

Ray Bagshaw
Mayor

Judy Beardslee
Council President

Pam Henley
Council Member

John Dowless
Council Member

Neil Powell
Council Member

Lee Chotas
Council Member

CITY COUNCIL AGENDA
Regular Meeting
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, April 16, 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. CONSENT AGENDA

- January 8, 2013 – Council Workshop Minutes (Pgs. 1 -3)
- January 15, 2013 – Regular City Council Meeting Minutes (Pgs. 4 – 10)

(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.)

E. PRESENTATIONS

- **Mayoral Proclamations**
 1. Military Family and Community Covenant Day (Pgs. 11 -12)

F. CITIZEN COMMENTS

G. STAFF REPORTS

Police Chief:

1. Quarterly Report (Pgs. 13 – 15)

City Clerk:

Code Enforcement:

MAYOR & COUNCIL REPORTS

- Mayor Bagshaw
 1. Stormwater Improvement – Commerce Drive (Includes Robert Brown’s Property)
- Council President Beardslee
- Council Member Powell
- Council Member Dowless
- Council Member Henley
- Council Member Chotas

H. OLD BUSINESS

1. Review of City Contracts/Agreements (Pgs. 16 – 20)

I. NEW BUSINESS

J. BOARDS & COMMITTEES

K. ORDINANCES

None

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

1. Ordinance 2013-01 (Pgs. 21 – 26)

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.

M. GENERAL INFORMATION (No action required)

N. ADJOURNMENT

UPCOMING MEETINGS:

May 21, 2013.....City Council Regular

June 18, 2013City Council Regular

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
WORKSHOP – JANUARY 8, 2013
RE: PERMITTING FEES**

On Tuesday, January 8, 2013, Council President Pro Tem Dowless called the Edgewood City Council workshop to order at 9:30 a.m. City Clerk Meeks noted that the workshop is not being recorded

The following attendance is noted:

Attendees

Mayor Bagshaw
Council President Pro Tem Dowless
Council Member Chotas
Council Member Henley

Staff:

City Clerk Meeks
City Attorney Smith

Council President Pro Tem Dowless referred to City Clerk Meeks who explained that the workshop was to discuss her request for Council to review and consider pass-through fees for building permits. She explained that the fees do not always cover the fees invoiced by the Engineer and/or Planner. She said that the money in the budget for Engineering fees should be looked at as fees for City projects that the Engineer assists with, and not to cover the excess fees for reviewing permitting, variances, special exceptions and other applications related to planning and development.

Council Member Henley asked about the difference in fees for the City's previous engineer, Art Miller, versus FEG. City Clerk Meeks said she told Council at the beginning of her tenure as their City Clerk, that the permitting fees were not always covering the cost of the City's consultants. City Clerk Meeks said that the fees are probably higher because of FEG's learning curve for the City's Code.

Mayor Bagshaw said that there needs to be consideration for a fee for zoning clearance. He said that there is no fee involved for a fence permit. City Clerk Meeks explained that the County does not require a permit for a residential fence permit. She explained staff's process when an application for a fence permit is received in City Hall. City Attorney Smith said that an administrative fee is appropriate because staff is checking permitting packages when received in City Hall.

Mayor Bagshaw said that there should be a separate fee for residential and for commercial applications. City Attorney Smith noted that- applications going through the quasi judicial process are more involved, requiring more staff and consultant time.

Council Member Chotas said that there is definitely a need for a pass-through fee if the benefits of the review benefit the applicant, rather than the public in general. Council Member Chotas said that as it relates to commercial applications, he did not have a problem with a pass-through fee. ~~Regarding a~~

~~when the review was to confirm code compliance. A variance application, Council Member Chotas said there should be no sharing of costs on the commercial side, but not residential clearly benefitted primarily the applicant and non-profit organizations. 100% pass through was appropriate.~~

Council Member Henley questioned the percentage or ratio of the fee required. City Attorney Smith said this would be in the draft Ordinance.

~~Council Member Chotas said the fee for a variance application should be increased. In response to Council President Pro Tem Dowless, *the consensus of Council was to have the City Attorney proceed with providing Council with a draft Ordinance to consider for pass-through fees of certain development applications.* City Attorney Smith said he will provide the City Clerk with an Ordinance from another City for Council to discuss in the January Council meeting.~~

OTHER DISCUSSION:

Mayor Bagshaw announced that Select Medical is wanting to expand their facility. He noted his concerns with parking particularly, the conflict with City events. He asked Council to consider closing Larue Avenue.

Council Member Chotas said he attended a ~~HAINC~~Friends of Cypress Grove Park meeting and said there is a lot of ~~instr~~instrumental knowledge in the group. He said that Cypress Grove Park is a passive park and that there is a need to pass information on to ~~maintain the younger participants to preserve knowledge of the history of the p~~the City sharing to co-sponsor an event with the County Friends at the pPark. He said ~~the park can be a revenue source and ask~~asked for the possibility of the City ~~sharing to co-sponsor an event with the County Friends at the p~~the City sharing to co-sponsor an event with the County Friends at the pPark. Mayor Bagshaw said he has a rapport with Todd, Orange County staff, and they have been talking about the possibility of having a jazz concert in the ~~p~~pPark. City Clerk Meeks said that she has not been provided with minutes from the ~~HAINC~~Friends meetings. Council Member Chotas said he would send her a copy.

Council Member Chotas said that the McCartney property, adjacent to the ~~p~~pPark is of interest to the County. Mayor Bagshaw said he will not allow a deannexation. He said if the City is giving up something, there should be a benefit for the City.

(10:21 a.m.) City Attorney Smith excused himself from the meeting.

At the request of Council Member Henley, Mayor Bagshaw explained quiet zones and the purpose of the double gates. Council President Pro Tem Dowless noted that the Comprehensive Plan Amendment clearly states the City will support light rail. Council Member Chotas ~~said confirmed~~ he "went over" ~~conveyed his comments on the Comprehensive Plan Amendment with Amendments directly to the Planner (April Fisher).~~

ADJOURNMENT

With no further business or comments, ~~the~~ workshop was adjourned at 11:04 a.m.

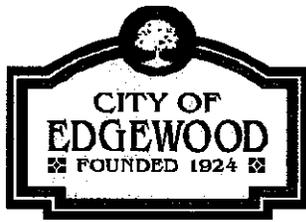
ATTEST:

Judy Beardslee
Council President

Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON _____, 2013.

DRAFT



**EDGEWOOD CITY COUNCIL
JANUARY 15, 2013 CITY COUNCIL REGULAR MEETING**

On Tuesday, January 15, 2013, Council President Judy Beardslee called the Edgewood City Council Regular Meeting to order at 6:36 p.m. The invocation was given by Council Member Dowless, followed by the Pledge of Allegiance:

The following attendance is noted:

Mayor/City Council Members:

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

Staff:

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

CONSENT AGENDA

Approval of the following Minutes:

- December 18, 2012 City Council Meeting

The following corrections were requested:

Page 2

Council Member Dowless said that ~~eonformity 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.

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

Council Member Powell made the Motion to approve the December 18, 2012 Minutes with corrections, with Second by Council Member Henley. After further discussion, it was agreed that City Clerk Meeks would listen to recorded meeting to verify corrections, and bring back to Council in their February Council Meeting. ***Council Member Powell withdrew his motion.***

Accept the following as provided to the City:

December 4, 2012 Sun Rail Meeting (Minutes from Parsons)

PRESENTATIONS

Mayor Bagshaw acknowledged signing the Proclamation recognizing January 2013 as Human Trafficking Awareness Month

ORDINANCES – FIRST READING

None.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

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 LICENCE 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 2012-12 in title only. ***Council Member Powell made the Motion to approve the second and final reading of Ordinance 2012-12, with Second by Council Member Dowless.*** Council President Beardslee opened to public hearing. There being no comments, the public hearing was closed. The Second and Final reading of Ordinance 2012-12 was approved by the following roll call vote:

Council Member Chotas

Favor

<i>Council Member Dowless</i>	<i>Favor</i>
<i>Council President Beardslee</i>	<i>Favor</i>
<i>Council Member Powell</i>	<i>Favor</i>
<i>Council Member Henley</i>	<i>Favor</i>

NEW BUSINESS

1. Discussion - Land Use & Permitting Fees

Council President Beardslee referred to City Attorney Smith who provided a model ordinance regarding pass through fees. City Attorney Smith said the model Ordinance is broader than what was discussed at the workshop but it is consistent with a detailed program of how the process works. He said that what Council may want to pare down is the items that the pass through fee is applied to. Council President Beardslee said she would like to see how the Ordinance relates to what the City currently charges in each of the areas that the City actually has the same fee. Mayor Bagshaw noted that on the checks signed prior to the meeting, he made a notation as to the additional expenses the City incurred on the fees that were collected, and the City's additional cost was \$1250.00. Council President Beardslee said in her opinion there is definitely an amount that tax dollars pay that are not covered by the application fee. Council President Beardslee said she doesn't want to adopt a fee schedule unless Council knows it is going to fit what the City has. City Attorney Smith said the Council President's comments are consistent with what he was directed to do. He said it was what was proposed for looking at the pass through portion or just the development fees. City Attorney Smith said in general the fees are 2-pronged, which is exactly what the Council President is proposing. The second prong is to go back and look at what type of development is appropriate for the pass through fee. He said the direction at the workshop was assigned more towards those that require legislative or quasi judicial action. Council Member Chotas said he likes that the Ordinance allows for the applicant to say the fee isn't fair. He said the City Attorney did a good job capturing what was talked about. Council President Beardslee said ten days was not enough time to object to a fee. Council Member Dowless pointed out that it is a minimum of ten business days. Council Member Powell questioned the tree permit process and said he knows the City wants to protect viable and valuable trees and referenced the camphor tree, which is an invasive tree. He didn't think a permit was necessary. Mayor Bagshaw said it is not on the protected list and the City doesn't charge for a permit but residents must get a permit. Council Member Chotas ask for consensus to give direction to City Attorney Smith to move forward to draft the first reading of the Ordinance. ***It was the consensus of Council to bring an Ordinance back to the February Council meeting for first reading.***

Review and Consider Administrative/Zoning Fee

City Clerk Meeks explained staff's request for the approval of Resolution 2013-01 to allow for an administrative/zoning fee. Clerk Meeks confirmed for Council President Beardslee that the City does not have this fee. City Clerk Meeks suggested the fee be \$35.00. In response to Council President Beardslee, Clerk Meeks explained that the raw costs include staff time to review the application. She explained that every application is copied and entered onto the

permit log, these records are placed on the retention/disposition schedule according to the required schedule. Clerk Meeks said that Orange County does not permit residential fences however, residents are required to obtain approval from the City. She said applications for fences are reviewed, copied, retained on permit log and then archived. Council Member Powell said he wants to look at the prohibitive fees. Clerk Meeks explained to Council Member Powell that the Resolution is a draft and that she is only asking to add the administrative/zoning fee.

City Attorney Smith read Resolution 2013-01 in title only. ***Council Member Dowless made the Motion to approve the Resolution 2013-01 with Second by Council Member Chotas.***

Council Member Powell said he did not like the word restate, and to replace the word with amend. City Attorney Smith said he can replace the word restate with amend. Council President Beardslee said that she is not opposed to the verbiage but she is opposed to the fee. She said that there is a salary for staff and so they are paid for their time. Council President Beardslee asked Council should the residents be expected to pay for staff time too. Council Member Powell agreed with Council President Beardslee. Council Member Dowless said he thinks taxes are kept as low as they can. He said user fees are justifiable. He said if a part-time person needed to come in because of the permitting process, then it is a justifiable user fee. Mayor Bagshaw said Orange County will also collect a fee for building permits issued by the County. He said the City does not recapture anything, as it relates to building permit fees. Council Member Henley said she would not mind charging for a fence permit. City Clerk Meeks confirmed for Council Member Henley that an applicant for a boat dock would pay the \$350.00 application fee, and the \$35.00 administrative/zoning fee. Council Member Henley indicated she is not in favor of this. Mayor Bagshaw said he wanted to make sure that everyone understands that Orange County is always going to collect money; he said the City does not recapture anything. He said Orange County will always receive a fee. City Attorney Smith suggested the City Clerk review and determine if the fees are low or high and update the entire fee Resolution. ***Council Member Dowless withdrew his Motion.*** Council Member Henley said that if there is not a fee associated with the permit, such as the fence permit, there should be a fee.

Resident J.T. Blanton said "he thinks it is unfair to consider this just as fee operations. He said fees are an important part of the overall budget (inaudible). Your fees should be fair, reasonable and competitive and you shouldn't be embarrassed about charging them. He said any piece of paper that comes through City Hall should have a service charge attached to it". Mr. Blanton said it should have nothing to do with who touched it, it's the fact that "we" processed it. Council Member Dowless said he is willing to look at fee comparisons and prepare a spreadsheet. Council President Beardslee suggested that he obtain two comparisons of like cities, i.e. Windermere and Oakland.

STAFF REPORTS

City Attorney Smith

- No report.

Mayor Bagshaw

- Received multiple calls regarding trips and falls on city sidewalks. He said he has had four companies that reviewed the sidewalk conditions, which resulted in an estimate of \$30,000 to repair sidewalks. He said there is already \$15,000 in the current budget for sidewalk repair. Council President Beardslee asked about the funds in the red light camera citation fund. She asked staff to look at the funds in contingency and the red light camera citations and bring a budget amendment to the next meeting. Council Member Chotas commended the Mayor for getting on top of the issue and bringing it to a solution.

City Clerk Meeks

- Requested to return to consent agenda for approval of the acceptance of the Sun Rail minutes. ***Council Member Chotas made the Motion to accept the Sun Rail minutes, with Second by Council President Beardslee; unanimously approved.***
- Noted that Council Member Chotas provided comments regarding Comp Plan Amendments, and ask that if any other Council Member had any comments to provide to her.
- Noted that City Hall will be closed on January 21, 2013 therefore, payroll will be prepared on Friday, January 18, 2013.
- Working on getting W-2s prepared. Clerk Meeks said she wants to make sure the retirement box is marked on all the checks, as this has been a problem in the past. She said she will make contact with Sage to get this task completed.
- Currently in the qualifying period for the City election.
- Noted that Council Members and staff have been provided with 2013 calendars as a courtesy from the City's exterminating company.

Chief Marcus

- Chief Marcus referred to his quarterly report and asked if there were any questions; there were none.
- He said the Police Department has gone through the first phase of their re-accreditation and there were a couple of site concerns. He said the on-site inspection will be in March.
- Chief Marcus confirmed for Council Member Powell that the Police Department does not have a boat. Council Member Powell said Council should consider a boat in future budgets because of properties in Edgewood on the lake.

- He referenced a study from the State regarding red light cameras, and noted (1) Seventy percent of those who challenged their citation were dismissed, (2) Decrease in rear-end and side impact crashes. Council Member Henley asked about the officers getting training for red light camera; Chief Marcus said the training has been done.
- Chief Marcus reported that fingerprinting has increased due to current proposed legislation; there is an increase in applicants for concealed weapons permits.

Council Member Chotas

- Reported on attending a meeting at the Cypress Grove Park. He said he came away with a new appreciate for the contributions of the group. He said this is a real resource for our community and would hate to see institutional knowledge go that has been instrumental in maintaining the passive nature of the park which is so close to the City. He said he is sending a notice to folks in his neighborhood encouraging them to get involved. He said he is looking to expand the City's access to the park and understands that the Mayor is working with Orange County recreation about coordinating an event.

Council Member Henley

No report.

Council Member Powell

No Report

Council Member Dowless

- Council Member Dowless asked Mayor if has talked to his neighbors about signing up for email through a program called Next Door.com. Council Member Dowless said it is a good template for a community website. He said he would like for the whole City to use this.
- Complimented Mayor Bagshaw and explained that his neighbor was at the Farmers Market and he pointed out the Mayor to his daughter; the daughter said it couldn't be the Mayor because he was cleaning the table. Council Member Dowless said he thought that was a lesson in leadership for his neighbor's daughter.

Council President Beardslee

No report.

Council Member Chotas said there was a tower installed on the Starcevich property, and he believes the City approved up to five antennas on the tower. He said there is more than that on

the tower, which is a violation. He said he thinks the Federal government is passing rules this year to cause the re-stacking of commercial space (bandwidths). He said he would like for the City to be aware of the resources and where there is non-conformance, it needs to be addressed. City Clerk Meeks said approval was recently given for additional antennas. Council Member Chotas asked why it wasn't approved by Ordinance. City Clerk Meeks said all the information was sent to the City Engineer and he approved the application.

GENERAL INFORMATION

None.

CITIZENS COMMENTS

None.

BOARDS & COMMITTEES

None.

ADJOURNMENT

With no further business or comments, on the **Motion of Council President Beardslee, with Second by Council Member Dowless, the meeting was adjourned at 7:59 p.m.**

ATTEST:

Judy Beardslee
Council President

Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON _____, 2013.



FEB 11 2013

FEB 11 2013

301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

February 8, 2013

Dear City Manager or City Clerk:

(PLEASE SHARE THIS INFORMATION WITH YOUR CITY OFFICIALS AND YOUR PUBLIC INFORMATION OFFICER)

The Florida Military Family and Community Covenant, Inc. (FMFCC) is a not-for-profit whose mission is to recruit a ground swell of civilian support across the State of Florida to support our military families and veterans.

By reaching out to Florida's 410 cities and engaging small groups of civilians to create and implement an action plan, the Florida Military Family and Community Covenant will make a difference in the life of military families.

The Florida Military Family and Community Covenant has asked the Florida League of Cities to partner in getting the word out to Florida's cities. Therefore, we are encouraging our membership to place this item on an agenda before the end of March for consideration and adoption of a resolution in support of Florida Military Family and Community Covenant Day – April 17, 2013.

We have attached a draft resolution, along with several other items of information – suggestions for activities celebrating FMFCC and April 17, 2013 and a publicity checklist.

When adopting your resolution, we strongly encourage your city to publicize the adoption of the resolution, as well as any activities planned in celebration of April 17, 2013, FMFCC Day. Also, please let the FMFCC Executive Director (info. below) when the item is scheduled to come before your commission or council.

Once your resolution is adopted, please provide a copy to the FMFCC at Post Office Box 883, Monticello, Florida 32345-0883. All resolutions will be placed on a backdrop for future events, including celebrations on April 17, 2013 in Tallahassee.

For further information, please contact Rae Pike, FMFCC Executive Director at (850) 673-7981. Thank you for placing this on an upcoming agenda for consideration. We look forward to receiving your resolution and to celebrating Florida Military Family and Community Covenant throughout Florida!

Sincerely,

Manny Maroño
President, Florida League of Cities
Mayor, City of Sweetwater

President **Manny Maroño**, Mayor, Sweetwater

First Vice President **P.C. Wu**, Council President, Pensacola • Second Vice President **Lori C. Moseley**, Mayor, Miramar

Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**

**CITY OF EDGEWOOD
MAYORAL PROCLAMATION**

WHEREAS, for more than 230 years, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and

WHEREAS, whether serving at home or abroad, Florida's active duty reserve and national Guard military and civil servants, protect our homeland, respond to national disasters, assist humanitarian emergencies and protect against all threats foreign and domestic; and

WHEREAS, created in 2008, the United States Army Community Covenant program as designed to foster and sustain effective state and community partnerships with all of the armed services, improving the quality of life for service men and women and their families; and

WHEREAS, the State of Florida has conducted a state-wide community covenant signing ceremony; and

WHEREAS, community support is essential to the readiness of the military and contributes to strengthening the resilience of U.S. military personnel; and

WHEREAS, Americans recognize that military personnel and their families make considerable sacrifices as they defend the Nation, as multiple long deployments, frequent moves, and visible/invisible wounds of war are a few of the unique stresses military families face; and

WHEREAS, today, Floridians support service members, veterans, and their families by stepping forward to help mitigate stresses associated with military life while also striving to inspire their fellow Americans to continue to recognize and support military and veteran families in their communities.

NOW, THEREFORE, I, RAY BAGSHAW, MAYOR OF THE CITY OF EDGEWOOD, FLORIDA DO HEREBY PROCLAIM April 17, 2013 as

"MILITARY FAMILY AND COMMUNITY COVENANT DAY"

And hereby express their unwavering support and admiration to all current and former military personnel for their true and faithful service and further recognize the tremendous sacrifices of their families.

BE IT FURTHER RESOLVED that the City of Edgewood, through the Florida Military Family and Community Covenant and Operation Strong Families, accepts the call to action to support and honor all service members, veterans and their families, past and present.

Dated this 15TH day of April, 2013.

Ray Bagshaw, Mayor

Attest:

SEAL

Bea L. Meeks, MMC, CPM
City Clerk



POLICE DEPARTMENT QUARTERLY ACTIVITY UPDATE**1ST QUARTER 2013****RESIDENTIAL BURGLARY (3) (LAST QTR 5)**

DATE	TIME	LOCATION	NOTES
03/22/13	11:26 AM	322 LYNWELL	
03/22/13	12:55 PM	4694 COSTA BRAVA	JEWELRY TAKEN
03/22/13	6:34 PM	234 PRESCOTT	

COMMERCIAL BURGLARY (0) (LAST QTR 0)

DATE	TIME	LOCATION	NOTES
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AUTO BURGLARY (6) (LAST QTR 5)

DATE	TIME	LOCATION	NOTES
02/05/13	10:13 AM	4401 S. ORANGE (WATER,S EDGE)	VEH LOCKED WINDOW BROKEN
02/06/13	8:50 AM	5355 HANSEL (CAMELOT)	UNLOCKED VEH - ELECTRONICS STOLEN
02/08/13	10:58 AM	5652 LK MARY JESS SHORES	UNLOCKED VEH - PISTOL STOLEN
03/11/13	9:23 PM	4400 S. ORANGE (DISCOVERY CH)	VEH LOCKED - WINDOW BROKEN
03/11/13	9:31 PM	5205 S. ORANGE (NEVAEH SALON)	VEH LOCKED WINDOW BROKEN
03/15/13	10:13 PM	4201 S. ORANGE (JULIE'S)	VEH LOCKED - WINDOW BROKEN

GRAND THEFT (2) (IN EXCESS OF \$300. VALUE) (LAST QTR 2)

DATE	TIME	LOCATION	NOTES
03/06/13	9:24 AM	510 HOLDEN (RUSSELL HOME)	THEFT OF GOLF CART
03/06/13	2:00 PM	S. ORANGE & GEM	THEFT OF WATER METER & HOSE

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

DATE	TIME	LOCATION	NOTES
01/15/13	5:06 PM	5650 HANSEL - 7/11	SHOPLIFT (BEER)
02/04/13	5:09 PM	5650 HANSEL - 7/11	SHOPLIFT (CIGARETTES)

RESIST OFFICER (2) (LAST QTR 2)

DATE	TIME	LOCATION	NOTES
02/01/13	10:51 PM	S. ORANGE & HOFFNER	RESIST W/OUT INJ- ARREST
03/04/13	6:49 PM	5621 S. ORANGE (FAMILY DOLLAR)	RESIST W/OUT INJ - ARREST

ASSAULT/BATTERY (1) (LAST QTR 2)

DATE	TIME	LOCATION	NOTES
03/23/13	4:45 PM	JESSAMINE & GLEN GROVE	DOMESTIC BATT - ARREST

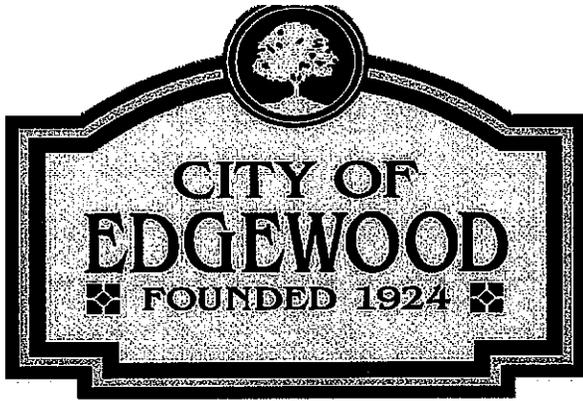
SEXUAL BATTERY (0) (LAST QTR 0)

DATE	TIME	LOCATION	NOTES
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ROBBERY (0) (LAST QTR 0)

DATE	TIME	LOCATION	NOTES
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DATE	TIME	LOCATION	NOTES
01/22/13	9:48 PM	JESSAMINE & LEGACY OAKS	STOLEN VEH (RECOVERED)
01/31/13	10:33 AM	S. ORANGE & MARY JESS	OBSTRUCTION
02/01/13	2:12 AM	5540 JESSAMINE	PROSTITUTION (X 2)
02/25/13	2:12 PM	4959 S. ORANGE	CHILD ABUSE
02/26/13	1:50 PM	4718 S. ORANGE (ALFONSO'S)	DISORDERLY CONDUCT
02/26/13	1:50 PM	4718 S. ORANGE (ALFONSO'S)	V.O.P.
03/04/13	6:49 PM	5621 S. ORANGE (FAMILY DOLLAR)	SHOPLIFT (SUNGLASSES)
03/23/13	4:45 PM	JESSAMINE & GLEN GROVE	DOMESTIC BATT
TRAFFIC CRASH INFO (20) (LAST QTR 29)			
TYPE	#	LOCATION	NOTES
FATALITY	0		
HIT & RUN	1	4745 S. ORANGE	NO INJURY
	1	4120 S. ORANGE	NO INJURY
INJURY	1	S. ORANGE & HOLDEN	RED LIGHT CAMERA LOCATION
	1	S. ORANGE & PRESCOTT	
	1	HANSEL & OAKLYNN	
NON-INJURY	4	S.ORANGE & HOLDEN	RED LIGHT CAMERA LOCATION
	3	S. ORANGE & GATLIN	
	2	S. ORANGE & GEM	
	2	S. ORANGE & HARBOUR ISLAND	
	1	S. ORANGE & PRESCOTT	
	1	S. ORANGE & MARY JESS	RED LIGHT CAMERA LOCATION
	1	5545 S. ORANGE	
	1	5060 THE OAKS	
MISCELLANEOUS			
ARREST WARRANTS/CIVIL PROCESS SERVED: 20 (LAST QTR 29)			
CITATIONS ISSUED: 752 (LAST QTR 740)			
RED LIGHT CAMERA CITATION ISSUED: 2405 (LAST QTR 2896)			
ALARMS ANSWERED: 55 (LAST QTR 36)			
CODE ENFORCEMENT			
SIGNS COLLECTED: 212 (LAST QTR - 164)			
CASES INITIATED: 45 (LAST QTR - 78)			
CASES TAKEN TO HEARING: 0 (LAST QTR - 0) (CASES WON - 0)			
P.D. ISSUES			
NOTHING TO REPORT			



CONTRACTS & AGREEMENTS

(TABLED & MOVED TO APRIL REGULAR CITY COUNCIL MEETING)

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

FROM: Bea L. Meeks, City Clerk

DATE: March 12, 2013

RE: Annual Contract Review

The City Charter provides that Council shall review all consultants on an annual basis (charter provision provided below). This memo provides information regarding the City's current consultants, including the approved fiscal year budget to support the services, along with information regarding their contracts with the City. I have also included information regarding the City's janitorial services, street maintenance and in-house accounting software.

Please note that you are not being provided with a copy of the Agreement/Contract, due to the copy volume. I will provide you with a copy upon request.

Section 4.11. - Consultants.

Consultants for the city shall be appointed by the mayor subject to the confirmation by the council and shall serve at the pleasure of city council. All consultants shall be appointed on an annual basis. Consultants shall include but not be limited to the following:

A.

Legal. Legal consultants shall be an attorney (or firm) who shall provide legal advice to the council, represent the city in legal cases and provide legal services for the city as required.

B.

Engineering. The engineering consultant (or firm) shall provide such engineering services that the council shall request.

C.

Accountant. An accountant (or firm) shall be retained for annual audits and other related work as deemed necessary by the council.

D.

Other. As the circumstances require, the council may retain consultant services from a recognized authority or firm.

(Ord. No. 2006-02, § 1 (Exh. A), 1-17-2006)

The final budget for the 12/13 FY provides funds for the following services:

Services:

- **Legal Counsel** (Shepard, Smith & Cassady, P.A.)
(\$55,000)
- Key firm personnel providing legal services will include: D. Andrew Smith, III, as the City Attorney and Virginia Cassady and Cliff Shepard as Assistant City Attorneys.
- \$150.00 per hour for attendance at regular Council meetings, as well as all other meetings and workshops. The hourly rate includes review and preparation of contracts, ordinances and resolutions, research memoranda and legal opinions, and conferences with the Mayor, Council members, staff, consultants and others at the City's direction.
- \$150.00 per hour for representation before Federal and State Courts, administrative agencies, boards or commissions.
- The hourly rate is exclusive of costs (court costs, filing fees, taxes, recording fees, etc) however, regular postage and copies and delivery charges are considered routine and will not be invoiced to the City. However, Shepard, Smith & Cassady reserve the right to invoice if costs exceed the firm's reasonable expectations.
- Allowed 15-days within billing date for questions or adjustment requests; failure to do so will be deemed acknowledgement that the City finds the bill both accurate and fair.

"We agree to serve at the pleasure of City Council. No notice will be required to terminate our services. However, we will agree to provide not less than thirty (30) days notice if we elect to terminate our representation of the City"

- **Code Magistrate** (Brown, Garganese, Weiss & D'Agresta, P.A.)
(\$6,000)

Fees: \$150.00 per hour for legal services.

Reserve the right to bill for expenses that exceed the firm's reasonable expectations.

City has 15 days of the billing date with any questions or adjustment requests; otherwise, billing deemed accurate and fair.

Serves at the pleasure of Council; no notice required to terminate services.

Attorney Reischmann agreed to provide (30) days notice to terminate position.

- **Engineering Services** (FEG)
(\$50,000)

Agreement in effect for 7-years with an automatic 3-year renewal period.

Either party may terminate Agreement without cause upon a 3-day written notice. If consultant terminates the Agreement, they will continue to act in the capacity of City Engineer for up to 120 days at the existing compensation rate if requested.

Effective July 1, 2011, with fees in effect until July 1, 2013, until which date, the fees shall be evaluated on a yearly basis; proposed fees not effective until approved by Council.

- **Planning** (FEG/Update Comprehensive Plan)
(\$15,000)
- **Planner** (Ellen Hardgrove)
(\$7,500)

Planner, Ellen Hardgrove, has been the City's planner for ten years. There has never been any executed Agreement, and the fees have remained the same; \$125.00 per hour.

- **Solid Waste** (Waste Management)
(\$246,600)

Original Agreement with Waste Management was in 2001.

The Agreement was renewed on 9/1/2010 for five years effective January 1, 2011.

The current non-ad valorem per unit is \$292.96.

- **Bookkeeping Services** **McDermitt-Davis**
(12,000)

Bi-Weekly processing of payments of accounts payable.

Monthly reconciliation of all bank accounts and preparation of compiled financial statements.

Inputs journal entry and adjusting journal entries.

Inputs fiscal year budget information.

Prepares 941s,

- **Accounting Software** **Sage (f/k/a Peachtree)**
(\$949)

Current contract with Sage is \$949.00 w/o payroll module.

Renewal will be 1029.00 (August).

City currently has the ability to prepare payroll in-house and will continue to have the ability until 2014. At that time, City will have to add the payroll module because there will be no support for payroll services.

The cost to add the payroll module at renewal time (August), is \$1299.00.

- **Auditing Services** **Holland & Reilly**
(20,000)

Audit services extended annually upon mutual agreement.

Retained audit services for FY 10/11 audit; \$20,000, with additional \$5000.00 per single audit, if applicable. Audit services extended by mutual agreement.

- **Janitorial Services/Cleaning Supplies (\$10,000)** **Covenant Cleaning Services**

This service is on a year-to-year contract, with either party terminating with 30-days written notice.

Service provided weekly; \$75.00 weekly per building (City Hall and PD).

Billed monthly at \$325.00 per building.

- **Street Maintenance (\$38,000)**

New Horizons/Jerry Reynolds

Agreement with New Horizons originated on 3/13/2001 for three years (2004).

Right to terminate by either party with 30-days written notice.

Agreement can be renewed by subsequent fiscal year if the Contractor and the City agree.

Initial annual Agreement was \$32,000.

10% increase in 2008 (\$35,200).

Increase in 2011 (\$38,000).

No changes/additions of duties occurred with the increases.

Monthly man hours provided typically do not exceed 40 hours (based on reports provided for the purposes of NPDES).

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

51
52 Application shall mean and refer to an application, petition or proposal, including
53 amendments to previously approved applications, submitted to the City pertaining to
54 development for which City approval is required, and shall be limited to the following:

- 55
- 56 (i) Comprehensive plan amendment
- 57 (ii) Concurrency determination
- 58 (iii) Development agreement, formulation and review
- 59 (iv) Development of regional impact
- 60 (v) Final subdivision plat, including any revisions to a previously approved or
61 existing subdivision or plat
- 62 (vi) Planned unit development
- 63 (vii) Preliminary subdivision plat
- 64 (viii) Rezoning (with or without a comprehensive plan amendment)
- 65 (ix) Variance Application
- 66 (x) Site plan review
- 67 (xi) Special Exception Application
- 68 (xii) Boat dock applications
- 69

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

71
72 City consultant shall mean and refer to those companies, private consultants,
73 governments, individuals or other entities under contract with the City to provide services to or
74 for the City or who provide technical or legal expertise to or for the City, including but not
75 limited to, attorneys, engineers, planners and surveyors.

76
77 City staff shall mean and refer to City employees.

78
79 Total development review estimate shall mean and refer to the City's estimated fees,
80 expenses and costs to process an Application.

81
82 Owner shall mean and refer to an owner or group of owners of fee simple title to a
83 particular lot, tract, or parcel of real property.

84
85 Owner's authorized agent shall mean and refer to an agent of the owner duly authorized
86 to submit and process an Application. If the Applicant is not the property owner, a proper
87 authorization must accompany the Application. Such authorization shall be evidenced by a
88 power of attorney signed by the owner and notarized specifically authorizing the agent to
89 represent the owner in connection with the Application and as to the owner's real property which
90 is the subject of the Application. The authorization shall include an agreement of the owner to
91 be bound by the actions of the owner's authorized agent and the provisions of this Article and an
92 acknowledgement that a lien may be placed on the property as provided herein.

93
94 Review deposit shall mean and refer to a deposit of money, as established by this Article,
95 to be paid by an Applicant at the time of the filing of an Application as defined above.
96

97 **101-3 Review deposits.**

98
99 (a) Required review deposits. A \$1,000 review deposit, payable to the City of Edgewood
100 by money order, personal or company check or cashier's check drawn on a financial institution
101 authorized to do business in Orange County, Florida, shall be delivered to and collected by the
102 City at the time of submission of each Application. Said review deposit shall be utilized by the
103 City to reimburse the City for the actual costs associated with the Application incurred by the
104 City. Any remaining balance of the review deposit shall be returned to the Applicant as provided
105 for in Section 101-4. No interest shall be paid to Applicant on any review deposit on account
106 with the City.

107
108 (b) Waiver of review deposits. The total development review estimate shall be
109 forwarded to the Mayor or his or her designee prior to the end of the fifth business day following
110 the submittal of an Application for review or approval. In all cases, the Mayor or his or her
111 designee shall waive the requirement of a review deposit if the total development review
112 estimate does not exceed the application fee to be paid by the Applicant. Subsequently, the
113 Mayor or his or her designee may require a review deposit at any time if it appears that the actual
114 costs incurred by the City as a result of the review of the Application shall exceed the application
115 fee.

116
117 **101-4 Project account.**

118
119 Whenever a review deposit is required, the Mayor or his/her designee shall establish an
120 individual project account through which all fees, expenses and costs incurred by the City
121 associated with the Application will be monitored. The project account will be maintained
122 throughout the entire review, processing and inspection process until the latter of:

- 123
124 (i) Final action (after all appeal periods have run) by the City has occurred with
125 respect to the Application;
126
127 (ii) No further significant involvement of the City staff or City consultants is expected
128 to occur; or
129
130 (iii) The City has been paid all of the amounts due under this Article and the City
131 Code.

132
133 Fees, costs and expenses for any City consultant time directly related to the review,
134 processing and inspection of any Application and all other directly related expenses, including,
135 but not limited to, advertising, legal, inspection, planning and engineering costs are to be charged
136 to the project account.

137
138 **101-5 City invoices.**

139
140 (a) Payment. The Mayor or his/her designee shall, on a timely basis, calculate the costs,
141 expenses and fees incurred by the City for each Application for which a review deposit is
142 required and send an invoice to the Applicant for payment. The Applicant shall have ten (10)
143 days from the date of the invoice to pay to the City the invoiced amount. Thereafter, if payment
144 is not received, the Mayor or his/her designee shall apply the review deposit toward payment for

145 the invoiced amounts. If the total of the costs, expenses, and fees incurred by the City for an
146 Application exceeds the review deposit and payment is not received in the required time after
147 invoicing, the Mayor or his/her designee shall apply the review deposit to the unpaid portion of
148 the invoice and send a notice of nonpayment to the Applicant for the remaining amount of the
149 invoice.

150
151 The Mayor or his/her designee shall copy the notice of non-payment to all City staff and
152 City consultants associated with the subject Application. Upon receipt of such notice, work by
153 the City staff and City consultants on the Application or project shall cease, and neither building
154 permits, certificates of completion, temporary certificates of occupancy, nor certificates of
155 occupancy will be issued with respect to such real property. Continuation of the review of the
156 Application will not be undertaken by the City until such time as all outstanding fees, costs and
157 expenses due under this Article are paid in full and a new review deposit paid to the City.

158
159 Unless otherwise provided for in this Article, if an Applicant receives or is granted
160 approval on an Application or is issued a building permit, certificate of completion, temporary
161 certificate of occupancy, certificate of occupancy, occupational license or other development
162 order by the City, and additional fees, costs, expenses or such other obligations attributable to the
163 Application are thereafter posted to the project account for work that is associated with said
164 approval or issuance, the Applicant shall pay said costs, fees and expenses incurred by the City
165 for such Application. The City shall send an invoice to the Applicant for such fees or expenses,
166 and the Applicant shall pay such invoice within ten (10) days.

167
168 (b) *Deficiency and liens.* Failure to pay an invoiced amount within the requested time
169 shall constitute a violation of this Article. Any deficiency owed to the City, whether incurred
170 before or after project approval, shall bear interest from the date of the aforementioned notice of
171 non-payment at the rate of 18 percent simple interest per annum or otherwise at the highest rate
172 permitted by law until paid. The amount of any such deficiency owed to the City shall, together
173 with interest and the costs of collection as hereinafter provided, shall be the personal obligation
174 of the Applicant and shall be a continuing lien on the real property related to the Application.
175 Any subsequent or new owner of the real property related to the Application or project shall take
176 title subject to the obligations of the Applicant under the terms of this Article and shall be jointly
177 and severally liable for such obligations. An Applicant may not escape liability for the
178 deficiency by abandonment of the Application or project, withdrawal of such Application or sale
179 of the real property with respect to which such Application has been submitted. If the initial or
180 subsequent invoices are not paid in a timely fashion, and the invoiced amount exceeds the
181 amount of the review deposit, the City may take whatever legal means it deems appropriate to
182 collect the deficiency, including, but not limited to, retaining the services of a collection agency
183 or attorney, initiating legal proceedings for the collection thereof, recording a notice of lien and
184 foreclosing same in the same manner as mortgage liens are foreclosed.

185
186 If the project is subject to the provisions of a development agreement, and the Applicant
187 is found in default of such development agreement, the remedies provided for in the
188 development agreement shall control over any conflicting provisions of this Article.

189
190 **101-6 Required payments.**
191

192 Payment of costs, expenses and fees incurred by the City pursuant to this Article is a
193 requirement for the City's final approval of the Application.

194
195 **101-7 Assessable costs, expenses, and fees.**

196
197 All direct costs, expenses and fees incurred by the City that relate directly to the review,
198 processing, inspection, regulation or defense of an Application, including, but not limited to,
199 expenses incurred by City consultants who review or defend the Application at the direction of
200 the City, as well as other expenses related directly to advertising, surveying, legal review and/or
201 engineering review for an Application or project shall be assessed to the Applicant and
202 reimbursed to the City. Assessable expenses shall not include the cost of City employee time in
203 reviewing such Application, as such time shall be deemed to have been reimbursed by the
204 Application fee.

205
206 City consultants shall submit records of their time, fees, costs, and expenses to the Mayor
207 or his/her designee and such fees, costs and expenses shall be invoiced to the Applicant in the
208 same amount invoiced to city

209
210 **101-8 Objections/appeal.**

211
212 Any objection to any invoice or to any matter set forth in this Article must be set forth in
213 writing and addressed and delivered to the Mayor or his or her designee on or before the tenth
214 day after the date of the relevant invoice. In the event the Mayor or his or her designee denies
215 the objection, the Applicant shall have ten (10) days after the date of the Mayor or designee's
216 written decision to file an appeal of such decision with the City Clerk or his/her designee, which
217 appeal shall be heard by the City Council. All objections and appeals shall set forth in detail the
218 reasons and evidence upon which the objection and appeal are based. Failure of the Applicant to
219 establish by a preponderance of the competent evidence that an invoice is not appropriate shall
220 result in a denial of the objection and appeal.

221
222 **101-9 Attorney's fees in the event of failure to pay review costs.**

223
224 In the event the City is required to enforce this Article, then the City shall be entitled to
225 recover from the Applicant all costs and expenses incurred, including but not limited to its
226 reasonable attorneys' fees, paralegal fees and other costs and expenses, whether incurred prior to,
227 during or subsequent to court proceedings or on appeal, and/or in any bankruptcy proceedings
228 involving the Applicant, the real property and/or the project being reviewed.

229
230 **101-10 Change of ownership.**

231
232 An Applicant shall provide prompt written notice to the Mayor or his or her designee in
233 the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property
234 with respect to which an Application is pending before the City. Such notice shall be on a form
235 approved by the City and shall include the name, address and phone number of the new owner
236 and a legal description of the lot, tract or parcel of real property now owned by the new owner.
237 Any such new owner shall not be entitled to utilize or draw upon any review deposit previously
238 paid to the City by the original Applicant and shall be required by the City to pay a separate
239 review deposit in the same manner as a new Application, in which case a separate project

240 account will be opened in the name of the new owner or the new owner's authorized agent. No
241 work shall be undertaken by the City or its consultants with respect to the Application until a
242 separate review deposit is paid to the City. Until such time as the City receives such written
243 notice of a change in ownership, the original Applicant shall be liable to the City for all fees,
244 costs and expenses associated with the Application. The original Applicant shall be entitled to a
245 refund of any review deposit balance as of the date said change of ownership notice is received
246 by the City, provided all assessable costs, expenses and fees hereunder and incurred to that date
247 are paid in full.

248
249 **101-11 Agreement to be bound by this Article.**

250
251 Submission of an Application shall constitute the consent and agreement for the
252 Applicant and the owner, if the Application is being executed by the owner's authorized agent, to
253 be bound by the provisions of this Article.

254
255 **SECTION 2. Ordinances and Resolutions in Conflict.** All ordinances or resolutions or
256 parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

257
258 **SECTION 3. Severability.** It is the intent of the City Council of the City of Edgewood,
259 and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of
260 this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such
261 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the
262 remaining provisions of this Ordinance.

263
264 **SECTION 4. Effective Date.** This ordinance shall become effective immediately upon
265 adoption.

266
267 FIRST READING: _____

268
269 SECOND READING: _____

270
271 PASSED AND ADOPTED this _____ day of _____, 2013.

272
273
274 _____
275 Judy Beardslee, Council President

276
277 *ATTEST:*

278
279 _____
280 Bea L. Meeks
281 City Clerk

282
283