CITY OF EDGEWOOD
FOUNDED 1924

Ray Bagshaw Mayor	John Dowless Council Member
	Neil Powell Council Member
Pam Henley Council Member	Lee Chotas Council Member

CITY COUNCIL AGENDA
Regular Meeting
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, June 18, 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. **ORGANIZATIONAL MEETING**

1. Election of Council President

2. Council Vacancy – Mayor's Recommendation **(Pg. 1)**

Filling of vacancies: A vacancy on the council shall be filled by the mayor recommending a qualified candidate, as provided in this Charter, from among the electors of the City of Edgewood. The proposed appointee shall be recommended by the mayor within 30 days of the seat being vacated and confirmed by a majority vote of the council. In the event that the council does not confirm the mayor's recommendation within 30 days of the date the seat was vacated, the council shall by majority vote, appoint and confirm a candidate to fill the vacancy within 60 days of the date the seat was vacated. If the council cannot confirm a candidate within said 60-day time period due to a voting deadlock, the mayor shall be entitled to vote to break the tie existing at the end of said 60-day time period, but not during said 60-day time period. The vote shall occur at the next meeting after the meeting during which the deadlock occurred. After the seat has been filled, the newly appointed council member will hold office until the next regular election scheduled for that council seat. (Charter-Article III. Legislative-Section 3.08)

E. **CONSENT AGENDA**

1. Review and Approval of Minutes
   - February 19, 2013 **(Pgs. 2 – 9)**
   - March 19, 2013 **(Pgs. 10 – 29)**

(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. VeriPlate Alert Notifications **(Pgs. 30 – 33)**

G. **CITIZEN COMMENTS**

H. **STAFF REPORTS**

City Attorney:

Police Chief:

1. Accreditation **(Pgs. 34 – 39)**

City Clerk:

1. Employee Insurance Benefits
2. Budget Workshop/Hearing Schedule **(Pgs. 40 – 41)**
3. Newsletter
4. City Hall Operations Update

Code Enforcement:

I. **MAYOR & COUNCIL REPORTS**

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

J. **OLD BUSINESS**

1. Resolution No. 2013-05 **(Pgs. 42 – 43)**

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.

K. **NEW BUSINESS**

L. **BOARDS & COMMITTEES**

M. **ORDINANCES**

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

1. **Ordinance No. 2013-03 (Pgs. 44 – 50)**

   AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY CODE BY EXPANDING CHAPTER 62, TRAFFIC AND VEHICLE, THROUGH ADOPTION OF ARTICLE IV, THE "TRAFFIC LIGHT SAFETY ACT"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

2. **Resolution 2013-04 (Related Action) (Pgs. 51 – 52)**

   A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA, APPOINTING THE CITY CLERK AS THE CLERK TO THE LOCAL HEARING OFFICER FOR RED LIGHT CAMERA INFRACTION HEARINGS PURSUANT TO CHAPTER 62, ARTICLE IV OF THE EDGEWOOD CITY CODE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

3. Review & Consideration of Local Hearing Officer (Related Action) **(Pgs. 53 – 55)**

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

P. **ADJOURNMENT**

UPCOMING MEETINGS:

July 16, 2013 .....City Council Regular
August 20, 2013.....City 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.

Biography for Michael C. Hendrix

Candidate for City Council Member

City of Edgewood, Florida

Michael was born in Saint Louis, Missouri and is the youngest of four siblings. His family moved to Titusville, Florida in 1965 where his father, an electrical engineer, was transferred by McDonnell Douglas to be a part of the new space program. Upon graduating from Merritt Island High School in 1982, Michael enrolled in Brevard Community College and graduated in 1984. From there he began working full time at McDonnell Douglas in the accounting department while attending school at the University of Central Florida. He graduated from UCF in 1988, earning a B.S.B.A in Accounting.

In 1991, Michael moved to Orlando where he has held various accounting and finance management positions in the broadcasting industry including Blackstar Communications, America's Health Network, and WMFE. His experience includes managing finances for both non-profit and for-profit companies. In 2005, Michael continued his accounting career at Marriott Vacations Worldwide where he currently holds the role of Director of Finance.

Michael and his wife Holly moved to the Legacy subdivision of Edgewood in 2008. In 2010, they welcomed their daughter Michaela. In 2011, he was elected to the H.O.A. Board of Directors where he continues to serve as Treasurer and Secretary. In his spare time, Michael enjoys spending time with his family, attending UCF football games, racquetball, and volleyball.

EDGEWOOD CITY COUNCIL
FEBRUARY 19, 2013 CITY COUNCIL REGULAR MEETING

On Tuesday, February 19, 2013, Council President Judy Beardslee called the Edgewood City Council Regular Meeting to order at 6:34 p.m. The invocation was given by Council Member Powell 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 (arrived late)
Neil Powell, DDS, Council Member
Pam Henley, Council Member

Staff

City Clerk Bea Meeks
Administrative Assistant Cinnamon Wild
Chief Marcus
City Attorney Smith

CONSENT AGENDA

Approval of the following:

- *December 4, 2012 City Council Workshop*
- December 18, 2012 City Council Meeting
- Crowder Gulf Disaster Recovery and Debris Management Agreement

City Clerk Meeks said that in an earlier discussion with Council Member Chotas, he indicated corrections/changes to the December 4, 2012 Workshop Minutes, and she asked that they be pulled until Council Member Chotas is present to provide the changes/corrections.

Council Member Powell made the Motion to approve the December 18, 2012 City Council Meeting Minutes and the Crowder Gulf Disaster Recovery and Debris Management Agreement, with Second by Council Member Dowless. Approved unanimously 4/0.

PRESENTATIONS

1. *Mayoral Proclamation – Pine Castle Pioneer Day*

Council President Beardslee referred to Mayor Bagshaw, who presented a Proclamation proclaiming February 23 and 24, 2013 Pine Castle Pioneer Day.

A. **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.

City Attorney Smith read Ordinance 2013-01 in title only.

Council Member Dowless made the Motion to approve Ordinance 2013-01, with Second by Council Member Henley.

Council President Beardslee asked for discussion; there was none. Council President Beardslee asked for comments, and the following comments were given:

Tina Demostene, 5106 Leeward Way, Edgewood, FL. Ms Demostene said she is a Planner and wants to make sure that the Ordinance covers the deficits. She asked about the raw costs and what are the deficits. Council President Beardslee referred to the Mayor. The Mayor said there are deficits as it relates to the consultant's invoiced amount and the City's required fee, which in some cases does not cover the consultant's fee. She said she wants to make sure that the fees are being absorbed by the homeowner, and not the City.

Roxanna Sigler-5004 The Oaks Circle, Edgewood, FL. Ms. Sigler said Council was previously given an accounting of fees. She asked what FEG's contract term is, and was told it is 5 years, with 2 additional years but can be terminated with 30 days notice. She said she does not want to pay for additions to homes or boat docks that she cannot use. She said her concern is "taxpayers' money being spent wisely."

Council President Beardslee announced that Council Member Chotas is now in attendance.

Council Member Powell said Council had a workshop regarding the pass-through fees. He said that based on the figures he sees, the City Clerk has helped to bring things in line so that the City is not being absorbed with a lot of extra costs that should not be passed on to the citizens. Council Member Powell said he has a concern about residents having to get a permit for everything.

Council Member Chotas said development should bear its weight as it seeks approval. He said he has questions about some of the wording in the Ordinance, and feels a workshop is needed. He asked for a delay so he could have time to discuss with the City Attorney.

Council Member Dowless wanted to know if Council Member Chotas' concerns were application or substance. Council Member Chotas said he feels there should be some degree of predictability by the developer so that when they file an application, they know what their costs will be. He said the changes he is dealing with are the words that are clear and eliminate any ambiguity. City Attorney Smith confirmed for Council President Beardslee that Council saw this Ordinance in a workshop. City Attorney Smith said changes can be made as long as it doesn't affect the title. Council Member Chotas said he does not think it will change the title.

Tina Demostene referenced Page 4, Line 161, suggested changing to show that Certificate of Occupancy will not be issued until all fees are paid. City Attorney Smith said there is a paragraph in the Ordinances that provides for this.

The Second and Final reading of Ordinance 2013-01 was approved by the following roll call vote:

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

Council President Beardslee announced that the second and final reading will be March 19, 2013.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

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.

City Attorney Smith read Resolution 2013-02 in title only. ***Council Member Powell made the Motion to approve Resolution 2013-02, with Second by Council Member Dowless.***

Mayor Bagshaw said that in driving through the City he saw the need to repair all City sidewalks that have been neglected. Council President Beardslee confirmed that the request was to move funds from red light citation revenues into sidewalk expenditures. There were no comments from the audience.

Resolution 2013-02 was approved by the following roll call vote:

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

Council President Beardslee noted under "Old Business" is permitting fees and that it will probably take a while to discuss. For this reason she would like to let those who have signed up to speak to have the opportunity to do so. Mayor Bagshaw said that most are probably here to discuss the trees removed on Jessamine.

Mayor Bagshaw reported that the HOA at Legacy had an arborist report that showed that the trees on Holden Avenue were planted so close to Legacy's wall and sidewalk that damage was going to be incurred. The trees were also directly under the power lines and Progress Energy was topping the trees. The City approved removing the oak trees however, the HOA has to replace the trees. The HOA also removed trees on Jessamine Lane that the City was unaware of until resident David Willis contacted the Mayor. He said he believed the residents are in attendance for resolution.

Brett Barner: 5101 Cranes Point Court (2 year resident) said part of the allure in the City was the trees on Jessamine Lane. He said he looked at the Ordinance and knows that there is a permitting process including fees. He wanted to know how council is addressing the matter. City Attorney Smith said the plan is that the HOA will have to provide a mitigation plan. He said there is also a civil fine per tree. City Attorney Smith confirmed for Council President Beardslee that the replacement tree should be comparable; size for size. City Attorney Smith said he is not aware of a mitigation plan at this time. Mr. Barner said he would like to see them replace the trees. Mayor Bagshaw said some of the reasons sidewalks are damaged is because of where oak trees are being planted. He said Progress Energy is saying don't plant an oak tree within 50 feet of a power line.

Council Member Henley asked who is approving the plans for the trees that are being planted. Council President Beardslee said she was on Council when the plan was approved. She said it occurred at the time when all the hurricanes hit and the City lost a lot trees.

JT Blanton said this is Edgewood and there is a lot of wood and there are going to be cracked sidewalks.

David Willis-5157 Cranes Point Court: Mr. Willis said he is representing himself individually and Cranes Point HOA. Mr. Willis said he is familiar with the background of the Beazer development. He said the subject location was an orange grove. He said at the time of the development, the area residents were concerned about the removal of the trees. He said it was part of the requirements imposed by Council to maintain the trees inside and outside of Legacy. He said that he didn't think that any official has the right to remove the trees on Holden Avenue. He noted his request for records and it lacked an application and fees. He wants to know why they didn't adhere to the City Code. He ask "what are the replacement trees". He said no one was consulted about trees on Jessamine Lane. He questions whether the HOA had the authority to remove trees on Holden. He explained to Council President Beardslee the right-of-way on Holden Avenue versus Jessamine Lane. He questioned the application, fees, compliancy and who authorized the removal. He requested that the matter come back to the agenda as an official item as it relates to the proposed action.

Michael Hendrix-5001 Legacy Oaks Drive – Legacy HOA Treasurer - He said that that on Holden Avenue there was a power line issue, sidewalk issue, and they have issues with Beazer as it relates to the subdivision wall. He said he understand that the oak trees were supposed to be Laurel Oaks as opposed to the Live Oaks. He confirmed for Council President Beardslee that he is speaking individually and on behalf of the HOA. He confirmed that the HOA intends to replace the trees. Council President Beardslee noted that Mr. Hendrix provided a letter from the arborist regarding the trees. Council Member Dowless acknowledged that he lives in Legacy and that he is on the HOA board. Council Member Dowless showed pictures of the condition of the trees on Jessamine Lane (attached to these minutes). Council Member Dowless said he understands that there was a miscommunication between the HOA president and the arborist regarding a permit for the trees on Jessamine Lane. He said that Legacy has every intention of replacing the trees. Mr. Hendrix said Legacy is bearing the costs, not the City. Council Member Henley said that she understands that part of the property is City property, and part of the property is shared property. Council Member Dowless said that the HOA president reviewed records in Orange County and he was told that this part of the property was not deeded. Council Member Dowless said he does not know. Council Member Dowless said they are trying to "get to the bottom of this". Mayor Bagshaw confirmed that if a tree is diseased, or going to cause damage, fees can be waived. City Attorney Smith confirmed for Council Member Dowless that the tree replacement had to be comparable in size and type. Mayor Bagshaw noted for Jessamine Lane, there was a maintenance agreement between the City and Beazer that shows Beazer was to maintain; this is City right-of-way. This was conveyed to the HOA. City Clerk Meeks said this was Track K, a City right-of-way. Mr. Willis said there are a couple of small City rights-of-way at the corner of Jessamine Lane and Holden Avenue. Additionally, there is a small section of City right-of-way which was dedicated as part of the subdivision. He said as you go down Jessamine Lane and it makes a right hand turn there is a small section also dedicated as part of the plat as City right-of-way. Mr. Willis said there is absolutely no question that the entire property from the wall out to the road is City right-of-way along Jessamine Lane. Mr. Willis said that is not the typical situation where you have a private home owner or company coming in to say they want to take down a tree on my property. He said this was mandated as a condition of the subdivision's approval. He said the entire Council unanimously approved the condition.

Richard McMillin- 5558 Jessamine Lane: Mr. McMillin said the Live Oak was specifically specified because of the longevity. He wants to know why a member on the Council, who was also on the HOA in Legacy, allowed the situation to happen. Council Member Dowless said all he was aware of being permitted was Holden Avenue. He said he did see an email that went to the Board regarding Jessamine Lane and responded and said "you must get a permit", and he wasn't aware of the tree removal until after the fact. Mr. Hendrix confirmed that Council Member Dowless did send an email stating that a permit needs to be pulled.

Council President Beardslee said to sum it up, trees were removed on Holden Avenue and Jessamine Lane around the Legacy subdivision exterior wall. No permit was issued for Jessamine Lane due to confusion between the arborist and the HOA. Council President Beardslee asked what about the process for issuing a tree permit? Mayor Bagshaw said either the tree company (on behalf of the homeowner) or the homeowner comes in and makes application. He said depending on the situation there may or may not be a fee, or a requirement to replace the tree. The Mayor said the code says any Council member can approve. City Attorney Smith confirmed for Council Member Chotas that a maintenance right-of-way agreement was executed. City Attorney Smith said the Agreement obligated Legacy to maintain the landscaping within the right-of-way. City Attorney Smith said he didn't think the Agreement addressed trees. In response to Council President Beardslee, City Attorney Smith said the Code controls. Council Member Chotas said this is a code enforcement issue and should go there. City Attorney Smith said yes, but doesn't necessarily have to go to Code Enforcement. Council Member

Powell said he did not hear a specific date as to when the trees are going to be replaced. Mr. Hendrix said there is an HOA meeting in March and they will present a plan to the association in that meeting. Council Member Powell noted trees planted on Waterwitch Circle, stating that the City took responsibility for the trees, but now there are problems with the sidewalks. He said that no one individual wants to pay for sidewalks. Council Member Chotas said that there needs to be a mitigation plan in the context of a Code Enforcement hearing and the mitigation plan will show what should be done in the terms of trees and sidewalk modification that would make a long term sustainable place for people to walk along the road, have shelter and have some degree of enjoyment of the amenities of our community. Council Member Chotas and Council President Beardslee said they have no objection to staff moving the issue to Code Enforcement. Chief Marcus said Code Enforcement is not in the position or expertise to come up with a plan. City Attorney Smith said Council wants to start the Code Enforcement process; not to craft a mitigation plan. He said the point of Code Enforcement is to determine if there was a violation and if there is a violation, issue the appropriate citations. David Willis said Legacy needs to submit in writing what they propose to do, and suggested City Council should formally change the conditions of the Legacy subdivision.

Mayor Bagshaw noted that there is an agreement that states certain things on Jessamine Lane, and this is where it is confusing. He said the HOA was put on notice to stop removing the trees and it stopped. Council Member Chotas said that he doesn't recall that there is anything that says landscaping and trees are maintained in perpetuity. Mr. Willis said it was in perpetuity in the Legacy Agreement. Council President Beardslee said direction has been given and an update should be given in March.

OLD BUSINESS

1. Permitting Fees

City Clerk Meeks presented the concerns regarding permitting fees and provided Council with a spreadsheet revealing receipts versus payments made to FEG for their review. She noted that not all the fees paid covered the invoiced amount from FEG. City Clerk Meeks said that in almost all the applications received, the fees for boat docks, gas lines, and additions to homes, variances and special exceptions do not cover the consultants' review fees. City Attorney Smith suggested including the Engineer in this discussion. City Clerk Meeks addressed concerns with FEG and checklists that she requested. City Clerk Meeks said that if staff had the checklists, it would minimize review time. She said that with almost every application provided to FEG, they request additional documents. Council President Beardslee asked the Mayor to meet with Engineer Sebaali to address the concerns. Mayor Bagshaw said he can do that before the next meeting. City Attorney Smith said he will check with some other cities as to their required permitting fees.

Roxanna Sigler: Ms. Sigler said she is troubled by the multiple requests to FEG for a checklist, and feels it should have come back in a reasonable time. She said she understands there is a learning curve but for how long?

Tina Demonstene: Ms. Demonstene said that the City's fees are low, so don't be surprised to get an analysis that shows the City fees should be higher. She said it is acceptable to include an administrative fee.

City Clerk Meeks asked and received additional time to provide a proposed fee schedule.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

None.

STAFF REPORTS

1. **Police Chief**

- Reported that the on site assessment for accreditation is March 12, 2013.
- Reported that violence continues to surround Edgewood; his officers continue to work hard to keep it away from Edgewood.
- Reported that there is nationwide attention regarding school security and his department is in the process of creating a response and protocol plan for an active shooter.

2. **City Clerk**

3. **City Attorney**

    - Reminder to re-address the sign code. He said it will be a lengthy process and historically, he works with staff first and then the matter goes to workshop.

MAYOR & COUNCIL REPORTS

Mayor Bagshaw:

None

Council Member Chotas:

Reported on the monthly meeting he attended of the Friends of Cypress Grove Park. He provided a flyer to Council regarding upcoming events in the park. He also provided City Clerk Meeks with a copy of the minutes for the February 4, 2013 meeting. Council Member Chotas said he hopes the Mayor will work with the Parks department for a concert event. Mayor Bagshaw said he has been in communication with "Todd", who is oversees Orange County parks.

Council Member Chotas said with the City Clerk's assistant, he did some research regarding the tower and has not heard anything further regarding approvals particularly, the Starcevich property. City Attorney Smith said the City is pre-emptive. City Attorney Smith agreed with Council Member Chotas that the City is preemptive from regulating co-locations but not land use. City Attorney Smith noted E911 legislation and stated that if the footprint is not expanding but just an antenna on existing tower, there is no public hearing process.

Council Member Henley:

Council Member Henley noted the City's change to Peachtree. She said the original idea was to bring in a qualified accountant/bookkeeper but the person brought in was not meeting the needs of the City. The City would not fill the position and it would be absorbed in house. She said in June she sent an email requesting that 941s and W2s not be done in-house. She said that it didn't occur. She said that the City Clerk did them. She said not all the information was on the W-2. She said she personally feels that it is the right move to bring Peachtree in-house but feels the City needs someone who knows how to do Peachtree, or otherwise outsource. Staff has done a great job trying to fill the gap. City Clerk Meeks confirmed that the 941s have always been done by Marge Peters (McDermit~Davis) since the departure of the Accounting Clerk. City Clerk Meeks said she was not aware of the request that staff not prepare the W-2s, and that she did not come in on Saturday to prepare the W-2s. She said the problem is that the information on Peachtree on Cinnamon's computer is not on all the other computers. Council Member Henley said she understood that the problem is that the computers are not all updated. City Clerk Meeks said computers are updated every time the request is made. Council Member Henley thinks Shannon should be doing the payroll. Chief said his position is that he prefers she didn't but he will do what Council directs. ***It was the consensus of Council for the Mayor and staff to move forward to outsource payroll.***

Council Member Dowless:

None.

Council Member Powell:

Council Member Powell reported that the double tracking CSX has done for the Sunrail project has left a lot of debris, and he has been working with them to keep right-of-way cleaned up.

City Clerk Meeks:

- Updated Council on the March municipal election.

ADJOURNMENT

Having no further business, ***Council Member Dowless made the Motion to adjourn the meeting, with Second from Council Member Powell.*** The City Council meeting adjourned at 9:11 p.m.

ATTEST:

_____

Council President

_____

Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON _____.

EDGEWOOD CITY COUNCIL
March 19, 2013 CITY COUNCIL REGULAR MEETING

On Tuesday, March 19, 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 Powell, 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
Cinnamon Wild, Administrative Assistant
Pete Marcus, Police Chief
Drew Smith, City Attorney

ORGANIZATIONAL MEETING

1. Final Certification of election results.

   City Clerk Meeks said the City election is a stand-alone election. For this reason the Canvassing Board, consisting of Council Member Powell, Planning & Zoning Chairwoman Regina Dunay and the City Clerk, was at the election office on Election Day to certify the votes, including absentees; there were no provisional ballots.

2. Administer Oath of Office to newly elected City Council members.

   City Clerk Meeks swore in the following Council Members:

   - Neil G. Powell, DDS
   - John Dowless

   City Clerk Meeks swore in Ray Bagshaw, Mayor.

3. Election of Council President

Council Member Chotas made the Motion for Council Member Dowless to be the Council President, with Second by Council Member Dowless.

Council Member Henley nominated Council President Beardslee; with Second by Council Member Powell.

The following voted for Council Member Dowless:

Council Member Chotas
Council Member Dowless

The following voted for Council President Beardslee

Council Member Powell
Council Member Henley

Council Member Dowless withdrew his nomination and nominated Council President Beardslee to continue as the Council President, with Second by Council Member Chotas. The nomination was unanimously approved.

Council President Beardslee said that it is not in the Charter but Council historically has appointed a Council President Pro Tem. ***Council Member Chotas nominated Council Member Dowless, with Second by Council Member Henley. The nomination was unanimously approved.***

4. Council President to designate areas of responsibility (not already under the jurisdiction of the mayor), to be assigned to individual Council members pursuant to Section 3.12 of the City Charter.

The following assignments were accepted:	
Council Member Powell	-Public Works
Council Member Dowless	-Land Development/Master Plan - Cypress Grove Liaison
Council Member Chotas	-Code Enforcement
Council President Beardslee	- HAINC Liaison
Council Member Henley	-Finance & Budget

5. Review of City Contracts/Agreements (Pgs. 7-11)

Council President Beardslee said she would like to table review of contracts and agreements. Council President Beardslee made the Motion to table the review, with Second by Council Member Henley. The Motion was unanimously approved. Council President Beardslee asked Council Members to email the City Clerk if they wanted a copy of any of the Agreements.

6:48 p.m. Council Member Powell excused himself from the meeting.

CONSENT AGENDA

1. December 4, 2012 – Council Workshop Minutes

Council President Beardslee made the Motion to approve the Minutes of December 4, 2012, as corrected, with Second by Council Member Dowless. –Unanimously approved.

2. December 17, 2012 – Council Workshop Minutes

Council President Beardslee made the Motion to approve the Minutes of December 12, 2012, as corrected, with Second by Council Member Dowless. –Unanimously approved.

3. January 8, 2012 – Council Workshop Minutes

Council Member Chotas made the Motion to table the minutes of the January 8, 2012 Council Workshop Minutes to the April Council meeting, with Second by Council President Beardslee. Unanimously approved.

4. February 26, 2013 – Special Council Meeting Minutes (Pg. 30)

Council Member Chotas made the Motion to approve the minutes of the February 26, 2013 Special Council Meeting, with Second by Council President Beardslee. Unanimously approved.

PRESENTATIONS

1. Mayoral Proclamation – Sexual Assault Awareness Month

Mayor Bagshaw presented a Proclamation to Jody Swain, -Victims Service Center. Mr. Swain said the Proclamation helps bring awareness to the problem. Mr. Swain responded to Council Member Chotas' questions regarding the statistics associated with the rape and sexual assault of women.

2. Mayoral Proclamation – Mayors' Day of Recognition for National Service

Mayor Bagshaw acknowledged the Proclamation request from Florida League of Cities titled the Mayors' Day of Recognition for National Service.

ORDINANCES

None

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

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. 39 – 45)

Ordinance 2013-01 was read in title only by City Attorney Smith. ***Council Member Dowless made the Motion to approve Ordinance 2013-01, with Second by Council Member Henley.*** City Attorney Smith explained revisions made after discussion with Council Member Chotas and the Planning & Zoning Board (Revision sheet attached to these Minutes). City Attorney Smith said the most substantive part of the changes were taking out the successor applicant, and changing the Mayor's duties from "may" to "shall".

7:19 pm. Admin Assistant Cinnamon Wild left the meeting.

Council Member Chotas asked if it would be appropriate to insert a general reference to the concern that the Council President raised that the Mayor may, on his own initiative, designate someone to have the authority to exercise with the discretion he is granted under the Ordinance. He said he is afraid that unless the Mayor wants that authority (inaudible), he should have the flexibility. City Attorney Smith said there are places that do not include a designee. He said you can use a designee, but that still leaves a concern for the Council President. City Attorney Smith said the Charter provides that if the Mayor is unable to perform, the Council President has the authority.

Council Member Chotas questioned the term permitted conditional uses and said it should be deleted since it is not part of the City Code. City Attorney Smith confirmed for Council Member Chotas that the Code does address concurrency determination.

Council Member Chotas referred to Page 42 and asked if there is a concept in the revisions where an Agreement needs to be recorded in order to not burden title to the land. City Attorney Smith said it is not in the revisions however, there is the ability to lien. Council Member Chotas asked for an insertion so that it is clear, and acknowledges that their property may have a lien in the event their agent does not pay all fees under this Ordinance.

Council President Beardslee referred to Line 146, and questioned the word "periodically". City Attorney Smith said he considered using 30 days however, there may not be any activity. City Attorney Smith said "shall, on a timely basis,.." replacing periodic basis. She also noted Lines 219-222 and ask when the applicant will be invoiced. City Attorney Smith said that "monthly" can be inserted. Council President Beardslee also noted Lines 256-259 regarding separate review deposit is required and ask should it read "no work shall be undertaken <u>or continued".</u> City Attorney Smith said he has no problem adding the language.

Council Member Chotas questioned Line 169 regarding 18% simple interest appropriate. Council President Beardslee noted that their language that provides whatever is legal. City Attorney Smith said 18% would be the cap. ***It was the consensus of Council that 18% be changed to 12%.***

Tina Demostene, 5106 Leeward Way, Edgewood, FL: Ms. Demostine noted lines 51 and 52 (old Ordinance) under "Application", and said she would encourage Council to have the City attorney add some language - *"Application*, for purposes of this Section, shall mean and refer to an application, petition or proposal, <u>including revisions to previously approved or existing applications…</u>." Ms. Demostene said that she would also encourage Council to include boat dock applications in the pass through Ordinance, along with Developer Agreements.

Council Member Chotas moved to continue the second reading to April 16, 2013 at 6:30 as soon thereafter, with Second by Council President Beardslee. Unanimously approved.

UNFINISHED BUSINESS

1. Permitting Fees

Council President Beardslee said Mt. Dora's fees were not in the packet. Council President Beardslee recognized Tina Demostene.

Tina Demostene: Ms. Demostene said the City's permitting fees are significantly low and encouraged adding a fee for revisions; she says this will encourage cleaner applications.

Roxanna Sigler : Ms. Sigler said she echoes and agrees with Tina Demostene , adding that she has spoken before and does not want to pay for somebody's boat dock unless she can use it. She said that foremost in Council's mind should be "how many residents of Edgewood does this expenditure benefit". For instance, She said everyone in the City can use the Farmers Market, and if she chooses not to use it that's her choice; she does not have access to someone's boat dock. She noted Planner's fee not included in the spreadsheet given and that it is lower than usual.

Council President Beardslee referred to City Clerk Meeks' memo of March 12, 2013. Council President Beardslee said she is not prepared to support one set of fees over the others', without having an opportunity to review them. City Attorney Smith said staff is looking for direction, and the fees will be established in a formal Resolution.

Council Member Chotas questioned the spreadsheets, and asked for the total fee charge. City Clerk Meeks asked until June to allow staff time to prepare more clear spreadsheet. Council Member Chotas said he liked Tina Demostene's suggestion for re-reviews mechanism.

CP Beardslee asked to postpone until staff can draft resolution with backup. ***Consensus okay to bring back to Council in June.***

2. Payroll Services

City Clerk Meeks confirmed she prepared a memo regarding the outsourcing of payroll and the Mayor is prepared to make a recommendation. Mayor Bagshaw said City Clerk Meeks, Police Clerk Shannon Patterson and he met with two payroll companies. The companies were not too far apart in their proposal fees however, one company is located nearby. Mayor Bagshaw recommended Payroll Processing Plus. Council President Beardslee said to go with Payroll Processing Plus and prepare a budget amendment for this service. Mayor Bagshaw said a payroll account needs to be established, which is already done. ***Council Member Dowless made the Motion to authorize Mayor Bagshaw to contract services with Payroll Processing Plus, with Second by Council Member Henley. Unanimously approved.***

NEW BUSINESS

None.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

Resident Ellen James said she has a storm drain on her property (Mandalay) that is backing up and ask council to consider cleaning it as soon as possible while it is dry. She said it will cost more after the rain. Mayor Bagshaw said it cost approximately $2500 to pump. Mayor Bagshaw recommended doing the work now while it is dry. ***Council President Beardslee made the Motion to approve stormwater funds for the Mandalay Road runoff issues not to exceed $3500, with Second by Council Member Dowless. Approved unanimously.*** Council President Beardslee asked if Code Enforcement could drive around the City and check the stormwater drains. Mayor Bagshaw said Jerry Reynolds can do some of the work.

BOARDS & COMMITTEES

None.

MAYOR & COUNCIL/STAFF REPORTS

City Attorney:

City Attorney Smith asked for clarification regarding boat docks being added to the proposed pass-through fee Ordinance. ***It was the consensus of Council to add boat docks to the Ordinance.***

Mayor Bagshaw said he met with Orange County's administrative staff regarding the fire and rescue contract. He noted that they discussed the following: (1) extending the current contract rate for fire and rescue services for five years; 2) give the City free trees. (Informational only, not action taken.)

Mayor Bagshaw recognized resident Robert Brown, who was in attendance. Mayor Bagshaw stated that he has worked with the businesses on Commerce Drive on a reconstruction plan of the wall that separates Mr. Brown's property from the businesses. When he obtains quotes for the work, he will provide to the Commerce HOA, who is willing to share some of the costs. Mayor Bagshaw noted that the City received letters from FEMA notifying the City that they are closing out Hurricanes Francis and Jean. Mayor Bagshaw also reported that Friends of Cypress Grove asked if the City will help support their event being held on May 25th (Memorial Day Salute). ***Council Member Chotas made the Motion that the City donate $570.00 for sponsorship of the Memorial Day Salute, with Second by Council President Beardslee. Unanimously approved.*** Mayor Bagshaw said in his discussions regarding the fire and rescue contract, the fire department asked if the City will consider putting the City's logo on the side of their trucks. The Mayor was also informed that the County is going to talk to the Sheriff about Edgewood's Police Department patrolling the park.

City Clerk:

- Clerical staff assistant Roxanna Sigler successfully completed her 90-day probation period under the current Personnel Policy, as a permanent part-time employee.
- Administrative Assistant Cinnamon Wild will be forwarding the Newsletter to the printer this weekend, with a goal to have mailed out no later than March 25, 2013.
-

- The City's agreement with Florida League of Cities for continuation of insurance under the Florida Municipal Insurance Trust (FMIT) has been signed by the Mayor and returned to the League. These insurances were approved in the current 12/13 FY budget.

- The agreement for Traffic Signal Intersection and Intersection Control Beacons Maintained and Operated for FY 2013/2014 has been executed by the Mayor and returned to the Florida Department of Transportation. The City will receive funds in the amount of $4786.00 in the FY 2013/2014. These funds will be included in the 13/14 FY budget. The compensation from FDOT for the current fiscal year will be $4646.00

- Jean Abi-Aoun from FEG provided the final draft of the Comprehensive Plan Amendment for transmittal to the State, along with a summary report outlining the main changes to the Plan. City Clerk Meeks stated that staff needs direction from Council as to whether the Amendment should be on the April regular City Council agenda, or hold a special meeting. Council also needs to address the Baptist Church and Russell Home, both which are on Holden, as they were annexed into the City after the 2009 Future Land Use Map (FLUM) was adopted. Council discussed this in December 17, 2012 workshop and agreed to transmit these small scale comp plan amendments concurrent with the Comprehensive Plan Amendment. Essentially, Ordinance 2009-04 needs to be adopted (will be assigned a 2013 Ordinance number) and transmitted. FEG has offered to handle the process however, Council may want to consider having Planner Hardgrove handle the process, as she was involved with this project in 2009 and may have the legal, map and analysis she prepared in 2009, minimizing the cost that will be associated with these amendments. City Clerk Meeks said she discussed this with Planner Hardgrove, and they shared the same opinion as to why this was not included in the current update to the Comprehensive Plan.

- Legislative Updated:

City Clerk Meeks provided the following legislative update:

- **HB831General Bill** by Fasano

City Clerk Meeks explained that this legislation relates to current Ordinances, if your City did not tie pill mills into their zoning/land use; the passage of this Bill will. If approved, effective July 1, 2013.

- **SB 1342 Traffic Control**

City Clerk Meeks noted that of interest, if passed, this Bill requires signalization changes and it will also require that citations be sent Certified/Return Receipt Requested. It should be noted that it cost $6.11 to mail 1 oz CR/RR mail, although you have the option of an electronic return receipt; cost would be $4.81. Unfortunately, you have to get the electronic return receipt at the post office, it cannot be done online.

- GENERAL BILL by Abruzzo

City Clerk Meeks provided the following abbreviated text of proposed legislation: Traffic Control:

Revising provisions for enforcement of specified provisions using a traffic infraction detector; prohibiting a notice of violation or a traffic citation for a right-on-red violation under specified provisions; specifying that, in any hearing involving a traffic infraction detector or similar unattended device, each person so charged has the right to confront the witnesses against him or her; requiring traffic control signals to maintain certain signal intervals and display durations based on posted speeds, etc.

Effective Date: July 1, 2013 (if passed)

- Business Tax Receipt: There is no bill number and it is currently being analyzed. Consideration is being given to square footage being used as the figure to calculate the levy instead of the profession. They are looking at 3 tiers, and dollar parameters will be set and Cities can pick the amount. The other part of the discussion was that they are trying to decide who should collect. Should the County collect and remit to the Cities or leave the County out of it. They don't want both entities collecting.

Council Member Henley:

None.

Chief Marcus:

Chief Marcus read from a prepared statement to update Council on the Police Department's accreditation assessment, which was flawless (Statement is attached to these minutes)

Council Member Chotas:

Council Member Chotas reported on his April 6, 2013 attendance at the Friends of the Park meeting.

Sgt. Ron Beardslee followed up on the accreditation statement given by Chief Marcus. He said the City's policy and procedures were the same as the City of Maitland however, the Chief rewrote those policies and procedures.

Council President Beardslee:

None.

Code Enforcement:

None.

ADJOURNMENT

There being no further business or discussion, ***Council Member Dowless made the Motion to adjourn the meeting; with Second by Council Member Chotas. The Council meeting adjourned at 9:05 a.m.***

ATTEST:

Council President

Bea L. Meeks, MMC, CPM
City Clerk

Lines 164-165: *Strike* "or project with respect to the real property for which payment was not made" as surplus language

Line 170: *Strike* "or project" as surplus language

Line 174: *Strike* "or his/her successor in interest"

Line 176: *Strike* 2 instances of "or successor"

Line 177 (Lines 163-164): *Replace* "shall reimburse the City" with "shall pay the City" and *replace* "for such fees or expenses" with "such invoice"

Line 187: *Strike* "or project" as surplus language

Line 195: *Strike* "as hereinafter provided" as surplus language

Lines 198-201 (Lines 184-186): *Amend* paragraph to read: "If the project is subject to the provisions of a development agreement, and the Applicant is found in default of such development agreement, the remedies provided for in the development agreement shall control over any conflicting provisions of this Article"

Line 205 (Lines 190-191): *Replace* "for costs" with "of costs"; *replace* "under" with "pursuant to"

Line 206: *Strike* "or project" as surplus language

Line 219-222 (Lines 204-206): *Amend* Paragraph to read: "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 in the same amount invoiced to city"

Line 232 (Line 216): *Replace* "beyond" with "by"

Line 248: *Strike* "or project" as surplus language

Line 251: *Strike* "(i)"

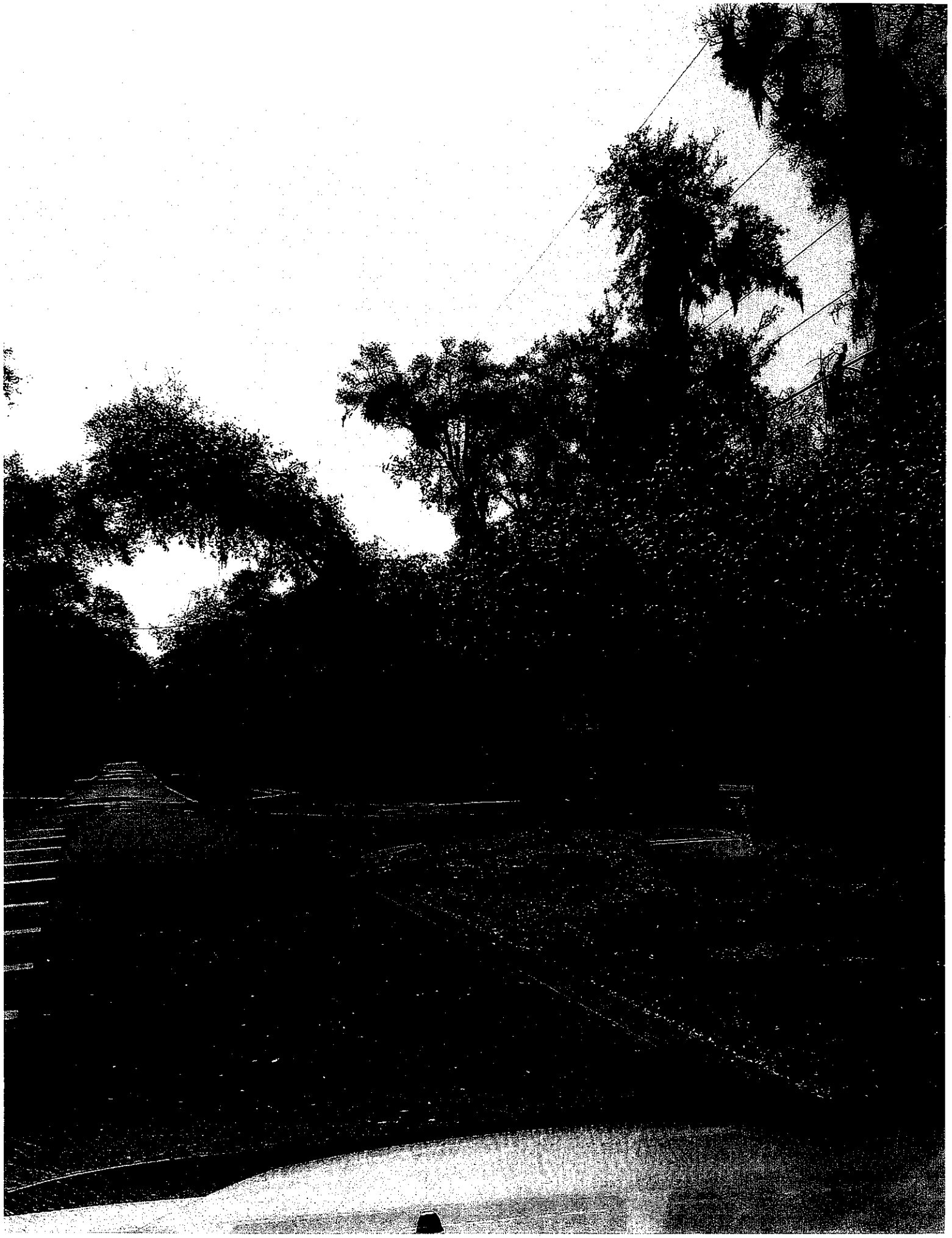
Lines 252-254: *Strike* ", (ii) shall be liable to the City for all fees, costs and expenses related to the lot, tract or parcel of real property which arise subsequent to the date the new owner acquires title to such real property,"

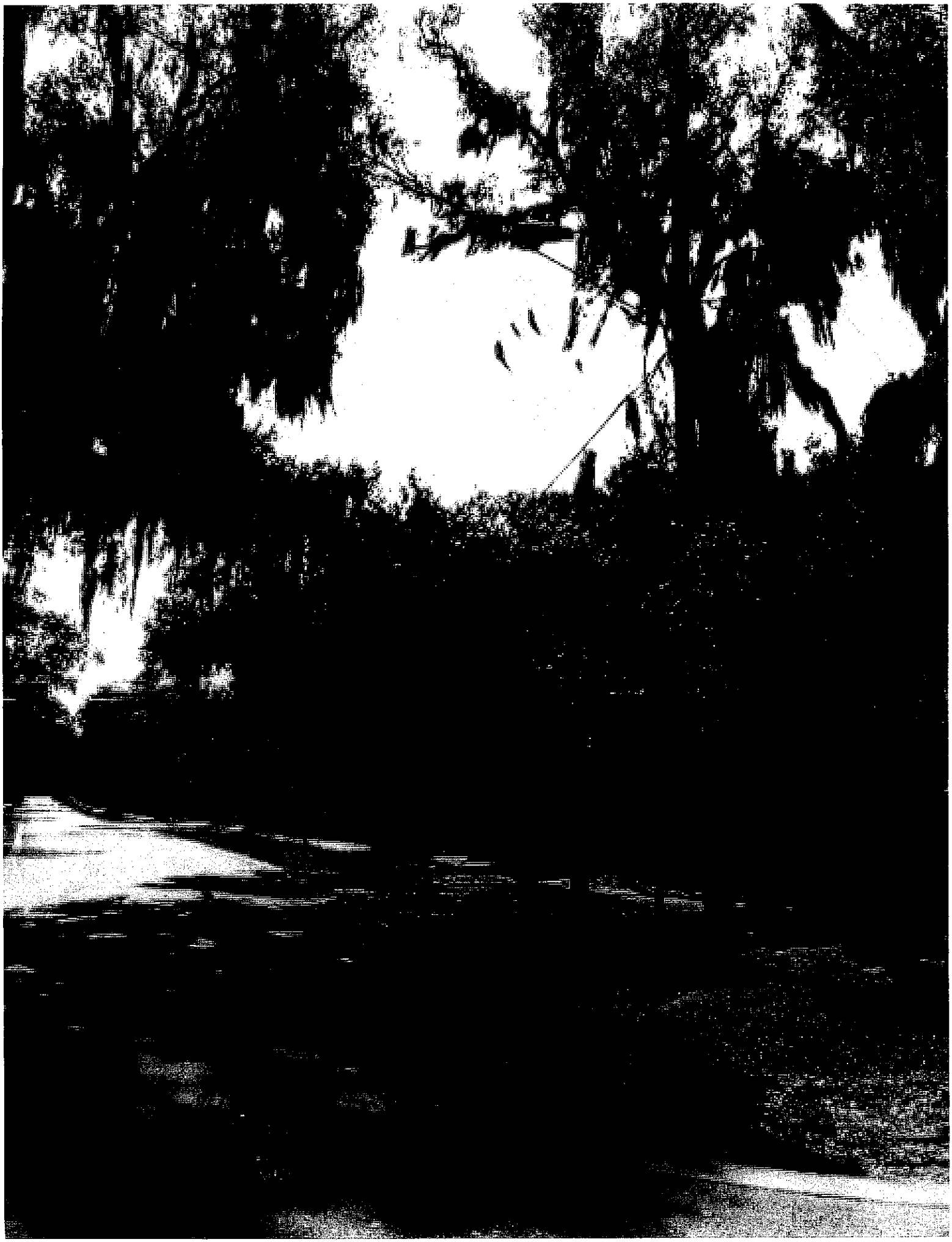
Line 254: *Strike* "(iii)"

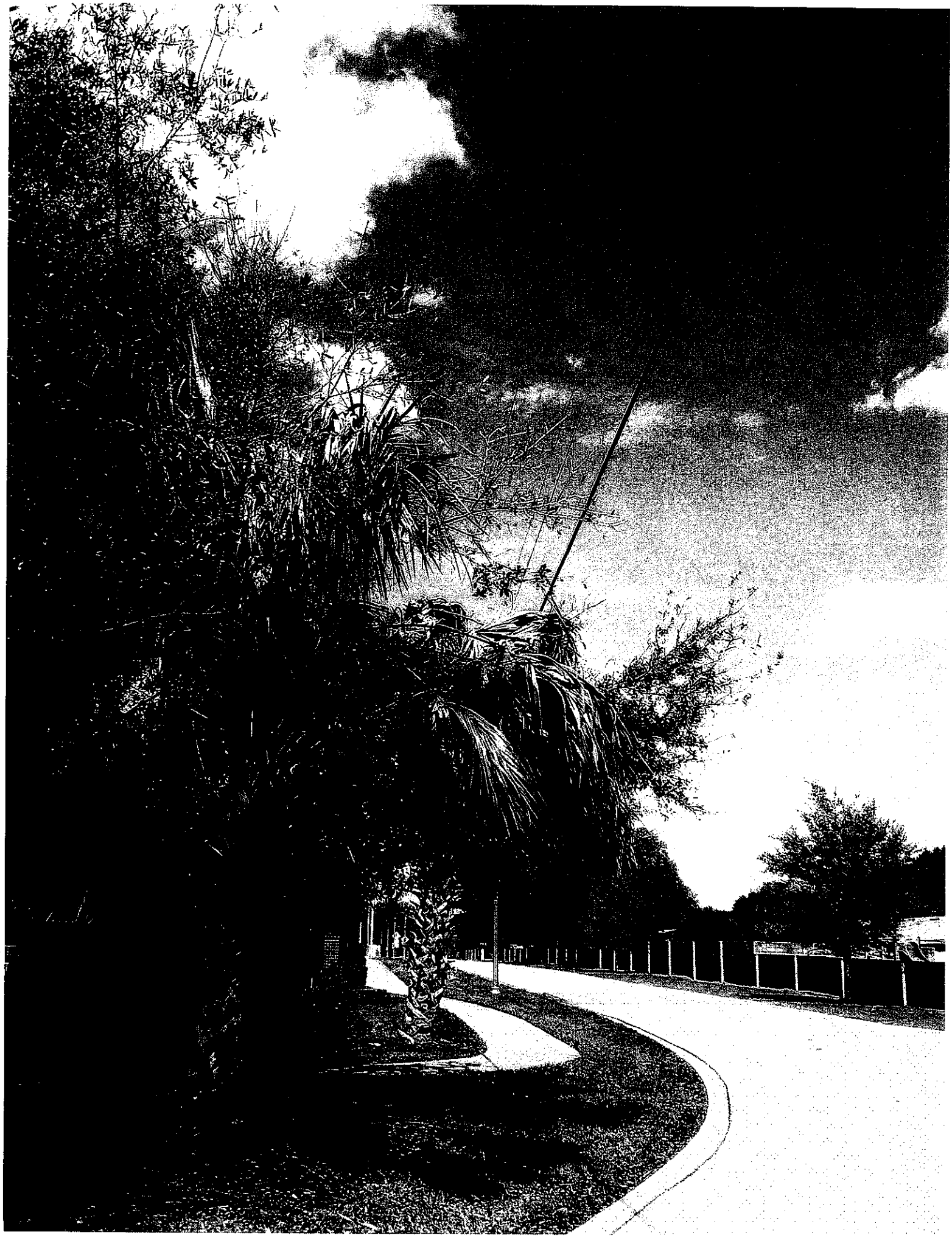
Lines 256-259 (Lines 238-240): *Amend* entire sentence beginning "If a separate review deposit is required . . ." to read: "No work shall be undertaken by the City or its consultants with respect to the Application until a separate review deposit is paid to the City."

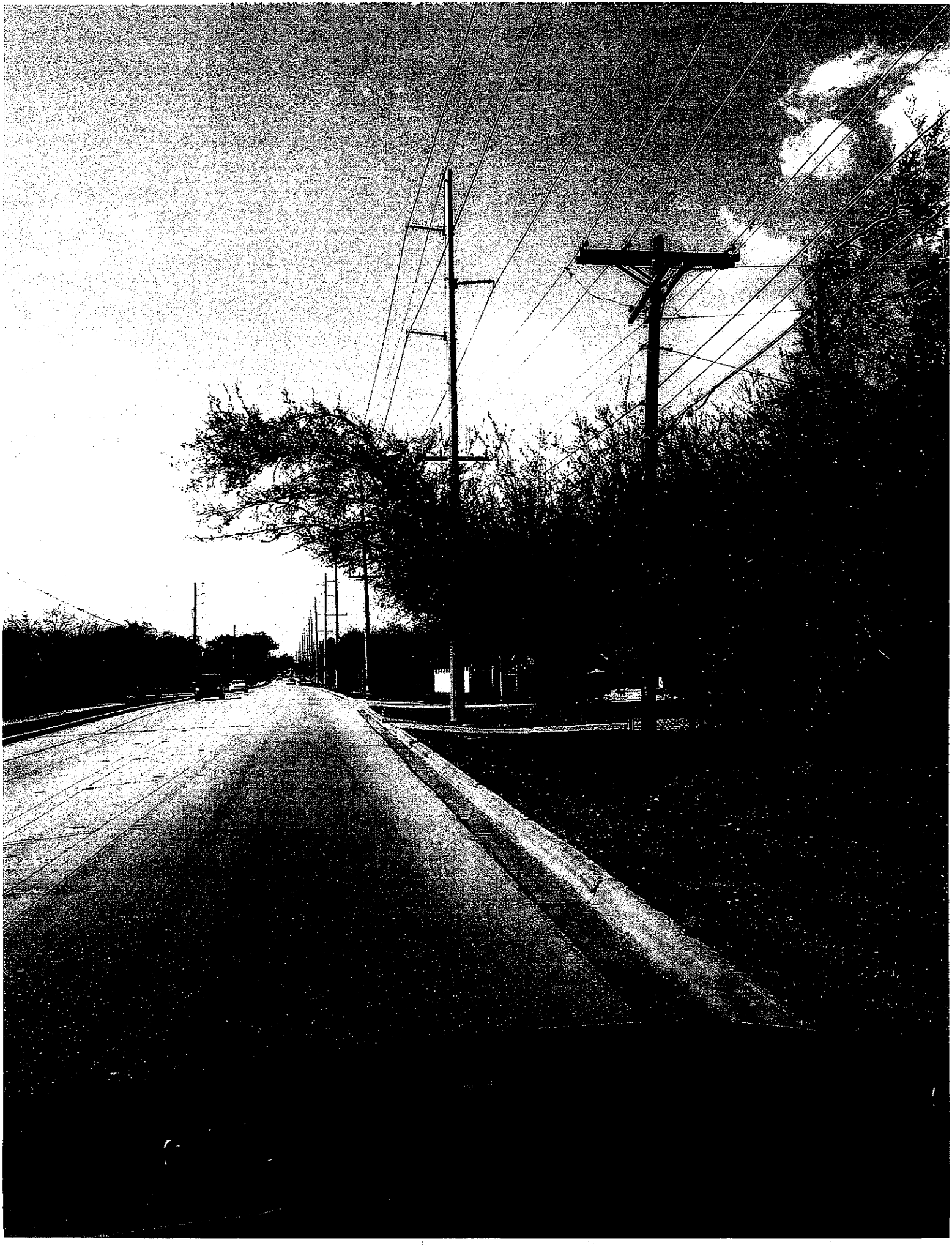
Lines 260-267 (Lines 241-242): *Strike* "jointly and severally liable to the City for all fees, costs and expenses associated with the Application or project; provided, however, that upon receipt by the City of

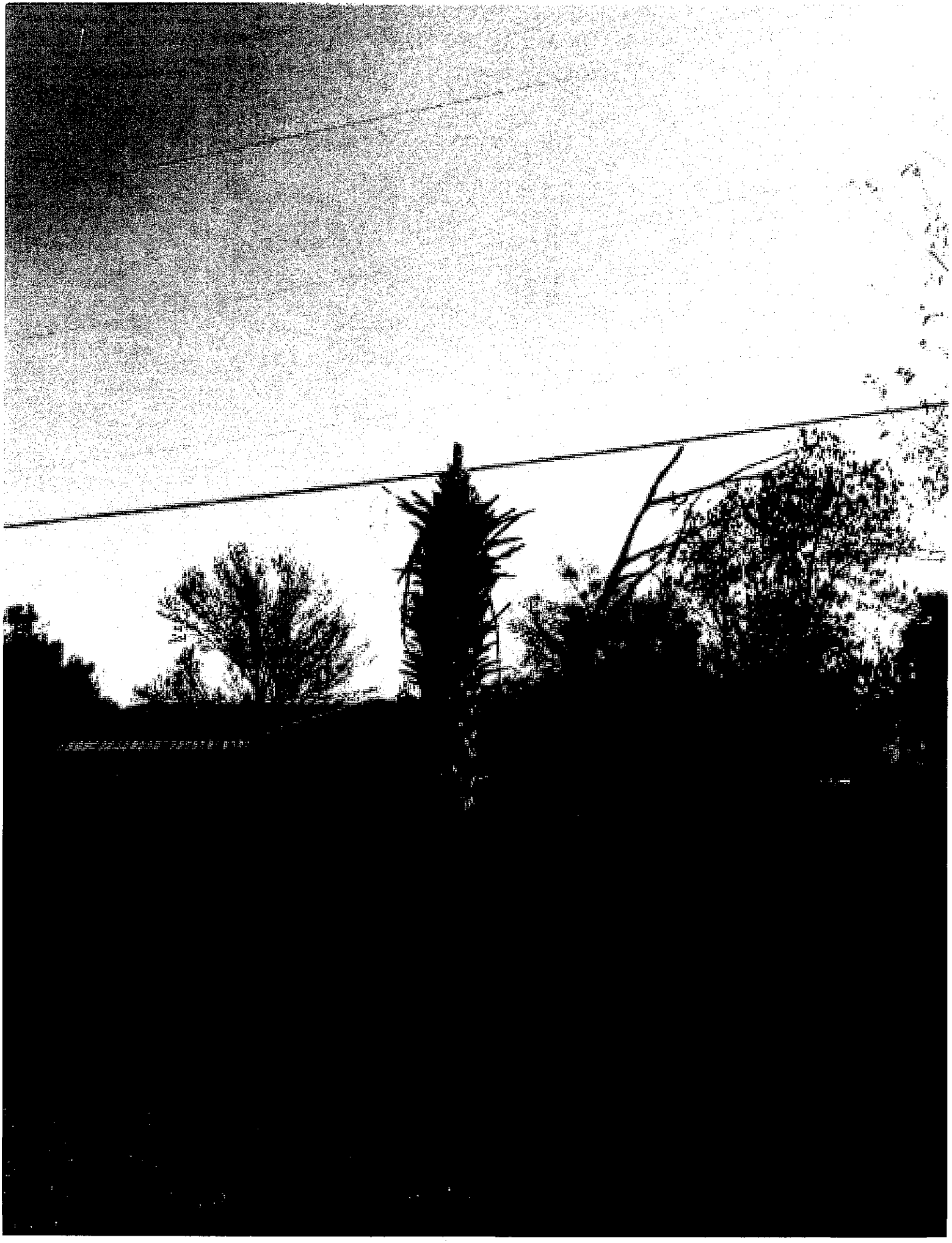
a notification of change of ownership, the original Applicant shall no longer be liable to the City for fees, costs and expenses incurred by the City which arise after receipt of the notification of change of ownership, and the new owner shall be solely liable to the City for all such fees, costs and expenses associated with the Application or project activities subsequent to the date of receipt by the City of such notification. Additionally, the"; Add "liable to the City for all fees, costs and expenses associated with the Application. The original"











provided by Chief Marcus 3-19-13

GOOD EVENING – AS YOU KNOW OUR 2ND RE-ACCREDITATION ON-SITE ASSESSMENT WAS COMPLETED LAST WEEK. IT IS MY DISTINCT PRIVILEGE TO STAND BEFORE YOU AND INFORM YOU THAT THE ASSESSMENT TEAM INFORMED ME THAT OUR ASSESSMENT WAS FLAWLESS. LET ME PUT THAT INTO PERSPECTIVE – THERE ARE WELL OVER 200 STANDARDS WITH WHICH WE MUST COMPLY – THESE STANDARDS HAVE BEEN METICULOUSLY DRAFTED AND CONTINUOUSLY REFINED BY LAW ENFORCEMENT PROFESSIONALS FROM ACROSS THE STATE – THERE ARE NO "GIMMES" – COMPLIANCE IS REQUIRED - DURING OUR ASSESSMENT WE MUST PROVE TO THE ON-SITE TEAM THAT OVER THE ENTIRE 3 YEAR PERIOD THERE WERE NO LAPSES, MISTAKES OR OMISSIONS – A PERFECT ON-SITE IS A RARETY AS EVEN THE MOST PROFESSIONAL AGENCY MAY HAVE SOME MINOR ISSUES WHICH ARE NOT NECESSARILY "DEAL BREAKERS" BUT ARE NONE-THE-LESS DOCUMENTED BY THE ASSESSORS - THE TEAM THAT CAME HERE FOUND ABSOLUTELY NOTHING AMISS AND BELIEVE ME THEY LOOKED, THEY LOOKED HARD AND WHEN IT WAS ALL DONE THEY FOUND NOTHING – WE HAD A PERFECT ON-SITE.

THE PREPARATION FOR THIS ASSESSMENT STARTED 3 YEARS AGO THE DAY AFTER THE LAST ASSESSMENT TEAM DEPARTED. IT HAS TAKEN A TREMENDOUS AMOUNT OF HARD WORK AND DEDICATION ON THE PART OF ALL THE POLICE DEPARTMENT PERSONNEL MYSELF INCLUDED TO GET US TO THIS POINT. I HAVE WITHOUT A DOUBT THE BEST JOB IN THE WORLD AND I AM BLESSED TO WORK WITH A REALLY GREAT GROUP OF MEN AND WOMEN – THE SWORN OFFICERS AND CIVILIAN PERSONNEL OF THE EDGEWOOD POLICE DEPARTMENT.

MONTH AFTER MONTH YOU HEAR ME TELL YOU ABOUT THE GREAT JOB BEING DONE BY OUR AGENCY PERSONNEL. YOU NEVER HEAR ME TAKE PERSONAL CREDIT FOR THE AGENCY ACCOMPLISHMENTS. I DON'T CONSTANTLY STAND BEFORE YOU AND TELL YOU "I DID THIS AND I DID THAT" – THAT'S NOT MY STYLE. WHILE I DO NOT PLACE MYSELF OVER THOSE WHO WORK TIRELESS DAY AND NIGHT TO KEEP THIS CITY SAFE WITHOUT LEADERSHIP THE AGENCY WOULD BE LIKE A SHIP WITHOUT A RUDDER. THERE MUST BE CONSTANT DIRECTION TO KEEP THE AGENCY FOCUSED ON ITS MISSION. IT IS MY PERSONAL COMMITMENT TO PROVIDE THAT LEADERSHIP. I HAVE WORKED TIRELESSLY SINCE COMING TO EDGEWOOD TO ENHANCE THE PROFESSIONALISM OF THIS POLICE DEPARTMENT AND TO ENSURE THAT THE EDGEWOOD POLICE DEPARTMENT IS KNOWN STATE-WIDE AS A PREMIER LAW ENFORCEMENT AGENCY.

Provided by City Attorney 3-19-13

PASS-THROUGH ORDINANCE REVISIONS

Cross-referencing note: Line XX refers to line number in draft approved on first reading; (Line XX) refers to line number in amended draft

Throughout: *Change* "Section" to "Article"

Line 52: *Strike* "for purposes of this Section"

Line 74: *Strike* "services to or for the City or who provide"

Lines 79-81 (Lines 79-80): *Change* "Total development review amount" to "Total development review estimate"; *Amend* definition to read: "the City's estimated fees, expenses and costs to process an Application"

Line 102: *Strike* "as defined in Section 7.5-142"

Lines 102-104 (Lines 102-103): *Amend* to read "Said review deposit shall be utilized by the City to reimburse the City for the actual costs associated with the Application incurred by the City"

Lines 116-118 (Lines 103-105): Provisions regarding return of review deposit and non-interest moved to end of prior paragraph

Lines 106-118 (Lines 107-113): *Amend* Waiver of Review Deposit Section to read: "(b) *Waiver of review deposits.* The total development review estimate shall be forwarded to the Mayor prior to the end of the fifth business day following the submittal of an Application for review or approval. In all cases, the Mayor shall waive the requirement of a review deposit if the total development review estimate does not exceed the application fee to be paid by the Applicant. Subsequently, the Mayor may require a review deposit at any time if it appears that the actual costs incurred by the City as a result of the review of the Application shall exceed the application fee"

Lines 122-142 (Lines 117-134): Paragraph amended to reduce wordiness

Line 146 (Line 138): *Amend* "the Mayor or his/her designee may periodically calculate the costs expenses and fees" to "the Mayor or his/her designee shall . . ."

Line 150: *Strike* "in the required time" as surplus language.

Line 152: *Strike* "for which a review deposit is required" as surplus language.

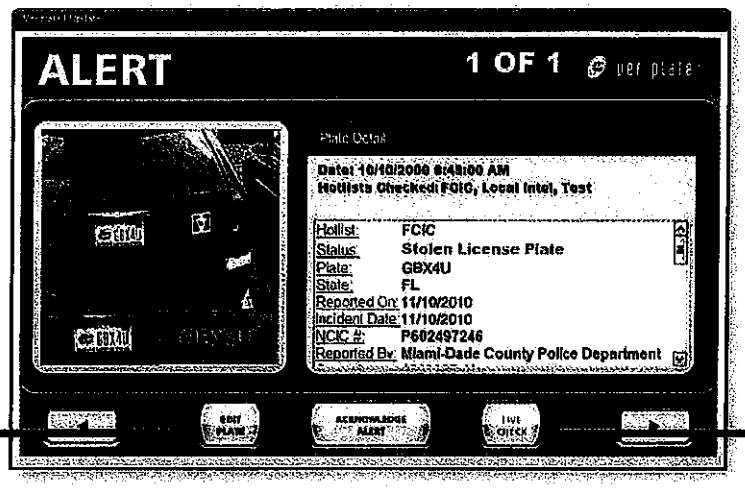
Lines 155-159: *Strike* sentences dealing with sending separate notice of non-payment to City Staff and consultants

Line 161 (Lines 149-150): *Add* provision for mayor to copy City Staff and consultants on notice of non-payment sent to Applicant

VeriPlate Alert Notifications

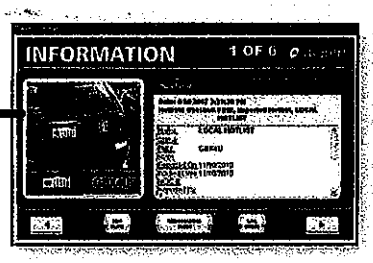
The VeriPlate Alert system has been designed to sit in the background, allowing the normal CAD screens to facilitate standard patrol operations. A match of a license plate against any of several hotlists will generate an alert screen with an audible warning to alert officers of a vehicle of interest. VeriPlate offers multiple alert types with optional alert delivery methodologies. Be sure to ask one of our sales consultants to review these options with you.

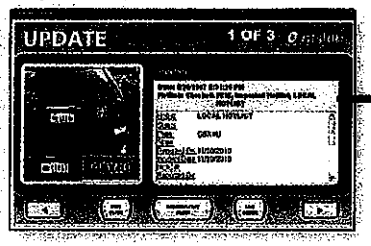
Quickly edit a plate number in case of a misread.



Do an instant live verification to ensure the alert still applies to this vehicle.

Sometimes you need information that doesn't qualify as an alert.





Get notified when vehicles are added to the local hotlist.

VeriPlate Processor

Typically mounted in the trunk of the vehicle, the VeriPlate processor is the heart of the ALPR system. Hardened to withstand the extreme environments encountered with vehicular use, the processor is designed to endure harsh temperatures, vibrations and power fluctuations.

The VeriPlate processor is loaded with NDI Recognition Systems' ALPR software. It is connected to the VeriPlate cameras and to a touch-screen monitor or existing Mobile Data Terminal (MDT) in the front of the vehicle. From the touch screen, the user can review previous plate reads, view alerts, verify results, manually enter a plate, add new plates to the hotlist and configure system settings.

VeriPlate Cameras

Each VeriPlate camera is actually a pod consisting of two high-speed, ultra-sensitive cameras. The first, a black-and-white infrared camera, is used to read the license plate text, day or night, regardless of lighting conditions. The second camera takes a high-resolution color overview picture of the vehicles.

VeriPlate cameras are lensed and positioned for reading the plates of vehicles that are parked, parallel parked or moving in both directions in traffic.

NDI Recognition Systems
385 Commerce Way
Longwood, FL 32750
Tel: 866-458-0426 Fax: 321-441-1801
Web: www.ndi-rs.com Email: sales@ndi-rs.net

NDI RECOGNITION SYSTEMS

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The Big Picture

The strategic advantage of ALPR is the ability to derive intelligence from historical data. Investigators use data analysis to solve crimes simply and effectively. Mobile and static ALPR cameras are data collection points which are consolidated into the intelligence database repository, and can be stored for a matter of months to several years.

National Data

Data extract taken from the National Crime Information Center (NCIC) bulk data.

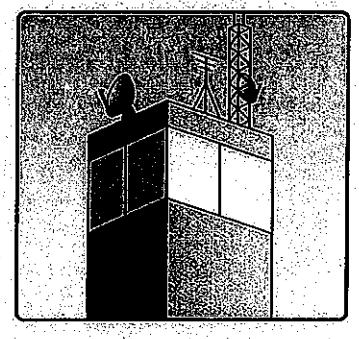
State Data

Extract taken from state bulk data. Many states keep their own statewide data of wanted vehicles.

Local Data

Local data extract. Any local agency data such as known drug dealers, gang members, sexual predators, etc.

VeriPlate VISCE

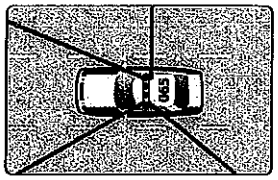


The purpose of VeriPlate Intelligence Server and Communications Engine (VISCE) is twofold.

1. It acts as a gateway for communications between the sources of the data extracts and the mobile ALPR vehicles.

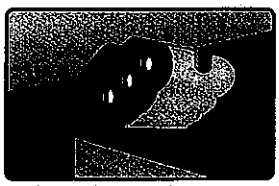
2. It provides a repository of collected plates which are uploaded after each shift, and forms the basis of an "after-the-fact" intelligence database.

ALPR-Equipped Vehicles



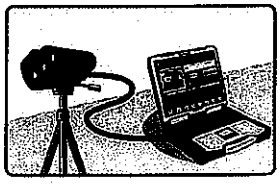
Covert and marked vehicles can support up to four camera pods for optimum plate capture.

Static Cameras



Cameras mounted on bridges, poles or lamp posts to capture images.

Portable Systems



Rapid deployment for roadside monitoring on a short-term temporary basis. (See Road Warrior and Check Point).

Intelligence Integration

An objective is to provide the right information to the right locations, as required. A range of VISCE configurations are available, tailored to support agencies of all sizes. Local and remote query access and linking with other agencies' VISCE servers is possible both intra and inter state, where shared access to information can provide that added link to intelligence to tackle nationwide criminal activity.

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ndirs
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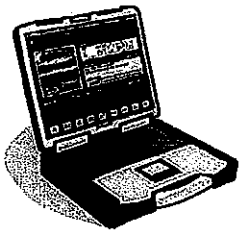
VeriPlate® ALPR Interface

Intelligent ALPR Solutions.



The VeriPlate Automated License Plate Recognition (ALPR) System

The key to a successful system is the ease with which it can be incorporated into the normal day-to-day operations. VeriPlate was designed with an intuitive user interface and requires a minimal amount of training for effective use. The system is optimized to work with your in-vehicle laptop to reduce clutter and seamlessly integrate with existing systems.

Snapshot of all recognized plates, allowing you to quickly scroll through a list of recent vehicles.

Display choices let you show live video and still images, as well as updating images per recognition, searching plates and more.

List of alerts lets you quickly skip to vehicles of interest.

Hotlist Sync allows hotlists to be automatically and efficiently updated to each mobile unit. Instead of downloading entire lists, only the latest updates are communicated.

Easily compare the selected plate image to the recognized plate number, view the lane, image and toggle video in one area.

With the push of a single button, only "Live Check" instantly validates an ALERT with NCIC, state and local hotlists.

Common Misread Information System (CMIS) suggests the right plate number in the case of a misread.

Manual entry allows the officers to check tags not in the VeriPlate camera's field of view.

MapMe® instantly pinpoints your location.

MapIt® displays the location of the currently selected vehicle.

continued...

NDI Recognition Systems
385 Commerce Way
Longwood, FL 32750
Tel: 866-458-0426 Fax: 321-441-1801
Web: www.ndi-rs.com Email: sales@ndi-rs.net

NDI RECOGNITION SYSTEMS

NDI Recognition Systems
9700 Research Drive, Suite 136
Charlotte, NC 28262
Tel: 866-458-0426 Fax: 321-441-1801
Web: www.ndi-rs.com Email: sales@ndi-rs.net

VeriPlate® ALPR Overview

Intelligent ALPR Solutions.

Automated License Plate Recognition (ALPR) is a proven technology that automatically reads license plates using advanced camera, recognition and database technology. ALPR systems capture images of vehicle license plates and instantly check those numbers against a variety of "hotlists" held in target vehicle databases.

How Does it Work?

1 Camera Targets and Captures Plate

High-powered plate capture cameras send a crisp image to the ALPR processor, which translates the image into text and checks against various hotlists.

2 Plate is Compared to Hotlist Database

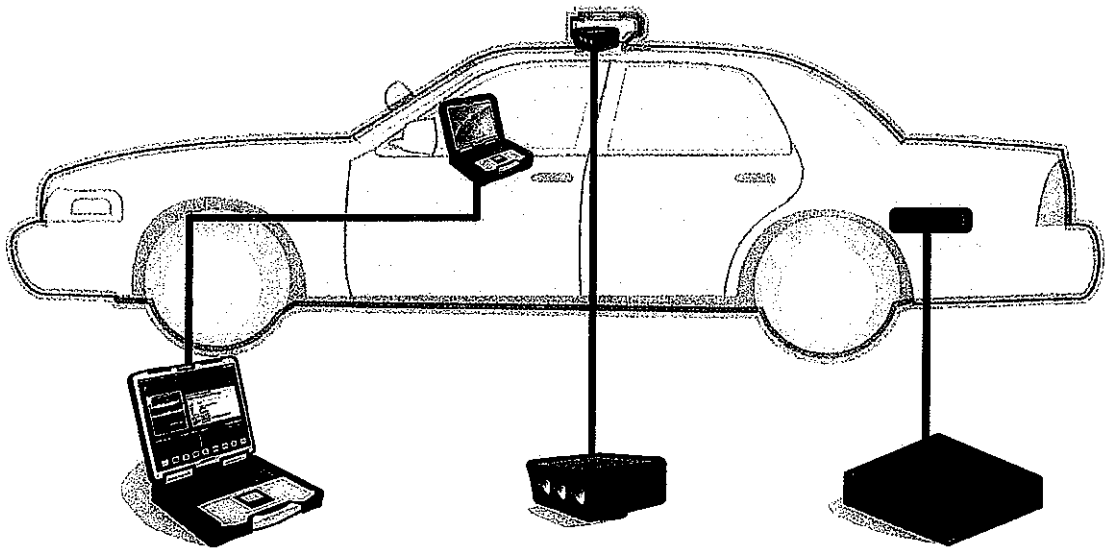
The ALPR processor stores hotlists such as state/NCIC, updated each morning. VeriPlate compares the captured plate against these lists.

3 Driver is Alerted of a Hotlist Match

When a match occurs, an audible and visual alert box appears on the laptop, showing details of the alert.

VeriPlate Mobile In-Vehicle System

Permanently installed on a vehicle, this rugged configuration ensures fast operation and lasting performance.



VeriPlate Application
(loaded on an existing laptop)

Allows the driver to view alerts, add to local databases and more.

Plate Capture Cameras

Day or night, these powerful infrared-equipped cameras deliver a high-contrast image to the ALPR processor for recognition.

ALPR Processor

Translates the plate image, compares it against the hotlists and connects to the VISCE server for advanced functionality.

continued...

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To: **Commission for Florida Law Enforcement Accreditation, Inc.**
From: **Luanne Smith Horton, Team Leader**
Date: **March 20, 2013**
Re: **Full Compliance Assessment Report**
Edgewood Police Department
Standards Manual 4.0.23

A. Dates of On-site Assessment: March 13-15, 2013
Key Agency Personnel:
Chief Executive Officer: Chief Peter Marcus
Accreditation Manager: Officer Phil Finlay

B. Assessment Team:

Luanne Smith Horton, Team Leader Coral Springs Police Department 2801 Coral Springs Drive Coral Springs, FL 33065 (954) 346-1378 pdlsh@coralsprings.org	Linda Blanning, Team Member Sarasota County Sheriff's Office P.O. Box 4115 Sarasota, FL 34230 (941) 861-4288 lblanning@scgov.net
Maureen Buice, Team Member Fort Myers Police Department 2210 Widman Way Fort Myers, FL 33901 (239) 321-7690 mbuice@fmpolice.com	

C. Standards Summary Tally:

M = Mandatory
N = Non-Mandatory

	Total Number of Standards	Number of Standards Not Applicable (By Function)	Number of Standards Waived	Number of Non-Waived, Applicable Standards	Number of Standards Elected for 20% Exemption	Percent of Applicable Standards Elected (20% max.)	Percent of Applicable Standards Not Elected (80% min.)	Number of Applicable Non-Elected Standards In Compliance	Percent of Applicable Non-Elected Standards In Compliance
M	150	43	0	108	0	0.00%	100.00%	108	100.00%
N	111	29	0	82	6	7.32%	92.68%	76	100.00%

D. Agency History and Profile:

The Town of Edgewood was founded on April 24, 1924. The origins of Edgewood can be traced back to 1881 when the South Florida Railroad constructed a rail line from Orlando to Tampa, passing through the area. In 1916 a road, Orange Avenue, was constructed parallel to the railroad which opened the area up for industrial development related to the railroad and support services. During the early 1920's rapid growth led to the decision by the community leaders in the area to incorporate. In the early 1960's the Town council established the Edgewood Police Department. The Town's formal charter was submitted to the State of Florida in 1969. That same year property on LaRue Avenue was purchased and a town hall was built. In 1973 as a result of the population growth the town officially became the City of Edgewood. In 2003 the police department moved from the City Hall to its current facility. The police station was formerly a Florida Power administrative building. The building was totally remodeled when the police department moved in. Today, surrounded on all sides by urban areas, the railroad plays a much smaller role in contributing to Edgewood's economic livelihood. The City is primarily a residential neighborhood, however the City does enjoy a very viable tax base composed of approximately 350 retail, light industrial and commercial establishments. The City has approximately 2605 full time residents nestled around several beautiful lakes and is characterized by features such as narrow streets graced with magnificent oak trees with lush canopies. Orange Avenue continues to be the main street of the City.

The Edgewood Police Department is a small agency consisting of 12 full time sworn officers (including the Chief of Police), five reserve officers and three full time civilians. The agency provides full law enforcement services and also handles code enforcement duties for the City. The agency has three sergeant positions, one each in Investigations, and Patrol and Administration. The current Chief of Police, Peter Marcus was appointed in August of 2007. Patrol officers work 12 hour shifts and two officers are always on duty in the city. Take home vehicles are not provided to patrol officers, the agency investigator does have a take home vehicle (he is also one of three officers who resides in the city).

Edgewood Police Department earned their initial accreditation on June 6, 2007. This is their second reaccreditation.

E. On-site Assessment Summary

The evening of the team's arrival in Orlando, Team Members Smith-Horton and Buice met with Chief Marcus and Accreditation Manager Phil Finlay. Members were given a welcome packet and discussed the goals of the assessment.

On March 13, 2013, the Chief drove team members Smith-Horton and Buice to the Edgewood Police Department, while team member Blanning met them there. The team was met by Sergeant Vince Jackson and Sergeant John Freeburg who presented a Department marked unit for review. The agency provided the assessors with their main

conference room as a work area, and then assisted with accessing PowerDMS. A tour of the agency followed.

The Chief and his entire staff welcomed the Assessment Team and advised that everyone would be readily available during the assessment.

The rest of the day and the following day were spent reviewing the agency's accreditation files, interviewing employees, and conducting patrol ride-alongs.

The agency's use of force policy is in place and being adhered to. All appropriate reports were completed, when necessary. During a ride-along, Assessor Smith-Horton spoke with Office Dave Ireland about the use of force policies and all answers were consistent with policy and standards.

The agency does not have any confidential funds. All other files were complete. An interview was conducted with Police Clerk Shannon Patterson who discussed the petty cash procedures and with Assistant Police Clerk Stacey Salemi who discussed the security of funds during off hours.

The Edgewood Police Department does fingerprinting five days a week. They do not charge residents, but the majority of their requests are from non-residents. Ms. Salemi handles this area, and from the Team's observation, stays busy every day with fingerprinting. She consistently presented a very positive image of Edgewood Police Department during her interaction with the public.

Edgewood Police Department follows all policy on hiring new members. During a ride-along, Assessor Smith-Horton spent considerable time interviewing Officer Dave Ireland. He worked hard to get hired by Edgewood and his commitment to the citizens and agency show a very high standard in the members hired by Edgewood Police Department.

Members qualify two times per year with on duty firearms which exceeds the annual CFA requirement. The agency demonstrates OC proficiency annually, again exceeding biennial CFA requirements. Assessor Buice interviewed Sergeant Vince Jackson and observed additional lesson plans and training rosters.

Assessor Buice spoke with Officer Tim Cardinal during a ride along. He was hired in 2010 and he described the FTO/orientation processes in accordance with policy. Several community members/residents approached Officer Cardinal with questions or asking for directions. The community policing philosophy is embraced, and clearly evident, in his interactions with these individuals. Officer Cardinal is also trained as a FTO and attended FTO school/training.

The agency has experienced no promotions during this reaccreditation cycle. Chief Marcus discussed his role in the promotional process.

Sworn agency members are evaluated according to agency policy. Civilian members are evaluated according to city policy, along with other city employees, as they are not represented by a bargaining unit.

During a ride along, Assessor Buice noted the vehicle was very clean and organized, and included prescribed equipment to include, but not limited to flashlight, fire extinguisher, first aid kit and PPE. The use of safety belts was adhered to during the ride along and body armor is worn at all times while on duty.

Criminal Intelligence files are secured in the agency's investigative office in a locked file cabinet. Only the Detective Sergeant has access to the file cabinet.

A traffic vest was observed during static display. Officer Cardinal discussed road blocks and their usage (e.g. stop sticks) he was very familiar with the policy. Stop sticks are not used or issued to officers in the agency.

Orange County Sheriff's Office (OSCO) dispatches for Edgewood Police Department and is accredited with both CFA and CALEA.

The Communications Center of OCSO assigns case/event numbers at the time of dispatch. All reports are assigned by either the immediate supervisor or the agency investigator. The central records doors were locked accordingly and only those designated by the Chief of Police have access. All agency members have access to electronic records, if the need arises. Fingerprint records and photographs of juveniles are kept in a separate file and marked "confidential juvenile" and the key to the file cabinet is stored in a lock box which requires a pin number to open.

Detective Sergeant Ron Beardslee explained the agency's evidence collection and packaging policies. All policies and procedures met the standards and were being followed by agency members. Major crime scenes are handled by OCSO.

Assessor Smith-Horton toured the Property Room with Detective Sergeant Beardslee who is in charge of the area. He alone has access to the area, with the Chief having a key (which is kept locked in his safe) in case of emergency. The area is kept neat, with all property stored in the appropriate areas. All inspections and audits were completed.

Exit Interview:

On March 14, 2013 an exit interview was conducted with the assessors, Chief Marcus and Accreditation Manager Phil Finlay. This interview was conducted one day earlier than expected due to excellent file construction and no file being returned for changes. With the files being flawless it allowed the assessment team to read and approve them in an efficient manner and to get time to talk with agency employees.

The discussion was led by Team Leader Smith-Horton who thanked the Chief and AM Finlay for their cooperation and warm welcome. Assessor Blanning then reviewed her

areas and interviews, followed by Assessor Buice. Finally, Team Leader Smith-Horton discussed the assessment overall, and advised Chief Marcus the team would be recommending to the Commission that the Edgewood Police Department be considered for reaccreditation, but that the ultimate decision was that of the Commission.

Team/agency conflicts: None.

F. Standards Noncompliance Discussion: None.

G. Corrective Action Discussion: None.

H. Waiver Concurrence/Nonconcurrence Discussion and Recommendation: None.

I. 20 Percent Standards Election (See Section C. for "Tally")
Standards Elected for Exemption:

8.01	12.02	13.02
14.02	15.01	18.01

J. Standards Verified by the Team as "Not Applicable" to the Agency:

1.04	2.10	2.11M
5.03	5.05M	6.01M
6.02	6.03M	7.06M
12.01M	13.11	17.02
17.11	17.12	18.03M
18.13M	21.02M	21.03M
21.06	24.05	24.06
26.01M	30.01M	30.02M
30.03M	30.04M	30.05
30.06M	30.07M	30.08M
30.09M	30.11	30.12M
30.13	30.14M	30.15M
30.16M	30.18	30.19M
31.01M	31.02	31.03
31.04	31.05M	31.06M
31.08	31.09	32.03
32.04	32.05	32.06
33.01M	33.02	33.04M
33.05M	33.06	33.07
33.08M	33.09	33.10
33.11M	33.12M	33.13M
33.14M	33.15M	34.07M
35.03M	36.09M	38.03M
39.01M	39.02M	39.03M

K. Standards, the Status of Which, Were Changed by Assessors: None.

L. Public Information Activities:

L-1. Public Information Session: None.
L-2. Telephone Contacts Session: None.
L-3. Correspondence and Media Interest: None.
L-4. Follow-up by Assessment Team: None.

M. Exemplary Policies/Projects/Procedures:

While no projects were presented, the Assessment Team was amazed to find out that the City of Edgewood is debt free. During this time of economic struggle it came as a surprise to hear that. The City and Department recognize the need to remain fiscally conservative when using public funds.

The City has two red light cameras that bring in revenue, along with the fingerprinting mentioned previously in this report. The fingerprinting revenue actually pays the salary of Ms. Salemi. This is outstanding for a small agency and should be recognized.

N. Quality of Law Enforcement Service: Chapter Summaries: None.

O. Summary and Recommendation:

OVERALL CONCLUSIONS: The Edgewood Police Department is comprised of dedicated professionals who are truly interested in delivering the best possible law enforcement services to the community. Community is the key to this agency and every member works hard to deliver outstanding service.

Community support was clearly evident on Thursday evening when the team attended a farmers market hosted by the City's Mayor, Ray Bagshaw. This included items for sale and numerous food trucks. The community comes out each week for this event. Everyone team members spoke with was very positive about the City and the Police Department. Council Member Lee Chotas emphasized how important it was to the community for them to have their own Police Department to answer their needs for service.

Team Leader Smith Horton, Team Member Linda Blanning, and Team Member Maureen Buice recommend Edgewood Police Department for review of reaccreditation status by the Commission for Florida Law Enforcement Accreditation.

NON-COMPLIANCE SUMMARY: None.

Signed: _____

TRIM & Budget Timetable / Important Dates-

July 1st (First Day of TRIM)	OCPA certifies taxable value on DR-420
July 16th – Regular Council Meeting	Set tentative millage rate, set public hearing date for final millage and proposed FY2013-2014 Budget
August 3rd	Forward to OCPA: • Prior year millage • Current year proposed millage • Current year roll-back rate • Date, time, meeting place of the tentative budget hearing
August 5th (Monday) – Council Workshop	FY 2013-2014 Budget workshop
August 24th	OCPA mails out the Notice of Proposed Property Taxes (TRIM Notice) Form DR-474, this is the advertisement of the 1st TRIM hearin
August 19th (Monday) – Council Workshop	FY 2013-2014 Budget workshop
September 3rd (Tuesday) – Special Council Meeting	Public hearing / adoption of the tentative budget & proposed millage (must be held between Sept 3-18; cannot be held on July 30th and Sept 5, 10 & 19-OCPS & BCC dates)
September 13th	Advertise in the newspaper the public hearing / adoption of final millage & budget (must be done within 15 days of public hearing / adoption of the tentative budget & proposed millage)
September 17th – Regular Council Meeting	Final public hearing / adoption of millage & budget (must be held within 2-5 days after advertisement)
September 20th	Send ordinance adopting final millage & budget to OCPA, tax collector, and DOR. (must be done within 3 days of final hearing)
By October 17	Submit TRIM Compliance package

FY 13/14

[YEAR] -- Fourth Quarter

	JULY		AUGUST		SEPTEMBER	NOTES
1	FIRST DAY OF TRIM (Monday)	1		1		*Staff must submit TRIM Compliance package within 30 days of adoption – Form DR-487*
2		2		2		
3		3	*STAFF FORWARD FORM DR-420*	3	SPECIAL COUNCIL MEETING/BUDGET HEARING (Tuesday)	
4		4		4		
5		5	COUNCIL BUDGET WORKSHOP (Monday)	5		
6		6		6		
7		7		7		
8		8		8		
9		9		9		
10		10		10		
11		11		11		
12		12		12		
13		13		13	*STAFF ADVERTISE FINAL BUDGET HEARING*	
14		14		14		
15		15		15		
16	REGULAR COUNCIL MEETING/ET TENTATIVE MILLAGE RATE (Tuesday)	16		16		
17		17		17	REGULAR COUNCIL MEETING/FINAL BUDGET HEARING (Tuesday)	
18		18		18		
19		19	COUNCIL BUDGET WORKSHOP (Monday)	19		
20		20		20		
21		21		21		
22		22		22		
23		23		23		
24		24	*OCPA MAILS TRIM NOTICES*	24		

RESOLUTION NO. 2013-05

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, 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.

WHEREAS, on May 21, 2013, the City County approved the purchase of a vehicle for the Police Department, and

WHEREAS, the City's expense for the fiscal period 2012/2013 is not to exceed $35,000.00; and

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

SECTION 1. ADDITION OF LINE ITEM: The following line item is added to the fiscal year 2012/2013 budget as "Expense" under the subheading Police Department".

"Police Vehicles & Equipment" $35,000.00

SECTION 2. 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 3. 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 _____ day of _____, **2013.**

_____

, COUNCIL PRESIDENT

ATTEST:

_____

Bea L. Meeks, MMC, CPM
City Clerk

F.Y. 2012-2013 BUDGET ADJUSTMENTS
SCHEDULE "A"

ACCOUNT ID	DESCRIPTION	BUDGET	*Y.T.D.	ADD	TAKE	MOVE TO ACCT NUMBER	ADDED FROM ACCT NUMBER	NEW ACCT TOTAL
519920.01	Contingency Fund	$ 97,992	$ -		$ 35,000	521463.01		$ 62,992
521463.01	Police Vehicles & Equipment	$ -	$ -	$ 35,000			519920.01	$ 35,000

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY CODE BY EXPANDING CHAPTER 62, TRAFFIC AND VEHICLE, THROUGH ADOPTION OF ARTICLE IV, THE "TRAFFIC LIGHT SAFETY ACT"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed CS/CS/HB 7125 during the 2013 Legislative Session authorizing the use of traffic infraction detectors to enforce certain provisions of Chapter 316 of the Florida Statutes; and

WHEREAS, the Governor of the State of Florida signed CS/CS/HB7125 into law on June 12, 2013, amending section 316.0083, Florida Statutes ("Mark Wandall Traffic Safety Act") or the "Act") taking effect on July 1, 2013; and

WHEREAS, the running of red lights continues to be a safety hazard affecting every citizen and traveler in the City of Edgewood; and

WHEREAS, the City wishes to further reduce the running of red lights by amending its Code of Ordinances to be consistent with the CS/CS/HB7125.

NOTE: Underlined words constitute the additions to the existing text of the *Edgewood Code of Ordinances*, strikethroughs constitute deletions to the existing text, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

SECTION 1. Recitals Adopted. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 62, Traffic and Vehicle, of the City of Edgewood Code of Ordinances, is hereby amended through the addition of Article IV, the Traffic Light Safety Act to read as follows:

Section 62-60. Legislative findings and Intent.

The purpose of this act is to authorize the use of traffic infraction detectors to promote compliance with red light signal directives, and to adopt a civil enforcement system for red light violations in accord with general law, including section 316.0083, Florida Statutes (the "Mark

Wandall Traffic Safety Act" or "Act"). This division will supplement law enforcement personnel in enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with normal statutory traffic enforcement techniques.

Section 62-61. **Use of traffic infraction detectors.**

The city may utilize traffic infraction detectors pursuant to general law as a means of monitoring compliance with laws related to traffic control signals, in order to assist law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This section shall not supersede, infringe, curtail or impinge upon state laws related to red light signal violations or conflict with such state laws. The city may utilize traffic infraction detectors as an ancillary deterrent to traffic control signal violations and to hereby reduce accidents and injuries associated with such violations.

Section 62-62. **Definitions.**

The following definitions shall apply to this division:

Intersection shall mean the area after the stop bar, or in the event of no stop bar, the crosswalk. The vehicle shall be in violation of the ordinance if the frontal plane of the front bumper of the vehicle has crossed over the stop bar after the traffic signal turning red for that lane of travel on a roadway.

Local hearing officer shall mean the person, designated by the city, that elects to authorize traffic infraction officers to issue citations and who is authorized to conduct hearings related to a notice of violation issued pursuant to the Act. The local hearing officer may be the city's currently appointed code enforcement board or special magistrate.

Motor vehicle shall have the meaning set forth in the definition in section 316.003(21), Florida Statutes, or its successor provision.

Owner/vehicle owner shall mean the person or entity identified by the Florida Department of Motor Vehicles, or other state vehicle registration office, as the registered owner of a vehicle.

Recorded images shall mean images recorded by a traffic infraction detector which is operated in accordance with the Act.

Red zone infraction shall mean a traffic offense whereby a traffic infraction detector indicates a violation of section 62-63.

Traffic infraction detector A vehicle sensor(s) installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two (2) or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.

Traffic enforcement officer shall mean a person selected by the city, who meets the requirements of Section 62-66 (b) herein, to review recorded images and issue red zone infractions based upon those images.

Section 62-63. Adherence to red light traffic control signals.

(a) Pursuant to general law, motor vehicle traffic facing a traffic control signal's steady red light indication shall stop before entering the crosswalk on the near side of an intersection. If there is no crosswalk, then motor vehicle traffic facing a traffic control signal's steady red light indication shall stop before entering the intersection. All traffic stopped at a traffic control signal's steady red light indication shall remain standing until a green indication is shown on the traffic control signal. However, the driver of a vehicle which is approaching a clearly marked stop line, or if none, is approaching the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway before entering the intersection in obedience of a steady red light (including right turn on red) in a careful and prudent manner (unless such turn is otherwise prohibited by posted sign or other traffic control device) but shall yield right-of-way to pedestrians and other traffic proceeding as directed by the traffic control signals at the intersection.

(b) Pursuant to general law, motor vehicles facing a traffic control signal that is malfunctioning, inoperable or is emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest to the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In the event that only some of the traffic control signals within an intersection are malfunctioning, inoperative or flashing red light traffic control signal shall stop in the above prescribed manner.

Section 62-64. Violation.

A violation of this division, known as a red zone infraction, shall occur when a vehicle does not comply with the requirements of section 62-63. Violations shall be enforced pursuant to section 316.0083, Florida Statutes.

Section 62-65. Implementation of general law.

Within the city, the mayor is authorized to implement the provisions and requirements of section 316.0083, Florida Statutes, as may be amended from time to time, and may take any action which is necessary for such purpose.

Section 62-66. Review of Recorded Image

(a) The owner of the vehicle observed by recorded images committing a red zone infraction shall be issued a notice of infraction no later than thirty (30) days after the red

zone infraction occurs. The recorded image shall be sufficient grounds to issue a city notice of infraction.

(b) The city shall designate one (1) or more traffic infraction officers who shall meet the qualifications set forth in section 316.640, Florida Statutes or any other relevant statute. The traffic infraction enforcement officer shall review recorded images prior to the issuance of notice of violation/infraction to ensure accuracy and the integrity of the recorded images. The traffic infraction enforcement officer shall also verify that the traffic infraction detector that captured the recorded images was functioning properly at the time the recorded images were captured. Once the traffic infraction enforcement officer has verified the accuracy of recorded images and functionality of the traffic infraction detector, he or she shall complete a review of the violation and authorize enforcement action, and a notice of violation shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or any other state's vehicle registration office.

Section 62-67. Notice of violation.

Within thirty (30) days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under section 318.14, Florida Statutes, and that the violator must pay the penalty of $158.00 to the city or furnish an affidavit supporting an exemption that complies with section 316.0083, Florida Statutes in accordance with paragraph (11) within thirty (30) days following the date of the notification in order to avoid court fees, costs and the issuance of a traffic citation. The violator may also request a hearing within sixty (60) days following the date of notification in order to avoid the issuance of a traffic citation. The notification must be sent via first-class mail. The mailing of the notice constitutes notification. The notification shall include:

(1) The name and address of the vehicle owner;

(2) The license plate number and registration number of the vehicle;

(3) The make, model, and year of the vehicle;

(4) Notice that the infraction charged is pursuant to this division;

(5) The location of the intersection where the violation occurred;

(6) The date and time of the red zone infraction;

(7) A statement that the owner has the right to review the recorded images that constitute a rebuttable presumption against the owner, together with a statement of the time and place or internet location where the evidence may be examined and observed;

(8) Images depicting the infraction, showing the license tag of the offending vehicle and the traffic control device being violated;

(9) Instructions on all methods of payment of the penalty;

(10) A statement specifying the remedies available under section 318.14, Florida Statutes;

(11) A statement that the owner must pay a penalty of one hundred fifty-eight dollars ($158.00) to the city, provide an affidavit that complies with section 316.0083, Florida Statutes, within thirty (30) days of the date the notice is issued or request a hearing within sixty (60) days of the date the notice is issued in order to avoid potential court fees, costs and the issuance of the uniform traffic citation.

(12) A signed statement by the traffic infraction enforcement officer that, based on inspection of recorded images, the vehicle was involved in a red zone infraction.

Section 62-68. Uniform traffic citation.

If an owner receives a notice and fails to pay the penalty imposed under section 316.0083, Florida Statutes within sixty (60) days after the date of the notification, provide an affidavit supporting an exemption that complies with the provisions of section 316.0083, Florida Statutes within thirty (30) days of the date the notice is issued or fails to request a hearing within sixty (60) days of the date the notice is issued, then a Uniform Traffic Citation shall be issued to the owner as provided by general law. If a hearing is initiated, a lack of notice defense is waived. Upon receipt of an affidavit, the person designated as having care, custody or control of the motor vehicle at the time of the violation may be issued a Uniform Traffic Citation under this Article, and shall be responsible and liable for paying the citation. The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided by sections 775.082 and 775.083, Florida Statutes.

Section 62-69. Procedures for a hearing pursuant to section 316.0083, Florida Statutes.

(a) The city shall designate by resolution existing staff to serve as the clerk to the local hearing officer.

(b) Any person, herein referred to as the "petitioner," who elects to request a hearing shall be scheduled for a hearing by the clerk to the local hearing officer to appear before a local hearing officer with notice to be sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk to the local hearing officer, at least five (5) calendar days before the day of the originally scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the one hundred and fifty eight dollar ($158.00) penalty, plus $50 in administrative costs, before the start of the hearing.

(c) All testimony at the hearing shall be under oath and recorded. The local hearing officer shall take testimony from a traffic infraction enforcement officer and the petitioner, and may take testimony from others. The local hearing officer shall review the photographic or electronic images or the streaming video. Formal rules of evidence do not apply but due process shall be observed and govern the proceedings.

(d) At the conclusion of the hearing, the local hearing officer shall determine whether a violation under this section has occurred, in which case the hearing officer shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order, including the determination and, if the notice of violation is upheld, require the petitioner to pay the city costs, not to exceed two hundred and fifty dollars ($250.00). The final administrative order shall be mailed to the petitioner by first-class mail.

(e) An aggrieved party may appeal a final administrative order consistent with the process provided under section 162.11, Florida Statutes.

Section 62-70. Signage.

When the city installs a traffic infraction detector at an intersection, it shall erect signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use at the intersection and shall include specific notification of intersection safety camera enforcement of violations concerning right turns. Such signage shall meet the specifications for uniform signals and devices adopted by the Department of Transportation pursuant to section 316.0745, Florida Statutes.

Section 62-71. Consistency with state law.

(a) This article shall be interpreted and applied so that it is consistent with state law, specifically, the Mark Wandall Traffic Safety Act; CS/CS/HB 7125.

(b) Any amendment to an applicable state law shall automatically apply to the enforcement and application of this article, whether or not this article or any provision hereof has been amended to specifically address such amendment to state law. Without limitation, any future amendment regarding the amount of civil penalty or apportionment of the proceeds thereof shall be deemed applied to the enforcement of this article, even prior to a specific amendment to this article to make the article expressly consistent with such change in state law with respect to the amount of the penalty or the apportionment of the proceeds thereof.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Edgewood Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: 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 6: <u>Effective Date:</u> This Ordinance shall become effective July 1, 2013.

ADOPTED by the City Council of the City of Edgewood, Florida, this ____ day of _____, 2013.

_____
John Dowless, Council President

ATTEST:

_____
Bea Meeks
City Clerk

RESOLUTION NO. 2013-04

A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA, APPOINTING THE CITY CLERK AS THE CLERK TO THE LOCAL HEARING OFFICER FOR RED LIGHT CAMERA INFRACTION HEARINGS PURSUANT TO CHAPTER 62, ARTICLE IV OF THE EDGEWOOD CITY CODE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Edgewood adopted Ordinance 2013-03 expanding Chapter 62 of the Edgewood City Code, to include Article IV entitled the "Traffic Light Safety Act"; and

WHEREAS, pursuant to Ordinance 2013-03, and consistent with section 316.0083, Florida Statutes, the "Mark Wandall Traffic Safety Act", the City is required to designate an existing staff member to serve as the local hearing officer for red light camera infraction hearings; and

WHEREAS, this Resolution is adopted pursuant to Ordinance 2013-03.

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

Section 1. Recitals: The following recitals are hereby affirmed and ratified.

Section 2. Appointment: The City Council of the City of Edgewood hereby confirms the appointment of the City Clerk to function as the clerk to the local hearing officer for red light camera infraction hearings.

Section 3. Conflict: Any and all resolutions in conflict herewith are hereby repealed.

Section 4. Severability: If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereto.

Section 5. Effective Date: This resolution shall become effective upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Edgewood, Florida on the _____ day of _____, 2013.

_____
John Dowless, Council President

ATTEST:

_____

Bea Meeks
City Clerk

BROWN, GARGANESE, WEISS & D'AGRESTA, P.A.

Attorneys at Law

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P.O. Box 2873
Orlando, Florida 32802-2873
Phone (407) 425-9566
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L. Robin McKinney

rmckinney@orlandolaw.net

June 6, 2013

A. Andrew Smith, Esq.
Shepard, Smith & Cassady, P.A.
2300 Maitland Center Parkway, Ste. 100
Maitland, FL 32751

Re: City of Edgewood Red Light Hearing Officer Position

Dear Mr. Smith:

Please accept this letter as an expression of my interest in the position of Local Hearing Officer for the City of Edgewood. As Edgewood implements the revisions to the Mark Wandall Traffic Safety Act, I would be pleased to assist your client with my experience in the areas of red light camera citations and municipal code enforcement.

Since the introduction of red light cameras, two of our firm's municipalities, Winter Park and Palm Coast, have faced numerous legal challenges to citations issued under Section 316.0083, *Florida Statutes*. While prosecuting these cases in the Orange and Flagler County courts, I developed legal arguments addressing all aspects of the red light cases, including notice and mailing requirements; training of Traffic Infraction Enforcement Officers; admissibility of photographs and video; the "careful and prudent" standard for right-hand turns; statutory requirements for identifying a non-owner driver by affidavit; and the admission of business records. In addition, I acquired specific knowledge of the camera systems and violation processing methods of two red light camera vendors, ATS and GATSO. Finally, through my experience advising the Code Enforcement Boards of Casselberry and Winter Park, I have developed an understanding of the code enforcement process that would be beneficial to my service as a Local Hearing Officer.

While my work with Winter Park and Palm Coast was in prosecutorial role, I am confident that I could provide impartial consideration as a Local Hearing Officer. A copy of my resume is enclosed for your review. Should you require any additional information about my qualifications and experience or our firm, I would be glad to provide it. I appreciate your consideration, and look forward to speaking with you in the future regarding this Hearing Officer position.

Sincerely,

L. Robin McKinney

LRM/nh
Enclosure

L. ROBIN MCKINNEY

EXPERIENCE

Brown, Garganese, Weiss & D'Agresta, P.A., Associate, Orlando, FL, 2011-present.
Advise municipalities on local government law, including code enforcement, land use, board governance, and procurement; prosecute municipal ordinance violations, including contested red light camera violations; advise homeowners' associations; defend school board in tort litigation matters.

Office of City Attorney, Assistant City Attorney, Tampa, FL, 2006-2011.
Defend City in tort, land use and contract litigation; serve as lead counsel during trial and appeal; manage extensive case load from pre-suit investigation through resolution; represent City in settlement negotiations and mediations.
Advise Community Affairs department, including Human Rights Board, on legal matters involving discrimination in housing, public accommodation and employment.
Advise Tampa Convention Center on transactional matters, including contract negotiation; prepare resolutions approval of contracts; represent City at televised public meetings of City Council on litigation and Community Affairs issues.

Gray Robinson, P.A., Associate, Tampa, FL, 2004-2006.
Represented clients in litigation involving automobile and property insurance, commercial disputes, and family law, from initial pleadings through trial or settlement; prepared motions; conducted depositions of witnesses, parties, and experts; represent clients at mediation, jury and bench trials, domestic violence injunction hearings, depositions, and contested final hearings involving child custody.

Office of State Attorney, Fifth Judicial Circuit, Certified Legal Intern, Ocala, FL, Spring 2004. Represented State in jury and non-jury trials, prosecuted general misdemeanors, including DUI, and juvenile felonies.

Gray Robinson, P.A., Law Clerk, Tampa. FL, Summer 2002 and 2003.
Prepared legal memoranda and drafted motions concerning procedural and substantive issues of commercial litigation, insurance defense, securities arbitration, and eminent domain.

EDUCATION

University of Florida, Levin College of Law, J.D. 2004, with honors.
Justice Campbell Thornal Moot Court Team, Member, 2003- 2004.
Duberstein National Bankruptcy Law Competition, New York City, Quarter-finalist, March 2004.

Davidson College, Davidson, NC, B.A. 2001, Double major in History and French.
Study abroad in Paris and Tours, France, Fall 1999.

PROFESSIONAL MEMBERSHIPS

The Florida Bar; Middle District of Florida; Southern District of Florida.

CIVIC ACTIVITIES

Junior League of Greater Orlando, Chair of Theme Social Fundraising Committee 2013-2014, Assistant Chair, 2012-2013; Junior League of Tampa, Chair of Technology Committee, 2010-2011, Assistant Chair, 2009-2010; Central Florida Association of Women Lawyers.