



**CITY COUNCIL REGULAR MEETING**  
City Hall – Council Chamber  
405 Bagshaw Way, Edgewood, Florida  
Tuesday, February 21, 2023 at 6:30 PM

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## DRAFT MINUTES

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### CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

Council President Horn called the meeting to order at 6:30 pm. He asked for a moment of silence and then led the Pledge of Allegiance.

### ROLL CALL & DETERMINATION OF QUORUM

City Clerk Riffle announced a quorum with four Councilmembers and Mayor Dowless present. She said that Councilmember Chotas was out of town and could not attend and requested to be excused.

***Councilmember Rader made a motion to excuse Councilmember Chotas' absence, seconded by Councilmember Pierce. Motion approved by voice vote (4/0).***

#### PRESENT

John Dowless, Mayor  
Richard A. Horn, Council President  
Ben Pierce, Council President Pro-Tem  
Susan Lomas, Councilmember  
Councilmember Chris Rader

#### ABSENT

Councilmember Lee Chotas

#### STAFF

Sandra Riffle, City Clerk  
Dean DeSchryver, Police Chief  
Shannon Patterson, Police Chief of Staff  
Drew Smith, City Attorney  
Ellen Hardgrove, City Planner

#### APPLICANT

Nelson Lerma - Mecato's Bakery

### PRESENTATION OF PROCLAMATION

### CONSENT AGENDA

- January 13, 2023 Special Council Meeting Minutes  
January 17, 2023 Regular Council Meeting Minutes

#### **January 13, 2023 Special Council Meeting Minutes**

Councilmember Lomas requested to add her name to the list of Councilmembers as present.

**January 17, 2023 Regular Council Meeting Minutes**

Council President Horn requested to move Mayor Dowless and Councilmember Chotas as present.

Councilmember Rader made a motion to approve the January 13, 2023 and January 17, 2023 meeting minutes with corrections; seconded by Councilmember Lomas. Motion approved by voice vote (4/0).

**Note: Minutes are in the order that each business item was heard.**

**ORDINANCES (PART 1)**

- **Ordinance 2023-02: Boat Docks/Houses Residential Districts**

Attorney Smith read Ordinance 2023-02 in title only.

Planner Hardgrove said this ordinance is to recommend an administrative change to the residential zoning districts. She said staff recommends that the design requirements of boat docks/houses in the R-1-AAA, R-1AA, R-1-A, and R-2 zoning districts be changed to simply require conformance with the boat dock regulations in City Code, Chapter 14.

There were no proposed changes to the Ordinance and no public comment.

***Councilmember Pierce voted to approve Ordinance 2023-02; seconded by Councilmember Lomas. Motion approved (4/0) by roll call vote.***

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

- **Ordinance 2023-03: ECD Special Exception Change**

Attorney Smith read Ordinance 2023-03 in title only.

Planner Hardgrove said to maintain the City’s vision of the ECD, this is a recommended change to allow car washes as a special exception rather than as a permitted use, providing an additional review to ensure compatibility with surrounding properties.

**Public Comment:**

City Clerk Riffle summarized two emails that were received before the meeting with objections to car washes.

Sue Fulford, an Edgewood business owner, spoke as an opponent to allowing car washes as a permitted use or a special exception. She said the area by Gatlin and Holden is a bad location for a car wash, and there is too much traffic in that location.

Councilmember Rader clarified that this Ordinance would change car washes from a permitted use to a special exception. A special exception required that more criteria be met and would go through the Planning and Zoning review process in order to be allowed in a location.

***Councilmember Pierce made a motion to approve Ordinance 2023-03; seconded by Councilmember Rader. Motion approved by roll call vote (4/0).***

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

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

- **Ordinance 2022-08: Comp Plan Amendment (2<sup>nd</sup> Reading)**

Attorney Smith read Ordinance 2022-08 in title only.

Planner Hardgrove explained this is the end of the Comprehensive Plan amendment process to establish a new land use designation for a proposed use that would need additional review to ensure land use compatibility. Any use allowed in any of the other future land use designations would be allowed to be considered for a Site Specific Plan future land use designation.

She said the State had no comment on the proposed amendment.

Councilmember Rader expressed concerns about allowing any use to be considered for a proposed Site Specific Plan future land use map amendment. He said that Industrial zoning use seems inappropriate for Edgewood and inconsistent with the desired direction. He said most issues that have come before the Council in the last few years centered around industrial types of properties.

Planner Hardgrove explained that applicants would have to propose a specific policy that identified the proposed uses simultaneously with a proposed future land use map amendment to a Site Specific Plan designation and Council would have the ability to limit those uses based on adjacent land use compatibility.

Attorney Smith said a true industrial use would not be allowed since the City’s comprehensive plan does not have an Industrial future land use designation; however, there are industrial-like uses in the City’s commercial districts which could be allowed.

Councilmember Rader said the process to get to the dais is very onerous and will create an expectation of an applicant that when they get to Council, they will be on their way to approval.

Attorney Smith said if this Ordinance is adopted and an application is submitted, it is incumbent upon staff to impart to the applicant that the process does not guarantee approval.

There was no public comment.

***Councilmember Pierce made a motion to approve Ordinance 2022-08; seconded by Councilmember Lomas. The motion was approved by a roll call vote (4/0).***

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

- **Ordinance 2022-12: Rezoning Notice**

Attorney Smith read Ordinance 2022-12 in title only.

Attorney Smith explained that City Code requires more onerous notice requirements than what the State requires and that the proposed ordinance states that the City will follow State law regarding notice. He said there are no changes since the first reading.

There was no public comment.

***Councilmember Rader made a motion to approve Ordinance 2022-12; seconded by Councilmember Pierce. Motion approved by a roll call vote (4/0).***

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

**ORDINANCES (PART 2)**

- **Ordinance 2023-01: Site-Specific CP PD**

Attorney Smith read Ordinance 2023-01 in title only.

Planner Hardgrove said this is the tool that will implement the new Future Land Use designation. The intent of this new regulation is to provide a coordinated development approval process between the City, developers, adjacent property owners, and other stakeholders to ensure adjacent land use compatibility. In response to Councilmember Rader’s question as to the difference between the City’s C-3 zoning district and Industrial

zoning district, Attorney Smith said the Industrial zoning can do more than what is permitted in C-3, only by special exception.

Councilmember Rader said he does not even want to include C-3 special exceptions because it would be industrial. He suggested that I, IND-CA, and C-3 be removed from line 64 (permitted uses) based on the City's vision. Mayor Dowless disagreed.

Councilmember Rader said this Ordinance could potentially put a warehouse next to a residential area. The C-3 district prohibits that. He added that he wants to open the conversation to prohibit quasi-industrial uses from the list of permitted uses in this new district given Council has fought to eliminate such uses in the City.

Mayor Dowless responded there are industrial uses such as tech manufacturing and other potential uses that could be compatible with the City's vision and he does not want to be short-sighted.

Council President Horn noted that the process would make it so Council and staff would know what is being applied for. The City would have the ability to vet and determine if it is something the City wants through the process to rezone a property to this new district.

Councilmember Rader said he could not support this Ordinance as presented.

Council President Horn said he did not necessarily disagree with Councilmember Rader, but he did not want to shut the door on good possibilities.

**The following changes were recommended to be made to the proposed ordinance:**

- |          |  |
|----------|--|
| Line 85  | Remove the examples for mitigating the visual impacts, operational impacts, and impact to public services and facilities.  |
| Line 135 | Related to utility information that needs to be provided, the method of connection needs to be added to avoid a situation such as that which occurred at Mecato's. |
| Line 144 | Traffic analysis, should always be required.   |
| Line 174 | Related to replacement trees, City's Landscape Architect needs to be consulted to increase the caliper of replacement trees.                                       |
| Line 217 | Related to the required development agreement, there needs to be clarification that it is a draft agreement that is required to be submitted prior to P&Z hearing. |

Lines 247 and 284

Related to notices of public hearing, Council asked staff to revise the language to ensure that all property owners in an abutting subdivision are noticed.

Line 310

Related to amendments to an approved CP PD plan, revise to make any change to a building design or location within 300 feet of a property boundary a substantial change.

There was no public comment.

***Council President Horn made a motion to approve Ordinance 2023-01 with the discussed amendments; seconded by Councilmember Pierce. Motion approved by roll call vote (3/1).***

Councilmember Lomas	Approve
Councilmember Rader	Deny
Councilmember Pierce	Approve
Council President Horn	Approve
Councilmember Chotas	Absent

**UNFINISHED BUSINESS**

**NEW BUSINESS**

1. Charter Review Commission

City Clerk Riffle explained that the City Charter requires a Charter Review Commission to be organized by May 1, 2023. She requested recommendations from Council for people to serve on the committee. The commission members must be chosen by the April 18, 2023 meeting to be organized by the deadline of May 1, 2023, and for the process to be completed by the October 1st deadline set in the Charter.

City Clerk Riffle said that she will provide this information on the Charter Review again for the March 21, 2023 agenda to discuss candidates for the commission.

Councilmember Pierce asked for the level of time commitment to serve on the commission. City Clerk Riffle said that last time the Commission met approximately twice a week between May and the end of September.

Attorney Smith said the duration is short, but the meetings are compressed, which means weekly or bi-weekly meetings. It is possible that the commission will meet only a few times if there is not much that is recommended to change. The recommendations go to City Council for their review and approval for the ballot. He suggested that candidates should be people without a lot of commitments so they can meet frequently.

Mayor Dowless requested that councilmembers send their list of candidates to City Clerk Riffle so that she can share that list with Council before the meeting.

**GENERAL INFORMATION****CITIZEN COMMENTS**

Terence Curran, owner of Amphibious Group spoke to Council with a request to have a storage unit behind their property at 5639 Hansel Avenue. He has 59 employees working 7 days a week and plans to grow by an additional 135 people. He plans to increase the building space on the property but he is not ready to build for a year or two. In the meantime, he wants to install a permanent storage unit to store his medical supplies. It will not be office space.

He said that two sheds existed on the property when he bought the building.

Mr. Curran said the storage unit would not be visible except from 7-11 or the bus stop.

Planner Hardgrove said the ECD does not allow temporary structures except for construction trailers. She said that Nathaniel's Hope was denied a storage unit and the frame shop was required to move theirs off the property. She wants to avoid setting a precedent.

Mr. Curran said that he is out of space. They are closing their other offices and making their headquarters in Edgewood. He said he is waiting to build because the cost of materials is so high. He said he receives over 200 packages a day that must be climate controlled.

Attorney Smith told Mr. Curran that there are hurdles in Code that need to be overcome, and asked Council for their direction. He said that he and Planner Hardgrove could try and find options for a temporary solution while they prepare to build. He said that there would have to be a time limit.

Councilmember Rader said he would want to see an application with a certain end time, so the storage unit is not there for years and would not want to involve code enforcement or set a precedent.

Councilmember Rader cautioned Mr. Curran related to increasing impervious surface on the property including Mr. Curran's relocation of the existing two shed from the parking lot location to the grassed area. The increased impervious surface and runoff was probably not part of the original approved plans.

Attorney Smith acknowledged that the market conditions are real. He suggested considering something on a temporary basis that would sunset within a specific time period. Councilmember Rader agreed that a solution would need a specific end time.

In response to Mayor Dowless's question related to fencing as a screen for the storage unit Mr. Curran is proposing, Planner Hardgrove confirmed to Mayor Dowless that existing fences are grandfathered in the ECD, but new fences greater than four feet are not allowed. Mayor Dowless added that the goal is to get rid of them.

Mayor Dowless said he wants to help but they do not want trailers (the proposed storage unit) everywhere.

Edgewood business owner Sue Fulford said she does not want to see trailers everywhere either, but she likes the attitude of the council to try to work to find a way for a solution.

Mr. Curran says he wants to get to yes. He appreciated the Council's time.

## BOARDS & COMMITTEES

- **Waiver 2023-01: Mecato's Bakery Wall**

Planner Hardgrove said the waiver request is to waive the ECD-required 7-foot high brick wall on the east property line abutting a single-family residential area.

She said that staff recommends approval and P&Z agreed.

Mr. Lerma, owner of Mecato's Bakery, said he is requesting to substitute a six feet high fence that has the appearance of stone instead of the required brick wall. He said a 4-inch force main was found to cut through their property about 10 feet from the property's east boundary. Currently, there is no County easement where this force main is located. The County is requiring a 20 feet wide easement along the property line in order for Mecato's to be connected to the line. Furthermore, the County will not allow any permanent structures in the easement including a wall; they would allow a fence.

Mr. Lerma showed the proposed fence with a stone design. The fence comes in 6 or 8 feet tall panels. He suggests 6 feet. It is better than a vinyl fence.

Officer Zane entered the meeting at 8:22 pm.

Councilmember Pierce asked if Mr. Lerma could build the brick wall on the west side of the easement. Mr. Lerma responded that they could but could not control the land between the fence and the property line; it would become isolated and be a potential area for trash and trespassing.

Planner Hardgrove added that there is natural vegetation on the west side of the proposed easement that would have to be removed if the fence were to be placed on the west side of the easement.

Mr. Lerma confirmed to Councilmember Lomas that Orange County has no objection to a fence.

Mr. Lerma said the lift station is designed to serve two properties: Mecato's and the Amphibious Group.

Mr. Lerma asked if the Council wanted to select the color. Attorney Smith suggested a color that would work with Nelson's building's color palette.

***Rader motioned approval of waiver 2023-01, conditioned on the provision of a six (6) feet high composite fence that provides the appearance of a stone or brick wall and is consistent***



*with the color palette of the proposed building; seconded by Councilmember Lomas. The motion was approved by a roll call vote (4/0).*

Councilmember Rader	Approve
Councilmember Lomas	Approve
Councilmember Pierce	Approve
Council President Chotas	Absent

**STAFF REPORTS**

- **City Attorney Smith**

Attorney Smith said that he and City Clerk Riffle attended a mediation for the Luz Rivera case which was a trip and fall on Orange Avenue by the traffic light box. There were three defendants, and the City settled for \$25,000. FDOT also settled for \$25,000, and the maintenance company settled for \$50,000. He felt it was an efficient settlement considering there were three law firms involved.

- **Chief DeSchryver – January 2023 Report**

- Chief DeSchryver said he is looking forward to being sworn in next month.
- He is working diligently to get staff positions filled. By end of the month the Police Department will have offers to three officers to begin the middle of March. By the end of July or August, he expects to be fully staffed.
- Mayor Dowless said Chief DeSchryver’s and Chief Gauntlett’s relationships were important to the process and that is how they found the new officers.
- Property and violent crimes are largely unchanged.

- **City Clerk Riffle**

Next month is the business meeting and Councilmembers Lomas and Rader will be sworn in. Council will vote for President and President Pro-Tem and assign responsibilities.

**MAYOR AND CITY COUNCIL REPORTS**

- **Mayor Dowless**

- Mayor Dowless asked if Council could come at 6 pm on March 21, 2023 to swear in Chief DeSchryver. There were no objections.
- ARPA dollars have to be encumbered by 12/31/2024 and can be spent on normal operations. He directed Tammy Campbell at McDirmit David to pay all payroll starting at the beginning of fiscal year so there is no time delay while deciding what to do with the ARPA dollars.  
Attorney Smith added that there will probably be an amendment as there will be excess in payroll to move back to reserves.
- Mayor Dowless suggested DOT needs to be called regarding the new lane use on Holden at Orange Avenue. People don’t know which lane to use to go straight. Temporary signs are needed until people are used to the change.

Councilmember Lomas suggested a sign at the tracks showing the right lane is a right turn-only lane.

- Council President Horn

CP Horn said he is the scorekeeper for his daughter's Lacrosse team which are the defending state champs. He would like to attend next month's game which is the same day as the council meeting if he is not needed.

City Clerk Riffle said Councilmember Chotas would also be out next month.

Attorney Smith said that anything controversial could be moved to the April meeting.

Mayor Dowless said the councilmember assignments could be put off for a month but the election of the council president must be done next meeting. Council President Horn said he would be willing to accept a nomination to serve as Council President for another year.

Council Member Pierce – no report

Council Member Chotas – no report

Council Member Lomas – no report

Council Member Rader

Councilmember Rader said Mectato's situation makes him wonder if there is anything in the permitting process that ensures utility connections are considered. Planner Hardgrove said that at the time no one knew the sewer line was there; it was under what was known as "Brickwood Street," which was never dedicated as a right of way. Orange County must not have done the research of Brickwood's ownership when the line was put in.

## ADJOURNMENT

***Councilmember Pierce made a motion to adjourn the meeting at 8:47 pm. The motion was seconded by Councilmember Lomas.***

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

Attest:

\_\_\_\_\_  
Sandra Riffle, City Clerk

Approved in the \_\_\_\_\_ City Council meeting.