



CITY COUNCIL REGULAR MEETING

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

DRAFT MEETING MINUTES

CALL TO ORDER

Council President Pro-Tem Pierce called the meeting to order at 6:30 pm. He asked for a moment of silence, followed by leading everyone in the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

Council President Horn and Councilmember Chotas requested excused absences as they could not attend the meeting.

Councilmember Rader made the motion to excuse Council President Horn and Councilmember Chotas; second by Councilmember Lomas. Approved (3/0).

PRESENT

Councilmember Ben Pierce
Councilmember Chris Rader
Councilmember Susan Lomas

ABSENT

Councilmember Lee Chotas
Council President Richard Horn

STAFF

Sandra Riffle, Interim City Clerk
John Freeburg, Police Chief
Shannon Patterson, Police Chief of Staff
City Attorney, Drew Smith
Ellen Hardgrove, AICP City Planner
Allen Lane, P.E. CPH City Engineer

Consultants - Carr Riggs & Ingram CPAs and Advisors

Yvonne M. Clayborne, CPA, CAM, CITP
Jennifer Polk, Senior Accountant

APPLICANTS

John Mezzina 506 and 512
Eric and Tina Baker – 535 Mandalay Rd

ORGANIZATIONAL MEETING

1. Election of Council President and Council President Pro Tem

A brief discussion was held regarding the election of a Council President and Council President Pro Tem.

Councilmember Lomas made a motion for Council President Horn to continue as Council President; seconded by Council President Pro Tem Pierce. Approved (3/0).

Councilmember Rader made a motion for Council President Pro Tem to continue as Council President Pro Tem; seconded by Councilmember Lomas. Approved (3/0).

2. Designation of Council Assignments

After a brief discussion, it was decided that each Councilmember would retain their areas of responsibility (not already under the jurisdiction of the Mayor).

Council President Pro Tem Pierce made a motion to keep each Councilmember's assignment the same; second by Councilmember Rader. Approved (3/0).

The areas of responsibility are the following:

Finance	Ben Pierce
Code Compliance	Councilmember Chotas
HAIRC Liaison	Council President Horn
Cypress Grove Liaison	
Land Development/Master Plan	Councilmember Rader
Public Works	Councilmember Lomas
Police Department	Mayor Dowless
City Hall	
Contract Staff	
MetroPlan	

3. Review and appointment of consultants per City Charter

Interim City Clerk Riffle provided the current billing costs and terms for each consultant. There were no rate changes in the 2021/2022 fiscal year budget. She said staff maintains a positive view of each of the consultants.

It was the recommendation of Mayor Dowless and the consensus of the City Council to maintain the agreements with CPH, McDermitt-Davis, CRI, Ellen Hardgrove, Shepard, Smith, Kohlmyer & Hand, P.A., and Garganese, Weiss, D'Agresta & Salzman, P.A.

Councilmember Rader made a motion to accept the appointment of consultants with no changes; seconded by Councilmember Lomas. Approved (3/0).

PRESENTATIONS AND PROCLAMATIONS

1. Fiscal Year 2020/2021 Audit Report

Auditor Clayborne, Auditing and Consulting partner with Carr, Riggs and Ingram, LLC. (CRI), presented the annual audit for the 2020/2021 fiscal year. She summarized the reports and analyses related to the City's accounting and reporting via a PowerPoint that is attached to the minutes.

CRI audited the financial statements of the governmental activities and each major fund, including the related notes to the financial statements, which collectively comprise the City's basic financial statements.

Primary features of the audit review included that the City is relatively debt-free and has a positive net position with a healthy positive unassigned fund balance. Auditor Clayborne pointed out the City needs a process to dispose of capital assets. CRI recommended designating an asset custodian and formalizing the policies and procedures.

Auditor Clayborne said Chief Freeburg has been the de facto custodian for the Police Department's assets. She suggested that City Hall formalize a process to be brought before Council for the record.

In response to Councilmember Pierce, she said the capital asset threshold is at \$1,000. Many cities have raised their thresholds, and the Department of Financial Services has the threshold for tangible property at \$5,000. The City has to track the items that are below the threshold.

Auditor Clayborne said the City needs to update the accounting policies and establish the new threshold, naming the person delegated to be the asset custodian.

McDermitt Davis will watch for items coded as capital outlay but do not meet the threshold, and they will move the item back into repair and maintenance. CRI will maintain the depreciation schedule on their software.

There was no public comment.

Councilmember Rader made a motion to accept the fiscal year 2020/2021 audit report; seconded by Councilmember Lomas. Approved (3/0).

APPROVAL OF MINUTES

1. March 15, 2022 City Council Draft Minutes

Mayor Dowless requested a change to page five of the minutes under the Mayor's report. Change to "will go" to the Governor for signature, in place of

Councilmember Lomas made a motion to approve the minutes with the requested changes; seconded by Council President Pro Tem Pierce. Approved (3/0).

ORDINANCES 1ST READING

1. Ordinance 2022-01 - County Zoning to City Zoning

Attorney Smith read Ordinance 2022-01 in title only.

This agenda item relates to the creating new zoning districts for land annexed into Edgewood from Orange County. Planner Hardgrove explained that when properties were annexed into Edgewood, excepting the Legacy at Lake Jessamine PD and the ECD, the City did not establish city zoning for the annexed land. She said that according to Code Section 134-172, all annexed areas retain their original zoning classification unless the City changes it. The lack of establishing a city zoning district has created confusion amongst staff regarding development application standards.

The notation for the new districts would be "CA", meaning County annexed. New zoning districts would largely keep the same standards as the county where the properties were originally zoned to avoid nonconforming situations. The permitted uses, though, would track the City zoning districts. Rezoning to the new districts will give the City more control over uses.

Planner Hardgrove said that P&Z recommended keeping the City's standard maximum Impervious Surface Ratio (ISR) of 45% in lieu of the County's open space requirements. In response to Councilmember Lomas, Attorney Smith said that by keeping the County site standards, the new zoning districts would allow the avoidance of nonconforming structures instead of rezoning the annexed land to an existing City zoning district.

Attorney Smith agreed with Planner Hardgrove for rezoning in stages rather than at one time.

There was no public comment.

Councilmember Rader made a motion to approve Ordinance 2022-01; seconded by Council President Pro Tem Pierce. Approved (3/0).

The motion was approved with a roll call vote

Council President Pro Tem Pierce	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

3. **Ordinance 2022-03 – Comprehensive Plan Amendment**

Attorney Smith read Ordinance 2022-03 in title only.

Planner Hardgrove said this is the beginning of the comprehensive plan amendment process and is specific to Future Land Use Policy 1.1.6. It will then go to the State for review and return to Council for second reading.

She said that this amendment would create a new designation on the Future Land Use Map (FLUM) called a Site-Specific Plan. Applicants wishing to develop under this designation would have to get a comprehensive plan amendment and rezone to a new district that would be created specifically for this new future land use designation.

The Site-Specific Plan would be used for parcels requiring a more detailed review level to ensure land use and or environmental compatibility. As written, the designation would allow any use permitted in the City conditioned on the demonstration of adjacent land use and environmental compatibility. The maximum permitted density is set at 15 units per acre, and for nonresidential, the maximum allowed Floor Area Ratio is set at 1.0.

Planner Hardgrove said that if the future land use becomes Site-Specific Plan, the applicant must rezone their property to the new zoning district. They also would have to amend the comprehensive plan for a text amendment outlining the proposed development details.

Councilmember Rader asked if all properties in the City could benefit from this comprehensive plan amendment. Planner Hardgrove responded that this would primarily be for redevelopment and could have been used for the Holden PD.

Councilmember Rader said he does not like legislating to a particular use. It appears this designation is being created for the Randall property south of Holden adjacent to Orange Blossom Trail. This property is next to residential neighborhoods.

He thinks the concept of the designation is sound, but he doesn't think there is enough land on the Randall property to take advantage of it but said he recognized that a positive element is the ability to negotiate.

Mayor Dowless said the benefit was to control what could go there.

Further discussion ensued regarding the new zoning district.

Planner Hardgrove also discussed the other part of the proposed amendment, which is to add language to the policy related to all future land use designations. The new language stipulates that the maximum densities/intensities in the policy are not entitlements. Other factors may limit the ability to achieve the maximums allowed.

She asked if Council wanted to transmit this to the State for their consideration. There was no public comment.

Councilmember Lomas made a motion to approve the transmittal of Ordinance 2022-03 to the State; seconded by Council President Pro Tem Pierce. Motion failed (2/1).

A roll call vote was taken.

Councilmember Lomas	Favor
Councilmember Rader	Oppose
Council President Pro Tem Pierce	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

Attorney Smith said all three votes are required for the motion to pass.

Council President Pro-Tem Pierce made a Motion to table the transmittal until the May 17, 2022 City Council meeting; seconded by Councilmember Lomas. Approved (3/0).

A roll call vote was taken.

Council President Pro Tem Pierce	Favor
Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

It was agreed upon that Planner Hardgrove would prepare a presentation of the proposed new zoning district for the next meeting to provide a more comprehensive understanding of the amendment.

4. Ordinance 2022-02 - Window Sign Change First Reading

Attorney Smith read Ordinance 2022-02 in title only

Planner Hardgrove said the purpose of the proposed change in the sign code is the trend of building design with a lot of windows, and under the current sign standards, a window sign can be on 25% of each window on each floor, resulting in clutter. What is being proposed is that a window sign would be permitted only on ground floor windows. Only one window sign would be allowed not to exceed five square feet or on two windows if symmetrically designed up to seven square feet.

Councilmember Rader commented that all sized buildings would have the same signage entitlements. Planner Hardgrove agreed but added that larger buildings are allocated more copy area that can be used on ground signs and wall signs.

Attorney Smith said that existing signs could remain.

In response to a question by Councilmember Rader, Attorney Smith said a sign survey will need to be made if the ordinance passes to document legal signs.

A brief discussion ensued regarding regulating content and what should be permitted compared to the scale of a building.

Mayor Dowless said that he thought allowing 25% of a window for signage is a large amount, and Planner Hardgrove noted that the City's signage allowance is very generous.

Councilmember Rader said he agrees that five square feet is easier to administer and enforce than 25%, but there is an administrative burden to inventory the existing signage.

Interim City Clerk Riffle confirmed to Mayor Dowless that the NOVO Solutions application could store signage photos, which could help code enforcement. Chief Freeburg likes having the window sign permit tied to the BTR process.

Interim City Clerk Riffle said a letter from John Moccio representing the Edgewood Business and Property Owners Association was included in the agenda stating that they do not support the proposed sign regulation changes.

There was no additional public comment.

Council President Pro Tem Pierce made a motion to approve the first reading of Ordinance 2022-03 window signage; seconded by Councilmember Lomas. Approved (3/0)

The motion was approved by roll call vote.

Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Pro Tem Pierce	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION) - None

UNFINISHED BUSINESS - None

NEW BUSINESS - None

GENERAL INFORMATION - None

CITIZEN COMMENTS - None

BOARDS & COMMITTEES

1. **Proposed Replat and Variance 2022-01 - 506 & 512 Linson Ct.**

The requested replat is a lot line adjustment for two lots in the Oak Lynn subdivision proposing that both lots have lakefront access. Planner Hardgrove said her recommendation is for approval conditioned on the existing house on Lot 15 to be demolished before the plat is recorded to ensure that the use of both lots meets R-1AA zoning district standards.

The applicant would like City Council to determine the rear lot line of new Lot 2 to be the south property line. They have a sufficient building envelope that would be a buildable lot using that line as a rear lot line.

Planner Hardgrove said that the applicant has also requested a variance for the front yard setback on new Lot 2 to be 30 feet, which is the R-1AA standard. The variance is needed due to the irregularly shaped lot. A front setback of 30 feet on this lot would be consistent with other houses on irregularly shaped lots on the street.

Planner Hardgrove noted that minor changes are needed to be submitted for the plat before recording as addressed in the CPH report and recommended that staff be able to ensure the changes are complete without the need to return to City Council.

In response to Councilmember Lomas related to the potential construction of docks on each of the lots, Engineer Lane said that docks are measured from the side lot lines. For dock construction, the designated rear lot line would be considered to be a side lot line because of the two lot lines tying into the lake.

Councilmember Rader asked the recourse if the demolition of the house does not occur. Attorney Smith said there would be an issue during permitting and Planner Hardgrove said the City has to sign off on the plat. Councilmember Rader noted that it seemed strange for there to be a physical condition to record a plat.

Property owner John Mezzina said he doesn't object to the demolition of the house as long as the replat is approved.

Councilmember Rader made a motion to approve the plat, dated received March 30, 2022, conditioned that before recording the plat that the minor changes noted by CPH to the survey and the plat be corrected, a note added to the plat to provide for allowance of the drainage and utilities on Lot 1, the house on Lot 2 shall be demolished, and the new south lot line on Lot 2 be considered as the rear lot line for new construction on the lot; second by Council President Pro Tem Pierce. Approved (3/0).

There was no public comment.

The motion was approved with a roll call vote.

Councilmember Rader	Favor
Council President Pro-Tem Pierce	Favor
Councilmember Lomas	Favor
Council President Horn	Favor
Councilmember Lomas	Favor

Councilmember Rader made a motion to approve Variance 2022-01, allowing the front setback for Lot 2 to be measured as a standard R1AA lot; i.e., the setback would be measured at 30 feet from the front property line; second by Councilmember Lomas. Approved (3/0).

There was no public comment.

The motion was approved with a roll call vote.

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

2. Variance 2022-02 - 535 Mandalay Rd. Home Addition

Engineer Allen Lane with CPH explained that the property owners at 535 Mandalay Road request a variance to allow a proposed addition to their single-family residence to encroach into the side yard setback by 1'-1" leaving 8'-11" from the corner of the addition to the side lot line. He noted that Planning and Zoning reviewed the application and recommended approval.

In response to Councilmember Lomas, Engineer Lane confirmed the dimensions of the addition.

Property owner Eric Baker explained the conditions of the lot. He said the need for the addition is due to the need to work from home and that Tina Baker had been working from a walk-in closet located in the garage.

Councilmember Lomas noted that most Covid-19 restrictions were over. Mr. Baker explained that initially, his wife worked from home due to Covid-19. Since then, she was given a choice to move to Connecticut or work from home.

The City did not receive any objections resulting from the public notice. There was no public comment.

Councilmember Lomas made the motion to approve Variance 2022-02 to allow the building addition to encroach into the side setback by 1'-1" leaving 8'-11" from the corner of the addition to the side lot line; second by Council President Pro Tem Pierce. Approved (3/0).

The motion was approved with a roll call vote.

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Pro Tem Pierce	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

STAFF REPORTS

City Attorney Smith

Attorney Smith said Planning and Zoning asked permission to review the City's tree and landscaping code. A landscape engineer serves on the Board and has some suggestions. There was no objection from the Council.

Police Chief Freeburg – March 2022 Report

- Chief Freeburg said the accreditors would be at the Police Department the following week.
- The Police Department secured two slots at the Academy in September if they are needed. The State will pay for this under certain circumstances.

- There has been an increase in traffic accidents. There have been a lot of lane shifts on Orange Avenue due to construction. He met with FDOT, put out some promotions, and the department did some enforcement.
- He met with Engineer Lane, Attorney Smith, Code Enforcement Officer Salemi, and Interim City Clerk Riffle to discuss ways to approach some code enforcement conditions.
- CrimeLine brought insulated bags which he offered to Council and Staff.

Interim City Clerk Riffle

- Interim Clerk Riffle reviewed the proposed TRIM calendar and asked Council to let her know if they had any conflicts.
- She said that City Hall made a hire, and Ashley Pagan is the new part-time Administrative Assistant. Ms. Pagan is fitting in very well.

MAYOR AND CITY COUNCIL REPORTS

- Mayor Dowless
 - Mayor Dowless said that Interim Clerk Riffle is doing well in the transition.
 - He complimented Chief and Shannon who have taken on additional responsibilities.
 - Rules for ARPA money have changed for those receiving under ten million dollars and the money does not have to be allocated towards a particular project or prove the loss. Chief said the decision needs to be made on how the money will be spent by the first annual report. The money needs to be allocated by 2024 and spent by 2026. He recommends a group to make decisions on how the money is spent.
- Council Member Chotas - Absent
- Council Member Pierce - No report
- Council Member Rader - No report
- Council Member Lomas
 - Councilmember Lomas discussed Community Action Board finance information. She said it does not go very far.
- Council President Horn - Absent

ADJOURNMENT

Council President Pro Tem Pierce made a motion to adjourn the meeting at 8:40 pm.

Richard A Horn
Council President

Attest:

Sandra Riffle, CMC, CBTO
Interim City Clerk

Approved in the _____ Council Meeting.