

**CITY COUNCIL REGULAR MEETING MINUTES  
TUESDAY, AUGUST 21, 2018 - 6:30 p.m.**

**CALL TO ORDER**

Council President Dowless opened the August 21, 2018 Edgewood City Council meeting at 6:30 p.m. Deputy City Clerk Repp gave the invocation followed by Ms. Les Slesnick leading everyone in the Pledge of Allegiance.

The following attendance is noted:

**Attendees**

Ray Bagshaw, Mayor (Quorum)  
John Dowless, Council PMs.  
Richard Horn, Council Member  
Lee Chotas, Council Member  
Susan Fortini, Council Member  
Ben Pierce, Council Member

**Staff**

Bea L. Meeks, City Clerk  
Sgt. David Ireland  
City Attorney Drew Smith  
Ellen Hardgrove, AICP  
Shannon Patterson, PD Office Manager  
Sandy Repp, Deputy City Clerk

**PRESENTATION**

None.

**CONSENT AGENDA**

1. Review and Approval of Minutes

- July 17, 2018 City Council Meeting Minutes

Clerical corrections were given by Council President Dowless and Council Member Chotas.

- July 21, 2018 City Council Workshop Minutes

Corrections were given by Council President Dowless and Council Member Chotas. Due to questions regarding the corrections, Council agreed to remove these minutes from the consent agenda and consider in the September City Council meeting.

- July 30, 2018 City Council Budget Workshop Minutes

No corrections.

- August 7, 2018 City Council Budget Workshop Minutes

No corrections.

*Council President Dowless made the Motion to approve the July 17, 2018 minutes with corrections and approve the July 30, 2018 and August 7, 2018 minutes as presented; Second by Council Member Fortini. Unanimously approved 5/0.*

## ORDINANCES

None.

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

1. **ORDINANCE 2018-09** – AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO CREATE A NEW ZONING DISTRICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITTED, CONDITIONAL, AND PROHIBITED USES WITHIN THE NEW ZONING DISTRICT; PROVIDING FOR DEVELOPMENT STANDARDS AND REGULATIONS WITHIN THE NEW ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith gave the second and final reading of Ordinance 2018-09 in title only. City Attorney Smith said that as the Ordinance is discussed, he would be using the “blue line version” of the Ordinance which represents the changes from the first reading through the date of this Council meeting. City Attorney Smith provided Council with some edits. He said the section regarding bicycle lanes was the most significant change since the workshop. Planner Hardgrove said the changes made to the bicycle lanes were what was proposed by Planner Alyssa Torres. City Attorney Smith said the impervious surface ration (ISR) was changed from 60% to 80%. Also included are mini warehouses and the potential change of use with a higher standard of the process; more like a special exception process.

City Attorney Smith said that should Council want to approve the Ordinance, they would be approving the “blue line version” with any changes that Council discusses, or any changes made from public comments.

Planner Hardgrove gave her response to Ms. Tina Demostene’s (AICP) comments (referencing “blue line version” of the Ordinance in the agenda packet).

Line 91 – Artisan, Foods and Personal Goods – Ms. Demostene recommended that this use must include a retail component and add a clarification of what the retail component should be. Ms. Demostene recommended it should be at least 25% of the gross building area. Planner Hardgrove said she did not have a problem with this. *Council had no problem with this recommendation.*

Planner Hardgrove said that Ms. Demostene wanted to include outside storage. Planner Hardgrove’s recommendation was to not accept this recommendation, as the intent of the District is to avoid outside storage.

Planner Hardgrove referenced "Table of Uses" at page 82 – Building Materials - Planner Hardgrove said that Ms. Demostene wanted to see the location of outside storage. Planner Hardgrove said this is shown on the site plan therefore, she did not feel it was necessary to include this because applicants are required to show design standards.

Ms. Demostene recommended mini warehouses as a special exception. Planner Hardgrove said the Planning & Zoning Board specifically said they did not want mini warehouses. She said there is an opportunity to have mini warehouses in the existing C-3 uses under certain design standards. Planner Hardgrove said leave as prohibited.

City Attorney Smith said that Ms. Demostene is now in attendance.

### **Tina Demostene**

In response to Council Member Chotas, Ms. Demostene said she recommended mini warehouses as a special exception because it is an opportunity for more businesses. She said it tends to be a high tax base. Ms. Demostene said she wrote some standards for the City of Altamonte and provided the standards to Council for consideration (*handout(s) made part of the agenda packet for this meeting and remains on file pursuant to Florida Records Law*).

Ms. Demostene said she saw in a number of permitted uses that the permitted uses included accessory storage, but did not feel that there was strong enough language in the Code as to how this would be developed. Ms. Demostene confirmed for Council President Dowless that this is in regards to outdoor storage.

Ms. Demostene referenced line 779 (line 904 in the blue line version) regarding loading and service delivery area. She said in a few areas of the Code it would be stronger and more clear with the insertion of masonry walls., i.e. "A trash collection area shall be totally screened by a masonry wall". Ms. Demostene confirmed for Council Member Chotas that the wall could be plaster or brick.

Regarding mechanical equipment, Ms. Demostene said she believed this section was talking about "mechanical equipment on the building" and suggested Council add that "the equipment shall be painted to match the building". Planner Hardgrove clarified for Council Member Chotas that the equipment would be screened. Council Member Fortini suggested paint or raised parapet walls to screen. Planner Hardgrove confirmed that language was included to require screening of ground equipment from public viewing.

Ms. Demostene said regarding fences, she would like to see the insertion of "shall not be visible from public right-of-way and that the fence is black vinyl coated".

Underground Utility Boxes (switch boxes) - Ms. Demostene recommended that above-ground equipment "shall be painted black or match the building". Everyone agreed that they wanted the utility boxes to look good.

Ms. Demostene recommended adding a #4 stating that "existing service poles to a property shall be removed and (inaudible) to a section for re-development or addition." She said this would start the process towards underground utilities. City Attorney Smith said the Planning & Zoning Board discussed this and was concerned about the expense to developers.

(Line 176 of blue line version) Ms. Demostene referred everyone to Sec. 134-461 (a) (3) regarding vacuuming and drying stations, Ms. Demostene suggested adding landscape buffers. Discussion was held between Planner Hardgrove and Ms. Demostene regarding "street walls", which are intended to screen.

Ms. Demostene provided a handout (including an illustration) and gave her recommendation regarding a porte-cochere. She said if you add a porte-cochere to the building it addresses the building frontage and expands building frontage.

Drive Up Aisles - Ms. Demostene recommended adding "shall have adequate onsite distance to accommodate a minimum of six drive up card (120 feet) before the first stopping point".

Garden Center – Ms. Demostene said that there are several areas that indicate outside storage as a permitted use and she said a garden center is one of those areas. She that said if a business has a garden area; they need to include how the City wants it to look. Ms. Demostene recommended: Garden Center, artisan manufacturing storage, building material storage or other ancillary storage area, which is authorized as an ancillary use to be a permitted use. She went on to explain her recommended aesthetics. Planner Hardgrove said the intent is that it not just be a wall and that if you are doing outside storage it becomes part of the building. Planner Hardgrove said her recommendation is to not just have a wall but to be part of the building, i.e. Orchard stores. Planner Hardgrove said the intent of the District is to avoid outdoor storage but there will be circumstances like a garden center that will have outdoor storage.

Car Rental- Ms. Demostene recommended a #7 All parking spaces shall be designed to meet code dimensions provided in Section \_\_\_\_. Parking shall be provided for employees and customers in addition to the parking designated for rental display vehicles. Ms. Demostene said that the City would want car rental businesses to meet City Code parking standards so that if the use leaves, the next business can use it for regular parking.

Cross Access - (1360 blue line version). Ms. Demostene read her recommendation. Planner Hardgrove and City Attorney Smith said this was already covered in the Code.

Waiver 134-464 (b) Ms. Demostene raised the question about the cost of a Waiver. She noted costs associated with a Waiver and wondered if the City's fee covers all costs associated with the Waiver. City Attorney Smith recommended that the fee would be set by Resolution.

### **Chris Rader, Planning & Zoning Co-Chair**

Planning & Zoning Co-Chair Rader thanked everyone involved in the process. He provided Council with a handout of recommended language (*handout(s) made part of the agenda packet for this meeting and remain on file pursuant to Florida Records Law*).

Special Exception – Planning & Zoning Co-Chair Rader provided language that states a new special exception will not be granted that did not meet the standards set forth in Sec. 134. Council Member Chotas said he did not think this is needed. No further discussion.

Streets and Sidewalks - Planning & Zoning Co-Chair Rader said the vertical tree clearance standards should be 14.5' and 8.5'.

Bike Lanes and Sidewalks Planning & Zoning Co-Chair Rader said one of the things that got lost in the previous iteration was the global pedestrian intent. He said this was echoed by the surveys and that "we" need to go back to the intent. He said the pedestrian lighting also got lost in the process and it is part of the pedestrian way. Planner Hardgrove said it is a good idea to have sidewalks eight feet wide and DOT's minimum of six feet in the right-of-way. She said the problem is that the road does not run in the middle of Orange Avenue, it is pushed more towards the east side. Planner Hardgrove went on to explain how this would affect developers on the west side. It was agreed to come back to these design standards.

Change of Use - Planning & Zoning Co-Chair Rader stated his concerns about a change in use being approved and future staff not being aware of the change. City Attorney Smith said that he and City Clerk Meeks discussed this and it was agreed that an approved change in use would be recorded.

Change of square footage - Planning & Zoning Co-Chair Rader said he would like to see a record of square footage at time of rezoning so that the record is clear to protect both the City and the property owners.

Parking Standards and Sidewalk Standards - Planning & Zoning Co-Chair Rader ask that in the future consideration be given regarding parking and sidewalk standards.

Mechanical Garages - Planning & Zoning Co-Chair Rader said the definition of a Mechanical Garage was broadened. City Attorney Smith said this was one of the items negotiated with the Edgewood Commercial Business Association.

Criteria that triggers expansion - Planning & Zoning Co-Chair Rader said the property and business owners expressed they were willing to participate in the beautification of Orange Avenue. He strongly requested that Council consider when there is a change of use, there be the first requirement of 10% then 20% and everything moves up another level. In response to Council Member Chotas, City Attorney Smith said this request would change everything.

Expansion of Existing- Planning & Zoning Co-Chair Rader said that the language provided in line 1516 of the blue line version of the Ordinance allows an owner to rebuild a structure leveled by a tornado back to the way it was. He provided proposed language that would require applicants to show on the site plan that they meet the building design standards in the District. City Attorney Smith said this was negotiated with the Edgewood Commercial Business Association and they will object to the change.

Waiver Planning & Zoning Co-Chair Rader said he wants P&Z to be part of the waiver process. Council Member Chotas said that the negotiation that City Attorney Smith Drew did with the Edgewood Commercial Business Association makes good sense and he does not want to change.

Attorney Chris Roper said the business association supports the Ordinance as negotiated. He believes the Ordinance meets the City's goals without creating a hardship and expanded on this. Attorney Roper asked Council to approve the Ordinance as written. He said he did not have a lot of concerns for Ms. Demostene's changes with the exception of underground utilities. City Attorney Smith said the businesses' utilities would not have to go underground. Attorney Roper said that Mr. Rader's recommendations would be counterproductive.

Bob Harrell Business owner- Mr. Harrell asked consideration of leaving the variance process flexible and cited moving a lift station as an example; stating it would be costly.

Blair Howard – Business Owner Mr. Howard said the workshop resulted in a feeling of consensus as the Association and Council worked through this process.

Jim Worthen – Mr. Worthen noted a carryover error on page 118 of blue line Version of the Ordinance, Section 134-462 (b) Road Connectivity Improvement regarding the three scenarios of the MPO. He said it is misleading because the final report of the MPO does not have three scenarios, it has two scenarios. Planner Hardgrove agreed with Mr. Worthen.

City Attorney Smith confirmed the following changes to be made (using the blue line Ordinance):

Line 91 Artisan Food and Personal Goods Manufacturing City Attorney Smith said he will add in the language proposed by Ms. Demostene regarding just the portion that it makes up 25% of the gross building area.

Line 468 Strike this line.

P. 86 - Table of Uses – Adding in the language under Construction, “must be illustrated on and approved with the site plan”. Planner Hardgrove said this language also needed to be added on Page 82 [Building Materials/Home/Hardware Center...].

Line 669 change “Tree Limbs must be maintained to hang no lower than ~~43~~ to 14.5’ feet... and no less than ~~8~~ 8.5’ feet over sidewalks.

Line 904 A trash/waste collection area shall be totally screened by masonry walls ...

Line 913 – Add the language provided by Ms. Demostene - Loading areas, satellite dishes, truck parking, and other service support equipment shall be designed so that they cannot be seen from the street and any adjacent single-family properties. Masonry screen walls with landscape material at based of the wall may be utilized where necessary to screen such equipment areas.

Line 914- Equipment Area – Add the language provided by Ms. Demostene regarding masonry walls and painting equipment to match the colors and materials of the building.

Line 924 – Add in chain link fences must be black vinyl coated and shall not be visible from public rights-of-way.

Line 944 – Regarding utility boxes that may be above ground add “shall be painted black or shall be painted to match the building”.

Add #4 Above Ground Equipment (Utility Boxes) – “Existing utility service poles on the property shall be removed in compliance with this section. City Attorney Smith confirmed this is redevelopment or new additions. He confirmed for Attorney Roper that the expansions are exempt from the ECD.

Line 1187 – City Attorney Smith said he had a question mark at this line to come back to it. Planner Hardgrove said the line “Such wall shall meet the street wall criteria, as stated above, including landscape” should be removed, and in number 3 to add Ms. Demostene’s language regarding landscape buffer after the word any [Vacuuming and drying of automobiles may be outside the building but shall not encroach upon any landscape buffer...] .

Planner Hardgrove said use Ms. Demostene’s language regarding “Vacuuming equipment or other equipment may only be on the side or rear of the property however, take out the five feet in height requirement. Planner Hardgrove said the height will not matter because it has to be in the rear or on the side and must be completely screened.

Line 1235 Drive up Aisle – Change to “Drive up aisles shall have adequate on-site queuing distance to accommodate 6 cars (120) feet) before the first stopping point.”

Garden Center – City Attorney Smith said he also had a question mark by garden center. Planner Hardgrove recommended sending it back to the Planning & Zoning Board and leave as is for now.

Line 1276 – Referencing Ms. Demostene’s notes add (8) – “All parking spaces shall be design to meet code dimensions provided in Section \_\_\_\_\_. Parking shall be provided for employees and customers in addition to the parking designated rental display vehicles.”

Line 1345 – Change MPO scenarios from 3 to 2.

Line 1487 – (inaudible)

Line 1531 – Strike the word “patently.”

1536 - Strike “\$500” and replace with “as set by Resolution”.

Line 1556 - After the word “prevent”, adding the words “reduce, or offset”

Line 1541 – City Attorney Smith asked Council if they wanted to include P&Z in the waiver process. Council had no objections.

Council Member Horn questioned the addition of porte-cochere but it was decided to leave alone for now and refer to the Planning & Zoning Board.

Attorney Roper said the Edgewood Commercial Business Association has no objections to the additions, with the exception of a little concern with waivers being included in the P&Z process. Council Member Chotas gave reasons why he agreed with the Planning & Zoning Board’s review and their process of providing their recommendation.

*Council Member Chotas made the Motion to approve the second/final reading of Ordinance 2018-09 with the amendments in the blue line version of the Ordinance, and the additions given from City Attorney Smith; Second by Council Member Fortini.*

*The Motion was approved by the following roll call vote (5/0):*

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>
<i>Council Member Horn</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>

2. **RESOLUTION NO. 2018-05** - A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA, DECLARING ITS INTENT TO CONSIDER REZONING PROPERTIES LOCATED ALONG AND ADJACENT TO STATE ROAD 527 CURRENTLY ZONED C-1, C-2, OR C-3. TO THE EDGEWOOD CENTRAL DISTRICT ZONING CATEGORY.

City Attorney Smith read Resolution 2018-05 in title only. City Attorney Smith explained that this Resolution begins the rezoning process. He confirmed that the Resolution will be considered by the Planning & Zoning Board for their recommendation to City Council.

*Council Member Fortini made the Motion to approve Resolution No. 2018-05; Second by Council Member Horn.*

*The Motion was approved by the following roll call vote (5/0):*

<i>Council President. Dowless</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>

<i>Council Member Horn</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

1. **RESOLUTION No. 2018-03** - A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA DECLARING A 2008 FORD F-150, WITH VIN 1FTRW14W58KC50103 TO BE SURPLUS AND AUTHORIZING THE SALE OF SAME.

City Attorney Smith read Resolution No. 2018-03 in title only.

There were no public comments.

**Council Member Fortini made the Motion to approve Resolution No 2018-03; second by Council Member Horn. Unanimously approved**

2. **RESOLUTION NO. 2018-04** - A RESOLUTION OF THE CITY OF EDGEWOOD HONORING FIFTY YEARS OF MUNICIPAL HOME RULE IN THE FLORIDA CONSTITUTION AND COMMITTING TO AN EDUCATIONAL INITIATIVE TO HELP FLORIDIANS UNDERSTAND THIS BENEFICIAL RIGHT.

City Attorney Smith read Resolution No. 2018-03 in title only. Mayor Bagshaw said this marks the fiftieth year of Home Rule.

There were no public comments.

**Council President Dowless made the Motion to approve Resolution No 2018-03; second by Council Member Pierce. Unanimously approved**

3. **DISCUSSION ONLY "DRAFT"** Ordinance - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, REPEALING CHAPTER 62, SECTION 62-2, OF THE CODE OF ORDINANCES; DELETING THE PROHIBITION ON THROUGH TRUCK TRAFFIC ON CERTAIN ROAD SEGMENTS; AUTHORIZING THE MAYOR TO CAUSE THE REMOVAL OF SIGNAGE RELATED THE PROHIBITION ON THROUGH TRUCK TRAFFIC, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

City Attorney Smith said he has been in discussion with the Mayor and Chief Freeburg about the issues regarding road signage. He said for proper enforcement, you need signage. He said the City needs authorization from the state for signage on SR 527 and there have been some issues with the State on getting signage. Mayor Bagshaw explained there is different signage and the City would have to designate the signage of the trucks the City does not want. Mayor Bagshaw said due to a complaint to Channel 13 news he decided to bring this matter to council to decide if Council wants to upgrade signage or repeal the Ordinance. He said the County will not put any signs on the Orange Blossom Trail to keep trucks from turning onto Holden. Another question, where do you pull them over? FDOT will put signs up but the

County will not support. He said this also can become a legal issue because of the separation of jurisdictions. Mayor Bagshaw asked for direction from Council. Council Member Chotas favors repealing.

Acting Chief/Sgt. David Ireland – Explained enforcement and what is needed. He said the placement of signs is a concern. He said trucks are already in turn lane and when they complete turn onto Holden there is nothing drivers can do. He said they also have to coordinate with FHP and explained why.

**Brett Barner-** Mr. Barner said it is known that local truck deliveries are not allowed. He said no one favors an 18-wheel truck on Holden. Recommended putting out more signs and suggested signs on the new bars of the new traffic lights.

**Chris Rader-** Mr. Rader said he agrees with the other speakers. He said he is concerned with the four-laning that funds have been approved for on Holden. He said school buses would be allowed but no tour buses.

**Jim Muszynski** – Mr. Muszynski said he was on council in 1999 and at that time an Ordinance was done correctly. Mr. Muszynski said Orange County and DOT supported no-thru trucks. He said this started with safety concerns, gas trucks was one of the main concerns at that time. He asked Council to not repeal the Ordinance.

**Jim Worthen** representing HAINC – Mr. Worthen said HAINC opposes repealing the Ordinance. He reminded council it isn't just Holden but Mary Jess and Gatlin. Mr. Worthen said when the Ordinance passed, there was a grace period and truck businesses were given notice. He said if something needs to be done to make better do that but don't repeal.

Council President Dowless said he wants to keep the current Ordinance in place and change the signage. Mayor Bagshaw said this is discussion only and he is not trying to repeal the Ordinance. Mayor Bagshaw said he wants to make it clear that the Orange County Board of County Commissioners rejected enforcing truck traffic onto Holden from the Orange County side of Holden. He said the City can only enforce up to a point.

Council authorized the Mayor to get new signage.

<b>GENERAL INFORMATION (No action required)</b>
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<b>CITIZEN COMMENTS</b>
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**Janie Drummond –**

Ms. Drummond spoke on a sign Ordinance that was passed in the July City Council meeting. She said a group of residents have collected petitions to repeal the Ordinance.

**Sue Fulford-Represents the Edgewood Commercial Business Association -**

Mrs. Fulford commented that providing a good explanation and communication is helpful and the City has been good at doing this.

**Chris Rader –**

Ms. Rader explained what the collector of petitions represented in getting signatures on their petitions.

**BOARDS & COMMITTEES**

## 1. Lazy Oaks Variance (rescinding request)

Deputy City Clerk Repp explained why the variance was rescinded. She said the applicant will proceed to build the residential dwelling without the need for a variance. There was no further action in this matter.

**STAFF REPORTS****City Attorney Smith:**

City Attorney Smith said he was contacted by the Belle Isle City Attorney regarding Cornerstone Charter School. He explained to Council that Belle Isle is in the process of keeping their municipal Charter School. He ask if Edgewood supports the Charter and said he thinks the answer is yes and the City has no opposition. He asked if Edgewood want a seat on the Board. Council President Dowless said he would like to know how many Edgewood students attend the school. City Attorney Smith said if Edgewood had a seat on the Board there would here be a financial obligation. He said the Belle Isle City Attorney did not think so but he would have to check. Council agreed that Cornerstone should remain a municipal charter school.

**Police Chief Freeburg:**

- Monthly Report

Acting Chief/Sgt. Ireland gave the Police Department's report. He clarified that the pedestrian death on the Sunrail track was not in the City of Edgewood.

**City Clerk Meeks:**

No report.

**MAYOR & COUNCIL REPORTS**

- **Mayor Bagshaw**

Mayor Bagshaw reported on traffic problems at Orange/Gatlin/Holden. He said that the City gets the brunt of things on Facebook and Nextdoor and people are not aware of what is going on in the background. He read an email to Council explaining the issue and what is being done. It is all related to Sunrail.

- **Council President Dowless-**

Council President Dowless said he is talking to DOT about restriping.

- **Council Member Chotas-**

No report.

- **Council Member Fortini-**

No report.

- **Council Member Horn-**

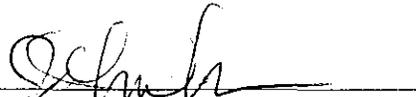
No report.

- **Council Member Pierce-**

No report.

**ADJOURNMENT**

Having no further business or discussion, *Council President Dowless made a Motion to adjourn; Second by Council Member Fortini.* The City Council meeting adjourned at 10:03 p.m.

  
John Dowless  
Council PMs.

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

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