted a minimum width of twenty percent, which put Le Coq au Vin out of compliance. Planner Hardgrove said the change was not their intent to create a non-compliant sign. The intent was that this would be a good example of a tall profile sign. Planner Hardgrove said Council would need to adjust the Ordinance for Le Coq au Vin's sign. City Attorney Smith directed everyone to the section of the proposed Code that affects Le Coq au Vin. He said that the added language was "the appearance of a single vertical support that is at least one fifth the width of the sign face or twelve (12) inches in width...".

Council Member Chotas said that you can use the original language before the change “the single vertical support that is at least twelve inches in width” and take out whichever is greater and take out one fifth the width of the sign face. Council agreed with Council Member Chotas’ suggested change.

Planner Hardgrove noted roof signs and referred to the Moose Lodge and said their sign is not considered to be a roof sign. She said there are several signs like this in the City.

In response to Council Member Chotas, City Attorney Smith said Mr. Moccio’s sign would still be amortized out. City Attorney Smith said Mr. Moccio’s sign is a low profile sign and is not a pole sign.

Council President Dowless asked if there was anyone else in the audience who wanted to speak to this Ordinance; there were none.

Council President Dowless noted the following:

Referring to page 20 of 33, lines 783/786 of the Ordinance provided in the agenda packet, Council President Dowless said these lines appear to be contradictory. City Attorney Smith explained what these lines are speaking to and why they are not contradictory.

Council Member Fortini made the Motion to approve the first reading of Ordinance 2018-02 with the agreed change to tall-profile signs; Second by Council Member Horn.

<i>The Motion was approved by the following roll call vote (5/0):</i>	
<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>
<i>Council Member Horn</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>

City Clerk Meeks announced that the second/final reading of Ordinance 2018-02 will be published in the Orlando Sentinel and will be heard in the January 16, 2018 City Council Meeting.

**ORDINANCE 2018-03** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF ALL OF THE INCORPORATED AREA OF THE CITY OF EDGEWOOD WITHIN A MUNICIPAL SERVICE TAXING UNIT DESIGNATED BY ORANGE COUNTY TO PROVIDE FIRE PROTECTION AND EMERGENCY RESCUE SERVICES; PROVIDING FOR ANNUAL RENEWAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2018-03 in title only.

**Public Comments**

City Clerk Meeks confirmed for Council President Dowless there were no requests to address Ordinance 2018-03.

Mayor Bagshaw explained, if approved, an MSTU would be designated for the Fire & Rescue fee that the City pays the County. The Mayor explained this would lower the City's millage rate. City Attorney Smith noted that the County will have to approve the MSTU.

*Council Member Chotas made the Motion to approve the first reading of Ordinance 2018-03; Second by Council Member Horn.*

*The Motion was approved by 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 Horn</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>

City Clerk announced that the second/final reading of Ordinance 2018-03 will be published in the Orlando Sentinel and will be heard in January 16, 2018 City Council Meeting.

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

None.

**UNFINISHED BUSINESS**

None.

**K. NEW BUSINESS**

- Similar & Compatible Use – Dog Bar – Ellen Hardgrove, AICP

Planner Hardgrove explained the application requesting a dog bar. She said this use is not allowed by code so direction is needed by Council. She explained the two ways she analyzed the request. She summarized the memo she gave to Council in their agenda packet. She said if Council supports the proposal, the City would have to change their open container law. She said a bar by itself as not a permitted use in Edgewood. She said a bar with food is allowed.

Discussion was held regarding drinking within a building versus a covered area.

The applicants (Lainie Pekich and Paul Jaszczenski) addressed the Council. They said that because beer and wine will be served, regulations require the property has to be completely fenced in. The applicants explained the double protection of the facility and into different areas for different size dogs.

In response to Mayor Bagshaw, the applicants said the proposed site is at the corner of Orange and Mary Jess Road (5501 S. Orange Avenue). They said they will build a new structure. They explained the hours of operations will be different from Dan's Saw & Tool. Mr. Jaszczenski said he spoke with Dan and Dan said he would work with them on parking. Mr. Jaszczenski said the Dollar General parking lot is another possibility.

The applicants said the moratorium is not a deal killer but a concern. City Attorney Smith in response to Council Member Pierce, the "recreational activities" listed in Ordinance 2018-01 can be removed in the second reading. City Attorney Smith also confirmed that a bar is not part of the moratorium but would Council would need to change the Code to allow a bar. Mayor Bagshaw said he has a concern and would like to see a conceptual of the proposed plan.

Planner Hardgrove said she thinks the City may need to address doggy dining because of dogs and the Waterfront and VanBarry's. She noted that people sit outside these restaurants with their dogs.

Discussion was held regarding what type of district dog bars with concession stands would fall in. Planner Hardgrove said the City would need to develop some type of regulations and take to the Planning & Zoning Board for their consideration and recommendation to Council.

It was agreed that Planner Hardgrove would work with the applicants and then bring back to Council her recommendations.

- Similar & Compatible Use – Real Estate School – Ellen Hardgrove, AICP

Planner Hardgrove presented the request for a real estate school. Planner Hardgrove said the code does not have a definition for a school. She said this wording is not included in C-1 zoning district but said it is similar. Planner Hardgrove said staff recommends approval and recommended if Council agrees with her finding, to also find that schools listed as a special exception are not necessarily one of the conventional academic curriculums.

### **Public Comment**

Ann Freeland (Property Manager with Edgewood Isle) – Ms. Freeland stated her reasons as to why she is a proponent for the school.

*Council Member Fortini made the Motion to find that the use is similar and compatible to permitted C-1 uses, and that the determination is specific to real estate schools and not necessarily any other non-curriculum schools; Second by Council Member Pierce.*

*The Motion was approved by 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 Horn</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>

- Planning & Zoning Board Appointments – Mayor Bagshaw

Mayor Bagshaw explained the vacancy that will occur after December, as Wade Fischer is unable to continue serving on the Planning & Zoning Board. Mayor Bagshaw recommended Dr. Aileen Trivedi to take Wade Fischer's place on the Board and to serve through December 2019.

*Council Member Pierce made the Motion to approve Mayor Bagshaw's recommendation; Second by Council President Dowless. Unanimously approved (5/0).*

#### **GENERAL INFORMATION (No action required)**

At the request of Council President Dowless, City Clerk Meeks read the announcement of the March 13, 2018 election as follows: **PLEASE TAKE NOTICE** that the City of Edgewood, Florida will hold a general election on Tuesday, March 13, 2018 for the purpose of electing three council members; two for three-year terms and one for a two-year term. These are at-large seats. When more than one office is being voted on such as that of council seats, those candidates receiving the highest number of votes shall be deemed elected. Accordingly the three candidates receiving the highest number of votes for city council member shall be elected to serve. Candidates may qualify during the period beginning January 16, 2018 at 12 Noon and ending January 22, 2018 at 12 noon, at the Office of the City Clerk, 405 Larue Avenue, Edgewood, Florida.

#### **CITIZEN COMMENTS**

None.

#### **BOARDS & COMMITTEES**

None.

#### **STAFF REPORTS**

**City Attorney Smith: None-**

**Police Chief Freeburg:**

- Monthly Report

Chief Freeburg referred to his report to which there were no questions. Chief Freeburg said one hundred cards were sent out as a result of the Santa letters given at the Santa fly-in.

**City Clerk Meeks:**

City Clerk Meeks introduced Virginia Renteria Code Enforcement Officer who was in attendance. City Clerk Meeks noted a recent meeting held with FEMA. She said she and Chief Freeburg participated in the meeting. She said due to a conflict the Mayor was unable to stay for the entire meeting; however, he would be providing comments in his report. City Clerk Meeks concluded with wishing everyone a Merry Christmas.

#### **MAYOR & COUNCIL REPORTS**

- **Mayor Bagshaw-**

Mayor Bagshaw provided the following report:

- The City is in receipt of an Invoice from Crowder Gulf for their services related to Hurricane Irma. Mayor Bagshaw explained that the monitoring company, Landfall Strategies has not submitted their Invoice yet. He said the invoices need to be paid and noted the funds would come from reserve. He said the payments will require a budget amendment. Mayor Bagshaw said at minimum, the City will get reimbursed for 70% of their costs.
- The Mayor provided a brief report on his attendance in the meeting with FEMA.
- Requested that Council President John Dowless continue serving on MAC, which he is now the chair. Mayor Bagshaw pointed out that Council President Dowless also has representation on the MetroPlan Board. There were no objections to the recommendation.
- Updated on the status Gatlin/Holden Avenue project. The Mayor said the project is getting close to completion.
- Updated on status of Quiet Zones: noting that the last footer has been poured for the additional gate. He estimated the project will be wrapped up in February.
- Announced that thirty live oak trees will be delivered in the new year. Mayor Bagshaw said the trees are already spoken for.
- Reported that he will be meeting with Linda Chapin and Bob Francis to see what Orange County's intent is to clean up Orange Avenue.
- Announced that City Hall will be closed Christmas Day, the day after Christmas and New Year's day.
- **Council Member Chotas-**

Council Member Chotas said that Mayor Bagshaw did not highlight the quality of the work he did for the hurricane. Council Member Chotas also noted his agreement with the Mayor that Council President Dowless continue serving on MetroPlan and thanked him.

- **Council Member Pierce –**

No report.

- **Council Member Fortini –**

No report

- **Council Member Horn –**

Council Member Horn said the Santa fly-in was great! City Clerk Meeks thanked Council Member Horn for helping with crowd control during Santa’s landing.

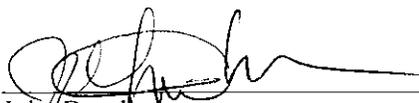
- **Council President Dowless –**

Council President Dowless said he will be serving on MetroPlan’s search committee for a new Executive Director. due to Harry Barley’s retirement announcement.

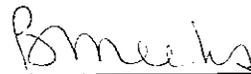
The Council meeting adjourned after Council reports however, reconvened due to an oversight of Resident Les Slesnick’s request form to address the Council. Mr. Slesnick said the Santa fly-in was great and that staff did a great job. He said he saw Council Member Horn in attendance and encouraged other Council members to attend City events and support them. He noted a recent discussion with Realtor Bethann Baer and encouraged approving the doggy bar. Mr. Slesnick thanked everyone associated with the City for their work and commitment.

**ADJOURNMENT**

The Council meeting adjourned at 8:44 p.m. on the Motion of Council Member Chotas; Second by Council Member Horn.



John Dowless  
Council President



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

*Approved in the January 16, 2018 City Council Meeting.*