

City Council Regular Meeting
February 21, 2017

ATTENDEES:

City Council

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

Staff:

Bea L. Meeks, City Clerk
Chris Francisco, Police Chief
Drew Smith, City Attorney
Ellen Hardgrove, Planner
Sandy Repp, Administrative Assistant
Sgt. John Freeburg

CALL TO ORDER

Council President Dowless called the February 21, 2017 City Council meeting to order at 6:00 p.m. He called for a moment of silence, followed by leading everyone in the Pledge of Allegiance.

City Clerk Meeks confirmed the attendance of the Mayor and Council Members and announced there was a quorum.

CONSENT AGENDA

1. Review and Approval of Minutes
 - January 11, 2017 City Council Workshop
 - January 17, 2017 Regular City Council Meeting

Council Member Powell made the Motion to approve both sets of minutes as presented; Seconded by Council Member Fortini. Unanimously approved (5/0).

Council President Dowless requested to move “Unfinished Business” up on the agenda; there were no objections.

UNFINISHED BUSINESS

1. Discussion of draft moratorium ordinance regarding certain uses in the C-2 and C-3 zoning districts.

Council President Dowless asked Planner Hardgrove to provide some history regarding the draft Ordinance for the moratorium. After presenting the history, Planner Hardgrove asked Council what direction they wanted to go. She said if Council thinks it is not a good idea to move forward to let her know so that she can stop her work. She asked if Council wants a moratorium on heavy commercial. Planner Hardgrove explained the allowed uses the Planning & Zoning Board recommended. She said they took out all C-3 uses except for two. Planner Hardgrove said the Planning & Zoning Board also removed some C-2 uses, and she explained those uses taken out and the remaining uses. She said the uses were removed because they did not meet the intent of the new district. Planner Hardgrove expanded on the following: (1) The uses along Orange Avenue would be those uses the residents of Edgewood would be using. (2) The uses would also be based on the target employment that the City wants. (3) To encourage a mix of non-intended residential uses with residential uses. She said the design standards would be in the Code. (4) Prohibits outdoors storage and fleets of parking. Planner Hardgrove said this summed up the intent of the new district; neighborhood commercial, services, entertainment, employment and residential districts.

In response to Council Member Chotas, Planner Hardgrove said there are no direct inconsistencies in the Comp Plan and the zoning. Council Member Chotas said that the Comp Plan should be reviewed by the Planning & Zoning Board and determine any inconsistencies and amend the comp plan, if applicable. City Clerk Meeks noted that there were no funds placed in the current budget to do a Comp Plan amendment. Council Member Chotas said he is not suggesting amending the Comp Plan; he is suggesting a review and determines if an amendment needs to be done.

Public Comments:

Jay Strates – Mr. Strates noted a moratorium currently in place in the City of Winter Garden. He said the moratorium is in place to allow the City time to develop overlays. He said it has been in place for just over a year and may be extended. Mr. Strates said he is an advocate of property rights. He says in his opinion, a moratorium should not be done unless you are going to initiate change. He said in his brief review of the City’s proposed Ordinance, he did not see any flexibility so if you need to make changes during the 180 days moratorium you cannot make a change. He said in the short run it can impact a property owner if they are trying to do a transaction with the business. He explained what drives the value of the property. He explained that development is gravitating down from SODO. He said going forward, planning makes sense. He said that Edgewood, Belle Isle and Pine Castle may want to coordinate to have a consistent transition. He said that in his research he found that development and property values increased post-moratorium.

In response to Council President Dowless, City Attorney Smith explained what flexibility in a moratorium Ordinance will allow when included, and what it will not allow.

Dan Drummond, 540 Mandalay Road, Edgewood- Resident Drummond thanked the Mayor and Council for their service to the City, and thanked the Planning & Zoning Board. He said he does not have a problem with their intent; he has a problem with the process. Resident Drummond explained how property owners could be harmed by the moratorium. He urged Council to reconsider the process.

John Runner, 4854 S. Orange Avenue, Edgewood- Mr. Runner said he has been an automotive business owner in the City for 42 years. He questioned Council about the value of property going down if they rezone the property. He said if Council approves rezoning and he cannot be an automotive repair business, who is he going to sell his business to?

At the request of Council President Dowless, Jay Strates said that the letters he sent out was responded to well. He said the whole idea of the letters, responses and redevelopment is to get the highest and best use. He said the City has a lot of shallow areas which is a challenge. City Attorney Smith explained legal non-conforming uses and said property owners can sell their property as long as they do not change the footprint of the business.

Mayor Bagshaw said that conversations have been held about holding visioning sessions; one with business/land owners and one with residents. Mayor Bagshaw said it is not a one step process, and explained the process after the first step. He notes that the City's property values are not increasing like other cities. He said he has asked property appraisers about this and is told it is because of Orange Avenue.

Council President Dowless said that the decision needs to be made to move on or stop and quit spending the money.

Planner Hardgrove said the Planning & Zoning Board's recommendation is to no longer allow heavier commercial uses. She asked Council the same question as she did the Planning & Zoning Board; what do you want the Orange Avenue corridor to be? She said it is a two-step process: (1) Put in place a moratorium so that you do not get the heavy commercial uses (2) Put in place planning and design standards.

Council Member Chotas said he would like for Planner Hardgrove to work with the Planning & Zoning Board and bring back how they want the Orange Avenue corridor to look.

In response to Council Member Elect Horn, Planner Hardgrove said the City benefits from the moratorium. She said the positive for the landowner is that they know the vision of the City and the direction they want to go.

City Clerk Meeks read into the record an email from John Moccio objecting to the proposed moratorium.

Resident Drummond asked if John Moccio’s property burns down can he rebuild. City Attorney Smith said there is a process for it in the moratorium.

Planner Hardgrove was asked to review the comp plan regarding zoning regulations.

[Mayor Bagshaw stepped away from the meeting.]

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

ORDINANCE 2017-01: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY 180 DAY MORATORIUM WITHIN THE CITY OF EDGEWOOD PROHIBITING THE ESTABLISHMENT AND OPERATION OF QUALIFIED DISPENSING FACILITIES FOR LOW-THC AND MEDICAL CANNABIS AND MEDICAL MARIJUANA TREATMENT CENTERS FOR MARIJUANA FOR MEDICAL PURPOSES DURING THE 180 MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Smith provided the second reading of Ordinance 2017-01.

Council President Dowless opened for public hearing-

Thomas Sampson-Belle Isle resident- Mr. Sampson stated his reasons why he opposes the moratorium. He provided City Clerk Meeks with a copy of Chapter 2016-123 regarding House Bills No. 307 and 1313, as he noted some information from this law to the Council

Council President Dowless confirmed that the moratorium is to address the new legislation.

Having no further comments, Council President Dowless closed the public hearing. There were no discussion/comments from Council

Council President Dowless made the Motion to approve Ordinance 2017-01; Seconded by Council Member Chotas.

The Motion to approve the second/final reading of Ordinance 2017-01 was unanimously approved in the following rollcall vote (5/0):

<i>Council Member Powell</i>	<i>Favor</i>
<i>Council Member Henley</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>

ORDINANCES

None.

NEW BUSINESS

2. **RESOLUTION 2017-01** – A RESOLUTION OF THE CITY OF EDGEWOOD COMMENDING THE FLORIDA ASSOCIATION OF CITY CLERKS FOR ITS 45TH ANNIVERSARY.

City Attorney Smith read Resolution 2017-01 in title only.

Council Member Henley made the Motion to approve the Resolution; Seconded by Council Member Powell. Unanimously approved (5/0).

3. MHR Group, LLC – Request to Waive Lien (5637 Lake Mary Jess Shores)

City Clerk Meeks stated her reasons why she was not in favor of approving waiver of the lien. City Clerk Meeks said the MHR Group was aware of the lien when they purchased the home. She said that there was at least two years of staff time involved as it relates to code enforcement. Additionally, there were legal fees associated with the City Attorney and the Special Magistrate.

City Attorney Smith explained the code enforcement actions that took place during a two year process on a property that had been in foreclosure since 2008.

[Mayor Bagshaw has returned to the meeting]

Chief Francisco said the property has been brought into compliance. He said everyone was noticed and the purpose is to have compliancy met. He said if a lien is relieved it will encourage others not to come into compliancy.

Mayor Bagshaw noted that there is a contract for purchase on the house.

Council Member Chotas made the Motion to deny the request for relief from the lien; Seconded by Council Member Powell. Unanimously approved (5/0).

PRESENTATIONS

- Mayoral Proclamation

Mayor Bagshaw presented a Proclamation supporting awareness of gambling and observing March as Problem Gambling Awareness Month.

- Little & Land Design's Proposal RE: City of Edgewood Visioning

Mayor Bagshaw confirmed for Council that no one from Little is in attendance. He said the proposal is for Council to review and consider. He gave a brief outline of their interaction with the City. The Mayor confirmed the group would take the lead in bringing the land/business

owners together, and then the residents for visioning sessions. He said this is a \$10,000 proposal. In response to Council Member Chotas, City Attorney Smith confirmed the Mayor has the discretion to retain Little, as the proposed contract amount is \$10,000, which is under the monetary threshold and does not require a Request for Proposal/Request for Qualifications. *It was the consensus of Council that Mayor Bagshaw finalize the proposal.*

GENERAL INFORMATION (No action required)

None

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES**STAFF REPORTS****City Attorney:**

- City Attorney Smith announced that Council needs to set a date for another sign code workshop. *It was the consensus of Council that the next sign code workshop will be held on April 24, 2017 from 6:00 p.m. to 8:00 p.m.*

Police Chief:

- Monthly report

Chief Francisco gave his monthly PowerPoint presentation.

City Clerk:

City Clerk Meeks reported on the following:

- Confirmed that Charter Referendum was published in the Orlando Sentinel
- Confirmed that the logic and accuracy test will be published in the Orlando Sentinel. She said the public test will be held on March 2, 2017 at the Orange County Supervisor of Election Office. She said canvassing board members Council Member Chotas and Planning & Zoning Chairwoman Regina Dunay will be attending the test.
- Confirmed Early voting begins February 12th.
- Confirmed vote by mail ballots were mailed out on February 14th.
- Announced auditors will be in City Hall on February 22, 2017 to do final audit fieldwork.
- Introduced Council Member Elect Alan Horn.

MAYOR & COUNCIL REPORTS**Mayor Bagshaw:**

- Announced the passing of Jim Harris, Russell Home Board of Director.
- Announced that Bob Harrell (former County Commissioner and Edgewood property owner) had a recent medical episode resulting in open heart surgery. Mayor Bagshaw said he has inquired from the Florida League of Cities about their mobile unit for medical screening. He said Bob Harrell and wife Ruth said they will donate money to bring the mobile unit in to provide a one day use to City employees. He has also inquired from other business owners to donate so services are free to employees.
- Mayor Bagshaw noted the increase in permitting and extra work load on staff.
- He announced that the Farmers Market is now held on Thursday mornings from 10:00 a.m. to 2:00 p.m.
- Announced a private birthday party will be held on Sunday, March 12, 2017 in Bagshaw Park. He said an Agreement has been signed.
- Announced that on the third Friday of every month, Edgewood Eats! will be held in Bagshaw Park.

Council President Dowless—

- Council President Dowless announced he will not be in attendance at March meeting

Council Member Powell-

- No report.

Council Member Henley-

- No report.

Council Member Chotas-

- No report.

Council Member Fortini-

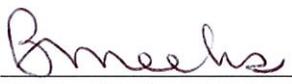
- No report.

ADJOURNMENT

Having no further business or discussion, the workshop adjourned at 9:03 p.m.



John Dowless
Council President



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

Approved in March 21, 2017 City Council Meeting.