CITY OF
EDGEWOOD
FOUNDED 1924

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

CITY COUNCIL AGENDA
REGULAR MEETING
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, February 19, 2013
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**

Approval of the following:

- *December 4, 2012 City Council Meeting* ***(Pgs. 1 – 4)***
- December 18, 2012 City Council Meeting **(Pgs. 5 – 10)**
- Crowder Gulf Disaster Recovery and Debris Management Agreement **(Pgs. 11 – 12)**

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

F. **PRESENTATIONS**

1. Mayoral Proclamation – Pine Castle Pioneer Day ***(Pg. 13)***

G. **ORDINANCES – FIRST READING**

1. Ordinance 2013-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SUBPART B "LAND DEVELOPMENT REGULATIONS", CHAPTER 101, "GENERAL AND ADMINISTRATIVE PROVISIONS", CREATING ARTICLE I, ENTITLED "PASS-THROUGH FEES", IN THE CODE OF

ORDINANCES; PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE. (Pgs. 14 – 20)

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

I. **NEW BUSINESS**

1. Resolution 2013-02

A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2012-2013 FISCAL YEAR; AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE. (Pgs. 21 – 22)

J. **OLD BUSINESS**

1. Permitting Fees **(Pgs. 23 – 26)**

K. **GENERAL INFORMATION** (No action required)

L. **CITIZEN COMMENTS**

M. **BOARDS & COMMITTEES**

N. **STAFF REPORTS**

1. Police Chief
2. City Clerk
3. City Attorney

O. **MAYOR & COUNCIL REPORTS**

P. **ADJOURNMENT**

UPCOMING MEETINGS:

- **March 19, 2013 – Regular City Council Meeting**
- **April 16, 2013 – Regular City Council 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.

CITY OF EDGEWOOD
FOUNDED 1924

WORKSHOP
(RE: Bank Depositories)
Tuesday, December 4, 2012
9:00 a.m.

Attendees:

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

Staff:

City Clerk Meeks
Chief Marcus
City Attorney Smith

DRAFT

City Council President Beardslee opened the City Council Workshop at 9:02 a.m. Council President Beardslee referred to Mayor Bagshaw, who said he contacted two other banks but they did not respond. He said that the City is looking to place their money in two banks. He noted that there is still a half-million dollars in the SBA account, and hopes that at the conclusion of the presentations, Council can decide what they want to do with the half-million dollars. In response to Council President Beardslee, Mayor Bagshaw confirmed that the money in Old Florida Bank is in an ICS (money market) account. Council Member Powell said that he didn't think anyone on Council other than Council President Beardslee knows the ins and outs of writing checks and moving money. He asked why Council is "sitting here" to be involved in the banking process, which is basically handled by the Mayor and the City Clerk. Council President Beardslee said that his question was posed in another meeting, and her response was that if she was in the Mayor's position, she would not want to have total authority. She said the Mayor agreed to hold the presentations. City Attorney Smith confirmed that the Mayor does have the total authority. Council Member Chotas disagreed with Council President Beardslee, and agrees with Council Member Powell as it relates to handling the banking. He noted that he has money in Old Florida Bank . He went on to say the Mayor has total authority, and it is wrong to usurp the Mayor's authority, and the Mayor has the discretion to include the Council in decision making. He said that the money has sat in another bank making no interest, and no one scrutinized that. Council President Beardslee said that the ten years she has been on Council there has never been a depository decision made without the Council

being included. She asked the City Attorney to address each Council member's fiduciary duty under the Charter. Council President Beardslee said that about two and half years ago they found out they had 2.8 million dollars that one person had control of the funds. Council Member Chotas reiterated he will recuse himself from any financial decision that relates to Old Florida Bank, but will be involved in the policy making decisions. Council Member Powell concurred. Council President Beardslee said she asked the City attorney to do some research on the risk factors of investing money. She said that if Council wants to cancel the presentations and let the Mayor make the decision then make the Motion now. Mayor Bagshaw said that he hasn't operated in a vacuum and that he has had a council member involved. He said the motion was made to move the funds, and he did and "now we are here after it has been done". He said the reason he thinks the presentations need to be done is for clarity. He said in looking ahead in the future, when he or other council members are not here; "the whole thing can blow up". He said things can change every March after an election. He said we can't look at what happened in the past and look at today and what needs to be done today, and what is best today and how can we best serve the City. He said he has included council in the banking. Mayor Bagshaw stated, "Will he include them in the day to day operations within the budget, no; he is not going to include Council". He said there is no way he can stop what he is doing every time he makes a day-to-day decision.

BANK PRESENTATIONS:

Christina Gailey and Carlos Morrell, First Southern Bank

Christina confirmed Amanda Skaggs doesn't work with the City, as she has moved into another area of operations of the bank. She said that the bank does provide checks and balances and there are no fees. She said they only maintain the operational account. She said that First Southern has always had part of the City's accounts and they are happy with the partial relationship. She noted a meeting in July with the Mayor and Council Member Henley. She said they have not received the signature cards back and have not moved the funds. She said they would be required to put up funds to collateralize the additional funds, if the City placed them with First Southern.

QUESTIONS AND ANSWERS:

Council President Beardslee asks if a proposal was made to the City as it related to an interest rate for any other depository funds. Christina said she and Amanda Skaggs met with Mayor Bagshaw and Council Member Henley in July and it was discussed. She said the account is "pseudo" open but not set up because the signature card was not returned. Christina said the rates are in the packets Council received.

Council Member Powell referenced page 5, second paragraph. He said it seems strange to open an account without putting any money in them. Council President Beardslee said they were opened to move the funds from the State accounts. She said restricted funds cannot be comingled with the general fund. Christina confirmed the .045 is a special rate for the City.

Mayor Bagshaw noted the problems with payroll during the holidays. He said the City had to cut paper checks. Christina said that the bank needs a two day lead time. She said she understands the Police

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Chief doesn't want to submit timesheets early. She confirmed the Federal Reserve controls the situation and they don't know how the employees' banks operate.

City Clerk Meeks ask what would cause a file error that could affect the ACH payroll, and was told that it could be because of a new employee's ACH info was wrong.

Christina confirmed for Mayor Bagshaw that rates have gone down since July, but will hold the .045 for the City, and if there is any change in rates, the City will receive notice. It was confirmed for Council Member Chotas that the City would receive notice of rate changes within the next billing cycle.

In response to Council Member Chotas, Christina said all funds would be collateralized as it is required.

Alyson Bass and John Calpey, Old Florida National Bank

John Calpey referred Council and staff to their proposal. He said they rely on the ICS (insured cash service). He said they offer two components; savings/money market and ICS demand (interest bearings with unlimited withdrawals). In response to Council President Beardslee, John said they are offering the same rate. He said the current ICS account can be converted; currently at .040 basis points. John noted the caveat that they are proposing the .040 basis points, if the City leaves what currently exists, and then it will be .030 basis points. He said if bank has all of the City's banking business, it will not go down more than .10 basis points. He said the ICS savings will not permit you to withdraw funds if you exhaust your 6 withdrawals. John Calpey said the nice thing about ICS and CEDARS is that the bank doesn't have to collateralize.

Council President Beardslee questioned the bank on the City banking being "all or none". As it relates to CEDARS and ICS, she asked if Old Florida Bank is just the agent. Alyson said the City's money is not really at Old Florida Bank, it's in another entity. John said Old Florida Bank acts as the custodian, as is the Bank of New York Mellon. Mayor Bagshaw clarified "it is not all or none"; Old Florida Bank is offering two different options.

Council President Beardslee noted that the agreement was blank as it relates to a penalty fee if you withdraw funds. John said CEDARS has the penalty, but ICS doesn't have a penalty. He also mentioned reciprocal transaction and explained. Council Member Chotas asked about the six limit withdrawal, and being able to remove and move to First Southern Bank without a penalty. Council Member Chotas said this is the first he has heard that Old Florida Bank wanted "all the funds" and asked why. John Calpey said it is related to building a relationship.

John Calpey confirmed for Council President Beardslee that there is no administrative fee.

Council Member Powell asked about fees for checks if the City transferred the operational account, and John said the initial order for checks is covered.

Council Member Henley asked if the .10 basis points is for full account, what about partial. John said Old Florida Bank will honor for either relationship.

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Council President Beardslee thanked all bank representatives for their proposals and presentations.

Council Member Chotas said in listening to the two presentations, he believes the Mayor should have the total decision. He said leave the money in Old Florida Bank until June. Council President Beardslee said the City would lose the basis points.

Mayor Bagshaw said that the bottom line is that neither bank can guarantee anything. He said he feels the interest rates will decline.

Council President Beardslee said she agrees with a comment Council Member Dowless said before "don't put all your eggs into one basket". She said leave everything in Old Florida Bank until June and then review again. She said move funds from State into First Southern, and move the 700,000 into collateralized account and earn .045. Mayor Bagshaw said the police impact fees need to be moved out, as well as transportation. Mayor Bagshaw said he is comfortable with both banks.

City Clerk Meeks said if they wait until June, the audit should be done and Council will be getting ready for budget; this will help to have a better idea of the City's funds.

Mayor Bagshaw said his preference is to leave a half million dollars with the State until March to see where interest rates are.

It was the consensus of the Council to cancel the special meeting that was to follow the workshop. Council Member Henley asked about having to have all council signatures. Mayor Bagshaw explained that you need two signatures, and so you want the availability of members.

ADJOURNMENT

With no further business or comments, **Council President Beardslee adjourned the Workshop at 10:31 a.m.**

DRAFT

ATTEST:

_____

Bea L. Meeks, MMC, CPM
City Clerk

_____

Judy Beardslee
Council President

APPROVED BY CITY COUNCIL ON_____, 2013.

REQUESTED CORRECTIONS TO DECEMBER 18, 2012 MINUTES

Page 2

Council Member Dowless said that ~~conformity brings good aesthetics~~ some kind of uniformity helps aesthetically the City look better . Council member Chotas said he wants to clarify that the City can only enforce the law with the owner, but the owner based on the lease ~~can enforce the business owner~~ can require the business owner to correct.

Page 5

Council Member Chotas reiterated the City Clerk's reminder to provide comments ~~relevant~~ relative to the Comprehensive Plan Amendment before January 10, 2013.

EDGEWOOD CITY COUNCIL
December 18, 2012 CITY COUNCIL REGULAR MEETING

On Tuesday, December 18, 2012, Council President Judy Beardslee called the Edgewood City Council Regular Meeting to order at 6:30 p.m. The invocation was given by Council Member Dowless followed by the Pledge of Allegiance.

The following attendance is noted:

Attendees:

Ray Bagshaw, Mayor
Judy Beardslee, Council President
John Dowless, Council Member
Lee Chotas, Council Member

Absent:

Pam Henley, Council Member (excused)
Neil Powell, DDS, Council Member (excused)

Staff

Administrative Assistant Cinnamon Wild
Chief Marcus
City Attorney Smith
City Engineer Sebaali

CONSENT AGENDA

Approval of the following Minutes:

- November 20, 2012

Council Member Chotas made the Motion to approve the consent agenda, with Second by Council President Pro Tem Dowless. The consent agenda was unanimously approved.

PRESENTATIONS

- Business Owners – RE: 2002 Sign Ordinance

Vince Constantini, Owner of Tops-N-Details said he would like to resolve sign issue tonight. He indicated that he agrees that signs need to be improved but not removed. He said that it is a safety factor and that the ground sign is not the way to go. He noted a previous remark Council Member Powell made about some business owners not being property owners, and didn't understand the remark. He said he thinks the existing signs should be grandfathered in. He said to lower the signs does not make much sense. He said that some of the business owners will help the City in approaching other business owners to clean up their signage and landscaping but still don't know what the City wants to do. Council President Beardslee asked the City Attorney to address the Ordinance. City Attorney Smith said Council recently passed an Ordinance to bring certain signs in compliance, and noted that Discovery Church's

sign is an example. She said everyone wants to see the Orange Avenue corridor look nice, but not to burden the small businesses. Mayor Bagshaw said that the amendment that came out allowed pole signs but it was the distance from the ground to the bottom of the sign that was addressed. He said if you take the signs down, it is less expensive and owners can take care of them. He said his concern is that the business owners in the City want the City to work with them but thinks it is only fair that they work with the City. He said they have 24/7 fire and rescue service. He said Vince made a good point; there is signage in Edgewood that has been in existence for 30 years. He asked what can be done to clean up the signage to make their business more viable, and bring other businesses in. Mayor Bagshaw said their businesses are loved and respected. He said he is not opposed to doing something with the signs but it has to be a 2-way street. He said businesses had ten years to bring signage into compliance. Council Member Chotas said he thinks it is an inappropriate time financially to make changes. He said Council recognizes that some businesses did spend money to bring their signage into compliance. He said that legally, Council cannot answer their question favorably. He said the Mayor has been working diligently as to ways to amend the Ordinance. He said the Mayor will give recommendations after the first of the year. Council member Chotas asked for their patience because they are not being asked to do anything at this time. Mayor Bagshaw said it will be February until he can give his recommendations. The Mayor said if signage is currently legible and clean, then it can be dropped; he just hasn't decided the height. Council Member Dowless said he noted that Council Member Powell's remark about the owners was because they are the ones who are supposed to make correction. He said something does need to be done, and that the Council is very pro-business and has the spirit of cooperation and wants to work with the business owners. Council Member Dowless said some kind of uniformity helps aesthetically the City look better. Council member Chotas said he wants to clarify that the City can only enforce the law with the owner, but the owner based on the lease can require the business owner to correct.

Richard Brinkman, Brinkman Accounting, said he agrees with what Vince said.

John Moccio, SMD Automotive, said he has a sign in compliance. He said it is only in compliance because he obtained a variance when Gladding-Jackson was working with the City on a Master Plan. He said his ground sign that is in compliance was damaged because the bulbs kept getting broken, and it became too expensive to repair.

Richard Fawcett, said he has been in business for 29 years, but not in Edgewood; however he is an Edgewood resident. He said he didn't think there has been a more proactive Mayor. He agrees that the matter should come back on the table in February. He said he knows Mayor Ray has done his due diligence. He said every time he comes out of Prescott Drive he sees the trees are dead, grass is dead, and it looks filthy. He said when he asked, he is told that the things that look bad on Orange Avenue are the landscaping/vegetation. He said the Mayor is the nicest guy and never seen anyone so proactive.

Richard Brinkman requested that he be given notice of the next meeting when Council addresses the signage again.

City Clerk Meeks asked for attendees to provide email address, noting that their email becomes public record. She said those providing their email address will be given notice of matters regarding signage as they occur.

Council President Beardslee moved to New Business on the agenda specifically, boat dock variance. City Clerk Meeks noted that Engineer Sebaali is in attendance, along with the applicant, Robin, Summertime Docks.

NEW BUSINESS

1. **REVIEW AND CONSIDERATION OF REQUEST FOR VARIANCE:**

   BOAT DOCK VARIANCE (Setback) – LAKE JESSAMINE – 5143 CRANES POINT COURT, KEVIN D. AND CAROLYN A. ACCOLA, OWNER – SUMMERTIME DOCKS, CONTRACTOR

Engineer Sebaali reported on the history of the already constructed boat dock, and the request to do maintenance, which will require a variance due to an addition. Engineer Sebaali said that the boat dock will not impact the navigable water. City Clerk Meeks confirmed for Council that there were no objections to the variance, and the Planning & Zoning Board moved forward to Council with the recommendation to approve.

Council President Beardslee made the Motion to approve the variance request subject to the engineer's conditions, with Second by Council Member Dowless. Unanimously approved.

Council President Beardslee recognized Robert Baity, from Boy Scout Troop 40. He explained to Council that he is working on his citizenship and community badges.

A. **ORDINANCES – FIRST READING**

1. **ORDINANCE 2012-12** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 34, LICENSES AND BUSINESS REGULATIONS, CREATING ARTICLE VI, HERBAL INCENSE AND BATH SALTS; BY ADDING SECTION 34-137, "SALE OR DISPLAY OF HERBAL LICENCENSE AND BATH SALTS"; PROHIBITING THE SALE, DISPLAY OR DISTRIBUTION OF HERBAL INCENSE AND BATH SALT PRODUCTS; PROVIDING DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, CODIFICATIONS, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith read Ordinance No. 2012-12 in title only.

Attorney Smith in response to the Mayor, said this Ordinance is dealing with City Code, separate from what the State is addressing.

Council Member Chotas made the Motion to approve the first reading of Ordinance No. 2012-11, with Second by Council Member Dowless.

Council President Beardslee said that she got a notice from her doctor's office about something that looks like pop rock candy but is a drug, and said be sure to talk to your teenager. Chief Marcus said the City is not the first to find out about new drugs because there is no school within the City, and the City doesn't have the problems that other Cities have. If it becomes a problem, they will get notice. He said he will be happy to check it out.

Council President Beardslee opened to public hearing; there being no comments, the public hearing was closed. .

The Ordinance passed with the following roll call vote (4/0):

Council Member Dowless	***Favor***
Council Member Chotas	***Favor***
Mayor Bagshaw	***Favor***

Council President Beardslee ***Favor***

Council President Beardslee announced that the second and final reading will be January 15, 2013.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

STAFF & COUNCIL REPORTS

1. City Attorney

Announced that "KiKi" (Attorney Kalinet Oded) had her baby, and that-son and mom are both healthy

2. Mayor Bagshaw

Reported the following:

- Orange Avenue/Gatlin/Holden Intersection final design going out for bid.
- Mayor Bagshaw said that staff and clients from the Russell Home are coming to Farmers market for Santa Claus' arrival. It was suggested that the school for Autism be invited too.

Concluded his report with saying it's the little things this time of the year, and that he respects the Council and what they do, and wished them Merry Christmas.

3. Police Chief

Reported that the Toys For Tots drive had a below average turn out, and an above average amount of gifts. He said the Russell Home received the extra food. He said there was a $1500.00 donation from a business owner that has given in the past. He noted that Holden Avenue was closed for construction work and should re-open this evening. He reported that the police department's re-accreditation will begin on January 8, 2013 and continue through February and into March. He said only five agencies in Orange County are accredited

Chief Marcus said officers contributed to the School for Autism; Council President Beardslee asked the Chief to let the officers know they are appreciated.

4. City Clerk

City Clerk Meeks reported on the following:

- Reminded Council of the holiday schedule.
- Reminded Council to email her any questions or comments they have regarding the Comprehensive Plan Amendment.
- Reminded Council of workshop scheduled for January 8, 2013

Council Member Dowless

No report.

Council Member Chotas

Council Member Chotas reiterated the City Clerk's reminder to provide comments relative to the Comprehensive Plan Amendment before January 10, 2013.

Council President Beardslee

Council President Beardslee said that City Hall is having issues with getting checks signed. In response to Council Member Chotas, Council President Beardslee said it would be good for Council Member Chotas to be a signer to help in the rotation. She said that what she wanted to talk about is that with Council Member Powell's schedule and her unavailability for a few weeks, she would like to add someone to sign checks. She said she opposes the mayor signing because he approves invoices and spends money. She said she would consider the City Clerk or Police Chief signing checks. Council Member Dowless said he puts it on his calendar to remind him to check to see if he is needed to sign checks. She said she doesn't want to burden staff. Chief Marcus said he did not think it was a good idea for him to sign checks because he promulgates a lot of his own expenses.

As the meeting was closing, Donald Dawson, 616 Vizcaya, inquired about a culvert that water was coming from the street corner of Silvera and Vizcaya. The the mayor said it has been reported to Orange County.

ADJOURNMENT

With no further business or comments, on the **Motion of Council Member Chotas, with Second by Council President Beardslee, the meeting was adjourned at 8:14 p.m.**

ATTEST:

Judy Beardslee
Council President

Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON_____, 2013.

CrowderGulf

Disaster Recovery and Debris Management

5435 Business Parkway
Theodore, Alabama 36582

Office: (800) 992-6207
Fax: (251) 459-7433

February 13, 2013

Honorable Ray Bagshaw
Mayor of The City of Edgewood
405 Larue Avenue
Edgewood, FL 32809

via: rbagshaw@edgewood-fl.gov

Re: Contract Renewal for Disaster Recovery & Debris Removal

Dear Mayor Bagshaw:

CrowderGulf has been providing the City of Edgewood Disaster Recovery & Debris Removal services per the contract executed on May 1, 2011. The Contract performance shall be through April 30, 2013. The Contract may be renewed, by mutual agreement, for additional periods up to a cumulative total of five (5) years at the same prices, terms and conditions.

If the City of Edgewood is in agreement to renew the existing contract, please sign the renewal acceptance below and return to CrowderGulf. Upon execution of this acknowledgement, the contract will continue under the same terms and conditions, until its new expiration date of April 30, 2014.

We appreciate the opportunity to renew this contract and stand ready to respond immediately in the event the community of the City of Edgewood requests our services. If you have any questions or if we can be of any further assistance please do not hesitate to contact me or Ashley Ramsay at 800-992-6207 or by e-mail jramsay@crowdergulf.com.

Best regards,

John Ramsay
President

RENEWAL ACCEPTANCE – City of Edgewood, FL

_____
Signature

_____
Name/Title

_____
Date

2013
Contact Information

DISASTER ADMINISTRATION OFFICE (DAO)
5435 BUSINESS PARKWAY
THEODORE, ALABAMA 36582
24 Hours / 7 Days a Week
800-992-6207 Phone
251-459-7433 Fax

In the event of activation please contact the Disaster Administration Office (DAO) first 800-992-6207

Official Notices should be sent to
DAO address, DAO fax or jramsay@crowdergulf.com

John Ramsay
President - Director
251-402-3677 Cell
jramsay@crowdergulf.com

Ashley Ramsay-Naile
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CITY OF EDGEWOOD, FLORIDA
MAYORAL PROCLAMATION

WHEREAS, *Pine Castle's Pioneer Day is a time to reflect on the achievements of past generations and to accept responsibility for protecting a community's heritage; and*

WHEREAS, *Pioneer Day is a time to celebrate Pine Castle's uniqueness and to rejoice in their heritage and environment; and*

WHEREAS, *the Pine Castle community has celebrated their pioneer spirit since 1974; and*

WHEREAS, *Pine Castle's Pioneer Day is an annual family-oriented, community-sponsored/planned event promoting the living history of the Pine Castle area thru demonstrations and other educational opportunities for attendees.*

WHEREAS, *I call upon all citizens to celebrate the richness of Pine Castle's past and the promise of its future.*

NOW, THEREFORE, I, RAY BAGSHAW, MAYOR OF THE CITY OF EDGEWOOD, FLORIDA DO HEREBY PROCLAIM *the weekend of February 23 thru February 24, 2013, as*

"Pine Castle Pioneer Day"

In the City of Edgewood we urge all citizens to participate and enjoy this event.

Dated this ***19th*** *day of* ***February, 2013.***

Ray Bagshaw, Mayor

SEAL

Attest:

Bea L. Meeks, MMC, CPM
City Clerk

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SUBPART B "LAND DEVELOPMENT REGULATIONS", CHAPTER 101, "GENERAL AND ADMINISTRATIVE PROVISIONS", CREATING ARTICLE I, ENTITLED "PASS-THROUGH FEES", IN THE CODE OF ORDINANCES; PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood recognizes that the City incurs significant costs in the review, inspection and regulation of development activities occurring within the City; and

WHEREAS, the City Council of the City of Edgewood desires that applicants for certain development activities pay the costs of review, inspection and regulation of development activities relative to their application; and

WHEREAS, the City Council of the City of Edgewood desires to amend its City Code to provide for pass-through of certain costs incurred by the City pertaining to the review, inspection and regulation of development activities,

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

SECTION 1. The City of Edgewood Code of Ordinances Subpart B, Chapter 101, Article I, "Pass-Through Fees", is hereby created as follows:

ARTICLE XVI

101-1 Authority

The City is hereby authorized to assess and collect fees, deposits, costs and expenses relating or pertaining to the review, inspection, regulation and defense of development related activities pursuant to this Section.

101-2 Definitions.

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

Applicant shall mean and refer to an owner or an owner's authorized agent who submits an Application, proposal, petition or project to the City.

Application, for purposes of this Section, shall mean and refer to an application, petition or proposal submitted to the City pertaining to development for which City approval is required, and shall be limited to the following:

(i) Comprehensive plan amendment
(ii) Concurrency determination
(iii) Development agreement, formulation and review
(iv) Development of regional impact
(v) Final subdivision plat, including any revisions to a previously approved or existing subdivision or plat
(vi) Permitted conditional use
(vii) Planned unit development
(viii) Preliminary subdivision plat
(ix) Rezoning (with or without a comprehensive plan amendment)
(x) Variance Application
(xi) Site plan review
(xii) Special Exception Application

City shall mean and refer to the City of Edgewood, Florida.

City consultant shall mean and refer to those companies, private consultants, governments, individuals or other entities under contract with the City to provide services to or for the City or who provide services to or for the City or who provide technical or legal expertise to or for the City, including but not limited to, attorneys, engineers, planners and surveyors.

City staff shall mean and refer to City employees.

Total development review amount shall mean and refer to the total amount of the review deposit to be paid by an Applicant pursuant to Section 101-3 and any fees authorized to be collected by the City pursuant to its Code of Ordinances.

Owner shall mean and refer to an owner or group of owners of fee simple title to a particular lot, tract, or parcel of real property.

Owner's authorized agent shall mean and refer to an agent of the owner duly authorized to submit and process an Application. If the Applicant is not the property owner, a proper authorization must accompany the Application. Such authorization shall be evidenced by a power of attorney signed by the owner and notarized specifically authorizing the agent to represent the owner in connection with the Application and as to the owner's real property which is the subject of the Application. The authorization shall include an agreement of the owner to be bound by the actions of the owner's authorized agent and the provisions of this Section.

Review deposit shall mean and refer to a deposit of money, as established by this Section, to be paid by an Applicant at the time of the filing of an Application as defined above.

101-3 Review deposits.

(a) *Required review deposits.* A $1,000 review deposit, payable to the City of Edgewood by money order, personal or company check or cashier's check drawn on a financial institution authorized to do business in Orange County, Florida, shall be delivered to and collected by the City at the time of submission of each Application as defined in Section 75-142. Said review deposit shall be utilized by the City to reimburse the City for the actual costs paid by the City incurred as a result of the review of the development activity.

(b) *Waiver of review deposits.* In all cases, the Mayor may waive the requirement of a review deposit if, based upon information from City staff and the Applicant, the amount of the fees, costs and expenses relating to the review, processing, inspection and regulation of such, as estimated by the Mayor, will not exceed the Application fee. Similarly, should the Mayor determine at anytime thereafter, in his sole discretion, that requiring a review deposit is in the City's best interest, he may require one at that time. No review of an Application pertaining or relating to subdivision plats, development agreements, planned unit developments, a development of regional impact shall commence until the Application fee and review deposit, if applicable, is paid. The total development review amount shall be forwarded to the Mayor prior to the end of the second business day following the submittal of said Application for review or approval. The balance of the review deposit, if any, shall be returned to the Applicant as provided for in section 101-4. No interest shall be paid to Applicant on any review deposit on account with the City.

101-4 Project account.

Once an application pertaining or relating to an Application or has been submitted to the City and the applicable total development Application fee has been collected, the Mayor or his/her designee shall establish an individual project account through which all fees, expenses and costs incurred by the City which are associated with the applicable Application will be monitored. The project account will be maintained throughout the entire review, processing, inspection, and regulation process until the latter of:

(i) Final action (after all appeal periods have run) by the City Council has occurred with respect to the Application;

(ii) No further significant involvement of the City staff or City consultants is expected to occur; or

(iii) The City has been paid all of the amounts due under this Section and the City Code.

Fees, costs and expenses for any City consultant time directly related to the review, processing, inspection or regulation of any Application or development pursuant to this Section, the City Code and/or State Statutes, and all other directly related expenses, including, but not limited to, advertising, legal, inspection, planning and engineering costs are to be charged to the project account.

101-5 City invoices.

(a) *Payment.* The Mayor or his/her designee may periodically calculate the costs, expenses and fees incurred by the City for each Application for which a review deposit is required and send an invoice to the Applicant for payment. The Applicant shall have ten (10) days from the date of the invoice to pay to the City the invoiced amount. Thereafter, if payment is not received in the required time, the Mayor or his/her designee shall apply the review deposit toward payment for the invoiced amounts. If the total of the costs, expenses, and fees incurred by the City for an Application for which a review deposit is required exceeds the review deposit, and payment is not received in the required time after invoicing, then the Mayor or his/her designee shall apply the review deposit to the unpaid portion of the invoice and send a notice of nonpayment to the Applicant for the remaining amount of the invoice. The Mayor or his/her designee shall also send a notice to and to all City staff and City consultants associated with the subject Application or project, instructing them to cease all work relating to such Application or project unless and until further notified by the Mayor or his/her designee. A copy of such notice shall be sent to the Applicant.

Upon receipt of the notice, work by the City staff and City consultants on the Application or project shall cease, and neither building permits, certificates of completion, temporary certificates of occupancy, nor certificates of occupancy will be issued with respect to such real property. Continuation of the review of the Application or project with respect to the real property for which payment was not made will not be undertaken by the City until such time as all outstanding fees, costs and expenses due under this Section are paid in full and a new review deposit paid to the City.

Unless otherwise provided for in this Section, if an Applicant receives or is granted approval on an Application or project or is issued a building permit, certificate of completion, temporary certificate of occupancy, certificate of occupancy, occupational license or other development order by the City, and additional fees, costs, expenses or such other obligations attributable to the Application are thereafter posted to the project account for work that is associated with said approval or issuance, the Applicant or his/her successor in interest shall pay said costs, fees and expenses incurred by the City for such Application. The City shall send an invoice to the Applicant or successor for such fees or expenses, and the Applicant or successor shall reimburse the City for such fees or expenses within ten (10) days.

(b) *Deficiency and liens.* Failure to pay an invoiced amount within the requested time shall constitute a violation of this section. Any deficiency owed to the City, whether incurred before or after project approval, shall bear interest from the date of the aforementioned notice of non-payment at the rate of 18 percent simple interest per annum or otherwise at the highest rate permitted by law until paid. The amount of any such deficiency owed to the City shall, together with interest and the costs of collection as hereinafter provided, shall be the personal obligation of the Applicant and shall be a continuing lien on the real property related to the Application or project under review. Any subsequent or new owner of the real property related to the Application or project shall take title subject to the obligations of the Applicant under the terms of this Section and shall be jointly and severally liable for such obligations. An Applicant may not escape liability for the deficiency by abandonment of the Application or project, withdrawal of such Application or sale of the real property with respect to which such Application has been submitted. If the initial or subsequent invoices are not paid in a timely fashion, and the invoiced amount exceeds the amount of the review deposit, the City may take whatever legal means it

deems appropriate to collect the deficiency, including, but not limited to, retaining the services of a collection agency or attorney, initiating legal proceedings for the collection thereof, recording a notice of lien as hereinafter provided, and foreclosing same in the same manner as mortgage liens are foreclosed.

If the project is subject to the provisions of a development agreement, and the Applicant is found to be in default of such development agreement, then it would be considered a default of that agreement and whatever remunerative such development agreement calls for would be applied, as opposed to the provisions called for in this ordinance.

101-6 Required payments.

Payment for costs, expenses and fees incurred by the City under this Section is a requirement for the City's final approval of the Application and project.

101-7 Assessable costs, expenses, and fees.

All direct costs, expenses and fees incurred by the City that relate directly to the review, processing, inspection, regulation or defense of an Application, including, but not limited to, expenses incurred by City consultants who review or defend the Application at the direction of the City, as well as other expenses related directly to advertising, surveying, legal review and/or engineering review for an Application or project shall be assessed to the Applicant and reimbursed to the City. Assessable expenses shall not include the cost of City employee time in reviewing such Application, as such time shall be deemed to have been reimbursed by the Application fee.

City consultants shall submit records of their time, fees, costs, and expenses to the Mayor or his/her designee and such fees, costs and expenses shall be invoiced to the Applicant on a dollar-for-dollar basis for services provided under the direction of the City to review. The rates charged to the Applicant for said services shall not exceed those charged to the City.

101-8 Objections/appeal.

Any objection to any invoice or to any matter set forth in this Section must be set forth in writing and addressed and delivered to the Mayor on or before the tenth day after the date of the relevant invoice. In the event the Mayor denies the objection, the Applicant shall have ten (10) days after the date of the Mayor's written decision to file an appeal of such decision with the City Clerk or his/her designee, which appeal shall be heard by the City Council. All objections and appeals shall set forth in detail the reasons and evidence upon which the objection and appeal are based. Failure of the Applicant to establish beyond a preponderance of the evidence that an invoice is not appropriate and is not based upon competent substantial evidence, shall result in a denial of the objection and appeal.

101-9 Attorney's fees in the event of failure to pay review costs.

In the event the City is required to enforce this Section, then the City shall be entitled to recover from the Applicant all costs and expenses incurred, including but not limited to its reasonable attorneys' fees, paralegal fees and other costs and expenses, whether incurred prior to,

during or subsequent to court proceedings or on appeal, and/or in any bankruptcy proceedings involving the Applicant, the real property and/or the project being reviewed.

101-10 Change of ownership.

An Applicant shall provide prompt written notice to the Mayor in the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property with respect to which an Application, or project is pending before the City. Such notice shall be on a form approved by the City and shall include the name, address and phone number of the new owner and a legal description of the lot, tract or parcel of real property now owned by the new owner. Any such new owner (i) shall not be entitled to utilize or draw upon any review deposit previously paid to the City by the original Applicant, (ii) shall be liable to the City for all fees, costs and expenses related to the lot, tract or parcel of real property which arise subsequent to the date the new owner acquires title to such real property, and (iii) may be required by the City to pay a separate review deposit in the same manner as a new Application, in which case a separate project account will be opened in the name of the new owner or the new owner's authorized agent. If a separate review deposit is required, no work shall be undertaken by the City or its consultants with respect to the lot, tract or parcel of real property under control of the new owner until a separate review deposit is paid to the City. Until such time as the City receives such written notice of a change in ownership, the original Applicant shall be jointly and severally liable to the City for all fees, costs and expenses associated with the Application or project; provided, however, that upon receipt by the City of a notification of change of ownership, the original Applicant shall no longer be liable to the City for fees, costs and expenses incurred by the City which arise after receipt of the notification of change of ownership, and the new owner shall be solely liable to the City for all such fees, costs and expenses associated with the Application or project activities subsequent to the date of receipt by the City of such notification. Additionally, the Applicant shall be entitled to a refund of any review deposit balance as of the date said change of ownership notice is received by the City, provided all assessable costs, expenses and fees hereunder and incurred to that date are paid in full.

101-11 Agreement to be bound by this Section.

Submission of an Application shall constitute the consent and agreement for the Applicant and the owner, if the Application is being executed by the owner's authorized agent, to be bound by the provisions of this Section.

SECTION 2. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

SECTION 3. Severability. It is the intent of the City Council of the City of Edgewood, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon adoption.

FIRST READING: _____

SECOND READING: _____

PASSED AND ADOPTED this _____ day of _____, 2013.

_____
Judy Beardslee, Council President

ATTEST:

_____
Bea L. Meeks
City Clerk

RESOLUTION NO. 2013-02

A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2012-2013 FISCAL YEAR; AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at its regular meeting on September 18, 2012, the City Council of the City of Edgewood, Florida adopted Ordinance No. 2012-02 approving the annual budget for Fiscal Year 2012/2013; and

WHEREAS, it is appropriate to provide for certain transfers, appropriations and authorizations based upon previous and anticipated expenditures and revenues,

WHEREAS, the City Council has determined that it is necessary to amend the budget to reflect these changes,

WHEREAS, Florida Statute 166.241(4) allows the City to amend the budget within sixty (60) days of the close of the fiscal year to avoid any overspending of budgeted funds.

NOW, THEEFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA AS FOLLOWS:

SECTION 1. BUDGET AMENDMENT: The City Council of the City of Edgewood, Florida amends the Fiscal Year 2012/2013 budget as shown on Exhibit "A", which is attached hereto and incorporated by reference herein.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED by the City Council of the City of Edgewood, Florida on the **19th** day of **February, 2013.**

_____
JUDY BEARDSLEE, COUNCIL PRESIDENT

ATTEST:

_____
Bea L. Meeks, MMC, CPM
City Clerk

F.Y. 2012-2013 BUDGET AL STMENTS
SCHEDULE "A"

ACCOUNT ID	DESCRIPTION	BUDGET	*Y.T.D.	ADD	TAKE	MOVE TO ACCT NUMBER	ADDED FROM ACCT NUMBER	NEW ACCT TOTAL
352120.01	Red Light Citation	$ 360,000	$ 124,820		$ 20,000	541610.02		$ 340,000
541610.02	City Sidewalk Repair	$ 15,000	$ -	$ 20,000			352120.01	$ 35,000
	TOTALS	**$ 375,000**	**$ 124,820**		**$ 20,000**			**$ 375,000**
***AS OF NOVEMBER 2012 FINANCIAL STATEMENT**								

CITY OF EDGEWOOD
FOUNDED 1924

From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM

TO: **Mayor and Council Members**

DATE: **February 14, 2013**

RE: **Permitting Fees**

As you may recall, I ask Council to consider pass-through fees for building permits, as the residential and commercial review fees do not always cover the engineer's fee. Council held a workshop regarding building and permitting fees and you directed the City Attorney to draft an Ordinance to consider certain development fees; the pass-through fees do not include the review fees for residential and commercial permitting.

Council Member Dowless agreed to compare the fees of the Town of Oakland and Windermere, at Council's request. In obtaining the information, Council Member Dowless and I learned that their fees are not apples-to-apples. The Town of Oakland is getting ready to revise their fees to align more with the City of Orlando. For this reason, Council Member Dowless did not include their fees. After preparing the spreadsheet to compare the City of Edgewood's fees to that of Windermere, I learned that the Town of Windermere now has all their permitting done through Universal Engineering. I spoke to Town Clerk Burkhalter to inquire about the process and was told that it is a "one stop shop". She said all applicants submit their paperwork to Universal Engineering and they review for compliance with Windermere's Town Code and then issue the permit. They perform all inspections and issue Certificates of Occupancy/Completion. All fees are paid to Universal Engineering and the Town of Windermere receives a portion of the fees received.

Windermere's process is what the City of Edgewood had prior to the 2005 Interlocal Agreement with the County. The problem that Edgewood incurred with their outsourcing is that the permitting company worked out of City Hall on certain days of the weeks, and staffing was inconsistent; you never knew who was going to show up.

Service	Edgewood	Windermere	
Appeal of lien	$150		
Service charge for lien search	$50 – Provided same day of request		
	$40 – Provided within one working day of request		
	$25 – Provided within three working days of request		
	$20 Provided four or more working days after request		
Application for boat dock construction	$350	$34	
Service charges for false security alarms	$50 for 2nd & 3rd false alarm		
	$100 for each false alarm thereafter		
Appeals of service fees & penalties for false security alarms	$150		
Appeal of no response determination for frequent false alarm	$150		
Variance from dumpster requirements	$350		
Bingo permits	$5,000		
Solicitor or peddler permit	$20	$39	
Solicitor or peddler permit duration and validity	$20	*garage sale - $5; garage sale signs deposit-$10*	
Special events permit	$25		

Service	Edgewood	Windermere	
Waiver to parking and storage restrictions upon recreational equipment in residential districts	$350		**Bldg Permit Fees:** $25 - first $1,000; $4 ea addl $1k; roof new dwelling-$37; re-roof-$25 for 1st $1k + $5/ea $1k
Building permit fees (related to land use review associated with building permit requests)	$50 – residential	**Zoning Fees:** Addition-$30, Boathouse-$30, Demolition-$15, Driveway-$15, Fence-$15, Irrigation system-$15, New Single Fam-$50, Pool enclosure-$15, Remodel Sgl Fam-$50, ReRoof-$15, Retaining wall-$15, Seawall-$50	**Bldg Permit Fees:** $25-1st $1k + $4/ea addl $1k; Roof -$52+$5/ea addl $1k; Re-roof $25 1st $1k+$5/ea addl $1k
	-commercial (see site plan fee)	Zoning Review-$100, Co-locate Cell Tower-$100, Equipment Cabinet & Slab for Abov-$100	
Sign permit (permanent signs)	$100	$37-up to 25sf; $42 - 26sf-32sf; Under zoning fees sign permit $15	
Sign permit (temporary signs)	$50		
Subdivisions – preliminary plans	$1,000 plus $10 per residential lot (initial fee) plus advertising fee per resolution		
	$1,000 plus $10 per acre for non-residential (initial fee) plus advertising fee per resolution		

Service	Edgewood	Windermere	
Subdivision – final plan	$500 plus $10 per lot for residential		
	$500 plus $10 per acre for non-residential		
Tree removal permit fee (Single family)	$25 for first tree removed	$15	
	$25 for each additional tree removed under the same permit with a maximum fee of $100		
Tree removal permit fee (Multiple tenant structures or commercial property)	$250 for first tree removed		
	$ 25 for each additional tree removed under the same permit with a maximum fee of $1,000		
Appeal of city clerk's interpretation of zoning chapter	$150		