

Mayor  
John Dowless

Richard Alan Horn  
Council President

Ben Pierce  
Council President  
Pro Tem

Lee Chotas  
Council Member

Susan Fortini  
Council Member

Chris Rader  
Council Member

**CITY COUNCIL AGENDA**  
**Regular Meeting**  
**City Hall – Council Chamber**  
**405 Bagshaw Way , Edgewood, Florida**  
**Tuesday, November 19, 2019**  
**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 & PLEDGE OF ALLEGIANCE**

**C. ROLL CALL & DETERMINATION OF QUORUM**

**D. PRESENTATION**

- Mayor's Presentation – Certificate of Appreciation

**E. CONSENT AGENDA**

1. Review and Consideration of City Council Meeting Minutes

- **(Pgs. 1-9)** September 17, 2019 Regular City Council Meeting
- **(Pgs. 10-20)** October 15, 2019 Regular City Council Meeting

*(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. ORDINANCES**

1. **(Pg. 21) City Clerk's Memo RE: Boat Dock Ordinance**
2. **(Pg. 22-31) 2019-xxx AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

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

1. **(Pgs. 32-36) ORDINANCE 2019-08 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134 – “ZONING” BY CLARIFYING LOCATION STANDARDS FOR ACCESSORY STRUCTURES, INCLUDING SCREEN ENCLOSURES AND POOLS; DEFINING TERMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**H. UNFINISHED BUSINESS**

- **(Pg. 37) Request For Proposal Review Committee – Recommendation for Debris Management Services**

**I. NEW BUSINESS**

1. **(Pg. 38) City Clerk's Memo RE: Budget Amendment**
2. **(Pgs. 39-45) RESOLUTION 2019-04 - A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2018-2019 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.**

**J. GENERAL INFORMATION (No action required)****COUNCIL ANNOUNCEMENT:**

**PLEASE TAKE NOTICE** that the City of Edgewood, Florida, jointly with the Presidential Preference Primary, will hold a general election on Tuesday, March 17, 2020 for the purpose of electing two City Council Members. The two candidates with the highest number of votes are deemed elected and will serve a three-year term. Qualifying begins on December 2, 2019 at 9 a.m., and ends December 6, 2019 at 4 p.m., at the Office of the City Clerk, 405 Bagshaw Way, Edgewood, Florida 32809.

**K. CITIZEN COMMENTS**

**L. BOARDS & COMMITTEES**

- (Pgs. 46-56) Bailey’s Pharmacy – Variance 2019 and Waiver Application
- (Pgs. 57-80) 1141 Windsong Road – Variance (Boat dock)

**M. STAFF REPORTS**

City Attorney Smith:

- (Pgs. 81-87) Discovery Church Parking

Police Chief Freeburg:

- (Pg. 88) Chief’s Report

City Clerk Meeks:

**N. MAYOR & COUNCIL REPORTS**

Mayor Dowless

Council President Horn

Council Member Chotas

Council Member Fortini

Council Member Pierce

Council Member Rader

**O. ADJOURNMENT**

**UPCOMING EVENTS:**

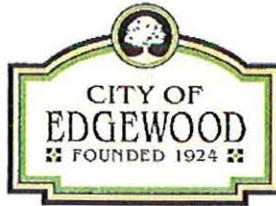
Friday, December 13, 2019 .....Edgewood Eats - Santa Fly-In (6:00 p.m.)

**UPCOMING MEETINGS:**

Monday, December 9, 2019.....Planning & Zoning Meeting (6:30 p.m.)

Tuesday, December 17, 2019.....Regular City Council Meeting (6:30 p.m.)

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.



**CITY COUNCIL REGULAR MEETING City Hall  
Tuesday, September 17, 2019  
6:30 p.m.**

**CALL TO ORDER – DETERMINATION OF QUORUM**

Council President Horn called the Council meeting of September 17, 2019 to order at 6:30 p.m. Council President Horn asked for a moment of silence then led everyone in the Pledge of Allegiance.

City Clerk Meeks announced a quorum and noted that Council Member Chotas was not in attendance and that he had given advance notice of his absence. City Clerk Meeks asked for a Motion to approve Council Member Chotas' absence.

*Council Member Rader made the Motion to approve Council Member Chotas' absence; Second by Council Member Fortini. Approved (4-0).*

The following attendance is noted:

**Council Attendees**

John Dowless, Mayor  
Richard Alan Horn, Council President  
Susan Fortini, Council Member  
Ben Pierce, Council Member  
Chris Rader, Council Member

**Absent**

Lee Chotas, Council Member

**Staff**

Bea L. Meeks, City Clerk  
John Freeburg, Police Chief  
Sandy Riffle, Deputy City Clerk  
Shannon Patterson, PD Manager

**PRESENTATION**

1. Nick Lepp, AICP CTP – MetroPlan Orlando – Update Regarding the Orange Avenue Corridor Study

(Provided a PowerPoint presentation)

Mr. Lepp said his report and presentation was originally given to Council in June 2018. He said the June report provided two options. Mayor Dowless explained that after Planner Hardgrove reviewed the plan she realized there was a third option that was not included. It was noted that the “grid” option provided better bicycle safety and distributed traffic better.

***Council Member Rader made the Motion to approve the plan with the inclusion of the third option; Second by Council Member Pierce.***

There were no public comments.

***Approved (4-0).***

In response to Resident Susan Lomas, City Clerk Meeks said the plan will be put on the City’s website when it is made available to the City.

#### CONSENT AGENDA

1. Review and Consideration of City Council Meeting Minutes
  - August 20, 2019 Regular City Council Meeting

***Council Member Rader made the Motion to approve the August 20, 2019 Minutes as presented; Second by Council Member Fortini. Approved (4/0).***

#### ORDINANCES

1. Memo – RE: Millage Levy and Tentative Budget
2. Public Hearing/Adoption of the Tentative Millage Rate – FY 2019/2020

**ORDINANCE NO. 2019-06 - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES UPON THE ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS FOR FISCAL YEAR 2019/2020, BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Smith gave the first reading of Ordinance 2019-06 in title only.

City Clerk Meeks announced that Ordinance No. 2019-06 proposes a millage rate of 5.25 mills which represents a 13.37 percent increase over the roll-back rate of 4.6308. Council President Horn said this would be a millage increase millage to 5.25 mills from 4.95 mills.

There were no public comments.

*Council Member Pierce made the following Motion:*

*“I move to adopt Ordinance No. 2019-06 setting the City of Edgewood’s millage rate for Fiscal Year 2019/2020 at 5.25 mills which represents a 13.37 percent increase over the roll-back rate of 4.6308 mills”.*

*Second by Council Member Fortini*

*The Motion was approved by the following roll call vote (4/0):*

<i>Council President Horn</i>	<i>Yes</i>
<i>Council Member Fortini</i>	<i>Yes</i>
<i>Council Member Chotas</i>	<i>Absent</i>
<i>Council Member Pierce</i>	<i>Yes</i>
<i>Council Member Rader</i>	<i>Yes</i>

City Clerk Meeks said the proposed budget will be approved with Resolution 2019-03, which will be read at the final budget hearing on October 1, 2019 special meeting and budget hearing.

3. Memo – RE: Planning & Zoning Board’s Recommendation of Ordinance 2019-04
4. **ORDINANCE 2019-04** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO TREES; AMENDING CHAPTERS 50 AND 130 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO CLARIFY AND CONSOLIDATE REQUIREMENTS RELATED TO TREES, SHRUBS, AND PLANTS; AMENDING PROVISIONS RELATED TO MAINTENANCE AND RESPONSIBILITY FOR TREES AND TREE BRANCHES LOCATED WITHIN AND ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2019-04 in title only.

City Attorney Smith gave a history of what led up to the Ordinance. He said the current policy was a little disjointed; therefore, some things were pulled forward into other sections to consolidate policies. He said that regarding tree maintenance and where the responsibilities lie, it has always been the responsibility of the private property owner adjacent to right-of-ways. City Attorney Smith said that is has always been the private property owner’s responsibility for maintaining those trees that are within the right-of-way line. City Attorney Smith said the confusion has been what happens when a tree falls; if it falls into the right-of-way, it is the City’s problem. If the tree falls half and half whose problem is it? He said if it is a City tree that falls onto private property, it is the City’s problem. City Attorney Smith said the Ordinance also addresses what happens if a tree from the private property falls into the right-of-way. If the wind blows a healthy tree down from City property and it falls onto private property, the City will take it down. However, if it is a private tree that blows down into the right-of-way, the City will only take out the portion that is in the right-of-way. Mayor Dowless said the current Ordinance leaves

the City paying for a private owner’s tree(s) and these costs have contributed to going over budget for tree maintenance and removal.

City Attorney Smith said that a policy for maintaining trees in the right-of-way has always been in existence. He said the Ordinance addresses private property owners’ responsibilities. City Attorney Smith said the biggest change was a private property owner’s responsibilities when they have been put on notice that an arborist identified their tree(s) as diseased and/or is in danger of falling.

**Public Comments**

City Attorney Smith confirmed for resident Susan Lomas that if a City tree falls onto private property, the City only cuts to the property line; in situations that are an act of God

Council Member Rader said there is some disparity and that he completely disagrees with basically giving privilege to certain members of the community that others are not granted. He said this also sets up a precedent for future development’s responsibility for maintenance outside the subdivision wall. Council Member Rader also expressed concerns about limbs under utility lines.

City Attorney Smith said if it is preferred go the professional contractor route, when it involves the roadway. He said Council can strike line 184 (all) and 185 (up to when and replace where private property owner shall utilize a licensed professional contractor to perform any required maintenance, and then pick-up with “when such maintenance....”.

(12) A private property owner shall neither be required nor permitted to cut or maintain tree limbs or trees A private property owner shall utilize a licensed and insured tree maintenance provider whenever such maintenance would occur immediately above a public road or would require the blocking or rerouting of traffic upon a public road during the maintenance activity.

City Attorney Smith confirmed for Mayor Dowless that this changes the maintenance responsibility for anything on the outside of a subdivision. He explained that if there is a subdivision wall between a tree or a bush, then that bush or shrub is maintained by the City, or the right-of-way. He agreed with Mayor Dowless in that the Covenants and Restrictions may provide otherwise. Council President Horn said he would like to remove the language because it can be added back in.

City Attorney Smith said the two proposals are (1) Replace paragraph 12 with language he suggested and (2) Strike from paragraph 1 everything that was added by the Planning & Zoning Board.

*Council Member Rader made the Motion to approve the first reading of Ordinance 2019-04 with the amendments to Paragraph 130-10 C1 and C12; Second by Council Member Horn.*

<i>The Motion was approved by the following roll call vote (4/0):</i>	
<i>Council Member Rader</i>	<i>Yes</i>
<i>Council Member Pierce</i>	<i>Yes</i>
<i>Council Member Chotas</i>	<i>Absent</i>
<i>Council Member Fortini</i>	<i>Yes</i>
<i>Council President Horn</i>	<i>Yes</i>

- 5. **ORDINANCE 2019-07** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES TO PERMIT HEARINGS BEFORE THE LOCAL HEARING OFFICER OF LOCAL PARKING VIOLATIONS WITHIN THE CITY OF EDGEWOOD; PROVIDING FOR DEFINITIONS; ADOPTING STATE PARKING STATUTES UNDER CHAPTER 316, FLORIDA STATUTES; PROVIDING FOR CIVIL PENALTIES FOR PARKING NEAR A FIRE HYDRANT AND PARKING IN A FIRE LANE; ESTABLISHING PROCEDURES BEFORE THE LOCAL HEARING OFFICER; ESTABLISHING ADMINISTRATIVE COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith gave first reading of Ordinance 2019-07 in title only.

City Attorney Smith gave a brief history regarding parking violations and stated the need for more “teeth” to allow enforcement for parking violations and due process. He said the current process does not give the County the right to process. City Attorney Smith said approval of the Ordinance will allow the City to address the violations in-house. He said the red light hearing officer can hear these violations.

In response to Council Member Fortini, City Attorney Smith said the fees are in line with Florida Statute.

There were no public comments.

*Council Member Fortini made the Motion to approve the first reading of Ordinance 2019-07; Second by Council Member Pierce. Approved (4/0).*

*The Motion was approved by the following roll call vote (4/0):*

<i>Council Member Fortini</i>	<i>Yes</i>
<i>Council Member Pierce</i>	<i>Yes</i>
<i>Council Member Chotas</i>	<i>Absent</i>
<i>Council President Horn</i>	<i>Yes</i>
<i>Council Member Rader</i>	<i>Yes</i>

**ORDINANCE 2018-08** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134 – “ZONING” BY CLARIFYING LOCATION STANDARDS FOR ACCESSORY STRUCTURES, INCLUDING SCREEN ENCLOSURES AND POOLS; DEFINING TERMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith gave first reading of Ordinance 2019-08 in title only.

City Attorney Smith explained the Ordinance is a result of a resident asking about installing a screened enclosure without a pool. This Ordinance allows the enclosure within the same footprint as a pool enclosure. Discussion was held regarding “line 95” and the five-foot setback Council Member Rader said lines 155-156 should be put back in until Planner Hardgrove can explain.

*Council Member Fortini made the Motion to approve the first reading of Ordinance 2019-08 to the October 1, 2019 Special Council Meeting; Second by Council Member Rader. Approved (4/0).*

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

- 1. **ORDINANCE 2019-05** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 18 – “ELECTIONS” BY PROVIDING FOR THE CITY COMMISSION TO SET BY RESOLUTION THE QUALIFYING PERIOD FOR CITY ELECTIONS HELD CONCURRENT WITH THE PRESIDENTIAL PREFERENCE PRIMARY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith gave the second/final reading of Ordinance 2019-05 in title only. City Attorney Smith reminded Council why the Ordinance is needed when the City’s election is held during a Presidential Preference Primary.

There were no public comments.

*Council Member Rader made the Motion to approve the Second/Final reading of Ordinance 2019-05; Second by Council Member Fortini.*

*The Motion was approved by the following roll call vote (4/0):*

<i>Council Member Pierce</i>	<i>Yes</i>
<i>Council Member Rader</i>	<i>Yes</i>
<i>Council President Horn</i>	<i>Absent</i>
<i>Council President Horn</i>	<i>Yes</i>
<i>Council Member Fortini</i>	<i>Yes</i>

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**GENERAL INFORMATION (No action required)**

None.

**CITIZEN COMMENTS**

**Alexander Mestdagh, Esquire** (Represents Deeper Fellowship Ministries International, Inc.) -Spoke in regards to the parking agreement currently held between Discovery Church and Water’s Edge Shopping Center. Deeper Fellowship wants to change the day and time and wanted to know if the City would allow this change. City Attorney Smith said the City adopted an Ordinance a few years back to not allow crossing the street from parking area to a facility. City Attorney Smith said assignments are allowed.

City Clerk Meeks said the Agreement is tied into Discovery Church's Business Tax Receipt (BTR). Attorney Mestdagh said Deeper Fellowship could do offsite shuttling. Chief Freeburg said the Church would have to renegotiate the agreement with the Police Department. It was noted that two-thirds of the Church parking is offsite. Chief Freeburg confirmed traffic is worse on Tuesday than it is on Saturday. He said the area is poorly lit in winter months. Chief Freeburg said if you use a shuttle, you would still need someone to let those who park across the road from Church know to not to cross over the road but take the shuttle.

**Andrew Hansen, Discovery Church** – Mr. Hansen said Discovery Church has been operating for about 27 years and safety is important to them too. He said Discovery has had a great relationship with the City and the Police Department. He said he is available to answer any questions.

**Susan Lomas** – Resident Lomas questioned if Resolution 2019-02 has been signed. City Clerk Meeks said the Resolution was signed; however, she had not provided to staff to place on the City's website. City Clerk Meeks said she will have staff post immediately.

Resident Lomas said she attended a transportation meeting and she asked Commissioner Uribe about the truck traffic on Holden Avenue. Mayor Dowless said the City knows what direction to go with this concern. In response to Resident Lomas, City Attorney Smith said Boise Cascade is a local business.

#### BOARDS & COMMITTEES

None.

#### STAFF REPORTS

##### **City Attorney Smith:**

City Attorney Smith said he has been providing City Clerk Meeks with information regarding ADA websites. He noted two cases against Plaintiffs who have been filing statewide cases. He said the Court(s) have been favorable to municipalities in these cases.

##### **Police Chief Freeburg:**

- Chief's Report

Chief Freeburg said DOT will add to the "no truck" signs already ordered. He said his department has done some soft enforcement already. Chief Freeburg said two of his officers have been certified in child safety seats, and with the bicycle program. Chief Freeburg said Staff met to discuss and plan events for the holidays. He also reported on a crash that occurred on Orange Avenue. He said Edgewood officers performed CPR and kept the injured person alive until paramedics arrived. Chief Freeburg said the individual passed away; however, they were an organ donor and able to give their organs because the officers kept them alive.

##### **City Clerk Meeks:**

City Clerk Meeks reminded Council Members that the final budget hearing is scheduled for October 1, 2019 at 6:30 p.m.

**MAYOR & COUNCIL REPORTS****Mayor Dowless**

Mayor Dowless said Hurricane Dorian was a good dress rehearsal. He said that City Clerk Meeks continues to stay on top of FEMA reimbursement. He said he talked to Senator Scott who provided him with a contact for the Florida Department of Emergency Management. Mayor Dowless said that hurricanes are a good example of why a Non-ad valorem assessment should not be treated as a pass thru. Mayor Dowless said those monies should be stored for disaster cleanup when needed.

City Clerk Meeks said the Request for Proposals (RFP) for debris management services and monitoring services are completed.

Mayor Dowless said Waste Management wants to change yard waste pick up. He asked Council for their preference. The consensus of Council was to keep the yard waste pick-up on Monday and change household garbage to Tuesday and Friday.

**Council President Horn**

Council President Horn said he did traffic checks on some GPS systems using 32809 as the zip code. He described the no-thru truck zone. He said there is little time to populate databases to show the no-thru trucks on Holden; however, he will tell the GPS systems to not go that way.

**Council Member Chotas**

No report.

**Council Member Fortini**

No report.

**Council Member Pierce**

No report.

**Council Member Rader**

Council Member Rader reminded everyone about the Town Hall meeting scheduled for September 24, 2019 at 6 p.m. He said the meeting is regarding the Holden property and the proposed Planned Development.

**ADJOURNMENT**

Having no further business, the City Council meeting adjourned at 8:28 p.m. on the Motion of Council Member Fortini, with Second by Council Member Rader.

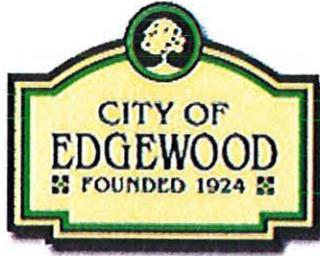
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Richard A. Horn  
Council President

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Bea L. Meeks, MMC, CPM, CBTO  
City Clerk

*Approved on*



**CITY COUNCIL REGULAR MEETING**  
Tuesday, October 15, 2019  
6:30 p.m.

**CALL TO ORDER**

Council President Horn called the Council meeting of October 15, 2019 to order at 6:30 p.m. Mayor Dowless gave the invocation then led everyone in the Pledge of Allegiance.

Deputy City Clerk Riffle announced that Council Member Fortini asked in advance to be excused from the meeting.

*Council Member Rader made the Motion to approve Council Member Fortini's absence; Second by Council Member Chotas. Approved (4-0).*

The following attendance is noted:

**Council Attendees**

John Dowless, Mayor  
Richard Alan Horn, Council President  
Ben Pierce, Council Member  
Chris Rader, Council Member  
Lee Chotas Council Member

**Absent**

Susan Fortini, Council Member

**Staff**

Sandra Repp, Deputy City Clerk  
John Freeburg, Police Chief  
Shannon Patterson, Chief of Staff  
Ellen Hardgrove, AICP  
David Mahler, Senior Project Engineer

**Absent**

Bea L. Meeks, City Clerk

**A. PRESENTATION**

**Mayoral Proclamation – “Week of the Family”**

Mayor Dowless presented the Proclamation for the Week of the Family to representatives from Week of the Family Foundation.

**TAKE NOTICE THAT THE ORDER OF THE AGENDA DOES NOT FOLLOW THE AGENDA SET FOR THE MEETING – THE ORDER OF THE AGENDA IS FOLLOWED IN THE MINUTES OF THE MEETING**

**Mayor Dowless Report**

Mayor Dowless thanked Council President Horn for personal privilege to move his report, as he wanted to share information with the large number of people in attendance. Mayor Dowless reported on the following:

1. Reported that the City received nearly \$99,000 from FEMA for Hurricane Irma reimbursements. He said \$50,000 was retained by the City due to a hydraulic spill on Harbour Island Road that caused damage. He said FEMA will also reimburse the City the \$50,000 upon proof of payment.
2. Reported that Edgewood activated their quiet zones today, and unveiled the “No Train Horn” signs. Mayor Dowless said news media channels 9, 6, 13, and 35 were in attendance for the unveiling. He said residents located by the train tracks were very excited. Mayor Dowless said this was about a \$1-million investment for the four crossings. He said the City covered about 30% of that expense and DOT covered about 70%. He said Edgewood received information indicating that other communities may not receive their funds, and that the City got in just under the wire before the funding changed. Mayor Dowless noted that this was a project of the late Mayor Bagshaw that the City completed.
3. Mayor Dowless asked Shannon Patterson, PD Office Manager, to come forward. He said Shannon is the Police Department’s Office Manager, and has been with the City for more than twenty years. Mayor Dowless said and Shannon does so much more than manage the office. Mayor Dowless presented her with new business cards and announced that her title is changing to Chief of Staff.

Council President Horn said that Council will continue with changing the order of the agenda.

**ORDINANCES**

1. **ORDINANCE 2019-09** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Planner Hardgrove said this is the first reading for a change to the City’s boat dock regulations. She said she has received feedback from the public to look at the entire boat dock ordinance. Per Attorney Smith, this is a first reading or Council can decide to take no action if there will be comprehensive changes.

Attorney Smith gave the first reading of Ordinance 2019-09 in title only.

**Public Comment:**

**Doug Langford** (resident) – Resident Langford said he has been involved with dock construction since 2004, including work in Edgewood. Resident Langford said he believes that the proposed revision of the portion of the ordinance seems short-sighted, as there are other sections that should be revisited to make it cleaner, simpler and reduce expense. He said submitting permits is expensive and there can be relief from some variances in the future, including the City's time. He said there was a revision proposed for a section that spoke to "if a boat dock on canals is less than 25 feet from property line", it needs a variance. Resident Langford said it is almost an automatic to need this variance for Edgewood boat docks in canals. He said he does not think that it makes sense to completely remove the requirement. A big issue is that Edgewood calculates square footage by everything waterward of the NHWE. In Orange County, square footage is counted from where the walkway meets the terminal platform. Apparently, Edgewood counts shaded area, which includes overhangs that extend past the terminal platform, which might be in conflict with Orange County. Resident Langford said that while the City does have an ordinance for boat docks, there are cases where Florida regulations are applied for the area of shading. Edgewood should not plug code from other states or anyone else. A good comprehensive review, possibly from stakeholders in the business, would make sense.

**Tina Demostene** (resident) - Resident Demostene said she spoke with Mayor Dowless and said she brought information to show why changes should be more comprehensive. She passed out aerials to be entered into the record, as well as a memo with areas of the Code that she thinks should be reviewed. Resident Demostene said the County Ordinance counts the terminal platform and Edgewood counts the walkway. Edgewood residents share the lake with other residents, and have more restrictions. She cautioned about changing an excerpt of the code when the City needs a more comprehensive look at the Code.

Resident Demostene said if the City decides to change an excerpt, it should add the definition of a canal. Also, the City should change Section 14-11 (B)(3) to include that a minimum navigable corridor should be maintained regardless of the 25 per cent. She said the aerial shows why there is barely 40 feet between some docks. She said people are building over the property line and do not leave a lot of room. There are things to tweak to make the process more streamlined, remove ambiguity, provide consistency and not require more restrictions than others on the lakes.

Ms. Demostene said there are a few boat docks on her lake that have been modified without permits. She said this may be because of the restrictive requirements. If improvements are made, more permits may be pulled and this could show in the tax rolls for improvements. She kindly asked Council to reconsider making an amendment and make a more comprehensive ordinance and relieve some of the need for variances.

Council Member Pierce asked Ms. Demostene what was wrong with the dock requirements being more restrictive than Orange County? Ms. Demostene said if residents are continually going for variances and the City continually grants them, why doesn't the City change the ordinance to reflect what we do? Many requests are because of low water depth and they have to ask to extend the length of walkways. Council Member Pierce said a lot of variances are about depth. Ms. Demostene said that results in larger dock measurements because of the added walkway.

Council Member Chotas said a property line is not a helpful descriptor because they can extend

all the way over the water and people don't have the right to exclude people from riding through it, and yet they could exclude the neighbor's dock within 20 feet of the shoreline. He said it is a ridiculous provision and asked Resident Demostene how long does she suggest that the City leave that provision in the ordinance in order to allow a comprehensive rewrite. Ms. Demostene said she would contribute a suggested rewrite to present to staff. Attorney Smith said it could possibly be in front of the Planning & Zoning Board in November and to Council in December.

Council Member Chotas asked Attorney Smith if there is a down side to passing this Ordinance in first reading because it has to come back for another reading anyway. City Attorney Smith said this has to be advertised for second reading.

Council Member Rader said the subject matter changes substantially.

Council Member Chotas asked if the ordinance is irresponsible as drafted. Attorney Smith said no. Ms. Demostene said it is important to do this the right way and not just solve a single problem. There is a variance coming along that is recommended for approval. It is not onerous to extend it for a couple of months.

Attorney Smith said that he is trying to assist the Council in weighing the options of timing. There's nothing immediately in the pike. He has no problem following Ms. Demostene's lead.

Council Member Rader said during his time on the Planning & Zoning Board, he saw a lot of dock variances. Most requests were typically because of the slope of the lake and water level. Also, most were situational and they were almost always approved.

Council Member Pierce said he does not agree that Edgewood should do what other municipalities do.

Council President Horn asked if there would be a motion to table the first reading

***Council Member Pierce made the motion to table Ordinance 2019-09; Second by Council Member Rader. Motion passed (4/0).***

Attorney Smith said this can be abandoned if there is a new ordinance number.

## BOARDS & COMMITTEES

### Bailey's Pharmacy – Variance 2019 and Waiver Application

Mayor Dowless said that he received an email from the applicant to postpone this review until November 19, 2019. They would like to meet with the DRC committee to see if things can be worked out.

***Council President Horn made the motion to table the waivers and variance until November 19, 2019 at 6:30 pm; second by Council Member Rader. Motion passed (4/0).***

## ORDINANCES

1. **ORDINANCE 2019-03** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD

COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY .28 ACRES LOCATED AT 302 MANDALAY ROAD; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP IS A SMALL SCALE AMENDMENT UNDER SECTION 163.3187, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Attorney Smith gave the first reading of Ordinance 2019-03 in title only. Planner Hardgrove said the applicant is present. The applicant, Mr. Jose Neto, approached the podium and said that he was withdrawing his request for a Small Scale amendment. City Attorney Smith said there is no decision for Council. Council President Horn thanked the applicant for attending.

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

1. **ORDINANCE NO. 2019-08 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134 – “ZONING” BY CLARIFYING LOCATION STANDARDS FOR ACCESSORY STRUCTURES, INCLUDING SCREEN ENCLOSURES AND POOLS; DEFINING TERMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

Council President Horn said that it was intended for Council to have the second reading of the accessory structure but it did not make it to the agenda. This will be moved to the November 19, 2019 agenda.

City Attorney Smith gave the Second/Final reading of Ordinance 2019-08 in title only.

*Council Member Rader made the Motion for a continuance of Ordinance 2019-08 until the November 19, 2019, 6:30 p.m., city Council meeting; Second by Council President Horn. Approved 4/0.*

#### **CONSENT AGENDA**

1. Review and Consideration of City Council Meeting Minutes
  - October 1, 2019 City Council Special Meeting Minutes

Council President Horn asked for a motion to approve the consent the agenda.

*Council Member Rader made the Motion to approve the Minutes from the October 1, 2019, special meeting, as presented; Second by Council Member Chotas. Motion passed (4/0).*

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

1. **ORDINANCE 2019-04 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO TREES; AMENDING CHAPTERS 50 AND 130 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO CLARIFY**

AND CONSOLIDATE REQUIREMENTS RELATED TO TREES, SHRUBS, AND PLANTS; AMENDING PROVISIONS RELATED TO MAINTENANCE AND RESPONSIBILITY FOR TREES AND TREE BRANCHES LOCATED WITHIN AND ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith gave the Second/Final reading of Ordinance 2019-04 in title only. City Attorney Smith explained that the revision made from the first reading was that instead of not requiring the maintenance of trees if they hung over roadways, the revised Ordinance does require a licensed professional for maintenance over roads. Council Member Rader said he thought there was a provision regarding a wall; City Attorney Smith said that the language was removed. Council Member Chotas said that he viewed trees around the City that were either on the right-of-way adjacent to a road or private road, and most were in good shape except for some isolated branches. Council Member Chotas said if the homeowner has the responsibility to hire an arborist to cut high limbs, it would be expensive but it could be required by the terms of this ordinance. Up until now it was a City expense. Council Member Chotas had concerns about the cost of removing an isolated branch whether or not it would be an inappropriate redistribution of cost to the homeowner, and could be subject to abuse to the private sector. The City could have done the maintenance over the last ten years now it is the homeowners' responsibility.

Mayor Dowless said the abuse has been the other way around in the past. Mayor Bagshaw was very conscious of tree maintenance and a lot of work has been done. He said that Mayor Bagshaw and the arborist has reviewed trees in the city a couple of times. Mayor Dowless said the potential of abuse from the City is not likely. He said the City needs to be proactive with the trees. He is sure there was a review of trees in the City and an arborist report on tree survey done not too long ago. City Clerk Meeks may have more information on this.

City Attorney Smith said that line 170 of the Ordinance authorizes Council to make a determination in a dispute. He said that "at private expense" will be added to the language at the end.

Council Member Chotas said that is a good addition but does not know if it solves the problem of isolated branches. A lot comes down to enforcement; will the request be for problem trees or branches? A lot of that is on the Mayor's table. Mayor Dowless said his focus is on budget and not to pay for private problems.

City Attorney Smith said that with the addition of the language, the city's decision can be appealed. Council Member Chotas said it must be within 30 days. Attorney Smith said it is like a motion of appeal. Council Member Chotas agreed that this helps.

Mayor Dowless said it becomes less expensive to split the cost and do it all at once. He wants to protect other taxpayers.

Council President Horn said that for economies of scale there can be a city arborist working in the city and everyone would not have to hire different companies if homeowners are interested in doing that. Council Member Chotas and Mayor Dowless agreed that could help.

No public comment

*Motion by Council Member Horn to approve the second/final reading of Ordinance 2019-04 with addition of "at private expense" to line 170; second by Council Member Rader. Motion passed (3/1).*

*The Motion was approved by the following roll call vote (4/0):*

<i>Council President Horn</i>	<i>Yes</i>
<i>Council Member Fortini</i>	<i>Absent</i>
<i>Council Member Chotas</i>	<i>Nay</i>
<i>Council Member Pierce</i>	<i>Yes</i>
<i>Council Member Rader</i>	<i>Yes</i>

2. **ORDINANCE 2019-07** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES TO PERMIT HEARINGS BEFORE THE LOCAL HEARING OFFICER OF LOCAL PARKING VIOLATIONS WITHIN THE CITY OF EDGEWOOD; PROVIDING FOR DEFINITIONS; ADOPTING STATE PARKING STATUTES UNDER CHAPTER 316, FLORIDA STATUTES; PROVIDING FOR CIVIL PENALTIES FOR PARKING NEAR A FIRE HYDRANT AND PARKING IN A FIRE LANE; ESTABLISHING PROCEDURES BEFORE THE LOCAL HEARING OFFICER; ESTABLISHING ADMINISTRATIVE COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Smith gave the second/final reading of Ordinance 2019-07, in title only.

There were no public comments or Council comments.

*Council Member Rader made the motion to approve the second/final reading of Ordinance 2019-07; second by Council Member Pierce. Motion passed (4/0).*

*The Motion was approved by the following roll call vote (4/0):*

<i>Council Member Chotas</i>	<i>Yes</i>
<i>Council Member Fortini</i>	<i>Absent</i>
<i>Council Member Pierce</i>	<i>Yes</i>
<i>Council Member Rader</i>	<i>Yes</i>
<i>Council Member Horn</i>	<i>Yes</i>

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

### 1. Request for Proposals – Debris Management

Mayor Dowless said that there will be a 4-member committee to review the RFPs for debris management. He said seven proposals were received and remain unopened. Mayor Dowless said Council Member Pierce agreed to serve on behalf on the council, and Chief Freeburg will represent PD. Additionally, City Clerk Meeks will serve on the committee and Mayor will appoint a resident to also serve on the committee.

*Council Member Chotas moved to approve the procedure set forth in the memorandum from the City Clerk, dated October 9, 2019, regarding the RFP review committee for debris management services.*

This would not be just for debris management. He asked if this is a standard procedure and Attorney Smith said that it is just for this RFP.

*Council Member Chotas restated the motion to approve the process for a re-evaluation committee; second by Council Member Horn. Motion passed (4/0). No roll call vote.*

<b>GENERAL INFORMATION (No action required)</b>
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<b>CITIZEN COMMENTS</b>
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<b>STAFF REPORTS</b>
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**City Attorney Smith:**

- Opioids Negotiation Class Action Notice

City Attorney Smith referenced the copy of the class action opioid negotiations he provided to Council, noting that the purpose of the class action is for negotiation of settlements. He said it is an opt-out notice and he recommends the City do nothing. He continued with saying that opting out would allow the City a lawsuit and he does not foresee the City needing to do that. He said every City would be sharing for costs incurred. City Attorney Smith said there is no down side to NOT opting out. If there is a settlement, at any point, the City can opt out. The only quirk is that, if a county opts out and the municipalities do not, there is no way for the money to flow. He does not see any reason for Orange County to opt out. He said that November 22, 2019 is the opt-out date.

*There was no direction from Council to change anything.*

Chief Freeburg said Edgewood does not have a huge cost compared to the general area.

Resident, Les Slesnick, commented about the marketing of narcotics which were falsely marketed to doctors.

**Police Chief Freeburg:**

- Police Chief's Monthly Report

Chief Freeburg said the City is getting ready for Halloween on Friday (10/18/19). He said set up will begin around 11:00 am on Friday. Chief Freeburg said that everything is almost done. Chief Freeburg noted that this is the first big event without Mayor Bagshaw.

**City Clerk Meeks:**

Absent.

**MAYOR & COUNCIL REPORTS****Mayor Dowless**

Mayor Dowless reported on the following:

- Announced that resident Tom Perley agreed to serve on the review committee for the debris management proposals. He said resident Perley completed information online to the City's questionnaire that was sent out with the City newsletter some time ago. He said Deputy City Clerk Riffle will send out the survey again. He said as a result of the talent questionnaires, the City learned they have a resident who is expert in digital marketing. Mayor Dowless said the City will consult with this resident.
- Mayor Dowless complimented City Attorney Smith, Code Enforcement Officer Virginia Renteria, and Chief Freeburg. He said there have been ongoing problems with Pop's Auto looking like a salvage lot. He said staff kept detailed records, which resulted in the owners being fined \$250 a day for the repeat violation. Mayor Dowless said the owners are keeping the property cleaner and up-to-code.
- Mayor Dowless invited everyone to the City's Halloween event on Friday, October 18, 2019. He said there will also be live entertainment.

**Council President Horn**

No report

**Council Member Chotas**

Council Member Chotas reported on the Community Action Board meeting he attended. He said Orange County prepared a needs assessment and that the City of Edgewood might have something to add. Council Member Chotas said he could not think of anything Edgewood needs for housing, medical, demographics. Council Member Chotas asked if there is something to make a recommendation for within the City of Edgewood. He said the needs assessment aids in determining what needs to be solved on a demographic or social standpoint.

Council Member Chotas said there are also programs to educate and provide affordable housing. He said those in need might be referred out to a nonprofit, depending on their need. Council Member Chotas said

there are people who are poor that do not act poor. He asked the room if there is someone they know in Edgewood in need.

Cindy Frangello, resident, said that where she works there is always domestic violence issues across all strata. Chief Freeburg said there is not a lot of domestic violence in the City.

**Council Member Fortini**

Absent.

**Council Member Pierce**

Council Member Pierce said he will not be able to attend Friday's Halloween event because he will be out of town.

**Council Member Rader**

Council Member Rader said he will be unable to attend Friday's Halloween event as he will not be in town.

Council Member Rader said that Mayor Dowless was asked to attend a planning council for an organization called the Blue Zones Project. He said the focus is making healthy communities focused around an environment and healthy choices. For example, Edgewood has recently gone through this with the Edgewood Central District, to become pedestrian oriented with more green space. This could produce opportunities for funds down the road for such things as underground utilities and streetscaping. He said that Seminole County is on a third generation of infrastructure sales tax and he doesn't like dependency on a tax that should be part of programs.

Council Member Chotas asked if money uses bonds or spends tax revenues; Council Member Rader said they spend tax revenues.

Council Member Rader asked if Pop's Auto restriped their parking lot. City Attorney Smith said it was not authorized by City. He noted that the restriping was addressed. Council Member Rader says that other municipalities enforce deterioration of property, and that this is something for the City to consider.

Council Member Rader said The Waterfront restaurant has a parking problem. He asked where was the restaurant in their plan to hook up to sewer and noted that you cannot park on septic and berms, etc. Deputy City Clerk Riffle said that code enforcement is vigilant. She said the restaurant is getting parking arrangements for events off property.

Referencing the proposed annexation for Oak Water, City Attorney Smith said there are easement issues. He stated "Does the association have the right to give Edgewood the easement"; they can but how? It's in the hands of the association and they are talking to Attorney Jacob Schumer, who is in the same law firm as City Attorney Smith.

Mayor Dowless said that the March City Council meeting will need to be moved to the last Tuesday of the month, or a different Tuesday because the Presidential Preference Primary is March 17, 2020. He noted that there is a potential election for Edgewood too. Mayor Dowless asked for March 24, 2020 be reserved for the March Council meeting.

Resident Les Slesnick, asked for the city's position on vaping. City Attorney Smith said he has not delved into this. State regulation and some jurisdictions trying to spread awareness and adopt ordinances to regular sales.

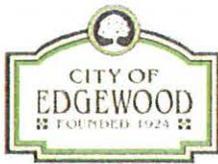
**ADJOURNMENT**

Having no further business, the Council meeting adjourned at 7:58 p.m. on *Council Member Rader's Motion to adjourn; second by Council Member Pierce. Motion passed (4/0).*

\_\_\_\_\_  
Richard Alan Horn  
Council President

\_\_\_\_\_  
Bea L. Meeks, MMC, CPM, CBTO  
City Clerk

*Approved on*



*From the desk of the City Clerk....*

*B*

*Bea L. Meeks, MMC, CPM, CBTO*

**TO:** Mayor Dowless, Council President Horn and Council Members Chotas, Fortini, Pierce and Rader

**CC:** Deputy City Clerk Riffle, Police Chief Freeburg, COS Patterson and City Attorney Smith

**DATE:** November 12, 2019

**RE:** Revised Boat Dock Ordinance

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**AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

As you know, you considered the first reading of Ordinance 2019-09 in the October Council meeting. There was a lot of discussion and proposed changes; for this reason, City Attorney Smith re-crafted the Ordinance based on your discussion. The Ordinance title seen above is for the revised boat dock Ordinance. I have not assigned a number to this Ordinance but have one ready pending your decision to hold first reading in the November 19, 2019, Council meeting. Should you decide to have first reading, the Ordinance number is 2019-10. Ordinance number 2019-09 will be vacated due to the substantial changes to the original Ordinance.

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ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Edgewood Code of Ordinances includes rules and regulations as to where and how boat docks may be constructed; and

WHEREAS, City staff has recommended amendments to certain regulations regarding boat dock construction and permitting; and

WHEREAS, members of the public have requested amendments to certain regulations regarding boat dock construction and permitting; and

WHEREAS, the Planning and Zoning Board has reviewed this Ordinance and recommended to the City Council approval of same; and

WHEREAS, the City Council finds the amendments contained herein are reasonable and appropriate and in the best interest of the health, safety, and welfare of the residents of the City of Edgewood; and

WHEREAS, deletions are identified herein by ~~strikethrough~~, additions are identified by underscore and portions of the Code remaining unchanged which are not reprinted here are identified by ellipses \*\*\*).

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA as follows:**

**Section 1:** The recitals set forth above are hereby adopted as findings of the City Council.

**Section 2:** Chapter 14, "Boats, Docks and Waterways" is hereby amended to read as follows:

Chapter 14 - BOATS, DOCKS AND WATERWAYS

Sec. 14-1. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings described to them by this section:

44 Access walkway means that portion of a dock that commences on the upland parcel and  
5 terminates at the junction with the terminal platform.

46 *Boats* means all rowboats, sailboats, canoes, dinghies, skiffs, rafts, dugouts, dredges and  
47 other vehicles of transportation for use on water, including inboard and outboard motorboats,  
48 unless otherwise indicated; and any and all objects tied to or connected therewith while being  
49 propelled through the water.

50 *Dock* means any permanently fixed or floating structure extending from the upland into the  
51 water, capable of use for vessel mooring and other water-dependent recreational activities. The  
52 term "dock" also includes any floating structure, boat lift or mooring piling, detached from the  
53 land, capable of use for mooring vessels and/or for other water-dependent recreational activities.  
54 The term "dock" also includes any area adjacent to the dock designated for mooring purposes.  
55 This term does not include any vessel that is not permanently docked, moored, or anchored.

56 *Inboard motorboat* means any boat which is propelled by any stationary or built-in  
57 mechanical device or means of power.

58 *Littoral rights* mean rights incident to ownership of property abutting a lake, canal, or other  
59 waters.

60 NHWE means the normal high water elevation for a water body as established by Orange  
61 County, Florida.

62 *Outboard motorboat* means any boat which is propelled by any mechanical device or means  
63 of power which is not stationary or built-in.

64 *Principal use* means a use of the upland parcel for residential, commercial or governmental  
65 purposes. At a minimum, a principal use shall be established by the issuance of a building permit  
66 for a principal structure.

67 *Riparian rights* mean the right of a landowner whose property borders on a body of  
68 navigable waters to make reasonable use of the water equal to the rights of other owners of land  
69 bordering on the same waters.

70 Terminal platform means that portion of a dock designed and used for the storing,  
71 mooring, and launching of water vessels or other water dependent activities.

72 *Waters bodies* means and includes, but is not limited to, lakes, streams, waterways, bays,  
73 inlets, canals, and all other waters or bodies of water, whether natural or artificial, located within  
74 the boundaries of the City of Edgewood.

75 \* \* \*

76 Sec. 14-11. - ~~Boat~~ Dock construction rules and regulations.

77 (a) Applications submitted for new docks and alterations to existing docks shall include all of  
78 the following:

79 (1) Three copies of a site plan drawn to scale which depicts the exact location of the  
80 dock and which includes the following:

- 81 a. An arrow indicating the northerly direction and the scale to which the plans were  
2 prepared;
- 83 b. The name of the water body upon which the dock is to be located;
- 84 c. The exact distance between the existing shoreline, at the point where the dock is  
85 to be located, and a permanent object or marker (e.g. house, tree, USGS  
86 benchmark) to be used as a reference point;
- 87 d. The exact setback distance from adjacent property lines and projected property  
88 lines to all portions of the dock;
- 89 e. Floor and roof elevations of the proposed dock structure connected to the dock,  
90 and floor and roof elevations of any existing dock, including any structures  
91 currently or proposed to be connected the dock;
- 92 f. The current water depth at the end of the dock and at all proposed mooring  
93 locations;
- 94 g. The NHWE;
- 95 h. The location of any lifts, hoists, mooring pilings, or mooring areas;
- 96 i. The exact dimensions of the dock, including the terminal platform and access  
97 walkway, and the specific individual dimensions of the terminal platform and the  
98 access walkway; the length of the dock shall be measured from the NHWE to the  
99 point of the dock furthest waterward from the NHWE;
- 100 j. The exact distance between the existing shoreline at the location where the dock  
101 is constructed or proposed and an existing permanent object or structure such as a  
102 house or tree which can be used as a reference point; and
- 103 k. The width of the water body at the location of the dock as measured from the  
104 NHWE at the location where the dock is constructed or proposed to the NHWE  
105 directly opposite the water body from such location;
- 106 (2) Satisfactory evidence of title;
- 107 (3) Documentation showing the riparian rights of the property on which the dock is  
108 located or proposed;
- 109 (4) A statement indicating whether any docks are located on abutting properties; and
- 110 (5) Three copies of engineered construction plans.
- 111 (1) The name of the lake or water body.
- 112 (2) An arrow indicating the northerly direction.

- 113           (3) ~~All drawings must be drawn at a standard engineering scale, and the drawings~~  
114           ~~must indicate the scale to which the plans are prepared.~~
- 115           (4) ~~A sealed drawing showing the dimensions of the subject property, location of any~~  
116           ~~buildings and easements on the property, and the length and location of the proposed~~  
117           ~~boat dock (length shall be measured from the normal high water line).~~
- 118           (5) ~~The exact distance between the existing shoreline; at the point where the dock is to~~  
119           ~~be constructed; and a permanent object or structure (e.g., house, tree) to be used as a~~  
120           ~~reference point.~~
- 121           (6) ~~The exact distance of setbacks from adjacent property lines, and an approximation~~  
122           ~~of the distance from the closest boat dock on each side of the property.~~
- 123           (7) ~~The floor elevation of the proposed boat dock, and the floor and roof elevation of~~  
124           ~~any boathouse or any other structure connected to the dock.~~
- 125           (8) ~~Depth of water at end of proposed dock.~~
- 126           (9) ~~A survey prepared by a Florida registered surveyor and mapper of the property~~  
127           ~~showing the normal high water line as established by Orange County and the proposed~~  
128           ~~dock, to scale, with the length, orientation and setbacks as established by this article.~~
- 129           (10) ~~Width of the waterway or canal at the location of the proposed dock, if said water~~  
130           ~~body or canal is less than 200 feet in width (all measurements to be taken from the~~  
131           ~~normal high water line).~~
- 132           (11) ~~The original signature(s) of the property owner(s) upon which the upland portion~~  
133           ~~of the dock is to be constructed.~~
- 134           (12) ~~The original signature(s) of the applicant(s), if the applicant is not the property~~  
135           ~~owner.~~
- 136           (13) ~~A statement indicating whether docks are located on abutting properties.~~
- 137           (14) ~~Applicants may submit the following information with their applications:~~
- 138                 a. ~~A request for a variance under this article.~~
- 139                 b. ~~Notarized, original, and signed letters of no objection from the abutting~~  
140                 ~~shoreline property owners, when applicable. The letters of no objection must~~  
141                 ~~identify the site plan and construction plan for the proposed dock, and a copy~~  
142                 ~~of the site plan and construction plan must be attached to the letter submitted~~  
143                 ~~to the city.~~
- 144           (b) To obtain a dock construction permit, the following criteria, at a minimum, must be  
145           satisfied:
- 146                 (1) Minimum side setbacks—Lake and canal properties. Except as otherwise provided  
147                 below Boat docks and associated structures shall have a minimum side setback of  
148                 tenfifteen feet from the projected side property line of abutting shoreline owners. A dock  
149                 may encroach up to five feet into the fifteen foot side setback if the applicant submits as  
150                 part of the application an original notarized letter of no objection from the owner of the  
151                 property on the side or sides within which such encroachment occurs. ~~If the side setback~~  
152                 ~~is less than 15 feet, then the applicant shall submit notarized, original, signed letters of~~

no objection from the abutting shoreline property owners. The letter of no objection must identify the site plan and construction plan for the proposed dock, and a copy of the site plan and construction plan must be attached to the letter submitted to the city. For purposes of this determination, and in the absence of property lines that already project into the water body, the projected property line of abutting shoreline owners shall be construed to mean a line projecting from the shoreline into the water 90 degrees from the abutting property owner's shoreline.

~~(2) *Minimum rear setback Canal properties.* Boat docks and associated structures shall have a minimum setback of 25 feet from the abutting rear property lines of property owners on the opposite shoreline of any canal.~~

~~(32) *Length of boat docks.* No dock shall extend further into a waterbody than where a reasonable water depth for a single vessel mooring is achieved, and in no event shall such depth exceed five (5) feet during normal hydrological conditions unless existing natural conditions of the waterbody necessitate a greater water depth to allow safe mooring conditions. No dock shall be constructed or extended to a length that would adversely impact the rights of other persons use of and access to the water body. In no circumstance shall a boat dock be constructed or extended nor shall a vessel be moored at boat a dock in such a manner as would cause the navigable width of the water body at the location of the dock to fall below twenty-five feet as measured from the most waterward point of the dock or moored boat to the nearest permanent obstruction to navigation. The maximum permitted length of boat docks and other structures which shall include walkways, boat house and terminal platforms shall not exceed 65 feet as measured from the normal high water line as established by Orange County, Florida, as marked by a registered surveyor and mapper, unless a variance is secured from the city council. No dock on a canal or otherwise shall extend waterward of the mean or ordinary high water line more than 25 percent of the width of the water body at the location of the dock. This is to assure that other property owners will retain their rights or reasonable use of, and access to, the lake.~~

~~(43) *Enclosed structures.* Other than for repair or reconstruction of existing structures, no structures having enclosed sidewalls are permitted. Enclosed shall be defined as, by way of example but not by limitation, screen houses, chain link fencing, lattice fencing and any form of paneling. In the case of existing enclosed structures or grandfathered structures, reconstruction, renovation, and repair shall be permitted as long as the footprint of the existing structures is maintained, the structure is not expanded as documented by the applicant, and adjacent property owners consent thereto in writing. Examples of such documentation may include but not be limited to surveys, photographs, contractors', engineers', or site plans.~~

~~(54) *Height of boat docks.* The minimum height of boat docks shall place them one foot above normal high water elevation the NHWE of the applicable water bodylake as established by Orange County. The maximum height shall be 13 feet above the normal high water line NHWE of the applicable water bodylake.~~

~~(65) *Square footage of boat docks.* The maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline~~

197 frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of  
198 one thousand (1,000) square feet. Access walkways shall not be included in the  
199 maximum square footage calculation. Roof eaves that do not extend more than three  
200 feet beyond the terminal platform shall not be included within the maximum square  
201 footage calculation.

202 ~~No boat dock shall exceed 1,000 square feet in total area. The total area of the dock is~~  
203 ~~that portion of the dock lying waterward of the normal high water line of the applicable~~  
204 ~~lake or water body.~~

205 (6) Access walkways. Access walkways shall not exceed five feet in width.

206 (7) *Docks prohibited in easements.* No work shall be within areas which are legal  
207 easements for ingress or egress, drainage, or utilities.

208 ~~(8) Construction of more than one dock per residential lot is not permitted. However,~~  
209 ~~one dock may shall be allowed permitted on each water body to which a residential lot~~  
210 ~~has frontage if when there is no navigable connection between the water bodies. In no~~  
211 ~~other circumstances shall more than one dock per residential lot be allowed.~~

212 (9) Under no circumstances shall a boat-dock be utilized for residential purposes.

213 (c) *Application procedures.*

214 (1) ~~The boat-dock permit application, and application fee a permit fee, three site plans~~  
215 ~~and three sets of engineered construction plans, and any other documents as set forth~~  
216 ~~above shall be submitted to the city clerk's office. Any question regarding the boat-dock~~  
217 ~~permit application will be answered by that department, the city engineer, or city~~  
218 ~~building official. The city clerk shall forward the application and all pertinent documents~~  
219 ~~to the city engineer for his/her review and recommendation. Unless a variance from the~~  
220 ~~provisions hereof is requested or required, the city engineer is authorized to approve~~  
221 ~~such applications meeting the requirements of this article following the receipt of a~~  
222 ~~complete application.~~

223 (2) *Notices to neighboring shoreline property owners.* Upon receiving the application,  
224 the clerk shall send notices by first-class mail to the owners of the properties abutting  
225 the property, other property owners who could be affected by the new dock because of  
226 any unusual configuration of the shoreline as determined by the city engineer or  
227 designee, and any other shoreline property owners within 300 feet of the property on  
228 which the dock is to be located. All such notices shall require that written comments on  
229 the proposed boat-docks permit application be sent to the clerk within 15 calendar days  
230 from the date such notices are sent. If no written objections are returned by property  
231 owners receiving notice, such owners shall be deemed to have given consent and to have  
232 waived their right to object to the construction of the dock. If notices sent by first-class  
233 mail to nearby properties are returned to the city, or if the city has reason to believe that  
234 the notice is undeliverable as addressed, the city shall use its best efforts to determine  
235 the current address of any neighboring property owners entitled to notice herein and  
236 shall use its best efforts to notify such current neighboring property owners of the  
237 proposed dock.

238 (3) *Approval by the city engineer.* Except as provided by paragraph (4), below, the  
239 city engineer is authorized to approve such applications after 15 calendar days from the  
240 date notices are sent so long as the minimum criteria are met and the application is  
241 complete in all other respects pursuant to this article.

242 a.(4) *Appeal of city engineer's decision.* The applicant or any person entitled to notice  
243 under this article may appeal a decision of the city engineer regarding the interpretation  
244 of the contents of the application or the minimum criteria set forth in this section. City  
245 council shall consider such appeal at its next available regularly scheduled meeting.

246 (45) *Decision by city council.* The city engineer is not authorized to approve any  
247 applications where there are objections from any shoreline property owner within 300  
248 feet of the property or other property owner entitled to notice under subsection (2)  
249 above, or where the city engineer or building official, in his or her discretion, believes  
250 the application should be decided by city council. ~~When an application for a boat dock  
251 must be decided by city council, the applicant shall submit a total of nine site plans and  
252 three sets of engineered construction plans to the city clerk's office.~~

253 a. When city council must decide the application for a boat dock permit, city council  
254 shall approve, deny, or approve with conditions the application to construct the  
255 boat dock at its next available regularly scheduled meeting. Notices of the hearing  
256 before city council shall be sent to the applicant and any person entitled to notice  
257 under this article. In determining whether to approve, deny, or approve with  
258 conditions the application, city council shall determine whether the application has  
259 been satisfactorily completed and whether the minimum criteria set forth above for  
260 issuance of the dock permit have been met. In addition, city council shall ~~apply~~  
261 consider the following criteria/factors:

- 262 1. Possible obstruction to navigability;
- 263 2. Unreasonable impairment of lake view visibility from abutting properties;
- 264 3. Hazardous ~~or~~ safety conditions; and
- 265 4. Whether the proposed structure unreasonably interferes with the riparian or  
266 littoral rights of other property owners. "Unreasonable interference" shall  
267 include but not be limited to: (a) proximity of docks of abutting property  
268 owners; (b) access for boaters and swimmers; and (c) any unusual  
269 configuration of the shoreline which would cause the proposed dock to restrict  
270 access to sections of the waterway.

271 b. The decision of the city council shall be in writing and shall indicate the date of the  
272 decision. Copies of the decision shall be sent by regular mail to the applicant and to  
273 those who previously filed written objections to the application. The decision of  
274 city council shall be final.

275 (d) *Variances.*

276 (1) An application for variance from the requirements of this article ~~may~~ shall be  
277 submitted to the city made to the planning and zoning board simultaneous with the  
278 submission of the boat dock application and permit fee. When a variance is requested,  
279 the applicant shall ~~also~~ submit to the city clerk's office nine site plans and three sets of

280 engineered construction plans in addition to the required application fee. At a minimum,  
281 the applicant shall identify the paragraphs of this article from which the applicant seeks  
282 a variance and the extent of the requested variance. An application for a variance may  
283 be processed at the same time or prior to an application for a dock permit. Notice of all  
284 hearings on a requested variance, including hearings before the planning and zoning  
285 board and city council, shall be provided to the applicant and any person entitled to  
286 receive notice under this Chapter as provided in Section 14-11(c)(2).

287 (2) The planning and zoning board shall hear and make a recommendation to the city  
288 council on any application for variance. To recommend to the city council such variance  
289 ~~from the terms of this article~~, the following ~~criteria~~ factors shall be ~~considered~~ applied to  
290 the application:

- 291 a. Average length of other docks in the surrounding 300-foot area;
- 292 b. The reasonable use of the property by the owner;
- 293 c. The effects the dock will have on navigation and safety of boaters;
- 294 d. The overall general welfare of the neighborhood;
- 295 e. Whether special conditions exist such that strict compliance with the
- 296 provisions of this article would impose a unique and unnecessary hardship on the
- 297 applicant;
- 298 f. The effect of the proposed variance on abutting shoreline property owners;
- 299 g. Whether the granting of the variance would be contrary to the intent and
- 300 purpose and this article; and
- 301 h. A variance ~~from the maximum length of 65 feet~~ may be granted if it is
- 302 necessary to reach a water depth suitable for boating, but in no event shall a dock be
- 303 extended in length beyond where the water depth will exceed five feet as measured
- 304 from the normal high water elevation.

305 (3) The city council shall receive the planning and zoning board's recommendation  
306 and shall make a final decision on the variance application after consideration of the  
307 same factors described in paragraph (2), above.

- 308 (e) *Compliance checks*. Once a permit has been issued for the construction of a ~~boat~~-dock by  
309 either the city engineer or the city council, the permit holder and/or designated agent must  
310 submit a notice of completion to the city engineer or designee within 30 days of completion  
311 of the construction of the ~~boat~~-dock so that a compliance check may be performed by the  
312 city engineer. The compliance check shall determine if the ~~boat~~ dock was built according to  
313 the permit issued by the city.
- 314 (f) *Building permit*. Following the approval of a ~~boat~~ dock application, either by the city  
315 engineer or by city council, the applicant is also required to obtain a building permit prior to  
316 commencing construction. In the event electricity is run to the ~~boat~~ dock, the proper  
317 electrical permit must also be obtained. All construction must be commenced, ~~or~~ and  
318 completed, or both within the guidelines established by the city and any other agency having  
319 jurisdiction. The applicant is responsible for all fees associated with the procurement of  
320 necessary permits.

321 (g) Maintenance and repair. Routine maintenance and repair of docks may be conducted on  
322 any dock for which a dock permit was obtained from the city provided that no portion of the  
323 dock shall be expanded or enlarged as a result of such maintenance or repair activity.

324 (gh) Approval of a boat-dock permit by the City of Edgewood will not eliminate the  
325 application of any other government requirements or the necessity for any other  
326 governmentally required permit(s).

327 Sec. 14-12. - Boat dDock regulation: intent and purpose.

328 (a) The purpose of this article is to regulate the construction of boat-docks such that the  
329 navigation of water bodies is not unreasonably impeded.

330 (b) An intent of the city council is to protect and enhance the city's water bodies so that the  
331 public can continue to enjoy the traditional recreational uses of those waters such as  
332 swimming, boating, and fishing.

333 (c) It is further the intent of the city council to apply these regulations in a manner sensitive to  
334 the riparian and littoral rights and other property rights of the applicant, riparian and littoral  
335 rights and other property rights of the waterfront property owners, and the right of the public  
336 to the traditional uses and enjoyment of water bodies in the city.

337 Sec. 14-13. - Permits required; fees.

338 (a) No boat dock shall be constructed in the city without first seeking and obtaining a boat  
339 dock permit. Applications are available in the office of the city clerk.

340 (b) By resolution, the city council may from time to time establish fees to be applicable to all  
341 permits, variances, appeals, or other regulatory activities authorized in this article. Payment  
342 of any application fees shall in no way guarantee issuance of a dock permit, and such fee is  
343 nonrefundable.

344  
345 **Section 3:** Conflicts. All ordinances or parts thereof in conflict herewith are hereby  
346 repealed to the extent of such conflict.

347  
348 **Section 4:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or  
349 portion of this ordinance is for any reason held invalid or unconstitutional by any court of  
350 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent  
351 provision and such holding shall not affect the validity of the remaining portions hereof.

352  
353 **Section 5:** Codification. The provisions of this Ordinance shall be codified as and  
354 become and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of  
355 this Ordinance may be renumbered or relettered to accomplish such intention and the word  
356 "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate  
357 word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

358  
359 **Section 6:** This ordinance shall take effect immediately upon its adoption.  
360

361           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the City  
362           ? Council of the City of Edgewood, Florida.

363

364

365 PASSED ON FIRST READING: \_\_\_\_\_

366

367 PASSED ON SECOND READING: \_\_\_\_\_

368

369

370 \_\_\_\_\_  
Richard A. Horn, Council President

371

372 *ATTEST:*

373

374

375 \_\_\_\_\_  
Bea L. Meeks

376

City Clerk



46 mandatory. Whenever in this chapter a term, phrase or word is not defined, then in that event the  
7 city council shall define the same.

48 *Abutting property* means any property that is immediately adjacent to or contiguous to  
49 property that may be subject to any hearing required to be held under this chapter or that is  
50 located immediately across any road or public right-of-way from the property subject to any  
51 hearing under this act.

52 *Accessory buildings structures and uses* means ~~a subordinate and incidental structures and~~  
53 ~~uses to the principal structure and use-, including but not limited to residential garages, carports,~~  
54 ~~workshops, garden sheds, gazebos, pool houses, cabanas, screen enclosures, children's play~~  
55 ~~houses, and other appurtenant fixtures associated with the primary building. The principal use~~  
56 ~~must be in existence before an accessory building or use may be constructed or utilized~~ No  
57 accessory structure shall be permitted unless a principal structure is located on the same  
58 property.

59

60 \* \* \*

61

62 *Service station.* See *Automobile service station.*

63 *Screen enclosure* means an accessory structure that is self-supporting and has a permeable  
64 roof and walls comprised of insect screening. A screen enclosure may be a detached  
55 freestanding structure or attached to a principal or accessory structure.

66 \* \* \*

67 **Section 3:** Section 134-483, "Location of accessory buildings and uses in residential  
68 areas," is hereby amended to read as follows:  
69

70 Sec. 134-483. - Location of accessory ~~buildings structures and uses~~ in residential areas.

71 (a) With the exception of screen enclosures and boat docks/boat houses, ~~When~~ an accessory  
72 building structure is attached to a principal structure by a breezeway, passage or otherwise,  
73 it shall become a part of the principal building and shall be subject to the required setbacks  
74 of the principal building.

75 (b) With the exception of screen enclosures and boat docks/boat houses, ~~Aa~~ detached accessory  
76 building structure, ~~including garage apartments,~~ shall not be located closer than five feet to a  
77 lot line, nor closer than six feet to any other accessory building on the same lot.

78 (c) No detached accessory building structure shall be located in front of the principal building.

79 (d) No accessory building structure may be constructed prior to construction of the principal  
80 building.

81 (e) Unless specifically provided otherwise elsewherein in this Code, accessory fixtures,  
82 including but not limited to, generators, air conditioning/heating and ventilation

83 components, and swimming pool pumps/heaters, appurtenant to any building are considered a  
4 part of such building and shall conform to all requirements of this section.

85 (f) Up to three detached accessory structures may be located on a single residential property,  
86 with only one being a detached garage.

87  
88 (g) With the exception of screen enclosures and boat docks/boat houses, accessory structures  
89 with a footprint over 200 square feet may not be constructed unless a variance is approved.

90  
91 (h) A screen enclosure, whether attached or detached, shall meet the following criteria:

- 92  
93 1. the screen enclosure shall meet the side setback requirements of the zoning district in  
94 which it is located;
- 95 2. the screen enclosure shall be located no closer than five feet from the rear property line;
- 96 3. the area enclosed by screening shall not exceed the square footage of the living area of  
97 the primary structure;
- 98 4. all impervious surface shall count toward the maximum impervious surface allowed on  
99 the lot;
- 100 5. the screen enclosure shall be no higher than the roof of the primary structure;
- 101 6. the screen enclosure cannot extend over an established easement; and
- 102 7. enclosed screen patios shall not be used as garages, carports, storage rooms, or habitable  
103 rooms.

104  
105 **Section 4:** Section 134-515, "Swimming pools; owner's responsibilities in operation and  
106 maintenance; city's authority," is hereby amended to read as follows:

107  
108  
109 Sec. 134-515. - Swimming pools; owner's responsibilities in operation and maintenance; city's  
110 authority.

- 111 (a) The outside water edge of swimming and wading pools shall be located no closer than ten  
112 feet from rear or side lot lines, nor within any required front yard. All pools shall be  
113 completely enclosed by a screen enclosure, a wood or link-type fence or a solid wall at least  
114 four feet in height, the gates of which shall be a latching type on the inside of the gate or  
115 enclosure, except that requirements for fencing or wall along the lakeside of lakefront  
116 property shall not apply where the other three sides are fenced or fully enclosed, and such  
117 side enclosure is continued at least to the present or proposed low water control level of the  
118 lake. ~~No screened enclosure shall be located within any required front yard, nor nearer than~~  
119 ~~five feet from any side or rear property line.~~ Screen enclosures shall meet the standards  
120 found in Section 134-483.

121  
2       For lakefront property, pool setbacks shall be measured from the normal high water line  
123 (NHWL) to the water's edge of the pool with the setback being the rear setback for that  
124 particular zoning district. Encroachments into drainage swales or easements shall be  
125 prohibited regardless of setback distance.  
126

- 127 (b) It is the responsibility of the pool owner to see that the operation of his pool does not cause  
128 undue noise or excess lighting which might prevent the enjoyment by adjoining property  
129 owners of their property.
- 130 (c) Upon construction of a swimming pool, the owner or persons responsible for its operation  
131 shall keep in service all items designed for the purification of the water supply or its  
132 protection from pollution to perform adequately the function for which such were designed.
- 133 (d) Drains shall be provided whereby when the pool is not to be used for a period of time, all  
134 piping, pits, etc., can be drained to a safe level and maintained.
- 135 (e) The water supply for all pools shall be clean, clear and free from objectionable minerals and  
136 physical characteristics, meeting the bacteriological requirements for domestic water supply.
- 137 (f) If evidence indicates the above noted conditions do not exist, the council shall direct that the  
138 owner of the pool be given 15 days' notice by certified mail that the city will, at the  
139 expiration of 15 days from the date of such notice, proceed to clean or empty such pool; and  
140 that the cost thereof will be assessed against the owner thereof.
- 141 (g) Should any such owners not comply with the provisions of this section by draining or  
142 cleaning such pool, the city may then proceed with such work and the cost thereof shall be a  
143 charge against the owners of such land and shall remain a lien against such land until paid.

144  
145       **Section 5:** Section 134-579, "Table of bulk regulations and setbacks," is hereby amended  
146 to read as follows:  
147

148       Sec. 134-579. - Table of bulk regulations and setbacks.

149       \*       \*       \*

150       <sup>1</sup>Setbacks from every natural surface water body shall be a minimum of 50 feet, measured  
151 from the normal high water elevation. ~~Pool setbacks shall be measured from the normal high~~  
152 ~~water line (NHWL) as established by the county to the water's edge of the pool (as outlined~~  
153 ~~in the Code). The setback distance used shall be the rear setback for that particular zoning~~  
154 ~~district (per the county). Encroachments into drainage swales, easements, etc., will not be~~  
155 ~~allowed, regardless of setback distance. Pool decks and enclosures will be allowed to~~  
156 ~~encroach into the setback a distance not to exceed five feet.~~

157       <sup>2</sup>Buildings in excess of 35 feet in height may be permitted as a special exception.

158       <sup>3</sup>Buildings in excess of one story in height within 100 feet of side or rear lot line of any  
159 single-family residential district may be permitted as a special exception

160       <sup>4</sup>Side setback is 25 feet where adjacent to single-family district.

161 <sup>5</sup>Corner lots shall be 125 feet on major streets (see this division), 100 feet for all other  
162 streets.

163 <sup>6</sup>Corner lots shall be 150 feet on major streets (see this division), 125 feet for all other  
164 streets.

165  
166 **Section 6:** Conflicts. All ordinances or parts thereof in conflict herewith are hereby  
167 repealed to the extent of such conflict.

168  
169 **Section 7:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or  
170 portion of this ordinance is for any reason held invalid or unconstitutional by any court of  
171 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent  
172 provision and such holding shall not affect the validity of the remaining portions hereof.

173  
174 **Section 8:** Codification. The provisions of this Ordinance shall be codified as and  
175 become and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of  
176 this Ordinance may be renumbered or relettered to accomplish such intention and the word  
177 "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate  
178 word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

179  
180 **Section 9:** This ordinance shall take effect immediately upon its adoption.

181  
182 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the City  
183 Council of the City of Edgewood, Florida.

184  
185  
186 PASSED ON FIRST READING: **October 1, 2019**

187  
188 PASSED ON SECOND READING: **November 19, 2019**

189  
190  
191 \_\_\_\_\_  
192 Richard A. Horn, Council President

193 *ATTEST:*

194  
195 \_\_\_\_\_  
196 Bea L. Meeks  
197 City Clerk

198



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

**TO:** Mayor Dowless, Council President Horn and Council Members Chotas, Fortini, Pierce and Rader

**CC:** Deputy City Clerk Riffle, Police Chief Freeburg, COS Patterson and City Attorney Smith

**DATE:** November 12, 2019

**RE:** Request for Proposal RE: Debris Management Services

The<sup>1</sup> RFP Committee met on November 12, 2019, and shared their reviews and rankings of the following companies who submitted proposals (provided in no particular order):

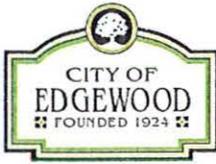
1. SDR	
2. Custom Tree Care	
3. Crowder Gulf	
4. Grubbs	
5. Ceres	
6. Central FL ArborCare	
7. TFR	DISQUALIFIED

The committee quickly found that their reviews were similar, as were their rankings. Resident Perley and Council Member Pierce questioned what were the primary costs to consider, and the committee agreed on the following (given in no particular order):

COMPANY	3-person Crew 10 hours	Grapple Truck 10 hours	Debris Removal From R of W 120 cy	TOTAL
SDR	\$ 2650	\$ 1300	\$ 882	\$ 4832
Crowder Gulf	\$ 3050	\$ 1900	\$ 1230	\$ 6180
Grubbs	\$ 4500	\$ 1250	\$ 1080	\$ 6830
Ceres	\$ 2600	\$ 2500	\$ 1798	\$6898

At the conclusion of the review, the committee discussed selecting a primary and secondary company; the decision was to select only a primary company. The committee’s decision was to recommend SDR. The selection was based on the fact that SDR’s proposal met criteria, they presented a qualified staff; some with FEMA background and costs (not inclusive). It was quickly revealed during the committee’s review that SDR was a top choice, even before all the rankings were revealed. Council Member Pierce is prepared to expand on the review, and answer questions regarding the committee’s review and recommendation of SDR to Council as the City’s debris management services provider.

<sup>1</sup> Members: Bea L. Meeks, City Clerk, Police Chief John Freeburg, Council Member Ben Pierce and Resident Tom Perley



*From the desk of the City Clerk....*

*Bea L. Meeks, MMC, CPM, CBTO*

*B*

**TO:** Mayor Dowless, Council President Horn and Council Members Chotas, Fortini, Pierce and Rader

**CC:** Deputy City Clerk Riffle, Police Chief Freeburg, PD Manager Patterson and City Attorney Smith

**DATE:** November 8, 2019

**RE:** Budget Amendment

---

Below is a summary of the budget amendment for the 2018/2019 fiscal year.

1. Red Light Citations - Revenue  
Approved Budget was \$450,000  
Receipts were \$684,972  
Budget Variance (\$234,972)
  
2. Red Light Operational  
Approved expenses were \$350,000  
Actual Expenses were \$510,403  
Budget Variance (\$160,403)
  
3. Stormwater/Testing (watershed)  
Approved expenses were \$10,000  
Actual expenses \$11,022  
Budget variance is \$1,122

As a result of the above, the operational account was increased by \$160,000. The amended budget indicates a budget variance of (\$403). There was no need to include the \$403 in the increase because the City Hall budget was under the FY budgeted amount. Stormwater is included with the general fund on the audited financials, so there are no changes for this account.

#### Roads & Streets

The purpose of the budget amendment in the roads and streets fund was due to the original adopted budget budgeting for total expenditures that were greater than the budgeted revenues, and the actual ending FY 2018 fund balance. To end with a positive budgeted fund balance, the City needs to budget the additional revenues coming from the general fund (\$75,000).

RESOLUTION NO. 2019-04

**A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2018-2019 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, 2018, the City Council of the City of Edgewood, Florida adopted Resolution No. 2018-06 approving the annual budget for Fiscal Year 2018/2019; and

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

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

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

**SECTION 1. BUDGET AMENDMENT:** The City Council of the City of Edgewood, Florida amends the Fiscal Year 2018/2019 budget as shown on Schedule "A", which is attached hereto and incorporated by reference herein.

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

**PASSED and ADOPTED** by the City Council of the City of Edgewood, Florida on the 19th day of November, 2019.

\_\_\_\_\_  
RICHARD A. HORN, COUNCIL PRESIDENT

ATTEST:

\_\_\_\_\_  
Bea L. Meeks, MMC, CPM, CBTO  
City Clerk

	YTD Actual Activity	Total Budget	Budget Variance	Total Amendment	Final budget	Final Var
<b>GENERAL FUND</b>						
<b>REVENUES</b>						
* TOTAL TAX REVENUE	\$ 2,164,070.24	\$ 2,078,602.00	\$ (85,468.24)	\$ -	\$ 2,078,602.00	\$ (85,468.24)
* TOTAL LICENSES AND PERMITS	280,781.60	202,000.00	\$ (78,781.60)	-	\$ 202,000.00	\$ (78,781.60)
* TOTAL GRANT FUNDING	-	-	-	-	\$ -	\$ -
* TOTAL INTER-GOVERNMENTAL REVENUE	588,317.09	545,070.00	\$ (43,247.09)	-	\$ 545,070.00	\$ (43,247.09)
* TOTAL CHARGES FOR SERVICE	420,147.19	368,913.00	\$ (51,234.19)	-	\$ 368,913.00	\$ (51,234.19)
* TOTAL FINES	798,828.16	501,327.00	\$ (297,501.16)	<b>160,000.00</b>	\$ 661,327.00	\$ (137,501.16)
* TOTAL MISCELLANEOUS REVENUE	44,221.41	42,972.00	\$ (1,249.41)	<b>5,300.00</b>	\$ 48,272.00	\$ 4,050.59
* TOTAL TRANSFERS IN	-	-	\$ -	-	\$ -	\$ -
* TOTAL REVENUES	\$ 4,296,365.69	\$ 3,738,884.00	\$ (557,481.69)	\$ <b>165,300.00</b>	\$ 3,904,184.00	\$ (392,181.69)
<b>EXPENDITURES</b>						
* TOTAL CITY HALL	\$ 1,185,761.26	\$ 1,034,140.00	\$ (151,621.26)	\$ <b>160,000.00</b>	\$ 1,194,140.00	\$ 8,378.74
* TOTAL POLICE DEPARTMENT	1,800,314.14	1,907,467.00	\$ 107,152.86	-	\$ 1,907,467.00	\$ 107,152.86
* TOTAL CAPITAL OUTLAY GRANTS	48,651.04	43,382.00	\$ (5,269.04)	<b>5,300.00</b>	\$ 48,682.00	\$ 30.96
* TOTAL FIRE CONTROL	663,660.36	663,807.00	\$ 146.64	-	\$ 663,807.00	\$ 146.64
* TOTAL PHYSICAL ENVIRONMENT	265,884.90	273,194.00	\$ 7,309.10	-	\$ 273,194.00	\$ 7,309.10
* TOTAL TRANSFERS OUT	-	-	\$ -	<b>75,000.00</b>	\$ 75,000.00	\$ 75,000.00
* TOTAL EXPENDITURES	\$ 3,964,271.70	\$ 3,921,990.00	\$ (42,281.70)	\$ 240,300.00	\$ 4,162,290.00	\$ 198,018.30
* EXCESS RECEIPTS OVER DISBURSEMENTS	\$ 332,093.99	\$ (183,106.00)	\$ (515,199.99)	\$ (75,000.00)	\$ (258,106.00)	\$ (590,199.99)
Beginning Fund Balance	\$ 2,760,049.00				\$ 2,760,049.00	
Calculated Ending Fund Balance	\$ 3,092,142.99				\$ 2,501,943.00	
<b>FUND 02</b>						
TOTAL REVENUES	\$ 127,322.85	\$ 119,336.00	\$ (7,986.85)	\$ -	\$ 119,336.00	\$ (7,986.85)
TRANS FROM GEN. FUND	-	-	-	<b>75,000.00</b>	\$ 75,000.00	\$ 75,000.00
Total Revenues & Transfers in	\$ 127,322.85	\$ 119,336.00	\$ (7,986.85)	\$ 75,000.00	\$ 194,336.00	\$ 67,013.15
* TOTAL ROADS & STREETS EXPENDITURES	\$ 194,155.99	\$ 250,704.00	\$ 56,548.01	\$ -	\$ 250,704.00	\$ 56,548.01
* EXCESS RECEIPTS OVER DISBURSEMENTS	\$ (66,833.14)	\$ (131,368.00)	\$ (64,534.86)	\$ 75,000.00	\$ (56,368.00)	\$ 10,465.14
Beginning Fund Balance	\$ 61,741.00				\$ 61,741.00	
Calculated Ending Fund Balance	\$ (5,092.14)				\$ 5,373.00	

## SCHEDULE "A"

CITY OF EDGEWOOD  
STATEMENT OF REVENUE AND EXPENDITURES  
FOR THE ONE MONTH AND TWELVE MONTHS ENDING SEPTEMBER 30, 2019

	Current Actual Activity	YTD Actual Activity	YTD Budget	Total Budget	Budget Variance	(1) Red light camera adjustment	(2) adjust CH budget closer to actuals	(3) R&S transfer adjustment	(4) adjust R&S exp closer to actuals	Total adj	Final budget	Final Var
<b>REVENUES</b>												
<b>TAX REVENUE</b>												
311100-01	AD VALOREM TAXES	\$ 3,193.90	\$ 1,528,807.89	\$ 1,504,055.00	1,504,055.00	(24,752.89)				\$ -	\$ 1,504,055.00	\$ (24,752.89)
311110-01	TANGIBLE TAXES	287.29	119,822.86	119,147.00	119,147.00	(675.86)				\$ -	\$ 119,147.00	\$ (675.86)
311120-01	TANGIBLE TAXES (RAILROAD)	0.00	148.86	0.00	0.00	(148.86)				\$ -	\$ -	\$ (148.86)
313400-01	FRANCHISE TAX - GAS	7.43	1,326.89	1,400.00	1,400.00	73.11				\$ -	\$ 1,400.00	\$ 73.11
314100-01	UTILITY SERVICE TAX - POWER	68,564.07	336,865.48	260,000.00	260,000.00	(76,865.48)				\$ -	\$ 260,000.00	\$ (76,865.48)
314300-01	UTILITY SERVICE TAX - WATER	9,191.16	52,166.08	62,000.00	62,000.00	9,833.92				\$ -	\$ 62,000.00	\$ 9,833.92
315000-01	LOCAL COMMUNICATIONS SERV TAX	13,836.80	88,974.33	101,000.00	101,000.00	12,025.67				\$ -	\$ 101,000.00	\$ 12,025.67
316000-01	BUSINESS TAX RECEIPTS	1,722.04	35,957.85	31,000.00	31,000.00	(4,957.85)				\$ -	\$ 31,000.00	\$ (4,957.85)
	* TOTAL TAX REVENUE	96,802.69	2,164,070.24	2,078,602.00	2,078,602.00	(85,468.24)	\$ -	\$ -	\$ -	\$ -	\$ 2,078,602.00	\$ (85,468.24)
<b>LICENSES AND PERMITS</b>												
321200-01	SIGN PERMITS	100.00	3,200.00	1,500.00	1,500.00	(1,700.00)				\$ -	\$ 1,500.00	\$ (1,700.00)
321300-01	ESTATE SALES	50.00	400.00	50.00	50.00	(350.00)				\$ -	\$ 50.00	\$ (350.00)
322300-01	BLDG REV FEE/SITE-COMMERCIAL	50.00	2,400.00	1,000.00	1,000.00	(1,400.00)				\$ -	\$ 1,000.00	\$ (1,400.00)
322400-01	BLDG REV FEE/SITE-RESIDENTIAL	1,450.00	6,100.00	3,000.00	3,000.00	(3,100.00)				\$ -	\$ 3,000.00	\$ (3,100.00)
322700-01	TREE PERMITS	0.00	425.00	300.00	300.00	(125.00)				\$ -	\$ 300.00	\$ (125.00)
323100-01	DUKE ENERGY FRANCHISE FEES	54,176.45	263,387.75	193,000.00	193,000.00	(70,387.75)				\$ -	\$ 193,000.00	\$ (70,387.75)
329000-01	RIGHT OF WAY PERMITS	0.00	0.00	150.00	150.00	150.00				\$ -	\$ 150.00	\$ 150.00
329020-01	ADMIN. SERV. FEE	200.00	4,868.85	3,000.00	3,000.00	(1,868.85)				\$ -	\$ 3,000.00	\$ (1,868.85)
	* TOTAL LICENSES AND PERMITS	56,026.45	280,781.60	202,000.00	202,000.00	(78,781.60)	\$ -	\$ -	\$ -	\$ -	\$ 202,000.00	\$ (78,781.60)
<b>GRANT FUNDING</b>												
	* TOTAL GRANT FUNDING	0.00	0.00	0.00	0.00	0.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>INTER-GOVERNMENTAL REVENUE</b>												
335120-01	MUNICIPAL REVENUE SHARING	21,167.79	130,909.79	121,721.00	121,721.00	(9,188.79)				\$ -	\$ -	\$ -
335150-01	ALCOHOL BEV LICENSES	0.00	1,069.78	1,500.00	1,500.00	430.22				\$ -	\$ 1,500.00	\$ 430.22
335180-01	LOCAL GOVT - 1/2 CT SLS TX	72,181.86	452,907.59	420,249.00	420,249.00	(32,658.59)				\$ -	\$ 420,249.00	\$ (32,658.59)
335190-01	GAS TAX REBATE	341.16	1,589.93	1,500.00	1,500.00	(89.93)				\$ -	\$ 1,500.00	\$ (89.93)
339000-01	TREE REPLACEMENT TRUST	250.00	1,840.00	100.00	100.00	(1,740.00)				\$ -	\$ 100.00	\$ (1,740.00)
	* TOTAL INTER-GOVERNMENTAL REVENUE	93,940.81	588,317.09	545,070.00	545,070.00	(43,247.09)	\$ -	\$ -	\$ -	\$ -	\$ 545,070.00	\$ (43,247.09)
<b>CHARGES FOR SERVICES</b>												
342900-01	POLICE REPORTS-FINGER PRINT	1,662.86	19,084.58	30,000.00	30,000.00	10,915.42				\$ -	\$ 30,000.00	\$ 10,915.42
342901-01	OFF DUTY EQUIPMENT/USAGE REIMB	5,442.84	78,600.86	26,913.00	26,913.00	(51,687.86)				\$ -	\$ 26,913.00	\$ (51,687.86)
343400-01	SOLID WASTE REV RESID.	0.00	237,607.48	247,000.00	247,000.00	9,392.52				\$ -	\$ 247,000.00	\$ 9,392.52
343410-01	SOLID WASTE REV COMM.	4,551.45	53,950.90	45,000.00	45,000.00	(8,950.90)				\$ -	\$ 45,000.00	\$ (8,950.90)
349000-01	LAND USE FEES	3,350.00	30,903.37	20,000.00	20,000.00	(10,903.37)				\$ -	\$ 20,000.00	\$ (10,903.37)
	* TOTAL CHARGES FOR SERVICE	15,006.95	420,147.19	368,913.00	368,913.00	(51,234.19)	\$ -	\$ -	\$ -	\$ -	\$ 368,913.00	\$ (51,234.19)
<b>FINES</b>												
352100-01	FINES & FORFIETURES	16,829.95	105,649.35	37,000.00	37,000.00	(68,649.35)				\$ -	\$ 37,000.00	\$ (68,649.35)
352100-04	2ND DOLLAR EDUCATION	804.96	5,474.32	1,500.00	1,500.00	(3,974.32)				\$ -	\$ 1,500.00	\$ (3,974.32)
352110-06	LETF/SEIZURE FUND	0.00	0.00	10,727.00	10,727.00	10,727.00				\$ -	\$ 10,727.00	\$ 10,727.00
352120-01	RED LIGHT CITATIONS	47,442.00	684,972.00	450,000.00	450,000.00	(234,972.00)	\$ 160,000.00			\$ 160,000.00	\$ 610,000.00	\$ (74,972.00)
354100-01	CODE ENFORCEMENT FINES	0.00	0.00	1,000.00	1,000.00	1,000.00				\$ -	\$ 1,000.00	\$ 1,000.00

CITY OF EDGEWOOD  
STATEMENT OF REVENUE AND EXPENDITURES  
FOR THE ONE MONTH AND TWELVE MONTHS ENDING SEPTEMBER 30, 2019

		Current Actual Activity	YTD Actual Activity	YTD Budget	Total Budget	Budget Variance	(1) Red light camera adjustment	(2) adjust CH budget closer to actuals	(3) R&S transfer adjustment	(4) adjust R&S exp closer to actuals	Total adj	Final budget	Final Var
354150-01	FALSE ALARMS - FINES	50.00	1,150.00	500.00	500.00	(650.00)					\$ -	\$ 500.00	\$ (650.00)
359000-01	PARKING FINES	87.66	1,582.49	600.00	600.00	(982.49)					\$ -	\$ 600.00	\$ (982.49)
	* TOTAL FINES	65,214.57	798,828.16	501,327.00	501,327.00	(297,501.16)	\$ 160,000.00	\$ -	\$ -	\$ -	\$ 160,000.00	\$ 661,327.00	\$ (137,501.16)
<b>MISCELLANEOUS REVENUES</b>													
361200-01	INTEREST - SBA GENERAL	64.59	849.16	350.00	350.00	(499.16)					\$ -	\$ 350.00	\$ (499.16)
361200-08	INTEREST - SBA STORMWATER	9.56	125.66	50.00	50.00	(75.66)					\$ -	\$ 50.00	\$ (75.66)
361320-01	INTEREST - TAX COLLECTOR	829.20	6,605.01	2,000.00	2,000.00	(4,605.01)					\$ -	\$ 2,000.00	\$ (4,605.01)
361322-01	INTEREST - TANGIBLE TAXES	13.69	121.33	10.00	10.00	(111.33)					\$ -	\$ 10.00	\$ (111.33)
361325-01	INTEREST-CENTER STATE	570.31	7,092.21	7,000.00	7,000.00	(92.21)					\$ -	\$ 7,000.00	\$ (92.21)
361328-01	INTEREST/GARBAGE-WASTE	32.38	697.70	300.00	300.00	(397.70)					\$ -	\$ 300.00	\$ (397.70)
363200-01	SCHOOL IMPACT ADMIN FEES	0.00	0.00	8,785.00	8,785.00	8,785.00					\$ -	\$ 8,785.00	\$ 8,785.00
363210-03	LAW ENFORCEMENT IMPACT FEE	0.00	0.00	193.00	193.00	193.00					\$ -	\$ 193.00	\$ 193.00
363220-07	FIRE RESCUE IMPACT FEES	0.00	0.00	209.00	209.00	209.00					\$ -	\$ 209.00	\$ 209.00
363240-01	TRANSPORTATION IMPACT FEES	0.00	0.00	2,075.00	2,075.00	2,075.00					\$ -	\$ 2,075.00	\$ 2,075.00
366000-01	DONATIONS	0.00	1,000.00	5,000.00	5,000.00	4,000.00					\$ -	\$ 5,000.00	\$ 4,000.00
367100-01	GRANT REVENUE	0.00	0.00	6,000.00	6,000.00	6,000.00					\$ -	\$ 6,000.00	\$ 6,000.00
369800-01	FARMERS MARKET/SPECIAL	0.00	6,300.00	5,000.00	5,000.00	(1,300.00)					\$ -	\$ 5,000.00	\$ (1,300.00)
369900-01	MISCELLANEOUS/NO DESIGNATED GL	221.50	9,459.81	4,000.00	4,000.00	(5,459.81)		\$ 5,300.00			\$ 5,300.00	\$ 9,300.00	\$ (159.81)
369910-01	CITY NEWSLETTER REVENUE	105.00	1,020.00	1,000.00	1,000.00	(20.00)					\$ -	\$ 1,000.00	\$ (20.00)
369950-01	MISCELLANEOUS (PD)	0.00	10,950.53	1,000.00	1,000.00	(9,950.53)					\$ -	\$ 1,000.00	\$ (9,950.53)
	* TOTAL MISCELLANEOUS REVENUE	1,846.23	44,221.41	42,972.00	42,972.00	(1,249.41)	\$ -	\$ 5,300.00	\$ -	\$ -	\$ 5,300.00	\$ 48,272.00	\$ 4,050.59
<b>NON-REVENUE SOURCES</b>													
	* TOTAL NON-REVENUE SOURCES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	* TOTAL REVENUES	\$ 328,837.70	\$ 4,296,365.69	\$ 3,738,884.00	\$ 3,738,884.00	#####	\$ 160,000.00	\$ 5,300.00	\$ 0.00	\$ 0.00	\$ 165,300.00	\$ 3,904,184.00	\$ (392,181.69)
<b>EXPENDITURES</b>													
<b>CITY HALL</b>													
513116-01	SALARY-CODE ENFORCEMENT	\$ 3,979.09	\$ 39,920.50	\$ 39,146.00	39,146.00	(774.59)					\$ -	\$ 39,146.00	\$ (774.59)
513120-01	SALARY EXPENSE - CH	15,155.81	135,701.41	133,370.00	133,370.00	(2,331.41)					\$ -	\$ 133,370.00	\$ (2,331.41)
513130-01	LONGEVITY PAY	0.00	1,600.00	1,600.00	1,600.00	0.00					\$ -	\$ 1,600.00	\$ -
513140-01	OVERTIME	0.00	0.00	1,000.00	1,000.00	1,000.00					\$ -	\$ 1,000.00	\$ 1,000.00
513150-01	HOLIDAY BONUS	0.00	600.00	600.00	600.00	0.00					\$ -	\$ 600.00	\$ -
513201-01	MAYOR'S SALARY	0.00	4,500.00	12,000.00	12,000.00	7,500.00					\$ -	\$ 12,000.00	\$ 7,500.00
513210-01	PAYROLL TAXES - FICA	1,314.09	13,147.71	13,350.00	13,350.00	202.29					\$ -	\$ 13,350.00	\$ 202.29
513211-01	PAYROLL TAXES - MAYOR	0.00	344.25	918.00	918.00	573.75					\$ -	\$ 918.00	\$ 573.75
513230-01	HEALTH/DENTAL/STD/LIFE INS-CH	2,536.67	30,504.02	30,080.00	30,080.00	(424.02)					\$ -	\$ 30,080.00	\$ (424.02)
513231-01	HRA - CITY HALL	361.59	4,303.05	6,000.00	6,000.00	1,696.95					\$ -	\$ 6,000.00	\$ 1,696.95
513320-01	AUDITOR	0.00	26,000.00	26,000.00	26,000.00	0.00					\$ -	\$ 26,000.00	\$ -
513321-01	BOOKKEEPING SERVICES	5,573.50	29,153.50	38,100.00	38,100.00	8,946.50					\$ -	\$ 38,100.00	\$ 8,946.50
513340-01	BUILDING JANITORIAL	96.00	6,991.07	10,000.00	10,000.00	3,008.93					\$ -	\$ 10,000.00	\$ 3,008.93
513400-01	TRAVEL/TRAINING-CITY STAFF	134.78	1,929.91	4,000.00	4,000.00	2,070.09					\$ -	\$ 4,000.00	\$ 2,070.09
513401-01	TRAVEL/TRAINING-CITY COUNCIL	50.00	812.07	4,000.00	4,000.00	3,187.93					\$ -	\$ 4,000.00	\$ 3,187.93
513410-01	TELEPHONE/CELLULAR	137.50	1,840.90	1,650.00	1,650.00	(190.90)					\$ -	\$ 1,650.00	\$ (190.90)
513411-01	POSTAGE	187.65	2,410.09	2,000.00	2,000.00	(410.09)					\$ -	\$ 2,000.00	\$ (410.09)
513440-01	OFFICE EQUIP/COPIER/RENTAL	591.07	3,677.99	3,000.00	3,000.00	(677.99)					\$ -	\$ 3,000.00	\$ (677.99)

**CITY OF EDGEWOOD**  
**STATEMENT OF REVENUE AND EXPENDITURES**  
**FOR THE ONE MONTH AND TWELVE MONTHS ENDING SEPTEMBER 30, 2019**

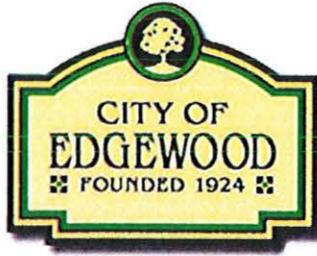
		Current Actual Activity	YTD Actual Activity	YTD Budget	Total Budget	Budget Variance	(1) Red light camera adjustment	(2) adjust CH budget closer to actuals	(3) R&S transfer adjustment	(4) adjust R&S exp closer to actuals	Total adj	Final budget	Final Var
513460-01	EQUIPMENT REPAIR/MAINTENANCE	0.00	0.00	2,000.00	2,000.00	2,000.00					\$ -	\$ 2,000.00	\$ 2,000.00
513470-01	PRINTING EXPENSES	0.00	1,099.44	4,500.00	4,500.00	4,500.00	3,400.56				\$ -	\$ 4,500.00	\$ 3,400.56
513490-01	MISC. CURRENT CHARGES	8.96	1,048.92	4,000.00	4,000.00	2,951.08					\$ -	\$ 4,000.00	\$ 2,951.08
513510-01	OFFICE SUPPLIES	164.95	2,990.34	3,500.00	3,500.00	509.66					\$ -	\$ 3,500.00	\$ 509.66
513520-01	APPAREL	0.00	457.79	1,000.00	1,000.00	542.21					\$ -	\$ 1,000.00	\$ 542.21
513540-01	DUES/SUBSCRIPTIONS/TRAINING	0.00	3,965.14	5,675.00	5,675.00	1,709.86					\$ -	\$ 5,675.00	\$ 1,709.86
513542-01	CITY NEWSLETTER	0.00	5,774.52	5,000.00	5,000.00	(774.52)					\$ -	\$ 5,000.00	\$ (774.52)
513543-01	FARMERS MARKET/FOOD TRUCK	291.66	15,476.24	17,500.00	17,500.00	2,023.76					\$ -	\$ 17,500.00	\$ 2,023.76
513620-01	CAPITAL OUTLAY-RENOVATE CH	0.00	0.00	20,000.00	20,000.00	20,000.00					\$ -	\$ 20,000.00	\$ 20,000.00
513670-01	RED LIGHT OPERATIONAL	60,880.00	510,403.00	350,000.00	350,000.00	(160,403.00)	\$ 160,000.00				\$ 160,000.00	\$ 510,000.00	\$ (403.00)
514310-01	LEGAL COUNSEL	16,676.00	76,658.50	65,000.00	65,000.00	(11,658.50)					\$ -	\$ 65,000.00	\$ (11,658.50)
514320-01	CODE ENFORCEMENT MAGISTRATE	920.25	2,655.17	4,500.00	4,500.00	1,844.83					\$ -	\$ 4,500.00	\$ 1,844.83
514330-01	RED LIGHT HEARING OFFICER	0.00	1,043.50	3,000.00	3,000.00	1,956.50					\$ -	\$ 3,000.00	\$ 1,956.50
515310-01	PLANNING FEES	7,562.50	61,031.25	30,000.00	30,000.00	(31,031.25)					\$ -	\$ 30,000.00	\$ (31,031.25)
515315-01	REIMBURSEMENT - PASS-THRU FEES	297.32	2,056.07	5,000.00	5,000.00	2,943.93					\$ -	\$ 5,000.00	\$ 2,943.93
516120-01	IT-SALARY	2,575.09	24,201.54	24,000.00	24,000.00	(201.54)					\$ -	\$ 24,000.00	\$ (201.54)
516130-01	IT PERSONNEL-LONGEVITY	0.00	300.00	75.00	75.00	(225.00)					\$ -	\$ 75.00	\$ (225.00)
516150-01	HOLIDAY BONUS-IT PERSONNEL	0.00	200.00	200.00	200.00	0.00					\$ -	\$ 200.00	\$ -
516210-01	PAYROLL TAXES-FICA-IT PERSONNE	196.96	1,777.34	2,387.00	2,387.00	609.66					\$ -	\$ 2,387.00	\$ 609.66
516220-01	FRS-IT PERSONNEL	287.24	2,151.60	2,578.00	2,578.00	426.40					\$ -	\$ 2,578.00	\$ 426.40
516499-01	COMPUTER- IT HARDWARE/SOFTWARE	(3,621.48)	48,355.93	61,000.00	61,000.00	12,644.07					\$ -	\$ 61,000.00	\$ 12,644.07
516640-01	CAP. OUTLAY - COMPUTERS	9,021.78	9,021.78	0.00	0.00	(9,021.78)					\$ -	\$ -	\$ (9,021.78)
518220-01	FRS	1,495.72	19,217.72	15,000.00	15,000.00	(4,217.72)					\$ -	\$ 15,000.00	\$ (4,217.72)
519150-01	ELECTIONS	0.00	871.25	4,000.00	4,000.00	3,128.75					\$ -	\$ 4,000.00	\$ 3,128.75
519240-01	INSURANCE - WORKERS COMP-CH	0.00	19,199.50	0.00	0.00	(19,199.50)					\$ -	\$ -	\$ (19,199.50)
519340-01	PAYROLL SERVICES	235.00	2,994.75	4,000.00	4,000.00	1,005.25					\$ -	\$ 4,000.00	\$ 1,005.25
519451-01	INSURANCE-PROPERTY COVERAGE	0.00	6,415.50	5,309.00	5,309.00	(1,106.50)					\$ -	\$ 5,309.00	\$ (1,106.50)
519452-01	INSURANCE-COMP GEN'L LIABILITY	0.00	41,617.50	39,925.00	39,925.00	(1,692.50)					\$ -	\$ 39,925.00	\$ (1,692.50)
519460-01	BUILDING MAINTENANCE	789.26	6,828.96	7,500.00	7,500.00	671.04					\$ -	\$ 7,500.00	\$ 671.04
519461-01	LANDSCAPE/BEAUTIFICATION-CH	2,863.99	8,713.41	10,000.00	10,000.00	1,286.59					\$ -	\$ 10,000.00	\$ 1,286.59
519490-01	ALARM MONITOR	43.90	558.02	527.00	527.00	(31.02)					\$ -	\$ 527.00	\$ (31.02)
519492-01	LEGAL ADS - NEW ORDINANCES	2,563.56	3,661.65	5,000.00	5,000.00	1,338.35					\$ -	\$ 5,000.00	\$ 1,338.35
519520-01	RECORDING - PUBLIC RECORDS	0.00	45.00	150.00	150.00	105.00					\$ -	\$ 150.00	\$ 105.00
574491-01	DONATIONS EXPENSE	0.00	1,533.37	5,000.00	5,000.00	3,466.63					\$ -	\$ 5,000.00	\$ 3,466.63
	* TOTAL CITY HALL	133,370.41	1,185,761.26	1,034,140.00	1,034,140.00	(151,621.26)	\$ 160,000.00	\$ -	\$ -	\$ -	\$ 160,000.00	\$ 1,194,140.00	\$ 8,378.74
	OTHER GENERAL GOVERNMENT												
	* TOTAL OTHER GENERAL GOVERNMENT	0.00	0.00	0.00	0.00	0.00					\$ -	\$ -	\$ -
	POLICE DEPARTMENT												
521121-01	SALARY EXPENSE -CIVILIAN	15,175.37	148,134.46	147,500.00	147,500.00	(634.46)					\$ -	\$ -	\$ -
521130-01	RESERVE OFFICER PAY	1,262.05	7,126.35	10,000.00	10,000.00	2,873.65					\$ -	\$ 147,500.00	\$ (634.46)
521140-01	OVERTIME PAY - PD	3,384.44	21,877.37	18,000.00	18,000.00	(3,877.37)					\$ -	\$ 10,000.00	\$ 2,873.65
521141-01	COURT TIME - OFFICERS	345.56	6,664.85	10,000.00	10,000.00	3,335.15					\$ -	\$ 18,000.00	\$ (3,877.37)
521150-01	INCENTIVE PAY - STATE	1,482.14	11,137.85	12,000.00	12,000.00	862.15					\$ -	\$ 10,000.00	\$ 3,335.15
521151-01	SALARY EXPENSE -SWORN	76,538.10	724,311.63	775,000.00	775,000.00	50,688.37					\$ -	\$ 12,000.00	\$ 862.15
521152-01	LONGEVITY PAYMENTS	0.00	18,400.00	16,200.00	16,200.00	(2,200.00)					\$ -	\$ 775,000.00	\$ 50,688.37
521153-01	FTO-TRAINING OFFICER PAY	290.00	1,188.00	2,500.00	2,500.00	1,312.00					\$ -	\$ 16,200.00	\$ (2,200.00)
521154-01	OFF DUTY PAY	6,076.10	66,717.93	25,000.00	25,000.00	(41,717.93)					\$ -	\$ 2,500.00	\$ 1,312.00
521160-01	HOLIDAY BONUS - PD	0.00	3,400.00	3,800.00	3,800.00	400.00					\$ -	\$ 25,000.00	\$ (41,717.93)
521162-01	HOLIDAY PAY (PER CBA)	3,662.25	28,408.17	57,000.00	57,000.00	28,591.83					\$ -	\$ 3,800.00	\$ 400.00
521210-01	PAYROLL TAXES - FICA - PD	7,702.75	71,397.08	78,500.00	78,500.00	7,102.92					\$ -	\$ 57,000.00	\$ 28,591.83

CITY OF EDGEWOOD  
STATEMENT OF REVENUE AND EXPENDITURES  
FOR THE ONE MONTH AND TWELVE MONTHS ENDING SEPTEMBER 30, 2019

		Current Actual Activity	YTD Actual Activity	YTD Budget	Total Budget	Budget Variance	(1) Red light camera adjustment	(2) adjust CH budget closer to actuals	(3) R&S transfer adjustment	(4) adjust R&S exp closer to actuals	Total adj	Final budget	Final Var
521211-01	OFF DUTY PAYROLL TAXES - FICA	464.84	5,151.27	1,913.00	1,913.00	(3,238.27)					\$ -	\$ 1,913.00	\$ (3,238.27)
521220-01	FRS - ADMIN STAFF-CIVILIAN/RET	968.02	12,755.34	12,100.00	12,100.00	(655.34)					\$ -	\$ 12,100.00	\$ (655.34)
521221-01	FRS - OFFICERS-SWORN/RET.	16,416.64	199,101.61	190,000.00	190,000.00	(9,101.61)					\$ -	\$ 190,000.00	\$ (9,101.61)
521230-01	HEALTH/DENTAL/STD/LIFE INS-PD	14,216.65	161,719.63	175,890.00	175,890.00	14,170.37					\$ -	\$ 175,890.00	\$ 14,170.37
521231-01	HRA - PD	1,687.41	22,675.11	32,000.00	32,000.00	9,324.89					\$ -	\$ 32,000.00	\$ 9,324.89
521240-01	INS.-WORK COMP-PD/CODE ENFORCE	0.00	6,031.00	24,124.00	24,124.00	18,093.00					\$ -	\$ 24,124.00	\$ 18,093.00
521310-01	PROF SVCS/TESTING/EVAL	3,986.90	8,921.00	9,600.00	9,600.00	679.00					\$ -	\$ 9,600.00	\$ 679.00
521340-01	ORANGE COUNTY DISPATCHER FEES	28,850.39	72,125.99	72,126.00	72,126.00	0.01					\$ -	\$ 72,126.00	\$ 0.01
521410-01	COMMUNICATIONS	(8,983.66)	0.00	10,400.00	10,400.00	10,400.00					\$ -	\$ 10,400.00	\$ 10,400.00
521413-01	POSTAGE	240.20	572.25	1,000.00	1,000.00	427.75					\$ -	\$ 1,000.00	\$ 427.75
521430-01	UTILITIES-WATER & SEWER	0.00	554.03	1,000.00	1,000.00	445.97					\$ -	\$ 1,000.00	\$ 445.97
521431-01	UTILITIES - POWER	1,873.44	9,878.07	8,500.00	8,500.00	(1,378.07)					\$ -	\$ 8,500.00	\$ (1,378.07)
521433-01	GAS	4,631.37	28,593.66	40,000.00	40,000.00	11,406.34					\$ -	\$ 40,000.00	\$ 11,406.34
521452-01	INSURANCE - VEHICLES	0.00	9,670.50	8,564.00	8,564.00	(1,106.50)					\$ -	\$ 8,564.00	\$ (1,106.50)
521455-01	INSURANCE - STATUTORY	0.00	728.00	950.00	950.00	222.00					\$ -	\$ 950.00	\$ 222.00
521460-01	REPAIR/MAINT - VEHICLES	2,331.05	27,085.27	25,000.00	25,000.00	(2,085.27)					\$ -	\$ 25,000.00	\$ (2,085.27)
521461-01	REPAIR/MAINT - EQUIPMENT	895.02	5,313.11	9,500.00	9,500.00	4,186.89					\$ -	\$ 9,500.00	\$ 4,186.89
521462-01	BUILDING RENOVATIONS/MAINT	2,469.59	5,666.08	8,000.00	8,000.00	2,333.92					\$ -	\$ 8,000.00	\$ 2,333.92
521493-01	SPECIAL EVENTS - PD	531.17	3,194.61	4,000.00	4,000.00	805.39					\$ -	\$ 4,000.00	\$ 805.39
521495-01	MISCELLANEOUS EXPENSE - PD	142.96	2,244.29	2,500.00	2,500.00	255.71					\$ -	\$ 2,500.00	\$ 255.71
521510-01	OFFICE SUPPLIES & EXPENSE	296.47	3,773.69	6,500.00	6,500.00	2,726.31					\$ -	\$ 6,500.00	\$ 2,726.31
521522-01	SPECIAL POLICE SUPPLIES	3,451.62	37,070.88	37,500.00	37,500.00	429.12					\$ -	\$ 37,500.00	\$ 429.12
521524-01	OFFICE EQUIPMENT	723.92	1,230.85	2,000.00	2,000.00	769.15					\$ -	\$ 2,000.00	\$ 769.15
521530-01	MAINT. CONTRACTS	2,275.27	28,600.41	35,800.00	35,800.00	7,199.59					\$ -	\$ 35,800.00	\$ 7,199.59
521535-01	GRANT EXPENSE	10,000.00	10,000.00	0.00	0.00	(10,000.00)					\$ -	\$ -	\$ (10,000.00)
521541-01	EDUCATION REBURSEMENT	0.00	8,000.00	8,000.00	8,000.00	0.00					\$ -	\$ 8,000.00	\$ -
521543-01	TRAINING/UNCOMMITTED FUNDS	4,075.05	17,298.80	25,000.00	25,000.00	7,701.20					\$ -	\$ 25,000.00	\$ 7,701.20
521543-04	TRAINING/UNCOMMITTED FUNDS	0.00	3,595.00	0.00	0.00	(3,595.00)					\$ -	\$ -	\$ (3,595.00)
	* TOTAL POLICE DEPARTMENT	207,463.08	1,800,314.14	1,907,467.00	1,907,467.00	107,152.86	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,907,467.00	\$ 107,152.86
CAPITAL OUTLAY													
521640-01	CAP. OUTLAY - PD VEHICLES & EQ	0.00	34,321.51	33,382.00	33,382.00	(939.51)		\$ 950.00			\$ 950.00	\$ 34,332.00	\$ 10.49
521641-01	CAP. OUTLAY-PD MACHINERY & EQ.	8,983.66	8,983.66	0.00	0.00	(8,983.66)		\$ 4,350.00			\$ 4,350.00	\$ 4,350.00	\$ (4,633.66)
521910-01	NEIGHBORHOOD PARTNER GRANTS	0.00	5,345.87	10,000.00	10,000.00	4,654.13					\$ -	\$ 10,000.00	\$ 4,654.13
	* TOTAL CAPITAL OUTLAY	8,983.66	48,651.04	43,382.00	43,382.00	(5,269.04)	\$ -	\$ 5,300.00	\$ -	\$ -	\$ 5,300.00	\$ 48,682.00	\$ 30.96
FIRE CONTROL													
522400-01	ORANGE CTY FIRE/RESCUE FEES	0.00	663,660.36	663,807.00	663,807.00	146.64					\$ -	\$ 663,807.00	\$ 146.64
	* TOTAL FIRE CONTROL	0.00	663,660.36	663,807.00	663,807.00	146.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 663,807.00	\$ 146.64
PROTECTIVE INSPECTIONS													
	* TOTAL PROTECTIVE INSPECTIONS	0.00	0.00	0.00	0.00	0.00					\$ -	\$ -	\$ -
PHYSICAL ENVIRONMENT													
531430-01	UTILITIES - POWER	1,170.55	5,598.67	6,000.00	6,000.00	401.33					\$ -	\$ 6,000.00	\$ 401.33
533430-01	UTILITIES-WATER & SEWER	0.00	1,178.85	3,000.00	3,000.00	1,821.15					\$ -	\$ 3,000.00	\$ 1,821.15
534130-01	SOLID WASTE COST (RES)	34,391.52	206,191.20	209,194.00	209,194.00	3,002.80					\$ -	\$ 209,194.00	\$ 3,002.80
541100-08	STORMWATER/TESTING (WATERSHED)	11,022.00	11,122.00	10,000.00	10,000.00	(1,122.00)			\$ -		\$ -	\$ 10,000.00	\$ (1,122.00)
539310-01	GENERAL ENGINEERING FEES	13,871.79	41,794.18	45,000.00	45,000.00	3,205.82					\$ -	\$ 45,000.00	\$ 3,205.82

CITY OF EDGEWOOD  
STATEMENT OF REVENUE AND EXPENDITURES  
FOR THE ONE MONTH AND TWELVE MONTHS ENDING SEPTEMBER 30, 2019

	Current Actual Activity	YTD Actual Activity	YTD Budget	Total Budget	Budget Variance	(1) Red light camera adjustment	(2) adjust CH budget closer to actuals	(3) R&S transfer adjustment	(4) adjust R&S exp closer to actuals	Total adj	Final budget	Final Var
* TOTAL PHYSICAL ENVIRONMENT	60,455.86	265,884.90	273,194.00	273,194.00	7,309.10	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 273,194.00	\$ 7,309.10
MISCELLANEOUS EXPENDITURES												
551510-01 TRANSFER TO ROAD & STREET								\$ 75,000.00		\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
* TOTAL MISCELLANEOUS EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75,000.00	0.00	75,000.00	75,000.00	75,000.00
CAPITAL IMPROVEMENT PROJECTS												
* TOTAL CAPITAL IMPROVEMENT PROJECTS	0.00	0.00	0.00	0.00	0.00					\$ -	\$ -	\$ -
* TOTAL EXPENDITURES	\$ 410,273.01	\$ 3,964,271.70	\$ 3,921,990.00	3,921,990.00	(42,281.70)	160,000.00	5,300.00	75,000.00	0.00	240,300.00	4,162,290.00	198,018.30
* EXCESS RECEIPTS OVER DISBURSEMENTS	\$ (81,435.31)	\$ 332,093.99	\$ (183,106.00)	\$ (183,106.00)	#####	\$ -	\$ -	\$ (75,000.00)	\$ -	\$ (75,000.00)	\$ (258,106.00)	\$ (590,199.99)
Beginning Fund Balance		\$ 2,760,049.00									\$ 2,760,049.00	
Calculated Ending Fund Balance		\$ 3,092,142.99									\$ 2,501,943.00	
312410-02 LOCAL OPTION GAS TAX	16,027.49	92,845.33	90,546.00	90,546.00	(2,299.33)					\$ -	\$ 90,546.00	\$ (2,299.33)
334400-02 FEMA HURRICANE REIMBURSEMENT	0.00	5,658.67	0.00	0.00	(5,658.67)					\$ -	\$ -	\$ (5,658.67)
361200-02 INTEREST - SBA ROAD	4.46	58.71	30.00	30.00	(28.71)					\$ -	\$ 30.00	\$ (28.71)
399900-02 FDOT REIMBURSE - TRAFFIC LIGHT	0.00	28,760.14	28,760.00	28,760.00	(0.14)					\$ -	\$ 28,760.00	\$ (0.14)
TOTAL REVENUES	16,031.95	127,322.85	119,336.00	119,336.00	(7,986.85)	0.00	0.00	0.00	0.00	0.00	119,336.00	(7,986.85)
389200-02 TRANS FROM GEN. FUND								\$ 75,000.00		\$ 75,000.00	\$ 75,000.00	
ROADS & STREETS												
541320-02 TRAFFIC LIGHT - UTILITY	311.10	5,386.58	10,000.00	10,000.00	4,613.42					\$ -	\$ 10,000.00	\$ 4,613.42
541410-02 TREE REMOVAL	0.00	21,480.00	15,000.00	15,000.00	(6,480.00)					\$ -	\$ 15,000.00	\$ (6,480.00)
541431-02 STREET LIGHTS - UTILITY	7,073.55	38,906.23	42,354.00	42,354.00	3,447.77					\$ -	\$ 42,354.00	\$ 3,447.77
541460-02 STREET MAINTENANCE CONTRACT	5,550.00	50,335.00	48,100.00	48,100.00	(2,235.00)					\$ -	\$ 48,100.00	\$ (2,235.00)
541530-02 ROAD REPAIR - POTHOLES	0.00	50.48	250.00	250.00	199.52					\$ -	\$ 250.00	\$ 199.52
541600-02 TRAFFIC LIGHT-MAINTENANCE	727.00	19,863.37	15,000.00	15,000.00	(4,863.37)					\$ -	\$ 15,000.00	\$ (4,863.37)
541610-02 SIDEWALK REPAIR	0.00	0.00	25,000.00	25,000.00	25,000.00					\$ -	\$ 25,000.00	\$ 25,000.00
541631-02 CAP. OUTLAY - INFRASTRUCTURE	0.00	0.00	75,000.00	75,000.00	75,000.00					\$ -	\$ 75,000.00	\$ 75,000.00
541634-02 STORM DRAIN/CLEANING	0.00	0.00	10,000.00	10,000.00	10,000.00					\$ -	\$ 10,000.00	\$ 10,000.00
541637-02 ROADS/STREETS- REPAIR/MAINT.	50,000.00	50,053.13	0.00	0.00	(50,053.13)					\$ -	\$ -	\$ (50,053.13)
549320-02 STREET SIGNS	0.00	2,102.97	3,000.00	3,000.00	897.03					\$ -	\$ 3,000.00	\$ 897.03
549460-02 R.R. CROSSING MAINTENANCE	0.00	5,078.23	7,000.00	7,000.00	1,021.77					\$ -	\$ 7,000.00	\$ 1,021.77
* TOTAL ROADS & STREETS	63,661.65	194,155.99	250,704.00	250,704.00	56,548.01	0.00	0.00	0.00	0.00	0.00	250,704.00	56,548.01
* EXCESS RECEIPTS OVER DISBURSEMENTS	(47,629.70)	(66,833.14)	(131,368.00)	(131,368.00)	(64,534.86)	-	-	75,000.00	-	75,000.00	(56,368.00)	(64,534.86)
Beginning Fund Balance		\$ 61,741.00									\$ 61,741.00	
Calculated Ending Fund Balance		\$ (5,092.14)									\$ 5,373.00	



TO: Bea Meeks, City Clerk  
CC: City Council  
FROM: Sandy Riffle, Deputy City Clerk  
Date: September 30, 2019  
SUBJECT: Bailey's Pharmacy – Variance 2019-01 and waiver applications

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The following information received by City Hall is included in your agenda package for review.

#### **5156 S Orange Avenue – Proposed new commercial development**

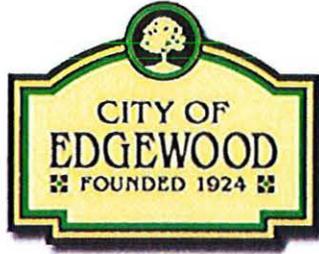
- City Planner report from Ellen Hardgrove, dated July 29, 2019.
- Application for Variance 2019-01 [Section 134+460(f)(1)] – to not comply with the Edgewood Central District's requirement for the public sidewalk width and locations, dated July 11, 2019.
- Narrative of justification for variance and waiver requests, dated July 11, 2019
- Project plans and site plan, dated July 24<sup>th</sup> and 25<sup>th</sup>, 2019 and full sized plans dated 11/11/2019

Notice of Public Hearing was published on Thursday, August 29, 2019 in the Orlando Sentinel, to be followed up with a second notice on Thursday, October 3, 2019. Letters were sent on August 29, 2019 to those property owners within 500 feet of the subject. There were 51 Notices provided by U.S. Mail and public notice was posted on the property. As of the date of this memo, no objections or comments were received at City Hall.

Recommendations from Planning and Zoning are as follows:

Waiver Request 1: A request for waiver to Code Section 134-458(h)(2) b. Tree location on center spacing.  
*Board Member Kreidt moved to recommend denial of this waiver because it does not meet the intent and design standards of the Edgewood Central District, and it is the most effective way to eliminate two driveways. Second by Board Member Trivedi because the design would not be illogical to maintain the tree spacing. Motion passed (4/1 with Board Member Santurri voting against denial.*

Waiver Request 2: A request for a waiver to Code Section 134-458(f). Minimum percentage of lot width occupied by building at build line.  
*Board Member Kreidt made the motion to recommend denial because it is inconsistent with the required criteria to grant a waiver as stated in Code Section 134-464; second by Chair Rayburn. Motion passed (4/1) with Board Member Santurri voting against denial.*



Waiver Request 3: A request for a waiver to Code section 134-460(f) 3. Access/parking Design.

*Board Member Kreidt moved to recommended approval to allow a 5 feet wide sidewalk on only one side of the driveway and no tree zone; second by Vice-Chair Board Member Board Member Gragg. Motion passed (5/0).*

Waiver Request 4: A request for a waiver to Code section 134-461(b). Drive-up windows designed on the rear of the building.

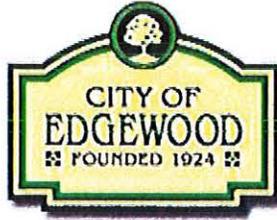
*Chair Rayburn moved to recommend denial for the request to place drive-up windows on the rear of the building as it is not consistent with the Edgewood Central District requirements, and the criteria to grant a waiver are not met; second by Board Member Kreidt. Motion passed (5/0).*

A REQUEST FOR A WAIVER TO Code Section 134-458(g)(2) a. Building placement in the road view area.

*Board Member Kreidt made a motion to recommend approval of the proposed waiver for building placement in the road view area; second by Board Member Gragg. Motion passed (5/0).*

Variance Application No. 2019-01 [Sec. 134-460(f) Access/Parking Design]. Requesting to not comply with the Edgewood Central District's requirement for the public sidewalk width and location.

*Board Member Kreidt made the motion to recommend denial based on not meeting the intent of the Edgewood Central District nor criteria for approval of a variance as stated in Sec. 134-104(3)(b); second by Chair Rayburn. Motion passed (5/0).*

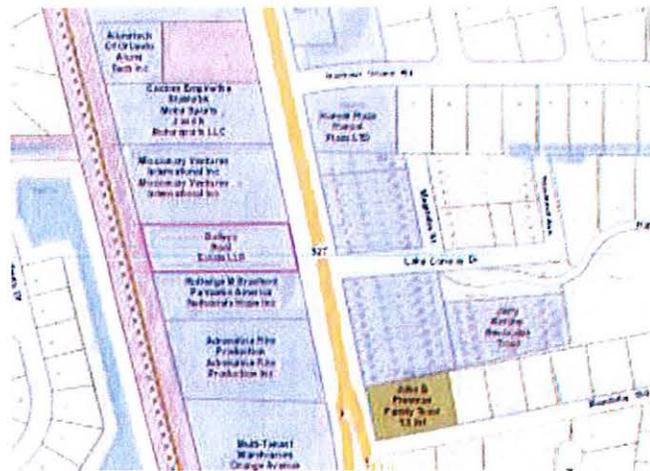


Date: November 12, 2019  
To: City Council  
From: Ellen Hardgrove, City Planning Consultant  
XC: Bea Meeks, City Clerk  
Drew Smith, City Attorney  
Sandy Riffle, Deputy City Clerk  
Allen Lane, CPH Engineering, City Engineering Consultant  
Re: 5156 South Orange Avenue Request for Waivers

Introduction

A proposal has been submitted to the City to redevelop the property at 5156 South Orange Avenue; i.e., Orange County tax parcel 13-23-29-0000-00-007. Exhibit 1 shows the location of the property.

Exhibit 1 – Subject Property Location



The property is zoned ECD. Although this is not the public hearing for site plan review/approval, the proposed site layout needs to be considered due to the proposal of waivers and a variance from ECD standards. The site plan included in the Council packet should only be considered for illustrative purposes and discussion of such in no way shall represent approval of the site plan or features of the plan. Formal site plan review is anticipated to be on Council's and Planning and Zoning Board's December agendas.

The proposed site plan requires approval of deviations from the following code sections.

- Code Section 134-460(f)(3) Access/Parking design
- Code Section 134-458(g)(2)a. Building Placement in the Road View Area

Planning and Zoning Board (P&Z) Recommendation

At the time that P&Z reviewed the applicant's proposal (September), five waivers and a variance were proposed. The P&Z made a recommendation for Council to deny the requests.

Since P&Z's meeting, the applicant has significantly revised the plan addressing the major objections of P&Z. The request for waivers has been reduced from five to two, with one of the two sponsored by staff; the variance request has been withdrawn. This staff report evaluates the remaining waiver requests relative to the revised plan.

Proposal

The applicant is proposing to redevelop the subject property. This will include demolition of the existing building (See Exhibit 2).

Exhibit 2 – Existing On Site



The proposed building is two stories with a total of 12,444 square feet. First floor is proposed to be a pharmacy, with a drive-up window. The second floor is proposed to be leased office space.

The proposed location of the drive-up window, as was presented to P&Z, was inconsistent with the ECD standards and was one of the major reasons for P&Z's recommendation for denial. The location has been changed on the revised site plan to be consistent with ECD standards. The revision also eliminated another major reason for P&Z's denial: driveway configuration, one way in/one way out, which has now been revised into a single driveway.

#### Waiver 1

One waiver that remains is the width of the sidewalk that connects the public sidewalk along Orange Avenue to the building and the parking lot. The requirement is a minimum of 6 feet; the proposed width varies from 4 to 5 feet. The required width was established to provide adequate width for two wheelchairs to pass side by side. The likelihood of two wheelchairs passing will be rare, but people with disabilities should have the same options as able-bodied people.

In addition to equal access for all, the six feet wide sidewalk required by the ECD was for aesthetics. A sidewalk was required along both sides of a driveway with a 4 feet wide landscaped buffer between the sidewalk and driveway.

The proposal presents an alternate design whereby trees and hedges are proposed to line both sides of the driveway and the sidewalk connecting the parking lot to the public sidewalk is on the north side of the building.

This proposal, however, still will require a waiver as the unobstructed width of the sidewalk is only 4 to 5 feet wide because of the proposed architectural design of the building. To alleviate the negative effect of the reduction of width (4 vs 6 feet), the applicant proposes to provide an 8 feet wide sidewalk connecting the front door (east side of the building) to the public sidewalk, thus providing sufficient width for all patrons to access the building either from the front or the rear.

#### Waiver 2

The second requested waiver has been initiated by staff: a 15-foot build-to line rather than the required ECD 25-foot build to line. This waiver request tracks a current proposal by staff to modify the ECD design standard.

### Standard for Approval of Waivers

As required by Section 134-464, substantial competent evidence is necessary to show where strict application of the ECD design standards would create an illogical, impossible, impractical or unreasonable result on the applicant. Furthermore, the applicant needs to demonstrate that the goals of ECD design standards will be maintained if the waivers are approved. These goals include the following as listed in the ECD ordinance:

- (1) Creation of a cohesive development pattern along the road;
- (2) Transformation of the SR 527 corridor into an "open space" designed for pedestrians and bicyclists in addition to vehicles;
- (3) Creation of a sense of place that has physical appeal and coordinated functionality and is safe for pedestrians in order to protect, promote and improve public health, safety, comfort, order, convenience, prosperity, and general welfare;
- (4) Improvement of mobility along the corridor for vehicles and pedestrians; and,
- (5) Ensuring connectivity of uses and travel paths.

### Conclusion/Staff Recommendation

**Waiver 1:** Approval subject to the following conditions.

- 1) A minimum 6 feet wide landscaped buffer shall be provided along both sides of the driveway. The buffer shall include a year-round-green tree\* planted every 35 feet on center and shrubs that will be planted to create a continuous hedge. The shrubs shall be at least 30 inches high at planting of a species capable of growing to at least 36 inches in height within 18 months. The hedge shall be maintained at a height not less than 36 inches. The tree canopy clearance shall be maintained at 13.5 feet above adjacent driveway grade. All landscape material used shall meet state grades and Standards Florida #1 or better.

\*Given the buffers will be adjacent to buildings, understory/small trees will be acceptable. Each tree must be a minimum of ten feet tall, with a minimum two-inch caliper at planting.

- 2) The building entrance on the building's east side shall be designed and maintained for the general population (not employees only) and is handicapped accessible.
- 3) A minimum eight feet wide sidewalk shall connect the public sidewalk within the road right-of-way to the building entrance (east side).

## Waiver 2 – Approval

### Future Waivers

As currently presented on the site plan, an additional waiver request will be needed due to the proposed site layout's inability to meet the ECD standard of 120 feet of queue space for drive-up windows. This can be processed simultaneously during the site plan approval process. Approval of such waiver could be conditioned upon additional Council approval should the use change from a pharmacy.

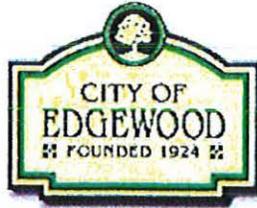
The above identified future waiver may or may not represent the only additional waiver that may be needed. Review of the formally submitted site plan could reveal the need for additional waivers and/or the need for variances.

ESH

RECEIVED

JUL 11 2019

CITY OF EDGEWOOD



# APPLICATION FOR VARIANCE

Reference: City of Edgewood Code of Ordinances, Section 126-588

**REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL**

**(Plus Applicable Pass-Through Fees - Ordinance 2013-01)**

Please note this fee is non-refundable

Office Use Only:	
VARIANCE APPLICATION #:	2019-01
PLANNING AND ZONING MEETING DATE:	8/12/2019
CITY COUNCIL MEETING DATE:	9/17/2019

**IMPORTANT:** A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk \_\_\_\_ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	Trisha Bailey-Archie	Owner's Name:	Trisha Bailey-Archie
Address:	2109 Brewster Ct	Address:	Orlando, FL 32833-3725
Phone Number:	407-951-2644	Phone Number:	
Fax:		Fax:	
Email:	keith@comtekconstruction.com	Email:	
Legal Description:	The south 38.7 feet of the north 1/2 of the nw 1/4 of the sw 1/4 of section 13, twp 23s, range 29E, lying b/w the Atlantic Coast Railroad ROW and west bdy of the public road b/w Orlando and Pine Castle. and the north 74.3 ft of the south 1/2 of that part of the nw 1/4 of the sw 1/4 of section 13, twp 23S, r 29E, lying east of the Atlantic		
Zoned:	ECD Coast line Railroad ROW and public road from Orlando to Pine Castle, Orange County, Florida		
Location:	5156 South Orange Avenue		
Tract Size:	0.96		
City section of the Zoning Code from which Variance is requested:	ECD 134-460 (f)(1)		
Request:	8' sidewalk separated by 6' from boc		
Existing on Site:	5' s/w at boc, existing to remain		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property. **Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.**

405 Bagshaw Way, Edgewood, Florida, 32809-3406  
Phone: 407-851-2920 / Fax: 407-851-7361  
www.edgewood-fl.gov

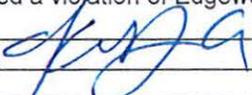


**To justify this variance, applicant must demonstrate the following:**

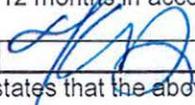
1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do no result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

**Applicant must agree that:**

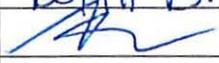
1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

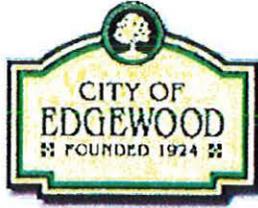
<b>AGREE:</b>		<b>DISAGREE:</b>	7.11.19
---------------	---	------------------	---------

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

<b>AGREE:</b>		<b>DISAGREE:</b>	7.11.19
---------------	---	------------------	---------

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	7-11-19
Applicant's Printed Name: Keith D. Enger			
Owner's Signature:		Date:	7/9/19
Owner's Printed Name: Trishs Bailey Archic			



Please submit your completed application to City Hall via email at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov) or [sriffle@edgewood-fl.gov](mailto:sriffle@edgewood-fl.gov), via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Variance #:	
Received Date:	7/11/2019
Received By:	J. Riffle
Forwarded To:	Eileen Handgrene
Notes:	

Revised 6/24/2019

Page 4 of 4

## JUSTIFICATION

### SIDEWALK VARIANCE – 5156 South Orange Avenue

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification. Both the north property line and the south property line contains existing conflicts located within the ROW that the applicant has no control over. These include power poles and utilities. The existing vegetation located with FDOT's ROW would have to be removed to accommodate and would not be eligible for replacement within FDOT's ROW.

2. the special conditions and circumstances do no result from the action of the applicant

The conflicts are located adjacent to the property line and not actually located within applicant owned property. To site is located between two bus stops, each approx. 700' (north and south) and the frontage could become a resting place. The occupant of the building will be in the pharmaceutical trade and feels providing a resting place in front of a building containing prescription drugs is not in spirit of the neighborhood

3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance

There are no other 8' wide sidewalks along Orange Ave.

4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue. The variance equates to approximately 60 lf of sidewalk along Orange Ave. After considering the pedestrian crossings and the clear sight visibility there is approximately 40 lf of sidewalk that would potentially be affected.

5. the variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in questions.

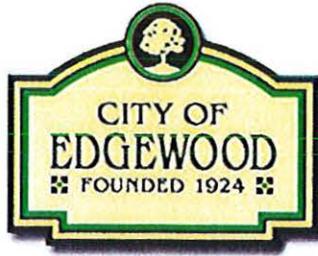
There are not other 8' wide sidewalks in the area. There is an existing s/w owned and maintained by FDOT. The existing sidewalk meets the regulations of FDOT.

6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification

The existing sidewalk matches the surrounding properties

7. the variance sought will be consistent with the Edgewood Comprehensive Plan

The requested variance is in harmony with the Edgewood Comprehensive Plan's intent on providing pedestrian circulation.



TO: Bea Meeks, City Clerk  
CC: City Council  
FROM: Sandy Riffle, Deputy City Clerk   
Date: October 30, 2019  
SUBJECT: 1141 Windsong Rd Variances 2019-02 and 2019-03

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During the October 14, 2019 Planning and Zoning Board meeting, the Board considered two (2) variance applications for a boat dock located at 1141 Windsong Road.

I have included for your review the following information that has been received by City Hall.

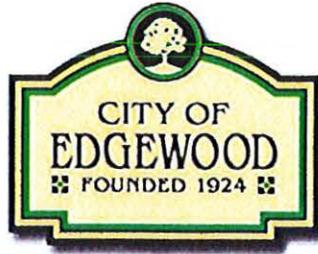
- Staff Report from Project Engineer Allen Lane, dated September 30, 2019
- **Variance application 2019-02 to allow a boat dock exceeding more than 25% of the canal width**
- **Variance application 2019-03 to allow a boat dock exceeding the allowable 1,000 square feet**
- Letter from property owner and applicant Melinda Elannan, dated September 19, 2019
- As-built survey dated September 20, 2019
- Revised as-built survey dated October 3, 2019 with email from Robin Lopez at Summertime Deck and Dock and email response from Allen Lane at CPH.

Note: CPH's report was based off of the September 20, 2019 survey. The revised as-builts were submitted after the public notice letters were mailed.

- Aerial view of boat dock
- Email dated December 23, 2017, from Adam Popp, Master Deputy Adam Popp of the Orange County Sheriff's Office Marine Unit.
- Notice of Public Hearing dated October 3, 2019 Notice of Public Hearing letter was sent on October 3, 2019 to those property owners within 500 feet of the subject property. There were 44 Notices provided by U.S. Mail.
- Copy of PowerPoint presentation from Planning and Zoning meeting that Board Members used in considering their decision.

The City Engineer is prepared to respond to any questions you may have regarding the variance requests.

P&Z Report 1141 Windsong Road Page 1 of 2



Recommendations from Planning and Zoning are as follows:

**Variance 2019-03 to allow a boat dock exceeding the allowable 1,000 square feet**

*Board Member Kreidt moved to recommend approval of Variance 2019-03 to City Council with conditions; second by Board Member Santurri. The Motion passed (4/0).*

The conditions are as follows:

- Condition #1: No alterations of 10/14/2019 that would result in the increase of the square footage of the dock;
- Condition #2: no mechanical additions that would result in increased size of the existing dock or of the shaded area, or encroachment into the waterway;
- Condition #3: no addition of a second floor.

**Variance 2019-02 to allow a boat dock exceeding more than 25% of the canal width**

*Board Member Santurri made the motion to recommend approval of Variance 2019-02, with the same conditions as proposed for Variance 2019-03; second by Board Member Trivedi. The motion passed (4/0).*

The conditions are as follows:

- Condition #1: No alterations of 10/14/2019 that would result in the increase of the square footage of the dock;
- Condition #2: no mechanical additions that would result in increased size of the existing dock or of the shaded area, or encroachment into the waterway;
- Condition #3: no addition of a second floor.



1117 East Robinson St.  
Orlando, FL 32801  
Phone: 407.425.0452  
Fax: 407.648.1036

September 30, 2019

Ms. Sandy Riffle  
Deputy City Clerk  
City of Edgewood  
405 Bagshaw Way  
Edgewood, FL 32809-3406

**RE: 1141 Windsong Road – revised boat dock as-built review  
CPH Project No. E7601**

Dear Ms. Riffle;

This is regarding a request to allow two variances for a boat dock located at 1141 Windsong Road, which is currently in the R-1AA zoning district. The applicant is requesting to allow the construction of a boat dock that exceeds the allowable 1,000 square footage and to exceed the allowable amount of 25% of the canal width.

Below is a summary of information regarding the review of the original construction plans and as-builts for a dock constructed at the above address. The address is zoned as lakefront per the Orange County Property Appraisers web site. The subject property is also at the mouth of a canal that connects both Lake Gatlin and Little Lake Conway. For our review, we reviewed the application based on City code for a dock being constructed on a canal, Section 14-11, Boat Dock Construction Rules and Regulations as part of the as-built review. The code is referenced below:

*Sec. 14-11(b)(3) Length of boat docks. The maximum permitted length of boat docks and other structures which shall include walkways, boat house and terminal platforms shall not exceed 65 feet as measured from the normal high water line as established by Orange County, Florida, as marked by a registered surveyor and mapper, unless a variance is secured from the city council. No dock on a canal or otherwise shall extend waterward of the mean or ordinary high water line more than 25 percent of the width of the water body at the location of the dock. This is to assure that other property owners will retain their rights or reasonable use of, and access to, the lake.*

*Sec. 14-11(b)(3) Square footage of boat docks. No boat dock shall exceed 1,000 square feet in total area. The total area of the dock is that portion of the dock lying waterward of the normal high water line of the applicable lake or water body.*

CPH performed a follow up review of the revised dock as-builts, dated "Received City of Edgewood, 8/23/2019." The copy of the as-builts we reviewed are signed and sealed by Mr. William F. Menard, Professional Surveyor and Mapper, with a revision date of 7/30/19. These as-builts superseded the previous as-builts dated July 8, 2019. The revised as-builts were submitted due to repairs made to the dock after the initial dock was constructed. We reviewed the new as-builts and compared that information to the original application plans to verify the dock was built to per the original plans.



As part of the review, we reviewed the length, width and height of the dock to verify if the constructed dock meets or exceeds the permitted dimensions and for the allowable shaded area over water. We also reviewed the location of the dock with respect to the Normal High Water Elevation (NHWE) to verify if the dock encroaches more than 25% into the width of the canal.

The shaded area of water for the dock is 1,021.85 SF which is greater than the allowable 1,000 SF (Sec 14-11(b)(6)). We understand the difference in area is a result of the repairs that were made to the previously constructed dock.

The distance the dock extends into the canal from the NHWE is 37.2 feet, per the as-builts. The width of the canal at this same location is 145.08 feet, per an aerial exhibit provided with the application. As noted in the code section above, the dock is not allowed to extend more than 25% of the width of the canal. That distance is 36.27 feet. The as-builts show the distance is 37.2 feet, which is greater than the allowable distance (Sec 14-11(b)(3)). The total difference in distance is 0.93 feet, or 11.16 inches.

The owner of the dock has submitted a variance request for both the encroachment into the width of the canal and for the shaded area of the dock. To date, CPH has not received any information or documentation stating the dock location is a nuisance or directly impacts the safe and navigable waters of the canal.

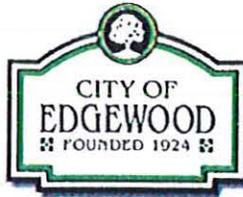
We have reviewed the variance requests and do not have any objections to the City approving the requests.

Sincerely,  
CPH, Inc.

A handwritten signature in black ink that reads "Allen C. Lane, Jr." in a cursive script.

Allen C. Lane, Jr., P.E.  
Project Engineer

J:\E7601\Civil\Documents\City Plans-Application Review\1-completed projects\1141 Windsong Rd - Boat Dock\letters\1141 Windsong Road - variance letter to Cty 9-30-19.doc



RECEIVED  
 SEP 20 2019  
 CITY OF EDGEWOOD

**APPLICATION FOR VARIANCE**

Reference: City of Edgewood Code of Ordinances, Section 126-588  
 REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL  
 (Plus Applicable Pass-Through Fees - Ordinance 2013-01)  
 Please note this fee is non-refundable

Office Use Only:	
VARIANCE APPLICATION #:	2019-02
PLANNING AND ZONING MEETING DATE:	10/14/2019
CITY COUNCIL MEETING DATE:	11/19/2019

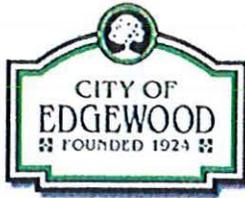
**IMPORTANT:** A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk \_\_\_\_ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	Melinda Elannan	Owner's Name:	Melinda Elannan
Address:	1141 Windsong Rd, Orlando FL 32809	Address:	1141 Windsong Rd, Orlando FL 32809
Phone Number:	305-778-9861	Phone Number:	305-778-9861
Fax:		Fax:	
Email:	1141windsong@gmail.com	Email:	1141windsong@gmail.com
Legal Description:	HARBOUR ISLAND SUB 1/131 LOT 29 & LOT 30 (LESS BEG NE COR LOT 30 RUN SWLY ALONG RD 51.61 FT N 68 DEG W 298.33 FT NELY TO NW COR LOT 30 S 66 DEG E 327 FT TO POB)		
Zoned:	R-1AA 0104 - Single Fam Class IV		
Location:	13-23-29-3380-00-290		
Tract Size:	58,417 sqft (+/-)		
City section of the Zoning Code from which Variance is requested:	Zoning Code Section 14-11(b)(3)		
Request:	Exceeds 25% of Canal Width		
Existing on Site:	25.6% Into Canal		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property. Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached. Page 2 of 4

405 Bagshaw Way, Edgewood, Florida, 32809-3406  
 Phone: 407-851-2920 / Fax: 407-851-7361  
 www.edgewood-fl.gov



**To justify this variance, applicant must demonstrate the following:**

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do no result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

**Applicant must agree that:**

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

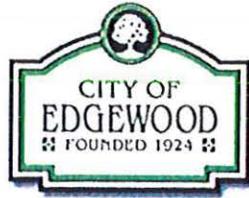
<b>AGREE:</b>		<b>DISAGREE:</b>	
---------------	--	------------------	--

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

<b>AGREE:</b>		<b>DISAGREE:</b>	
---------------	--	------------------	--

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	9/20/19
Applicant's Printed Name:	Melinda Elannan		
Owner's Signature:		Date:	9/20/19
Owner's Printed Name:	Melinda Elannan		

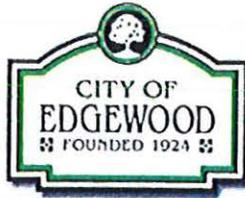


Please submit your completed application to City Hall via email at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov) or [sriffle@edgewood-fl.gov](mailto:sriffle@edgewood-fl.gov), via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Variance #:	2019-02
Received Date:	9/20/2019
Received By:	Ben Meeks
Forwarded To:	CPH
Notes:	

Revised 6/24/2019

Page 4 of 4



RECEIVED  
 SEP 20 2019  
 CITY OF EDGEWOOD

**APPLICATION FOR VARIANCE**

Reference: City of Edgewood Code of Ordinances, Section 126-588  
 REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL  
 (Plus Applicable Pass-Through Fees - Ordinance 2013-01)  
 Please note this fee is non-refundable

Office Use Only:	
VARIANCE APPLICATION #:	2019-03
PLANNING AND ZONING MEETING DATE:	10/14/2019
CITY COUNCIL MEETING DATE:	11/19/2019

**IMPORTANT:** A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk \_\_\_\_ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	Melinda Elannan	Owner's Name:	Melinda Elannan
Address:	1141 Windsong Rd, Orlando FL 32809	Address:	1141 Windsong Rd, Orlando FL 32809
Phone Number:	305-778-9861	Phone Number:	305-778-9861
Fax:		Fax:	
Email:	1141windsong@gmail.com	Email:	1141windsong@gmail.com
Legal Description:	HARBOUR ISLAND SUB 1/131 LOT 29 & LOT 30 (LESS BEG NE COR LOT 30 RUN SWLY ALONG RD 51.61 FT N 68 DEG W 298.33 FT NELY TO NW COR LOT 30 S 66 DEG E 327 FT TO POB)		
Zoned:	R-1AA 0104 - Single Fam Class IV		
Location:	13-23-29-3380-00-290		
Tract Size:	58,417 sqft (+/-)		
City section of the Zoning Code from which Variance is requested:	Zoning Code Section 14-11(b)(6)		
Request:	Exceeds 1,000 SF		
Existing on Site:	Dock is 1,021.85 square feet		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property. Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached. Page 2 of 4

405 Bagshaw Way, Edgewood, Florida, 32809-3406  
 Phone: 407-851-2920 / Fax: 407-851-7361  
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To justify this variance, applicant must demonstrate the following:

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
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6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

Applicant must agree that:

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

AGREE:	<i>Melinda Elannan</i>	DISAGREE:	
--------	------------------------	-----------	--

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	<i>Melinda Elannan</i>	DISAGREE:	
--------	------------------------	-----------	--

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<i>Melinda Elannan</i>	Date:	9/20/19
Applicant's Printed Name:	Melinda Elannan		
Owner's Signature:	<i>Melinda Elannan</i>	Date:	9/20/19
Owner's Printed Name:	Melinda Elannan		



Please submit your completed application to City Hall via email at [bmeeke@edgewood-fl.gov](mailto:bmeeke@edgewood-fl.gov) or [sriffle@edgewood-fl.gov](mailto:sriffle@edgewood-fl.gov), via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Variance #:	2019-01
Received Date:	9/24/2019
Received By:	Bee Meeks
Forwarded To:	CPH
Notes:	

Revised 6/24/2019

Page 4 of 4

September 19, 2019

City of Edgewood  
405 Bagshaw Way  
Orlando, FL 32809

RECEIVED  
SEP 20 2019  
CITY OF EDGEWOOD

Re: Application for Variances- Boat Dock Placement and Square Footage

Attn: Edgewood Planning and Zoning Board & City Council Members

To All Municipal Leaders,

I, Melinda Elannan, property owner and sole resident of 1141 Windsong Road, am writing to request a variance to the existing dock on my lake-front zoned property regarding a) total square footage and b) canal extension. Both will be outlined in detail below.

The dock was constructed in 2017. Due to issues with the decking and delays in the repairs due to a responsibility/liability dispute between the decking provider and my dock builder, the decking was repaired in spring 2019. The framing and location of the dock has remained constant since original construction in spring 2017, and the dock has been signed off by the city and the county and the permit has been closed. There have been no reported incidents involving my dock in the 2 years since construction, nor have the Orange County Sheriffs or other waterway patrolling entities recorded concerns with the dock placement.

After initial conversations and renderings with Summertime Deck and Dock, I was notified that the gentleman with whom I had worked was no longer with the company and another gentleman would be assuming my project. Upon a site visit, it was determined that the initial dock rendering was incorrectly placed by the original Summertime representative, as the placement would render my boat slip unusable during dryer seasons due to proximity to the shore. The purpose of the boat dock was to accommodate a deep-V inboard wakeboat in reasonable water depth, 4' from muck, as anything less than 4' risks engine damage. Additionally, the necessary lift to accommodate a deep-V inboard motor wakeboat (Aluminum Boat Cradles HSK 7500SV) requires a minimum of 3' per specification of the manufacturer. We explored moving the boat dock to the opposite side of my shoreline- near the live oak along the property line I share with the other half of Lot 30. However, due to low water depths that extend sufficiently offshore, the walkway/square footage necessary to reach adequate depths would have placed the dock as a significant visual impedance to both my neighbors' and my own views of Lake Gatlin.

Spring 2017 also presented historic water level lows on Lake Gatlin. According to the Orange County Water Atlas, Lake Gatlin NAVD88 NWHE was 83.71, while 39 year averages are at 86.12. Based on boat accommodation requirements that would be necessary so that I may enjoy the benefits of lake-front living in conjunction with a season of historic water level lows, I instructed Summertime to adjust accordingly, and trusted- based on their professional standing as dock builders- that necessary matters would be handled to accommodate any adjustment. Based on what I am discovering, those necessary matters were not fully handled, the dock builder cannot be trusted, and thus I am taking it upon myself to submit this current request for the aforementioned variances with variance justifications that follow.

- A) Current boat dock square footage: 1,021.85 square feet according to CPH. This is 21.85 SF larger than the 1,000 SF parameter set forth by Zoning Code Section 14-11(b)(6). The current dock, minus walkway, is 23.7x40.3. The originally submitted as-built that has been brought to my attention placed my dock at 23.1x40.2; a variance of 0.6' larger width (7.2 inches, 3.6 inches per side) and 0.1' smaller length from the original as-built. Additionally, extra square footage was added when the walkway was widened, though the dock builder apparently did not reflect this in their original as-built.
- B) Canal extension: As per the CPH report, the dock extends a distance of 37.2 feet into the canal which is 145.08 feet wide at the same location. This equates to 25.6% of the canal width. Zoning Code Section 14-11(b)(3)

states that the extension into the lake is to be 25%, which would be 36.27 feet. With the adjustment that was made to accommodate the necessary water depths to render my dock and boat slip functional in both high and low water seasons (please see aforementioned lake levels, as per Orange County Water Atlas reporting, and boat/boat lift requirements), the dock builder's rotation of the rendering placed the dock 0.6% beyond the 25% stipulation. Without the adjustment, the boat slip and dock would have been rendered useless for the intended purposes during select months of the year, and even moreso during dryer years. This shift was apparently not addressed in the permitting stage by the dock builder. However, per a previously recorded zoning hold, this issue has been addressed in past months with the city of Edgewood by the dock builder. As mentioned, I ask that the council please take into consideration that the dock has been present at its current location- 0.6% beyond the 25% stipulation- for 2 years with no recorded issues.

At the time of this letter being drafted, the construction of my dock has been a 2 year & 5 month saga. Unfortunately, along the way, I have dealt with a difficult and unprofessional dock builder and a rollercoaster of approvals/denials/reviews. I have received a final approval from the city engineer, had the engineer return for another inspection and again received the all-clear from that follow-up inspection (see attached letter), and now I am re-facing the same issues yet again. I have also endured a harassing neighbor. Said neighbor, Doug Langford, has created a hostile canal-neighbor environment over the last 9 months, despite my attempt to have a neighborly discussion with him regarding the matter. He took it upon himself to willfully and knowingly break the law by trespassing on my property (please refer to official trespass filed with the Edgewood Police Department) to illegally gather measurements, thus leaving me with a shaken sense of security as I- a single female living alone- ponder the extents to which he would go if he disagrees with how I handle any other matters on my personal property.

As an Edgewood resident who loves my Harbour Island neighborhood, regularly utilizes our beautiful waterways, and has already submitted plans to build a brand new home that will add to the beautification and property values of the city, I kindly and heartfully ask the council to consider the aforementioned factors in approval of my variance requests. Please recall the lack of incidents in relation to the current location of my dock, the necessity of placing the dock in slightly deeper water to render the dock/boat slip functional, and consider that much of the square footage overage comes due to the addition of width to the walkway (which does not affect canal passage). I have learned several lessons during the course of this dock saga, including taking personal responsibility to better understand code and placing a bit less trust in "professionals"; I can assure you these lessons will be put into action as I build my new home! I am willing and happy to add visual cues/lights at the corners of my dock which face the canal if the council feels that it would enhance the safety of canal passerby. While I would like to put this saga to rest with the approval of the requested variances, I also want to ensure that I am acting as a good neighbor in the interest of ongoing safety for my fellow boaters. Thank you for your consideration in the matter, and please feel free to contact me with any questions.

Sincerely,

Melinda Elannan  
1141 Windsong Road  
Orlando, FL 32809  
305-778-9861



**LEGAL DESCRIPTION:**

LOT 29, HARBOUR ISLAND SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE(S) 131, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

LOT 30, HARBOUR ISLAND SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 131, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS AND EXCEPT: BEGIN AT THE NORTHEASTERLY CORNER OF SAID LOT 30, SAID CORNER IS SITUATED ON THE WESTERLY RIGHT-OF-WAY LINE OF WINDSONG ROAD, RUN THENCE SOUTHWESTERLY ON THE EASTERLY LINE OF SAID LOT 30 AND ON THE WESTERLY RIGHT-OF-WAY LINE OF WINDSONG ROAD A DISTANCE OF 51.61 FEET; RUN THENCE NORTH 68 DEGREES 59' 54" WEST 298.33 FEET TO THE WESTERLY (REAR) LOT LINE OF SAID LOT 30; RUN THENCE NORTHEASTERLY ON THE WESTERLY (REAR) LOT LINE OF SAID LOT 30 TO THE NORTHWESTERLY CORNER OF SAID LOT 30; RUN THENCE SOUTH 66 DEGREES 44' 55" EAST ON THE NORTHERLY LOT LINE OF SAID LOT 30 A DISTANCE OF 327 FEET MORE OR LESS TO THE POINT OF BEGINNING.

**LEGEND:**

BM	BENCHMARK	LAKE GATLIN	WATER EL: 85.9'
CONC.	CONCRETE	(8/6/19)	
COVD	COVERED		
D	PER DEED		
EJB	ELECTRIC JUNCTION BOX		
EL	ELEVATION		
ID	IDENTIFICATION		
IP	IRON PIPE		
IRR	IRRIGATION PUMP		
L	LENGTH		
LB	LICENSED BUSINESS MEASURED		
M	NORTH AMERICAN VERTICAL DATUM		
NAVD	NORMAL HIGH WATER LINE		
NHWL	PER PLAT		
P	POINT OF BEGINNING		
PCC	POINT OF COMPOUND CURVATURE		
P.O.B.	POINT OF BEGINNING		
P.O.L.	POINT ON LINE		
REC.	RECOVERED		
SQ. FT.	SQUARE FEET		
--00--	CONTOUR LINE		
+00.00	SPOT ELEVATION		

**SURVEYOR'S NOTES:**

- The lands as shown hereon lie within Section 13, Township 23 S., Range 29 E., Orange County, Florida.
- This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
- Underground improvements or underground foundations have not been located except as noted.
- This survey does not reflect or determine ownership.
- All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
- No title data has been provided to this surveyor unless otherwise noted.
- Bearings shown hereon are assumed relative to the South line of Lot 29; said bearing being N75°24'05"W per plat.
- According to the Federal Insurance Rate Map, this property lies in Zones "AE" and "X", Community Panel number 12095C0430 F, Dated: 9/25/2009. Zone "AE" has an elevation of 88.
- Elevations shown hereon are based on Orange County benchmark #EW-2, having an elevation of 95.70' relative to NAVD 88.
- Normal High Water Line elevation is 86.90' relative to NCVD 29 per Unincorporated Orange County, Florida Lake Index (REV. Jan 2005).
- Interior improvements not located per the client's request.
- Acres and square feet as depicted calculated to edge of water.
- Legal Description per Warranty Deed recorded Document 20160446297.
- The purpose of this survey is to show the dock as-built.
- The two (2) dock ties to the NHWL were changed to perpendicular ties.

CURVE TABLE				
CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1(P)	148.60'	222.00'	77.20'	38°21'07"
C1(M)	148.64'	222.00'	77.23'	38°21'45"
C2(P)	99.20'	222.00'	50.44'	25°36'09"
C2(M)	98.63'	222.00'	50.14'	25°27'19"
C3(P)	101.01'	222.00'	51.39'	26°04'10"
C4(P)	51.61'	222.00'	25.92'	13°19'12"

**REVISIONS**

Rev. SEE NOTE 15	Date: 9/23/19
Rev. REVISED DOCK	Date: 7/30/19
Rev. REVISED NHWL	Date: 11/20/17
Rev. DOCK AS-BUILT	Date: 9/6/17

**HLSM, LLC**  
 Heinrich-Luke-Swaggerty-Menard  
 Professional Surveyors & Mappers  
 Licensed Business No. 7276  
 302 Live Oaks Boulevard  
 Casselberry, Florida 32707  
 P. (407) 647-7346  
 F. (407) 982-7166  
 Survey@HLSM.US

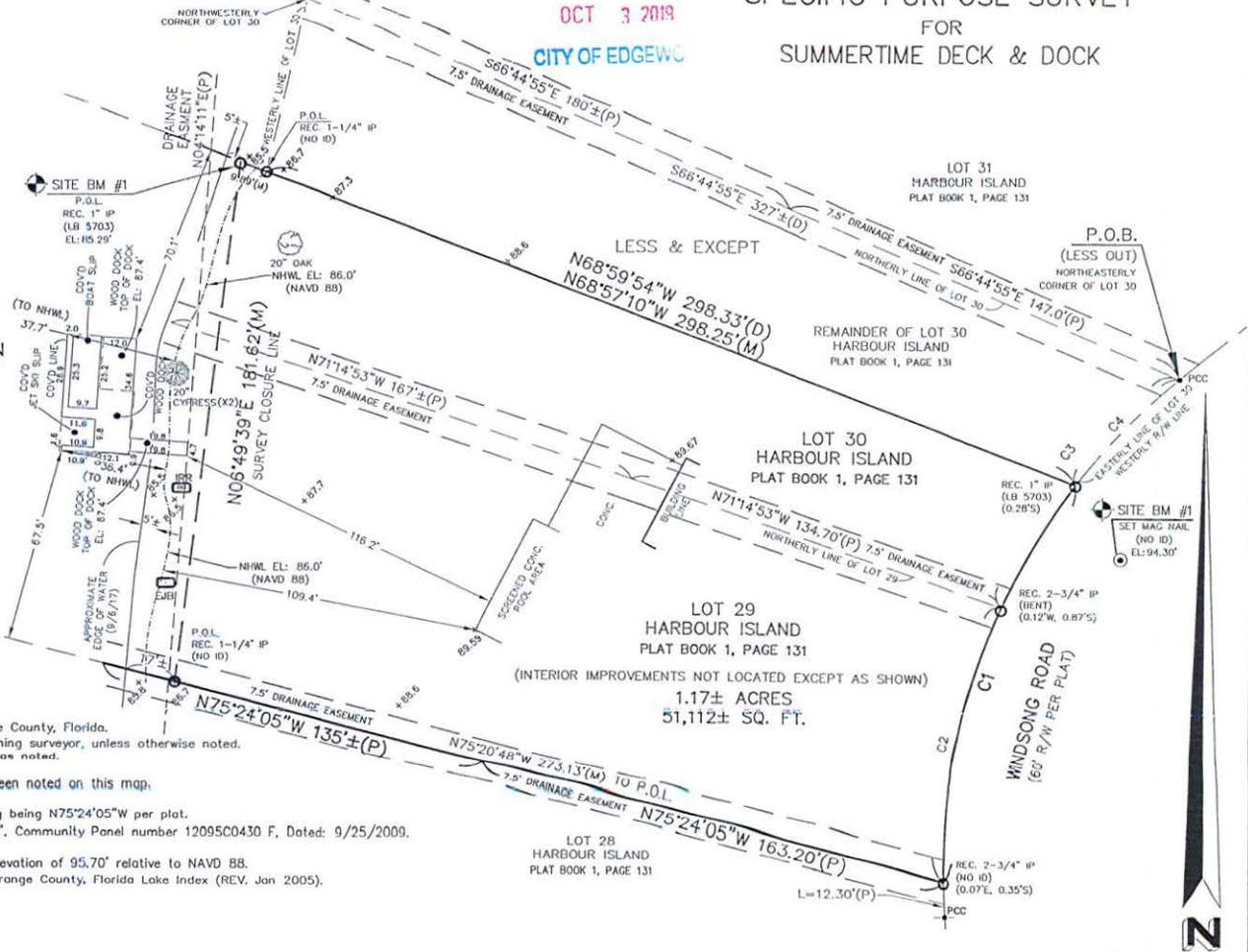
Job No:	J-486
Field Date:	4/27/17
Drawn By:	RM
Field By:	WKP/GR
Scale:	1"=40'

THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

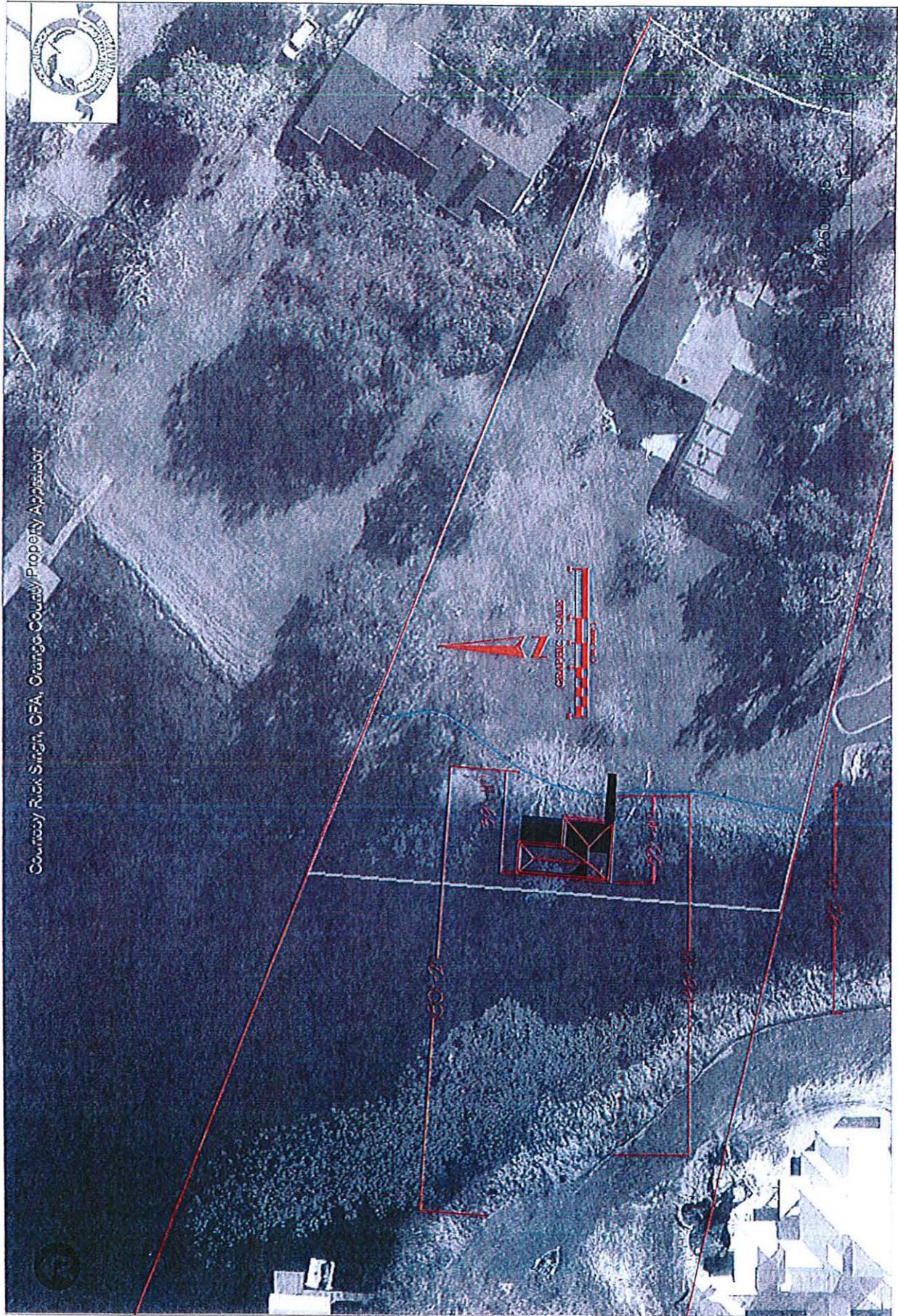
*William F. Menard*  
 William F. Menard  
 Professional Surveyor & Mapper  
 Florida Registration #5625

RECEIVED  
 OCT 3 2019  
 CITY OF EDGEWATER

**SPECIFIC PURPOSE SURVEY**  
 FOR  
**SUMMERTIME DECK & DOCK**



\\SERVER\Projects\Harbour Island\dwg\Lot 29-30 dock 2019.dwg



Courtesy Rick Singh, CFA, Orange County Property Appraiser

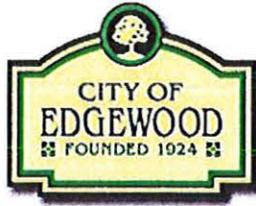
**From:** Adam.Popp@ocfl.net [mailto:Adam.Popp@ocfl.net]  
**Sent:** Saturday, December 23, 2017 11:16 AM  
**To:** Sandy Repp <srepp@edgewood-fl.gov>  
: Fred.Westerberg@ocfl.net  
**Subject:** Re: 1141 Windsong Rd Edgewood

The dock and boat house are substantially larger than others on the canal but as you can see in the photos I've attached the canal remains navigable. I don't see it becoming an issue even at low water levels.

Adam

(Attached pictures shown below)





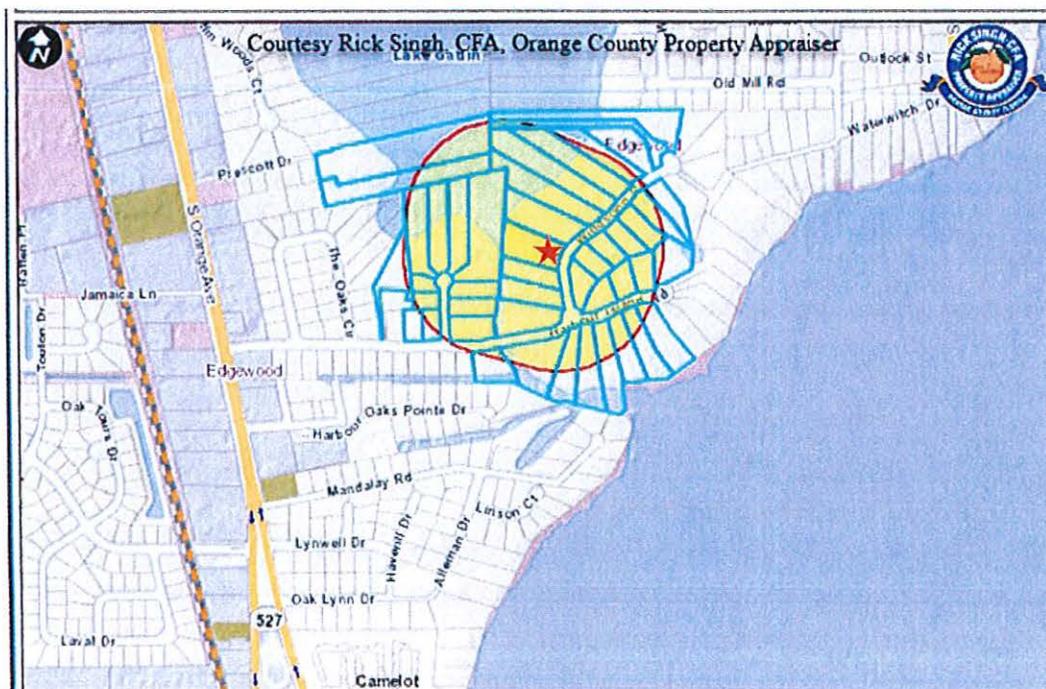
## NOTICE OF PUBLIC HEARING

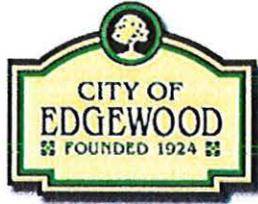
**PLEASE TAKE NOTICE** that at its Planning & Zoning meeting on **Monday, October 14, 2019**, the Planning and Zoning Board of the City of Edgewood, will consider 2 variance applications for a boat dock located at 1141 Windsong Road, which is currently in R-1AA zoning district (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-104 [Variance]).

- **Variance Application No. 2019-02** to allow the construction of a boat dock that exceeds the allowable square footage [Sec. 14-11(b)(6) square footage of boat docks] and;
- **Variance Application No. 2019-03** to allow the construction of a boat dock that exceeds 25% of the canal width [Sec. 14-11(b)(3) length of boat docks].

The meeting will be held in the Council Chambers of City Hall, 405 Bagshaw Way, Edgewood, Florida beginning at **6:30 p.m.** or as soon as possible thereafter. **The Planning and Zoning Board's recommendation will be forwarded to City Council on Tuesday, November 19, 2019 at 6:30 p.m. for final action.**

The subject property for variance is legally described HARBOUR ISLAND SUB 1/131 LOT 29 & LOT 30 (LESS BEG NE COR LOT 30 RUN SWLY ALONG RD 51.61 FT N 68DEG W 298.33 FT NELY TO NW COR LOT 30 S 66 DEG E 327 FT TO POB)





**Interested parties may attend this meeting and be heard with respect to this Variance application. In addition, the application(s) may be inspected by the public at the City Clerk’s Office, 405 Bagshaw Way, Edgewood, Florida. You may reach City Hall at 407-851-2920; City Hall is open Monday – Thursday 8 a.m. to 4 p.m. and Friday 8 a.m. to noon. Should you have any questions or concerns please do not hesitate to come to City Hall to review the file.**

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Planning and Zoning Board and City Council on this topic to properly noticed hearings or to written communication to the City Clerk’s Office.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the city clerk.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, *Florida Statutes*, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the meeting to the City Clerk’s Office.

This public hearing may be continued to a future date or dates. Any interested party is advised that the date, time, and place of any continuation shall be announced during the public hearing and that no further notices regarding this matter will be published.

Should you desire additional information, regarding this application, please feel free to contact the City Clerk’s Office at 407-851-2920, or e-mail at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov).

Sandra J. Riffle, Deputy City Clerk  
Dated: 10/3/2019

**You may either mail in your comments and concerns on the space provided below or submit directly to City Hall. Please see above our hours of operation. We thank you for your participation.**

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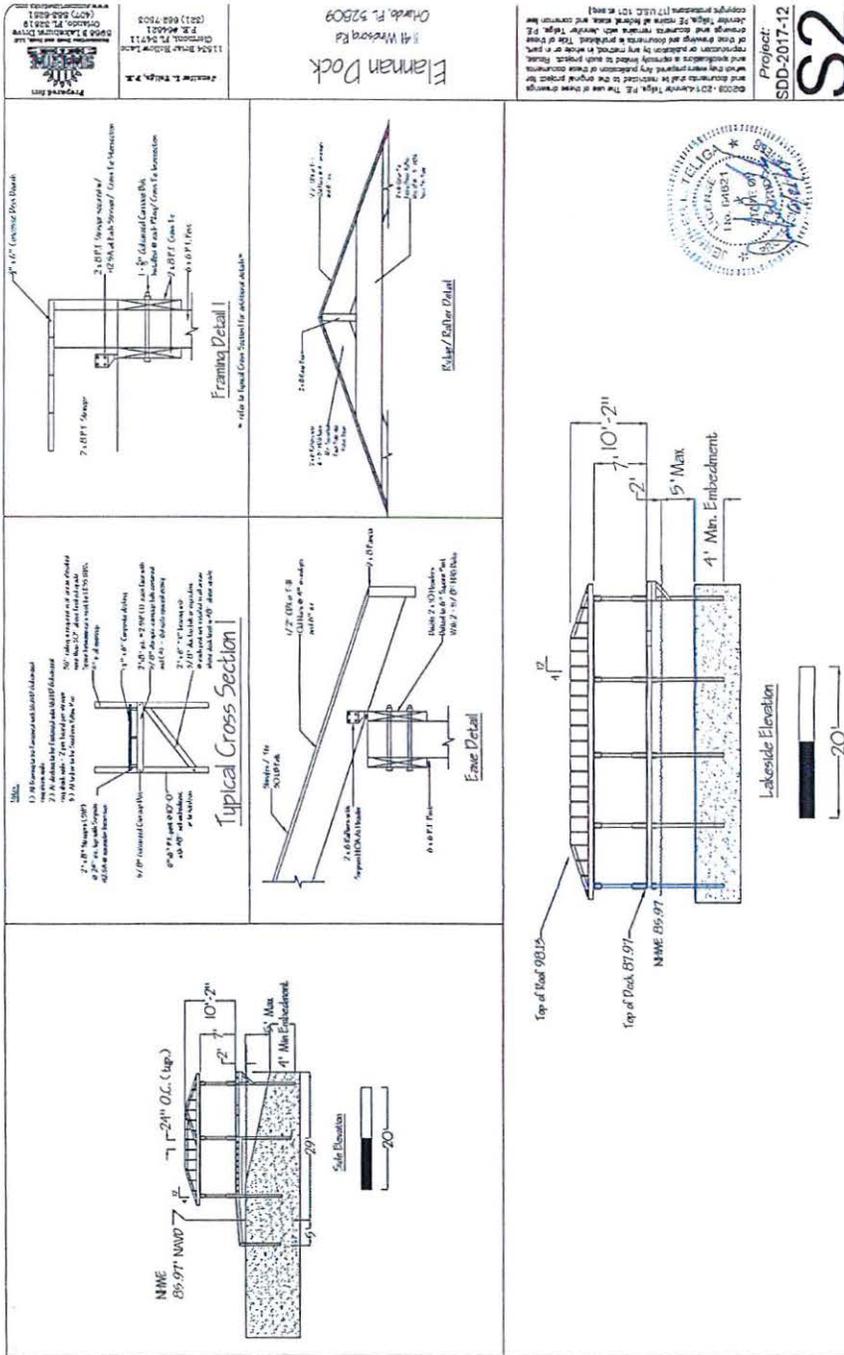
# 1141 Windsong Road

Boat Dock Variance Requests

## Sec. 14-11. - Boat dock construction rules and regulations. variances

To recommend to the city council such variance from the terms of this article, the following criteria shall be applied to the application:

- a. Average length of other docks in the surrounding 300-foot area;
- b. The reasonable use of the property by the owner;
- c. The effects the dock will have on navigation and safety of boaters;
- d. The overall general welfare of the neighborhood;
- e. Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;
- f. The effect of the proposed variance on abutting shoreline property owners;
- g. Whether the granting of the variance would be contrary to the intent and purpose and this article; and
- h. A variance from the maximum length of 65 feet may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation.











MIRANDA F. FITZGERALD

miranda.fitzgerald@lowndes-law.com  
215 North Eola Drive, Orlando, Florida 32801-2028  
T: 407-418-6340 | F: 407-843-4444  
MAIN NUMBER: 407-843-4600



October 21, 2019

VIA HAND DELIVERY AND EMAIL

Drew Smith, Esq.  
City Attorney  
City of Edgewood, Florida  
405 Bagshaw Way  
Edgewood, FL 32809

**Re: Discovery Church Off-site Parking Issue**

Dear Mr. Smith:

This firm represents Discovery Church (the “Church”) in connection with its effort to sell its property located at 4400 S. Orange Avenue, Orlando, FL 32806 (the “Church Property”) to another church (the “Prospective Purchaser”). The Church was formed in 1984 and has been operating on the Church Property since that April, 1993. The Church Property was annexed into the City of Edgewood (the “City”) in 1995. Since then, the Church has grown its congregation and become an important religious institution in the community.

In 2002, the growth of the Church precipitated a building expansion and discussions with the City staff regarding a new site plan for the Property (the “Site Plan”). In conjunction with the City’s review of the Site Plan, the Church executed an Amended License Agreement with Water’s Edge Plaza for off-site parking spaces needed to accommodate the Site Plan (the “License Agreement”). On November 12, 2002, the Edgewood City Council approved the Site Plan conditioned upon the Church submitting the License Agreement for review by the City. The Site Plan, as approved by the City, is dated January 21, 2003. On January 21, 2003, the City Council expressly approved the License Agreement. The approved License Agreement included the sketch attached hereto as Exhibit 1 which outlined 245 parking spaces within the Water’s Edge Plaza parking lot (the “Plaza Parking Lot”) as the area licensed for use by the Church, its guests and business invitees “for parking after six o’clock P.M. on Saturdays and from nine o’clock A.M. until one o’clock P.M on Sundays and generally recognized national holidays.”

Since January 2003, in reliance upon the City’s approval of the Site Plan and the License Agreement, the Church has been using the parking area outlined in the License Agreement. At all times following inception of the Church’s use of the Plaza Parking Lot, the Church has hired off-duty



City law enforcement officers to ensure safe pedestrian crossings of Orange Avenue and continued flow of traffic during the hours in which the Plaza Parking Lot is being used by the Church. To the best knowledge of the Church's executives, there have been no pedestrian injuries or traffic accidents related to the Church's use of the Plaza Parking Lot in the area outlined on Exhibit 1 in the nearly 17 years the Church has used the Plaza Parking Lot.

At the time of the City's approval of the Site Plan and License Agreement, Division 5 of the City's Land Development Code ("LDC") regarding Off-street Parking and Loading had been in effect since 1989 (the "1989 Parking Code"). The City's approval of the Site Plan and License Agreement in early 2003, included the inherent determination that the Site Plan and License Agreement were in compliance with the 1989 Parking Code. The number of approved off-site parking spaces (245), together with the number of parking spaces on the Church Property (126), are sufficient to accommodate over 1,000 seats within the Church, plus parking for the 40 employees who work during the hours the Church is allowed to use the Plaza Parking Lot. We acknowledge that the Church's maximum occupancy based on the Site Plan is 650 persons.

In 2007, an Amended and Restated License Agreement was executed by the Church and Water's Edge Plaza (the "Restated License Agreement"). The Restated License Agreement included the identical sketch of the licensed 245 parking spaces, but changed the times in which the spaces could be used to Saturdays between the hours of 5:00 P.M. and 8:30 P.M. (eastern standard time) and Sundays between the hours of 8:00 AM and 2:00 PM (eastern standard time) and between the hours of 5:00 P.M. and 11:00 P.M. (eastern standard time). The Church's use of the Plaza Parking Lot has not changed since the Restated License Agreement was executed. Each year the Church's Occupational License has been renewed. At no time since the City's 2003 approval of the License Agreement and the Site Plan has the City made a determination that the Church's use of the Plaza Parking Lot is a non-conforming use under the City's 1989 Parking Code. Therefore, as of July 16, 2018, the Church's use of the Plaza's Parking Lot was a legal conforming use that is "grandfathered" under the City's LDC.

On July 17, 2018, the City adopted Ordinance No. 2018-08 (the "2018 Amendment") that amended Sec. 134-606 of the LDC to read as follows:

The parking spaces provided for herein shall be provided on the same lot where the principal use is located or within 300 feet from the principal entrance as measured along the most direct pedestrian route; provided, however, that parking spaces provided across an arterial road from the lot where the principal use is located shall not be counted toward the parking spaces required herein.

The 2018 Amendment does not apply to the Church because of its grandfathered status under the 1989 Parking Code as interpreted by the City Council when approving the Site Plan and License

Agreement in 2003. Although the 2018 Amendment appears on its face to apply to all properties within the City, we believe that the Church Property is the only parcel within the City that has a licensed off-site parking area that is across an arterial road from the principal use. Any effort to enforce the 2018 Amendment against the Church will have a significant adverse impact on the Church and on the value of the Church Property.

On April 9, 2019, the Church began negotiations to sell the Church Property to Deeper Fellowship Church ("Deeper Fellowship"). The proposed purchase and sale was contingent upon the Church's assignment of the Restated License Agreement to Deeper Fellowship, as expressly allowed by the terms of the Restated License Agreement. The City is not a party to the Restated License Agreement, and the City's prior approval of an assignment of the Restated License Agreement is not required. On September 17, 2019, representatives of Deeper Fellowship appeared before the Edgewood City Council to ask whether the City would allow the Restated License Agreement to be modified so that the Plaza Parking Lot could be used on Tuesday evenings between the hours of 7:30 PM and 11:00 PM, in lieu of the Saturday hours stated in the Restated License Agreement. The comments made by City representatives at this meeting caused Deeper Fellowship to cancel further negotiations regarding the proposed purchase of the Church Property. Those statements indicated that the City would need to issue a variance before any change could be made to the Restated License Agreement and that the proposed change in use of the Plaza Parking Lot to Tuesday evenings in lieu of Saturday evenings would not be safe. We have concerns about the appropriateness of the statements made by City representatives at this meeting:

First, no variance from City Code is required to allow a further Amendment to the Restated License Agreement. Nothing in the 1989 Parking Code, as amended by the 2018 Amendment, places any day or time limitation or any traffic limitation on off-site parking arrangements. The Code merely requires that the parking demands of the different uses (here, Deeper Fellowship and Water's Edge Plaza) occur at different times. Deeper Fellowship's proposed Tuesday evening use of the Plaza Parking Lot would occur after normal business hours for the tenants in the Plaza. The City Code does not authorize the City to require variances to private agreements.

Second, off-the-cuff comments of the City's Chief of Police at the meeting indicated there was more traffic on Tuesdays than on Saturdays. That statement cannot be properly made without conducting traffic counts that compare Tuesday evening traffic to Saturday evening traffic. In addition, the Chief of Police made the conclusory statement that the change from Saturdays to Tuesdays "would not be safe." There was simply no basis for either of these statements. Deeper Fellowship's proposal included the use of City off-duty police officers to ensure the safety of pedestrians and passing motorists. The inappropriate comments made by City representatives at the September 17<sup>th</sup> City Council meeting were the direct cause of Deeper Fellowship's decision to terminate any further negotiations with the Church regarding purchase of the Church Property.

As additional background, we are aware of prior discussions among City staff and elected officials that the City's clear preference would be to have the Church Property used for a tax-generating purpose such as office or commercial use, rather than for a tax-exempt religious use. The City has a legal obligation to allow the continued use of the Church Property as a religious institution through an assignment of the Restated License Agreement because of the Church's status as a legal non-conforming use. It is our position that any action taken by the City to impose a variance requirement to allow continued use of Church Property for religious purposes or to enforce the provisions in the 2018 Amendment against the Church Property will violate the provisions of 42 USC Chapter 21C, Protection of Religious Exercise in Land Use And By Institutionalized Persons. Under this Act, "No government shall impose or implement a land use regulation that -- . . . (B) unreasonably limits religious assemblies, institutions or structures within a jurisdiction." Also, any action by the City that seeks to prevent use of the Plaza Parking Lot by the Church or an assignee of the Church because of the 2018 Amendment will be viewed as an action that inordinately burdens the Church's existing use of the Church Property and the Church's vested right to use the Plaza Parking Lot in violation of the protections granted by the Bert J. Harris, Jr. Property Rights Act.

So that the Church can resume negotiations to sell the Church Property to Deeper Fellowship or to another interested religious institution for continued use as a church, we would appreciate receiving a response from the City within fifteen (15) days from your receipt of this letter acknowledging: (i) that the Church's use of the Plaza Parking Lot is a legal non-conforming, grandfathered use and is not subject to the provisions of the 2018 Amendment; and (ii) that the Amended and Restated License Agreement can be assigned to Deeper Fellowship or another religious institution and amended to allow use of the Plaza Parking Lot on days or times that may differ from the current use of the Plaza Parking Lot but still be outside normal business hours, without any need for City consent or a variance from the City.

Very truly yours,

LOWNDES, DROSDICK, DOSTER, KANTOR  
& REED, P.A.



Miranda F. Fitzgerald  
For the Firm

MFF/MTL  
Attachment

[Distribution List on Following Page]

Drew Smith, Esq.  
October 21, 2019  
Page 5

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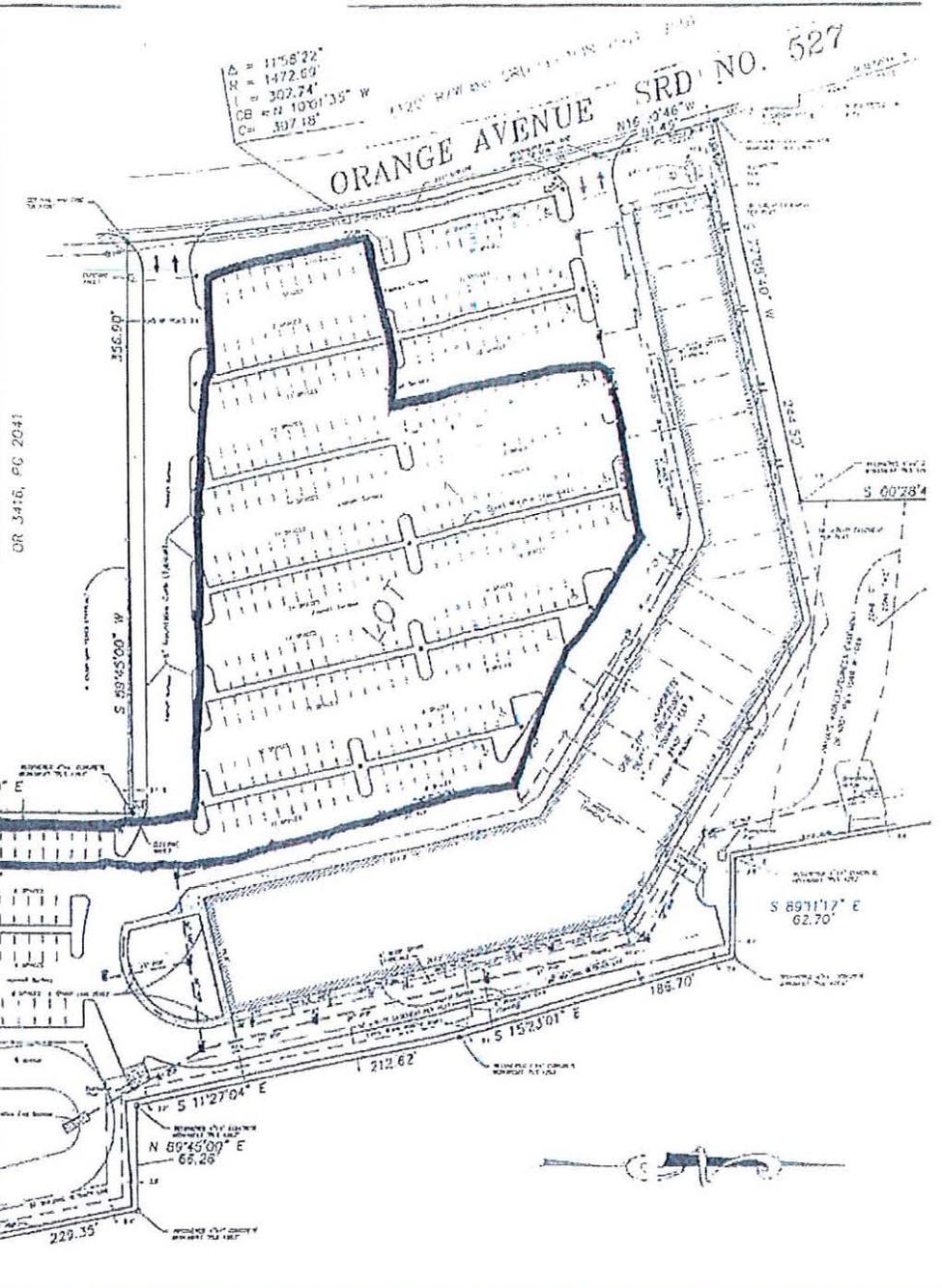
c: (all copies w/ attachment by hand delivery)  
John Dowless, Mayor  
Richard A. Horn, Council President  
Ben Pierce, Council President Pro-Tem  
Lee Chotas, Council Member  
Susan Fortini, Council Member  
Chris Rader, Council Member  
City Clerk  
Mr. Andrew Hansen  
Mr. Robert Harrell

EXHIBIT 1

[Sketch of Plaza Parking Lot Showing Parking Spaces included in Restated License Agreement]

[See attached page]

LEGEND	
1	Proposed Lot
2	Proposed Street
3	Proposed Right-of-Way
4	Proposed Utility
5	Proposed Easement
6	Proposed Encroachment
7	Proposed Boundary
8	Proposed Survey
9	Proposed Structure
10	Proposed Foundation
11	Proposed Wall
12	Proposed Fence
13	Proposed Gate
14	Proposed Driveway
15	Proposed Walkway
16	Proposed Path
17	Proposed Pond
18	Proposed Stream
19	Proposed Canal
20	Proposed Ditch
21	Proposed Embankment
22	Proposed Cut
23	Proposed Fill
24	Proposed Slope
25	Proposed Contour
26	Proposed Spot Elevation
27	Proposed Bench Mark
28	Proposed Monument
29	Proposed Iron Pin
30	Proposed Iron Pipe
31	Proposed Iron Nail
32	Proposed Iron Bolt
33	Proposed Iron Nut
34	Proposed Iron Washer
35	Proposed Iron Plate
36	Proposed Iron Ring
37	Proposed Iron Chain
38	Proposed Iron Tape
39	Proposed Iron Wire
40	Proposed Iron Rope
41	Proposed Iron Cable
42	Proposed Iron Pipe
43	Proposed Iron Conduit
44	Proposed Iron Manhole
45	Proposed Iron Vault
46	Proposed Iron Chamber
47	Proposed Iron Box
48	Proposed Iron Vault
49	Proposed Iron Chamber
50	Proposed Iron Box



$\Delta = 11^{\circ}58'22''$   
 $N = 1472.69'$   
 $CB = N 10^{\circ}1'35'' W$   
 $C = 397.18'$

SRD NO. 527

OR 3416, PC 2043

<b>SHEET</b> <b>1</b> <b>OF</b> <b>1</b>	<b>SECTION 12,</b> <b>TOWNSHIP 23 SOUTH,</b> <b>RANGE 29 EAST</b>	APPROVED BY THE BOARD OF COUNTY COMMISSIONERS DATE: 12/12/2011 COUNTY: ORANGE DISTRICT: 11 DRAWING NO.: 11-000001-001	<b>GRAPHIC SCALE</b>  1" = 40'
	ORANGE COUNTY FLORIDA	DRAWING SCALE: 1" = 40'	

## Edgewood Police Department November City Council Report 2019

	October	November
Residential Burglaries	0	1
Commercial Burglaries	0	0
Auto Burglaries	1	5
Theft	3	1
Assault/Battery	2	3
Sexual Battery	0	0
Homicides	0	0
Robbery	0	0
Traffic Accident	17	11
Traffic Citations	120	119
Red Light Citations	428	988
Traffic Warnings	201	332
Felony Arrests	5	3
Misdemeanor Arrests	4	2
Warrant Arrests	4	2
Traffic Arrests	2	1
DUI Arrests	0	0

### Department Highlights:

- On October 16<sup>th</sup>, Officer Amy Schlopy was able to show off her newly obtained skills as a Child Passenger Safety Technician by helping a set of new parents learn how to properly install a car seat during a visit to the Edgewood Police Department.
- On October 18<sup>th</sup> the Edgewood Police Department participated in the City of Edgewood's Halloween Celebration. During this celebration Officer Adam Lafan conducted a silent auction for carved pumpkins which raised over \$500. Analyst Stacey Salemi and Sergeant Ireland presented a Haunted Trailer. Additional staff handed out bags of Halloween Candy and assisted blocking traffic and conduct crowd control.
- On October 26<sup>th</sup> Officer Scott Zane participated, along with other police agencies, the "Making Strides Against Breast Cancer" event in downtown Orlando.
- Also on October 26<sup>th</sup>, the Edgewood Police Department participated in the DEA Prescription Drug take back. During this time, the Edgewood Police Department collected 40 pounds of unused prescription drugs.
- On October 31<sup>st</sup> the Edgewood Police Department participated in Halloween Trick or Treating by handing out candy.
- This month Sergeant Ireland, while working in the capacity as acting detective, wrote 3 Court Orders to produce records, and 3 warrants for arrest.
- On October 8<sup>th</sup>, Officers Schlopy and Lafan were dispatched to an occupied residential burglary call. They were able to work with surrounding agencies and located and arrested the suspect.

Reporting Dates: October 8th to November 7th 2019