

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, July 17, 2012
6:30 p.m.**

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

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL AND DETERMINATION OF A QUORUM

E. CONSENT AGENDA

1. Approval of:

- March 5, 2012 Minutes – Special City Council Meeting (Pgs. 1-2)
- June 19, 2012 Minutes – City Council Workshop (Pg. 3)
- June 19, 2012 Minutes – Regular City Council Meeting (Pgs. 4-14)
- June 26, 2012 Minutes – City Council Workshop (Pgs. 15-16)
- July 10, 2012 Minutes – City Council Workshop (Pgs. 17-18)

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

F. PRESENTATIONS

G. ORDINANCES – FIRST READING

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 June 19, 2012 City Council Meeting)(Pgs. 19-22)

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. (Tabled from June 19, 2012 City Council Meeting)(Pgs. 23-24)

I. UNFINISHED BUSINESS

1. Special Event – Consideration of a City “Theme” Day (Tabled from June 19, 2012 City Council Meeting) (Agenda Notebook Pocket)
2. City Attorney Smith – **Draft** Ordinance addressing signage (**DISCUSSION ONLY**) (Tabled from June 19, 2012 City Council Meeting) (Pgs. 25-40)

ORDINANCE 2012-XXXX - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; AMENDING THE DEFINITION OF GROUND SIGNS; PROVIDING A DEFINITION FOR PEDASTAL BASE; AMENDING THE REQUIRED SETBACKS FOR 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. (Pgs. 41-69)
4. Mayor's Recommendation For Planning & Zoning Board Member (Pgs. 70-73)
5. FY 12/13 Tentative Millage Rate (Pgs. 74-77)
6. Proposed TRIM calendar (Pg. 78)

J. NEW BUSINESS

1. City Hall Operations

K. GENERAL INFORMATION (No action required)

- Initiatives/Amendments/Revisions – Proposed Ballot (uncertified) (Pg. 79)

L. CITIZEN COMMENTS

M. BOARDS & COMMITTEES

N. STAFF REPORTS

1. Police Chief
 - Quarterly Report – 2nd Quarter (**Pgs. 80-82**)
2. City Clerk
3. City Attorney

O. MAYOR & COUNCIL REPORTS

P. ADJOURNMENT

UPCOMING MEETINGS:

August 21, 2012City 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
SPECIAL MEETING – MARCH 5, 2012**

On Monday, March 5, 2012, the Edgewood City Council held a Special Meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 1:30 p.m. Council Member Powell gave the invocation, followed by the Pledge.

The following attendance is noted:

Attendees

Ray Bagshaw, Mayor
Judy Beardslee, Council President
Pamela Henley, Council Member
Lee Chotas, Council Member
Neil Powell, Council Member
John Dowless, Council Member

Staff

City Clerk Meeks
Police Chief Marcus

Engineering Firms Represented

FEG
Weaver Boos

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Council President Beardslee explained the purpose of the meeting is for the review and negotiations for City engineering services. In response to Council President Beardslee, Mayor Bagshaw explained the ancillary issues that the city no longer refers to current engineer.

Council Member Dowless Arrived For Meeting

In response to Council Member Henley, Mayor Bagshaw confirmed that the current funds in the budget for engineering are \$55,000. In response to Council Member Henley, Sam Sebaali, FEG, said the 11 meetings included in FEG's proposal are interchangeable as long as it is the same amount of meetings.

Council President Beardslee said for clarification, Council did not plan to make a decision today but to narrow the list. Council President Beardslee noted the professionalism of FEG, as it related to past variances that came before Council. Mayor Bagshaw reported on the references that Cinnamon obtained, and he noted that FEG and BESH would be his top two choices based on references. In response to Council Member Dowless, Mayor Bagshaw said that none of the references noted that any of the firms went over the budget. Council President Beardslee stated that she hoped to have a Capital

Improvement Plan in place next year, which will require more engineering services. Mayor Bagshaw said that the City has the option to negotiate with another engineering firm to assist with the Comp Plan. City Clerk Meeks noted her history in working with comprehensive plans and said that it is good that Council can use a separate engineering firm for the comprehensive plan. She said that if the focus is for the comprehensive plan, the engineer Council selects would still have interaction with the engineer working on the comp plan.

Council Member Chotas said that he feels all four firms are qualified. He said the issue can be if there is a good relationship with the City. He said he would like the number of days to give notice to terminate the contract be lengthened. Council Member Chotas said he is inclined to rely on the Mayor's recommendation (FEG and BESH). He said his initial ranking is to negotiate with FEG. Council Member Chotas said he did not see any language in any of the draft agreements that included writing grants. Council President Beardslee said she is not making grant writing a priority.

Mayor Bagshaw recommended beginning negotiations with FEG, and has City Attorney Smith ready to present at next Council meeting.

Council Member Powell made the Motion for the Mayor to pursue negotiations with FEG, second by Council President Beardslee. The Motion was unanimously approved.

In response to Council President Beardslee request for any other information before adjourning, City Clerk Meeks reminded Mayor and Council Members of the upcoming Tri-County luncheon/meeting, request to submit newsletter articles, and sidewalk inventory available.

Council Member Powell said he would like for the City vehicle to be available to travel to Tri-County luncheon/meeting. Council Member Dowless said he would like for Tri-County to work to push legislation for Cities to be able to do more public notices online.

Having no further business, the special council meeting adjourned at 2:30 p.m., on the Motion of Council Member Powell, with Second by Council Member Dowless.

Judy Beardslee
Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON _____, 2012.

**EDGEWOOD CITY COUNCIL
JUNE 19, 2012 CITY COUNCIL WORKSHOP**

On Tuesday, June 19, 2012, Mayor Bagshaw called the Workshop meeting to order at 9:00 a.m. and announced that due to unforeseen conflicts, there was not a quorum in attendance; therefore, the Workshop was postponed to a date and time to be determined.

The following attendance is noted:

Attendees:

Mayor Bagshaw

Excused

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

Staff

City Clerk Meeks
Chief Marcus

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: _____

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – JUNE 19, 2012**

On Tuesday, May 19, 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 6:32 p.m. Council Member Chotas gave the invocation followed by the Pledge of Allegiance

The following attendance is noted:

Attendees:

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

Excused:

Council Member Powell

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Kalanit Oded, City Attorney

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

Council Member Chotas noted corrections to be made to the April 17, 2012 minutes on pages 4, 15, 16 and 17. City Clerk Meeks noted the corrections.

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

(Council Member Dowless is now in attendance)

PRESENTATIONS

Prior to presentations, Council President Beardslee announced that she is changing the order of presentations, with the audit presentation being given first.

- FY 10/11 Audit – Holland & Reilly

Auditor Tom Reilly gave a power point presentation to explain the audit for the fiscal year ending September 30, 2011. He also provided a handout of his power point presentation. He noted the following:

- City Clerk Meeks and Mayor Bagshaw were available and good to work with.
- Turnover of staff in City Hall caused some inconsistencies.
- GASB 54 has been implemented.

Auditor Riley said that there are five categories; nonspendable, restricted, committed, assigned and unassigned. He noted that unassigned is what was known as unreserved.

- Funds received in 10/11 fiscal year for prior years, were restated into the appropriate year.
- Explained changes in the State Board Administration (SBA).

In response to Council President Beardslee, Auditor Reilly said the SBA is still a good investment.

- Cash - 2.6 million dollars.
- Assets - 2.4 million dollars.
- 75% of public funds are in Public Safety.
- Most City expenditures are in personnel.
- Unreserved fund balance is 2.1 million, down from prior years.
- General Fund - 2.4 million dollars.
- Auditors do not look at every transaction, they look at samplings.
- Commented on Board of Governance letter – Management Letter Comments, and pointed out pages 25-26-27; first time GASB 54 is used.
- Discussed Management Letter beginning at Page 36, and commented on charter requirement that unrestricted reserve will not exceed 75% of gross annual revenues.

Council President Beardslee gave the history on the Charter provision. She said she thinks the intent was so that the City would not become so reserve heavy. She said at that time they were listed as restricted funds. Auditor Reilly said that the City may need to go back and make changes to comply with GASB 54. Council President Beardslee asked City Attorney Oded to check on this.

- Compliance Violations - Page 36: Two separate accounting systems were noted. Auditor Reilly said the linkage between the accounting system and the accountant is not working. He said Holland & Reilly cannot help with this concern, but training is needed. He suggested talking with McDermit~Davis about this. Auditor Reilly said that changes in staff may be part of the problems with coding, which led to adjusted journal entries.

- Emphasized that minutes need to be prepared on a regular timely basis.

Council President Beardslee referred everyone to Page 37, and said she wanted to address #4. She noted that for the past several weeks that the City has been working towards identifying and correcting coding errors, with a goal towards having this done before the new budget is prepared. She said City Hall staff is working avidly to get this done, and doing a good job.

Council Member Henley asked if the auditors assessed internal controls. Auditor Reilly said yes; they test what they think is appropriate. He said that sometimes they do not test, instead, they go to certain accounts and document and evaluate what they review. He said if they find weaknesses, they will point it out. He said they can make recommendations but cannot help the City implement procedures. He said disbursements in payroll and revenues were weak. He said they didn't have any significant issues, things have gotten better since their procedures review. In response to Council President Beardslee, Auditor Reilly said their primary goal is not to look for ghost employees or vendors. He said they do not do certain tests for this, and that Edgewood has so few employees, it wouldn't be hard to hide. Auditor Reilly said he saw an improvement from earlier in the year. He said he thought the coding of the accounts was better by Sheyenne, but the approval process is better now. He said if coding is done correctly, it does not matter what the accounting system is. In response to Council President Beardslee, he said there is a margin of error. He stressed training and education.

In response to Council President Beardslee, Auditor Reilly said there is statistical and judgmental sampling, and explained them. Council President Beardslee also asked about any contingent liabilities, and Auditor Reilly said he is not aware of any or it would have been reported. In response to Council President Beardslee, Auditor Reilly said in his prior discussions with her she seemed confused about budget amendments. He said it is against the law to do a budget amendment after the fiscal year. Council President Beardslee asked City Attorney Oded about budget amendments, and asks her to look into this further. City Clerk Meeks said that from previous discussion, a budget amendment can be done 30 day after the close of the fiscal year. Council President Beardslee asked that this matter be placed on the July agenda. Council President Beardslee asked "How do we make sure that we are transparent as it relates to journal entries", including transparency of the City's accounting practices. Council President Beardslee asked about the depository process, and asks if the auditors look at it as a primary risk area. Auditor Reilly said "sort of" but not primary. He said they will provide the information if there is a concern. Auditor Reilly said that if the auditors had found an area of risk, it would have been brought to Council's attention. The audit presentation and questions concluded.

- Recognize Art Miller, PE

Council President Beardslee said that she is very sorry that Mr. Miller left the meeting. Council Member Chotas said that he wanted to put on the record that "we" made a mistake for bumping the presentation from the agenda. He noted that Mr. Miller has done a lot for the community, and he brought his wife. Council President Beardslee said that she made the decision to change the order of the agenda, and Council Member Chotas said he should have objected. He said he will apologize to Mr. Miller and asked Council President to also apologize.

- Kathy Till, Advocacy Consultants for Florida Cities
1208 Errol Parkway, Apopka, FL

Kathy Till introduced herself as a consultant for Florida League of Cities, and said she wanted to tell Council how important it is to get involved in advocacy. She noted that the City of Edgewood will have changes in legislative representation. She said that this is a good time to extend a hand to the candidates, and let them know the challenges that the City is having. She said invite them to Council meetings and workshops. Ms. Till said let the candidates know what the City's plans are, and make them more informed so that when they are in Tallahassee they will know what affects their decisions can have on the City. She noted the following returning issues:

- Business Tax Receipts

Ms. Till said legislators were successful in the repeal, and only one business was exempted.

- Communication Services Tax (CST)

Ms. Till reported that there is a task force meeting with representation from cities, who want to redefine communication "bundling". The task force will report in January on their findings, and we will learn the impact of their findings. Council President Beardslee said that about seven or eight years ago the CST was on the table, and made it through unscathed; it is not anticipated to happen again. Ms. Till agreed that the reduction will affect municipalities' share of these funds. Ms. Till said that there is no assigned percentage at this time, as to what the loss of revenues would be.

- Red Light Cameras

Ms. Till said that a successful repeal is not anticipated. Council Member Chotas said that City Attorney Smith told Council that if a citation is challenged, the City should not challenge "it", and he asked about "filling this hole". He asked if legislators are addressing this. Ms. Till said the League is working with a legislator to redefine the current legislation, as it relates to right turn on red, and the process on how they receive a ticket.

- Annual League Conference

Ms. Till said the Florida League of Cities conference will be held in August in Hollywood, FL. She said that there will be a one hour advocacy workshop. Additionally, the League is also putting together an advocacy guide. She also noted:

- Legislative conference in November (15 & 16th) -- Orlando International Airport
- Ms. Till noted that Mayor Bagshaw is on the Tri-County Board and working with the league; she thanked him for serving on the Board.

Council Member Dowless asked about the League's process in creating a priority list. Ms. Till explained the five policy committees; she noted City Clerk Meeks serves on one of the legislative policy committees. Council Member Dowless said he would like to see the League get behind cities in supporting not having to pay to advertise. Council Member Chotas asked about retirement plans and the prospects of municipal bankruptcy. He asked what the league is doing to address this concern, and noted that this could scare people from working for government. Ms. Till said the league's number one priority is pension reform. She said one of the League's priorities is to eliminate the premium insurance tax, overtime and disability.

BREAK - *8:03 RECONVENE AT 8:06 P.M

Council President Beardslee announced that she left a voicemail message for Mr. Miller apologizing for the change in the agenda, and said she will follow up with a letter to Mr. Miller.

ORDINANCES – FIRST READING

None.

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)**

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

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

Council Member Dowless said he gave his notes to City Attorney Smith regarding some regulations not outlined in the document, and the indication that Code Enforcement could make the determination of the violation. City Attorney Oded acknowledged she had the notes and provided them to Council Member Dowless. Council President Beardslee said that the Charter allows the Code Enforcement Officer and the City Clerk to make interpretation. Council President Beardslee said she didn't like the means of appeal; thought it had been deleted. Chief Marcus said staff doesn't go by the International Property Maintenance Code, City Clerk Meeks pointed out paragraph (11); Page 2 of the Ordinance. City Clerk Meeks said she thinks that Paragraph (11) may be a "left over" from code enforcement prior to having a magistrate. Council President Beardslee said she sees this as an issue.

Council Member Dowless withdrew his Motion to approve the second and final reading of Ordinance 2012-02, and Council Member Henley accepted the Motion.

Council President Beardslee made the Motion to table the second and final reading of Ordinance 2012-02 until the July 17, 2012 City Council meeting, with Second by Council Member Henley.

The Motion passed with the following roll call vote:

Council Member Henley	Favor
Council Member Chotas	Favor

Council President Beardslee	Favor
Council Member Dowless	Favor

Council President Beardslee asked that City Attorney Oded convey to City Attorney Smith that Council would like clarification of the appeal process and who interprets policies and procedures. Also, compare to Charter to see who has the authority. Also under Paragraph 11, she would like to know the following: (1) Clearly understand what the definition of appeal is, (2) what the purpose is, and (3) why it has been deleted.

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.**

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

Council Member Dowless made the Motion to approve the second and final reading of Ordinance 2012-04, and Council Member Henley approved the Motion.

Council Member Chotas referenced Section 1 and subsection A, first line he would like to strike "with the approval of City Council" and give the authority to the Mayor. Council President Beardslee asked "why not just rely on law enforcement to enforce or police issues related to the Ordinance"? Council Member Chotas related a recent incident involving the Mayor. Chief Marcus said he thought the purpose of the Ordinance is to regulate public parking, because there was a hole in the Ordinance. He said the City doesn't have the ability to address public parking. Council President Beardslee said that the Ordinance also indicates public streets, and she thinks the Ordinance gives the Mayor the right to enforce anywhere in the City. Chief Marcus said the intent is so that the "City" can regulate their parking lot. City Attorney Oded pointed out Sec. 62-21 (a) "The mayor and the Chief of police, with the approval of the City Council are hereby authorized." ***Council member Chotas moved to amend the Motion*** and ask that in line A delete the phrase "with the approval of the City Council", and insert the words "each" after that [(a) The mayor and the chief of police, ~~each 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.] ***Council member Dowless accepted the friendly amendment.*** Council Member Henley said the way she interprets the Ordinance is that the Mayor and the Police Chief could come on her street and restrict the parking. Council President Beardslee said she is not in favor of the Ordinance. City Attorney Oded said she thought that having the approval of Council was to serve as unfettered discretion. ***Call to question by Council Member Chotas.***

The following roll call vote was taken:

Council Member Dowless	Favor
Council President Beardslee	Nay
Council Member Chotas	Favor
Council Member Henley	Nay

Council President Beardslee announced the tie vote and asks City Attorney Oded if she was prepared to address a tie vote based on the City's Charter. City Attorney Oded said she was

not prepared; City Clerk Meeks said she believes the Motion dies. City Clerk Meeks provided the Charter and Robert's Rules of Order to City Attorney Oded.

8:39 p.m. Break /look at Charter Section 3.13 and Robert's Rules -8:42 Reconvene

City Attorney Oded said the Motion dies.

Council Member Henley made the Motion to bring Ordinance 2012-04 back to the table; with Second by Council Member Chotas Second the Motion. Unanimously approved.

Council Member Chotas made the Motion to approve the second and final reading of Ordinance 2012-04, with Second by Council Member Dowless.

Council Member Henley said she thought the purpose of the Ordinance was to limit parking during a certain period of time, and it doesn't seem to give a time limit on the parking. Council President Beardslee said "if it serves a valid public purpose", so it would be subjective in their discretion. City Attorney Oded said not to enforce but to authorize. Council Member Chotas said a sign would have to be posted. In response to Council Member Dowless, City Attorney Oded said there is no difference in a public street and public parking.

(8:49 p.m. Chotas excused himself from the meeting)

Council President Beardslee said she understands the intent is for the City Hall parking lot, but it seems broad that it would apply anywhere in the City. She stated she was uncomfortable with this. City Attorney Oded said that it was her understanding that the Ordinance was to specifically address parking at City Hall. Mayor Bagshaw said that with Council Member Chotas leaving the Ordinance is dead. Mayor Bagshaw said he is not comfortable with the conversation, and he will vote no. He said he feels it needs to start over. City Clerk Meeks noted that Council Member Chotas made the Motion and would have to withdraw the Motion. Mayor Bagshaw said the Ordinance should have been more specific to City Hall. In response to Council President Beardslee, City Attorney Oded said that the Motion and Second can be left on the table. Council Member Henley said that she wants to make it clear that the Ordinance is not for the current Police Chief and Mayor; Council President Beardslee concurred. City Attorney Oded asked that Council continue until July and to allow time to draft more narrow language. In response to City Clerk Meeks, City Attorney Oded said "yes" you would make the Motion to "lay on the table".

Council Member Dowless made the Motion lay the Motion on the table until the July 17, 2012 City Council meeting, with Second by Council Member Henley.

UNFINISHED BUSINESS (Pages 32-64)

1. Special Event – Consideration of a City "Theme" Day

Council President Beardslee said this was what Council Member Powell wanted and thinks it should be postponed since he is not in attendance. Mayor Bagshaw said that there is a lot more to holding a special event, and if it is something that the City wants to do, the City will probably need a year in advance to plan. Council President Beardslee said that she thinks Council Member Powell wants an event for branding, and noted the current success of the

Farmer's Market. Council member Dowless said he liked what Mayor Bagshaw's wife suggestion of "Discover Edgewood". **Consensus to table.**

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

Council President Beardslee said she would like to table. **Consensus of the Council to table until July 17, 2012 City Council meeting.** Mayor Bagshaw said he, City Attorney Smith and Planner Hardgrove are massaging the Ordinance.

2. 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.

Council President Beardslee said she would like to table. **Consensus of the Council to table until July 17, 2012 City Council meeting.**

NEW BUSINESS

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

Mayor said engineer Jon Van Vorhiis is his recommendation for the Planning & Zoning Board to replace Frank Agular, who resigned. He said City Clerk Meeks will send out application and have in the next agenda packet for Council's review and consideration.

2. Request in Compliance with F.S. 932.7055 (F) (seizure funds)

Chief Marcus referred to his memo. He said the rationale is that there are times that people are brought in for questioning and he thinks it is good to have a camera and audio in place if spurious claims are made. He said the equipment will support the City's defense. He noted concern with future legislation requiring the equipment. He said there will be a visible light on during taping, and a two step procedure involved in turning on the equipment. Chief Marcus said there is about \$4000 in the fund.

Council Member Dowless made the Motion to approve the request as presented by Police Chief Marcus, with Second by Council Member Henley. The Motion was unanimously approved.

3. Non-Ad Valorem Assessment

City Clerk Meeks referred Council to her memo regarding the non-advalorem assessment. She stated that historically Council has approved a 5% increase. She noted that the Certification has to be forwarded to the County no later than July 2, 2012.

Council Member Dowless made the Motion to increase the non-ad valorem assessment 5%, with Second by Council Member Henley. The Motion was unanimously approved.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

None.

A. STAFF REPORTS

1. Police Chief

Chief Marcus reported that his staff is doing a great job. He reported on a "falling down", can't get up" call, which has him thinking about a program for elder contact. He explained registering senior citizens as part of an outreach program, with no expense involved. He said that this program would also assist during an emergency. Mayor Bagshaw said he was concerned about the ability to make contact on Saturday and Sunday, but agrees with the program.

2. City Clerk

- Proposed TRIM & Budget Timetable

City Clerk Meeks presented the proposed TRIM calendar. She noted that Council Member Chotas stated earlier in the meeting that he will be out of the country August through September. There was brief discussion regarding calling in for votes due to concerns about not having a quorum during the budget hearings. City Attorney Oded was asked to see if this can be done, if needed. The City Clerk was asked to place the TRIM calendar on the July agenda.

- Noted that Administrative Assistant Cinnamon Wild asked for news articles, by the next Council meeting, for the next Newsletter. City Clerk Meeks reminded Council that historically they place the budget message in the Newsletter, and according to the City Charter, the budget message has to be provided sixty days before the new fiscal year.
- Announced that she will be on vacation the week of July 4th.

3. City Attorney

No report.

B. MAYOR & COUNCIL REPORTS

Mayor Bagshaw reported the following:

- Obtaining quotes for a Comp Plan Amendment.

He stated that the current Comp Plan is out of compliance; therefore, the City cannot do any annexations. Council President Beardslee said without the amendment, there is no process for growth management.

- Orange County administration and fire fighters will set up a booth in the fall to do blood pressure checks.
- Attended the Mayors Conference and noted the central theme was social media, city websites, etc. Another theme throughout the conference emphasized that when councils have conflict, they get buried in the process and never get results. Mayor Bagshaw said he feels very good about the City of Edgewood as to where the City stands financially. He said he would like for the City to have more but the City is debt free and not caught up in pension plans. Council President Beardslee said the City needs to prepare for a growth plan, and prepare for what's coming down the "pipeline". She said that she didn't agree with everything Florida League of Cities does, and you have to read between the lines on their initiatives.

Council Member Henley reported the following:

- Apologized for postponement of June 19th workshop.

After a brief discussion and coordination of calendars, the Workshop was rescheduled for June 26, 2012. Council Member Henley said she wants to make sure that Council understands who can do what, as it relates to internal controls to protect the City, Council Members and citizens. She said she wasn't aware until now that First Southern requires all checks to have two signatures no matter what the amount is. She said it makes it easier for the bank to identify. She said currently, authorized signers are Mayor Bagshaw, Council President Beardslee, Council Members Henley, Dowless and Powell. She said she and the Mayor are going to meet with Amanda Skaggs, First Southern Bank, as soon as Mayor Bagshaw can get a meeting scheduled. She said currently Administrative Assistant Cinnamon Wild is the only person authorized to create an ACH file for payroll, and at least one more person in-house is needed. She said the two approvers of payroll are Mayor Bagshaw and Council President Beardslee. Council Member Henley said wire transfers through First Southern can be created by City Clerk Meeks and Police Clerk Patterson. Council Member Henley said she requested to be removed, and approval can be given by Mayor Bagshaw and Council President Beardslee. Council President Beardslee asked Council Member Henley to contact the bank and make sure risk exposure is limited to the payroll sub-account. In response to Council President Beardslee, Mayor Bagshaw said he didn't make the decision to sign checks, it was brought up in a Council meeting but doesn't remember by whom. Mayor Bagshaw said he has no problem with being removed from signing checks. Council Member Henley said she will confirm her information with First Southern Bank. Council Member Henley said that there is discussion to outsource payroll. Council President Beardslee said that she doesn't think outsourcing will reduce errors. Council Member Henley said she has no regrets with "bringing in Peachtree". Mayor Bagshaw said he is going to have Police Clerk Shannon Patterson do payroll for now. Council Member Henley said can the City can get quotes if they make the decision to outsource payroll. Council President Beardslee asked that a plan be brought to the next meeting. Mayor Bagshaw said Roxanna Sigler came on board again on a temporary basis. Council President Beardslee said Roxanna would be great with the accounting.

Council Member Dowless reported the following:

- Commented on news report that someone won the lottery in Edgewood.

Council President Beardslee:

No report.

Council President Beardslee apologized and said she was not trying to offend anyone, as it related to the "parking Ordinance". She said she is not looking at positions; she is looking at the future.

Having no further business or comments, Council Member Dowless made the Motion to adjourn the meeting at 10:15 p.m., with Second by Council Member Henley. Unanimously approved.

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: _____

**EDGEWOOD CITY COUNCIL
JUNE 26, 2012 CITY COUNCIL WORKSHOP**

On Tuesday, June 26, 2012, Council President Beardslee called the Workshop meeting to order at 9:09 a.m. and reminded everyone that the purpose of the workshop is to continue discussion regarding account code corrections to the 11/12 FY budget.

The following attendance is noted:

Attendees:

Judy Beardslee, Council President
Pam Henley, Council Member
Dr. Neil Powell, Council Member

Staff

City Clerk Meeks

The following is noted from the Workshop:

- Council President Beardslee noted that at the last workshop they had reviewed all the revenues and expenses except restricted accounts.
- In response to Council President Beardslee, City Clerk Meeks provided the names of the five categories related to GASB 54, as provided by Auditor Reilly.
- City Clerk Meeks provided an explanation of revenues.
- Council President Beardslee said a journal entry can be done when funds are taken from a restricted fund.
- City Clerk Meeks said State revenues are "off" because of miscoding.
- All agree that miscellaneous revenues need to be cleaned up.
- Council President Beardslee noted that the budget for tree removal (Roads and Streets) is over budget; however, there was no choice.

- Council Member Henley reminded everyone that Auditor Reilly said the City needs to have an accounting procedures manual in place. City Clerk Meeks said that when one is in place, a disc copy should be kept with PD.
- It was agreed to move the contract services of Jerry Reynolds/New Horizon to "Environmental Services".
- Discussed where funds come from for storm drain cleaning. Brief discussion regarding MSTU.
- Need to correct the coding of funds for the traffic light (FDOT).
- Council President Beardslee said she would like to have the revenue source(s) identified for the "absolute" restricted funds.

COUNCIL MEMBER POWELL EXCUSED HIMSELF AT 11 A.M.

- Brief discussion regarding set up of next budget based on discussion from workshops.
- Scheduled next Workshop for July 10, 2012 at 9 a.m.

The Workshop adjourned at 11:25 a.m.

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED: _____

**EDGEWOOD CITY COUNCIL
JULY 10, 2012 CITY COUNCIL WORKSHOP**

On Tuesday, July 10, 2012, Council President Beardslee called the Workshop to order at 9:27 a.m.

The following attendance is noted:

Attendees:

Judy Beardslee, Council President
Pam Henley, Council Member
Ray Bagshaw, Mayor

Staff

City Clerk Meeks

The following is noted from the Workshop:

- Council President Beardslee referred to the handout of coding changes that Council Member Henley provided at the June 26, 2012 Workshop.
- Council President Beardslee suggested that due to so many items on general ledger list to review: (1) pick up from May and go forward to October 1st, or (2) do random samplings.
- Council Member Henley favored random samplings. She said that miscellaneous charges are the best place to start.
- Council President Beardslee stated that she didn't have a "huge" concern with restricted funds. She said that if there were issues, it would have been picked up in the audit.
- Council President Beardslee said the other important revenue is the fuel tax, and how it is lumped together. Everyone was asked to give this some thought.
- City Clerk Meeks explained the difference in the State funds (Communications Services Tax – "CST", half-cent sales tax, local option gas tax and municipal revenue shares).

- Council President Beardslee referred to the general ledger dated June 15, 2012 provided by City Clerk Meeks.
- Council President Beardslee referred to email with copy of recommended changes provided by City Clerk Meeks.
- Council Member Henley said she is happy with what she sees.
- City Clerk Meeks will provide general ledger for miscellaneous revenues/expenses at next workshop.
- Agreed that there is a need for a "landscaping" line item .
- City Clerk Meeks to confirm whether or not budget amendment needs to include added line items, i.e. Farmer's Market, red light citations, etc.
- Agreed to review the Law Enforcement Trust Fund (Seizure Account) at next workshop.
- Agreed that City Clerk Meeks will provide information as to where the Beazer funds (\$38,000) were placed.
- Council President Beardslee noted reimbursement for 941 taxes that was paid; municipal governments do not pay 941 tax. City Clerk Meeks confirmed she requested the refund when she found that the payroll service through QuickBooks paid the funds.
- Next scheduled Workshop is Monday, July 16, 2012 at 9:30 a.m.

The Workshop adjourned at 11:30 a.m.

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 15th to April 15th 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 15th to April 15th 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: _____

Judy Beardslee, Council President

ATTEST:

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 are hereby authorized to prohibit or limit parking in the City Hall parking lot when such prohibitions or limitations serve a valid public purpose. 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: _____

PASSED AND ADOPTED this _____ day of _____, 2012.

Judy Beardslee, Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk

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ORDINANCE 2012-XXXX

**AN ORDINANCE OF THE CITY OF EDGEWOOD,
FLORIDA, RELATING TO SIGNS; AMENDING THE
DEFINITION OF GROUND SIGNS; PROVIDING A
DEFINITION FOR PEDASTAL BASE; AMENDING THE
REQUIRED SETBACKS FOR GROUND SIGNS;
PROVIDING FOR CONFLICT AND SEVERABILITY
AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City Code currently provides that a Ground Sign may not have any air space between the bottom of the sign and a pedestal base; and

WHEREAS, the City Council finds it appropriate to amend the definition of Ground Sign to include, in addition to signs that are constructed immediately on top of a pedestal base, signs where the sign face is located on the ground without a pedestal base and signs where there is no more than two feet of airspace between the sign face and a pedestal base, provided certain requirements are met; and

WHEREAS, the City Council finds is appropriate to define the term "pedestal base;" and

WHEREAS, the City Council finds that Ground Signs, when they meet the requirements of City Code may be displayed in a safe manner when set back from road curbing at least five feet instead of the twenty feet currently provided by Code; and

WHEREAS, the City Council finds that the regulations amended herein are directed only to the location and manner of sign displays and are not in any way based on the content of such signs.

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

Section 1. Section 122-2 and 122-3 of the The City of Edgewood Code of Ordinances are amended as follows. (Note: deletions are identified by ~~strike through~~, additions are identified by underline and portions of text not reproduced here that are intended to remain unchanged are identified by ellipses * * *).

Sec. 122-2. –Definitions.

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

Advertising copy area means the advertising display surface area (copy area) of a sign encompassed within any regular geometric figure which would enclose all parts of

46 the sign. The structural supports or members for the sign, whether they be poles,
7 columns, pylons, or a building or a part thereof, shall be part of the sign but shall not be
8 included in the advertising copy area.

49 *Abandoned sign* means a sign that advertises a business that is no longer doing
50 business at that location and/or does not have an appropriate, current occupational
51 license.

52 *Beacon light* means any light with one or more beams, capable of being directed
53 in any direction or directions, or capable of being revolved automatically.

54 *Development* means any development within all zoning districts within the
55 corporate boundaries of the city.

56 *Erect* means to build, construct, attach, hang, paint, place, suspend or affix any
57 type of sign as described herein.

58 *Location* means any real property, premises, building, structure, wall, vehicle,
59 window or any place whatsoever upon which a sign is located.

60 *Person* means and includes any person, firm, partnership, association,
61 corporation, company or organization, singular or plural, of any kind.

62 *Public body* means any government or governmental agency of the city, the
63 county, the state, or of the United States of America.

64 *Roofline* means the juncture of the roof and the perimeter wall of the structure.

65 *Semipublic body* means any organization operating as a chartered nonprofit
66 activity and serving a public purpose or service and shall include such organizations as
67 noncommercial clubs, lodges, theatre groups, recreational and neighborhood associations,
68 cultural organizations and fraternal, benevolent, charitable, eleemosynary, philanthropic,
69 altruistic, civic, community, veteran, educational organizations or other organizations of
70 like or similar nature.

71 *Shopping center* means a building or buildings where multiple occupancy is
72 permitted and is actually used for individual stores and businesses using a common
73 parking facility.

74 *Signs* means any surface, fabric, device, or display which bears lettered, pictorial
75 or sculptured matter, including forms shaped to resemble any human, animal or product,
76 designed to convey information visually and which is exposed to public view. The term
77 "sign" shall include all structural members. A sign shall be construed to be a display area
' or device containing organized and related elements composed to form a single unit. In

79 cases where matter is displayed in a random or unconnected manner without organized
80 relationship of the components, each such component shall be considered to be a single
81 sign. Included within the definition of signs are the following types of signs:

82 *Awning sign* means and consists of information painted on, or imprinted
83 on, awnings. An "awning" is defined as a sheltering screen, extending over or
84 before any place which has windows, doors, outside walks or the like, and
85 providing shelter or protection against the weather.

86 *Animated sign* means any sign of which all or any part thereof revolves or
87 moves in any fashion whatsoever; and any sign which contains or uses for
88 illumination any light, lights or lighting device or devices which change color,
89 flash or alternate, show movement or motion or create the illusion of motion, or
90 change the appearance of said sign or any part thereof automatically.

91 *Banner sign* means any sign intended to be hung either with or without
92 frames, possessing characters, letters, illustrations or ornamentations applied to
93 paper, plastic or fabric of any kind. National flags, flags of political subdivisions,
94 or symbolic flags of any institution or business shall not be considered banners for
95 the purpose of this chapter.

96 *Bench sign* means a sign located on any part of the surface of a bench or
seat.

98 *Billboard sign* means a non-point-of-sale sign as more specifically defined
99 herein.

100 *Building/shopping center identification sign* means a sign that identifies
101 the designated name of a building or group of buildings or shopping center which
102 name is independent from the name of the occupant or occupants or services
103 performed therein. This shall include but not be limited to office buildings and
104 shopping centers.

105 *Changeable copy sign* means a sign that is designed so that characters,
106 letters or illustrations can be changed or rearranged without altering the face or
107 surface of the sign. This shall also include the changing of copy on existing
108 nonconforming billboards.

109 *Community center sign* means a sign for a church, club, community center
110 or service center run by a not-for-profit organization for the benefit of others, and
111 other similar facilities.

112 *Construction sign* means any sign giving the name or names of the owner,
113 general contractor, architect, and financial institution responsible for construction
114 on the site where the sign is placed, together with similar information included
115 thereon pertaining to a building or project under construction upon lots or parcels
116 of land where a building permit has been secured for construction of a building or
117 project on such lot or parcel of land.

118 *Directional sign* means a sign that is placed at access drives and only
119 directs motorists to the location of off-street parking areas.

120 *Directory sign* means a sign on which the names and locations or
121 occupants of a building are given. This shall include but not be limited to office
122 buildings and shopping centers.

123 *Freestanding sign* means any mobile or portable sign or sign structure, not
124 structurally secured to the ground or to any other structure.

125 *Ground sign* means any freestanding sign mounted directly on a pedestal
126 base or a sign with the sign face directly on the ground without air space beneath
127 as distinguished from the support of a pole or poles; or a sign supported by one or
128 more posts when the sign face is not more than two feet from the ground and the
129 air space between the ground and the sign face as well as the support poles are
130 obstructed from view by irrigated landscaping. ~~and which is~~ The sign shall be
131 designed to incorporate similar shape, massing, color, size and building materials
132 which are consistent with the architectural theme of the existing or proposed
133 buildings on the premises.

134 *Illuminated sign* means any sign illuminated in any manner by an artificial
135 light source.

136 *Integral sign* means memorial signs or tablets, names of buildings and date
137 of erection when cut into any masonry surface or when constructed of bronze or
138 other incombustible materials mounted on the face of a building.

139 *Marquee sign* means any sign attached to and made a part of a marquee. A
140 marquee is defined as a permanent rooflike structure projecting beyond a building
141 wall at an entrance to a building or extending along and projecting beyond the
142 building's wall and generally designed and constructed to provide protection
143 against the weather.

144 *Menu board sign* means any sign which carries only the name of a
145 restaurant and the current list and prices of foods or food preparations available in
146 that restaurant.

147 *Motor vehicle sign* means a sign or advertising display mounted or painted
148 on a motor vehicle.

149 *Nonconforming sign* means any sign which does not conform to the
150 regulations of this chapter at the time of the adoption of the ordinance from which
151 this chapter is derived and/or at the time of the adoption of the immediately
152 preceding sign ordinance, or at the time that the property upon which the sign is
153 located is annexed into the city.

154 *Nonpoint-of-sale sign* means a sign relating, in its subject matter, to
155 commodities, accommodations, services or activities offered on premises other
156 than the property upon which such sign is located.

157 *Pedestal base* means a fixed structural sign base that is located directly on
158 the ground and which has a width equal to at least 50% of the total width of sign
159 affixed to it.

160 *Point-of-sale sign* means any sign which carries only the name of the firm,
161 major enterprise, products, or services offered for sale on the premises, or a
162 combination of these things.

163 *Pole sign* means any sign which is supported by structures or supports on
164 or upon the ground and independent of support from any building.

165 *Political sign* means any sign erected to advocate the candidacy of a party
166 or issues or individuals for elective office.

167 *Projecting sign* means any sign other than a wall sign affixed to any
168 building or wall the leading edge of which extends beyond such building or wall.

169 *Real estate sign* means any sign which is used to offer for sale, lease or
170 rent the property upon which the sign is placed.

171 *Roof sign* means any sign erected or constructed wholly upon and over the
172 roof of any building and supported solely on the roof structure.

173 *Snipe sign* means any sign of any material whatsoever that is attached in
174 any way to a utility pole, tree, fence post or any other similar object.

175 *Temporary directional non-point-of-sale sign* means any sign intended for
176 display for a limited time which is located on private property which is different
177 from the location to which people are directed by such sign. Included in this
178 category are "For Sale" or "For Lease" signs, "Open House" and "Garage Sale"
179 signs, and other similar type signs.

180 *Wall sign* means any sign painted on or attached to and erected parallel to
the face of, or erected and confined within the limits of, the outside wall of any
182 building and supported by such wall or building, and which displays only one
183 advertising surface.

184 *Window sign* means any sign placed inside, or printed or placed upon, a
185 window facing the outside and which is intended to be seen from the exterior.

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

188 (1)

189 *Point-of-sale signs.* Point-of-sale signs shall only be erected upon
190 improved property located in commercially zoned districts using the
191 following standards:

192
193 a. *Maximum allowable advertising copy area.* Unless otherwise
194 specified, a maximum total advertising copy area of two square feet for
195 each linear foot of building frontage shall be allowed. If the building has
196 multiple frontage, an additional maximum advertising copy area of one
197 square foot per additional linear foot of building frontage shall be allowed.
If multiple frontages exist, the allowable copy area for each frontage must
199 be utilized for that frontage to which it relates. In no event, however, shall
200 there be more than a total maximum of 100 square feet of advertising copy
201 area irrespective of the number of frontages.

202
203 b. *Building frontage.* For purposes of this chapter, the term "building
204 frontage" shall mean only frontage on public rights-of-way and shall be
205 that part of the building where lines perpendicular to a straight line
206 connecting the corners of the building site intersect the building.

207
208 c. *Advertising copy area computation.* In computing copy area,
209 standard mathematical forms for known shapes will be used. In the case of
210 irregular shapes, straight lines drawn closest to the extremities of the shape
211 shall be used.

212
213 d. *Multiple-faced signs.* On any sign with more than one face, only
214 the face or faces visible from any one direction at any one time will be
215 counted; provided, however, that all faces of a multiple-faced sign shall be
216 equal in size and contained within a common perimeter.

218 e. *Types and locations of allowed point-of-sale signs.* Only the
219 following types of signs constructed in the following manner shall be
220 conforming point-of-sale signs. All regulations shall relate to each
221 building frontage as defined herein unless otherwise provided:
222

223 1. *Awning signs.*

224
225 2. *Building/shopping center identification signs.* Each
226 building or group of buildings and shopping center which has a
227 designated name shall be permitted an identification sign which
228 may only identify the designated name of the building and
229 shopping center. This shall be a point-of-sale ground or pole sign
230 subject to the size and other requirements for such ground and pole
231 signs.
232

233 3. *Directory signs.* Directory signs may be allowed for office
234 buildings, shopping centers and other similar multiple occupancy
235 facilities as follows:
236

237 i. *Total sign area allowed.* A total sign area of four
238 square feet per tenant is allowed.

240 ii. *General regulations.* General regulations for signs
241 shall be as follows:
242

243 A. *Location and height.* The location and
244 height requirements shall be the same as for all
245 other pole and ground signs.
246

247 B. *Content.* Directory signs shall indicate only
248 the name, address, location and occupation of the
249 tenants.
250

251 C. *Combinations.* This sign may be placed on
252 the same structure as the building/shopping center
253 identification sign as provided elsewhere herein.
254

255 4. *Freestanding signs.* Freestanding signs shall be included in
256 the total copy area limits of this chapter and are subject to the
257 following regulations:
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i. Each person engaged in the renting, leasing, owning or otherwise providing any freestanding sign shall be properly licensed as required by law and shall, prior to displaying each sign upon any business site, secure a permit for each sign from the city clerk.

ii. The placement of a freestanding sign without a permit shall constitute usage and the issuance of a permit subsequent to removal of such illegal sign shall be subject to a 30-day waiting period.

iii. No freestanding sign shall be placed closer than 20 feet to the curb or pavement, whichever is closer. On corner lots, no such signs may be placed within the triangular area formed by the street right-of-way lines and a line connecting them at points 25 feet from the corner formed by the intersection of the street right-of-way lines, nor shall any freestanding sign be located closer than 50 feet to any other sign, no matter what type.

iv. The placement of a freestanding sign in a parking space which is required to meet the minimum parking requirements of the city shall be prohibited.

v. Freestanding signs, exclusive of the transportation mechanism, shall not exceed 40 square feet in area per face.

vi. All freestanding signs shall be limited to commercially zoned districts.

vii. There shall be a maximum of one freestanding sign per business location. The term "business location" shall mean each location where an occupational license is required.

viii. Each freestanding sign shall in some manner be secured so that only the person providing the sign shall have the capability of moving the sign in a normal manner.

ix. All incandescent bulbs in, on, or attached to any freestanding sign, shall be rated at not more than 75 watts.

300 Flashing illumination shall be prohibited on freestanding
301 signs. No more than ten spotflood bulbs per face of each
302 trailer sign shall be permitted.

303
304 x. All wiring and fixtures must meet current electrical
305 code standards. Permits and electrical inspections must also
306 be obtained.

307
308 5. *Ground signs.* Ground signs shall not exceed 100 square
309 feet in total advertising copy area (with no more than 72 square
310 feet per face) and shall only be permitted when the lot upon which
311 it is to be placed has a minimum of 50 linear feet of width on the
312 side where the sign is to be placed. In addition, no ground sign
313 shall be erected closer than 50 feet to any other ground sign. No
314 part of any such sign (including the structure) shall extend beyond
315 any right-of-way line, nor shall any part of such sign be closer than
316 ~~20~~ 5 feet to the curb or pavement, whichever is closer. All ground
317 signs may extend up to eight feet above ground level to the tip of
318 the sign. On corner lots, all signs within the triangular area formed
319 by the street right-of-way lines and a line connecting them to a
320 point 25 feet from the corner formed by the intersection of the
321 street right-of-way lines shall have a minimum clearance of ten
322 feet above finished grade level. Pole signs are prohibited, but
323 notwithstanding any provisions to the contrary in this chapter, any
324 pole sign legally permitted prior to the effective date of the
325 ordinance from which this chapter is derived, shall be considered
326 nonconforming signs and shall not be required to be removed until
327 June 1, 2012. Any reference in this Code to pole signs shall mean
328 pole signs permitted prior to May 2002. Ground signs meeting the
329 allowable area requirements in place prior to the effective date of
330 Ordinance No. 2002-04, which are properly permitted, shall be
331 grandfathered in.

332
333 6. *Marquee signs.* Signs may be placed on the vertical faces
334 or on top of a marquee, but no such sign shall project more than 12
335 inches above the marquee's upper edge or more than 12 inches out
336 from the vertical face, nor extend beyond the marquee's perimeter,
337 nor shall any part of such sign project below the bottom of the
338 vertical face of the marquee.

340 7. *Projecting signs.* Projecting signs may not project over
342 public rights-of-way. No projecting sign or supporting structure
343 shall project more than 48 inches from the wall of a building. No
344 projecting sign or supporting structure shall extend above the top
345 of a parapet wall.

346 8. *Shopping center or multi-occupants signs.* In addition to
347 the directory and building/shopping center identification signs
348 permitted for shopping centers, each business location in the
349 shopping center shall be permitted individual point of sale signs.
350 The maximum allowable advertising copy area for all occupants in
351 the total shopping center shall be based on two square feet of sign
352 area for each linear foot of building frontage of the shopping center
353 building. If the shopping center has multiple stories which are
354 utilized for business locations, then the width of each additional
355 story shall be utilized in calculating the building frontage. Each
356 occupant (occupational license holder) shall then be allocated sign
357 square footage based on their rental (or owned) square footage
358 percentage of the total available square footage in the shopping
359 center. In no event, however, may any one business location
360 exceed a maximum of 100 square feet of total sign area.

362 9. *Wall signs.* Wall signs may not project over any public
363 right-of-way. No wall sign or supporting structure shall project
364 more than 12 inches from the wall of a building. Further, no wall
365 sign shall extend above the roofline except where an exterior
366 parapet wall projects above the roofline, in which case such sign
367 may extend to the top of such wall. Wall signs may not disrupt
368 architectural features of the building (see Figure A in this section)
369 and must be architecturally compatible and consistent with the
370 building. This subsection applies to any rezoning, subdivision,
371 special exception, building or other permit, or other development
372 permit, as the term "development permit" is defined by general
373 law, that is applied for after November 16, 2004, where the
374 application seeks to construct, reconstruct, renovate, alter, or
375 enlarge a land use, building or structure.
376

377 * * *

378 10. *Window signs.* Temporary signs shall be permitted inside or
upon a window and excluded from the maximum allowable copy

380 area when used for less than 30 days to advertise special sales or
381 events. Permanent window signs shall have their copy area
382 included in the maximum allowable area defined in this chapter.
383 The combined area of temporary and permanent window signs
384 shall not exceed 35 percent of the window glass area of any side of
385 the building.
386

387 (2) *Other signs.* Unless otherwise specified, the following sign regulations
388 and the sign standards contained in this section shall apply generally throughout
389 the city:
390

391 a. *Banner signs.* Banner signs may only be displayed as provided
392 herein:
393

394 1. No banner sign shall be displayed unless a permit is issued
395 by the city clerk, which permit will be issued upon a finding of the
396 following facts:
397

398 i. That the banner sign is to be located on the premises
399 owned or leased by the applicant; and
400

401 ii. That the banner sign or copy thereon does not
402 violate any provisions of this chapter.
403

404 2. Applications for banner sign permits under this section
405 shall be submitted in writing to the city clerk and shall contain all
406 pertinent information relating to the banner sign, including its size,
407 copy and dates of display. All approvals or denials shall be in
408 writing on, or accompanied by, one copy of the application.
409 Approvals shall clearly state the dates the banner sign may be
410 displayed and the information regarding an approved location
411 within the following limits:
412

413 i. Banner signs may be permitted on a property for up
414 to 30 consecutive calendar days provided that an applicant
415 shall not be permitted to display banner signs on the same
416 property more than 60 total days in a calendar year.
417

418 ii. Banner signs shall be limited to one banner sign on
419 the property and may be mounted on a building or other
420 appropriate support. If not mounted on a building, the

421 banner sign must be at least 20 feet from adjacent property
422 lines and not over 20 feet above the ground.

423
424 iii. Each banner sign shall be limited to a maximum of
425 40 square feet of copy area.

426
427 iv. All banner sign shall be maintained in good
428 condition and shall be repaired or removed within 24 hours
429 of notice that such action is required.

430
431 3. Banner signs allowed under this section shall be exempt
432 from the other building permit requirements.

433
434 4. No streamers, pennants, flags, ribbons, spinners, wind-
435 operated devices, or other prohibited devices shall be included or
436 incorporated with the display of a banner sign approved under this
437 section.

438
439 b. *Community center signs.* One ground sign of a permanent nature,
440 setting forth the name and services of a community center as defined
441 herein, may be located on the site of the community center. Such sign
442 shall not exceed 32 square feet in area.

443
444 c. *Construction signs.* No more than one construction sign, not to
445 exceed 72 square feet in size, may be erected on the site where the
446 construction is being performed and shall be removed when the building
447 or project has been completed, prior to issuance of the final certificate of
448 occupancy, or within 15 days after construction operations have ceased,
449 whichever is earlier. Construction signs shall be set back at least ten feet
450 from all property lines in residential zoned districts.

451
452 d. *Directional signs.* One private directional sign, not exceeding nine
453 square feet in area, may be permitted at each access drive providing such
454 sign only directs motorists to the location of off-street parking areas. No
455 permit shall be required for this type of sign.

456
457 e. *Integral signs.* Individual letters and numerals comprising such
458 signs shall not exceed 12 inches in height and the integral sign itself shall
459 not exceed 12 square feet in area, which shall be excluded from the total
460 allowable sign area.

462 f. *Menu board signs.* Menu board signs shall be permitted; provided,
464 however, that said menu boards shall not exceed nine square feet in size
465 and shall be attached to the restaurant building. The copy area shall be
466 included in the total copy area limits of this section.

467 g. *Political signs.*

469 1. Political signs shall be permitted in all residential districts
470 under the following conditions: On each residential site, a
471 maximum of two nonilluminated signs, not more than four square
472 feet in area each, shall be permitted. Any such sign may only be
473 installed by, or with the express consent of, the occupant of the
474 premises or the owner of vacant property.

476 2. Political signs shall be permitted in all other zoning
477 districts, under the following conditions: On each property,
478 nonilluminated signs, not to exceed 16 square feet in area each,
479 provided that no sign larger than four square feet shall be located
480 within 50 feet of any other political sign. On each unimproved or
481 unoccupied property, the property owner shall be responsible for
482 the placement and removal of political signs. On occupied
483 property, the tenant shall be responsible for the placement and
484 removal of political signs. Political signs installed on private
485 property will be permitted for a period not to extend beyond 48
486 hours after the campaign issue has been decided. Signs erected
487 pursuant to this section shall not be considered as part of the
488 maximum allowable sign area for the premises upon which they
489 are located. Political signs shall not be placed on public property,
490 and any sign so located shall be removed immediately, as provided
491 in section 122-8.

493 h. *Public signs.* Governmental information or directional signs,
494 historical markers, signs relating to national defense and security and other
495 emergency signs, and ornamental signs of a permanent character
496 displaying only the name of a commonly known and accepted name of a
497 section of the city, deemed by the city council to be of a general public
498 interest, may be located in any zoning district.

500 i. *Real estate signs.* Real estate signs with copy on either one or both
501 sides shall be permitted in all zoning districts provided that only one sign
502 may be erected for each street frontage of the parcel of property or unit

503 offered for sale, lease or rent. No such sign shall exceed four square feet in
504 area in residentially zoned districts. Multiple-listing strips and
505 sold/rented/leased signs may be allowed when attached to a real estate
506 sign. These shall be in addition to the above allowed sizes. Signs shall be
507 removed after consummation of the sale, lease or rental. In addition to the
508 above, open for inspection signs not exceeding four square feet in area
509 may be allowed on property that is open for inspection, but only at such
510 time as a representative of the owner or broker is in attendance. Signs shall
511 be located a minimum of 20 feet from adjoining property lines and a
512 minimum of 20 feet from the curb or pavement, whichever is closer. (See
513 also "temporary directional nonpoint-of-sale signs".) No permits shall be
514 required for these signs.

515
516 j. *Subdivision development signs.* Signs advertising a subdivision
517 development of residential properties may be permitted providing the
518 subdivision has been approved, platted, and under active development and
519 sale. Such signs shall not exceed 128 square feet in area, including trim.
520 Signs shall not be closer than 20 feet to a curb or pavement, whichever is
521 closer, and at least 20 feet from any property under different ownership.
522 The top of the sign shall not exceed 16 feet above ground level. Only two
523 signs will be permitted in any one subdivision. Each sign shall be
524 approved for a period of one year and, upon expiration of such approval, a
525 renewal may be granted by the city council. All such signs must be
526 immediately removed when the subdivision is not under active
527 development and sale.

528
529 k. *Subdivision and multiple-family residential signs.* One sign
530 denoting only the name of a subdivision or multiple-family residential
531 development with letters no more than 12 inches in height may be erected
532 at each entranceway. In addition, one wall or ground sign may be located
533 on the site of an apartment development provided it is not more than two
534 square feet in area for each unit up to 16, for a maximum sign area of 32
535 square feet. However, such sign shall be no more than eight feet in height
536 above established lot grade. Such sign shall indicate only facilities
537 available on the immediate premises. When an apartment development is
538 located on more than one street, one sign may be displayed on each such
539 street.

540
541 l. *Temporary signs.* A temporary sign announcing any public,
542 charitable, educational, or religious event or function may be located on
543 the premises of the sponsoring public or semipublic institution. Signs shall

not exceed 24 square feet in area and, if ground-mounted, shall be no more than eight feet in height to the top of the sign, and shall not be illuminated. In all other respects, the use of temporary signs shall be subject to the same terms and conditions as provided for banner signs.

m. *Temporary directional nonpoint-of-sale signs.* No temporary directional nonpoint-of-sale signs may remain for more than 72 hours at any one time. A permit cannot be renewed, nor can a permit be obtained for the same premises within a period of 15 days after the expiration of any previous permit. The overall dimensions of a temporary sign shall not exceed three feet vertically by four feet horizontally. Written authorization from the owner of the property upon which the sign is to be located must be submitted with the application for the permit. No permit fee shall be charged for these signs.

(3) *Noncommercial signs.* All signs permitted by this chapter may similarly carry noncommercial messages so long as such message does not violate the terms of this chapter.

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: _____

SECOND READING: _____

PASSED AND ADOPTED this ____ day of _____, 2012.

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Judy Beardslee, Council President

588

590 *ATTEST:*

591

592

Bea L. Meeks

City Clerk

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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.

THESE ITEMS WERE TABLED IN THE JUNE 19, 2012 CITY COUNCIL MEETING AND REQUESTED TO BE PLACED ON THE JULY 17, 2012 CITY COUNCIL MEETING AGENDA

MEMORANDUM

DATE: April 20, 2012

TO: Kathleen Johnson, Deputy Clerk
Comptroller Clerk's Office

THROUGH: Cheryl Gillespie, Agenda Development Supervisor
Agenda Development Office, BCC

FROM: Jeffrey J. Newton, County Attorney *JJN*
Dana L. Crosby-Collier, Assistant County Attorney *DLCC*
Contact: (407) 836-7320

RE: First of Two Public Hearings on an Ordinance related to Zoning of
Pain Management Clinics
Request for Board Hearing on May 22, 2012 at 5:01 p.m.

Advertisement shall read:

NOTICE OF CHANGE OF PERMITTED USE IN ZONING CATEGORY

The Orange County Board of County Commissioners proposes to adopt the following ordinance:

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

The first public hearing on the ordinance will be held on May 22, 2012 at 5:01 p.m. at the Orange County Board of County Commission Chambers, located at 201 S. Rosalind Avenue, Orlando, Florida 32801.

Applicant: Staff

Location: All Districts

Page 2
Re: Public Hearing

Estimated time required for public hearing: Ten minutes

Hearing controversial: No

Advertising requirement: Two public hearings with one hearing held after 5 p.m. on a weekday. Notice must be two columns wide by 10 inches long and must appear in a local newspaper of general circulation but NOT in the classified section or with legal ads.

Advertising timeframe: At least seven days prior to the first public hearing scheduled for May 22, 2012 (first reading) and again at least five days prior to the second public hearing scheduled for June 5, 2012.

Applicant/Abutters to be notified: Not applicable.

Hearing required by Fla. Statute # or code: Section 125.66(4)(b), Florida Statutes

Spanish Contact Person: Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la Oficina de los Abogados del Condado, Roberta Alfonso, at 407-836-7320.

Materials enclosed: Yes.

SPECIAL INSTRUCTIONS TO CLERK:

1. Please verify the hearing date and time with Agenda Development.

DLC/eh
Enclosure

copy: Ajit Lalchandani, County Administrator

S:\DCrosby\Agenda Dev MEMOS\Memo to Clerk _Advertisement re May 22 Zoning PMC .wpd

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
50 clinics on our community and prepare recommendations to better promote, protect and
52 improve the health, safety and welfare of the citizens of the County by local regulation of
operation of existing clinics through the period of the moratorium; and

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

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

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

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

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
86 who are not lodged overnight are admitted for examination
and treatment by one (1) person or a group of persons,
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
92 clinics.

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.

122
124 *Dangerous drugs* means a controlled substance,
specifically an opiate analgesic, listed in Schedule II and
Schedule III, in Section 893.03, Florida Statutes.

126
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:
132

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
treatment of pain, whether acute pain or chronic pain; or

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

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

156 1. It is licensed as a hospital or other licensed
158 facility or is owned or operated by a hospital or other
licensed facility pursuant to Chapter 395, Florida Statutes,
160 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-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	Cluster
<u>pain management clinic</u>																

182

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.

190

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

192

194

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.

196

198

200

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

202

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
212 shall be documented by the applicant and submitted to the
Zoning Division with the application. All distance
214 requirements shall be measured by drawing a straight line
from the nearest property line of the pre-existing protected
216 use to the nearest property line of the proposed pain
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.

248 ADOPTED THIS ____ DAY OF _____, 2012.

250 ORANGE COUNTY, FLORIDA
252 By: Board of County Commissioners

254 By: _____
256 Teresa Jacobs
County Mayor

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

262 By: _____
264 Deputy Clerk

266

268

270

272

274 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, chiropodists, 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,

but is not limited to all owners, operators, employees or volunteers. This information shall be required to be updated within ten (10) days of any new person becoming associated with the pain management clinic. For persons listed, the following information must be provided:

1. Full name;
2. Employer and job title;
3. Current home address, telephone numbers and date of birth;
4. All criminal convictions whether misdemeanor or felony;
5. Current Florida driver's license;
6. A set of fingerprints, unless the person's fingerprints are currently on file with the State of Florida Department of Health; and
7. Whether the person has any financial or business interest in a pharmacy, as defined in F.S. § 465.003, within the State of Florida.

d.

A written determination by the city manager that property in which the pain management clinic is located or seeks to locate complies with all current applicable provisions of the Maitland Code of Ordinances.

e.

An affidavit by the medical director for the pain management clinic attesting to the following:

1. That their practice is located at the pain medical clinic;
2. That no employees of the facility have been convicted of a drug-related felony within the five-year period to the date of application;
3. That the pain management clinic will not knowingly employ any such convicted felons thereafter; and
- 4.

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.

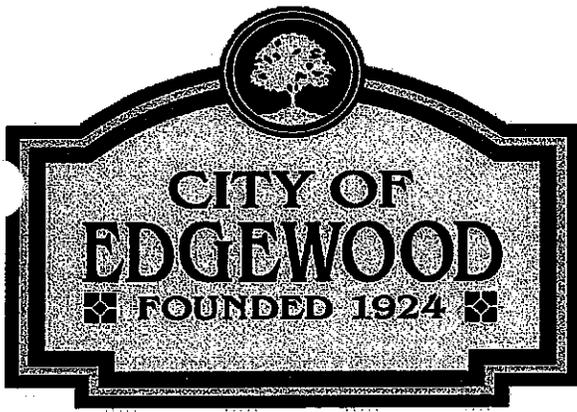
ADOPTED by the City Council of the City of Maitland, Florida, this ____ day of _____, 2011.

CITY OF MAITLAND, FLORIDA

HOWARD SCHIEFERDECKER, MAYOR

ATTEST:

CITY CLERK



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

FROM: Bea L. Meeks, City Clerk *B*

DATE: July 12, 2012

RE: Planning & Zoning Board

At a recent Council meeting, I was asked to bring you up-to-date on the terms of the Planning and Zoning Board Members. The chart below provides the Zoning Board members, including those who resigned since my tenure with the City. The chart also provides the person who was appointed to replace the member who resigned. Regarding the expiration of terms, I obtained my information from archived files. It appears that the terms are not staggered, as provided by the code.

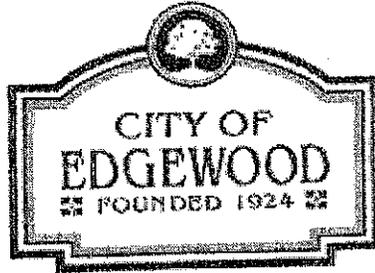
Currently, Ms. Younglove's seat is empty; however, you have the recommendation of Mayor Bagshaw to appoint Jon Van Voorhis (application provided) to fill the vacancy. It should be noted that Mr. Crisler's term expired in 2010; I could not find any document to support his reappointment. Also, as you can see, the remaining four members' terms end in December 2012.

MEMBERS	1 ST DATE OF APPOINTMENT	CURRENT TERM	TERM EXPIRES
PHIL CRISLER (Resigned)	3/18/08	03/18/08	12/31/10
BRIAN LEAHY	Sworn-in 12/11		
DEBBIE YOUNGLOVE (Resigned)	12/22/04	12/28/2009	12/31/12
MARIAN RAYBURN	Appointment approved 5/12		
REGINA DUNAY	9/18/07	12/28/2009	12/31/12
RAY BAGSHAW (Resigned)	5/18/06	12/28/2009	12/31/12
FRANK AGUILAR (Resigned)			
JON VAN VORHIS	Recommended Appointment		
SUSAN LOMAS	9/18/07	9/18/2007	12/31/12

Given this information, I hope that as you consider the Mayor's appointment recommendation to the Planning & Zoning Board, you will consider extending the terms expiring in December 2012. Additionally, please consider establishing Mr. Leahy's term.

I hope this information is helpful as you give your consideration in this matter.

¹ The planning and zoning board shall consist of five members appointed by the mayor subject to confirmation by the city council from among the residents of the city. Members of the planning and zoning board shall be appointed to serve for three years in staggered sequences. Members shall be appointed from among persons who are in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. If any person appointed shall find that his private or personal interests are involved in any matter coming before the planning and zoning board, he shall disqualify himself from taking part in action on the matter, or he may be disqualified by the chairperson of the board or by three votes of the board, not including the member about whom the questions are raised.



CITY OF EDGEWOOD
Appointment Information Form

This Appointment Information Form, when completed and filed with the City Clerk, is a PUBLIC RECORD under Chapter 119, F.S. and therefore, is open to public inspection by any person.

You are responsible to keep the information on this form current. Please call or write the City Clerk to advise of any changes.

In submitting this application for a City of Edgewood Board, I understand and acknowledge that if appointed, I will serve at the pleasure of City Council and may be removed from service in accordance with the City Code.

Name:	JON VAN VOORHIS		
Address:	500 LINSON CT. EDGEWOOD, FL 32809		
Email:	vanbarrv3@yahoo.com		
Phone:	407-730-7128	Cell:	407-619-6617
Occupation:	FORMER STATE CERTIFIED GENERAL REAL ESTATE APPRAISER		
Employer:	N/A		
Position:	APPRAISER	How long:	4 YEARS

Education-Post Secondary educational institutions attended:		
Name & Location	Dates Attended	Degrees Earned
U.C.F. - ORLANDO	GRADUATED 2002	B.A. IN LIBERAL STUDIES

Have you ever held a professional or business license or certificate	
Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If yes, please provide the title, issue date and issuing authority. If any disciplinary action has been taken, please state the type and date of the action taken.	

DT.

License/certificate title	Issue Date	Issuing Discipline Authority	Action/Dates
GENERAL APPRAISER PZ 3210	7/23/08	STATE APPRAISAL BOARD	NONE

Please prioritize Board (s) preferred:			
Planning & Zoning:	P Z	Other:	

Are you a City of Edgewood resident?	Yes:	YES	No:	
Are you a registered voter?	Yes:	YES	No:	
Do you own property in Edgewood?	Yes:	YES	No:	
Are you currently serving on a City Board?	Yes:		No:	NO
If yes, which Board and since when:	Yes:		No:	NO
Have you ever served on a City Board?	Yes:		No:	NO
Are you currently serving on a Board, Authority, or Commission for another governmental agency?	Yes:		No:	NO
If yes, what Board, etc and since when?				

Additional comments:

MY APPRAISAL LICENSE EXPIRED ON 11/30/2010. I INTEND ON RENEWING THE LICENSE WITHIN THE YEAR, HOWEVER I WILL NOT BE PRACTICING.

MEMORANDUM

July 17, 2012

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

FROM: Bea L. Meeks, City Clerk 

SUBJECT: Request to set tentative ad valorem millage rate and establish public hearings on the proposed budget and millage for Fiscal Year 2012/2013

The purpose of this memorandum is to recommend that the Edgewood City Council set the proposed operating millage rate for Fiscal Year 2012/2013 at the highest allowable millage rate during its regular meeting on July 17, 2012.

- The millage rate for Fiscal Year 2011/2012 is 4.7000.
- The rolled-back rate, based on the Property Appraiser's Certification of Taxable Value for Calendar Year 2012, is 4.0497 mills (working copy attached). The rolled-back rate is that millage rate that will generate the same ad valorem tax proceeds as the prior year exclusive of any new construction.
- That the rate requested be the maximum allowed by state law given the limitations of property tax reform legislation. The adoption of the highest allowable millage rate gives City Council the maximum flexibility in ultimately establishing the final millage rate after the budget workshop(s) in August and the two required public hearings in September.
- Any modification of the tentative rate by City Council during the budget workshop(s) and the public hearings can only be a decrease from the proposed millage rate.

It is also necessary for City Council to set the dates for public hearings on the budget. I recommend the City Council set the first public hearing on the tentative budget and millage on **Tuesday, September 4, 2012** in the Council Chamber of City Hall beginning at 6:30 p.m. This is a special meeting date. This first public hearing is advertised on the Notice of Proposed Property Taxes (TRIM Notice) and is mailed to taxpayers by the Orange County Property Appraiser.

Within 15 days following the tentative budget hearing, the City must advertise its intent to adopt a final millage rate and budget in a newspaper of general paid circulation within the town. The second public hearing on the budget must be held within two to five days after the date the advertisement is published. Accordingly, I recommend that City Council set the second public hearing for **Tuesday, September 17, 2012** at 6:30 p.m. The final public hearing on the budget will be held in a regular meeting of the City Council. (Proposed TRIM & Budget Timetable/Important Dates attached)

If there are any questions, please feel free to contact me.

Recommendation:

1. Direct City staff to set the millage at theⁱ highest allowable rate given property tax reform. As soon as the necessary information is received from the Property Appraiser's Office, this amount can be accurately calculated.
2. Schedule first public hearing on tentative budget and millage for Tuesday, September 4, 2012 at 6:30 p.m. This is a special meeting date.
3. Advise the Orange County Property Appraiser's Office of the tentative ad valorem millage rate and public hearing date on the appropriate Form 420 in accordance with Truth in Millage (TRIM) requirements.

Other:

Motion Language

Millage

I move to set the City of Edgewood's tentative millage rate for Fiscal Year 2012/2013 at

Budget

I move to schedule the first public hearing on the City of Edgewood's Fiscal Year 2012/2013 tentative budget and millage rate, as a Special Council Meeting on Tuesday, September 18, 2012, at 6:30 p.m.

Millage History

1998 – 2000	3.9000
2001	4.1000
2002 – 2007	4.7000
2008 – 2011	3.9500
2012 – current	4.7000

ⁱ The Florida Constitution caps the millage rate assessed against the value of the property at 10 mills per taxing entity. That is, taxing units are prohibited from levying more than \$10 in taxes per \$1,000 of taxable value on properties they tax, without obtaining voter approval at least every two years.



CERTIFICATION OF TAXABLE VALUE

DR-420
R. 06/11
Rule 12DER11-13
Florida Administrative Code
Eff. 6/11

2011	County ORANGE
Principal Authority EDGEWOOD	Taxing Authority EDGEWOOD

SECTION I: COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	249,891,610	(1)
2.	Current year taxable value of personal property for operating purposes	\$	16,442,874	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	303,941	(3)
4.	Current year gross taxable value for operating purposes (Line 1 plus Line 2 plus Line 3)	\$	266,638,425	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$	2,538,365	(5)
6.	Current year adjusted taxable value (Line 4 minus Line 5)	\$	264,100,060	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	270,766,099	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number	(8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s.9(b), Article VII, State Constitution? If yes, enter the number of forms DR-420DEBT, Certification of Voted Debt Millage for each debt service levy.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number	(9)

S I G N	Property Appraiser Certification	I certify the taxable values above are correct to the best of my knowledge.	
	Signature of Property Appraiser <i>Bill Donegan</i>	Date	JUNE 24, 2011

SECTION II: COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your Authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, -0-.

10.	Prior year operating millage levy (If prior year millage was adjusted then use adjusted millage from Form DR-422.)		3.9500	per \$1,000	(10)
11.	Prior year ad valorem proceeds (Line 7 multiplied by Line 10 divided by 1,000)	\$	1,069,526		(11)
12.	Amount, if any, paid or applied in prior year because of an obligation measured by a dedicated increment value (Sum of either Line 6c or Line 7a for all DR-420TIF forms)	\$	0		(12)
13.	Adjusted prior year ad valorem proceeds (Line 11 minus Line 12)	\$	1,069,526		(13)
14.	Dedicated increment value, if any (Sum of either Line 6b or Line 7e for all DR-420TIF forms)	\$	0		(14)
15.	Adjusted current year taxable value (Line 6 minus Line 14)	\$	264,100,060		(15)
16.	Current year rolled-back rate (Line 13 divided by Line 15, multiplied by 1,000)		4.0497	per \$1,000	(16)
17.	Current year proposed operating millage rate		4.7000	per \$1,000	(17)
	Total taxes to be levied at proposed millage rate (Line 17 multiplied by Line 4, divided by 1,000)	\$	1,253,201		(18)

Continued on page 2

19.	TYPE of principal authority (check one)	<input type="checkbox"/> County	<input type="checkbox"/> Independent Special District	(19)
		<input checked="" type="checkbox"/> Municipality	<input type="checkbox"/> Water Management District	
20.	Applicable taxing authority (check one)	<input checked="" type="checkbox"/> Principal Authority	<input type="checkbox"/> Dependent Special District	(20)
		<input type="checkbox"/> MSTU	<input type="checkbox"/> Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	(21)
DEPENDENT SPECIAL DISTRICTS AND MSTUs  STOP HERE - SIGN AND SUBMIT				

22.	Enter the total ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs at rolled-back rate. (Total of Line 13 from all Form DR-420 forms)	\$ 1,069,526	(22)
23.	Current year aggregate rolled-back rate (Line 22 divided by Line 15, multiplied by 1,000)	4.0497 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes (Line 4 multiplied by Line 23, divided by 1,000)	\$ 1,079,806	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, & MSTU's if any. (Total of Line 18 from all DR-420 forms)	\$ 1,253,201	(25)
26.	Current year proposed aggregate millage rate (Line 25 divided by Line 4, multiplied by 1,000)	4.7000 per \$1,000	(26)
	Current year proposed rate as a percent change of rolled-back rate (Line 26 divided by Line 23, minus 1, multiplied by 100)	16.06 %	(27)

First public budget hearing	Date	Time	Place
	09/06/2011	6:30pm	405 Larue Avenue Edgewood City Hall Council Chamber

S I G N H E R E	Taxing Authority Certification	I certify the millages and rates shown are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s.200.071 or s.200.081, F.S.	
	Signature of Chief Administrative Officer	Date	
	<i>Ray Bapshew</i>	7/22/2011	
	Title	Contact Name	Physical Address
<i>MAYOR</i>	<i>Bea L. Meeks, City Clerk</i>	<i>405 LARUE AVE., Edgewood, FL</i>	
Mailing Address	City, State, ZIP	Phone Number	Fax Number
<i>405 LARUE AVE., Edgewood, FL</i>	<i>Edgewood, FL 32809</i>	<i>407-851-2920</i>	<i>407-851-7361</i>

TRIM & Budget Timetable / Important Dates-

June 22	OCA 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 OCA: <ul style="list-style-type: none"> • Prior year millage • Current year proposed millage • Current year roll-back rate • Date, time, meeting place of the tentative budget hearing
August 7 – Council Workshop – 6:30 p.m.	FY2012-2013 Budget workshop
August 15-16	OCA 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 OCA, 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

**Florida Department of State
Division of Elections
Initiatives / Amendments / Revisions**

Made Ballot Position

Elec Year	Status	Date	Title	Serial # (Ballot #)	Sponsor
2012 GEN	Active	06/13/2011	<u>HEALTH CARE SERVICES</u>	(1)	<u>The Florida Legislature/Senate (CS/SJR 2)</u>
2012 GEN	Active	06/13/2011	<u>VETERANS DISABLED DUE TO COMBAT INJURY; HOMESTEAD PROPERTY TAX DISCOUNT</u>	(2)	<u>The Florida Legislature/Senate (CS/SJR 592)</u>
2012 GEN	Active	06/13/2011	<u>STATE GOVERNMENT REVENUE LIMITATION</u>	(3)	<u>The Florida Legislature/Senate (CS/SJR 958)</u>
2012 GEN	Active	06/21/2011	<u>PROPERTY TAX LIMITATIONS; PROPERTY VALUE DECLINE; REDUCTION FOR NONHOMESTEAD ASSESSMENT INCREASES; DELAY OF SCHEDULED REPEAL</u>	(4)	<u>The Florida Legislature/House (CS/HJR 381)</u>
2012 GEN	Active	06/21/2011	<u>STATE COURTS</u>	(5)	<u>The Florida Legislature/House (CS/HJR 7111)</u>
2012 GEN	Active	06/30/2011	<u>PROHIBITION ON PUBLIC FUNDING OF ABORTIONS; CONSTRUCTION OF ABORTION RIGHTS</u>	(6)	<u>The Florida Legislature/House (CS/HJR 1179)</u>
2012 GEN	Active	12/20/2011	<u>RELIGIOUS FREEDOM</u>	(8)	<u>The Florida Legislature/House (CS/HJR 1471)</u>
2012 GEN	Active	03/30/2012	<u>HOMESTEAD PROPERTY TAX EXEMPTION FOR SURVIVING SPOUSE OF MILITARY VETERAN OR FIRST RESPONDER</u>	(9)	<u>The Florida Legislature/House (CS/HJR 93)</u>
2012 GEN	Active	04/06/2012	<u>TANGIBLE PERSONAL PROPERTY TAX EXEMPTION</u>	(10)	<u>The Florida Legislature/House (CS/HJR 1003)</u>
2012 GEN	Active	04/13/2012	<u>ADDITIONAL HOMESTEAD EXEMPTION; LOW- INCOME SENIORS WHO MAINTAIN LONG- TERM RESIDENCY ON PROPERTY; EQUAL TO ASSESSED VALUE</u>	(11)	<u>The Florida Legislature/House (CS/HJR 0169)</u>
2012 GEN	Active	04/13/2012	<u>APPOINTMENT OF STUDENT BODY PRESIDENT TO BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM</u>	(12)	<u>The Florida Legislature/House (CS/HJR 0931)</u>

[Department of State] [Division of Elections] [Initiative Petitions]

POLICE DEPARTMENT QUARTERLY ACTIVITY UPDATE**2ND QUARTER 2012****RESIDENTIAL BURGLARY (2) (LAST QTR 0)**

DATE	TIME	LOCATION	NOTES
04/27/12	5:26 PM	679 LK HARBOR CIR	BICYCLE TAKEN FROM OPEN GARAGE
06/19/12	9:00 PM	123 LK CONWAY DR	GUNS/JEWELRY TAKEN

COMMERCIAL BURGLARY (2) (LAST QTR 1)

DATE	TIME	LOCATION	NOTES
04/18/12	4:29 AM	4769 S. ORANGE - ALL CELL REPAIR	MISC ITEMS TAKEN
06/18/12	11:34 AM	4061 FORRESTAL - AMERICAN FURNITURE	AIR COMPRESSOR TAKEN

AUTO BURGLARY (8) (LAST QTR 1)

DATE	TIME	LOCATION	NOTES
04.04/12	3:37 PM	11 LK GATLIN AV	ROOF RACK TAKEN
04/12/12	6:19 AM	460 HARBOUR ISLAND	GPS/IPOD TAKEN -VEH UNLOCKED
04/12/12	6:30 AM	5103 LEEWARD WAY	MISC ITEMS TAKEN - VEH UNLOCKED
04/12/12	9:45 AM	5033 THE OAKS CIR	MISC ITEMS TAKEN - VEH UNLOCKED
04/12/12	6:00 AM	9 ADDRESSES	MISC ITEMS TAKEN - VEH UNLOCKED
04/27/12	9:36 PM	5102 LEGACY OAKS	GUN TAKEN - VEH UNLOCKED
04/29/12	9:29 PM	4936 LK MILLY	CAMERA/WALLET TAKEN - VEH UNLOCKED
06/07/12	12:59 PM	4698 S. ORANGE - GATOR TIRE	MONEY TAKEN (ALLEGED)

GRAND THEFT (4) (IN EXCESS OF \$300. VALUE) (LAST QTR 6)

DATE	TIME	LOCATION	NOTES
04/13/12	2:15 PM	5339 HANSEL - CAMELOT	JET SKI STOLEN
04/15/12	10:50 AM	640 GLEN GROVE	VEH STOLEN/RECOVERED
04/18/12	5:02 PM	5104 S. ORANGE - ALUMITECH	GPS TAKEN/ARREST PENDING
06/22/12	4:21 PM	4400 S.ORANGE - DISCOVERY CHURCH	PURSE TAKEN

PETIT THEFT (3) (UNDER \$300. VALUE) (LAST QTR 2)

DATE	TIME	LOCATION	NOTES
05/23/12	3:59 PM	4400 S. RANGE - DISCOVERY CHURCH	WALLET TAKEN
06/07/12	4:49 PM	5456 HANSEL - COMMUNITY THRIFT	PURSE TAKEN/RECOVERED
06/15/12	9:35 AM	4795 JESSAMINE	PILLS TAKEN BY RELATIVE

RESIST OFFICER (2) (LAST QTR 2)

DATE	TIME	LOCATION	NOTES
05/14/12	10:30 AM	2411 TIMBERLAKE	RESIST WITHOUT - ARREST MADE
06/14/12	3:14 PM	4401 S. ORANGE	RESIST WITHOUT - ARREST MADE

ASSAULT/BATTERY (4) (LAST QTR 4)

DATE	TIME	LOCATION	NOTES
06/12	2:15 PM	5621 S. ORANGE - SAVE-A-LOT	
04/21/12	1:52 AM	465 MANDALAY	BATTERY DOMESTIC - ARREST
05/12/12	8:50 PM	414 OAK LYNN	SIMPLE ASSAULT - ARREST
06/01/12	11:10 PM	157 MARSEILLE OAKS	BATTERY DOMESTIC - ARREST

SEXUAL BATTERY (0) (LAST QTR 0)

DATE	TIME	LOCATION	NOTES

ROBBERY (1) (LAST QTR 0)

DATE	TIME	LOCATION	NOTES
04/14/12	01/00/00	S. ORANGE & JAMAICA	PURSE SNATCH

NARCOTICS ARRESTS (13) (LAST QTR 11)

DATE	TIME	LOCATION	NOTES
04/23/12	1:13 PM	JESSAMINE & DEL RIO	CANNABIS/PARAPHERNALIA
04/28/12	5:53 PM	5025 S. ORANGE	CANNABIS - 2 JUV ARRESTED
05/07/12	4:42 AM	S. ORANGE & HOLDEN	CANNABIS
05/12/12	7:30 PM	5319 HANSEL	CANNABIS
05/13/12	1:30 PM	5650 HANSEL	PARAPHERNALIA
05/14/12	10:30 AM	2411 TIMBERLAKE	PARAPHERNALIA
05/18/12	9:16 PM	S. ORANGE & HOLDEN	PARAPHERNALIA
06/03/12	2:52 AM	S. ORANGE & WILKS	CANNABIS
06/04/12	3:18 AM	GATLIN & VAUGHN	CANNABIS
06/08/12	2:05 AM	4864 S. ORANGE	CANNABIS
06/08/12	12:40 PM	1100 HOLDEN	CANNABIS/PARAPHERNALIA
06/18/12	10:00 PM	S. ORANGE & HOLDEN	CANNABIS

TRAFFIC ARRESTS (20) (LAST QTR 29)

DATE	TIME	LOCATION	NOTES
04/10/12	10:10 PM	S. ORANGE & GEM	DWLS
04/18/12	1:30 PM	S. ORANGE & JENNIE JEWEL	DWLS
04/20/12	3:49 AM	5565 S. ORANGE	DUI
04/23/12	1:13 PM	JESSAMINE & DEL RIO	DWLS
04/24/12	3:11 PM	S. ORANGE & MARY JESS	DWLS
04/27/12	9:46 AM	S. ORANGE & GATLIN	DWLS
05/06/12	3:20 PM	4757 S. ORANGE	DWLS
05/08/12	2:10 AM	4098 S. ORANGE	DWLS
05/09/12	2:20 PM	S. ORANGE & HOLDEN	UNLICENSED VEH
05/16/12	11:18 AM	5028 S. ORANGE	DWLS
05/18/12	12:25 PM	335 MANDALAY	DWLS
05/19/12	6:14 AM	4900 BLOCK S. ORANGE	DWLS
05/25/12	9:32 PM	HOLDEN AND SOBT	DUI
05/25/12	10:51 PM	8220 SOBT	DWLS
05/25/12	11:38 PM	500 E. COLONIAL	DUI
05/29/12	9:08 AM	HANSEL & LK HARBOR	DWLS
06/03/12	10:57 AM	S. ORANGE & LK CONWAY	DWLS
06/03/12	4:09 PM	4753 S. ORANGE	DWLS
06/05/12	12:42 PM	S. ORANGE & GEM	DWLS
06/11/12	12:43 PM	S. ORANGE & HOLDEN	DWLS
06/18/12	10:00 PM	S. ORANGE & HOLDEN	DWLS

OTHER ARRESTS (12) (LAST QTR 2)

DATE	TIME	LOCATION	
05/21/12	1:52 AM	465 MANDALAY	BATTERY - DOMESTIC
05/05/12	2:32 PM	4201 S. ORANGE	CHILD ABUSE/NEGLECT
05/05/12	2:32 PM	4201 S. ORANGE	VOP
05/12/12	8:50 PM	414 OAK LYNN	SIMPLE ASSAULT
05/13/12	1:23 PM	5650 HANSEL	SHOPLIFT
05/14/12	10:30 AM	120 GATLIN	STOLEN VEH
05/14/12	10:30 AM	2411 TIMBERLAKE	RESIST OFC WIITHOUT VIOLENCE
06/01/12	11:10 PM	157 MARSEILLE OAKS	BATTERY - DOMESTIC
06/04/12	6:48 PM	4922 S. ORANGE	PUBLIC INTOX
06/08/12	7:45 AM	5650 HANSEL	TRESPASS
06/08/12	8:47 PM	5650 HANSEL	TRESPASS
06/14/12	3:14 PM	4401 S. ORANGE	RESIST WITHOUT

TRAFFIC CRASH INFO (24) (LAST QTR 22)

TYPE	#	LOCATION	NOTES
FATALITY	0		
HIT & RUN	1	105 GATLIN	NO INJURY
	1	5406 HANSEL	NO INJURY
INJURY	5	S. ORANGE & GATLIN	
	1	5398 S. ORANGE	
	1	HOLDEN & JESSAMINE	
	1	GATLIN & OAK COVE	
NON-INJURY	4	S. ORANGE & GATLIN	
	2	S. ORANGE & MANDALAY	
	2	S. ORANGE & HOLDEN	RED LIGHT CAMERA LOCATION
	1	S. ORANGE & GEM	
	1	JESSAMINE & LEGACY OAKS	
	1	S. ORANGE & KELSEY	
	1	5621 S. ORANGE - FAMILY DOLLAR	
	1	S. ORANGE & MARY JESS	RED LIGHT CAMERA LOCATION
	1	S. ORANGE & HOFFNER	

MISCELLANEOUS

ARREST WARRANTS SERVED: 21 (LAST QTR 4)
CITATIONS ISSUED: 901 (LAST QTR 954)
RED LIGHT CAMERA CITATION ISSUED: 3171 (LAST QTR 980)
ALARMS ANSWERED: 65 (LAST QTR 48)

CODE ENFORCEMENT

SIGNS COLLECTED: 64 (LAST QTR - 234)
CASES INITIATED: 62 (LAST QTR - 87)
CASES TAKEN TO HEARING: 0 (LAST QTR - 4) (CASES WON -)

P.D. ISSUES

NOTHING TO REPORT
