

Ray Bagshaw  
Mayor

Pamela Henley  
Council Member

Judy Beardslee  
Council President

Lee Chotas  
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, June 19, 2012  
6:30 p.m.**

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**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.

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**A. CALL TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL AND DETERMINATION OF A QUORUM**

**E. CONSENT AGENDA**

1. Approval of:

- April 17, 2012 Minutes – Regular City Council Meeting
- May 8, 2012 – City Council Workshop
- May 15, 2012 – Regular City Council Meeting
- May 18, 2012 – City Council Workshop
- May 30, 2012 – City Council Workshop
- June 6, 2012 – City Council Workshop

*(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**

- Recognize Art Miller, PE
- Kathy Till, representing Florida League of Cities
- FY 10/11 Audit – Holland & Reilly

**G. ORDINANCES – FIRST READING****H. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

1. **ORDINANCE NO. 2012-02** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE. **(Tabled from May 15, 2012 City Council Meeting)**
2. **ORDINANCE 2012-04** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO PARKING; AMENDING SECTION 62-21 TO PROVIDE FOR LIMITING OR RESTRICTING PARKING IN PUBLIC AREAS; PROVIDING FOR NOTICE AND SIGNAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**I. UNFINISHED BUSINESS**

1. Special Event – Consideration of a City “Theme” Day
2. City Attorney Smith – **Draft** Ordinance addressing signage after May 7, 2001 **(DISCUSSION ONLY)**

**ORDINANCE 2012-XXXX** An Ordinance of the City of Edgewood, Florida, amending section 122-31 of the City of Edgewood Code of Ordinances, providing that certain signs permitted after May 7, 2002 are presumed to be lawfully conforming ground signs; providing for conflict and severability and providing an effective date

3. City Attorney Smith – Follow-up to City Council's request (5/15/2012 Regular City Council Meeting) to further address Pain Clinics and Internet Cafes.

**J. NEW BUSINESS**

1. Mayor's Recommendation For Planning & Zoning Board Member
2. Request in Compliance with F.S. 932.7055 (F) (seizure funds)
3. Non-Ad Valorem Assessment

**K. GENERAL INFORMATION (No action required)****L. CITIZEN COMMENTS**

**M. BOARDS & COMMITTEES**

**N. STAFF REPORTS**

1. Police Chief
2. City Clerk
  - Proposed TRIM & Budget Timetable
3. City Attorney

**O. MAYOR & COUNCIL REPORTS**

**P. ADJOURNMENT**

**UPCOMING MEETINGS:**

July 17, 2012 .....City Council Regular Meeting  
August 21, 2012 .....City Council Regular Meeting  
September 18, 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 – APRIL 17, 2012**

On Tuesday, April 17, 2012, the Edgewood City Council held a regular meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Pro Tem Dowless called the meeting to order at 6:30 p.m. Council Member Powell gave the invocation followed by the Pledge of Allegiance.

The following attendance is noted:

**Attendees:**

Mayor Bagshaw  
Council Member Powell  
Council Member Dowless  
Council Member Chotas  
Council Member Henley

**Absent:**

Council President Beardslee (Excused)

**Staff:**

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

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**CONSENT AGENDA**

1. Approval of:

- August 16, 2011 Regular City Council Meeting
- February 21, 2012 Regular City Council Meeting

*Council Member Powell made the Motion to approve the consent agenda, with Second by Council Member Henley. The Motion was approved unanimously (4/0).*

**A. PRESENTATIONS**

- Mayoral Proclamation – Foster Grandparents Day

Council President Pro Tem Dowless recognized Mayor Bagshaw to present a Mayoral Proclamation, and noted that the Mayor celebrated his birthday on April 16, 2012.

Mayor Bagshaw read a Proclamation designating May 7, 2012 as Grandparent Day.

Council President Pro Tem Dowless announced that **UNFINISHED BUSINESS** will be moved to this portion of the meeting.

- Consideration and approval of Agreement for Engineering Services (**Tabled from 3/20/2012 City Council Meeting**)

City Clerk Meeks noted the recent applications for building permits; in particular, applications for boat docks, that staff has received. City Clerk Meeks said that Sam Sabaali's firm have reviewed the applications and provided comments in a timely manner. Additionally, Sam is personally talking to the applicants taking the burden off staff. Council Member Powell noted the differences between a dock and a pier. Engineer Sebaali said that he is reviewing the boat docks based on how the City Code is written. Council Member Chotas noted statutes recently passed regarding comp plan and wanted to make sure that FEG will follow the Statute, as it relates to the number amendments allowed before it starts costing more money. Council Member Chotas also asked what steps FEG plans to take to minimize communication time with applicants. Engineer Sebaali said he is cognizant of the City's budget and plans to respond to applicants within the most efficient time to keep the applicant happy, but at the same time does not affect the City's budget by making the process simpler.

***Council Member Chotas made the Motion to accept FEG's contract as submitted, with Second by Council Member Powell. The Motion was unanimously approved (4/0).***

## **ORDINANCES – FIRST READING**

**ORDINANCE NO. 2012-02:** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE. **(Tabled from 3/20/2012 City Council Meeting)**

Council President Pro Tem Dowless asked if everyone received a copy of the International Property Maintenance Code book, and Council Member Chotas said he did not receive a copy.

City Attorney Smith read Ordinance 2012-02 in title only.

Council President Pro Tem Dowless asked for comments from audience; there were none. Chief Marcus noted that it is common to use some Code to regulate housing standards, and the City chose the International Property Maintenance Code (IPMC). In response to Council Member Chotas, Chief Marcus said those residents who violate the Code will be provided with a courtesy notice. They are given a time to comply and if they do not comply, they will appear before the Code Magistrate. City Attorney Smith said the Magistrate will factor in materiality and the significance of the violation.

***Council Member Powell made the Motion to approve the first reading of Ordinance 2012-02, with Second by Council Member Henley. The Motion was unanimously approved by the following roll call vote:***

<b>Council Member Chotas</b>	<b>Favor</b>
<b>Council Member Henley</b>	<b>Favor</b>
<b>Council Member Powell</b>	<b>Favor</b>
<b>President Pro Tem Dowless</b>	<b>Favor</b>

City Clerk Meeks announced the second reading will be held on May 15, 2012, and confirmed notice in Sentinel will be done

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

- 1. ORDINANCE NO. 2012-01: 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. (Tabled from 3/20/2012 City Council Meeting)**

City Attorney Smith read Ordinance 2012-01 in title only.

*Council Member Powell made the Motion to approve the second and final reading of Ordinance 2012-01, with Second by Council Member Henley.*

Council President Pro Tem Dowless noted changes regarding "Paid Time Off" (PTO) beginning at Page 92. In response to Council Member Chotas, he said he believes the PTO is workable. In response to Council Member Chotas, City Clerk Meeks said Council President Beardslee did not express any concerns about the Personnel Policy. Chief Marous said she told him she was okay with the Policy.

*The Motion was unanimously approved by the following roll call vote:*

<b>Council Member Powell</b>	<b>Favor</b>
<b>Council Member Henley</b>	<b>Favor</b>
<b>Council Member Chotas</b>	<b>Favor</b>
<b>President Pro Tem Dowless</b>	<b>Favor</b>

**C. UNFINISHED BUSINESS**

1. FEG contract moved to the beginning of the Agenda.
2. **REVIEW AND DISCUSSION OF DRAFT ORDINANCE 2012-xx** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO PARKING; AMENDING SECTION 62-21 TO PROVIDE FOR LIMITING OR RESTRICTING PARKING IN PUBLIC AREAS; PROVIDING FOR NOTICE AND SIGNAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith said this is for discussion only. Said it codifies signage placed in the parking lot. He said it is completely within the City's power to specify the parking. In response to Council Member Chotas, City Attorney Smith said there is no standard set in the Ordinance, it is simply the City will have sovereign power. Council Member Chotas asked the City Attorney to include City Council approval

regarding who parks. Council Members Powell, Henley and Council President Pro tem Dowless said they are okay with bringing the Ordinance back for first reading.

#### **D. NEW BUSINESS**

##### **1. Mayor's Recommendation For Planning & Zoning Board Member**

Mayor Bagshaw said Debbie Younglove has resigned from the Planning & Zoning Board and Marian Rayburn is his recommendation to fill the seat. City Clerk Meeks asked to check on the requirement for defined terms for the Planning & Zoning Board.

There were no objections to Mayor Bagshaw's recommendation.

##### **2. Accrued Leave Buy Back Agreement**

Council President Pro Tem Dowless deferred to City Attorney Smith, who explained the history and purpose of the "Buy Back Agreement". He said the buy down will bring Chief Marcus and Shannon Patterson back to the maximum 200 hours. Mayor Bagshaw said that this will bring the City in line with the PTO in the newly adopted revised Personnel Policy.

*Council Member Powell made the Motion to accept the buy back for Chief Marcus, with Second by Council Member Henley. The Motion was unanimously approved (4/0).*

*Council Member Powell made the Motion to accept the buy back for Shannon Patterson, with Second by Council Member Henley. The Motion was unanimously approved (4/0).*

#### **E. GENERAL INFORMATION (No action required)**

#### **F. CITIZEN COMMENTS**

No citizen comments.

#### **G. BOARDS & COMMITTEES**

#### **H. STAFF REPORTS**

##### **1. Police Chief**

- Quarterly Activity Update

In response to Council President Pro Tem Dowless, Chief Marcus provided a report on the robbery at Anthony's

In response to Council Member Chotas, City Attorney Smith said the lawsuits regarding the red light camera statute were found to be constitutional. Chief Marcus confirmed the cash flow is positive; however, the cameras were put in place for safety purposes.

Chief Marcus said he wants to move a part-time employee to full-time. He noted finger printing and the red light camera. He said 50% of the fingerprinting money is split between City Hall and the Police Department.

City Clerk Meeks pointed out the increase in the FRS employer contribution that will happen in July 1, 2012.

In response to Council Member Chotas, Mayor Bagshaw said that fingerprinting is not a service to the City, he views it more as an outreach. He said on the positive side it is revenue. He said in his view fingerprinting can either go away, restrict the days of service or add a full-time employee to handle the work load.

Council Member Powell asked part-time Police Clerk Stacey Condrey if she is still in school. In response to Council Member Powell, Stacey said working full time with the City is her priority.

Council Member Henley asked how they project that they will be continuing the finger printing service. Chief Marcus said that there are few agencies that do fingerprinting, and the State recently required electronic fingerprinting. Chief Marcus said if fingerprinting dropped off, he would find it in his budget to keep a good employee. He said if fingerprinting dropped off, Stacey would be helping out in Code Enforcement.

In response to Council Member Chotas' question regarding potential liability for providing finger printing service, City Attorney Smith said if there is a liability the City has insurance however, he can't think of anything that would create a liability.

Council President Pro Tem Dowless said he doesn't want the City to create work to create a position, and he doesn't want the position to take the money that is being generated. He also noted the work that the Mayor does with no compensation, and what could happen when he is no longer Mayor.

Mayor Bagshaw pointed out that if the money wasn't in the budget then Stacey's position can be at risk.

***Council Member Powell made the Motion to move the part-time Police Clerk position to a full time position, with Second by Council Member Henley. The Motion was unanimously approved (4/0).***

- Florida Law Enforcement Agency Crash Report Reimbursement

Chief Marcus deferred to City Attorney Smith, who explained the crash reports are sold by the State, and this is already public record. Council Member Chotas said this is marketing and that it is exclusive with WWW. City Attorney Smith said the City's Agreement is with the State. Chief Marcus said the State is going to sell the reports regardless of what the City does, but if the City has an agreement, the City will receive some compensation. Council Member Chotas said he does not agree with the program. Council Member Powell said he thinks the item should be tabled. Chief Marcus said he will bring back to Council in the May meeting.

Chief Marcus reported on car burglaries that took place and said that none of the cars burglarized were locked.

## 2. City Clerk

- Status Report

City Clerk Meeks referred to her status memo, and reminded Council that she is available to answer any questions they may have.

City Clerk Meeks said that it has been indicated to her to not pursue new legal services. Council Member Henley said that it is okay to table the matter for now; however, she still wants to pursue after budget is completed.

City Clerk Meeks said she will be out of City Hall the week of May 1st through May 5<sup>th</sup>, as she will be attending the Florida Association of Business Tax Officials (FABTO) conference.

City Clerk Meeks said that she is "on call" in May for a trial subpoena because of her role as records custodian. She reminded Council that April 25, 2012 is Administrative Professional Day.

Council Member Powell referred to the City Clerk's status report regarding his request for a theme day. He asked Council to think about it.

City Clerk Meeks said she has checked online with MuniCode, and that P&Z members serve three year staggered terms.

### 3. City Attorney

City Attorney Smith asked about Code review, and Mayor Bagshaw said a committee will need to be formed. He asked Council Members to review the code and provide items they think need to be addressed.

## I. MAYOR & COUNCIL REPORTS

Council Member Powell

None

Council Member Henley

Reported to Council that she is getting ready for budget.

Council Member Chotas

In response to Council Member Chotas, Mayor Bagshaw explained the status of Vince, Tops and Details, request for Council phone number. Mayor Bagshaw said Vince is trying to form a group to address the Ordinance regarding the removal of pole signs. Mayor Bagshaw said he talked with Vince and others and suggested they bring back how much it costs, and related to them that there are businesses that have already conformed to the Ordinance. Mayor Bagshaw said they are planning to bring a group of business owners to the May City Council meeting.

Mayor Bagshaw reported that donations have been made for trees which will allow for some more clean-up.

## ADJOURNMENT

*Council Member Powell made the Motion to adjourn, with Second by Council Member Henley. The Motion was unanimously approved (4/0), and the City Council meeting adjourned at 8:38 p.m.*

ATTEST:

John Dowless  
Council President Pro Tem

Bea L. Meeks, MMC, CPM  
City Clerk

APPROVED BY CITY COUNCIL ON \_\_\_\_\_, 2012.

DRAFT

**EDGEWOOD CITY COUNCIL  
MAY 8, 2012 CITY COUNCIL WORKSHOP**

On Tuesday, May 8, 2012, the Edgewood City Council held a workshop at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 9 a.m. and explained that the purpose of the workshop is to discuss the accounting code corrections to the 11/12 FY budget.

The following attendance is noted:

**Attendees:**

Council President Beardslee  
Council Member Powell  
Council Member Henley  
Mayor Bagshaw

**Excused**

Council Member Chotas  
Council Member Dowless

**Staff**

City Clerk Meeks  
Det. Sgt. Beardslee

City Clerk Meeks provided copies of the budget and Chart of Accounts to Council and staff. The following was discussed.

- Council President Beardslee said she would like to find out how many, and what type of general ledger accounts have been created since October 1, 2011. City Clerk Meeks gave Council the revenue and expenditure codes for Farmer's Market, Food Truck, Red Light Camera Citation and the bereavement expense.
- Council President Beardslee said she would like to see the next budget be more identifiable by breaking it down between City Hall and the Police Department.
- Council President Beardslee expressed concerns regarding duplicate accounts, i.e. City Hall miscellaneous. City Clerk Meeks said she thinks if you pull the account code from the Chart of Accounts, you only have the one account.

- Council President Beardslee said she would like to see the variance application and special exception application fees separate from miscellaneous permits and fees. She said she would like to see the other fees as administrative fees. City Clerk Meeks suggested administrative services fees and Council President Beardslee agreed with this.
- Discussed the confusion with fines and forfeitures. City Clerk Meeks provided which account associates with general fund, second dollar fund and the LETF (seizure) accounts.
- Det. Sgt. Beardslee explained the Court Fines and Forfeitures. City Clerk Meeks explained the break-down of the codes.
- Det. Sgt. Beardslee said the LETF funds roll forward to each fiscal year. This is named the LETF/seizure fund.
- At the request of Council President Beardslee, Det. Sgt. Beardslee explained fines that come through Code Enforcement.
- Council Member Henley renamed Account 352100-05 description as 2<sup>nd</sup> Dollar/PD Ed Fund.
- In response to Council President Beardslee, City Clerk Meeks explained "Land Use Fees", and corrected herself and said that the variance and special exception fees should be put into this account.
- Council President Beardslee asked for journal entries for the 3 variances (329020-01) and move to 349000-01. Rename 329 to administrative services fees and 349 to Variances & Exceptions.
- Council President Beardslee said that she would like to change miscellaneous. Mayor Bagshaw explained that miscellaneous funds are funds that come in that are not designated to a fund.
- Council President Beardslee questioned the funds recovered from code enforcement fines. Mayor Bagshaw said he spoke to auditor Tom Reilly, who said the funds are undesignated and can go into the general fund.
- Discussed "Miscellaneous Revenues" (369900-01) and agreed to find out what monies are being placed in the fund.
- Council Member Henley asked for clarification of the FDOT street light maintenance. Mayor Bagshaw explained the program.

Council President Beardslee asked if Council wanted to go through the expense side, Council Member Henley said she would like to cover the expense side.

- In response to Council Member Henley, Mayor Bagshaw said he had concerns about the tangible tax. He noted on the expense side his concerns regarding solid waste and street light maintenance.
- Discussed concerns about alcohol beverage license and should it be renamed. City Clerk Meeks explained her current work with DOR, and the problems encountered with Edgewood homes and commercial businesses having Orlando zip codes, and how this may be affecting revenues .
- It was agreed to change Alcoholic Beverage License to Alcohol Beverage Tax.
- Council Member Henley said check residential and commercial solid waste.

- Council President Beardslee questioned the fire/rescue impact fees. City Clerk Meeks said the fire/rescue fees are \$208.23 per home.
- Council Member Henley said she wants to make sure things are not miscoded or inverted. Council President Beardslee said she and Council Member Henley will review the accounting for these errors.
- Belle Isle Monthly Services was set up for the purpose of letting Belle Isle share the evidence lockers with the City, per Council President Beardslee, it was agreed that this Code will go away (3421130-01).
- In response to City Clerk Meeks, Council President Beardslee and Council Member Henley said they would like to do the review as a public meeting. City Clerk Meeks said that Cinnamon should be part of this meeting, and since she is recording the meeting, Council may want to consider bringing over an employee from the Police Department to monitor phone calls and the front counter.
- Council Member Henley asked about the \$3500 owed to IRS. City Clerk Meeks was asked to contact IRS and ask for a transcript. Needs to be addressed ASAP.
- In response to Council Member Henley, Mayor Bagshaw said the sidewalks was underfunded. He said the work was done in the 10/11 fiscal year but the payment was made in the current fiscal year. This should be corrected.
- In response to Council Member Henley, City Clerk Meeks and Mayor Bagshaw explained why worker's comp is over the budgeted amount.
- Council Member Henley asked if the City needed six reserve officers
- In response to Council President Beardslee, Mayor Bagshaw said if the City budgeted correctly, we should be okay on gas usage
- Council Member Henley asked what electronic media is, and Police Clerk Patterson was contacted by phone regarding the electronic media account and "electronic media-PD bldg-int", and provided an explanation.

The Workshop adjourned at 12:47 p.m., with the next workshop scheduled for Friday, May 18, 2012 at 9 a.m.

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Judy Beardslee, Council President

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Bea L. Meeks, MMC, CPM  
City Clerk

CITY COUNCIL APPROVED: \_\_\_\_\_

**EDGEWOOD CITY COUNCIL  
REGULAR MEETING – MAY 15, 2012**

On Tuesday, May 15, 2012, 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 6:31 p.m. Council Member Dowless gave the invocation followed by the Pledge of Allegiance. *City Clerk Meeks announced that the recorder is not working and request that everyone “speak up”.*

The following attendance is noted:

**Attendees:**

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

**Staff:**

Bea L. Meeks, City Clerk  
Pete Marcus, Police Chief  
Drew Smith, City Attorney  
Sam Sebaali, Engineer  
Ellen Hardgrove, Planner

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**CONSENT AGENDA**

1. Approval of:
  - March 20, 2012 Regular City Council Meeting

City Clerk noted corrections from Council Member Dowless, Council Member Chotas also noted errors.

*Council Member Dowless made the Motion to approve the consent agenda with the noted corrections, with Second by Council Member Powell. The Motion was unanimously approved.*

Council President Beardslee announced that there will be a change in the order of the Agenda items, and said Council will address Ordinances, first and second reading.

**ORDINANCES – FIRST READING**

1. **ORDINANCE 2012-04** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO PARKING; AMENDING SECTION 62-21 TO PROVIDE FOR LIMITING OR RESTRICTING PARKING IN PUBLIC AREAS; PROVIDING FOR NOTICE AND SIGNAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2012-04 in title only.

**Motion by Council Member Powell to approve the first reading of Ordinance 2012-04, with Second by Council Member Henley.**

No discussion from Council, and no comments from audience. **Unanimously approved in the following roll call vote:**

<b>Council Member Henley</b>	<b>Favor</b>
<b>Council Member Chotas</b>	<b>Favor</b>
<b>Council Member Dowless</b>	<b>Favor</b>
<b>Council Member Powell</b>	<b>Favor</b>
<b>Council President Beardslee</b>	<b>Favor</b>

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

- 1. ORDINANCE NO. 2012-02 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

City Attorney Smith read the second and final reading of Ordinance 2012-02.

**Motion by Council Member Powell to approve the second and final reading of Ordinance 2012-02, with Second by Council Member Henley.**

**Council Member Powell asked to amend the motion to table the final reading.** Council Member Chotas noted that the Ordinance is adopting the International Property Maintenance Code (IPMC) by reference, and noted that the City Attorney said this is appropriate. He said people need to be aware there is a lot of reading to know what they need to do to maintain their property. He encouraged everyone to read the Code as he and Council member Dowless did. **Council Member Chotas second the Motion to table the final reading.**

Council President Beardslee announced the second and final reading will be tabled to the June 19, 2012 Regular City Council meeting. City Clerk Meeks noted the Ordinance was published in the Orlando Sentinel.

Council President Beardslee announced that the next agenda item being moved is New Business.

1. Planning & Zoning – Variance Recommendations

- 1077 WINDSONG ROAD – CHARLES KRAMER AND LAURA KRAMER, OWNER (Boat Dock); Doug Langford, Contractor

City Clerk Meeks announced that Council has been provided with the Planning & Zoning Board's recommendation at their seat. She noted that the recommendation was made in the Planning & Zoning meeting held "last night", May 14, 2012, which is why it wasn't in their agenda packet. Engineer Sebaali framed out the reason for the variance, and described the existing and proposed boat dock. In response to Council Member Chotas, City Clerk Meeks said that there were no objections to any of the variances. City Engineer Sebaali confirmed that the P&Z Board approved the variances including his conditions and recommendations. Council Member Chotas wanted to make sure if the neighboring property extended their boat dock, they could still get out; Engineer Sebaali said they would be able to get out. Council President Beardslee said her thought was first come first serve and if the adjacent property owners were concerned they would have responded to the notice letters. City Clerk Meeks noted that the contractor, Doug Langford, is in attendance and available to answer questions. Mr. Langford gave a presentation and responded to questions. In response to Council President Beardslee's request for public comment, there were none.

***Motion by Council Member Powell to approve the recommendation of the Planning & Zoning Board, including the conditions and recommendations of the City Engineer, with Second by Council Member Henley. The Motion was unanimously approved.***

- 5507 JESSAMINE LANE – JEFF AND HAYLEY BAKER, OWNER (Reconstruction and Expansion of Front Porch); Jordan Homes, Contractor

Engineer Sebaali framed out the reasons for the variance request, and described the existing and proposed dwelling request for a 6 x 6 foot porch. Engineer Sebaali said he concurred with Planner Hardgrove's recommendation, as did the Planning & Zoning Board. Engineer Sebaali said that one of the P&Z members ask if the existing house would require a variance. Engineer Sebaali said that his review of the Code, the house would not be included in the variance. Planner Hardgrove said the house did not need a variance because it is a non-conforming use. In response to Council President Beardslee's request for public comment, there were none.

***Council Member Chotas made the Motion to approve the recommendation of the Planning & Zoning Board, as articulated by Planner Hardgrove, with Second by Council President Beardslee. The Motion was unanimously approved.***

Council President Beardslee announced that Council would now move to Presentations.

## **PRESENTATIONS**

- Vince Constantine – Tops In Details – 2002 Sign Ordinance

Council President Beardslee announced that if there are repeated comments, to select a spokesperson to convey.

Richard Fawcett thanked Mayor and Council for what they do. He related an outing with his wife wherein, they took a bike ride in the City and said he thought the landscaping looks bad and likened the area to the Orange Blossom Trail. He said the pole signs are the last thing he

notices, the landscaping is first. He said if the economy is a reason for the owners not to remove the signs, he had some alternatives, and noted the alternatives.

Scott Haines (Majestic Marble) said his business has been in operation about 34 years; he bought the business about five years ago. He noted the monies he has lost since the economy "tanked", and he is just now just starting to do business.

Vince Constantine (Tops in Details) said he never received notice about the change in signage. Said he agrees with Mr. Fawcett in that there are other things that could be done besides changing signage. He noted that the owner of his building has difficulty with change, and related how long it has taken to get permission from the owner to paint the building. He said he sees no benefit to removing the signs. He said it is tough to keep the doors open because of the economy, so trying to rebrand the business is the goal. He said they would encourage other business owners by painting and improving their signage, but not removing them. He said that driving through Apopka recently, he noticed it was difficult to see the monument signs because of the traffic. He said that signage is the only source of advertising. He said the new buildings should have to have monument signs. He asked that the City allow them to make improvements to their buildings but not remove the signs. He said that Mayor Bobber wanted to improve Orange Avenue when she was Mayor, and the change in signage he made was allowed at that time. He said the business owners are attending the council meeting because they realized they have to take the signs down by June 1, 2012, or receive a violation notice.

Richard Brinkman said he was Mayor of Edgewood from 1990 to 1997. He is also a business owner who applied for a sign permit in good faith, and is now being told to take it down. He said the Ordinance is not "fairly" clear. He noted the installation cost of his current sign was \$5000.00 to \$10,000. He said there needs to be a basic fairness, and the basic fairness is to grandfather the signs that were legally permitted and installed. He noted that the cheapest alternative are trailer signs. He said if something happens to the sign in excess of 50% damage, the sign should become a monument sign, and referenced signs before 1982 were grandfathered in. He stated that Mayor Bagshaw is doing a great job.

Richard Dawson (Dawson Decorating) said this meeting should have happened in 2002, rather than receive a letter in 2011. Council Member Dowless asked City Attorney to explain the '82 and '02 Ordinance. City Attorney Smith said that anything prior to 2002 would be in conflict. He said the '02 ordinance allowed an amortization period for 10 years to allow people time to comply and get value from their signs. In response to Council Member Chotas, City Attorney Smith said the notice required for the 2002 Ordinance was to advertise in the paper. Council Member Henley deferred to Mayor Bagshaw about her conversation with him regarding owners who have "cut" their signs down at minimal expense. Mayor Bagshaw said this is a grey area as to what is a pole sign. He noted that Mr. Brinkman's sign appears to be on a pedestal. He said that there are a lot of new businesses that have come into the City since 2002 ordinance and that he has to believe that they came in to get a permit for their signage and staff should have told them about the Ordinance. He noted that there are many owners not maintaining their signs, and it gets to a point that the City has to step in. He noted a tree that fell in a parking lot because the owner did not maintain the tree. He said he thinks the City didn't do what they should have to make sure the Ordinance was followed. He said the City and the business owners should work together and take ownership and clean things up. Council President Beardslee deferred to Planner Hardgrove, who addressed the grandfather clause. She said the Ordinance covers every sign in the City, and does not have to be moved if they permitted as a

ground sign. She noted that the "Bell" property sign does not meet the Code. She said staff needs to have some guidance. She said the definition of ground sign in 2002 did not change, and Discovery Church is not a ground sign, although it was permitted as a ground sign. She noted the directory sign at Fort Gatlin shopping center needs to come out, but what do they get in return. She said this regulation has ramifications.

Council Member Chotas said he thinks the sign should be conformed to the Ordinance. All pole signs prior should be deemed as monument signs, and he agrees with Planner Hardgrove that there needs to be a balance, with a view to not imposing undue burden. He asks that Planner Hardgrove work with the City Attorney to revise the Ordinance. Mayor Bagshaw pointed out the concerns that Edgewood Isle is having because of the requirements in the Ordinance.

Council President Beardslee summarized what the property owners are asking for, and the problems that may have been caused by former staff. In response to Council President Beardslee, City Attorney Smith said that the City can direct Code Enforcement to hold off on any violations until Council determines the direction they want to go. She noted that at the time the Ordinance was adopted, the City had Glating-Jackson create a Master Plan, which didn't come to fruition. She thinks that at this point this needs to go back to the table.

***Council Member Chotas made the Motion to (1) Direct Code Enforcement not to pursue pole sign violations based on 2002-04 Ordinance until September 1, 2012, (2) Direct City Attorney propose an Ordinance making signs permitted subsequent to 2002-004 compliant with Code, and (3) Direct City Planner, Mayor and City Attorney to propose amendments to 2002-004 Ordinance to correct deficiencies pointed out by City Planner, and to reconcile beautification landscaping, signage and economic conflicts and address other issues for codification by City Council. Council President Beardslee second the Motion.***

Council Member Powell said that some cities have a beautification committee, and he said it makes sense to have a beautification committee to come back to Council with recommendations of improvements needed. He thinks it would be prudent to do this as Council decides further direction in the matter. In response to Council Member Henley, City Attorney Smith said there can be a moratorium while Council makes further consideration. Council Member Chotas said that if the City had a beautification committee, they would be constrained by Sunshine and therefore would like to see Mayor Bagshaw be a committee of one and work with the business/property owners. Mayor Bagshaw said he is willing to do this although he has plenty on his schedule. Council President Beardslee suggested the Mayor have meetings with the owners. Chief Marcus wanted clarification as to enforcement on illegal signs, not those signs pertaining to the Ordinance. ***Friendly amendment by Council Member Chotas to move to 9/18 and not 9/1.*** Council Member Chotas said we need to respect those who did comply with the Ordinance. ***Council President Beardslee accepted the friendly amendment.***

***The Motion was unanimously approved (5/0).***

Mayor Bagshaw confirmed for Council Member Dowless that he is comfortable with the project. Council Member Dowless said he would like to see cooperation to work with the Mayor in "cleaning things up". City Attorney Smith responded to public question regarding code enforcement process if a violation exists. Mayor Bagshaw said it should be clear that the letters

go to the property owners and not the business owners. City Attorney Smith confirmed that Ordinance applies to signage, and the property owner must comply.

John Mossio said he would like to work with the Mayor. He said he was part of the Glatting-Jackson Master Plan, and he said at the time there was no ground sign ordinance. He also explained some of the problems with the conversion of the Ordinance. Mr. Constantine said the business owner should receive the letter instead of the owner. JT Blanton said it would be a tragedy to put the burden on the property owners.

Richard Dawson asked about notifying businesses and owners about meetings when there may be something the Council is considering that affects them. Council Member Powell said that not everyone is on the web and noted that there is a kiosk where the meetings are posted.

**BREAK AT 8:33 p.m. - RECONVENE AT 8:43 p.m.**

## **UNFINISHED BUSINESS**

1. Florida Law Enforcement Agency Crash Report Reimbursement – Chief Marcus

Could not get a copy of the Agreement. He said the State has entered into a contract to provide crash data documentation. He said they have been informed that they do not have to sign the contract. He said that HSMV is now changing the rule which allows them to do what they have already done. He said the State is going to send funds to the cities anyway.

## **NEW BUSINESS**

None.

## **GENERAL INFORMATION (No action required)**

None.

## **CITIZEN COMMENTS**

Given under presentations.

## **STAFF REPORTS**

Police Chief

Reported that there are still car burglaries happening in the City and noted that the burglaries are excessive. Council Member Henley asked about burglaries occurring on lake homes in the County. Mayor Bagshaw said that Orange County doesn't notify the City about activities on the border of the city. Chief Marcus said a lot of what the Police Department learns is on the "radio". Council Member Dowless said at his HOA meeting they talked about how good the police department is.

City Attorney Smith said he was asked to explain to Council budget amendments, and explained that coding errors do not require an amendment. Council President Beardslee asked for his help in educating them on the amendments.

City Attorney Smith also noted there is consideration for regulatory for pain clinics, and that Orange County is now taking a zoning approach. He said the Mayor mentioned this to him that the zoning is just outside of the City of Edgewood. He said Council may want to look at the direction the City wants to go. He said the first step could be defining what a pain clinic is, and wanted to know if Council would like for him to work with the Mayor and Planner Hardgrove to address, or go with the status quo. Council Member Chotas said that a doctor's office can turn into a pain clinic so special exception would help to keep this from happening. Council President Beardslee said she thinks it is better to be proactive. City Attorney Smith confirmed for Council Member Chotas that Orange County's Ordinance is a zoning Ordinance. Mayor Bagshaw said that Council may want to consider an Ordinance prohibiting internet café's. City Attorney Smith said he will check on both and bring it back to council.

City Clerk

City Clerk Meeks announced Frank Aguilar resigned from P&Z. City Clerk thanked him for his service, and gave him his name plate.

## **MAYOR & COUNCIL REPORTS**

### *Mayor Bagshaw*

- Announced he will bring back to Council in June a recommendation for Mr. Aguilar's replacement to the Planning & Zoning Board.
- Announced he will be installed on Metro Plan Board next week.
- Reported that the City now has a contact with Orlando regarding quiet zones, and hopes the City will be able to work with the City of Orlando. He said he hopes to put together a committee to address quiet zones.
- Reported on Gatlin/Orange and how FDOT has changed their direction on the project and he opposes it. Reported on the funds distributed by the State and that this needs to be high on the list, and recommends Council members send letters to the City's legislative representative, as he has done.

### *Council Member Chotas*

- No report

### *Council Member Henley*

- Reminded Council and staff of the May 18, 2012 workshop.

### *Council President Beardslee*

- Reported that Council will be going through each and every ledger item, so that by the time "we" get to budget workshop the general ledger is correct.

Council Member Dowless

- Noted the water quality issues he noted before to Council. He said that City Clerk Meeks made contact with DEP. He related that in their recent Legacy HOA meeting, a resident brought in water that had algae in it.

Council Member Powell

- Reported on "scabs" (layers in the road), and said one of the layers broke in the west bound lane (Oak Lynn/Orange Avenue). He contacted his FDOT contacts and they have made repair. He said that he heard that there are plans to extend Holden.
- Reported on work done on Oak Cove Lane.
- Reported that he is continuing pursuing work on the clean-up of the rail road right-of-way.

City Clerk Meeks reported on a phone call she received from resident regarding sighting a coyote ten feet from his front door.

Council President Beardslee said she would like to attend a grant writing class. She said she knows there is no money in the budget but would really like to do this. Council President Beardslee reminded everyone that Council Member Powell would like a theme for the City to be addressed again. Brian Leahy and his committee will bring to June meeting.

Having no further business, Council Member Chotas made the Motion to adjourn, with Second by Council Member Powell. The meeting adjourned at 9:32 p.m.

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Judy Beardslee  
Council President

ATTEST:

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Bea L. Meeks, MMC, CPM  
City Clerk

APPROVED BY CITY COUNCIL ON \_\_\_\_\_, 2012.

**EDGEWOOD CITY COUNCIL  
MAY 18, 2012 CITY COUNCIL WORKSHOP**

On Friday, May 18, 2012, the Edgewood City Council held a workshop at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 9:10 a.m. and explained that the purpose of the workshop is to continue discussion regarding accounting code corrections to the 11/12 FY budget.

The following attendance is noted:

**Attendees:**

Council President Beardslee  
Council Member Powell (delayed arrival)  
Council Member Henley

**Excused**

Mayor Bagshaw  
Council Member Chotas  
Council Member Dowless

**Staff**

City Clerk Meeks  
Chief Marcus

The following was discussed.

- Council President Beardslee said she wants to validate and verify that the July 2010 payroll taxes are correct. She explained that her request is due to IRS communication with the City that the City owes \$3500.00 in payroll taxes.
- Confirmed Farmer's Market account codes discussed in May 8<sup>th</sup> workshop. City Clerk Meeks said that the Mayor wants to combine the Farmer's Market Funds with the food truck funds.
- Discussed correctness of tangible taxes.
- Confirmed changing miscellaneous permit fees to administrative fee
- Placed variance revenues under land use.

***Council Member Powell Now In Attendance***

- City Clerk Meeks and Council Member Henley both confirmed that McDermitt-Davis does not do journal entries without City's knowledge.

- Need to clean-up miscellaneous revenues because there is more than one miscellaneous revenue account code.

**Expenses**

- Council President Beardslee noted her concern of duplicate account codes.
- Council Member Henley stated that City Clerk Meeks and Administrative Assistant Cinnamon Wild are doing a “phenomenal” job in cleaning up payable and receivable files.
- Council President Beardslee said she is concerned with the description of computer/software/network , and ask if there is a better way to describe.
- In response to Council President Beardslee, Council Member Henley said that Capital Outlay can be amortized over time. She said it’s tangible. Council President Beardslee questioned whether or not it should be broken down. Council Member Henley said she thinks it’s reasonable to keep separate.
- Council Member Henley would like for equipment repair/maintenance to be described only as equipment repair.
- In response to Council Member Henley, City Clerk Meeks explained that the revenues approved for printing included the codification of the City Code.
- Brief discussion of the billing from Florida Municipal Insurance Trust
- Council President Beardslee stated that she is concerned that there are a lot of coding errors, and City Clerk Meeks agreed.
- Council Member Powell asked about annexations, which was followed by brief discussion regarding the current funds budgeted for an update of the Comprehensive Plan.
- Council President Beardslee said she wants to review expenses for payroll services. Council Member Henley questioned \$168.00 fee, which City Clerk Meeks said she thought it might be for corrections made to the 2011 W-2s.
- Discussion regarding Building Maintenance (519460-01), and concerns that the City may have gone over the budget.
- Council President Beardslee said she wants to make sure that special event is coded correctly. Council Member Powell noted his previous request in a Council meeting for a City “theme” day.

The workshop was adjourned at 11:00 a.m., with the next workshop scheduled for Friday, May 30, 2012 at 9 a.m.

\_\_\_\_\_  
Judy Beardslee, Council President

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Bea L. Meeks, MMC, CPM  
City Clerk

CITY COUNCIL APPROVED: \_\_\_\_\_

**EDGEWOOD CITY COUNCIL  
MAY 30, 2012 CITY COUNCIL WORKSHOP**

On Wednesday, May 30, 2012, the Edgewood City Council held a workshop at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 9:20 a.m. and explained that the purpose of the workshop is to continue discussion regarding accounting code corrections to the 11/12 FY budget.

The following attendance is noted:

**Attendees:**

Council President Beardslee  
Council Member Powell  
Council Member Henley

**Excused**

Mayor Bagshaw  
Council Member Chotas  
Council Member Dowless

**Staff**

City Clerk Meeks  
Chief Marcus

Council President Beardslee said that the review of the revenue side of the budget is complete, and now ready to address the expenditure side. She noted that invoices have not been pulled, and that Council Member Henley will work with her on this. The following was discussed.

- Began with Special Events (574490-01), and confirmed that City Hall and the Police Department have separate account codes. It was agreed to keep separate and align the budgets with the department sponsor. Council President Beardslee reminded everyone that Council Member Powell wants to set a theme or branding for the City. She said this would be tied into special events.
- Donations: Agreed that this is a pass-through account.
- Other General Government: Council President Beardslee said she needs to understand “physical environment” and “other general government”. She wants consistency. City Clerk Meeks said

that she thinks that these items are set up in the budget are the same as they were in previous budgets that it is keeping with previous budget formatting.

- Discussed and agreed to move City Hall utilities from physical environment and place in City Hall expenditures.
- Council President Beardslee said she would like to see Comprehensive Plan moved to physical environment.
- Agreed to change the following:
  - 521121.01 PD Clerk to Civilian
  - 521122.01 Eliminate (Do not have a part time civilian position)
  - 521151.01 Salary Expense PD to Salary Expense Civilian
  - 521151.01 FTO to "Pay"
  - 521220.01 FRS Admin Staff to FRS Civilian
  - 521221.01 FRS Officers to FRS Sworn
  - 518220.01 Retirement Contribution to FRS

**COUNCIL MEMBER POWELL EXCUSED HIMSELF FROM THE MEETING**

Continued changes:

- 521340.01 Orange County Dispatcher to Dispatch Fees
- 521411.01 CORD CDPD Mobile Data Fees (Housekeeping)
- 521414.01 Electronic Media (new) PD Bldg interest to Email Internet Service
- 521531.01 (As seen on Chart of Accounts) ELECTRONIC MEDIA-PD BLDG-INT –eliminate
- 521521.01 Software/Computer Consult to All Other PC
- Chief Marcus discussed account 521543.01 relevant to training and explained how these funds help pay for training for sworn and unsworn staff. He reiterated that the Second Dollar Fund only covers required training for sworn officers.
- Council President Beardslee questioned why 522100.04 (Police Education Fund Expense) is under Fire Control. It was noted that these funds are considered part of "protective services".
- In response to Council President Beardslee, City Clerk Meeks said that Protective Inspections, was probably a carryover of budget formatting, and the line item was probably related to permitting and inspection services the City did through an outside agency, before the City's Agreement with Orange County.
- Council President Beardslee questioned the services of a street sweeper, and questioned how the service was funded. City Clerk Meeks said she was aware of a street sweeper funded by an existing MSTU.
- Council President Beardslee reminded everyone about the 2009 Charter change that says the City cannot exceed 75% of their reserve.

- Discussed revenues from red light citations, and noted that there is no two to three year history to gauge the revenues. It was agreed that that the City should not “count on” these revenues.
- Council President Beardslee ask for consideration of roads and streets being placed under growth management, not specific to engineering and planning. She said she thought the City Attorney should be present for discussion regarding roads and streets, and how the funds can be used.

The Workshop was adjourned at 11:10 a.m., with the next workshop scheduled for Wednesday, June 6, 2012 at 9 a.m.

\_\_\_\_\_  
Judy Beardslee, Council President

\_\_\_\_\_  
Bea L. Meeks, MMC, CPM  
City Clerk

CITY COUNCIL APPROVED: \_\_\_\_\_

DRAFT

**EDGEWOOD CITY COUNCIL  
JUNE 6, 2012 CITY COUNCIL WORKSHOP**

On Wednesday, June 6, 2012, the Edgewood City Council held a workshop at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 9:10 a.m. and explained that the purpose of the workshop is to continue discussion regarding accounting code corrections to the 11/12 FY budget.

The following attendance is noted:

**Attendees:**

Council President Beardslee  
Council Member Henley  
Mayor Bagshaw

**Excused**

Council Member Chotas  
Council Member Dowless  
Council Member Powell

**Staff**

City Clerk Meeks  
Chief Marcus

Council President Beardslee said that the review of the revenue side of the budget is complete, and now ready to address the expenditure side. She noted that invoices have not been pulled, and that Council Member Henley will work with her on this. The following was discussed.

- In response to City Clerk Meeks question regarding online payments in excess of \$1000.00, Council President Beardslee suggested that a list be made to determine what can be a debit and what needs to be paid by check. Council Member Henley said insurance payments can be an automatic ACH. In response to Council Member Henley, City Clerk Meeks said the online payments were being made to avoid late payments, and because of the difficulty in getting Council members to come in and sign checks.
- Council Member Henley provided a handout with "Codes Renamed" and "previous name", as a summary to changes discussed in previous workshops.

- It was noted that the Magistrate was moved to the Police Department.
- Physical Environment: Includes Engineering, Comp Plan, Planning and Growth Management.
- Renamed:
  - 513400.01 CH travel/training
  - 513410.01 Phones/Cell
  - 513490.01 Miscellaneous
  - 513491.01 Commuter Consulting
- Council President Beardslee said she thought computer consulting should be identified better.
- Council President Beardslee said she wanted to look further into "other general government" and "protected inspection".
- It was noted that education reimbursement was misspelled.

Council President Beardslee asked City Clerk Meeks to locate the 2010 email that confirms a transfer of TIF funds. Additionally, she ask City Clerk Meeks to provide an explanation of revenues received as a result of gas taxes, and how they can be spent.

The Workshop was adjourned at 11:10 a.m., with the next workshop to be determined.

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Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM  
City Clerk

CITY COUNCIL APPROVED: \_\_\_\_\_

**ORDINANCE NO. 2012-02**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Edgewood has adopted the 2009 International Property Maintenance Code published by the International Code Council; and

**WHEREAS**, the City of Edgewood actively participates in the enforcement of regulations relevant to safe, sanitary, and habitable property maintenance and structures; and

**WHEREAS**, under its home rule powers, the City of Edgewood may regulate and govern property maintenance to ensure the well-being of its citizens; and

**WHEREAS**, the City of Edgewood has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses within the City, and patrons of such businesses, to adopt the 2012 International Property Maintenance Code as published by the International Code Council for the maintenance and control of buildings and structures, with amendments thereto to comply with Chapter 162, Florida Statutes, the Florida Building Code, and the City's Code of Ordinances; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Edgewood, Florida, as follows:

**SECTION 1.** Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

**SECTION 2.** Section 102-71 of the City of Edgewood Code of Ordinances is hereby repealed in its entirety and replaced with the following:

**Sec. 102-71. International Property Maintenance Code Adopted by Reference**

(a) The City hereby adopts the 2012 edition of the International Property Maintenance Code published by the International Code Council, and incorporates the same by reference as if fully set forth herein. At least one copy of the 2012 International Property Maintenance Code is on file in the city clerk's office together with a copy of this Ordinance.

(b) The following sections and subsections of the 2012 edition of the International Property Maintenance Code are hereby amended as follows:

(1) Subsection 101.1. These regulations shall be known as the Property Maintenance Code of the City of Edgewood, hereinafter referred to as "this Code."

(2) Subsection 102.3 entitled "Application of other codes," shall read as follows: Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the provisions of the Florida Building Code and amendments thereto.

(3) Subsection 103.1 entitled "General," shall read as follows: The City of Edgewood, code enforcement division, is hereby charged with the primary responsibility of enforcing this Code.

(4) Subsection 103.2, entitled "Appointment," shall read as follows: The code inspector shall be appointed by the Mayor of the City of Edgewood.

(5) Subsection 103.5, entitled "Fees," is hereby deleted in its entirety.

(6) Subsection 106.2, entitled "Notice of Violation," is hereby deleted in its entirety.

(7) Subsection 106.3, entitled "Prosecution of Violation," is hereby deleted in its entirety.

(8) Section 107, entitled "Notices and Order," is hereby deleted in its entirety.

(9) Subsection 108.3, entitled "Notice," shall read as follows: Whenever the code inspector has condemned a structure or equipment under the provisions of this section, notice shall be protected from the weather and posted in a conspicuous place on or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Chapter 162, Florida Statutes. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

(10) Subsection 109.5, entitled "Costs of emergency repairs," shall read as follows: Costs incurred in the performance of emergency work shall be paid by the owner or agent responsible for the property, or the City may thereafter file a lien on the property for such costs.

(11) Subsection 109.6, entitled "Hearing," shall read as follows: Any person ordered to take emergency measures shall comply with such order forthwith. Any adversely affected person shall thereafter, upon application directed to the city council, be afforded an appeal from the code inspector's decision upon payment of appeal fees as set by resolution of council,

(12) Section 111, entitled "Means of Appeal," of this Code is hereby deleted in its entirety.

(13) Subsection 302.4, entitled "Weeds," is hereby deleted in its entirety.

(14) Subsection 304.14, entitled "Insect Screens," shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

(15) Subsection 602.3, entitled "Heat Supply," shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15<sup>th</sup> to April 15<sup>th</sup> to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(16) Subsection 602.4, entitled "Occupiable Work Spaces," shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15<sup>th</sup> to April 15<sup>th</sup> during the period the spaces are occupied.

(17) References in this Code to the International Plumbing Code shall be replaced with the Plumbing Code of the Florida Building Code.

(18) References throughout this Code to the ICC Electrical Code shall be replaced with the Florida Building Code.

(19) Supplemental Code. The provisions of this Code shall be supplemental to all other codes and other ordinances of the City.

**SECTION 3. Codification.** It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

**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 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 5. Conflicts.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes

the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: April 17, 2012

PASSED ON SECOND READING: June 19, 2012

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Judy Beardslee, Council President

*ATTEST:*

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Bea L. Meeks, MMC, CPM  
City Clerk

ORDINANCE NO. 2012-04

**AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO PARKING; AMENDING SECTION 62-21 TO PROVIDE FOR LIMITING OR RESTRICTING PARKING IN PUBLIC AREAS; PROVIDING FOR NOTICE AND SIGNAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Edgewood finds that it is in the best interest of the health, safety and welfare of the residents, employees, and visitors of the City of Edgewood to ensure proper and most efficient use of parking areas; and

**WHEREAS**, the City Council of the City of Edgewood finds it appropriate to amend Section 62-21 of the City of Edgewood Code of Ordinances to provide a process by which the City may restrict or limit parking upon public properties.

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

**Section 1.** Section 62-21 of the City of Edgewood Code of Ordinances is hereby amended to read as follows [Note, deletions are indicated by ~~striketrough~~ and additions are indicated by underline]:

**Sec. 62-21. - Parking restrictions and prohibitions.**

(a) The mayor and the chief of police, with the approval of the City Council, are hereby authorized to prohibit or limit parking on public property when such prohibitions or limitations serve a valid public purpose. Such prohibitions and limitations may be applicable to all vehicles and at all times or to particular sizes of vehicles or only at designated times. Signs or markers clearly indicating any prohibition or limitation established under this section shall be erected and maintained giving notice thereof. When authorized signs are erected as provided herein, it shall be unlawful to park in a manner contrary to such signage.

(a)(b) It shall be unlawful for any person to park a vehicle on any right-of-way of the city, or in any street other than parallel with the edge of the curb or paved roadway headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the curb or paved edge of the roadway, except:

- (1) Upon those portions of streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs with the right front wheel against the curb;
- (2) In places where stopping for the loading or unloading of merchandise or material is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads.

(b)(c) When the curb on the side of the road is marked yellow, or when authorized signs are erected indicating that no parking is permitted on any designated side of any street or any other designated no-parking area, it shall be unlawful for any person to park a vehicle in any such designated area.

(e)(d) On such streets where parking spaces are officially indicated by signs or markings, parking shall be allowed only within such spaces and then only for the times indicated by such signs or markings.

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

**Section 3.** 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 4.** Codification. 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. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**Section 5.** Effective Date. This ordinance shall become effective immediately upon its adoption.

FIRST READING: May 15, 2012

SECOND READING: June 19, 2012

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Judy Beardslee, Council President

ATTEST:

\_\_\_\_\_  
Bea L. Meeks  
City Clerk

## LET'S GET TOGETHER!!

The mayor and the council feel that it is time to get together as a community and hold our own signature event. Other communities are known for certain events-i.e. the Sweet Corn Festival or the Winter Park Art Festival. What do you envision as a way to showcase YOUR community? Edgewood is a gateway to the City Beautiful- what kind of event or theme can you think of that would make us get together and help create friendships?

Since this is to be an Edgewood wide event, we want the citizens of Edgewood to help us create it! Please present your ideas, plans, and themes to the Council for review. The Special Events Committee will review all submittals and select a winner. The winning submittal will receive a package for a 2 person Caribbean Cruise!!!

Please submit your ideas/plans at City Hall on or before August 6, 2011. Please remember, submittals will be accepted from Edgewood residents or businesses only.

\*\*\*\*\*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone#: \_\_\_\_\_

You may submit your ideas/plans below or on a separate sheet of paper.

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*The Special Events Committee reserves the right to reject any and all submittals.*



## PREFERRED AWARDS PRICE LIST

Certificate prices are for two people sharing a stateroom and are available in different categories for each length of cruise. Once purchased and awarded all certificates can be upgraded by the recipient for an additional fee. Certificate levels include all Carnival ships sailing itineraries of that length except as noted. Certificates are valid for 18 months. Certificate purchase requires signed agreement.

**PREMIUM** - These certificates are valid year-round with blackouts only during the last two weeks of December. These certificates include all Government taxes, fees and shipboard gratuities.

**SUPERIOR** - Superior level certificates offer most of the flexibility of our Premium Certificates and have a lower cost in exchange for the additional blackout dates that include Summer travel, holiday weekends, sailings that surround the Easter holiday and the last two weeks of December. With the large number of ships available Superior certificates make good sense when you want to offer options while controlling costs. These certificates include all Government taxes, fees and shipboard gratuities.

**CHOICE** - These certificates provide greater savings while still allowing you to offer a cruise award. Valid for travel during the Fall only with blackouts during the last two weeks of December, the Choice level gives participants the option of booking in the Fall at no additional out of pocket expense or upgrading to another time of year using the full value of their Choice award certificate. These certificates include all Government taxes, fees and shipboard gratuities.

**SPECIAL** - Lowering the cost even further, yet maintaining the quality that is a trademark of a Carnival Cruise, Special certificates work just like our Choice level but do not include the Government Fees, Taxes or Gratuities. The guest pays for these at the time of booking their cruise.

**FUNSHIP DOLLARS** - Add Fun Ship Dollars and reward them with extra spending money to use onboard.

Carnival reserves the right to re-instate the fuel supplement for all guests at up to \$9 per person per day should the price of light sweet crude oil according to the NYMEX (New York Mercantile Exchange Index) increase above \$70 per barrel.

Cruise Length	Certificate level	Certificate cruise rate for interior 4A	Upgrade to an Ocean View stateroom for this additional amount*	Or upgrade to a Balcony stateroom from the interior room rate for this additional amount
7 or 8 DAY	Premium	2103	300	580
	Superior	1721	280	760
	Choice	1605	220	660
	Special	1218	220	660
5 or 6 DAY	Premium	1598	140	440
	Superior	1240	100	460
	Choice	1178	80	460
	Special	858	80	460
4 DAY	Premium	1351	80	420
	Superior	1013	100	380
	Choice	857	60	440
	Special	638	60	440
3 DAY	Premium	1044	80	160
	Superior	848	60	140
	Choice	708	60	200
	Special	518	60	200

To order call 1-800-906-7603 Prices valid through November 1, 2011

PADIR - 110310

# PREFERRED AWARDS

## CERTIFICATE ORDER FORM AGREEMENT

Contact \_\_\_\_\_

Name of Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Order # \_\_\_\_\_

(CCL USE ONLY)

Certificate For: \_\_\_\_\_

(Name to be printed on top of certificate)

In purchasing these individual award certificates you agree to use such certificates only for a consumer promotion, sweepstakes, individual incentive program, or other qualifying program, approved in advance by Carnival Cruise Lines, whereby the recipient meets predetermined goals or objectives in order to earn the award. Within 30 days of receipt of the award certificates and in any event no later than 15 days prior to any planned marketing or use, you agree to furnish Carnival Cruise Lines with a copy of all promotional materials planned for use in connection with the incentive or consumer promotion and to make any change to such material as may be requested by Carnival Cruise Lines. Upon request from Carnival Cruise Lines you agree to provide any such other information as may be deemed necessary by Carnival Cruise Lines regarding the promotion or incentive.

You agree that you are solely responsible and liable for the distribution and use of the certificates including without limitation, ensuring that any distribution of the certificates is in compliance with all applicable laws. You further agree to defend, indemnify and hold harmless Carnival Cruise Lines and its affiliates and their respective officers, directors, owners, employees, agents, representatives, successors and assigns, from and against any and all claims, losses, liabilities, costs and expenses (including reasonable attorneys fees) in connection with the distribution or other use of the award certificates or any breach of these terms and conditions by you or your employees, agents or representatives.

You further understand and agree that all provisions of cruise passage by Carnival Cruise Lines is subject to the terms and conditions contained in the Carnival Cruise Lines "Terms and Conditions of Passage Contract Ticket" (copies are available upon request), and the information contained in Carnival Cruise Lines current cruise brochure, and that all award certificates must be used in accordance with the terms and conditions printed thereon.

It is further understood that these award certificates are under no circumstances to be used for group travel, to be defined as purposely placing 16 or more guests on the same ship and date, or for ad hoc consumer vacation travel. Use of these certificates in any manner other than as listed in the preceding paragraphs will nullify the validity of the certificates.

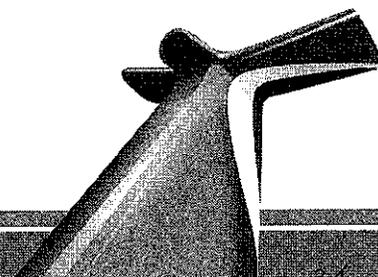
\_\_\_\_\_  
Signed on Behalf of Company

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Please fax form to: (305) 406-6488  
or e-mail to: [specialprograms@carnival.com](mailto:specialprograms@carnival.com)



**ORDINANCE 2012-XXXX**

**AN ORDINANCE OF THE CITY OF EDGEWOOD,  
FLORIDA, AMENDING SECTION 122-31 OF THE  
CITY OF EDGEWOOD CODE OF ORDINANCES,  
PROVIDING THAT CERTAIN SIGNS PERMITTED  
AFTER MAY 7, 2002 ARE PRESUMED TO BE  
LAWFULLY CONFORMING GROUND SIGNS;  
PROVIDING FOR CONFLICT AND  
SEVERABILITY AND PROVIDING AN  
EFFECTIVE DATE**

**WHEREAS**, Section 122-3(1)5 of the City of Edgewood Code of Ordinances was amended by Ordinance 2002-04, adopted on May 7, 2002, to prohibit new point-of-sale pole signs from being constructed within the City of Edgewood; and

**WHEREAS**, Ordinance 2002-04 provided that ground signs, as defined therein remained permissible point-of-sale signs; and

**WHEREAS**, certain property owners who had sign permits approved after the effective date of Ordinance 2002-04 have questioned the City as to whether their signs were approved as ground signs for purposes of determining if such signs remain lawfully conforming point-of-sale signs; and

**WHEREAS**, the City Council recognizes that after May 7, 2002, the City could not have approved permits for point-of-sale pole signs pursuant to Section 122-3(1)5; and

**WHEREAS**, the City Council, therefore, finds it appropriate to create a presumption that any point-of-sale signs approved pursuant to Section 122-3(1)5 were approved as lawfully conforming ground signs as defined in Section 122-3(1)5; and

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

Section 1. Section 122-3 of the The City of Edgewood Code of Ordinances is amended as follows. (Note: deletions are identified by ~~strike through~~ and additions are identified by underline.)

Sec. 122-3. Sign standards.

The following sign standards shall apply; only signs as described herein and not prohibited shall be permitted:

\* \* \*

5. *Ground signs.* Ground signs shall not exceed 100 square feet in total advertising copy area (with no more than 72 square feet per face) and shall only be permitted when the lot upon which it is to be placed has a minimum of 50 linear feet of width on the side where the sign is to be placed. In addition, no ground sign shall be erected closer than 50 feet to any other ground sign. No part of any such sign (including the structure) shall extend beyond any right-of-way line nor shall any part of such sign be closer than 20 feet to the curb or pavement, whichever is closer. All ground signs may extend up to eight feet above ground level to the tip of the sign. On corner lots, all signs within the triangular area formed by the street right-of-way lines and a line connecting them to a point 25 feet from the corner formed by the intersection of the street right-of-way lines shall have a minimum clearance of ten feet above finished grade level. Pole signs are prohibited, but notwithstanding any provisions to the contrary in this chapter, any pole sign legally permitted prior to the effective date of the ordinance from which this chapter is derived shall be considered nonconforming signs and shall not be required to be removed until June 1, 2012. Any reference in this Code to pole signs shall mean pole signs permitted prior to May 2002. Ground signs meeting the allowable area requirements in place prior to the effective date of Ordinance No. 2002-04, which are properly permitted, shall be grandfathered in. Any sign approved pursuant to this paragraph after May 7, 2002 shall be presumed to have been permitted as lawfully conforming ground signs.

\* \* \*

Section 3. All ordinances or parts thereof that are in conflict with this Ordinance be and the same are hereby repealed.

Section 4. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance.

Section 5. This ordinance shall be effective upon its adoption by the City Council.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Judy Beardslee, Council President

*ATTEST:*

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Bea L. Meeks  
City Clerk

City Attorney Smith – Follow-up to City Council's request (5/15/2012 Regular City Council Meeting) to further address Pain Clinics and Internet Cafes.

Please note for this follow-up and discussion, you are being provided with the following information:

1. The Orange County Ordinance re: Pain Clinics
  - Zoning Ordinance
2. The Maitland Ordinance re: Pain Clinics
  - Regulatory Ordinance
3. The Orange County's Internet Café ordinance
4. The Internet Café Ordinance adopted by the City of Maitland.
  - Note from City Attorney Smith: Note the highlighted portion of #3, as to where the County's internet café ordinance is enforceable. If the City elects to adopt its own Ordinance as to internet cafes, #4 is a jumping off place for what that ordinance would look like.

ORDINANCE NO. 2012-\_\_\_

2  
4 AN ORDINANCE AFFECTING THE USE OF LAND  
6 IN ORANGE COUNTY, FLORIDA RELATING TO  
8 PAIN MANAGEMENT CLINICS AND  
10 PHARMACIES; AMENDING SECTION 38-1  
12 (ZONING DEFINITIONS); AMENDING SECTION  
14 38-77 (ZONING USE TABLE); AMENDING  
16 SECTION 38-79 (CONDITIONS FOR PERMITTED  
18 USES AND SPECIAL EXCEPTIONS); AND  
20 PROVIDING AN EFFECTIVE DATE.

22 **WHEREAS**, the Orange County Sheriff's Office and the Metropolitan Bureau of  
24 Investigation for the Ninth Judicial Circuit have informed the Orange County Board of  
26 County Commissioners ("Board") that a pattern of illegal drug use and distribution of  
28 certain dangerous drugs has been linked in large part to certain pain management clinics  
operating in and around Orange County; and

30 **WHEREAS**, certain opiate analgesic dangerous drugs, that may be safe when  
32 used moderately or properly, have been shown to be particularly dangerous when over-  
34 prescribed by doctors in specialized businesses that are primarily focused on treating  
36 large numbers of persons who complain of any pain with very high doses of opiate drugs,  
and have been shown to be particularly dangerous when over-consumed by citizens and  
visitors who may obtain a large number of such opiate drugs by engaging in doctor  
shopping to obtain multiple prescriptions, close in time, from multiple doctors, by failing  
to disclose prior recent prescriptions to subsequent doctors, and then obtaining the  
prescriptions from multiple dispensing pharmacies, often by using multiple and false  
identities at both medical clinics and pharmacies; and

38 **WHEREAS**, the dangerous overprescribing and excessive consumption of high  
40 amounts of those dangerous opiate prescription drugs has resulted in increased addiction  
42 of persons, increased crime associated with such activity, and a high number of deaths in  
44 Orange County related to prescription drug abuse, and has created an urgent situation  
requiring immediate action to reduce the threat to the health, safety and welfare of county  
citizens; and

46 **WHEREAS**, the State of Florida has implemented a Prescription Drug  
Monitoring Program which could be an effective tool in Orange County to reduce  
successful doctor shopping, or multiple prescriptions, or multiple pharmacy filling of  
prescriptions and dispensing of potentially dangerous opiate drugs, if local physicians are  
careful to check the database before prescribing potentially dangerous opiate drugs; and if  
reports are made to the database immediately when potentially dangerous opiate drugs  
are prescribed by local physicians or dispensed by local pharmacies so that other  
physicians and pharmacies can know that information; and

**WHEREAS**, on December 7, 2010, the Board adopted Ordinance No. 2010-17 to  
establish a moratorium on the issuance of any new Business Tax Receipts for pain

48 management clinics, to direct County staff to analyze the effects of pain management  
49 clinics on our community and prepare recommendations to better promote, protect and  
50 improve the health, safety and welfare of the citizens of the County by local regulation of  
51 pain management clinics, to restrict cash only operations, and to regulate hours of  
52 operation of existing clinics through the period of the moratorium; and

54 **WHEREAS**, on July 19, 2011 Orange County Mayor Teresa Jacobs' Prescription  
55 Drug Task Force (Task Force) began a series of meetings to address the serious issue of  
56 prescription drug abuse in our community through law enforcement, healthcare and  
57 pharmacies, prevention, education, and public policy; and

58 **WHEREAS**, on March 6, 2012, the Task Force and County staff presented to the  
60 Board a report detailing negative adverse secondary effects associated with pain  
61 management clinics that necessitate a recommendation for certain changes to the Orange  
62 County Code that will result in additional substantive and zoning regulations for pain  
63 management clinics and pharmacies in Orange County; and

64 **WHEREAS**, on April 19, 2012, the Orange County Planning and Zoning  
66 Commission held a public hearing on this ordinance and approved the proposed changes  
67 to the Orange County Code that will result in additional zoning regulations for pain  
68 management clinics in Orange County; and

70 **WHEREAS**, with the adoption of this zoning ordinance and the companion  
71 regulatory ordinance, the Board intends to lift the moratorium implemented in Ordinance  
72 No. 2010-17, as amended by Ordinance No. 2011-19, and impose those substantive and  
73 zoning regulations on pain management clinics in Orange County.

74 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
76 **COMMISSIONERS OF ORANGE COUNTY, FLORIDA:**

*Section 1. Amendments to Section 38-1.* Section 38-1, Orange County Code,  
78 the definition section, is hereby amended by revising the definitions of the terms "Clinic"  
and "Home Occupation," and by creating definitions for the terms "Dangerous Drugs"  
80 and "Pain Management Clinic," to read as follows, with strikethroughs indicating  
deletions and underlines showing additions:

82 **Sec. 38-1. Definitions**

84 *Clinic* shall mean an establishment where patients  
and treatment by one (1) person or a group of persons,  
86 practicing any form of healing or health building services

88 to individuals, whether such persons be medical doctors,  
chiropractors, osteopaths, chiropodists, naturopaths,  
90 optometrists, dentists, or any such profession the practice of  
which is lawful in the state, excluding pain management  
clinics.

92  
94 *Home occupation* shall mean any use conducted  
entirely within a dwelling or accessory building and carried  
on by an occupant thereof, which use is clearly incidental  
96 and secondary to the use of the dwelling for dwelling  
purposes and does not change the character thereof,  
98 provided that all of the following conditions are met:

100 Only such commodities as are made on the premises  
may be sold on the premises. However, all such sales of  
102 home occupation work or products shall be conducted  
within a building and there shall be no outdoor display of  
104 merchandise or products, nor shall there be any display  
visible from the outside of the building. No person shall be  
106 engaged in any such home occupation other than two (2)  
members of the immediate family residing on the premises.  
108 No mechanical equipment shall be used or stored on the  
premises in connection with the home occupation, except  
110 such that is normally used for purely domestic or household  
purposes. Not over twenty-five (25) percent of the floor  
112 area of any one (1) story shall be used for home occupation  
purposes. Fabrication of articles such as commonly  
114 classified under the terms "arts and handicrafts" may be  
deemed a home occupation, subject to the other terms and  
116 conditions of this definition. Home occupations shall not be  
construed to include uses such as barber shops, beauty  
118 parlors, plant nurseries, tearooms, food processing,  
restaurants, sale of antiques, commercial kennels, real  
120 estate offices, ~~or~~ insurance offices, or pain management  
clinics.

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124 *Dangerous drugs* means a controlled substance,  
specifically an opiate analgesic, listed in Schedule II and  
Schedule III, in Section 893.03, Florida Statutes.

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128 *Pain management clinic* means any privately-  
owned clinic, facility or office, whatever its title, including  
but not limited to a "wellness center," "urgent care  
130 facility," or "detox center," which has at least one of the  
following characteristics:

134 1. Where a physician practices who issues  
prescriptions for a dangerous drug to more than twenty (20)  
136 patients in a single day;

138 2. It holds itself out through a sign or  
advertising in any medium as being in business to prescribe  
140 or dispense pain medication whether for acute pain or  
chronic pain;

142 3. It holds itself out through a sign or  
advertising in any medium as being in business to provide  
144 services for the treatment or management of pain and  
where the services are also accompanied with the  
146 prescription or dispensing of a dangerous drug for the  
148 treatment of pain, whether acute pain or chronic pain; or

150 4. It meets the definition of pain management  
clinic in Section 458.3265, Florida Statutes, as may be  
152 amended from time to time, or is registered as a pain  
management clinic with the State.

154 Exceptions. A business is not a pain management  
156 clinic if it has at least one of the following characteristics:

158 1. It is licensed as a hospital or other licensed  
facility or is owned or operated by a hospital or other  
160 licensed facility pursuant to Chapter 395, Florida Statutes,  
as may be amended;

162 2. The majority of the physicians who provide  
164 services in the clinic primarily provide surgical or oncology  
services;

166 3. It is affiliated with an accredited medical  
168 school at which training is provided for medical students,  
residents, or fellows;

170 4. It does not prescribe or dispense controlled  
172 substance for the treatment of pain; or

174 5. It is operated for the sole purpose of serving  
a governmental entity.

176 In all other respects, section 38-1 shall remain unchanged.

178            *Section 2. Amendment to Section 38-77.* Section 38-77, Orange County  
 Code, the “Use Table,” is hereby amended to add “Pain Management Clinic” to the “Use  
 180 Table” with underlines showing additions as follows:

**Sec. 38-77. Use Table**

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	Cluster
<u>pain management clinic</u>																

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RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions
						<u>155</u> <u>P</u>		<u>155</u> <u>P</u>	<u>155</u> <u>P</u>	<u>155</u> <u>P</u>							*

184 In all other respects, section 38-77 shall remain unchanged.

*Section 3. Amendment to Section 38-79.* Section 38-79, Orange County  
 186 Code, “Conditions for Permitted Uses and Special Exceptions,” is hereby amended to add  
 the following conditions for “Pain Management Clinic” with underlines showing  
 188 additions as follows:

**Sec. 38-79. Conditions for permitted uses and special exceptions.**

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(155) Pain management clinics may be permitted subject to the following conditions:

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a. Building and use permit applications. Any application for a pain management clinic established after June 5, 2012, shall complete the appropriate building permit or use permit application(s) and submit these application(s) to the County Division of Building Safety for review and approval prior to issuance of any permits.

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b. Separation distances. A pain management clinic established after June 5, 2012, shall not co-locate on

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204 the same property as a preexisting pharmacy. Furthermore,  
206 such a pain management clinic shall not operate within one  
thousand (1,000) feet of any pre-existing pharmacy, school,  
208 as that term is defined in Sections 1002.01 or 1003.01,  
Florida Statutes, as it may be amended, day care center, day  
210 care home, or religious institution. Distance requirements  
shall be documented by the applicant and submitted to the  
212 Zoning Division with the application. All distance  
requirements shall be measured by drawing a straight line  
214 from the nearest property line of the pre-existing protected  
use to the nearest property line of the proposed pain  
216 management clinic. The applicant may request a variance  
from the requirements of this paragraph as provided in  
218 section 30-43, Orange County Code.

220 c. *Parking.* Any parking demand created by a  
pain management clinic established after June 5, 2012,  
222 shall not exceed the parking spaces located or allocated on  
site, as required by the County's parking regulations. An  
224 applicant shall be required to demonstrate to the  
appropriate County staff that on-site traffic and parking  
226 attributable to the pain management clinic will be sufficient  
to accommodate traffic and parking demands generated by  
228 the pain management clinic, based upon a current traffic  
and parking study prepared by a certified professional.  
230 Traffic and parking analyses shall be predicated in part  
upon traffic and parking impacts from other existing pain  
232 management clinics in Florida but shall in no case be less  
than one (1) space per 200 sq. ft. of gross square feet. The  
234 source of any such information shall be provided to the  
County Zoning Division for purposes of verification.  
236 County staff shall be required to verify the information  
contained in traffic and parking study(ies) with the  
238 appropriate official(s) of the local government(s) where the  
comparable information is derived. The owner of the pain  
240 management clinic shall be responsible for ensuring that  
there is no queuing of vehicles in the public right-of-way.

242 In all other respects, section 38-79 shall remain unchanged.

244 **Section 4. Effective Date.** This Ordinance shall become effective on June 15,  
246 2012.

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ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Teresa Jacobs  
County Mayor

ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

s:\dcrosby\ordinances\pain mgmt\2012\pmc zoning ord (as appd by P&Z)

**Sec. 9-121. - Definitions:**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Clinic, medical or dental.* A medical or dental clinic is an establishment where patients, who are not lodged overnight, are examined and treated by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists, or any such medical profession the practice of which is lawful in the State of Florida.

*Conviction or convicted* means the finding of guilt for a violation of a municipal or county ordinance or state or federal law, adjudication withheld on such a finding of guilt, an adjudication of guilt on any plea of guilty or nolo contendere or the forfeiture of a bond or bail when charged with a violation of a municipal or county ordinance or state or federal law.

*Knowingly* means with actual knowledge of a specific fact or facts, or with reasonable inquiry a reasonable person should have known a specific fact or facts.

*Medical director* means the physician licensed by the State of Florida with a full, active and unencumbered license under F.S. ch. 456 or 459 who shall be the designated physician responsible for complying with all requirements related to the permitting and operation of the pain management clinic.

*Pain management clinic* means a medical clinic that advertises in any form of media for any type of pain management services and/or employs one (1) or more physicians who are primarily engaged in the treatment of pain. Expressly exempted from this definition are hospitals, nursing homes, ambulatory surgical care centers, hospice or intermediate care facilities for the disabled, and clinics which are affiliated with an accredited medical school at which training is provided for medical students, residents and/or fellows.

*Permit* means a permit to operate a pain management clinic.

*Permittee* means a person in whose name a permit to operate a pain management clinic has been issued, as well as all individuals listed as an applicant on the application for a permit for a pain management clinic.

*Person* means an individual, partnership, corporation, association, or legal entity. Any individual with any partial or whole ownership of any partnership, corporation, association or legal entity shall also be included in this definition.

(Ord. No. 1207, § 2, 2-14-11)

**Sec. 9-122. - Permit required; application for permit.**

(a)

After the adoption of the ordinance from which this division derives, no person shall operate a pain management clinic in any location within in the City of Maitland without a permit as provided for herein.

(b)

A separate permit is required for each pain management clinic location. A person who seeks to operate a pain management clinic and the person who is the property owner for property on which the pain management clinic is located shall each sign the application for a permit as an applicant(s). At least one (1) applicant shall be the medical director of the pain management clinic. The applicant(s) shall be fully responsible for compliance with this division and each applicant shall be considered a permittee upon the grant of a permit pursuant to this section.

(c)

The notarized application for a permit shall:

(1)

Be typewritten, signed and sworn to by the applicant(s) and shall include the post office address of the applicant(s) and the property owner. The application shall not be signed by an authorized agent.

(2)

Provide an accurate legal description of the property on which the pain management clinic is located including street address, if any, and the names of all owners, mortgage holders, lienors and lessees.

(3)

Indicate whether the pain management clinic dispenses controlled substances on the pain management clinic site.

(4)

Include the following information:

a.

The registration number from the state department of health as required by F.S. § 458.309 or 459.005, if the pain management clinic must be registered in accordance with state law.

b.

The professional license numbers of the medical director, including DEA number.

c.

A list of all persons associated with the management or operation of the pain management clinic whether paid or unpaid, part-time or full-time, contract labor or independent contractor. The list must include,

That the medical director shall be required to inform the City of Maitland within ten (10) days should the medical director be terminated or otherwise leave the affiliation with the pain management clinic as medical director.

f.

A floor plan of the pain management clinic showing the location and size of the waiting area, location of and size of the patient rooms, and location and type of diagnostic equipment.

g.

If any controlled substances are dispensed on-site during the course of business, a floor plan showing the location and the method of security for protection of any controlled substance to be dispensed in the course of business.

*(Ord. No. 1207, § 3. 2-14-11)*

**Sec. 9-123. - Requirements for issuance of permit; posting:**

(a)

The application shall be reviewed by the City of Maitland Police Department, the city manager, and any other person or entity deemed appropriate by the official for compliance with the provisions of this section.

(b)

The city manager shall either approve the issuance of a pain management clinic permit within sixty (60) days after receipt of a complete application, deny the application, or request additional information.

(c)

The following shall be a basis for denial of an application:

(1)

An applicant is under eighteen (18) years of age.

(2)

An applicant has failed to answer or falsely provided information as part of the application.

(3)

An applicant or a person listed in the application has been convicted of a crime or had final administrative action taken:

a.

Involving:

1.

Any felony or misdemeanor offense of Florida Statutes which involves the prescribing, dispensing, supplying or selling of any controlled substance as defined by Florida Statutes; or

2.

Any violation of pain management clinic regulations of any other municipality, county, state or government; or

3.

Any administrative or other similar action in which the applicant has been denied the privilege of prescribing, dispensing, administering, supplying or selling any controlled substance by this state or any other state; or

4.

Any administrative or other similar action in which the state or any other state's medical board action taken against the applicants medical license as a result of dependency on drugs or alcohol.

b.

For which:

1.

Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2.

Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

3.

Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

4.

Less than five (5) years have elapsed for any final administrative or other action.

c.

The fact that a conviction is being appealed has no effect on the disqualifications of the applicant under subsection 9-123(c)(3)a. above.

(Ord. No. 1207, § 4, 2-14-11)

**Sec. 9-124. - Grant of permit; operational requirements.**

- (a) Each permit shall be effective for one (1) year and be subject to annual renewal on October 1 of each year.
- (b) A permit shall be issued to the persons deemed the permittee(s) for the particular location provided for in the application and shall not be transferable in any manner either to another person or for another location.
- (c) The grant of a permit is expressly conditioned upon compliance with the following operational requirements which must be met at all times for the duration of the permit:
  - (1) A permittee must meet the prerequisite requirements required for permit issuance and approval at all times for the duration of the permit.
  - (2) The permit must be posted in a conspicuous place at or near the entrance to the pain management clinic so that it may be easily read at any time.
  - (3) The pain management clinic shall not limit the form of payment for services or prescriptions to cash only.
  - (4) The pain management clinic shall be operated by the medical director.
  - (5) The hours of operation of the pain management clinic shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday.
  - (6) The pain management clinic shall maintain the diagnostic equipment to diagnose and treat patients complaining of pain as provided for by the appropriate standard of care.
  - (7) All prescription pads shall contain the name of the pain management clinic and the pain management clinic permit number. All prescription pads shall be secured so that only authorized persons may access them.

(8)

The dispensing of controlled substances for treatment of pain must be done in compliance with all applicable state and federal laws and regulations, including but not limited to F.S. § 465.0276.

*(Ord. No. 1207, § 5, 2-14-11)*

**Sec. 9-125. - Fees.**

The Maitland City Council shall, by resolution, establish non-refundable fees for the city to review the pain management clinic permit application and for each permit issued under the terms of this division.

*(Ord. No. 1207, § 6, 2-14-11)*

**Sec. 9-126. - Inspection.**

(a)

Application for, and issuance of, any pain management clinic permit shall constitute consent by the permittee for representatives of the City of Maitland to enter and inspect the premises of the pain management clinic at any time it is open for business or occupied for the purpose of verifying compliance with the permit.

(b)

No person who operates a pain management clinic shall refuse to permit a lawful inspection of the premises by a representative of the City of Maitland at any time it is open for business or occupied.

*(Ord. No. 1207, § 7, 2-14-11)*

**Sec. 9-127. - Expiration of permit.**

(a)

A permit for a pain management clinic shall expire September 30 of each year. A permit may be renewed only by making application as provided in this division. A formal decision of the zoning administrator shall only be required every three (3) years, unless the pain management clinic undergoes an expansion or substantial change. Application for renewal should be made at least sixty (60) days before the expiration date, and when made less than sixty (60) days before the expiration date, the expiration of the permit will not be affected by the pendency of the application.

(b)

If a permit or renewal for a pain management clinic is denied the applicant may not be issued a pain management clinic permit for one (1) year from the date denial becomes final, unless the basis for denial has been corrected or abated.

*(Ord. No. 1207, § 8, 2-14-11)*

**Sec. 9-128. - Penalties and remedies.**

Any person who operates or causes to be operated a pain management clinic without a valid permit or in violation of any provision of this division shall be subject to the following penalties and/or remedies:

(1)

A violation of this section may be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment, in the discretion of the court.

(2)

Upon any person or pain management clinic's third confirmed violation of this section, in addition to the penalties and remedies above, the city may:

a.

Revoke the pain management clinic's permit; and/or

b.

Commence any appropriate action or proceeding to prevent, restrain, correct or abate a violation of this division, as provided by law.

(3)

Each day that any violation continues after receipt of a written notice from the city of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

**Sec. 26-150. - Title.**

This article shall be known and may be cited as the "Ordinance Prohibiting Simulated Gambling Devices."

*(Ord. No. 2011-12, § 1, 10-18-11)*

**Sec. 26-151. - Authority.**

This article is enacted in the interest of the public health, peace, safety, and general welfare of the citizens and inhabitants of Orange County, Florida, pursuant to Article VIII, Section 1(g), Florida Constitution, F.S. § 125.01, and the Charter of Orange County, Florida.

*(Ord. No. 2011-12, § 1, 10-18-11)*

**Sec. 26-152. - Scope.**

This article shall be effective throughout the unincorporated area of Orange County, Florida, and within the incorporated area of any municipality as provided by section 704 of the Orange County Charter, as it may be amended from time to time.

*(Ord. No. 2011-12, § 1, 10-18-11)*

**Sec. 26-153. - Intent.**

(a)

The intent of the board of county commissioners in adopting this article is to help preserve peace and good order and safeguard the health, safety, and general welfare of the citizens of Orange County by prohibiting the possession or use of simulated gambling devices, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices, subject to the violator being permitted to assert any of the affirmative defenses or exceptions enumerated in this article.

(b)

Furthermore, in prohibiting simulated gambling devices, the board in no way intends to approve the use of actual slot machines, other forms of casino gambling, or other types of gambling devices.

(c)

In addition, this prohibition is aimed directly at devices that simulate gambling activity, regardless of whether the devices or the simulations in and of themselves can be said to constitute gambling, slot machines, or a lottery, as those terms may be defined elsewhere.

*(Ord. No. 2011-12, § 1, 10-18-11)*

**Sec. 26-154. - Findings of fact.**

- (a) Section 107 of the Orange County Charter provides that, if and when casino gambling becomes lawful under the Florida Constitution and laws of the State of Florida, no action may be taken by the board of county commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the county or any municipality, the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the county unless and until casino gambling in the county is first authorized by an approving vote of a majority of the qualified electors residing in the county and voting on the question at referendum.
- (b) Casino gambling is not presently lawful in Orange County, Florida, under the Florida Constitution and laws of the State of Florida, and no vote authorizing casino gambling in Orange County has taken place.
- (c) Presently, throughout Florida, there is a proliferation of establishments that utilize computer or video displays of spinning reels, poker or other card games, or other simulations of games ordinarily played on a slot machine or in a casino or otherwise in connection with gambling and which show, or purport to show, the results of raffles, sweepstakes, contests or business game promotions (hereinafter collectively referred to in these recitals as "simulated gambling devices") for commercial or pecuniary gain.
- (d) The board recognizes that, because the State of Florida has authorized slot machine gaming at licensed or authorized facilities in certain areas outside of Orange County, establishments that utilize simulated gambling devices can deceive members of the public, including the elderly, the economically disadvantaged, the uneducated, and the unsuspecting, into believing that they are engaging in a lawfully permitted gaming or gambling activity.
- (e) Simulated gambling devices are, therefore, inherently deceptive.
- (f) Due to the inherently deceptive nature of simulated gambling devices, establishments that utilize simulated gambling devices are adverse to the quality of life, tone of commerce, and total community environment in Orange County, and have an unreasonably adverse effect upon the elderly, the economically disadvantaged, the uneducated, the unsuspecting, and other citizens of Orange County.
- (g)

In terms of the negative impact recited herein, there is little or no material difference between the use of slot machines as defined in F.S. § 849.16, and the use of simulated gambling devices.

(h)

Often, a correlation exists between establishments that utilize simulated gambling devices and crime or disturbances of the peace and good order of the community and, although there has not been a proliferation of such establishments in Orange County, the concurrence of those activities would be hazardous to the public health, safety, and general welfare of the citizens of Orange County.

(i)

While some jurisdictions in Florida have attempted with mixed success to utilize existing state laws to close or regulate establishments that utilize simulated gambling devices, it is believed that a local prohibition of such simulated gambling devices would close any alleged loopholes or gaps left by the state laws, clarify for the public that such devices are not legal in Orange County, and enable local law enforcement to consistently enforce existing code provisions and statutes and safeguard the public's welfare.

(j)

In order to ensure the uniform enforcement of existing laws, to preserve the public peace and good order, and to safeguard the health, safety, and general welfare of the community and citizens thereof, it is necessary and advisable to prohibit the use of simulated gambling devices, subject to the affirmative defenses set forth in this article.

(k)

The board affirmatively determines that this article will not have a substantial impact on the development of, and construction on, real property within Orange County, and, as such, an economic impact or justification study is neither necessary nor required.

(Ord. No. 2011-12, § 1, 10-18-11)

### **Sec. 26-155. - Definitions.**

The following words and terms, when used in this article, shall have the meanings ascribed to them in this section:

*Commercial or nonprofit establishment* means a place, business, lodge, post, or meeting hall operated for commercial or pecuniary gain, or used for the collection of donations or gifts.

*Drawing by chance or drawing* means any event as defined in F.S. § 849.0935(1).

*Game promotion* means any event as defined in F.S. § 849.094(1).

*Person* means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer or manager of an association, partnership, joint venture, corporation or other organization.

*Simulated gambling device* means any device that, upon connection with an object, is available to play or operate a simulation of any game or gambling, and which may reveal, deliver, or entitle any person playing or operating the device to a payoff. The following rules of construction apply to this definition of "simulated gambling device":

- (1) The term "device" means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may, or may not, be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "device" also includes any associated equipment necessary to conduct the operation of the device.
- (2) The term "upon connection with an object" means insertion, swiping, passing in range, or any other technical means of physically, electronically, or electromagnetically connecting an object to a device, or inputting or inserting a password, code, account or user number, or user name, into a device.
- (3) The term "object" means a coin, bill, ticket, token, card, password, account or user number, user name, code, or number, or other object obtained directly or indirectly through payment of consideration or a donation, or obtained as a bonus or supplement to another transaction involving the payment of consideration or a donation.
- (4) The terms "play or operate" or "play or operation" includes any activation of a device whether involving the use of skill, the application of the element of chance, or both, or neither, or the implementation of an outcome unpredictable to the person activating the device.
- (5) The term "simulation" includes simulation by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
- (6) The term "game" includes slot machines, poker, cards, bingo, craps, keno, any other type of game commonly played in a casino; a game involving the display of the results of a raffle, drawing, contest, game promotion, lotto, or sweepstakes; or any other game associated with gambling or which could be

associated with gambling. The term "game" does not necessarily imply or require actual gambling, as that term may be defined elsewhere.

(7)

The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually, from the owner or operator of the device, or any affiliate, associate, person, or entity acting in concert or connection with the owner or operator of the device, or from any person, entity, or machine at the premises or building where such device is located.

(8)

The use of the word "gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this article is defined exclusively by this section and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

*Slot machine* means as defined in F.S. §§ 551.102 and 849.16.

(Ord. No. 2011-12, § 1. 10-18-11)

#### **Sec. 26-156. - Prohibition of simulated gambling devices.**

It shall be unlawful for any person to manage, maintain, own, possess, operate or use one (1) or more simulated gambling devices in a commercial or nonprofit establishment, or to knowingly lease, operate or maintain any premises for the use of simulated gambling devices.

(Ord. No. 2011-12, § 1. 10-18-11)

#### **Sec. 26-157. - Affirmative defenses; exceptions.**

It shall be an affirmative defense or an exception to an alleged violation of section 26-156 if the alleged violator demonstrates any of the following:

(a)

The alleged violator is an individual and whose ownership, possession, operation or use of a simulated gambling device was solely for personal, recreational, and noncommercial purposes in a personal residence.

(b)

The alleged violator's ownership, possession, operation or use of a simulated gambling device was expressly permitted by a Florida Statute and not otherwise prohibited by another Florida Statute or the Florida Constitution, except that this affirmative defense or exception shall not apply to devices

permitted in Broward County and Miami-Dade County only under Article X, Section 23 of the Florida Constitution and F.S. ch. 551.

(c)

The alleged violator was a religious or charitable organization conducting a fundraising activity involving gaming, provided the religious or charitable organization did not conduct the activity more than twice in any one (1) calendar year, the organization provided at least twenty-four (24) hours advanced written notice to the Orange County Sheriff of the date, time, place, and nature of such activity and who would be conducting it, and the activity was not otherwise unlawful.

*(Ord. No. 2011-12, § 1, 10-18-11)*

**Sec. 26-158. - Conflict with state law.**

Nothing in this article shall be intended to conflict with the provisions of the Florida Constitution or F.S. ch. 849, concerning gambling. In the event of a direct and express conflict between this article and either the Florida Constitution or F.S. ch. 849, the conflicting provision of the Florida Constitution or F.S. ch. 849, as applicable, shall control.

*(Ord. No. 2011-12, § 1, 10-18-11)*

**Sec. 26-159. - Penalties; remedies.**

(a)

Any person who violates section 26-156 may be punished as provided by section 1-9 of the Orange County Code. Each day the violation exists shall constitute a separate violation for the purposes of this article and shall be punishable as such.

(b)

Orange County may bring a lawsuit in a court of competent jurisdiction to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove, prevent or end any activity which violates this article.

*(Ord. No. 2011-12, § 1, 10-18-11)*

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MAITLAND,  
FLORIDA, AMENDING THE CITY CODE BY  
PROHIBITING THE POSSESSION, USE, PLAYING AND  
OPERATION OF SIMULATED GAMING DEVICES  
WITHIN CITY BOUNDARIES AND PROVIDING FOR  
PENALTIES AND REMEDIES FOR VIOLATIONS;  
PROVIDING FOR CODIFICATION, SEVERABILITY,  
CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, Article X, Section 7 of the 1968 Florida Constitution prohibits lotteries within Florida, other than the types of pari-mutuel pools authorized by law as of the effective date of the 1968 Florida Constitution; and

**WHEREAS**, Article X, Section 23 of the Florida Constitution, as adopted in a 2004 Amendment to the Florida Constitution, authorizes slot machine gaming only in specific eligible and licensed facilities in Broward and Miami-Dade Counties, Florida, and such authorization is subject to the requirements and conditions set forth in Article X, Section 23 of the Florida Constitution and the extensive regulatory requirements of Chapter 551, Florida Statutes; and

**WHEREAS**, under no circumstances does the Florida Constitution or the Florida Statutes authorize or permit slot machine gambling or any activity resembling slot machine gambling in the City of Maitland, Orange County, Florida; and

**WHEREAS**, the possession, use, playing and operation of a slot machine as defined by Section 849.16, Florida Statutes within the City of Maitland is illegal; and

**WHEREAS**, there is presently in Orange County an increasing proliferation of establishments employing devices that simulate slot machine games or other games of chance that display, disclose or reveal whether a user is to receive or become entitled to receive a payout, jackpot, or prize in a raffle, sweepstakes, contest or other promotion conducted by the establishment; and

**WHEREAS**, the possession, use, playing and operation of devices at commercial establishments utilizing simulated or actual slot machine games or other games of chance to display, disclose or reveal whether a user is to receive or become entitled to receive a payout, jackpot, or prize is overtly deceptive and causes users to play and operate said devices as if they were engaging in gambling activities prohibited by Florida law; and

**WHEREAS**, it has been well documented that gambling can lead to harmful and destructive behavior in some people and be an addictive activity that can lead to uncontrollable wagering, execution of poor judgment, loss of money and valuables; and

**WHEREAS**, due to the overtly deceptive nature of simulated gaming devices, as herein defined, the possession, use, playing and operation of such devices within the City has or will have an unreasonable adverse effect upon persons that are statistically at risk for gambling addictions and other similar compulsive behaviors, the elderly and the economically disadvantaged; and

**WHEREAS**, there is a direct relationship between establishments that possess and use devices that simulate or play actual slot machine games or other games of chance and disturbances of the peace and good order of the community, and the concurrency of these activities is hazardous to the health, safety, and welfare of those persons in attendance; and

**WHEREAS**, in order to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens of Maitland, it is necessary and proper to prohibit the possession, use, playing and operation of devices defined herein as simulated gaming devices within the City of Maitland; and

**WHEREAS**, in terms of negative impact described herein, there is little or no material distinction between the effects of slot machines and the effects of simulated gaming devices as defined herein; and

**WHEREAS**, the City has home rule authority pursuant to Article VII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, to enact this Ordinance.

**NOW THEREFORE, BE IT ENACTED BY THE CITY OF MAITLAND, FLORIDA:**

**Section 1. Legislative Findings and Intent:** The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

**Section 2. Definitions:** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial establishment* means any establishment, whether operated for profit or not, that exchanges goods, product, services, or property of any kind for compensation or donation, or facilitates the exchange of goods, services, or property of any kind for compensation or donation in the ordinary course of trade, business, or fundraising, regardless of the land use designation assigned to the location of the commercial establishment.

*Simulated gaming device* means any electronic, mechanical or electromechanical device that, by the use or insertion of coin, bill, token, slug, form of payment, passcode, electronic or magnetic card in conjunction with the device or other reader or system connected or networked to the device or with the aid of some physical act by the user or commercial establishment representative, the device will allow an operator to use, play or operate the device such that the device displays simulated or actual games of chance, slot machine games, spinning wheels, line ups or arrangements of objects, symbols, colors, fruit, numbers or letters, or any game known as or similar to keno, roulette, faro, game at cards, poker, blackjack, "Fruit Bonus," "Triple Jack," "Mystery J&B," "Fruit Paradise," "Klondike," "Magical Odds," or "Reel of Fortune" in such a way as to display, disclose or reveal whether the user is to receive or become entitled to receive a payout, jackpot, or prize, which may include money, credits, tokens, or anything of value, or anything that may be exchanged for money, credits, tokens or anything of value, regardless of whether such payout, jackpot, or prize is made automatically from the device or other reader or system connected or networked to the device, or manually, and such device is located and used, played or operated in or at a commercial establishment in connection with the promotion, sale or purchase of good(s), product(s) or service(s). The term simulated gaming device further includes, without limitation, a "slot machine" as defined by Section 849.16, Florida Statutes. "Simulated gaming device" shall not be construed so as to preclude the lawful use or possession of: (i) reverse vending machines authorized pursuant to Section 849.16(2), Florida Statutes, (ii) amusement games or machines authorized pursuant to Section 849.161, Florida Statutes, (iii) bingo, instant bingo or pull tab machines or dispensers operated in accordance with Section 849.0931, Florida Statutes, (iv) a State of Florida lottery device authorized by Florida Statutes, or (v) any other device expressly authorized by and complying with the Florida Statutes and the Florida Administrative Code. Simulated gaming device shall not be construed to include devices not otherwise prohibited by general law that are not located in or at a commercial establishment and are used, played or operated for non-commercial purposes (*i.e.*, not in connection with the promotion, sale or purchase of goods, products or services).

*Person* means an individual, association, partnership, limited liability company, joint venture, not for profit corporation, corporation, or a director, executive, manager or officer of an association, partnership, limited liability company, joint venture, not for profit corporation, or corporation.

**Section 3. Prohibition of simulated gaming device:** It is unlawful for any person to possess, use, play, or operate a simulated gaming device within the municipal boundaries of the City. Each individual use, play, operation or possession of a simulated gaming device shall be a separate violation of this Section. A violation of this Section shall constitute a public nuisance.

**Section 4. Remedies and Penalties:** In the event that a violation of this Article occurs, the City shall have the right to one or more of the following remedies or actions:

- (a) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs;
- (b) Prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court;
- (c) Institute any appropriate action to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the City for reimbursement of the City's attorneys' fees and costs concerning such action; and
- (d) Take any other action or remedy authorized by law or in equity, in which case the violating person shall be liable to the City for reimbursement of the City's attorneys' fees and costs concerning such action.

**Section 5. Codification:** It is the intent of the City Council of the City of Maitland that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

**Section 6. 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 7. Conflicts:** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**Section 8. Effective Date:** This Ordinance shall become effective immediately upon its passage and adoption.

**ADOPTED** by the City Council of the City of Maitland, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF MAITLAND, FLORIDA**

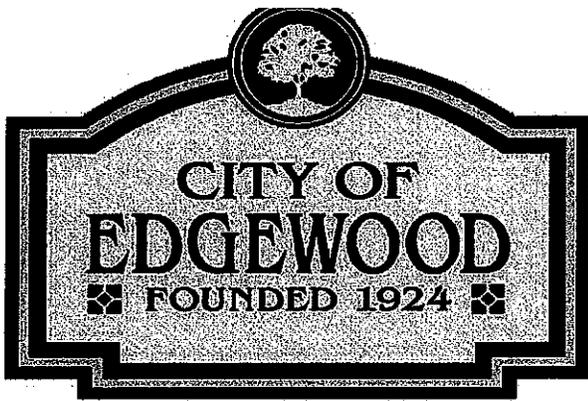
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**HOWARD SCHIEFERDECKER, MAYOR**

**ATTEST:**

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**CITY CLERK**



**REQUEST IN COMPLIANCE WITH F.S.  
932.7055 (5)**

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

**FROM: Pete Marcus, Police Chief**

**DATE: June 8, 2012**

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In compliance with the provisions of F.S. § 932.7055 (5), I am requesting an appropriation of contraband forfeiture trust funds in an amount not to exceed \$1500.00. The funds are available in the Law Enforcement Trust Fund (seizure account), and approving these funds will not deplete the account.

These funds will be used to purchase and install video/audio recording equipment for the conference room, for use during the interview of arrestees. There is no current requirement to have this equipment in use during an interview; however, there is "talk" of pending legislation to require the recording of interviews/interrogations. I am taking a proactive approach by not waiting for the legislation, or an increase in this equipment because of legislative requirement. Additionally, the use of the equipment during an interview will be favorable for the City if there is any arrestee making the spurious claim that he/she was abused while in P.D. custody.

As it is with most electronic equipment, there may be reoccurring costs for maintenance and/or repair. Any required maintenance or repair of this equipment will be done with the same fiscal responsibility that I currently maintain in the Police Department.

I respectfully request that Council deem my request appropriate and in compliance with F.S. §932.7055 (5).

**MEMORANDUM**

TO: The Honorable Mayor and City Council  
FROM: Bea L. Meeks, City Clerk *BM*  
DATE: June 19, 2012  
SUBJECT: Certification of Non Ad Valorem Assessments

As City Council is aware, the Orange County Tax Collector bills for residential solid waste collection charges on annual tax bills. Waste Management, in turn, bills the City on a monthly basis for residential solid waste collection services, including garbage, recycling, and yard waste. The benefit of an arrangement with the Tax Collector's Office is that the City typically receives the majority of its solid waste collections in advance of being billed by Waste Management for these services.

Currently 841 developed residential properties in the City of Edgewood receive the solid waste charge on their annual tax bills. The following nine (9) residential properties received a certificate of occupancy after the non-ad valorem assessment was forwarded to Orange County last year, and will be added to the aforementioned total:

5409 Oak Terrace
4725 Legacy Oaks Drive
4808 Legacy Oaks Drive
4731 Legacy Oaks Drive
4852 Lake Milly Drive
4712 Legacy Oaks Drive
4700 Legacy Oaks Drive
4719 Legacy Oaks Drive
5339 Oak Terrace Drive

For the 2011/2012 tax year, the residential solid waste collection (non-ad valorem assessment) was \$279.01. Pursuant to the City's franchise agreement with Waste Management, their rates are increased in January of each year in an amount equal to the Consumer Price Index (CPI) for the preceding year. The Bureau of Labor Statistics of the U.S. Department of Labor reports that the CPI for 2010 was 1.5 percent. (<http://www.bls.gov/cpi>)

At this time, the Orange County Property Appraiser's Office asks the City to provide preliminary certification of its non ad valorem assessment for inclusion on the Notice of Proposed Property Taxes which is mailed to all taxpayers in mid-August. This preliminary assessment must be provided to the Property Appraiser's Office no later than July 2, 2012. Given fuel cost increases and its ripple effect on other consumer products, along with the increase in Orange County's landfill dumping fees (schedule attached), it would be appropriate for City Council to consider an increase in its non ad valorem assessment for residential solid waste collection.

Following is a list of percentage increases based upon the current assessment of \$279.01 for City Council's consideration:

3 percent increase	\$287.38
4 percent increase	\$290.17
5 percent increase	\$292.96
6 percent increase	\$295,75
7 percent increase	\$298.54

I am also providing you with a spreadsheet that shows the franchise fee revenues received to date, and the amount of funds paid for residential solid waste service to date. Keep in mind, some of the non-ad valorem revenues we receive, include funds from previous years. The spreadsheet also provides you with the amount of funds that the City has received to date from Orange County for non-ad valorem assessments. When you take the total amount of revenues and subtract the expenses, it appears that there is an approximate \$21,000 to the positive for the City; not including franchise fees. Keep in mind, the franchise fees are a result of commercial solid waste.

Recommendation: Historically, Council has approved annual increases of 5% for the non-advalorem assessment. In addition to the CPI and any increase in the “dumping” fees, the increase will also help to offset the administration fees of staff’s oversight of the accounts payables/receivables and resident inquiries/requests regarding the City’s solid waste collection, yard waste and recycling. For this reason, it is recommended that City Council consider not less than a five percent increase in the non ad valorem assessment for residential solid waste collection.

Upon certification of the percentage increase in the non ad valorem assessment, the City Clerk is directed to provide this information to the Property Appraiser’s Office prior to July 2, 2012.



**UTILITIES DEPARTMENT – SOLID WASTE DIVISION**

5901 Young Pine Road • Orlando, Florida 32829  
407-836-6600 • Fax: 407-836-6629

November 24, 2009

Waste Management, Inc.  
Elieen Simone  
3510 Rio Vista Avenue  
Orlando, FL 32805

Dear Ms. Simone:

Last week a notice was sent out regarding the new fees for the Orange County landfill and transfer stations that will go into effect on December 1, 2009. The fees that were approved on October 6, 2009 by the Orange County Board of County Commissioners should have been listed as follows:

Class I Residential	\$ 34.80/ton
Class I Commercial	\$ 37.40/ton
Class III (Construction & Demolition)	\$ 25.60/ton

I apologize for any inconvenience. If you have any questions, please give me a call at 407-836-6604 or Jim Becker at 407-254-9660.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Sponsler".

Debbie Sponsler  
Section Manager

**EXHIBIT "A"**

**SOLID WASTE SYSTEM CHARGE SCHEDULE**

All vehicle types pay the prevailing fee for the applicable category for covered loads. Any mixed loads will be charged for the higher fee category.

Uncovered loads are charged at 2 times the rate for covered loads of the applicable fee category.

Minimum charge for all vehicles is \$6.00.

<u>Fee Category</u>	<u>Fee Per Ton Effective December 1, 2009</u>	<u>Fee Per Ton Effective December 1, 2010</u>
1. Class I Solid Waste Residential (Putrescible garbage)	\$34.80	\$37.10
2. Class I Solid Waste Commercial (Putrescible garbage)	\$37.40	\$39.80
3. Class III Solid Waste (Construction and demolition debris)	\$25.60	\$25.60
4. Yard Waste	\$29.00	\$29.00
5. Dewatered Wastewater Treatment Sludge	Accepted by agreement only at the prevailing Class I Commercial waste rate plus a per-ton Sludge Handling Surcharge as set by agreement.	Accepted by agreement only at the prevailing Class I Commercial waste rate plus a per-ton Sludge Handling Surcharge as set by agreement.
6. Asbestos	\$110.00	\$110.00
7. Waste Tires	\$148.00	\$148.00

**AUTOMATIC ANNUAL RATE INCREASE**

Consistent with and pursuant to Chapter 32 of the Orange County Code, the Board of County Commissioners hereby adopts annually, effective October 1<sup>st</sup> of 2012 and each year thereafter, an automatic increase of three percent (3%) to all listed fee categories contained in this Solid Waste System Charge Schedule in effect immediately prior to the effective date of such annual increase. The automatic increase shall not apply to the minimum charge established for all vehicles.

**WASTE MANAGEMENT**

<b>REVENUE 343410-01 (FF)</b>			<b>EXPENSE 534130-01</b>			
	<b>AMOUNT</b>					
October	\$ 2,598.56			\$ 15,390.30		
November	\$ 3,728.92			\$ 15,390.30		
December	\$ 3,825.68			\$ 15,390.30		
January	\$ 2,897.02			\$ 15,390.30		
February	\$ 4,676.63			\$ 15,878.08		
March	\$ 3,567.88			\$ 15,878.08		
April	\$ 3,789.13			\$ 15,878.08		
May	\$ 4,081.12			\$ 15,878.08		
	\$ 29,164.94			\$ 125,073.52		
<b>Total Non-ad valorem funds received from Orange County through March 2012 is \$209,488.56</b>			<b>\$63,512.16 represents June - September payments due</b>			

## TRIM & Budget Timetable / Important Dates-

June 22	OCPA certifies taxable value on DR-420
July 17 – Regular Council Meeting – 6:30 p.m.	Set tentative millage rate, set public hearing date for final millage and proposed FY2011-2012 Budget
August 3  DEADLINE – 12 Noon	Forward to OCPA: <ul style="list-style-type: none"> <li>• Prior year millage</li> <li>• Current year proposed millage</li> <li>• Current year roll-back rate</li> <li>• Date, time, meeting place of the tentative budget hearing</li> </ul>
August 7 – Council Workshop – 6:30 p.m.	FY2012-2013 Budget workshop
August 15-16	OCPA mails out the Notice of Proposed Property Taxes (TRIM Notice)
August 14 – Council Workshop (if needed) – 6:30 p.m.	FY2011-2012 Budget workshop
September 4 – Special Council Meeting – 6:30 p.m.	Public hearing / adoption of the tentative budget & proposed millage (must be held between Sept 3- October 3; cannot be held on 7/31, 9/6, 9/11 and 9/20-OCPS & BCC dates)
September 15	Advertise in the newspaper the public hearing / adoption of final millage & budget (must be done within 15 days of public hearing / adoption of the tentative budget & proposed millage)
September 18 – Regular Council Meeting – 6:30 p.m.	Final public hearing / adoption of millage & budget (must be held within 2-5 days after advertisement)
September 21	Send ordinance adopting final millage & budget to OCPA, tax collector, and DOR. (must be done within 3 days of final hearing)
By October 18	Submit TRIM Compliance package – DUE BY 30 DAYS AFTER THE FINAL HEARING

**FY 12/13**