



Ray Bagshaw
Mayor

Malcolm Henley
Council Member

Judy Beardslee
Council President

Jim Bozeman
Council Member

Neil Powell
Council Member

John Dowless
Council Member

CITY COUNCIL AGENDA
Regular Meeting
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, May 17, 2011
6:30 p.m.

WELCOME! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert's Rules of Order guide the conduct of the meeting. PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING. "THANK YOU" for participating in your City Government.

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ORGANIZATIONAL MEETING

E. CONSENT AGENDA

1. Mayor's Proclamation Declaring May, 2011 Neuro-fibromatosis (NF) Awareness Month Across America [Attached-P.1]

(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)

F. PRESENTATIONS

1. Commendation Award Presented to Officer Scott Zane
2. Presentation to Cypress Grove Park

G. ORDINANCES

None

H. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

I. UNFINISHED BUSINESS

- 1. Set and Notice June Workshop RE: Employee Benefits (Per February 8, 2011 City Council Workshop)
- 2. Review & Discussion of Resolution No. 2005-R-05 – Opposing Commuter Rail – Approved by Council December 6, 2005 [Attached P. 2-3]
- 3. Review & Discussion RE: Temporary pay rate increase for Debbie Wallace for the position of Acting City Clerk; approved by Council on December 21, 2010.

J. NEW BUSINESS

- 1. Review and Consider Planning & Zoning Board’s Approval of Variance Application No. 2011-01-Russell Home The first variance request concerns the building setback on the south side of the property, and the second request concerns the impervious surface ratio. [City Clerk Meeting Report Attached-P. 4-6]

K. GENERAL INFORMATION (No action required)

L. CITIZEN COMMENTS

M. BOARDS & COMMITTEES

N. STAFF REPORTS

Police Chief:

- 1. Report & Discussion Regarding “Code Red”; a Citizen’s Alert Systems.

City Clerk:

Code Enforcement

O. MAYOR & COUNCIL REPORTS

P. ADJOURNMENT

UPCOMING MEETINGS:

June 21, 2011City Council Regular
 July 19, 2011.....City Council Regular
 August 16, 2011.....City Council Regular

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.

Proclamation
Declaring May, 2011
Neuro·fibroma·tosis (NF) Awareness Month Across America

- Whereas,** NF causes tumors to grow on nerves anywhere in the body, bone and skin tumors, bone deformities such as spinal scoliosis; leg bowing or twisting, café au lait spots on the skin, deafness, blindness; learning disabilities; debilitating pain, heart defects and even death; and
- Whereas,** NF is more prevalent than Cystic Fibrosis, Duchenne Muscular Dystrophy, Tay Sachs and Huntington's Disease combined; and
- Whereas,** NF can appear in any family and is worldwide in distribution, affects both sexes equally and has no particular racial or ethnic distribution; and 85% of cases are sporadic (no previous family history) and 15% are inherited; and
- Whereas,** While over 120,000 Americans have NF and one of every 3,000 newborns will develop the disorder, it still is relatively unknown to the public and much remains to be done to raise awareness of NF's devastating effects and the need for funding for research to prevent, treat and cure NF;
- Whereas,** The Children's Tumor Foundation (www.ctf.org, 800-323-7938) leads the efforts to fund critical research aimed at finding the causes of the disorder and developing treatments and a cure, and to provide support to people and families affected by NF; and
- Whereas,** NF research benefits an additional 100 million Americans (i.e. 65 million with cancer and 35 million with learning disabilities; and
- Whereas,** The Children's Tumor Foundation is observing May as National Neurofibromatosis (NF) Awareness Month nationally to inform the public about this common genetic disorder;

Now Therefore, I, Ray Bagshaw, Mayor, in recognition of this important initiative, do hereby proclaim the month of May, 2011 as

“Neurofibromatosis Awareness Month”

In the City of Mascotte, and urge our citizens to join the Children's Tumor Foundation's effort to increase awareness of the importance of finding a treatment and a cure to NF.

IN WITNESS WHEREOF, I hereunto have set my hand and caused the Corporate Seal of the City of Edgewood, Florida, to be affixed and attested to by the City Clerk of the said City this 17th day of May, 2011.

Ray Bagshaw, Mayor

Attest:

Bea L. Meeks, MMC, CPM
City Clerk

RESOLUTION NO. 2005-R05

THE CITY COUNCIL FOR THE CITY OF EDGEWOOD OPPOSES THE COMMUTER RAIL PLAN CURRENTLY PROPOSED FOR CENTRAL FLORIDA

WHEREAS, a commuter rail plan has been proposed for Central Florida, and would run from southern Volusia County to Orlando by 2009, and Osceola County to Orlando by 2011; and

WHEREAS, the proposed commuter rail will serve Volusia, Seminole, Orange and Osceola Counties; and

WHEREAS, the total capital cost for the proposed commuter rail is Four Hundred Seventy-Three Million Dollars (\$473,000,000.00); and

WHEREAS, the proposed commuter rail will be paid for by area counties, and State and Federal funds.

WHEREAS, the City Council for the City of Edgewood opposes the current draft of the rail project based on the following:

SECTION 1. Inadequate communication by Federal Department Of Transportation and the County Commission representatives to the City officials of Edgewood, and its residents in regards to the commuter rail access and impact. This is based on the fact that little information was provided to the City and residents only within a 300 foot radius of the planned commuter rail received notice.

SECTION 2. The physical burden of the current transportation will be vastly increased in our City. Commuter rail crossings will only make traffic problems worse on the Orange Avenue corridor due to continuous East and West traffic flow interruption. The commuter rail severs every East-West Artery of Orange Ave with in the city of Edgewood and South Orlando, thus crippling traffic movement.

SECTION 3. Ineffective improvement to traffic within the City. Traffic congestion will be compounded due to the current interchange design at the Holden Ave/Gatlin Ave/Orange Ave intersections.

SECTION 4. Detrimental impact to property value within the City of Edgewood.

SECTION 5. The long-term financial burden to the City residents and County residents. The commuter rail is neither remotely self sufficient nor beneficial to the City or County residents at large to justify the expenditure of tax dollars even within the 7 year state subsidized window. Long term costs, based on ridership numbers provided by the commuter rail project planners speak directly to an immediate cost burden.

NOW, THEREFORE, LET IT BE RESOLVED the City of Edgewood, Orange County, Florida, hereby expresses their opposition to the commuter rail proposed for Central Florida and encourage neighboring counties and communities to consider the impact that commuter rail will have on their budget; more importantly, their quality of life.

1. The effective date of this Resolution shall be immediately upon its passage by the City of Edgewood, Florida.

PASSED AND APPROVED by the City of Edgewood, Florida, this _____ day of _____, 2005.

GARY HEATH
Council President

MICHAEL A. TEAGUE
Mayor

JUDY BEARDSLEE
Council Member

JIM BOZEMAN
Council Member

DAVID C. WILLIS
Council Member

NEIL G. POWELL
Council Member

ATTEST:

Bea L. Meeks, City Clerk

MEMO

TO: Mayor Bagshaw, Council President Beardslee, Council Members Bozeman, Powell, Henley and Dowless

FROM: Bea L. Meeks, City Clerk

DATE: May 11, 2011

RE: Planning & Zoning Board's Approval of Russell Home Application For Variance, Dated April 7, 2011

On May 9, 2011, the Planning & Zoning Board for the City of Edgewood held a meeting to consider one item, an Application For Variance on behalf of the Russell Home. The following should be noted:

- A determination of a quorum was noted for the record, with all five Board members in attendance.
- There were 54 letters sent by U.S. Mail to property owners within 500 feet of the Russell Home. Two letters were returned undeliverable; there were no responses favorable or unfavorable returned to the City Clerk
- A sign was posted on the subject property, in accordance to the established sign instructions; acknowledged sign Affidavit.
- It was noted that the purpose of the public hearings was for consideration of variances only, and not for a development/site plan review.
- During the Public Hearing, Doris Click stated her concerns and was not in favor of the variances. Carolyn Accoca spoke in favor of the variances, and purposes they serve.

The following are the actions that occurred at the close the public hearings for each variance:

1. Approval of a variance in rear yard (south property line) setback, reduced to 30 feet instead of the required 35 feet.

Frank Aguilar made the Motion to approve the Variance, with the recommendations provided in the Planner's Staff Report; noted as follows:

- Construction* of a 6 feet high masonry wall along the south property line,
- Two story structures to be at least 35 feet from the rear (south) property line, and,
- Rear setback to include one shade tree for each 40 lineal feet or fraction thereof (consistent with Code required buffers – which are not required for this property).

Phil Chrisler Second the Motion, which was passed by a unanimous vote.

2. Approval of a variance in Section 134-579 of the zoning regulation to allow a maximum impervious surface of 70% instead of the required 45%.

Phil Chrisler made the Motion to approve the Variance, with the recommendations as provided in the Engineer's Staff Report; noted as follows:

- An engineered site plan shall be submitted for review and approval by City Staff, Planning & Zoning Board, and City Council as required by Chapter 134 of the City Code.
- The 6' high perimeter buffer wall shall be designed so that it will not affect existing drainage patterns or flows and will be reviewed with the final site plan.
- Prior to site plan approval, the Applicant shall obtain and provide to the City, all necessary easements or property from Orange County to allow the drainage to flow to and be treated within the County's system as contemplated in the correspondence provided as a part of the variance application.

Debbie Younglove Second the Motion, which was passed by a unanimous vote.

As a reminder of the processes relevant to this quasi judicial proceeding, I am providing you with the relevant part of the Code regarding Council's review of a Board decision. Essentially, if Council is favorable to the Planning & Zoning Board's approval as presented; the variances are approved and nothing further needs to be done. As you will note in the information provided below, if Council rejects, modifies or tables the Planning & Zoning Board's decision, this item has to be pulled from the agenda, and a public hearing will be placed on the next Council Agenda, or when Council determines the date of the public hearing within the notice procedures provided by Statute and/or Code.

Sec. 134-108. Review of board's decisions or recommendations.

(a) *Generally.* All decisions of the board shall be in the form of recommendations to the city council. All such recommendations shall automatically go to the city council for its review and final decision at a duly called council meeting. The city council shall not be bound by the submitted recommendation and it may accept, reject, modify or table the same. However, the city council may not reject, modify or table a decision unless the city council shall first hold a public hearing thereon as provided in subsection (c) of this section. Otherwise, no formal hearing will be held unless an application for the same is filed as provided for in subsections (b) and (c) of this section.

(b) *Appeals.* Any person aggrieved by any recommendation of the board acting either under its general powers or as a board of adjustment may file a notice of appeal to the city council within seven days after such recommendation is filed with the city clerk. The person appealing shall file a notice of appeal upon the form, if any, prescribed by the city council. The city clerk shall forthwith transmit to the city council all the papers, photographs and exhibits constituting the record upon which the action appealed from was taken, or properly certified copies thereof in lieu of originals.

(c) *Notice of hearing.* Upon the filing of the notice of appeal, or if the city council determines to reject, modify or table the recommendation, the city council shall promptly mail notice of a new public hearing by United States mail, postage prepaid, to the appellant, to the original applicant, to the owner of record of the subject property and, in the case of recommendations of the board acting on variances or special exceptions, the owners of property furnished by the person who filed the original application, and to each attorney at law appearing for any person at the hearing before the board.

(d) *Fees and costs.* Fees and costs for said appeals shall be set from time to time by the city council.

(e) *Oaths; witnesses.* The president of the city council, or in his absence the acting president, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The city council shall keep minutes of its meetings, showing the vote of each member on each hearing, or if

absent or failing to vote, indicating such fact. It shall also keep records of its examination and other official actions.

(f) *Determinations of city council.* The city council shall conduct a "de novo" hearing upon any appeal taken and for any hearing required by subsection (a) of this section and shall hear the testimony of witnesses and other evidence offered by the aggrieved person and interested parties above and may in conformity with this chapter accept, reverse, or affirm, in whole or in part, or may modify the recommendation of the board.

(g) *Time frame for decision.* The city council shall render its decision within 45 days after the hearing.

(h) *Variations and special exceptions.* The city council shall utilize, and all variations and special exceptions shall be subject to, the same standards for special exceptions and variations as provided elsewhere in this chapter including, but not limited to, time and conditions.

Lastly, the Planning & Zoning Board unanimously approved Regina Dunay as their Chair, and Debbie Younglove, as their Co-Chair.

~end~