

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
WORKSHOP**
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, January 8, 2013
9:00 a.m.

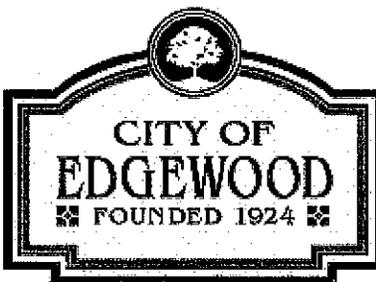
WELCOME! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit 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. ROLL CALL & DETERMINATION OF QUORUM
- C. REVIEW & DISCUSS PERMITTING FEES
- D. ADJOURNMENT

UPCOMING MEETINGS:

January 15, 2013.....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.



MEMO

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

FROM: Bea L. Meeks, City Clerk

RE: Pass-Through Fees *B*

DATE: January 2, 2013

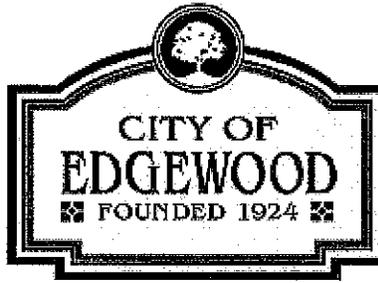
As you know, I have had a concern with consulting fees that exceed the City's fee schedule, and have ask for your consideration in this matter.

I provided you with a memo in your November agenda packet, which I have included with this memo. You have also been provided with information regarding invoices, with information showing the amount paid versus the consultant's fee. This information (October 2011 – September 2012), is also included with this memo. Lastly, you are being provided with billing by FEG for the current fiscal year; I have noted the variation in the fee paid and what FEG invoiced.

As was explained to you before, the Council in 2004 approved an Ordinance (See attached Ordinance 2004-009) that provided language for pass-through fees. The fee was never approved in any Resolution, which is why this staff has not enforced the pass-through fees. I reviewed the minutes of the meeting wherein this Ordinance was considered; however, the minutes were essentially action minutes therefore, I was unable to glean any discussion regarding intent or concerns as to what motivated Council to approve the Ordinance.

As I have explained to you before, Council should consider staff time and the archived compliance time required for these records. I have included the general records schedule to this e-mail related to how long staff is required to maintain these records. You will note that for most permitting records, the retention is 10 years after the Certificate of Occupancy (CO) has been issued. Currently, the City pays Cintas Records Management to come and pick up the records that can be disposed, and they are shredded. The cost is generally \$45.00 per pick up. For the calendar year 2012, the City paid \$289.15. It should be noted that City Hall staff has not disposed of any records because of the condition of the archive rooms. I should also note that I am required annually to provide a Records Custodian report to the state regarding the retention and disposition of our records. I only provide this information for City Hall.

In summary, my request is to consider amending the City's fee Resolution by adding the language from the 2004 Ordinance allowing the pass-through fees to be invoiced to the applicant. I have also requested a zoning fee for all permitting requests. Orange County will not review and issue a permit without the City's zoning stamp (see November memo).



MEMO

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

FROM: Bea L. Meeks, City Clerk

RE: Fees

DATE: November 14, 2012

Per your request, I am providing you with more information regarding engineering fees. As you will recall, I reported in the October meeting that the review fees set by Resolution are not always covering the review time by the engineer. For this reason, I ask Council to consider amending the current fee schedule to include pass through fees, as allowed through Ordinance 2004-009. You may recall, I proposed the following:

SERVICE	FEE	CODE/STATUTORY REFERENCE (if applicable)
Any expenses incurred by the city during any review, inspection, permission or approval process for constructed improvements (including, but not limited to site plans, subdivision plans, plat approvals, variances) or land use improvements (including, but not limited to comprehensive plan amendments; zonings and rezoning; special exceptions; and building and/or uses of land connected with occupational license applications) in excess of any fees previously collected shall be billed to the owner/applicant/developer/subdivider by the City Clerk for payment.	Actual fee in excess of fee paid at time of application.	Section <u>7</u> (b) (Ord. No. 2004-09 ³ adopted on 1/4/2005)

It should be noted that I reported to Council in the past regarding my concerns over consultant fees. My present concern is not specific to Florida Engineering Group. Additionally, amending our current fee schedule will not be specific to just engineering fees, but will cover other consulting fees, when applicable.

I am providing you with a spread sheet that shows fees paid to Engineer Art Miller, and compared the fees to the monies the City collected. The spreadsheet also shows a comparison of the fees paid to FEG, and the fees collected by the City. Invoices are also attached to the spreadsheet so you can see the actual bill. The spreadsheet only indicates those monies paid to the respective engineer for review time and/or inspections where money is collected by the City, it does not include the fees for projects specific to the City, i.e. NPDES, sidewalks, drainage, etc.

Lastly, I also requested that Council consider a zoning fee. As you may recall, I told you that the County will not look at any building application without our zoning clearance. When an applicant comes to City Hall for a permit for a fence (OC does not permit unless commercial), mechanical, plumbing, windows, doors, to name a few examples, staff reviews the application for the following:

1. Confirm the address is in the City limits (we do get applications for Belle Isle)
2. Confirm liability and workers comp insurance
3. Confirm licensed contractor

After we stamp for zoning, we make a copy of the the permit package, and then direct the applicant to Orange County for their permit. We data entry the permit information onto a log set up in the computer, and the application package now becomes a part of the City's records retention and disposition in archives. I am proposing a \$20.00 to \$25.00 zoning clearance fee.

Thank you for your consideration in this request.



INVOICE

DATE	INVOICE #	FEG PROJECT	AMOUNT	ACCOUNT
12/11/2012	6404	Retention Pond at Lake Jessamine TA 12-042 PW	\$ 350.00 1.50 Principal P.E.	539310-01
<i>City</i>		Review of SJRWMD prior permit history and meeting with HOA rep	1.0 Senior P.E.	
	6402	NPDES TA 12-010	\$ -	539310-01
<i>City</i>		Work related to newsletter article	2.0 Senior P.E.	
	6403	5143 Cranes Point Ct TA-12-036	\$ 825.00 1.0 Principal P.E.	539310-01
<i>\$ 350.00</i>		Review of variance appl request; coordination with City Staff and Applicant; Prep of report for P&Z Hearing.	7.0 Senior P.E.	
TOTAL			\$ 1,175.00	

825.00



INVOICE

General Engineering

DATE	INVOICE #	FEG PROJECT	AMOUNT	ACCOUNT
10/31/2012	6364	5143 Cranes Pt Ct TA 12-036	\$ 300.00	539310-01
350.00		Review of addtl info sbmtd for Boat Dock and coord with City Hall and applicant.	1.25 Principal P.E. 1.5 Senior P.E.	
50.00	6365	5403 Oak Terrace Dr TA 12-037	\$ 125.00	539310-01
		Review of gas permit appl, including site visit and approval memo.	1.0 Senior P.E.	
50.00	6366	590 Gatlin Ave TA-12-038	\$ 125.00	539310-01
		Review of Pool Addtl sbmtl and issuance of review comments.	1.0 Senior P.E.	
50.00	6367	4860 Waterwitch Pt Dr	\$ 125.00	539310-01
		Fence Permit Appl including site inspection and appvl memo.	1.0 Senior P.E.	
50.00	6368	5604 Lake Mary Jess Shores TA-12-040 GP	\$ 187.50	539310-01
		Gas Permit Application including site inspection and appvl memo.	1.5 Senior P.E.	
City	6363	TA-12-010 NPDES	\$ 937.50	539310-01
City	6362	11-081 Professional Engineering Svcs	\$ 450.00	539310-01
		Review and site inspections of cavity/Subsidence at Toulon Dr and coord w/ OC and Mayor.	3.0 Principal P.E.	
		Review and future Land Use Zoning, and other development requirements for Properties at 1110 & 1103 Hoffner Ave and coordination with Applicant.		
TOTAL			\$ 2,250.00	

1700.00

ORDINANCE NO. 2004-009

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA ESTABLISHING PROCEDURES FOR THE ENFORCEMENT AND COLLECTION OF LIENS LEVIED AGAINST PROPERTY BY THE CITY; PROVIDING FOR A SHORT TITLE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR LIENS INCLUDED AND NOT INCLUDED; PROVIDING FOR A NOTICE OF LIEN TO PROPERTY OWNER; ESTABLISHING PRIORITY OF LIENS; PROVIDING FOR AN APPEAL PROCESS; PROVIDING FOR THE COLLECTION OF LIENS; ESTABLISHING SERVICE CHARGES FOR LIEN SEARCHES; AMENDING SECTION 2-111 OF THE EDGEWOOD CITY CODE FOR CLARIFICATION PURPOSES AND TO ALLOW THE CITY TO RECOUP ITS EXPENSES WHEN LAND USE APPLICATIONS ARE MADE AND LICENSES ARE APPLIED FOR; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY OF EDGEWOOD, FLORIDA AS FOLLOWS:

Section 1. Short Title. This Ordinance shall be known and may be cited as the "City of Edgewood Lien Ordinance" and shall apply to the enforcement and collection of all liens levied against property by the City of Edgewood.

Section 2. Legislative Findings and Intent. The City Council of the City of Edgewood hereby finds that, in the absence of this Ordinance, property owners do not always bear the burden of paying for improvements to their properties accomplished by the City or services provided by the City that benefit their properties as required by the codes and ordinances of the City of Edgewood. The express intent of this Ordinance is to provide a method whereby the City can recover the costs of improvements and benefits inuring to private property as a result of City action and services provided to and for the benefit of such properties by the City and as required by the codes and ordinances of the City.

Section 3. Liens Included/Excluded From Affect of Ordinance.

(a). This Ordinance applies to all liens imposed that are due and owing to the City as set forth in this Ordinance.

(b). Liens that are the subject of this Ordinance include, but are not limited to:

- (1) Nuisance liens;
- (2) Sanitation (sewer connections; garbage and trash removal) liens;
- (3) Sign removal liens;
- (4) For the expenses incurred by the City during review, inspection, or approval process for constructed improvements and land use improvements;
- (5) Liens relating to permits issued by the City for the benefit of the City; and
- (6) Impact fee liens.

(c). Except for Section 8 herein, liens resulting from Code Enforcement Board orders imposing fines are excluded from the provisions of this ordinance as are liens against homestead property, except for those specifically authorized by law.

Approved by:
City of Edgewood, Florida
City Council meeting of 1-04-05
Item# _____ Doc. # _____

Section 4. Priority of Liens. Liens created by the City of Edgewood and recorded in the Public Records of Orange County shall remain liens coequal with the liens of all State, County, district, and municipal taxes, superior in dignity to all other liens, titles and claims, until paid, and may be foreclosed pursuant to the procedures set forth in Chapter 173, Florida Statutes.

Section 5. Notices of Lien. Within ten (10) days after a lien against a property is recorded in the Public Records of Orange County, the City Clerk or other designee of the City Clerk shall send by certified mail to the property owner of record a notice of lien, informing the property owner of the existence of the lien, the amount of the lien and the work performed by the City for which such lien was imposed. If more than one (1) person owns the property, notice to one (1) owner shall be conclusively deemed to be notice to all owners.

Section 6. Appeal of Lien.

(a). Within thirty (30) days after a notice of lien is mailed by the City Clerk or designee of the City Clerk to the property owner, the property owner may file an appeal to the City Council to contest the existence of the lien or the amount of the lien.

(b). The form used to appeal such a lien must be substantially as follows:

In re the lien on: (Legal description and address of property).

Notice of Lien Appeal

I am the (owner or representative legally authorized to represent the owner) of the parcel of property located at _____. I received a notice dated _____ that a lien in the amount of _____ has been levied on this property due to the City's performance of the following labor performed, expenses, or service provided on that property:

(list labor performed, service provided by the City, or expenses incurred by the City)

I wish to appeal to the City Council the filing of such lien and/or the amount of such lien.

The basis on which I appeal the lien is as follows:

(state basis for appeal)

Owner or authorized representative
(Signature)

(c). The notice must be filed with the City Clerk or designee of the City Clerk within thirty (30) days of the City's mailing of the notice of lien. This time requirement is jurisdictional. Failure to file the appeal with the City, and pay any applicable fee established by the City Council for the filing of said appeal, within thirty (30) days shall be conclusively deemed to be an abandonment of any right to appeal or to otherwise contest the lien.

(d). Upon receipt, the notice of lien appeal will be forwarded to the Mayor, who shall be empowered to adjust, settle, or compromise any appeal on behalf of the City. If the Mayor and property owner fail to reach an agreement within fourteen (14) days of the date that the appeal was filed, the notice

of lien appeal will be placed on the agenda of the next reasonably available regularly scheduled City Council meeting.

Section 7. Collection of Liens. All liens shall become due and payable thirty (30) days after the mailing of the notice of lien by the City Clerk or other designee of the City Clerk to the property owner, except in such cases where an appeal is filed pursuant to Section 6, in which case the lien is due and payable thirty (30) days from the decision of the City Council. After the respective due dates above fixed, all unpaid liens shall become delinquent and shall thereafter bear interest at the rate of twelve (12) percent per annum; provided, however, that if said interest amount exceeds the maximum amount permitted by State law, then the interest rate shall be established at the maximum amount permitted by State law.

Section 8. Service Charge for Lien Search. There shall be a service charge for the preparation of a written confirmation of a lien search, including code enforcement liens, for the determination of whether a property has any liens owed to the City and the amounts owed, if any, as follows:

- (a). Provided same day of request..... \$40.00
- (b). Provided within one (1) working day of request..... \$30.00
- (c). Provided within three (3) working days of request..... \$25.00
- (d). Provided four (4) or more working days after request..... \$20.00

Section 9. Section 2-111 of the Edgewood City Code is hereby amended to read as follows, with underlined words constituting additions to the original text of the Section:

(a). All fees charged by the City are set by the Council and shall be as on file in the clerk's office.



(b). Any expenses incurred by the City during any review, inspection, permission or approval process for constructed improvements (including, but not limited to site plans, subdivision plans, plat approvals, variances) or land use improvements (including, but not limited to comprehensive plan amendments; zonings and rezonings; special exceptions; and building and/or uses of land connected with occupational license applications) in excess of any fees previously collected shall be billed to the owner/applicant/developer/subdivider by the City Clerk for payment. Said expenses shall include, but not limited to, advertising of notices; engineering, planning, and legal fees; and such other expenses that the City may incur during the process, whether or not properly initiated or completed. These expenses shall be paid to the City before any approvals, permissions, acceptances or permits are issued as applicable and shall be collectible by any and all lawful means including, but not limited to, liens on real and personal property.

Section 10. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

Section 11. Codification. It is the intention of the City Council of the City of Edgewood that the provisions of this Ordinance shall be made a part of the City of Edgewood Code of Ordinances and the Sections may be renumbered to accomplish such intention.

Section 12. Severability. If any portion, clause, phrase, sentence or classification of this Ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of this Ordinance; it is hereby declared to be the express opinion of the City Council that any such unconstitutional, invalid, inapplicable,

inoperative or void portion or portions of this Ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this Ordinance, the City Council would have enacted the valid constitutional portions thereof and the provisions of this Ordinance are hereby declared severable.

Section 13. Effective Date. The provisions within this ordinance shall take effect immediately upon enactment.

PASSED AND ADOPTED this 4 day of January, 2005.

FIRST READING: December 21, 2004

SECOND READING: January 4, 2005

Paige Teague
Paige Teague, Council President

Liane D'Aurora
Diane D'Aurora, Mayor

Judy Beardslee
Judy Beardslee, Council Member

Jim Bozeman
Jim Bozeman, Council Member

Nancy Crowell
Nancy Crowell, Council Member

Gary Heath
Gary Heath, Council Member

ATTEST:

Legal in form and valid if enacted:

Fay W. Craig
City Clerk

Vigoria C. J.
City Attorney

See also "ANNUAL REPORTS: GOVERNING BODY" and "FINANCIAL REPORTS: ANNUAL (LOCAL GOVERNMENT)."

These records may have archival value.

RETENTION:

- a) Record copy. 10 fiscal years provided applicable audits have been released.
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

ANNUAL REPORTS: GOVERNING BODY

Item #245

This record series consists of the annual program, narrative, and statistical report issued by the highest level of authority within an agency. It is a comprehensive compilation of all annual reports submitted by departments, divisions, bureaus, program offices, and other subdivisions including boards, commissions, and dependent special districts. This is **NOT** the annual financial report required under Section 218.32, Florida Statutes, nor is it the annual financial audit report required under Section 218.39, Florida Statutes, and Chapters 10.550, 10.800, and 10.850 of the Rules of the Auditor General of the State of Florida. See also "ANNUAL REPORTS: COUNTY GOVERNMENT," "AUDITS: AUDITOR GENERAL," "AUDITS: INDEPENDENT," and "FINANCIAL REPORTS: ANNUAL (LOCAL GOVERNMENT)." *These records may have archival value.*

RETENTION:

- a) Record copy. **Permanent. State agencies should contact the State Archives of Florida for archival review after 5 years. Other agencies should ensure appropriate preservation of records.**
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

✓ **ARCHITECTURAL/BUILDING PLANS: COMMERCIAL**

Item #216

This record series consists of graphic and engineering records (blueprints, elevations, specification plans, as-builts, etc.) that depict conceptual as well as precise measured information for the planning and construction of, or additions to, commercial buildings, including government facilities. The record copy is held by the local government permitting authority (often a building department). Other governmental departments may hold duplicates for their reference use. Refer to Chapter 553, F.S., Building Construction Standards, and s. 95.11(3)(c), F.S., Statute of Limitations regarding design, planning, or construction of an improvement to real property. See also "ARCHITECTURAL/BUILDING PLANS: RESIDENTIAL," "ARCHITECTURAL/BUILDING PLANS: PRELIMINARY DRAWINGS," "ARCHITECTURAL/BUILDING PLANS AND PERMITS: ABANDONED/WITHDRAWN," and "ENGINEERING RECORDS: INFRASTRUCTURE."

RETENTION:

- a) Record copy. Retain for life of structure OR 10 anniversary years after issuance of certificate of occupancy or termination of contract with professional engineer, registered architect, or licensed contractor, whichever is later.
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

✓ **ARCHITECTURAL/BUILDING PLANS: PRELIMINARY DRAWINGS**

Item #204

This record series consists of preliminary graphic and engineering drawing records that depict conceptual as well as precise measured information for the planning and construction of facilities. See also "ARCHITECTURAL/BUILDING PLANS: COMMERCIAL," "ARCHITECTURAL/BUILDING PLANS: RESIDENTIAL," "ARCHITECTURAL/BUILDING PLANS AND PERMITS: ABANDONED/WITHDRAWN," and "ENGINEERING RECORDS: INFRASTRUCTURE."

RETENTION:

- a) Record copy. Retain until obsolete, superseded, or administrative value is lost.
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

✓ **ARCHITECTURAL/BUILDING PLANS: RESIDENTIAL**

Item #252

This record series consists of graphic and engineering records (blueprints, elevations, specification plans, as-builts, etc.) that depict conceptual as well as precise measured information for the planning and construction of, or additions to, residential buildings and single family residences. The record copy is held by the local government permitting authority (often a building department). Other governmental departments may hold duplicates for their reference use. Refer to Chapter 553, F.S., Building Construction Standards, and s. 95.11(3)(c), F.S., Statute of Limitations regarding design, planning, or construction of an improvement to real property. See also "ARCHITECTURAL/BUILDING PLANS: COMMERCIAL," "ARCHITECTURAL/BUILDING PLANS: PRELIMINARY DRAWINGS," "ARCHITECTURAL/BUILDING PLANS AND PERMITS: ABANDONED/WITHDRAWN," and "ENGINEERING RECORDS: INFRASTRUCTURE."

RETENTION:

- a) Record copy. 10 anniversary years after issuance of certificate of occupancy.
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

✓ **ARCHITECTURAL/BUILDING PLANS AND PERMITS: ABANDONED/WITHDRAWN**

Item #332

This record series consists of building plans and permit applications that have been submitted for review but were abandoned or withdrawn by the applicant with no permit issued. The retention is pursuant to Florida Building Code 104.1.6, Time Limitations: "An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated." See also "ARCHITECTURAL/BUILDING PLANS: