

Ray Bagshaw
Mayor

Malcolm Henley
Council Member

Judy Beardslee
Council President

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, December 20, 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. **ROLL CALL AND DETERMINATION OF A QUORUM**
- E. **CONSENT AGENDA (Pgs. 1 – 35)**
 - 1. Approval of:
 - A. May 17, 2011 Minutes – City Council Meeting
 - B. June 6, 2011 Minutes – Special City Council Meeting
 - C. June 6, 2011 Minutes – City Council Workshop
 - D. June 21, 2011 Minutes – City Council Meeting
 - E. July 12, 2011 Minutes – City Council Workshop
 - F. November 15, 2011 Minutes - City Council Meeting

*(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**

G. ORDINANCES – FIRST READING (Pgs. 36 – 43)

1. **ORDINANCE NO. 2011-01:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED PERSONNEL POLICIES, PROCEDURES, AND RULES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. **(Exhibit was provided in previous Agenda Notebook therefore, numbering will be different sequence)**

2. **ORDINANCE NO. 2011-07:** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 30, HEALTH AND SANITATION, OF THE CODE OF ORDINANCES, TO CREATE ARTICLE IV, BEGGING, PANHANDLING AND SOLICITING ON SIDEWALKS AND STREETS, TO PROHIBIT PANHANDLING IN CERTAIN AREAS OF THE CITY AND AGGRESSIVE PANHANDLING THROUGHOUT THE CITY; PROVIDING LEGISLATIVE FINDINGS, PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND EFFECTIVE DATE.

1. **ORDINANCE NO. 2011-08:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO THE LOCAL BUSINESS TAX ACT; AMENDING SECTION 34-19 OF THE CODE OF ORDINANCES BY PROVIDING THAT PERSONS ENGAGING IN OR MANAGING ANY PROFESSION IN THE CITY SHALL NOT BE REQUIRED TO PROCURE A BUSINESS TAX RECEIPT WHEN SUCH PERSONS ARE EMPLOYED BY A BUSINESS THAT HAS PROCURED A BUSINESS TAX RECEIPT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**H. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)
(Pgs 44-47)**

1. **ORDINANCE 2011-05:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING SECTION 62-57 (REGULATION STANDARDS OF DISABLED VEHICLES) OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO INCREASE THE TIME ALLOWED TO PARK DISABLED AND UNREGISTERED VEHICLES ON SPECIFIC PROPERTIES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

I. UNFINISHED BUSINESS

1. Mayor's Recommendation of Qualified Candidate to Complete the Council Term Vacated by Council Member Bozeman

2. **RESOLUTION 2011-07:** RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF EDGEWOOD FOR THE ADOPTION OF THE CITY OF EDGEWOOD'S CAFETERIA PLAN.

J. NEW BUSINESS (Pgs. 48 – 63)

- 1. Review and Consideration of Russell Home Site Plan

K. GENERAL INFORMATION (No action required)

L. CITIZEN COMMENTS

M. BOARDS & COMMITTEES

N. STAFF REPORTS

- 1. Police Chief

- 2. City Clerk (Pgs. 64 – 66)
 - Status memo (informational only)

- 3. City Attorney

O. MAYOR & COUNCIL REPORTS

P. ADJOURNMENT

UPCOMING MEETINGS:

January 17, 2012.....City Council Regular Meeting
February 21, 2012.....City Council Regular Meeting
March 20, 2012.....City Council Regular Meeting

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.

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – MAY 17, 2011**

On Tuesday, May 17, 2011, Council President Judy Beardslee opened the regular meeting of the Edgewood City Council at 6:30 p.m., Council Member Powell gave the invocation followed by the Pledge of the Allegiance.

The following attendance was noted:

Council Attendees:

Council President Judy Beardslee
Council Member Neil Powell
Council Member John Dowless
Mayor Ray Bagshaw

Council:

Council Member Malcolm Henley (Excused)
Council Member Jim Bozeman

Staff Attendees:

City Clerk Bea Meeks
Chief Pete Marcus
City Attorney Drew Smith
Art Miller, Engineer
Ellen Hardgrove, Planner

CONSENT AGENDA

- 1 Mayor's Proclamation Declaring May, 2011 Neuro-fibromatosis (NF) Awareness Month Across America

City Clerk Meeks noted that she was advised of a clerical error and said the correction would be made.

Motion by Council Member Dowless to approve the consent agenda, with Second by Council Member Powell; the Motion was unanimously approved.

PRESENTATIONS:

" 000
" 001

Chief Marcus presented a commendation to Officer Scott Zane for noticing smoke while on duty; his quick response helped to minimize the damage.

A presentation was to be made to Cypress Grove Park however; the group was not in attendance. ***Motion by Council Member Powell to table the presentation and move to June 21st meeting, with second by Council Member Dowless; the Motion was unanimously approved.*** Council President Beardslee asked Doris Click, who was in attendance, if she would let the Cypress Grove group know of the schedule change.

Council President Beardslee moved ahead to 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.

Council President Beardslee noted that she received calls regarding this agenda item in particular, a conversation she had with Doris Click. For this reason, Council President Beardslee wanted to table the matter for a public hearing before Council in the June 21, 2011 meeting. Council President Beardslee noted that the City is complying with the Code but not sure if it is the spirit of intent of the Code. In response to Council Member Powell, Council President Beardslee said that Council is only addressing the variances to be followed by site plan review. Council President Beardslee said that her concern is that if they are any changes it comes back to a noticed public hearing. In response to Council Member Dowless, City Attorney Smith explained how the City's Code addresses variances. The Russell Home representative said they cannot move forward with getting funds without approval of the variances. Council President Beardslee stated that the purpose of the Russell Home is near and dear to the hearts of the City. She confirmed that her issue has to do with the Code process. City Attorney Smith confirmed that Council did not approve the application that was submitted in 2009

Council Member Powell made a Motion to approve variance however it failed due to the lack of a second.

Council Member Dowless asked about the process, and Council President Beardslee confirmed that the City Attorney said there was no flow in the process. City Clerk Meeks confirmed that there were 55 letters mailed to property owners and that 2 were returned; there were no "for" or "against" responses. Engineer Miller said one person opposed the variances in the Planning & Zoning meeting. Council Member Dowless said he would like to go through with the presentation.

Planner Hardgrove gave an overview of the subject property, The Russell Home. She said the property was in existence prior to a zoning code being in existence. She explained the allowable uses as it relates to the number of occupants. Planner Hardgrove spoke as to the variance for a setback. The request is for a 30 foot setback; she does not oppose the variance request because it would be an allowable use in R-3 even though

zoned R-1AA. Planner Hardgrove explained that the setback is now changed from the previous request on the north side, and is now on the south side; it will be a wider setback (3.8 feet). Planner Hardgrove explained the three conditions of the setback variance. She noted that Engineer Miller will address the second variance request related to the impervious surface ratio. Planner Hardgrove confirmed for Council President Beardslee that a landscape buffer and wall are not required by Code.

Engineer Miller noted that the proposed site plan shows the masonry wall. Engineer Miller explained why this is in the code. He said that impervious surface ratio that the Russell Home is requesting, 45% to 70%, does not affect Granada Woods, because it is draining to the County Park. Engineer Miller said that there is an impact on the park however; they will have to "prove up" all the easements and the St. John's approval. Engineer Miller explained the conditions, as approved by the Planning & Zoning Board.

Council President Beardslee asked the Planner about what the Code says about variances. Planner Hardgrove read the information from the code as it relates to "special conditions". She said there are special conditions and circumstances related to the subject property.

Representatives from the Russell Home gave a slideshow presentation showing the proposed facility. It was noted that the tea room operates on donations only.

City Clerk Meeks gave Council a copy of the survey of the property that shows the location of the posted signage. City Attorney Smith confirmed that the City was in compliance.

Planner Hardgrove confirmed Orange County allows a 30 foot setback in R1AA zoning

Public Comments Regarding Variance Request:

Floralee Shindoll, 4601 Judy Court, Orlando, FL: Spoke on behalf of HAINC. (provided speaker request form and copy of letter read for the record) In response to Mayor Bagshaw, Ms. Shindoll confirmed she represents HAINC, and that 50% of HAINC members oppose the variance request.

Doris Click, 228 Doolittle Street, Orlando, FL – Speaking on her own behalf (provided speaker request form and copy of letter read for the record). Ms. Click cited the following as reasons for opposing the request: (1) Improper Notice Variance 2011-01 and (2) Improper sign posting. Council President Beardslee reiterated to Ms. Click that this was not a public hearing. Ms. Click confirmed she would not be repeating what Ms. Shindoll addressed, and provided Council with a copy of her concerns, which she read into the record.

Holly Sampson, 4092 Posada Drive, Orlando, FL - Spoke on her own behalf and in favor of the Russell Home. She also presented a petition with signatures of five homeowners in

Granada Woods who favored the "Home" (provided speaker form and petition retained for the record). She related a meeting held "last summer" and said that they were all in favor of the proposed rebuild. She noted that Jim Werthen was not able to attend but said he would sign the Petition she presented. She said that Mr. Werthen's only concern is if the Russell Home would be good stewards, and make sure proper abatement of any hazardous materials was done, along with silt fencing to help control dust and debris. She noted that the neighbors are elated to have a perimeter wall installed. City Clerk Meeks noted that the City Planner provided a printout from the Property Appraiser's records showing the location of the homeowners who signed the Petition in correlation to the subject property.

Brian Leahy, Edgewood Resident – (provided speaker form) Asked to see elevation and pointed out how the proposed elevation gives the appearance of a colonial home. He is in favor of the variances.

Council Member Powell made a Motion to accept the Planning & Zoning Board's recommendation, with Second by Council Member Dowless.

Council Member Dowless stated that he is a strong believer in the process, and if the process is broken than it needs to be fixed. He further stated that someone who has followed the current "construction manual" on how to get this done, should not suffer as a result of the City having a broken system. Council President Beardslee reiterated her concerns about the process. She also noted her concerns about the tea room and other activities in a residential area and the appropriateness of same. Voting in opposition only because of her passion for the process because she is very much in favor of what the Russell Home does in the community. Janet Russell responded to Council President Beardslee's concerns, and stated the Russell Home does not have fund raisers. Council Member Powell noted that the Russell Home is only seeking to improve and make it a better facility, and "called to question"; ***the vote was 2/1 (Opposed by Beardslee)***. The recommendation of the Planning & Zoning Board was approved.

ORDINANCES:

None.

PUBLIC HEARINGS:

None.

UNFINISHED BUSINESS:

The following items were addressed:

1. Set and Notice June Workshop RE: Employee Benefits (Per February 8, 2011 City Council Workshop).

Council and Staff noted times not available; agreed on June 6, 2011 at 1:30 p.m. Workshop. City Attorney thinks that June Council meeting is feasible to have in Council meeting.

2. Review & Discussion of Resolution No. 2005-R-05-Opposing Commuter Rail – Approved by Council December 6, 2005.

Mayor Bagshaw requested to have Sun Rail on agenda because of the length of time when approved and consider again. Council Member Powell said he talked to CSX representative about the commuter rail and was told it looks as if “it’s a go”. He also felt the citizens would be paying the taxes to support. Council Member Dowless said he believes the project will “come through”, and stated his reasons why. He is supportive of Sun Rail. Council President Beardslee noted that by the time information came to Council it was too late to get a station. Mayor Bagshaw said his concerns are that it appears that Edgewood will be standing by them. Council President Beardslee noted that she is not sure that there is a need to revisit the previous Resolution. *Consensus to leave as it stands.*

3. Review & Discussion temporary pay rate increase given to Debbie Wallace for the position of Acting City Clerk; approved by Council on December 21, 2010.

Council President Beardslee confirmed the time-frame that Debbie Wallace served as Acting City Clerk. City Clerk Meeks deferred to the Police Chief, because Code Enforcement has gone back under the Police Department. Chief Marcus stated that the increase was for the time Debbie Wallace served as acting City Clerk due to the increase in her duties, and noted that she no longer performs the additional duties therefore the pay increase should no longer be in place.

Council Member Powell made a Motion to revert Debbie Wallace’s pay to what it was as the Code Enforcement Officer, with Second by Council Member Dowless. The Motion was unanimously approved (3/0)

GENERAL INFORMATION:

None.

CITIZEN COMMENTS:

Resident Brian Leahy requesting confirmation that the variance for the Russell Home was approved. Mr. Leahy was told the variance was approved.

BOARDS & COMMITTEES:

STAFF REPORTS:

Police Chief

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

Chief Marcus said 911 does not exist anymore. He explained the “code red” Citizen’s Alert Systems, and said the City can use this system for a defined fee, or opt to sign a contract for own system. He said the beginning price is \$3500.00, and it increases at different levels of service. In response to Council Member Powell, Chief Marcus said he would have to research if calls go to cell phone. Council President Beardslee said she is in favor of making it safer for the community, but will it make it any safer than it is. Chief Marcus said right now the City uses the Sheriff’s Office, and look to continue into the future.

2. Chief Marcus announced that Officer Melville is retiring and reserve officer David Ireland is coming on as a full time officer.

City Clerk

City Clerk Meeks deferred City Council to the handout provided them reflecting the status of work in City Hall (report retained with Agenda file).

Code Enforcement

None.

Public Comments

Dr. Richard Coble asked to speak. A brief recess was called to allow him time to complete a speaker form.

Following a brief recess, Council President Beardslee opened the meeting for public comments and recognized Dr. Richard Coble. City Attorney Smith responded to Dr. Coble’s request for records. Dr. Coble agreed with City Attorney Smith that questions are not public records requests. Dr. Coble stated his concerns about a bias against Pop’s Auto Care and the Hispanic employees. He feels that Pop’s is being discriminated against. He said “his people” feel threatened. City Attorney Smith said that no one on staff will not make any statements or give sworn statements unless a lawsuit is filed. Council President Beardslee asked City Attorney Smith if this is the proper forum to engage in a discussion with Dr. Coble. Council Member Powell asked Dr. Coble to explain what he is talking about. Dr. Coble gave Council Member Powell a notebook with his records requests. Dr. Coble said his wife, Leslie, is in attendance and is an attorney and can file suit tomorrow. He stated he has no problems making this a public forum. Council President Beardslee noted that Council understands where he is coming from and that Council needs to speak with their Counsel. City Attorney Smith asked if tomorrow was a good time to talk in the morning and “Leslie” indicated she was busy.

MAYOR & COUNCIL REPORTS:

There being no other public comments, Council President Beardslee deferred to Council and Mayor report(s).

Council Member Dowless asked about bank signature card, and City Clerk Meeks confirmed she sent him one and will follow-up with him. He said he checked on the number of trains in Edgewood and was told they are being diverted to Lake County line therefore, there should not be any more trains than the City has.

Mayor Bagshaw said he talked to Planner Hardgrove about the City's Comp Plan regarding the need to prioritize needs of the City and, look at ways to make Orange Avenue more attractive. He also felt there are some things that need to be brought up-to-date. He said he will talk to Planner Hardgrove about the associated costs. He also talked to Engineer Miller and asked him to review the City's streets and sidewalks, for Council's consideration as they begin to prepare the budget. Mayor Bagshaw reported trees continue to be removed; most recently, Waterwitch Cove. The Mayor said he is telling homeowners that the City will not replace trees that are removed because an arborist declared them dead or diseased. He feels this is a monetary decision to save the City money. He noted that several Council Members and the City Clerk are attending Tri-County luncheon. He said he let Tri-County League know that the City would like to host a luncheon in January or February.

City Attorney had no report

Council President Beardslee noted that articles for Newsletters are not in and requested City Clerk Meeks contact absent Council members for their articles. Council President Beardslee gave an update on City Hall operations and reported that she talked to McDermitt/Davis about them bringing an employee on staff to handle finance related duties; not as an extensive long term basis. She reported that an ad has been placed to bring someone in to assist City Clerk Meeks. Mayor Bagshaw said that the outcome of the discussion with McDermitt/Davis will be brought to Council with a recommendation.

In response to Council Member Powell, Council President Beardslee said that Holland & Reilly have come up with some procedures and improvements that will better protect the City. Mayor Bagshaw said that Tom Reilly said he is pleased with the City Clerk and the way she is thinking and feels she has the City's best interest.

Council President Beardslee also reported that a meeting was held with another depository, who can assist the City with another layer of internal and external security to reduce risk exposure. Council Member Powell noted that Council was not happy with Greenlee-Kurras' audit, and he wanted to know what is the status. City Clerk Meeks confirmed that Greenlee-Kurras has not sent adjusting journal entries to McDermitt/Davis. Council President Beardslee reported that the new depository will provide a good accounting trail.

Chief Marcus said that he has been preparing his budget in excel however, last year he was told not to prepare in excel. Council President Beardslee asked him to prepare in excel.

Council President Beardslee said she appreciates the Mayor and thankful he has hit the ground running and addressing areas that needed to be addressed. She said we just need to not get sidetracked or beaten down by the challenges.

ADJOURNMENT:

There being no further business,

Council Member Powell made the Motion to adjourn the meeting, with Second by Council Member Dowless; Motion passed unanimously (9:34 p.m.).

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: **December 20, 2011 (Regular Council Meeting)**

**EDGEWOOD CITY COUNCIL
SPECIAL MEETING—JUNE 6, 2011**

On Monday, June 6, 2011, the Edgewood City Council held a special meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 1:30 p.m. Council Member Powell gave the invocation followed by the Pledge of Allegiance.

Council President Beardslee noted the following Council Members in attendance

Attendees:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Henley

Absent

Council Member Bozeman
Council Member Dowless

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Drew Smith, City Attorney

Council President Beardslee stated that the purpose of the special meeting is to review and consider the proposed letter of Engagement from McDirmit-Davis. She reminded Council about previous discussion wherein they discussed looking for a solution to the City's current City Hall staffing issue. The thought was that the current accounting firm could find a fiscal way for someone from McDirmit to help effectuate the internal accounts payables, receivables, payroll and getting financials ready to go to McDirmit, so that McDirmit can prepare the City's monthly financial statements. Council President Beardslee stated that after reviewing McDirmit's proposal, it was going to be too costly. She noted that the proposal included the current \$12,000 in the budget for the services McDirmit currently provides, and that she understood the City was going to continue to use McDirmit for those services. Council President Beardslee said she would like to see approval of the portion of the services that is \$2880. This amount would cover those services listed under "Special Project" of the proposal.

Council Member Powell asked if anyone else has been approached regarding these services. Council President Beardslee said that McDirmit's contract is still in effect. Mayor Bagshaw confirmed that an inquiry was made to Brinkman and their fee was \$6000 more than what the City is currently paying. In

response to Council Member Powell, Council Member Henley confirmed that his son and wife are accountants. Council President Beardslee asked Council Member Powell if he could hold on the discussion until later in the meeting, and his questions would be answered at that time. Council President Beardslee said she proposes that Council approved the \$2880 portion of the proposal to have the internal books cleaned-up. She noted that there is currently no Chart of Accounts or records of what has been paid or receipts. City Clerk Meeks reminded Council of her previous report to them concerning QuickBooks, and that prior staff was not always entering the full amount of receipts and payments. Council President Beardslee said that the City needs to make sure that their internal records match the bank records.

Council President Beardslee made the Motion to approve spending \$2,800.00 to perform the special projects on page 2 of McDermit's Letter of Engagement, with Second by Council Member Henley. The Motion passed unanimously (3/0).

Council President Beardslee said she would contact McDirmit regarding Council's approval.

Council President Beardslee reported to Council that two positions, one administrative assistant and one part-time accounting clerk have been posted. Council Member Powell asked if there could be a possibility that the administrative assistant may have financial experience. Council President Beardslee said that she wanted the finance position be devoted just to finance. Council Member Powell provided additional reasons as to why he thought consideration should be given to an administrative assistant with financial experience. Council President Beardslee said she thinks it is critical that the scope of the City's finances be delineated and separate from the day-to-day operations of City Hall. She said that she can go to the Police Department and is able to get accounting live, up-to-date financial information. City Hall cannot do this because City Hall is responsible for the entire City, not just City Hall. Council Member Henley concurred with Council President Beardslee. Council Member Powell asked for "numbers" however Council President Beardslee said without having the clean-up, a number can't be given. Mayor Bagshaw recommended Pam Henley be hired temporarily to continue maintaining the financial records after McDirmit cleans up the records, and then hire someone for the position.

After much discussion, the consensus was to follow Council President Beardslee's recommendation.

Council President Beardslee reported on opening accounts at First Southern Bank, and noted that Council Members need to sign signature cards. Mayor Bagshaw also recommended depositing money into the Credit Union, or other bank as well; suggested \$250,000.

Council Member Powell recommended leaving the decision of the second account up to the Mayor. Council President Beardslee said she felt that it would be good to make the change with the new budget. Mayor Bagshaw asked for clarity purposes if he has the authority to speak to Pan Henley. Council President Beardslee said that she thinks as the Mayor has the authority. She said he has the authority to change the depository. It was agreed that Mayor Bagshaw will bring a recommendation back to Council.

There being no further discussion,

Motion by Council Member Powell to adjourn, with Second by Council Member Henley; the meeting adjourned at 2:12 p.m.

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: **December 20, 2011 (Regular Council Meeting)**

**EDGEWOOD CITY COUNCIL
WORKSHOP –JUNE 6, 2011**

On Monday, June 6, 2011, the Edgewood City Council held a workshop immediately following a special meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida.

Attendees:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Henley

Absent

Council Member Bozeman
Council Member Dowless

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Drew Smith, City Attorney

The purpose of the workshop is for review and consideration of changes to the City's personnel policies. In response to Council President Beardslee, Council members acknowledged they reviewed the proposed "final revisions" to the personnel policy.

Council Member Powell:

- P. 3-3 Probationary Employee/Probation Period

Council Member Powell asked why it takes six months to find out if the person can do the job. City Attorney Smith said the policy provides that the probation can be extended, and confirmed that they are an "at will" employee". Council President Beardslee said she wanted to discuss how the probationary period ties into benefits. She pointed out that it is different with the sworn officers because they are on probation for one year. City Attorney confirmed for Council President Beardslee that if the City discriminatorily discharges someone, City looks at same liability from standpoint of employee benefits; probationary period does not factor in.

Consensus to change probationary period to 90-days.

- P. 3-4 Work Week

Council Member Powell asked for an explanation for what “work week” means. Council President Beardslee said it is referring to the payroll period. City Attorney Smith clarified a work week is not specifying hours.

- P. 6-2/6-3 Conflicting Employment Or Contractual Relationship

Council Member Powell said his question has been answered before however, he thinks the verbiage needs to be changed; “Employees governed by these Policies shall not use any equipment, supplies, facilities, vehicles, etc. in outside employment”. Council Member Powell referenced the agreement with the “Church”. City Attorney Smith said it can be spelled out in the policy but noted that in 2-1 of the policy it states “These policies do not apply to represented employees, whose terms and conditions of employment are outlined in their collective bargaining agreement.”

- P. 8-1 Duration

Council Member Powell questioned pay increase at the end of their probation. City Attorney Smith confirmed it is a “may” situation, it does not mean the employee receives an automatic increase.

- P. 8-2 Demotions

Council Member Powell asked why there is no reference to pay reduction along with the demotion. City Attorney Smith said it is addressed on Page 10-3, Section 3 Demotions, and on Page 4-2.

- P. 14-3 Paid Time Off

Council Member Powell said he needs clarification for paid time off, and Council President Beardslee confirmed this takes the place of vacation and sick leave. Council Member Powell questioned holiday pay versus paid time off, if holiday occurs during an employee’s vacation time. City Attorney Smith said the employee gets paid for 40 hours only.

- P. 14-13 Family Medical Leave Act (FMLA)

Council President Beardslee noted for Council Member Powell that this is Federal law and there is nothing the City can do about this. City Attorney Smith confirmed this is unpaid time off however, the employee can use their sick and vacation meaning the employee could be on FMLA and get paid for it. Council Member Powell said there should be verbiage stating an employee could be getting paid because of sick and vacation time. Council President Beardslee noted other employers who allow employees to donate their sick and/or vacation time. City Attorney Smith said if the City wants to allow this, it should be in the personnel policy. City Attorney Smith explained further that the policy does address unpaid leave under Section F, Conditions and Limitations (P. 14-17). In response to City Attorney Smith, Council President Beardslee said she

thinks Department heads should have the discretion of what employees give in a sick bank. Chief Marcus said he thinks Department heads should be able to control the amount. Council President Beardslee said she didn't want there to be inconsistency.

It was agreed to define the sick bank (as it related to extended medical illness or treatment, extended bereavement leave, for employee or immediate family member). Employees donating hours must maintain a minimum of 40 hours for themselves.

- P. 14-15 (D) Employee Benefits

Council Member Powell says that there is nothing to cover the City being paid back, and referenced a former employee who took pregnancy leave. Council Member Powell said that during the time off, the City continues to pay for their benefits and he believes the policy should address this. City Attorney Smith said that legally the City cannot do this because the Family Medical Leave Act is Federal law however, he will check to see if it is possible.

- P. 14-21 Group Insurance Continuation

Council Member Powell noted 14-18 (Annual Military leave For Reserves And National Guard Training) and on Page 14-21 (C), and questioned how the insurance company agrees with this policy. City Attorney Smith said that this is the insurance company's policy, and Council Member Powell said this should be noted in the personnel policy.

City Attorney Smith agreed to put an insertion on those policies that are mandated by law, or applicable entity.

Council Member said this was all the questions he had.

City Attorney Smith said he wanted to "go over" what he did in terms of approval for paid time off. In response to Council President Beardslee, council members and staff said they did read the information regarding paid time off.

- P. 14-1 Paid Time Off (PT0)

City Attorney Smith referred to the accrual rates and explained how he arrived at the numbers. Council President Beardslee wanted the comparison of the total accruals versus sick and vacation time that currently exists. City Attorney Smith confirmed that Paid Time Off does not include holidays. City Attorney Smith agreed with Council President Beardslee that the leave is getting cut in half. Council President Beardslee said "she is not for that". She said that before a decision is made, she would like to have a comparison from other municipalities. She said she doesn't want to penalize the employees who have been with the City for a while. She said she would be okay with a grandfather clause for the new policy to affect employees hired after a certain date. Council Member Powell said he doesn't see why there has to be more generosity in the public sector versus the private sector; he said Council needs to be good stewards of the community's money.

It was agreed to hold on the “numbers” until a comparison with other municipalities can be done.

City Attorney Smith confirmed for Chief Marcus that employees will keep their accrued balances and access this before getting their paid time off. Council President Beardslee said that the accruals should be merged in the “bucket”. Council President Beardslee said that she would like to come up with a creative way to pay for some of the time, and let the employee put the rest in the bucket and only have one “bucket”. City Attorney Smith said the policy needs to define a conversion of the hours. Mayor Bagshaw said that this proposed policy does not affect the sworn police officers.

There being no further discussion,

Motion by Council President Beardslee to adjourn, with Second by Council Member Henley; the meeting adjourned at 3:51 p.m.

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: December 20, 2011 (Regular Council Meeting)

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – JUNE 21, 2011**

On Tuesday, June 21, 2011, Council President Judy Beardslee opened the regular meeting of the Edgewood City Council at 6:30 p.m., Council Member Powell gave the invocation followed by the Pledge of the Allegiance.

The following attendance was noted:

Present: Council President Beardslee
Council Member Powell
Council Member Bozeman
Council Member Dowless

Excused Absence: Council Member Henley

Staff: City Clerk, Bea L. Meeks
Police Chief, Pete Marcus
City Attorney, Virginia Cassidy (Attending for Attorney Smith)
Art Miller, Engineer

CONSENT AGENDA

1. Approve the minutes of the regular scheduled City Council meeting; February 15, 2011.
2. Review and Consider Planning & Zoning Board's Recommendation of Approval of Variance Application No. 2011-02 Sean Milligan – Sean and Megan Milligan, 4905 Lake Gatlin Woods Court are requesting a variance for a minimum side set back in a R-1AA Zoning, for the purposes of constructed a boat dock.

Motion by Council Member Dowless to approve the consent agenda, with Second by Council Member Powell; the Motion was unanimously approved.

A. PRESENTATIONS

Council President Beardslee deferred to Chief Marcus who introduced Phil Finley, who has been assisting the Police Department with maintaining their accreditation.

1. Proclamation: Police Officer Appreciation Day (presented after recess)

Mayor Bagshaw presented a Proclamation recognizing Police Officer Appreciation Day.

Motion by Council Member Powell to approve the Proclamation, with Second by Council Member Dowless; the Motion was unanimously approved.

2. Honor & Recognition of Officer Don Melville

Chief Marcus introduced Officer Don Melville, who has been an officer with the City of Edgewood for four years however, he has served many years as an officer (1971-2011). Officer Melville was presented with a plaque and acknowledged with a standing ovation. Chief Marcus also recognized Kelly Melville, Officer Don Melville's wife, who is also a deputy with Orange County Sheriff's Department. Officer Cardinal also presented Officer Melville with a gift card from the Police Department.

Chief Marcus recognized Officer Tim Cardinal with a gift from the local 7-11. Chief Marcus recognized "Jim" the owner of 7-11. Chief Marcus did the unveiling of a cake to celebrate Officer Melville's retirement.

Council President Beardslee called for a recess.

Following the recess, City Clerk Meeks noted there are some technical difficulties with the recording system and, the meeting is not being recorded.

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

None.

C. UNFINISHED BUSINESS

- 1. Newsletter

Council President Beardslee noted the deadline for the newsletter and asked everyone to have their articles to the City Clerk by Thursday, July 7, 2011.

D. NEW BUSINESS

- 1. Consideration and Approval of Preliminary Non – Ad valorem Assessment – FY 11/12

Council President Beardslee deferred to City Clerk Meeks who explained the process. Council President Beardslee presented her view as to why she thinks the recommended increase is negligible, as it works out to \$1.11 increase. Mayor Bagshaw explained why he isn't comfortable not making an increase.

Council President Beardslee deferred to JT Blanton, who served on the contract committee when the contract was renewed with Waste Management. Mr. Blanton explained how the increase was done in the past. He also noted how other cities are charging 20% more versus the City of Edgewood's increase of 15%. Mr. Blanton said he would like to see the City change the calculation to the way it was done before. City Clerk Meeks pointed out that when she and Mr. Blanton compared calculations, they were pennies a part.

Council President Beardslee made the Motion to approve the preliminary assessment with a 5% increase, with Second by Council Member Dowless; the Motion passed unanimously.

E. GENERAL INFORMATION (No action required)

- 1. Annual Filing of Financial Disclosure

WHO FILES	WHEN FILED	WHERE FILED
Local Officers as defined in <u>Section 112.3145(1)(a), F.S.</u> Council Members, Planning & Zoning Board Members, Municipal Attorney, Police Chief and Municipal Clerk	Within 30 days of appointment or employment and then annually by July 1 of each year.	Supervisor of Elections in county where local officer resides.

Council President Beardslee encouraged everyone to comply with the information City Clerk Meeks provided regarding the annual filing of the financial disclosure.

F. CITIZEN COMMENTS

Dr. Richard Coble, 3906 S. Summerlin Avenue, Orlando, FL - Dr. Coble stated he has Pop's Mobile Service. Council President Beardslee asked Dr. Coble to stop, and noted that he brought similar complaints to Council before. Dr. Coble referenced pictures he sent of harassment by Code Enforcement Officer, Debbie Wallace. Council President Beardslee reiterated his concerns are a code enforcement matter however; Council is not barring him from talking. Council President Beardslee referred Dr. Coble to Attorney Victor Chapman. Dr. Coble said he wanted to make it clear that since there is not a recording of the meeting, he plans on attending every meeting. He also noted his email request to every Council member. City Attorney Cassidy asked Council Members to not make any comments. Dr. Coble noted the following:

- Sent pictures.
- Police officers parking together at Jiffy Mart and blocking right-of-way.
- Has provided pictures of cars for Debbie Wallace's file but no action taken on the other cars, i.e. BIG 10 Tires (referenced '92 license plate). Ask why the discrimination?
- Request sworn statements from Chief Marcus and Sgt. Freeburg.
- "Forcing me to go to FDLE and State Attorney"

(If you people keep doing what you are doing) Council President Beardslee stopped Dr. Coble mid-sentence and told him his time is up.

Leslie O'Neal Coble (Attorney) – Mrs. Coble said she submitted a request for records and now understands City retained new Council. She asked for Attorney Chapman's contact information, and the info was provided.

G. BOARDS & COMMITTEES

H. STAFF REPORTS

VC: None

1. Police Chief

Chief Marcus provided GATSO preliminary review and report regarding traffic study. The City Clerk was asked to place this item on the July 19, 2011 agenda. Chief Marcus asked Council to let him move forward. Chief Marcus noted that the report has recommendations however; he has not talked to representatives yet. Chief Marcus said that he thinks the City is moving in the right direction.

Chief Marcus said he appreciated the proclamation and the attendance at the event that took place prior to the council meeting. Council President Beardslee noted the positive comments made towards the police department. Chief Marcus noted he and the Mayor are working together on the budget particularly as it relates to the reserve officers. Chief Marcus said his department is meeting Council's mandate to have two officers on duty all the time. He said sacrifices have been made to make this happen. Chief Marcus thanked council for making Edgewood a viable place to make a career as a police officer, stating it is no longer a training ground.

Resident, Regina Dunay said she walks her dogs late at night but walks with her phone. She noted a time when she was walking her dog when someone came out and startled her and her dog. She called the on-duty officer and asked if he was in the area where she was and they said no but they could be. Ms. Dunay thanked the Chief for his department's assistance. Ms. Dunay asked if the on-duty officer's number could be put in newsletter or other way to get the information out to the public.

I. MAYOR & COUNCIL REPORTS

Mayor Bagshaw

Mayor Bagshaw said he received a report on the top 100 cities in the state of Florida and Edgewood was 73 out of 100, which he thought was good for a little city (population of 2,503). He reported that he is still working on resolving issues regarding dead trees, or trees that pose a danger. He noted that Progress Energy is also topping-out trees. He said there are some trees in the area that are infested with mistletoe, which will kill the tree. He told Council "We are working on cleaning up Orange Avenue; there is a plan in place and we are moving forward". He said the City is following the Code to the letter of the law.

Council President Beardslee announced a delegate is needed at the Florida League of Cities Conference the week of August 11-13, 2011; *consensus for Mayor Bagshaw to represent the City.*

City Clerk Meeks

City Clerk Meeks updated the Mayor and Council on the resume review and interview process for the hiring of an administrative assistant.

Council Member Powell

Council Member Powell said that he is working with CSX about mowing. He noted a request by a citizen on Harbour Island Road, and reported the work is done. Mayor Bagshaw asked Council Member Powell about the residents at Straemeyer wanted to know about rocks and railroad ties. Council Member Powell said CSX does not know. Council Member Powell said he will call his contact to see if they can get them moved. He said the City is responsible for the crossing, and that this was a result of the development and the agreement that was made.

Council Member Dowless

Council Member Dowless told the Mayor that he would be glad to team up with him at the Florida League of Cities conference, and also work with him on growth management issues.

Council President Beardslee

Council President Beardslee said Council needs to look at calendar to schedule budget workshops, and also discuss desires to annex. Mayor Bagshaw said Planner Hardgrove has already been working on a map for squaring it off, and that he met with her (today) to discuss. Council President Beardslee agreed with Mayor Bagshaw on establishing a baseline. Council President Beardslee noted that there is no money in the current fiscal year budget for the Comp Plan. Council President Beardslee asked about the week of July 11th. *It was agreed to hold a workshop on July 12, 2011 at 1:30 pm regarding annexation.* Council President Beardslee noted if there is a council member who wants to put something on the Agenda to let City Clerk Meeks know.

019

Council Member Powell would like to get with the Mayor for an Ordinance cleanup. Council President Beardslee said that if there is a particular Ordinance in question, it can be put on the agenda. Council President Beardslee suggested that each council member take a section of the Code. Attorney Cassidy gave history of when Faye Craig was City Clerk and their work with Municode, and knows the land development regulations need to be updated. She suggested contacting Municode. City Clerk Meeks noted the codification that has been done and noted her discussion with Fay from Municode at the Clerk's Academy, and that the last codification was done in 2010.

Council President Beardslee said to add review of the Code of Ordinances as suggested by Council Member Powell to the September agenda.

J. ADJOURNMENT

There being no further business,

Council Member Powell made the Motion to adjourn the meeting, with Second by Council Member Bozeman; Motion passed unanimously (8:10 p.m.).

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: December 20, 2011 (Regular Council Meeting)

POWELL AT 8:10 P.M.

**EDGEWOOD CITY COUNCIL
WORKSHOP – JULY 12, 2011**

On Tuesday, July 12, 2011, Council President Judy Beardslee opened the workshop of the Edgewood City Council at 1:30 p.m.

Attendance was noted as follows:

Council

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Dowless
Council Member Henley

Absent

Council Member Bozeman

Staff

City Clerk Meeks
Chief Marcus
Planner Hardgrove
City Attorney Smith

Council President Beardslee deferred to Planner Hardgrove who provided the following information:

- Gave a brief update of 9-J5 F.A.C.'s requirements and current legislation that may affect growth management in particular, comprehensive plan updates.
- Planner Hardgrove said she would get census information from City Clerk Meeks.
- Planner Hardgrove said she does not have the expertise to do a traffic study.

Council President Beardslee welcomed residents Brian Leahy and Frank Aguilar to the workshop and invited them to comment during the workshop.

Planner Hardgrove gave a brief presentation on annexation. Council President Beardslee said she wanted this to be a growth management workshop so that Council can talk about whether or not they have a desire to annex, and if they do what Council is going to do. She said once they have some ideas then they need to look at the area to see if there will be any issues with traffic related to the affected areas. Once the City Attorney or the Planner does further research in those general areas, then Council will have a better idea of what they can plan as a timeline. Council President Beardslee said she does not want to "put the cart before the horse", she just wants to make sure that any growth the City experiences is properly controlled. City Council President Beardslee asked if Council could be given an overview as it relates to residential and commercial growth.

Planner Hardgrove provided the following:

- Stated that where the City wants to grow is important to the Comp Plan.
- First question to Council is why they want to annex?

1. Efficient provision of services

Noted that the only service the City provides is law enforcement.

2. Protection of land use and control of land use that is adjacent to the City.

- Other goals – why else (referring to annexation)

Council President Beardslee said she would like to hold the crime element back by creating a buffer around the City, and make it larger, so that the City can protect the quality that the City has. She said if they can create a buffer, it will push “it” back even further, it does two things; 1. “Maintain our quality” and 2. Offers better police protection to those that surround the City. Chief Marcus said the department is more efficient “person wise” because the City does not have the constraints that Orange County has.

Mayor Bagshaw said that he thinks there have been misconceptions that the City receives a lot of sales and tax revenues however, the City does not control this; it is based on population. Council Member Powell noted that in addition to sales and tax revenues, there are also franchise fees.

Chief Marcus referenced areas around the City, and the perception that they are in the City; Edgewood Police does not respond. In response to Planner Hardgrove, Chief Marcus said it is his understanding that if the City gets the four corners at Hoffner, the City will control the intersection.

Continue with goals for consideration:

- Re-stated again efficient provision of services
- Re-stated again protection of land use/control
- Crime protection/personalized – preserve the quality that Edgewood provides –community orientation
- Increased revenue
- Perception of service provided, e.g. Hoffner/Hansel
- Capitalize on economies of scale

Council President Beardslee said one of her concerns is that it would cost more than what the City currently has versus the income generated. Mayor Bagshaw said that this is where the City may get hurt when the value of homes increase, the City cannot keep up, as it relates to the proposed cap of five percent. Council President Beardslee said that she doesn’t know why the City would want to annex an area that doesn’t want to be annexed.

Planner Hardgrove explained the two types of annexation; voluntary and involuntary. An involuntary annexation is done by referendum, interlocal agreement (enclaves involved), or referendum exception (70%/50%). She noted that the “FOP” property is an enclave. City Attorney Smith explained the referendum process as it relates to voting based on percentage of non-registered owners. He also confirmed you can do the referendum at any time however, it is best to tie-in to the regular election.

Planner Hardgrove also provided:

- Explanation of involuntary annexation procedures
 1. City will have to provide a study to Orange County.
 2. Ordinance would need to be prepared.
 3. Ordinance requires two public hearings.
 4. Placed on referendum ballot.

Council President Beardslee asked about the land north of Legacy. Planner Hardgrove explained why the City cannot go all the way to the east because of the County's Park. Council President Beardslee asked about Holden Cove up to the Park, and Planner Hardgrove explained that you cannot leave an enclave. She said that Council does not need to decide today, but does the City want to pursue because of problems going on today? City Attorney Smith said there could be some costs that the County could potentially pass on to the City. Mayor Bagshaw said he has conveyed the City's concerns about the Park.

Planner Hardgrove showed on a map the area of the Park to Holden Cove to the lake, which she said is as far north as the City can go. Council President Beardslee said she wanted to discuss Waterwitch to Gatlin to Ferncreek, and Planner Hardgrove said Council should talk about the cost of annexing before talking about other areas. She noted that costs include police manpower, police capital cost, road paving and rights-of-way, drainage and streetlights. The benefits include ad valorem, response time, future land use control; also, if there is an MSTU, it becomes the City's responsibility, as it relates to street lighting. Planner Hardgrove noted that some subdivisions outside of the City limits have no sidewalks. Resident, Brian Leahy, said that Orange County has a sidewalk fund and explained how it operates. Council President Beardslee said her concern is that the monies received may not be enough to cover the costs.

Planner Hardgrove noted the area at Ferncreek that is not in the City, but gives the perception that it is. She said they do not like the City's permitting. She said she did not look further east than Ferncreek. Chief Marcus pointed out that if you go beyond the boundaries shown, it stretches his manpower. Mayor Bagshaw said he would like to see the City squared off and annex at a level where the City can handle the level of service.

Planner Hardgrove said the area south to FOB property would be good to have for development purposes. She said the area south of this is commercial, it also abuts to a retention pond that the City does not need. She said the 4-corners area at Hoffner and Orange Avenue would be a good redevelopment area and would be needed in the Comp Plan.

Council President Beardslee said she would like to complete the "wish list", and then compare taxes between Edgewood and Belle Isle.

Council Member Powell said he wanted to talk about the Lake Jem area owned by Fran Pignone. It was agreed to consider this area and stay west of Fern Creek. Council Member Powell also referenced Oak Water. Mayor Bagshaw confirmed for Council Member Powell that Orange Avenue and Oak Water have been tagged as industrial. Mayor Bagshaw said he would like to see Orange Avenue cleaned up before the City does any annexation.

Council President Beardslee asked Chief Marcus how far south he would go to provide services for the City. Chief Marcus said he didn't think the City wanted a presence on Oakridge.

Council President Beardslee said her vision is to fly into OIA, drive into town on Orange Avenue, and have an identifiable feature, a gateway of "sorts". She said if the City manages well financially, and with a timeline, this can be done. Mayor Bagshaw said he thinks the challenge is Belle Isle annexing on one side, and Edgewood on the other could cause problems with identification.

Wish List – Priorities

Oakwater	-	Yes	
FOP	-	Yes	
Hansel	-	Yes	
Four Corners	-	Yes	(Hoffner/Hansel)

City Attorney Smith said that in considering priorities, the City needs to consider what Belle Isle is annexing.

Council President Beardslee said next time Council meets, they should have more information on the Comp Plan, areas of priorities, determine probability and set up a timeline. She said basically, Council will need a timeline, and then they can have a plan and associated costs. She said she wanted this done for all areas.

Council Member Henley asks what benefit the property owners will get for annexing into the City. Ad Valorem, response time and future land use control were noted. Council Member Henley said he thinks it's crucial to show the property owners that they are going to save money. Council President Beardslee said she thinks the City needs to look at everything instead of one corridor.

There being no further business,

Council agreed to "workshop" on August 4, 2011 at 1:30 p.m. The Workshop was adjourned at 3:25 p.m.

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: **December 20, 2011 (Regular Council Meeting)**

**EDGEWOOD CITY COUNCIL
REGULAR MEETING– NOVEMBER 15, 2011**

On Tuesday, November 15, 2011, the Edgewood City Council held a regular meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 6:30 p.m. Council Member Powell gave the invocation followed by the Pledge of Allegiance.

Council President Beardslee referred Council to an email she received from Council Member Jim Bozeman, who resigned.

Motion by Council Member Powell to accept Council Member Bozeman's resignation, with Second by Council Member Dowless; the Motion was approved unanimously (3/0).

City Attorney Smith said that the Charter allows thirty days to make a decision for a replacement. City Clerk Meeks noted that she provided information at each Dias seat regarding the Charter requirements for council vacancies.

Attendees:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Dowless

Absent

Council Member Bozeman
Council Member Henley (Excused)

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Drew Smith, City Attorney

CONSENT AGENDA

Approval of:

1. Approval of:

October 18, 2011 Minutes - City Council Meeting

2012 Vote Processing Equipment Use Agreement and Elections Services
Contract for Municipal Elections

Audit Services: Review and Recommendation of audit services

*Motion by Council Member Dowless to approve the Consent Agenda items, with
Second by Council Member Powell; the Motion was approved unanimously (3/0).*

A. PRESENTATIONS

None.

B. ORDINANCES – FIRST READING

1. **ORDINANCE NO. 2011-01: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED PERSONNEL POLICIES, PROCEDURES, AND RULES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance 2011-01 in title only.

Motion by Council Member Powell to approve the first reading of Ordinance No. 2011-01, with Second by Council Member Dowless.

Council Member Powell noted that the Personnel Policy has been written and re-written for the past few of months. He said that he had no documents for comparison and asked how Council handles that. City Attorney Smith explained that everything agreed to by consensus was moved forward and that the current document has not changed since the last conversation that City Attorney Smith had with Council Member Powell. Council President Beardslee said that at the last meeting she was not comfortable with some of the changes and asked to table so that there could be a comparison of like municipalities, as it relates to benefits. She noted that the sick and vacation leave would be reduced 35% if approved with the current document. Council Member Powell said that he hates to

delay again however; he would like to compare his notes to the current document, along with the comparison information provided by Council Member Dowless.

Council Member Powell withdrew his original Motion and offered a substitute Motion to table to December 20, 2011, with Second by Council President Beardslee. Passed unanimously.

2. **ORDINANCE NO. 2011-07:** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 30, HEALTH AND SANITATION, OF THE CODE OF ORDINANCES, TO CREATE ARTICLE IV, BEGGING, PANHANDLING AND SOLICITING ON SIDEWALKS AND STREETS, TO PROHIBIT PANHANDLING IN CERTAIN AREAS OF THE CITY AND AGGRESSIVE PANHANDLING THROUGHOUT THE CITY; PROVIDING LEGISLATIVE FINDINGS, PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND EFFECTIVE DATE.

City Attorney Smith read Ordinance No. 2011-07 in title only.

Motion by Council Member Powell to approve the first reading of Ordinance No. 2011-07, with Second by Council Member Dowless.

Council President Beardslee noted that she ask City Attorney Smith to draft an Ordinance based on her experience of being approached by a panhandler at Orange Avenue and Gatlin Avenue. She noted a second incident where she observed a panhandler on Orange Avenue holding a sign. She stated she does not have a problem with people panhandling however, she feels it should be restricted to areas for safety reasons. Council Member Dowless said he has mixed emotions in particular Section 4 that indicates" those people giving money will be in violation". City Attorney Smith clarified that they are not making restricted areas, they are creating prohibitive areas. He confirmed for Council Member Dowless that activity cannot be done in the roadway; it can be done on the sidewalk however pedestrians cannot be blocked or harassed. Mayor Bagshaw said he likes the way the Ordinance is written because it is determining prohibitive areas. City Attorney Smith confirmed for Council Member Dowless that the City of Casselberry has a similar Ordinance and there are similar model Ordinances in other Cities. Council Member Dowless said he has a problem with the restrictions on the driver. ***Council Member Powell called to question.***

Motion by Council President Beardslee to continue the discussion, with Second by Council Member Powell. Passed unanimously.

City Attorney Smith said he is not tied into the provisions of Sections 4 and 5 as it relates to violations on drivers.

Resident Lee Chotas asked Chief Marcus about drivers who stop to give money, causing obstruction to traffic. Mr. Chotas asked if there's a current law that allows officers to approach the driver. Chief Marcus said obstructing traffic would be the most used without doing further research. Mr. Chotas said he commends Council's sensitivity to the situation. Chief Marcus said what he wants to see is the prohibition of aggressive panhandling, even in the street. Council President Beardslee deferred Council to Section C-4; Council Member Dowless said he would prefer to strike this paragraph. City Attorney Smith says Section B-3 defines the Act and Section C-3 prohibits the act, and aggressive panhandling is also addressed in definitions. In response to Council Member Powell, City Attorney Smith said the Ordinance would prohibit firefighters, veterans etc. from being in the roadway seeking contributions. City Attorney Smith confirmed for resident JT Blanton that the Ordinance would also include parking lots. Council President Beardslee said she would like to see a permitting process. Mayor Bagshaw noted that the gated communities have added protection as it relates to solicitors.

Motion by Council Member Powell to approve the first reading of Ordinance No. 2011-07, with Second by Council Member Dowless. The Motion failed after 1 to 2 vote (1 yes/ Powell- 2 No/Dowless and Beardslee)

Council consensus to bring back as first reading in December with modifications per Council discussion. City Attorney Smith summarized the modifications; strike Section C-4 and create a permitting regulatory system for solicitation on the roads.

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

- 1. ORDINANCE 2011-05: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING SECTION 62-57 (REGULATION STANDARDS OF DISABLED VEHICLES) OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO INCREASE THE TIME ALLOWED TO PARK DISABLED AND UNREGISTERED VEHICLES ON SPECIFIC PROPERTIES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance No. 2011-05 in title only.

Motion by Council Member Powell to approve the second reading of Ordinance No. 2011-05, with Second by Council Member Dowless.

Mayor Bagshaw said that he still has concerns as it relates to the number of vehicles allowed, which is five. He said that some businesses are larger with more bays, and he feels 180 days is excessive time to allow for repairs to be made. Mayor Bagshaw noted that in a short period of time, there were fifty cars removed from the City. He said it is not always the business' fault, there are owners who do not have the money to pay and the car is left with the business. Mayor Bagshaw said that the City should be able to look at their land regulations and come up with the formula for the number of cars that can sit on a property.

Council President Beardslee opened to Public Hearing.

Dan Fulford, 4822 S. Orange Avenue, stated he has a business at this location. He said one of the problems he has with the Ordinance is that his property has no rear property therefore; he would like to see something in the Ordinance that allows vehicles in the side yard.

Attorney Lee Chotas noted that there have been two ordinances continued and hoped to get this one right. Attorney Chotas said he is okay with the Ordinance with the change to delete "five or fewer disabled vehicles". Attorney Chotas said that if you can't see them, it doesn't matter how many vehicles there are. Attorney Chotas said the 180 days was for the "kit" cars. He suggested language stating "parked in the side yard more than 100 ft" (first line in "C" and "A" of proposed Ordinance) from public road. He said by doing this you still require the screening so that you can't see the cars from a public road.

Mr. Fulford said that after meeting with the City's code enforcement officer and the Mayor last week, he learned that the Code allows a disabled vehicle to be covered with a "parka", and he views that as screening. City Attorney Smith pointed out that code enforcement cannot check the vehicle if it is covered, without a search warrant. City Attorney Smith said if code enforcement sees violations from the right-of-way they can come onto the property. Mayor Bagshaw said he is still concerned about the "180" days.

John Moccio (SMD Auto) said that his business doesn't just work with "kit" cars, they also restore old cars and it takes more than 180 days. Mayor Bagshaw said the Code allows one kit car; how many cars should the City allow. He stated that 180 days is a long time to accumulate a lot of cars. Excluding "kit" cars, remodeling and restoration, Mr. Moccio said it could take one month. Attorney Chotas said for purposes of passing the Ordinance tonight, he needs three votes with the theory that you cannot see from Orange Avenue, and you have good quality people where it has never been a problem. Council Member Powell said that we do have good citizens with good businesses, however, someone can come in later and there could be a problem because there was no

code. Council Member Powell said this is what the City is trying to get away from. Council President Beardslee said for 7 ½ years she believed that there were many occasions that Council made it very difficult to do business in Edgewood, she thinks that if Council wants the City to be viable in the future, they better make good decisions but thinks sometimes thinking is cloudy as it relates to the business owners who have been there for years. She wants to be fair to all business owners. She said if there isn't a negative impact on a residential property from a business, you can't see it (the violation) and it is not impacting others, she is on the fence. She asked the City Attorney how the Ordinance can be written to make it fair for all businesses and not impact the aesthetics. He said from her comments, she is agreeing with the recommendation of Attorney Chotas, as long as you can't see the cars.

Gary Layman, 4822 Orange Avenue stated that most of his code enforcement is a result of cars from the auto auction that have dealer tags on them. He is told these cannot be seen in the parking lot. City Attorney Smith said if the tag is lawful there is no problem.

Closed public comment.

Council Member Powell said that he concurs that he doesn't want to make a snap decision and proposes to table the matter. ***Council Member Powell made a Motion to table action on Ordinance No. 2011-05 however, it failed for lack of a Second.*** Council President Beardslee said that she thinks the concerns are 1(c) screening and side parking and number of days. Council Member Dowless said he agrees with Attorney Chotas, as it relates to "if you can't see it from Orange Avenue it's not a problem". Mr. Fulford asked about screening/fencing height, and City Attorney Smith said it has to six feet. Brian Leahy asked if City Attorney Smith could look into the legality of the transport tag. Council President asked about changing to 100 percent opaque. Council President Beardslee said she likes the 180 days. Attorney Chotas said it doesn't make sense to postpone but wants to make sure that there are no bad feelings. He said he appreciates the sensitivity and withdrew his request to approve tonight. Mayor Bagshaw said Chief Marcus will direct Code Enforcement to back away from the Ordinance until this is resolved. Council Member Powell withdrew his original Motion.

Council President Beardslee made a Motion table to until the December 20, 2011 Council meeting, at 6:30 pm or soon thereafter to be heard, with Second by Council Member Dowless. Passed unanimously.

Consensus to look at number of vehicles, days, side allowance and screening.

Attorney Chotas said based on Council comments with Council's permission, he is willing to work with City Attorney Smith to come up with some verbiage. Council Member Powell said can they use words that if Ordinance is contested, cases can be considered on a case-by-case basis. City Attorney Smith said there are special exceptions however, application would have to be made for a variance and there is certain criteria

that has to be met. Chief Marcus said he will have a moratorium on this particular issue for those matters not already in Code Enforcement.

Council President Beardslee called for a break AT 8:09

2. **ORDINANCE 2011-06:** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, IMPOSING A TEMPORARY MORATORIUM FOR 180 DAYS ON THE ISSUANCE OF ANY BUSINESS TAX LICENSE, PERMIT, CONDITIONAL USE APPROVAL, SITE PLAN APPROVAL AND ANY OTHER OFFICIAL ACTION OF THE CITY OF EDGEWOOD HAVING THE EFFECT OF PERMITTING OR ALLOWING THE CONSTRUCTION AND/OR OPERATION OF THE FOLLOWING BUSINESSES USING SLOT MACHINES OR SLOT MACHINE LIKE EQUIPMENT OR SIMULATED GAMBLING DEVICES WITHIN THE CITY OF EDGEWOOD: GAME ROOMS, ARCADES, INTERNET CAFES, SWEEPSTAKES REDEMPTION CENTERS OR ESTABLISHMENTS, AS MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE, EXCLUDING APPROVALS AND PERMITS FOR THE CONTINUANCE OF ANY EXISTING BUSINESS; THE TEMPORARY MORATORIUM SHALL APPLY TO ALL REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF EDGEWOOD; PROVIDING FOR DEFINITIONS; PROVIDING A PROCEDURE FOR EXTRAORDINARY HARDSHIPS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND SETTING AN EFFECTIVE DATE.

City Attorney Smith read Ordinance No. 2011-06 in title only.

Motion by Council Member Dowless to approve the second reading of Ordinance No. 2011-06, with Second by Council Member Powell.

Council President Beardslee opened for public comments.

Speaking in favor of the Ordinance, Resident Lee Chotas commended Council for the Ordinance and thanked Council. There being no further comments, the City Clerk was asked to take a roll call vote.

Mayor Bagshaw	Favor
Council President Beardslee	Favor
Council Member Dowless	Favor
Council Member Powell	Favor

Ordinance No. 2011-06 was unanimously approved for adoption.

D. UNFINISHED BUSINESS

E. NEW BUSINESS

F. GENERAL INFORMATION (No action required)

G. CITIZEN COMMENTS

No comments.

H. BOARDS & COMMITTEES

I. STAFF REPORTS

1. Police Chief

Chief Marcus reminded Council that the Annual Toys For Tots is scheduled for Saturday, December 10, 2011, and it will be publicized. Council Member Dowless said he will make contact with the media. Chief Marcus said that they are setting the venue for others to bring toys to the City. He confirmed there will be a banner. Toys will be collected through December 10th, and any donations after that are referred to the Marines.

Chief Marcus noted some recent thefts in the City with the stealing of copper and items left in unlocked vehicles. He said his officers came up with a "lock it or lose it" campaign to heighten the awareness to lock your car. He said there will be blanket calling (code red system), and officers are going door-to-door to talk to residents and if they are not at home, they are leaving an information sheet. He hopes to segue into the system this week. The City remains to be if not the safest, but one of the top safe cities in Orange County.

2. City Attorney

No report.

J. MAYOR & COUNCIL REPORTS

Mayor Bagshaw addressed Code Enforcement as it relates to when fines are imposed, and that the fines continue to run until paid. He wanted to know if Council had any objections to him sitting down with those with liens, and discuss resolving the liens. Council President Beardslee said she always wants to recover the raw costs, and that the same criteria are applied so there is consistency. City Attorney Smith pointed out that all code enforcement cases are a case by case basis. Resident Lee Chotas pointed out there are scofflaw laws, and suggested obtaining the guidelines from the City of Orlando. Don Fulford said he is one of those with a tenant who has not been in compliance and caused problems for him as the property owner. He has now received a \$2,200.00 fine, and asked forgiveness. Mr. Fulford said he did not know if his lien had been recorded yet. Council President Beardslee said Council is not prepared to make a decision on his request. City Attorney Smith said his thought is to bring it back to the next agenda. The City Clerk said she would check to see if Mr. Fulford's lien was recorded.

Council Member Dowless reported on Legacy's HOA engineering requirement. Council Member Dowless asked if the City could amend their Ordinance. City Attorney Smith said that legally the City does not have to change the Ordinance. City Attorney Smith noted similar circumstances in other cities where the residents have ask the respective city to take over the road. City Attorney Smith said there may be consideration for changing the length of time.

Council Member Powell noted a new business in one of the City's local shopping plaza and he suggested to the Mayor that the City send flowers/dish gardens. He asked the Council's thoughts. Council President Beardslee said that she thinks it is good to welcome the new business. He noted that he visited the new business, as did the Mayor and he thinks it would be a good policy to set a standard to receive word of the new businesses. Resident Lee Chotas asked Council Member Powell how the "tax payers" would benefit from the City spending their tax dollars to send flowers. Council Member Powell said that new businesses do pay to the City in the form of the business tax that is levied. Council President Beardslee said that it is also good to acknowledge the new businesses in the Newsletter. Council Member Dowless said he doesn't know if he is prepared to make a policy. Mayor Bagshaw said that he would like to have a business directory of businesses in the City and place it on-line for all the residents and businesses to see; all preliminary now. Mayor Bagshaw said there will be further review and see where the funds will come from.

Council Member Powell reported on roads and streets and noted Harbor Island Road/Windsong is in need of repair at the island. He said CSX did some more mowing. He said there is a tree that needs to be cut-up and hauled off. He said he can ask CSX to haul it off since it is on their property. He said that DOT is taking over CSX property but it is unknown to him who the contact person is when repairs are needed.

He reported that there is sidewalk damage on the right-of-way and it was repaired. Said there is damage on the north side of Gatlin but was told it is the City's responsibility.

Council President Beardslee asked the City Clerk for her report, which was provided as follows:

- City Clerk Meeks acknowledged that a lien was recorded against Don Fulford Properties.
- Provided Council with a status memo (Informational Only)
- Reported on Business Tax Receipts as it relates to business owners had not been paying the business tax in accordance with the City's Ordinance. She reported that the Ordinance allows the City to levy against the business (legal entity) and

the profession. In response to discussion proposing changes, City Clerk Meeks stated that the current budget for Business Tax Receipt revenues is based on the current Ordinance. After brief discussion to reimburse the businesses that paid both assessments, *it was the consensus of the Council to not do the reimbursement.*

Motion by Council President Beardslee to not levy for both the legal entity and the profession, with Second by Council Member Dowless. Passed unanimously.

In response to Council Member Dowless, who said the Code was not clear to him, City Attorney Smith read from the Code. *It was the consensus of the council to amend the Code to levy only the business entity.* Mayor Bagshaw reminded Council that it may affect the budget.

- City Clerk Meeks reported on AMI Staffing's application for a Business Tax Receipt. Mayor Bagshaw said there is on-site job testing. Council President Beardslee said that this issue came up before when Attorney Cassidy was the City Attorney and said City Attorney Smith should talk to Attorney Cassidy and follow-up with the City Clerk.
- City Clerk Meeks reported on Secondary Metals Recycler's application for a Business Tax Receipt. Council President Beardslee stated her concerns about it being a gold buying business. Chief Marcus said there are a lot of laws specific to pawnshops. City Attorney Smith said it is not the statutory definition of a pawnshop. Resident Lee Chotas said if the City was challenged, if the application was denied, the City would lose if the City tried to characterize the business as a pawnshop. *It was the consensus of Council to allow the business.*
- City Clerk Meeks said she was contacted by a business owner, who is considering having a farmer's market. Mayor Bagshaw said he would talk with business owners who want to have the farmer's market, and learn the scope of what they want to do.
- City Clerk Meeks reported on the status of qualifying for the municipal election.

Council President Beardslee said that she wants to get a reminder notice to owners about the monument ordinance. She noted that there will be some budget amendments in December.

K. ADJOURNMENT

There being no further discussion,

***Motion by Council Member Powell to adjourn, with Second by Council Member Dowless;
the meeting adjourned at 9:53 p.m.***

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: **December 20, 2011 (Regular Council Meeting)**

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED PERSONNEL POLICIES, PROCEDURES, AND RULES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Charter provides that the City Council shall from time to time review and, if necessary, amend the personnel policies, procedures, and rules; and

WHEREAS, the City Council has reviewed the personnel policies, procedures, and rules and finds and has determined that it is in the best interest of the City of Edgewood to amend certain provisions contained therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, AS FOLLOWS:

SECTION ONE. The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Edgewood.

SECTION TWO. The personnel policies, procedures, and rules adopted by the City Council in Ordinance 2007-03 are hereby amended as provided in Exhibit "A" attached hereto and incorporated herein as though stated in its entirety (deletions are identified by strikethrough and additions are identified by underline).

SECTION THREE. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION FOUR. EFFECTIVE DATE. The effective date of this ordinance shall be immediately upon its enactment.

PASSED AND ADOPTED this _____ day of _____, 2011, by the City Council of the City of Edgewood, Florida.

Judy Beardslee, Council President

ATTEST:

Bea Meeks, MMC, CPM
City Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ORDINANCE NO. 2011-07

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 30, HEALTH AND SANITATION, OF THE CODE OF ORDINANCES, TO CREATE ARTICLE IV, BEGGING, PANHANDLING AND SOLICITING ON SIDEWALKS AND STREETS, TO PROHIBIT PANHANDLING IN CERTAIN AREAS OF THE CITY AND AGGRESSIVE PANHANDLING THROUGHOUT THE CITY; PROVIDING LEGISLATIVE FINDINGS, PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND EFFECTIVE DATE.

WHEREAS, the City of Edgewood desires to deal comprehensively with begging, panhandling and soliciting in accordance with current legal constraints in order to promote economic development and to address public health, safety and welfare concerns; and

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewood, Florida:

SECTION 1. Chapter 30, Health and Sanitation, Article IV, Begging, Panhandling and Soliciting on Sidewalks and Streets is hereby created as follows:

ARTICLE IV. BEGGING, PANHANDLING AND SOLICITING ON SIDEWALKS AND STREETS

Sec. 30-50. Legislative findings

The City Council recognizes a constitutional right to beg, panhandle or solicit in a peaceful and non-threatening manner. The City Council finds, however, that an increase in aggressive begging, panhandling or soliciting throughout the city has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder.

Aggressive begging, panhandling or soliciting usually includes approaching or following pedestrians, repetitive begging, panhandling, or soliciting despite refusals, the use of abusive or profane language, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

46 It is not the purpose and intent of this article to prohibit begging, panhandling or
47 soliciting in public areas when such activities will not interfere with vehicular traffic and
48 cause traffic safety and traffic flow concerns or when such activities will not otherwise
49 cause any public health, welfare and safety concerns.

50
51 This law is timely and appropriate because current city ordinances are insufficient
52 to address the aforementioned problems. The restrictions contained herein are neither
53 overbroad nor vague and are narrowly tailored to serve a substantial governmental
54 interest. Moreover, this article only restricts begging, panhandling and soliciting in
55 certain public places while preserving ample alternative areas for the valid exercise of
56 First Amendment constitutional rights.

57
58 The law is not intended to limit any persons from exercising their constitutional
59 right to beg, panhandle or solicit funds, picket, protest or engage in other constitutionally
60 protected activity. Its goal is instead to protect citizens from the fear and intimidation
61 accompanying certain kinds of begging, panhandling or solicitation that have become
62 an unwelcome presence in the city, and to prohibit aggressive begging, panhandling
63 and solicitation, and begging, panhandling and solicitation in certain public places based
64 upon significant governmental interests.

65
66
67 **Sec. 30-51. Begging, panhandling or soliciting on public property, sidewalks and**
68 **streets; certain designated places prohibited**

69
70 (a) Purpose. The City Council finds that any person who begs, panhandles or
71 solicits under circumstances that warrant a justifiable and reasonable
72 alarm or immediate concern for the safety of persons or property in the
73 vicinity by unwanted touching, detaining, impeding or intimidation which
74 causes fear or apprehension in another person constitutes a threat to the
75 public health, welfare and safety of the citizenry. The City Council also
76 finds that any person who intentionally blocks the passage of another
77 person or a vehicle, which requires another person to take evasive action
78 to avoid physical contact, constitutes a threat to the public health, welfare
79 and safety of the citizenry, and is an aggressive panhandler. The City
80 Council further finds that any person who begs, panhandles or solicits
81 under circumstances where the person being solicited cannot readily
82 escape from the undesired conduct constitutes a threat to the public
83 health, welfare and safety of the citizenry.

84
85 (b) Definitions. Except where the content otherwise requires, as used in this
86 chapter:

87
88 (1) Aggressively beg, panhandle or solicit means any request made in
89 person for a donation of money or some other article of value from
90 another person by an unwanted touching, detaining, impeding or
91 intimidation. Aggressive begging, panhandling or soliciting includes

92 approaching or following pedestrians; repetitive begging,
93 panhandling or soliciting despite refusals; the use of abusive or
94 profane language; unwanted physical contact; or the intentional
95 blocking of pedestrian and vehicular traffic. Also, any person who
96 intentionally blocks the passage of another person or a vehicle,
97 which requires another person to take evasive action to avoid
98 physical contact, is an aggressive panhandler.
99

100 (2) Beg, panhandle or solicit, for purposes of this Article, means any
101 request made in person for a donation of money or some other
102 article of value, either by words, bodily gestures, signs or other
103 means, from another person.
104

105 (3) Beg, panhandle, or solicit from any operator or occupant of a
106 vehicle that is in traffic on a public street means any request made
107 in person for a donation of money or some other article of value,
108 either by words, bodily gestures, signs or other means, from any
109 operator or occupant of a vehicle, coupled with an actual exchange
110 of money or some other article of value between the person
111 begging, panhandling or soliciting and any operator or occupant of
112 a vehicle while that vehicle is on the portion of a public street
113 currently in use by vehicular traffic.
114

115 (4) Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie
116 or place an object in such a manner as to intentionally block
117 passage of another person or a vehicle, or to require another
118 person or driver of a vehicle to take evasive action to avoid physical
119 contact. Acts authorized as an exercise of one's constitutional right
120 to picket or to legally protest, and acts authorized by permits issued
121 pursuant to this Code, are not included within the definition of this
122 term.
123

124 (5) For purposes of this Article beggar, panhandler or solicitor means
125 any person traveling either by foot, vehicle or other conveyance,
126 from place to place, requesting in person a donation of money or
127 some other article of value, either by words, bodily gestures, signs
128 or any other means, from another person.
129

130 (c) *Restrictions and requirements.*
131

132 (1) Beggars, panhandlers or solicitors are prohibited from intentionally
133 obstructing pedestrian or vehicular traffic.
134

135 (2) Beggars, panhandlers or solicitors are prohibited from aggressively
136 begging, panhandling or soliciting.
137

- 138 (3) Beggars, panhandlers or solicitors are prohibited from begging,
139 panhandling or soliciting from any operator or occupant of a vehicle
140 that is in traffic on a public street, as those terms are defined in this
141 article unless the beggar, panhandler or solicitor:
142
143 i) has obtained and has in his or her possession a permit
144 issued by the City of Edgewood Police Department for the conduct
145 of such activity; the application fee for such permit shall be set by
146 Resolution of the City Council and the permit shall state the location
147 at which the begging, panhandling or soliciting is permitted;
148
149 ii) is at all times, while soliciting from any operator or
150 occupant of a vehicle, wearing a bright orange, yellow or green
151 traffic safety vest; and
152
153 iii) does not touch or otherwise physically interfere with any
154 vehicle upon the public right-of-way.
155
156 (4) No person shall stand on a traffic median, bicycle path or public
157 street to beg, panhandle or solicit when to do so would obstruct
158 vehicular traffic.
159
160

161 **Sec. 30-52. Penalty**

Formatted

162
163 Any person convicted of violating any of the provisions of this division shall be
164 punished as provided in Sec. 1-7 of this Code. In addition to any criminal enforcement,
165 the City or any individual may pursue any available civil remedies deemed appropriate
166 and necessary.
167

168 **SECTION 2 - SEVERABILITY.** If any Section or portion of a Section of this
169 Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to
170 invalidate or impair the validity, force, or effect of any other Section or part of this
171 Ordinance.
172

173 **SECTION 3 - CODIFICATION.** It is the intention of the City Council of the City
174 of Edgewood, Florida, and it is hereby ordained that the provisions of this Ordinance
175 shall become and be made a part of the Code of Ordinance of the City of Edgewood,
176 Florida; that the Sections of this Ordinance may be renumbered or re-lettered to
177 accomplish such intention; that the word, "Ordinance" may be changed to "Section,"
178 "Article," or other appropriate word.
179

180 **SECTION 4 - CONFLICTS.** All Ordinances or parts of Ordinances in conflict with
181 any of the provisions of this Ordinance are hereby repealed.
182

183 **SECTION 5 - EFFECTIVE DATE.** This Ordinance shall become effective
184 immediately upon its passage and adoption.

185
186 **FIRST READING** this ____ day of _____, 2011.

187
188 **SECOND READING AND ADOPTION** this ____ day of _____, 2011.

189
190
191 _____
192 Judy Beardslee, Council President

193
194 **ATTEST:**

195
196 _____
197 Bea L. Meeks
198 City Clerk

ORDINANCE NO. 2011-08

1
2
3 AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY,
4 FLORIDA, RELATING TO THE LOCAL BUSINESS TAX ACT;
5 AMENDING SECTION 34-19 OF THE CODE OF ORDINANCES BY
6 PROVIDING THAT PERSONS ENGAGING IN OR MANAGING ANY
7 PROFESSION IN THE CITY SHALL NOT BE REQUIRED TO PROCURE A
8 BUSINESS TAX RECEIPT WHEN SUCH PERSONS ARE EMPLOYED BY
9 A BUSINESS THAT HAS PROCURED A BUSINESS TAX RECEIPT;
10 PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
11 PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN
12 EFFECTIVE DATE
13

14 WHEREAS, this ordinance amends Chapter 34 of the Edgewood City Code in
15 accordance with the Local Business Tax Act; and
16

17 WHEREAS, pursuant to the Local Business Tax Act, local governments are
18 authorized to collect a business tax from “[a]ny person who maintains a permanent
19 business location or branch office within the city, for the privilege of engaging in or
20 managing any business within the city;” and
21

22 WHEREAS, pursuant to the Local Business Tax Act, local governments are
23 authorized to collect a business tax from “[a]ny person who maintains a permanent
24 business location or branch office within the city, for the privilege of engaging in or
25 managing any profession or occupation within the city;” and
26

27 WHEREAS, the City Council of the City of Edgewood, Florida desires to
28 eliminate the requirement that persons engaging in or maintaining any profession or
29 occupation within the city procure a separate business tax receipt when the business
30 employing such person has already procured a business tax receipt.
31

32 NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE
33 CITY OF EDGEWOOD, FLORIDA:
34

35 Section 1. That Article II of Chapter 34, Section 34-19 of the City of Edgewood
36 Code of Ordinances is hereby amended to read as follows:
37

38 Sec. 34-19. Local business tax imposed.

39 (a) For purposes of this article, the term "business," "profession" or "occupation" shall
40 include all individuals, corporations, associations, syndicates, joint stock companies,
41 partnerships of every kind, joint ventures, clubs, trusts and societies engaged in any type
42 of work, occupation or profession unless exempt under federal or state law.

43 (b) No person listed below shall engage in any business activity whatsoever, within the
44 city until a business tax receipt shall have been procured from the city clerk, which
45 receipt shall be issued to each business that is not in violation of this article, or other

46 ordinance, or laws of the state, after receipt by the city clerk of a business tax receipt
47 application, and on receipt by the city clerk of the amount hereinafter provided:

48 (1) Any person who maintains a permanent business location or branch office
49 within the city, for the privilege of engaging in or managing any business within the city.

50 (2) Any person who maintains a permanent business location or branch office
51 within the city, for the privilege of engaging in or managing any profession or occupation
52 within the city, provided, however, that such person shall not be required to procure a
53 business tax receipt if such person is employed by a business that has obtained a business
54 tax receipt pursuant to subparagraph (1) for the business in which such person practices.

55 (3) Any person who does not qualify under subsection (b)(1) or (2) of this
56 section and who transacts any business or engages in any occupation or profession in
57 interstate commerce, if the business tax is not prohibited by United States Constitution,
58 Art. I, § 8.

59

60 Section 2 Conflicts. All ordinances or parts of ordinances in conflict with any of
61 the provisions of this Ordinance are hereby repealed.

62

63 Section 3 Severability. If any section, sentence, phrase, word or portion of this
64 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination
65 shall not be held to invalidate or impair the validity, force or effect of any other section,
66 sentence, phrase, word or portion of this Ordinance not otherwise determined to be
67 invalid, unlawful or unconstitutional.

68

69 Section 4 Codification. The provisions of this Ordinance shall be codified as and
70 become and be made a part of the Code of Ordinances of the City of Edgewood. The
71 Sections of this Ordinance may be renumbered or relettered to accomplish such intention
72 and the word "Ordinance", or similar words, may be changed to "Section," "Article", or
73 other appropriate word. The Code codifier is granted liberal authority to codify the
74 provisions of this Ordinance.

75

76 Section 7. Effective Date. This ordinance shall become effective immediately
77 upon its adoption.

78

79 FIRST READING: _____

80

81 SECOND READING: _____

82

83 PASSED AND ADOPTED this ____ day of _____, 2011.

84

85

86 _____
Judy Beardslee, Council President

87

88 ATTEST:

89

90 _____

91 Bea L. Meeks

92 City Clerk

1 | **ORDINANCE NO. 2011-05**

2 |
3 | **AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY,**
4 | **FLORIDA AMENDING SECTION 62-57 (REGULATION STANDARDS OF**
5 | **DISABLED VEHICLES) OF THE CITY OF EDGEWOOD CODE OF**
6 | **ORDINANCES TO INCREASE THE TIME ALLOWED TO PARK DISABLED**
7 | **AND UNREGISTERED VEHICLES ON SPECIFIC PROPERTIES; PROVIDING**
8 | **FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE**
9 | **DATE.**

10 |
11 | **WHEREAS,** the Edgewood City Council hereby finds that it is in the best interests of the residents
12 | and business community of the City to exercise its legislative home rule authority by amending the City
13 | of Edgewood Code of Ordinances; and

14 |
15 | **WHEREAS,** the City of Edgewood Code of Ordinances prohibits parking any disabled or
16 | unregistered vehicles in front or side yards for any period of time and from parking any disable or
17 | unregistered vehicles in rear yards for a period in excess of 30 days; and

18 |
19 | **WHEREAS,** the City Council of the City of Edgewood has determined it to be in the best interest
20 | of protecting the general welfare of Edgewood citizens, businesses and visitors to increase the time
21 | allowed to park disabled or unregistered vehicles in rear yards and side yards of specific properties for
22 | additional periods of time.

23 |
24 | **NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Edgewood, Florida as
25 | follows:

26 |
27 | **NOTE:** Underlined words constitute additions to the City of Edgewood Code of Ordinances,
28 | ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an
29 | omission from the existing text which is intended to remain unchanged.

30 |
31 | **Section 1.** Legislative Findings and Intent. The findings set forth in the recitals above
32 | are hereby adopted as legislative findings pertaining to this ordinance.

33 |
34 | **Section 2.** Section 62-57 of the City of Edgewood Code of Ordinances shall be
35 | amended as follows:

36 |
37 | Sec. 62-57. Regulation standards of disabled vehicles.

38 |
39 | (a) ~~Disabled~~ Except as provided in paragraph (c) or (d) herein, ~~disabled~~ motor vehicles, and
40 | ~~recreational equipment which is are not operable and motor vehicles and recreational~~
41 | ~~equipment which is not properly licensed and are improperly registered~~ shall not be
42 | permitted in a front or side yard as defined by the zoning regulations of the city, provided,
43 | however, that a reasonable time, not to exceed ten days from the time of disability, shall be
44 | permitted for the removal or servicing of a disabled ~~or improperly licensed and registered~~
45 | motor vehicle in any emergency caused by accident or sudden breakdown of the vehicle.

Formatted: Font: Not Bold, Underline, Font color: Auto

Formatted: No underline

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

46 |
47 | (b) ~~One~~ Except as provided in paragraph (c) or (d) herein, no more than one disabled or
48 | improperly -registered ~~improperly registered~~ motor vehicle may be permitted in the rear

49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96

yard of a residential, commercial or industrial lot as an accessory use to the main use of the lot, provided that the location of such vehicle does not violate the zoning regulations of the city. Service and repair work may be performed on such vehicle and parts, tools and equipment essential to such service and repair thereto may be stored and used. Nothing herein contained shall be construed as authorizing the disassembling, tearing down or scrapping of a motor vehicle, or to permit one motor vehicle to be scavenged or stripped for parts for use on another motor vehicle. A disabled or improperly registered motor vehicle shall not be permitted to remain outside of a building for a period in excess of 30 days on any lot used for residential purpose or on that portion of any lot within 20 feet of an abutting lot used for residential purpose.

Formatted: Border: Bottom: (Single solid line, Auto, 1.5 pt Line width)

~~(b)c~~ A business possessing a local business tax receipt for a mechanical garage or other vehicular repair or storage use may park or store disabled or improperly registered or ~~improperly registered vehicles in a parking area located within in the rear yard of the property upon which upon which the business is located. All disabled vehicles parked or stored in the rear yard pursuant to this paragraph provided that any disabled or improperly registered vehicles located in the rear yard shall be screened from view by properly permitted buildings, fences, walls or evergreen hedges, the top which shall be at least six feet above any adjacent public road or residentially zoned property. Screening shall be at least six feet in height and shall, except where there exists a gated accessway, create and maintain a visual barrier that blocks all sight of any disabled or improperly registered vehicles from any public roads and residentially zoned property. No disabled or improperly registered motor vehicle parked or stored within the rear yard of a property pursuant to this paragraph shall remain on such property in excess of 690 days unless work is actively being performed on such vehiclesuch vehicle is actively being customized, modified or restored. For purposes of this Section, a rebuttable presumption shall exist that work is not actively being performed a disabled or improperly registered vehicle is not actively being customized, modified or restored if there is no visual evidence indication that of any work is being performed on the vehicle for a period of 30 thirty days.~~

Formatted: Font: Bold

Formatted: Font: Not Bold, Underline, Font color: Auto

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 3 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: Not Bold, Underline, Font color: Auto

~~(c)~~

~~(d)d~~ A business possessing a local business tax receipt for a mechanical garage or other vehicular repair or storage use located on property without a -parking area within the rear yard or with a rear yard that is not large enough to park or store more than one vehicle may park or store up to three disabled or improperly registered vehicles per automobile work bay used by the business disabled or improperly registered vehicles upon within a properly permitted paved parking area within the side yard of the property, provided no disabled or improperly registered vehicle shall be parked within 150 feet from any public road and provided the total number of disable or improperly registered motor vehicles parked in the side yard does not occupy more than 1/3 of the total parking spaces available on the property. No disabled or improperly registered vehicle parked or stored on property pursuant to this paragraph shall remain on such property in excess of 690 days.

Formatted: Font: Not Bold, Underline, Font color: Auto

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 3 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Not Highlight

Section 3. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Edgewood.

Section 4. Severability. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to

97 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion
98 of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

99
100 **Section 5.** Conflicts. All ordinances that are in conflict with this Ordinance are hereby
101 repealed.

102
103 **Section 6.** Effective Date. This Ordinance shall become effective immediately upon its
104 passage and adoption.

105
106 **PASSED AND ADOPTED** this ____ day of _____, 2011, by the City Council of the
107 City of Edgewood, Florida.

108
109
110
111 PASSED ON FIRST READING: _____

112
113 PASSED ON SECOND READING: _____

114
115
116 _____
117 Judy Beardslee, Council President

118 **ATTEST:**
119
120 _____
121 Bea L. Meeks
122 City Clerk
123
124

Document comparison done by DeltaView on Friday, November 18, 2011 1:25:39 PM

Input:	
Document 1	WORLD\O:\WDOX\DOCS\CLIENTS\019730\034844\~V ER1\00644702.DOC
Document 2	WORLD\O:\WDOX\DOCS\CLIENTS\019730\034844\O 0644702.DOC
Rendering set	LISA'S SETTINGS - COLOR

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	7
Deletions	6
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	13

MEMO

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

FROM: Bea L. Meeks, City Clerk

DATE: December 16, 2011

RE: Planning & Zoning Board's Recommendation of Russell Home Site Plan

The Planning & Zoning Board met on December 12, 2011 to review and consider the site plan submitted by the Russell Home. As you will recall, a variance was approved by City Council in the May 17, 2011 City Council meeting. I have provided you with a copy of the conditions that were included in the approval of the variance for setbacks and impervious surface.

The Planning & Zoning Board recommended Council approve the site plan subject to condition noted by Engineer Miller in his review (copy provided with this agenda packet), subject to the approved variance, and that a landscape plan be provided for Council's review and consideration of the site plan.

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

- 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).

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%.

- 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.

PLEASE REVIEW APPROVED CONDITIONS

CITY OF EDGEWOOD

405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

MEMORANDUM

TO: MS. BEA MEEKS, CITY CLERK
MS. CINNAMON WILD, ADMINISTRATIVE ASSISTANT

FROM: ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER

DATE: NOVEMBER 23, 2011

SUBJECT: REVIEW OF SITE PLAN – RUSSELL HOME - 510 HOLDEN AVENUE
JANET NIXON, OWNER – DON EVANS, ARCHITECT

Pursuant to your request, we have reviewed the site plan dated 10/11/11 (received by the City on 10/14/11 and by our office on 10/24/11) for compliance with the City's site development codes and standards. This project is located on the south side of Holden Avenue, immediately west of Cypress Grove Park and east of Granada Woods. Two variances were approved for this property by the City Council on 5/17/11. The first variance was for building setbacks on the south side of the property and included buffering requirements. Approval of this variance allows for a 30 foot setback with a provision for a 6 foot high screen wall. The second variance was for the impervious surface ratio and increased the allowed impervious surface to 70%.

Our review is only for the engineering aspects of the site plan and do not include a review of the planning (landscaping, buffering, etc.) requirements. We recommend approval subject to the following conditions and comments:

ZONING/GENERAL

1. Use: The site is zoned R-1AA, Residential, and was granted variances, with conditions, in May of this year as stated above.
2. Screening/buffering: The site is bounded by R-1AA zoned property on the north, south, and west, with Cypress Grove Park on the east. The variances were approved with the following three conditions:
 1. 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.
 2. 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.
 3. 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.

GENERAL SITE REQUIREMENTS

3. Parking: acceptable for the proposed building use and consistent with variance approval. 14 parking spaces are being provided, including 1 handicap space. The parking spaces are 10' wide by 18' in length. Handicap accessibility is the Contractor's responsibility and will be checked at final inspection. All provisions of ADA and State of Florida Accessibility Code must be met. Handicap parking sign shall have the "fine" stated.

(see page 2)

4. Access - Vehicular: The existing paved two-way driveway from Holden Avenue is to remain. A 22 foot wide drive aisle is provided for two-way traffic in the parking area.

Access - Pedestrian: On-site pedestrian access is shown and shall meet all ADA and Florida Accessibility Code requirements (see above).

5. Utilities: Water and sanitary sewer service have been shown. Existing and proposed water service is provided by Orlando Utilities Commission (OUC); sanitary sewer for the existing/proposed building is by connection to Orange County sewer. All on-site utilities will be privately owned and maintained; line sizing is the responsibility of the design engineer. Water/sewer impact fees shall be paid to the appropriate utility provider prior to issuance of site or building permit. All utilities shall be underground (power, telephone, etc.). Provide permits or exemptions from OUC, Orange County Utilities, and FDEP for all utility work prior to obtaining site or building permits.

It is not clear whether this building will have a fire sprinkler system. If a separate fire sprinkler connection is required, it shall be shown on the final plans, noted that all work downstream of the Point of Supply (POS) shall be performed by a licensed fire sprinkler contractor. Also, show domestic water meter location as approved by OUC.

6. Easements: Pursuant to the variance 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. These were not included in our review package.

7. Permits: Provide approvals or exemptions from the following agencies prior to issuance of site or building permit: St. Johns River Water Management District - Stormwater; Orange County Fire Loss Management for fire protection (hydrant/fire sprinkler system, etc.) and fire/emergency access; OUC - potable water; Orange County Public Utilities - wastewater; FDEP - potable water, wastewater, NPDES NOI. Approval by the City of Edgewood does not waive permits that may be required by other agencies.

8. Drainage: The existing site currently sheet flows off site into a retention swale on Cypress Grove Park. The proposed site will continue this arrangement and does not appear to have any significant impacts on the surrounding drainage patterns. The variance increased the maximum impervious surface to 70%, and the plans indicate it is 68%. The proposed 6' high screen wall shall have weep holes installed at grade every 6 feet to maintain existing drainage patterns - no runoff from this site is to drain to the adjacent residential properties. No fill or runoff will be allowed to discharge onto adjacent properties without the necessary easements. Site construction shall adhere to the City of Edgewood's Erosion and Sediment Control ordinance.

9. Exterior lighting shall not be directed onto residential areas or create a hazard to traffic. Installed lighting will be checked at final for compliance.

10. All signs must meet the sign ordinance; separate permit required.

11. Trees: A separate tree removal permit will be required for the removal of any existing trees (none shown for removal). If any trees are to be removed, submit a tree removal permit application with replacement schedule as required by Code - to be reviewed concurrently with site plan. Show the existing trees to be removed on the site or landscape plan and provide a table with the type and size of tree being removed and its replacement status.

(see page 3)

12. Upon completion of the improvements the Engineer of Record shall provide the City with an as-built record drawing of the completed project certifying that all improvements were built in substantial compliance with the approved plans and permit documents. The design and certification shall meet all state requirements for public roadways, where applicable.
13. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
14. The screened dumpster area is shown and shall meet all City Code requirements (enclosure, etc.).
15. Maximum building height shall not exceed 35 feet per Code (35' shown).
16. Final landscape installation shall conform to the requirements of the Landscape Ordinance and/or conditions imposed by the City Council. This will include adjacent rights-of-way and side property lines as required in the code or otherwise noted. (See previous landscape/buffering requirements per the previous variance approval.)
17. Final site plans, signed and sealed by the appropriate design professional, shall be submitted for Staff review prior to being forwarded to the Planning & Zoning Board and City Council. Changes or additions after that time that are deemed by the City Engineer to be substantially different from those approved by the City Council will require another review and approval by the Planning & Zoning Board and City Council.
20. Approval of these plans, if granted by the City of Edgewood, does not grant authority to enter, construct or otherwise alter the property of others, nor does it waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
21. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.00% of the cost of all site improvements shall be paid prior to issuance of the site or building permit.

SUMMARY OF ITEMS REQUIRED PRIOR TO CONSTRUCTION:

- Clarify domestic and fire protection water supply (show meter location, FDC, etc.);
- Provide drainage easement from Orange County for stormwater discharge to County park;
- Provide permits or exemptions from: SJRWMD; Orange County Fire Loss Management; OUC; Orange County Public Utilities; FDEP;
- Provide detail of 6' high screen wall, with weep holes specified;
- Tree removal permit if any trees are to be removed;

We will attend the December Planning & Zoning Board meeting to answer any questions. Please review this information and contact our office if you have any questions. Thank you.

END OF MEMORANDUM

cc: Mayor
Applicant

FILE: WAARMEDGEWD6511

052

CITY OF EDGEWOOD

405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

MEMORANDUM

TO: MS. BEA MEEKS, CITY CLERK
MS. DEBBIE WALLACE, CODE ENFORCEMENT OFFICER

FROM: ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER

DATE: APRIL 18, 2011

SUBJECT: REVIEW OF VARIANCE REQUEST – RUSSELL HOME - 510 HOLDEN AVENUE
EVANS GROUP – DON EVANS – APPLICANT

Pursuant to your request, we have reviewed the variance application received 4/08/11 for compliance with the City's regulations. The request is for two variances to allow the complete replacement of the existing facility with a new building and parking lot in the R-1AA zoning district. The first variance request concerns the building setback on the south side of the property, and the second request concerns the impervious surface ratio. These have been described in detail in City Planning Consultant Ellen Hardgrove's review memo. Our review will center on any engineering issues regarding the requests. (Note: Similar variances were reviewed in 2009, but were withdrawn by the Applicant prior to the Planning & Zoning Board meeting.)

VARIANCE REQUEST #1 (REAR SETBACK – SOUTH PROPERTY LINE)

In lieu of the required 35' rear setback required for R-1AA, the Applicant is requesting a 30' setback. The existing home is 26.2 feet from this property line and the request would increase that to 30'. A 6' high masonry wall will be constructed along the property boundary. This appears to meet the intent of the various sections of Code, and, as stated in Mrs. Hardgrove's memo, will provide the specified buffering if her recommended conditions are adhered to.

Our only comment regarding the wall will be to ensure that it does not block existing drainage patterns or flows and will need to be checked when the final engineered site plan has been submitted for City review.

VARIANCE REQUEST #2 (IMPERVIOUS SURFACE RATIO FROM 45% TO 70%)

The City's impervious surface ratio requirements were implemented to prevent existing stormwater collection and treatment systems from being inundated over their design capacity. For example, the stormwater infrastructure for most subdivisions has been designed based on a certain impervious coverage. This is usually in the 40% to 45% range and includes both the collection system and, for newer developments, the treatment system (i.e. stormwater ponds). If individual lots are allowed to frequently go beyond the maximum allowed impervious ratio, then the street collection systems and stormwater ponds can experience capacity problems.

With that said, it should be noted that this project is planned to drain to the east, to Orange County's Cypress Grove Park. It will not be draining to the adjacent subdivision's stormwater collection system. Based on the existing and proposed use of the facility and the design intent to drain to the County's park, we do not believe granting the relief from the 45% impervious surface ratio maximum will be a problem.

(see page 2)

CONDITIONS

If the Planning & Zoning Board recommends approval of the variance requests, we offer the following conditions for approval (in addition to any conditions from Mrs. Hardgrove):

4. 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.
5. 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.
6. 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.

We will attend the May 9th Planning & Zoning Board meeting to answer any questions. Please review this information and contact our office if you have any questions. Thank you.

END OF MEMORANDUM

cc: Mayor

FILE: WARMEDGEWD6511

CONSTRUCTION PLANS

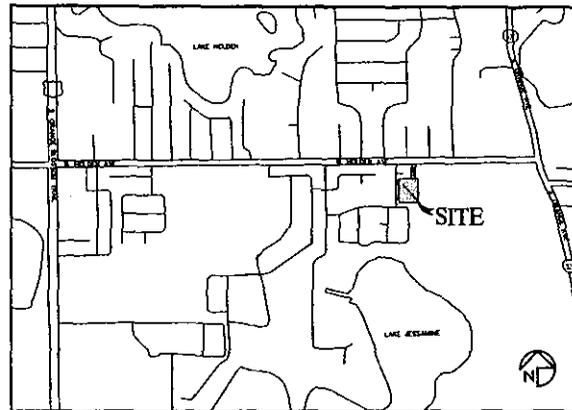
FOR:

RUSSELL HOME

SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST

PARCEL ID. NUMBER 14-23-29-0000-00-011

LOCATION MAP



PREPARED FOR:
 THE RUSSELL HOME
 510 W. HOLDEN AVE
 ORLANDO, FL 32839
 (407) 851-0000
 www.russellhome.org

PREPARED BY:



Dyer, Riddle, Mills & Precourt, Inc.
 941 LAKE BALDWIN LANE
 ORLANDO, FLORIDA 32814
 (407) 896-0594
 FAX (407) 896-4836
 www.drmp.com

PROJECT CONTACT INFORMATION:

ENGINEER:
 D.R.M.P. INC.
 941 LAKE BALDWIN LANE
 ORLANDO, FLORIDA 32814
 PH: 407.896.0594
 FAX: 407.896.4836
 CONTACT: JOHN C. KELLY, P.E.
 VICE PRESIDENT

BOUNDARY/TIPOGRAPHICAL SURVEYOR:
 WILLIAM MOTT LAND SURVEYING, INC.
 3716 N. WICKHAM ROAD, STE. 3
 MELBOURNE, FL 32935-2338
 PH: 321.751.4444
 CONTACT: JON MOTT, P.L.S.

GEOTECHNICAL ENGINEER:
 ARDAMA & ASSOCIATES, INC.
 8008 S. ORANGE AVE.
 ORLANDO, FLORIDA 32809
 PH: 407.855.3860
 FAX: 407.859.8121
 CONTACT: CHUCK CUNNINGHAM, PE

ARCHITECT:
 THE EVANS GROUP
 1001 NORTH ORANGE AVE
 ORLANDO, FL 32801-1018
 PH: 407.650.8770
 FAX: 407.650.8771
 CONTACT: DARRYL SHOWERS

LANDSCAPE ARCHITECT:
 RAVENSDALE PLANNING & DESIGN
 703 GREEN AVENUE
 WINTER PARK, FLORIDA 32789
 PH: 407.647.1213
 FAX: 407.647.6559
 CONTACT: SCOTT V. MOORE, RLA

SHEET INDEX

SHEET TITLE	SHEET NO.
COVER SHEET	C1.0
EXISTING CONDITIONS	C2.0
GENERAL NOTES & LEGEND	C3.0
DEMOLITION PLAN	C4.0
SITE PLAN	C5.0
GEOMETRY PLAN	C5.1
PAVING, GRADING & DRAINAGE PLAN	C6.0
UTILITY PLAN	C7.0
STANDARD DETAILS	C8.0
OUC WATER DETAILS	C9.0

PROJECT USE DESCRIPTION:

THE PROPOSED PROJECT CONSISTS OF 1.10± ACRES WITH THE DEMOLITION OF AN EXISTING BUILDING AND THE CONSTRUCTION OF A 15,257 SF BUILDING WITH ASSOCIATED PARKING. THE PROJECT SITE IS DESIGNED IN COMPLIANCE WITH THE COMMERCIAL DESIGN STANDARDS SET FORTH IN THE CITY OF EDGEWOOD LAND DEVELOPMENT CODE AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.

JOHN C. KELLY, P.E.
 FLORIDA P.E. # 4491

1	DATE	ISSUE	BY	DATE	REVISION
2					
3					
4					
5					

RUSSELL HOME
 EDGEWOOD, FLORIDA
 JOB NO. 11-0431.000
 SHEET C1.0

NOTE:
ACTUAL BUILDING CONDITIONS TO BE VERIFIED
WITH ARCHITECT BY CONTRACTOR

DRMP
 Drafting & Architectural Services, Inc.
 8411 Lake Naranja Lane - Orlando, Florida 32814
 Phone: 407-261-0800 Fax: 407-261-0808
 Website: www.drmp.com

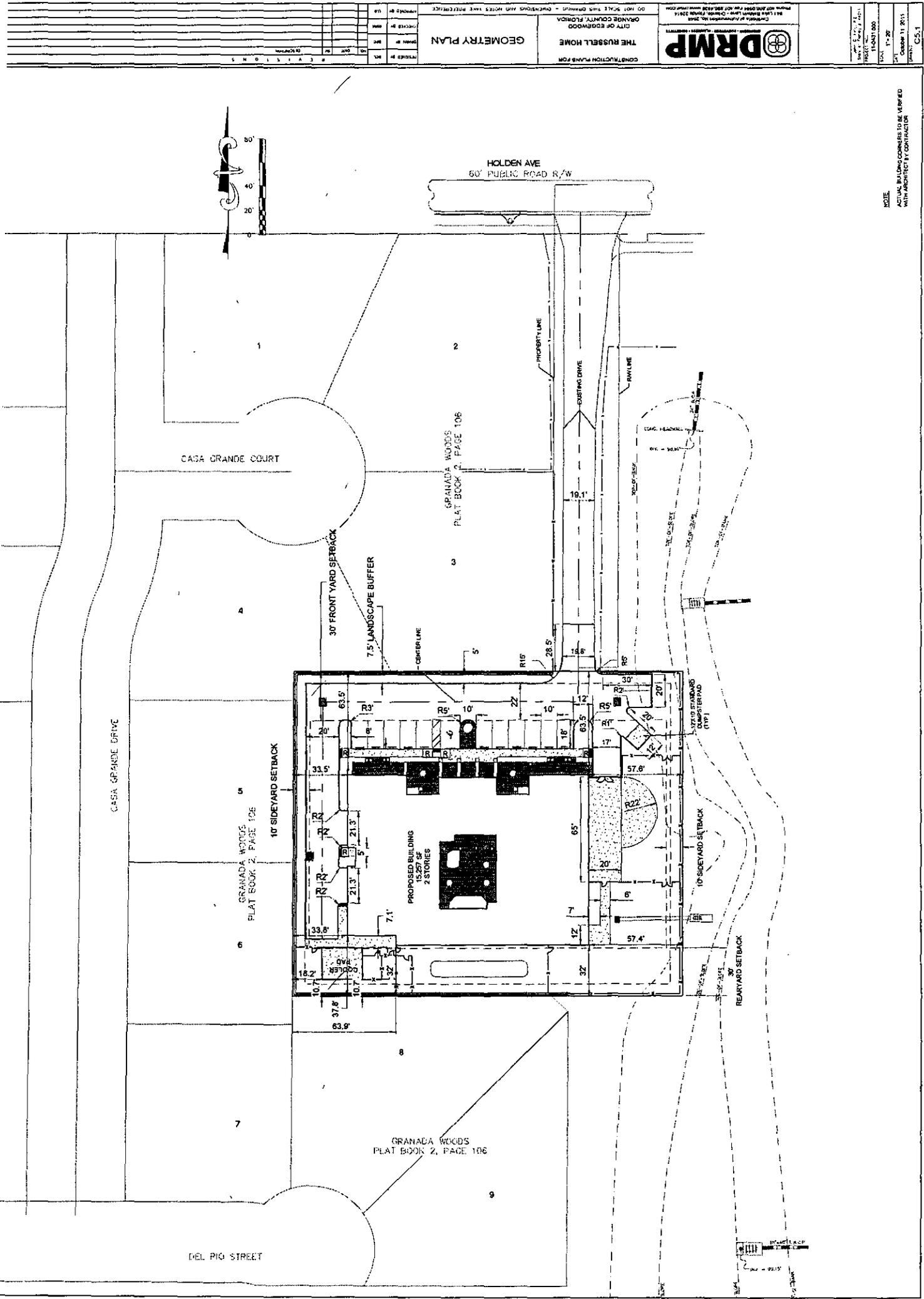
CONSTRUCTION PLANS FOR
THE RUSSELL HOME
 CITY OF ORLANDO
 GRANADA WOODS PLAT BOOK 2, PAGE 106

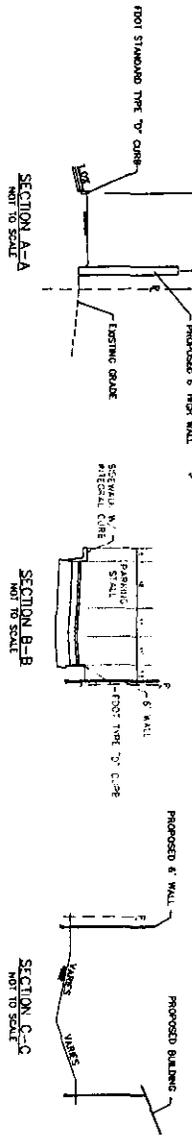
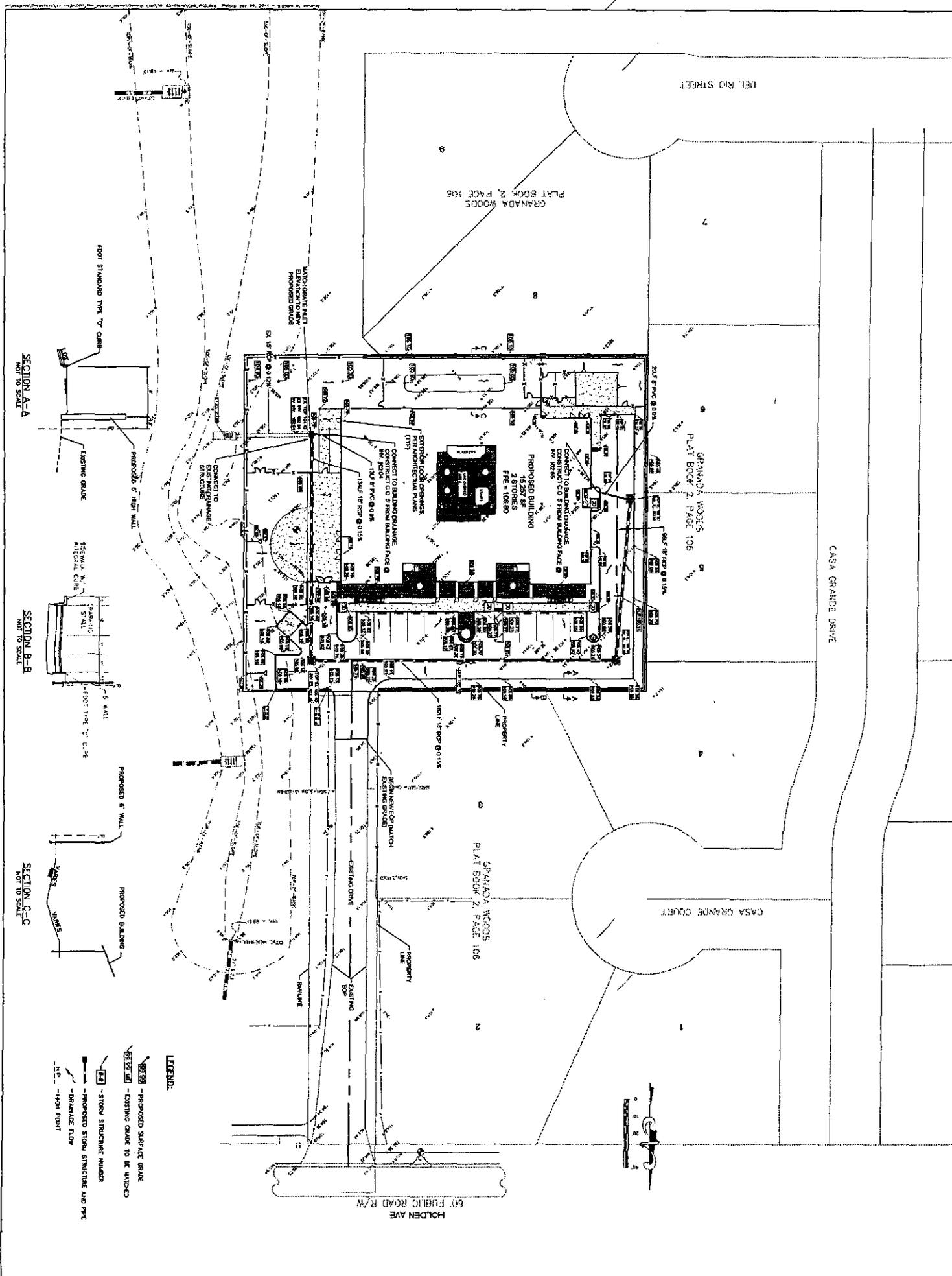
DO NOT SCALE THIS DRAWING - DIMENSIONS AND NOTES TAKE PRECEDENCE

DATE: 11-20-11
 SCALE: 1" = 20'
 SHEET: C-5.1

GEOMETRY PLAN

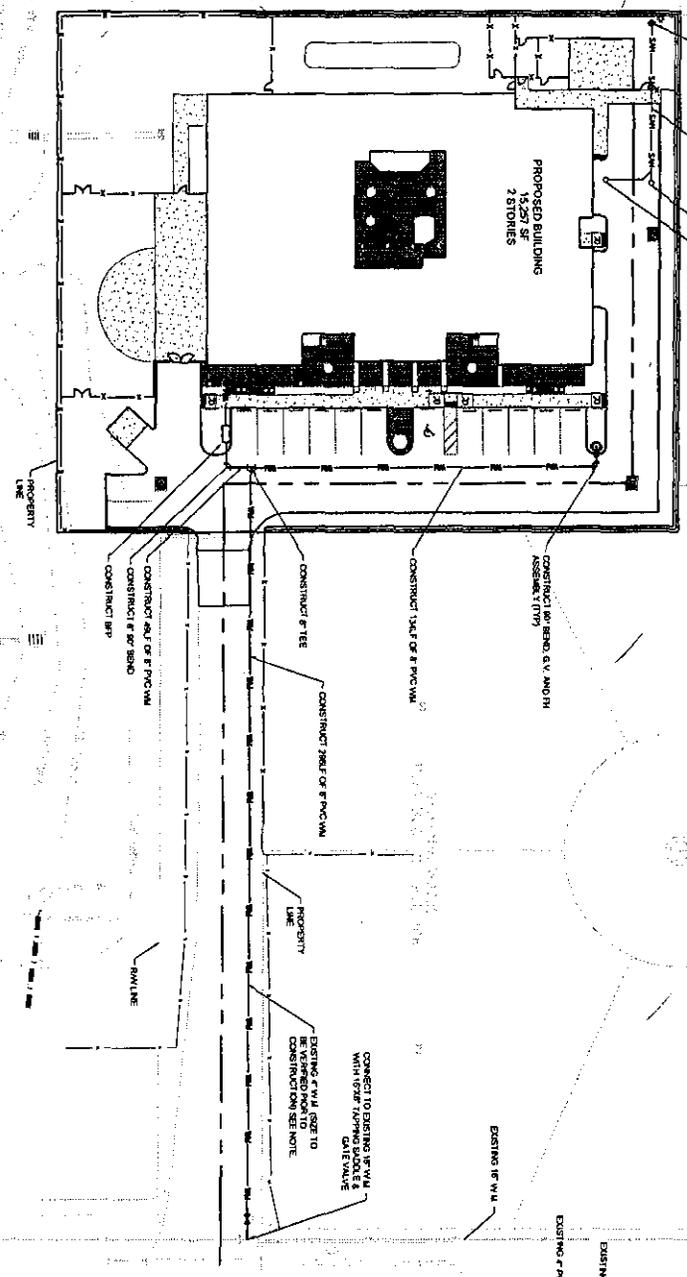
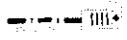
NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	11/20/11	JL	DR
2	ISSUED FOR PERMIT	11/20/11	JL	DR
3	ISSUED FOR PERMIT	11/20/11	JL	DR
4	ISSUED FOR PERMIT	11/20/11	JL	DR
5	ISSUED FOR PERMIT	11/20/11	JL	DR
6	ISSUED FOR PERMIT	11/20/11	JL	DR
7	ISSUED FOR PERMIT	11/20/11	JL	DR
8	ISSUED FOR PERMIT	11/20/11	JL	DR
9	ISSUED FOR PERMIT	11/20/11	JL	DR
10	ISSUED FOR PERMIT	11/20/11	JL	DR
11	ISSUED FOR PERMIT	11/20/11	JL	DR
12	ISSUED FOR PERMIT	11/20/11	JL	DR
13	ISSUED FOR PERMIT	11/20/11	JL	DR
14	ISSUED FOR PERMIT	11/20/11	JL	DR
15	ISSUED FOR PERMIT	11/20/11	JL	DR
16	ISSUED FOR PERMIT	11/20/11	JL	DR
17	ISSUED FOR PERMIT	11/20/11	JL	DR
18	ISSUED FOR PERMIT	11/20/11	JL	DR
19	ISSUED FOR PERMIT	11/20/11	JL	DR
20	ISSUED FOR PERMIT	11/20/11	JL	DR
21	ISSUED FOR PERMIT	11/20/11	JL	DR
22	ISSUED FOR PERMIT	11/20/11	JL	DR
23	ISSUED FOR PERMIT	11/20/11	JL	DR
24	ISSUED FOR PERMIT	11/20/11	JL	DR
25	ISSUED FOR PERMIT	11/20/11	JL	DR
26	ISSUED FOR PERMIT	11/20/11	JL	DR
27	ISSUED FOR PERMIT	11/20/11	JL	DR
28	ISSUED FOR PERMIT	11/20/11	JL	DR
29	ISSUED FOR PERMIT	11/20/11	JL	DR
30	ISSUED FOR PERMIT	11/20/11	JL	DR
31	ISSUED FOR PERMIT	11/20/11	JL	DR
32	ISSUED FOR PERMIT	11/20/11	JL	DR
33	ISSUED FOR PERMIT	11/20/11	JL	DR
34	ISSUED FOR PERMIT	11/20/11	JL	DR
35	ISSUED FOR PERMIT	11/20/11	JL	DR
36	ISSUED FOR PERMIT	11/20/11	JL	DR
37	ISSUED FOR PERMIT	11/20/11	JL	DR
38	ISSUED FOR PERMIT	11/20/11	JL	DR
39	ISSUED FOR PERMIT	11/20/11	JL	DR
40	ISSUED FOR PERMIT	11/20/11	JL	DR
41	ISSUED FOR PERMIT	11/20/11	JL	DR
42	ISSUED FOR PERMIT	11/20/11	JL	DR
43	ISSUED FOR PERMIT	11/20/11	JL	DR
44	ISSUED FOR PERMIT	11/20/11	JL	DR
45	ISSUED FOR PERMIT	11/20/11	JL	DR
46	ISSUED FOR PERMIT	11/20/11	JL	DR
47	ISSUED FOR PERMIT	11/20/11	JL	DR
48	ISSUED FOR PERMIT	11/20/11	JL	DR
49	ISSUED FOR PERMIT	11/20/11	JL	DR
50	ISSUED FOR PERMIT	11/20/11	JL	DR





- LEGEND**
- PROPOSED SURFACE GRADE
 - EXISTING GRADE TO BE VACATED
 - STORM STRUCTURE NUMBER
 - PROPOSED STORM STRUCTURE AND PIPE
 - DRAINAGE FLOW
 - MAN POINT

<p>DRMP City of Edgewood Orange County, Florida</p>	<p>CONSTRUCTION PLANS FOR THE RUSSELL HOME CITY OF EDGEWOOD ORANGE COUNTY, FLORIDA</p>	<p>PAVING GRADING AND DRAINAGE</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REVISIONS												
	NO.	DATE	REVISIONS															
<p>City of Edgewood, Florida 541 Lake Buhalah Lane - Orlando, Florida 32814 Phone: 407.266.2594 Fax: 407.266.4134 www.cityofedgewood.com</p>	<p>DO NOT SCALE THIS DRAWING - DIMENSIONS AND NOTES TAKE PRECEDENCE</p>	<p>DESIGNED BY: [] DRAWN BY: [] CHECKED BY: [] APPROVED BY: []</p>	<p>DATE: [] SCALE: [] PROJECT: [] SHEET: []</p>															



NOTE:
 WATER MAIN OPTION
 IF THE WATER MAIN SIZE OF THE EXISTING MAIN IS UNACCEPTABLE, THE MAIN SHALL BE RECONSTRUCTED (SEE NOTE TO CONSTRUCTION)

 DRMP <small>DESIGN • PLANNING • PLUMBING • ELECTRICAL</small> Corporation of Authorized Rep. No. 2619 841 Lake Baldwin Lane • Orlando, Florida 32814 Phone 407.806.2966 Fax 407.898.4929 www.drmp.com	CONSTRUCTION PLANS FOR THE RUSSELL HOME CITY OF EDGEWOOD ORANGE COUNTY, FLORIDA <small>DO NOT SCALE THIS DRAWING - DIMENSIONS AND NOTES TAKE PRECEDENCE</small>	UTILITIES	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION															
	NO.	DATE	DESCRIPTION																		
DESIGNED BY: DRP DRAWN BY: DRP CHECKED BY: DRP PROJECT NO.: 0710 DATE: 11/04/09 SCALE: 1"=30' SHEET NO.: 11 OF 11																					

MEMO

TO: Mayor Bagshaw, Council President Beardslee, and Council Members Powell, Dowless and Henley
FROM: Bea L. Meeks, City Clerk 
DATE: December 16, 2011
RE: Status

The following will provide you with an update of matters I feel need to be highlighted for you:

1. Accounting Coordinator, Patty Conn, and I met with Auditor Tom Reilly on December 8, 2011 to begin the audit process for the 10/11 fiscal year. Council members were provided with a letter with questions requiring a response. If you have not replied, please do as soon as possible. Tom also obtained the banking information and will be sending to the City's banks and SBA, for their information. Additionally, I have two pages of request for information for responses from me, Patty and the Police Department. Lastly, I received another request for information and response letter in email on December 15, 2011. As you can see, Holland & Reilly is moving forward with the City's audit.
2. The City's copier lease ends in March, 2012. In preparation, Shannon Patterson, Sgt. Vince Jackson and I met with four different representatives from copier companies to discuss the City's needs as it relates to copiers. The four representatives provided proposals for our review and consideration. The decision was to remain with Toshiba. The decision was based on cost, service and favorable history with the company.
3. The Request For Qualifications for engineering services was advertised, placed on the City's website and packets have been sent to firms who expressed an interest in providing engineering services to the City. The following is the time table relevant to the proposal process:

TIMETABLES

The City and respondents shall adhere to the following schedule in all actions concerning this RFQ:

- A. On November 30, 2011 the City issues the RFQ.
- B. From November 30, 2011 to December 9, 2011, the City will receive and answer all inquiries received by U.S. mail or parcel delivery service (*e.g.* FedEx, UPS, or DHL).
- C. The City must receive the qualifications by 2:00 p.m. on Thursday, December 29, 2011.
- D. The City will then reviews and evaluate the qualifications on a timely basis.
- E. The City may enter into a contract after conducting negotiations and obtaining appropriate approvals. The City will notify unsuccessful respondents at this time.

I would like further direction from Council as to how you would like to proceed after December 29, 2011.

064

4. In the November Council meeting, I was directed to move forward with sending letters to business/property owners in the City regarding the 2002 Ordinance that prohibits pole signs effective June 1, 2012. The following information was provided by Administrative Assistant, Cinnamon Wild to me in an email. You will note that this information also includes information about the Business Tax Receipts.

(From Cinnamon Wild, Administrative Assistant)

- As you know we have been working on getting out the Pole Sign Ordinance Letters, if you will remember both you and I did map searches on OCPA to pull all the Commercial Property Owners. I went through both of our pages, multiple pages of research to find out if the businesses were in fact in Edgewood. I checked that information against our IMS system (BTR Database) and added any businesses from IMS that were not on the list. I Looked up property owners and compiled their addresses, printed labels and did a mass mail out of over 130 letters. There were many addresses that we found on OCPA that are an Edgewood address but there is no business in the IMS system that corresponded with that address. At my earliest convenience I plan to research if there is a business at that location now that is operating without a BTR. According to my research it appears there are some businesses operating without a Business Tax Receipt, i.e. Lighthouse Insurance does not show up in the BTR system. This process took approximately 3 to 4 days, with a few times of working on other tasks such as permit applications for zoning approval.
- To continue, there were 68 addresses found for our research for the pole letters, those addresses do not show up on OCPA. As you know I am in the process of contacting Orange County to verify the addresses. The Pole Sign Ordinance letters have not gone to these addresses and will not until we can confirm the property owners, unless directed otherwise.
- The Business Tax Renewals has been a long process. Shortly after my start date I was trained on how to process BTR's, and as I started filing the renewals I noticed a lot of files that have not yet renewed. In order to keep things organized, and to be able to keep track of what businesses have renewed and what have not, I pulled all the files not yet renewed. I will follow-up and do my detective work to confirm if the business is open. or if they have just not renewed their BTR for many years. Currently I have approximately 250 files that need to be reviewed, I think many of them are old files that will simply need to be archived.
- I have also been working on archiving when time permits, 12.12.11 I was able to document and put an entire box full of business tax receipts that have expired and closed but the files were never purged.

As you can see, other work was generated by doing this mail out. Cinnamon is to be commended for her tenacity in this process. I know she hit some walls but pushed on realizing that she was creating more work. I continue to be impressed by her commitment to organize the files related to Business Tax Receipts (BTR), archiving, and now working towards satisfying some issues regarding addressing.

Since this letter has gone out, I have received a few phone calls from property/business owners and their comments/questions have essentially been the same:

- Why are we now being made aware of this Ordinance that is almost 10 years old?
- Don't you know that economically this is not a good time to permit and construct a monument sign?
- The City needs to have a meeting to further discuss this Ordinance.

I am also receiving technical questions as it relates to the construction of a monument sign (ground sign). Questions of this kind will have to be referred to the planner and/or engineer. I need further direction from Council regarding these calls, because any calls referred to our consultants may result in fees to the City.

As always, work by City Hall staff is not limited to the above, as we have many permitting zoning and Business Tax Receipt inquiries. I have also been working towards getting the minutes up-to-date in preparation of the audit. Not including the minutes on the Consent Agenda, I have five sets of minutes to prepare (the number includes the December meeting), along with three sets of minutes from meetings that took place before I was on staff. I did not include Planning & Zoning minutes for the December meeting; the auditors will not be looking at these minutes. Also, the City has received information from Orange County regarding a grant to possibly obtain funding for Gatlin/Orange Avenue. I received the information this week however, I have not been able to review. The Mayor and I will be discussing further with Orange County and Department of Transportation, and provide updates.

Please let me know if you have any questions.