



CITY COUNCIL REGULAR MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, July 19, 2022 at 6:30 PM

DRAFT MINUTES

CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

Council President Horn called the meeting to order at 6:30 with a moment of silence followed by leading the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

Interim Clerk Riffle announced a quorum with all five Council members and Mayor Dowless in attendance.

MAYOR/COUNCIL ATTENDEES

Mayor John Dowless
Council President Richard Horn
Councilmember Lee Chotas
Councilmember Susan Lomas
Councilmember Ben Pierce
Councilmember Chris Rader

STAFF ATTENDEES

Sandra Riffle, Interim City Clerk
John Freeburg, Police Chief
Shannon Patterson, Police Chief of Staff
Scott Zane, Officer/IT Department
Stacey Salemi, Code Compliance Officer
Drew Smith, City Attorney
Ellen Hardgrove, AICP City Planner

APPROVAL OF MINUTES

1. May 17, 2022 City Council Meeting Minutes with corrections

- Councilmember Rader clarified that the last part of his motion for the Holden Avenue PD should read, "Preservation of a fence along the property boundary at the wall, from the northernmost 30 feet of the west property line to prevent access to the neighboring property."
- Councilmember Rader requested to change page 10 – bullet two as he did not make the comment about the compliment to Chief from Attorney General Ashley Moody. Interim Clerk Riffle will review the recording and make the correction.

Councilmember Lomas moved to approve the May 17, 2022 meeting minutes with corrections. Councilmember Rader seconded the motion. Motion approved (5/0).

2. June 21, 2022 City Council Meeting Minutes

Councilmember Rader moved to approve the June 21, 2022 meeting minutes as presented. Councilmember Pierce seconded the motion. Motion approved (5/0).

Note: The order of business was rearranged. The minutes reflect the order of business as it was heard.

ORDINANCES (FIRST READINGS)

1. Ordinance 2022-05: Site-Specific Zoning

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO CREATE A NEW SITE SPECIFIC PLAN ZONING CATEGORY; ESTABLISHING A PROCESS AND REQUIREMENTS FOR REZONING PROPERTY TO SITE SPECIFIC PLAN ZONING; ESTABLISHING APPLICATION AND EVALUATION STANDARDS RELATED TO SITE SPECIFIC PLAN ZONING REQUESTS; PROVIDING FOR PERMITTED, AND PROHIBITED USES WITHIN SUCH ZONING; PROVIDING FOR SITE AND DEVELOPMENT STANDARDS; PROVIDING FOR REGULATIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

Councilmember Rader asked to table Ordinance 2022-05 as P&Z has not heard it yet and City Council has not received their recommendation.

Attorney Smith confirmed to Councilmember Chotas that the Comprehensive Plan was reviewed by the State agencies and no comments or objections were sent back to the City.

Councilmember Rader made a motion to remove Ordinance 2022-05 from the agenda; seconded by Councilmember Lomas. Motion approved (5/0).

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. Ordinance 2022-04: Lot Splits

AN ORDINANCE OF THE CITY OF EDGEWOOD AMENDING CHAPTER 126 OF THE CODE OF ORDINANCES, "SUBDIVISIONS," PROVIDING FOR A LOT SPLIT PROCEDURE FOR THE DIVISION OF A SINGLE LOT INTO TWO LOTS IN LIEU OF REPLATTING OR PLATTING UNDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE

Planner Hargrove said this is an ordinance to provide a simple subdivision process for unplatted lots being proposed to be split into two.

- Planner Hardgrove noted the changes that were made based on Council comments from the first reading. Council discussed the following additional changes that should be made. Inserted the word "licensed" professional on line 59.

- Changed the verbiage from “lot split” to “parcel split” on lines 9, 30, 36, 40, 58, 59, 76, 78, 94, and 96.
- Deleted "replatting" from lines 31 and 80.

There was no public comment.

Councilmember Rader made a motion to approve Ordinance 2022-04 with changes. The motion was seconded by Councilmember Lomas. Approved (5/0).

The motion was approved with a roll call vote.

Councilmember Pierce	Favor
Councilmember Rader	Favor
Council President Horn	Favor
Councilmember Lomas	favor
Councilmember Chotas	Favor

2. Ordinance 2022-03: Comp Plan Amendment

AN ORDINANCE AMENDING THE CITY OF EDGEWOOD COMPREHENSIVE PLAN RELATED TO THE CREATION OF A SITE-SPECIFIC FUTURE LAND USE DESIGNATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Smith read Ordinance 2022-03 in title only.

Planner Hardgrove said the proposed Ordinance is an amendment to an existing policy proposed to create a new tool, a new future land use designation known as Site Specific Plan to provide for compatibility of a proposed use with adjacent parcels.

She noted that the Ordinance was sent to DEO and other review agencies, and there was no comment. If adopted, any use allowed in other future land use designations could be considered consistent with the Site Specific Plan future land use designation. Approval of the new future land use designation would require simultaneous approval of the comprehensive plan policy detailing the parcel’s allowable uses and densities/intensities.

Discussion ensued relative to the required zoning to implement the new future land use designation. Planner Hardgrove confirmed to Councilmember Chotas that the process would require a Developers Agreement.

Councilmember Chotas said he was ready to vote in favor of the Ordinance.

Councilmember Rader shared a PowerPoint presentation which is included in the minutes.

Councilmember Rader noted that the City went through the process of removing incompatible uses from the C-3 zoning, and now the City is spending time and staff resources for one applicant that would allow a tool for an incompatible use [i.e., a proposed warehouse distribution on the Randall property] to be located adjacent to residential [Legacy] because of

potential tax revenue. Councilmember Rader said he had not seen an estimate of revenue that would be generated from this use. He suggested that an assisted living facility would be perfect for this location, which is allowed in the existing code.

He said that if Council amends the Comprehensive Plan, it paves the way for an industrial use like Suncoast Building Materials whose property was zoned for C-3. In this case, the City would be creating the entitlement and he would vote against it.

Councilmember Chotas said he appreciates Councilmember Rader's passion and energy. He thinks after discussions that not just this property but others may benefit from a commercial or industrial planned development.

Councilmember Chotas made a motion to approve the Ordinance. There was no second.

Mayor Dowless stated that most complaints he hears relate to apartments, which create demand on the police department. Apartments on the Randall property would most likely not be high-end due to their proximity to Orange Blossom Trail.

Further discussion ensued regarding the use and possible consequences such as truck traffic and noise affecting the adjacent properties.

There was no public comment.

Councilmember Rader made a motion to deny approval of Ordinance 2022-03; seconded by Councilmember Lomas. Motion approved (3/2).

The motion was approved by roll call vote:

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Oppose
Councilmember Pierce	Favor
Councilmember Chotas	Oppose

NEW BUSINESS

- 1. Set a tentative millage rate and set a public hearing date for the final millage and proposed fiscal year 2022/2023 budget.**

Interim City Clerk Riffle recommended approving a tentative millage rate higher than the current rate of 5.25%. The tentative rate can be adjusted in the first public hearing on September 6, 2022.

Mayor Dowless said that not all of the numbers have come in and asked for some flexibility from Council until all the information is available. He asked for the maximum tentative rate with the goal to retain the current rate of 5.25%.

There was no public comment.

Councilmember Rader moved to set the City's millage rate at 5.40% and directed the City Clerk to complete the DR420 and DR420MMP forms to provide to Orange County Property Appraiser on or before noon on July 30, 2022. The motion was seconded by Councilmember Pierce. Approved (4/1).

The motion was approved by roll call vote.

Councilmember Rader	Approve
Councilmember Pierce	Approve
Councilmember Lomas	Approve
Councilmember Chotas	Oppose
Council President Horn	Approve

CITIZEN COMMENTS

Jeff Kime, an Edgewood resident on Casa Grande Drive, spoke to City Council about a letter that he received from the City. The letter included an arborist report about the tree in the right of way (ROW) immediately in front of his house that is in poor health and that it was his responsibility as the property owner to remove it.

Mr. Kime said he spoke to the arborist, who said the tree had been unhealthy for a long time, and he could not predict when the tree could fall. He said he would understand this if he had done something to harm the tree or planted the tree, but that is not the case.

He thinks that the City should be responsible for the trees on the ROW and that the ordinance should be changed.

Councilmember Lomas commented that Orange County planted the trees on his street. Mayor Dowless said that those trees should not have been planted in the ROW.

Mayor Dowless said trees really break the budget, which is why City Council unanimously voted for the tree ordinance. He said that many cities have a similar tree ordinance.

Once the notice is given to the property owner that the tree is unhealthy, it becomes the property owner's responsibility if it falls.

Councilmember Chotas said that if a tree is in the ROW, and its condition pre-existed the ordinance he thought in that circumstance, it is unfair to ask a property owner that does not own the tree to have to cut it down. Attorney Smith replied the disease may have pre-existed the Ordinance, but trees are slow to decline, and there may be others like that.

Interim Clerk Riffle shared the arborist report with City Council. The tree roots are causing uplift on the street side of the curb, which is interfering with street drainage. Attorney Smith said it might be a stormwater issue, and the City may want to be proactive about that. Mayor Dowless said that he is willing to look at the tree and make a determination.

STAFF REPORTS

City Attorney Smith – no report

Chief Freeburg

- In the process of getting five grants.
- Getting license plate readers. Attorney Smith explained if there's a flag on the plate, PD will get pinged if the vehicle is in the City.
- Council President Horn reported that he frequently sees vehicles in the bike lane, which Chief Freeburg noted.

Interim Clerk Riffle

- City Hall staff is now digitizing Business Tax Receipts to move away from paper files.
- She sent a letter regarding the maintenance of trees to all property and business owners. Personal letters were mailed to property owners where an unhealthy tree(s) existed and informed them of their responsibility for the tree(s).
- City Hall filed a claim for a leak that occurred from a pipe in the men's restroom. The water covered most of the west side of City Hall and Chamber.
- Sidewalk quotes are coming in and sidewalk work will begin soon.

MAYOR AND CITY COUNCIL REPORTS

Mayor Dowless

- Budget process has started.
- He will name Cares Act committee members in the next couple of weeks.
- His meeting with lobbyists regarding the road realignment was not as successful as anticipated.

Councilmember Pierce said there is a discretionary account to use for a lobbyist. Attorney Smith said Council can give the Mayor the authority to enter into a contract.

Councilmember Chotas made a motion to give the Mayor the authority up to \$7500 to retain a lobbyist; seconded by Councilmember Pierce. Motion approved (5/0).

- Mayor Dowless said he would like FDOT to go to the County and speak as an expert.

Council Member Chotas - No report.

Council Member Pierce - No report.

Council Member Rader

Councilmember Rader said that some elected bodies have meetings with staff for more complex issues to work through issues before it goes to Council. A short staff meeting could potentially shorten discussions during Council meetings.

Council Member Lomas - No report.

Council President Horn - No report

ADJOURNMENT

Council President Horn moved to adjourn the meeting at 8:26 pm.

Richard A. Horn
Council President

Attest:

Sandra Riffle, CMC, CBTO
Interim City Clerk

Approved in the _____ Council meeting.