

CITY COUNCIL AGENDA
Tuesday, June 19, 2018 - 6:30 p.m.

CALL TO ORDER

Council President Dowless opened the June 19, 2018 Edgewood City Council meeting at 6:30 p.m. Council President Dowless asked for a moment of silence followed by the Pledge of Allegiance.

City Clerk Meeks announced a quorum, with the Mayor and all Council Members present.

The following attendance is noted:

Attendees

Ray Bagshaw, Mayor
John Dowless, Council President
Richard Horn, Council Member
Lee Chotas, Council Member
Susan Fortini, Council Member
Ben Pierce, Council Member

Staff

Bea L. Meeks, City Clerk
Sandy Repp, Deputy City Clerk
John Freeburg, Police Chief
Drew Smith, City Attorney
David Mahler, City Engineer
Ellen Hardgrove, City Planner
Shannon Patterson, PD Office Manager

Council President Dowless requested changes in the order of the agenda; there were no objections.

A. PRESENTATION

- Nick Lepp, AICP CTP – MetroPlan Orlando – Update Regarding the Orange Avenue Corridor Study

Planner Nick Lepp gave an overview of the corridor study. He confirmed that MetroPlan will try to work with the Department of Transportation on the design. He said funding is still being negotiated. Planner Lepp's presentation was followed by questions and answers.

In response to business owner Cecil Moore, Planner Lepp said consideration is being given to future development. Planner Lepp said the current project is number 3 on the priority list.

Council President Dowless thanked Planner Lepp for taking the time to give his PowerPoint presentation and bring Council up-to-date on the Orange Avenue corridor.

CONSENT AGENDA

- May 15, 2018 City Council Meeting Minutes
- 92nd Annual FLC Conference – Voting Delegate Information

Council Member Horn made the Motion to approve the consent agenda items as presented; Second by Council Member Fortini. Unanimously approved (5/0).

Variance 2018-05 – 1400 Windsong Road (Dan Phillips, Applicant)

(Change in order on Agenda)

Engineer Mahler presented a request for a boat dock variance. He confirmed the variance request is to construct a boat dock with a length of 102 feet, which is greater than the allowable 65 feet. The request was to achieve a water depth suitable for boating. Engineer Mahler confirmed that the Planning and Zoning Board recommended Council approve the request.

Council Member Chotas made the Motion to approve the variance as requested; Second by Council Member Fortini. Council President Dowless asked for a roll call vote.

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>

ORDINANCES

- 2018-07** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; AMENDING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO ALLOW AND REGULATE ELECTRONIC CHANGEABLE MESSAGE SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith read Ordinance 2018-07 in title only. Planner Hardgrove explained the Ordinance and the changes that would be made to the sign code if approved.

Mayor Bagshaw asked about the landscaping height under signs. Planner Hardgrove said the height is not meant to allow for a 3 foot height hedge because it would block the sign. In response to Council Member Pierce, Planner Hardgrove said Council is addressing this because they asked to bring it back to consider after the recent sign code change. Council Member Fortini said she did not see any reason why this Ordinance could not be approved. She said she felt it addressed everything Council discussed. Council Member Horn said it does not address the color. He feels the change in the electronic message should be a longer hold time. Planner Hardgrove showed a film clip showing how long a 10 second hold is.

PUBLIC COMMENTS

Dr. Klein, Edgewood business owner - Dr. Klein stated he owns the Pine Castle Vet Center and that he supports the sign Ordinance in its current format. He provided Council with a copy of his

proposed sign that includes electronic messaging. He explained his logo/brand that he wants to have on his sign.

Jim Worthen, Edgewood resident speaking on behalf of HAINC - Mr. Worthen noted that the Ordinance only addressed non-residential land. He said the Ordinance does not address whether or not the sign can be digital at the entrance to a subdivision. He said it also does not address signage for special exception uses within a residential zone, i.e. churches on Holden Avenue and it does not address schools. The issue is fair and equitable for nonresidential and residential land owners. Planner Hardgrove said the location of digital signage is only allowed on Hansel and Orange Avenue. City Attorney Smith said it can be added although the Ordinance states only allowed on Orange and Hansel Avenues.

Regina Dunay- City of Edgewood Planning & Zoning Chair – P&Z Chair Dunay said the Planning & Zoning board recommended denial as they did not feel that electronic messaging aligned with the vision along Orange/Hansel Avenue. She said the question was asked why have digital signage, answer, minimize sign clutter. P&Z Chair said the Planning & Zoning Board did not see any benefit of digital signage.

Chris Rader – City of Edgewood Planning & Zoning Board Member – P&Z Member Rader said the Ordinance did not address copy. He stated that there is a very generous amount of copy allowed for pictures and words. He said the reduction in sign clutter that the P&Z Board wanted can be done by having smaller signs. It was confirmed that digital signs can be 2 x 8 (16'). P&Z Board Member Rader reminded everyone that copy is free speech and cannot be controlled except for vulgarity. Discussion was held regarding the name and address of businesses for public safety purposes. P&Z Board Member Rader said that electronic signage gets away from the spirit of compromise of getting away from sign clutter.

Mayor Bagshaw said that free speech can be part of a freestanding sign. He said the Ordinance as written, is not bad but could be improved as to the holding of the message. He said limit it to how many times the sign can be changed. Mayor Bagshaw said he thinks this needs to be considered. He said we are a business community too. Council Member Chotas said it sounds as if there is no good reason to restrict the digital signage.

John Moccio- Resident and Business Owner – Mr. Moccio said businesses should be allowed to use their copy area. He noted other concerns about the Ordinance and his reasons for opposing.

Regina Dunay-Planning & Zoning Board Chair – P&Z Chair Dunay referenced enforcing the sign code and said the Planning & Zoning Board would like to see compliance by January or February, 2019.

Council Member Fortini made the following Motion to approve the first reading of Ordinance 2018-07 with revisions (restated by City Attorney Smith for purpose of clarification):

Motion to allow change at line 418 of the Ordinance to add logo into paragraph number 8 to allow logo into the structural portion of the sign (fixed portion of the sign), changing the

display time to two changes within the 6 a.m. to 10 p.m. time period and adding in a provision clarifying electronic signage is not allowed in residential areas.

Second by Council Member Chotas.

The Motion was approved by the following roll call vote (3/2):

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

City Clerk Meeks announced that the Motion passed 3/2 and that Ordinance 2018-07 will be advertised as required for the second and final reading on July 17, 2018

- 2. **2018-08** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," SECTION 134-606 OF THE CODE OF ORDINANCES RELATED TO THE USE OF OFF-SITE PARKING SPACES TOWARD REQUIRED OFF-STREET PARKING CALCULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith read Ordinance 2018-08 in title only.

Planner Hardgrove explained the purpose of the Ordinance and the question of safety. She said currently parking must be within 300 feet of a front door, which means it could be across the street. This Ordinance, if approved, will not allow crossing over an arterial road. In response to Council Member Fortini, Planner Hardgrove said Discovery Church attendees now cross over Orange Avenue and if the Ordinance is approved, they become a nonconfirming use and permitted to continue to cross over the arterial road. Planner Hardgrove said the nonconfirming use will be allowed until Discovery moves out. Mayor Bagshaw confirmed for Council Member Chotas that Discovery Church is aware of the Ordinance.

Council Member Chotas made the Motion to approve the first reading of Ordinance 2018-08; 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 Horn</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council Member Pierce</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>

City Clerk Meeks announced that the Motion passed 5/0 and that Ordinance 2018-08 will be advertised as required for the second and final reading on July 17, 2018

3. **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 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 EFFECTIVE DATE.

City Attorney Smith read Ordinance 2018-09 in title only. Planner Hardgrove said the goal is to make improvements to Orange/Hansel Avenues and that this has been a goal since 2000. She explained the uses and noted some are allowed by right and some by special exception. She explained what the Comp Plan provides for as it relates to the District. Planner Hardgrove said she worked with Code Enforcement Officer Renteria on the current existing businesses and what would be eliminated. Planner Hardgrove gave some examples of those businesses that would or would not be allowed. City Attorney Smith reminded Council they are only considering the approval of a new district. The uses and prohibited uses Planner Hardgrove gave are only identifying changes.

PUBLIC COMMENTS:

Sue Fulford- Property/Business Owner, 4822 S. Orange Avenue – Ms. Fulford announced that she was speaking on behalf of the newly created Edgewood Commercial Property Owners Association. She said that they are eager to achieve an environment of what the City's vision is. She said the vision should not limit the use of the properties, and asked for a delay in the vote. Ms. Fulford said the Ordinance would limit her ability to keep her property rented.

City Attorney Smith said current uses that do not comply will become lawful nonconforming uses. The code provides a provision that the City Council can approve a nonconfirming use and conforming use however; less intense to more intense would probably not be used. He said that it is not an abandonment of use if you are actively seeking to lease the building.

John Moccio – Resident/Business Owner, 460 Harbour Island Road. Mr. Moccio said the Ordinance changes "everything you don't want already exists". He said the changes in use affects ability to get financing. Mr. Moccio said he does not have a problem with Council's vision but it could take a long time to happen and there is no transition plan. He said there needs to be a transition plan. Mr. Moccio requested additional meetings with officials to work on this.

Rodney Starcevich, Business Owner, 4902 S. Orange Avenue (2 businesses). Mr. Starcevich said he imagined discussion must have been held in workshops about the harm to businesses in taking away uses of current businesses. Mr. Starcevich said he has a C-3 property that someone was interested in last year but when they found out about the proposed changes they changed their mind. He also referenced the limited ability of financing. Mr. Starcevich said he would like more workshops. He said he would like to see the addition of verbiage that would allow the use of old zoning with the new. Mr. Starcevich asked Council not to vote this evening.

John Runner, Business Owner, 4854 S. Orange Avenue – Mr. Runner noted that he is a member of the Edgewood Commercial Business Association. He said he has been in business in Edgewood for 40 years. Mr. Runner said the business owners would like to work with Council

and requested they delay their vote. City Attorney Smith confirmed that lawful nonconforming uses can still continue. He explained abandonment of use and confirmed that lawful nonconforming uses are not tied into ownership, it is tied into property.

Blair Howard, Business Owner, 4200 S. Orange Avenue – Mr. Howard said he owns one parcel of land with three different businesses. Mr. Howard explained the uses of his three businesses. Mr. Howard said it is not clear in the proposed Ordinance about business owners who move out of one business and move into another business. Mr. Howard asked for a delay in the vote and noted that he feels threatened.

Scott Hanes- Owner of Majestic Marble – Mr. Hanes said he hopes Council sees that they spent a significant amount of money on improving his property. He says his property is a million dollar property and that he will not be able to sell his property under the proposed Ordinance. He referenced the narrow lots and the taking away frontage; stating there is no property left and no way to sell the property. Mr. Hanes asked that Council delay the vote.

City Attorney Smith said the current Code addresses lawful nonconforming uses. He said there is a difference in grandfathering and lawful nonconforming use. He said the discussion with the Planning & Zoning Board was centered on lawful nonconforming uses. He said with grandfathering, you cannot go back to a lawful nonconforming use.

Mayor Bagshaw said Sue Fulford and John Moccio have been in meetings with him and the City did work with them. He said the positive is that now business owners are working together. He said if Council chooses to extend the vote and hold workshops and two or three people show up then it is not going to work. Mayor Bagshaw said “If we do this it is up to the business owners to show up”.

In response to attendees asking why they did not receive a notice, City Clerk Meeks explained public notice was done in accordance with Florida Statute. She said staff is willing to send out notices but those requesting to receive a notice need to bear in mind public records request made for the address notice list would have to be provided. City Clerk Meeks said that these lists are sold to various companies and they generate lots of solicitor’s mail. A request for individual notices was made and it was agreed that the City Clerk would set up a group email list to provide the notices. Deputy City Clerk Repp obtained a list with the email addresses of those business and/or property owners who requested individual notices.

Chris Rader- Planning & Zoning Board Member - In response to Council Member Horn, P&Z Member Chris Rader said that the purpose of the change in uses is about creating a place that residents want to go. He said the survey that went out had a good response and what is being suggested in the Ordinance is what the residents wanted. He said the Ordinance is about changing the character and nature of “our” heart. He said all that is being done is creating a district.

Cecil Moore, Business Owner- Mr. Moore said that sewer is needed down Orange Avenue.

Scott Hanes, Owner of Majestic Marble – Mr. Hanes asked for things to be kept in perspective. He said businesses like Amazon and Walmart are killing business. Mr. Hanes said if everything is kept in C-1 zoning, they are not going to be rentable. He said the internet is “killing” us.

Council Member President Dowless asked about outdoor recreation area and said he thinks this is something the City would like to promote. He said he does not want this prohibited.

Council Member Chotas asked Council if they could instruct City Attorney Smith to build in special exceptions that are permitted uses with the Code and bring back to Council with the flexibility built in so that Council can adopt the Ordinance. He said if Council does this, they have the forcing mechanism so that everybody realizes if they are going to get a special exception, they have to comply. Council Member Chotas said that it should not be made to make it prohibitively difficult. Council Member Fortini said she did not think they should have the City Attorney make changes now but to have another meeting and make changes after that. Mayor Bagshaw suggested approving the first reading however, delay the second reading after a workshop is held. City Attorney Smith said the first reading can be delayed until after a workshop is held. It was agreed to hold a workshop on Saturday, July 21, at 9 a.m.

Council President Dowless made the Motion to approve the first reading of Ordinance 2018-09; Second by Council Member Pierce.

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

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

City Clerk Meeks announced that the Motion passed and that Ordinance 2018-09 will be advertised as required for the second and final reading on August 21, 2018.

4. **2018-10** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER XIV, SECTION I.D. OF THE CITY'S PERSONNEL POLICIES TO REQUIRE A DOCTOR'S NOTE DESCRIBING ANY RELEVANT RESTRICTIONS TO BE PROVIDED TO THE CITY WHEN AN EMPLOYEE MISSESS THREE OR MORE CONSECUTIVE DAYS DUE TO ILLNESS, INJURY, OR MEDICAL PROCEDURE AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2018-10 in title only. He confirmed for Council Member Fortini that the amendment is being revised by Ordinance because the Personnel Policy was approved by Ordinance.

Council Member Chotas made the Motion to approve the first reading of Ordinance 2018-10; Second by Council Member Pierce.

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

<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>
<i>Council Member Chotas</i>	<i>Favor</i>

City Clerk Meeks announced that the Motion passed 5/0 and Ordinance 2018-10 will be advertised as required for the second and final reading on July 17, 2018

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

UNFINISHED BUSINESS

NEW BUSINESS

- 1. Consideration for an Administrative Variance Ordinance - City Attorney Drew Smith

City Attorney Smith referred to the City Clerk’s Memo and the referencing documents he provided to show how administrative variances are administered in other municipalities. Council Member Chotas said he would like for variance request items to be placed on the consent agenda if the recommendation from the Planning & Zoning Board is for approval. City Attorney Smith said he is not comfortable with it being on consent for Council approval.

Chris Rader said the Planning & Zoning Board’s intent was to create the ability for staff to approve.

No action was taken in the matter.

GENERAL INFORMATION (No action required)

CITIZEN COMMENTS

BOARDS & COMMITTEES

- 1. Variance 2018-05 – 1400 Windsong Road (Dan Phillips, Applicant)

This item was heard earlier in the meeting.

STAFF REPORTS

City Attorney Smith:

City Attorney Smith said council needs to start thinking about “Tiny Homes”. He said that certified “Tiny Home” builders are encouraging “Tiny Homes” on wheels, i.e., RVs.

Police Chief Freeburg:

Chief Freeburg referred to his monthly report and asked if there were any questions; there were none. He noted that they got convictions on the homicide that occurred in Edgewood.

City Clerk Meeks:

City Clerk Meeks explained NPDES (National Pollutant Discharge Elimination System), as it relates to illicit discharge and said Code Enforcement will be addressing these matters. She said concerns will be sent to Orange County’s environmental protection agency.

MAYOR & COUNCIL REPORTS

- **Mayor Bagshaw**

Mayor Bagshaw said that the draft budget will be delivered to Council Members next week.

- **Council President Dowless**

No report.

- **Council Member Chotas**

No report.

- **Council Member Fortini**

No report.

- **Council Member Horn**


No report.

- **Council Member Pierce**

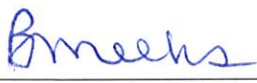
No report.

ADJOURNMENT

Having no further business or discussion, Council Member Fortini made a Motion to adjourn; Second by Council Member Horn. The City Council meeting adjourned at 9:42 p.m.



 John Dowless
 Council President



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

Approved in July 17, 2018 City Council Meeting.