



CITY COUNCIL SPECIAL MEETING
City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, November 28, 2023 at 6:30 PM

MINUTES

A. 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.

B. ROLL CALL AND DETERMINATION OF QUORUM

City Clerk Riffle announced there was a quorum with four Councilmembers present. Councilmember Rader could not attend and requested to be excused.

Councilmember Pierce made a motion to excuse Councilmember Rader's absence from the meeting; seconded by Councilmember Chotas. Motion approved by voice vote (4/0).

Councilmembers Present:

Council President Richard A Horn
Councilmember Lee Chotas
Councilmember Susan Lomas
Councilmember Ben Pierce

Councilmember(s) Absent:

Councilmember Rader

Staff Present:

Sandra Riffle, City Clerk
Dean DeSchryver, Police Chief
Miguel Garcia, Deputy Chief
Shannon Patterson, PD Chief of Staff
Drew Smith, City Attorney
Ellen Hardgrove, City Planner
Allen Lake, City Engineer

C. PRESENTATIONS & PROCLAMATIONS

• **Swearing in of Deputy Chief Garcia**

Chief DeSchryver introduced and swore in Deputy Chief Miguel Garcia. Deputy Chief Garcia thanked the Council and Edgewood citizens for the opportunity to serve the City. He also thanked his wife for her encouragement and support.

D. CONSENT AGENDA

- **October 17, 2023 City Council Draft Meeting Minutes**

Before the meeting, Mayor Dowless noted that the second paragraph on the Boise Cascade motion should be deleted.

Mr. Muszynski noted that under Citizen Comments, "mother-in-law" should be changed to "mother."

Councilmember Lomas made a motion to approve the October 17, 2023 minutes as amended; seconded by Councilmember Chotas. Motion approved by voice vote (4/0).

E. ORDINANCES (FIRST READING)

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

- **Ordinance 2023-16 Impervious Surface Ratio**

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SUBPART B “LAND DEVELOPMENT REGULATIONS”, CHAPTER 134-224, “R1-AA-CA AND R-1A-CA—SITE STANDARDS,” IN THE CODE OF ORDINANCES; PROVIDING ALLOWANCE FOR POOL CONSTRUCTION IN SAID DISTRICTS TO EXCEED THE MAXIMUM IMPERVIOUS SURFACE RATIO WHEN APPROVED BY THE CITY COMMISSION UPON THE ESTABLISHMENT OF REQUISITE FACTS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

Attorney Smith read the second reading of Ordinance 2023-06 in title only. There was no discussion or public comment.

Councilmember Pierce made a motion to approve Ordinance 2023-06; seconded by Councilmember Pierce. Motion approved by roll call vote (4/0).

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

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- **Resolution 2023-05 Fiscal Year 2022-23 Budget Amendment**

A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2022/2023 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.

Attorney Smith read Resolution 2023-05 in title only. Mayor Dowless said the primary adjustments were for the grants that the City received.

There was no public comment.

Councilmember Pierce made a motion to approve Resolution 2023-05; seconded by Councilmember Chotas. Motion approved by roll call vote (4/0).

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

I. GENERAL INFORMATION

- **2024 Municipal Election and Presidential Preference Primary**

City Clerk Riffle said that qualifying for the 2024 Municipal Election would be from Monday, December 4, 2023 through Monday, December 11, 2023. The election will be on Tuesday, March 19, 2023, the same day as the Presidential Preference Primary.

J. CITIZEN COMMENTS

Ben Rust, an Edgewood resident said that the Harbour Gardens HOA applied for the Neighborhood Partnership Grants Program. Mayor Dowless said that he intended to address that during the meeting and would give the application further review.

K. BOARDS & COMMITTEES

- **Variance 2023-06 515 Mandalay Rd - Boat Dock**

Engineer Lane introduced the request for a variance to an existing dock located at 515 Mandalay Road to be allowed to maintain its location and to allow for a boat house adjacent to the dock. The dock was constructed next to the property line.

He said that CPH did not have objections to the request and the Planning and Zoning Board recommended approval of the request.

Engineer Lane confirmed to Council President Horn that the applicant does not wish to reconstruct the dock and that the boathouse will meet setback requirements. He also confirmed that most of the dock is landward of the Normal High Water Elevation. Engineer Lane also verified that no additional length of dock will be added, and a portion will be deconstructed.

There was no public comment.

Council President Horn made a motion to approve the variance request to allow the existing boat dock to maintain a 4.7' side setback with an addition of a boathouse; seconded by Councilmember Pierce. Motion approved (4/0) by roll call vote.

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

- **11 Lake Gatlin Rd - Variances 2023-07 Landscaping and 2023-08 Parking**

Planner Hardgrove said the proposed variances and commercial review are for a proposed coffee house with a playground for children located on the north side of Lake Gatlin Road, which is a dead-end road. All food would be offsite prepared. The applicant plans to have four (4) employees with operating hours of 8:00 am to 5:00 pm.

The property is zoned ECD but was reviewed as C-1 since no building expansion is planned and the proposed use is permitted in the ECD. The City's intent is to encourage redevelopment and future assemblage of the block.

The proposed changes to the site include modification to the existing parking area and added landscaping. Interior building renovations are also planned, which will include re-orienting the front door towards Lake Gatlin Road. A patio will also be established along the new front of the building. There is an existing covered walkway from the existing parking area to the building that is proposed to be removed to optimize the available area for parking on the property.

Planner Hardgrove explained the proposed variances which are necessary to approve the site plan.

- A variance in Code Section 114-4(1)a.1 to allow the landscape buffer strip width between the parking lot and Lake Gatlin Road to be a minimum of three (3) feet in lieu of seven (7) feet.
- A variance in Code Section 114-4(4) to allow the building perimeter buffer width to be three (3) feet in width in lieu of eight (8) feet.
- A variance in Code Section 114-4(1)b. to allow the landscape buffer between the vehicular use area and the adjacent property (east) to be 5 feet 4 inches in width in lieu of 7 feet and to allow the use of understory trees in lieu of shade trees.
- A variance in Code Section 134-605(a)(21) to allow the parking ratio to be 1 space per 160 square feet of inside restaurant space in lieu of 1 space/100 square feet.

P&Z and staff recommend approval of all requested variances conditioned that the variances only apply to the existing development onsite.

A lengthy discussion ensued for each variance request, particularly regarding available parking spaces and potential traffic on Lake Gatlin Road. It is a nonconforming situation as the building was built in 1961 and pre-dated current code. There are six (6) existing spaces and plan to expand to twelve (12). A restaurant would require 18 spaces.

At P&Z, there was opposition from residents of the two subdivisions that are on the south side of Lake Gatlin Road with concerns about traffic and an inability to meet parking.

Planner Hargrove verified that there is no exit that would allow connection to Gatlin Avenue. Attorney Smith said P&Z recommended the elimination of the cross-access easement and recommended a barrier.

There was discussion amongst the applicant Jovana Bratonožic, Council, and staff related to an existing 12 feet wide easement shown on the eastern side of the property to be used (12 feet not to be owned by the applicant).

Applicant Morgan Claytor explained they intend to source from local businesses, and they will not have a full kitchen. Their vision is to offer a space to gather. She said she has a letter of support from a resident who would like a walkable coffee shop. She distributed the letter and conceptual photos to the Council which were kept for the record.

Public Comments:

Kevin Clayton, an Edgewood resident, spoke in opposition. He stated concerns that traffic is difficult on Orange Avenue and that Lake Gatlin Road is a residential road. He said the business would be injurious to the neighborhood and public welfare.

Tony and Melissa Phillip, Edgewood residents, spoke in opposition. They said the intersection of Lake Gatlin and Orange Avenue is dangerous. Mr. Phillip said the proposed business would cause traffic to be slower than it already is and does not want to set a precedent.

Barbara Bucket, an Edgewood resident, spoke in opposition. She said she was hit at the Gatlin and Holden Avenue intersection. She does not believe it makes sense to add more traffic on a road with children who live in the subdivision.

Sean and Meghan Milligan, Edgewood residents said that their kids ride bikes and walk dogs in that area. Overflow parking will cause a lot of traffic on Lake Gatlin Road.

Mr. Milligan submitted a petition with 36 resident signatures in opposition to the proposed business, which was kept for the record. Ms. Milligan said it would be dangerous and there would be too much clientele on the road.

Jaqueline Tinsley, an Edgewood resident, spoke in opposition. She suggested that there are alternatives for family venues in Edgewood and that there could be 100 cars on that street.

Bruce Tinsley, an Edgewood resident, suggested a block wall or to have access through the lot on the north.

Ryal Lancaster, an Edgewood resident, spoke in opposition and said that Lake Gatlin Road is truly a residential street. He has concerns about street parking.

Mary Kozak, an Edgewood resident, also spoke in opposition and questioned if this was a proper use of the site given the potential impact.

Mayor Dowless said he recalled that Ms. Kozak spoke before the Orange County Commission and said she did not have issues about turning left on Orange Avenue. She confirmed that she did say that. She maintained that the cafe would be catastrophic to the neighborhood with the traffic. Mayor Dowless said her statement was incongruent to what she had earlier testified.

Ben Rust, an Edgewood resident, said that walking to the café would be great and he likes the concept, but Lake Gatlin Road was not designed for high-volume traffic.

Dennis Miller, an Edgewood resident, said that traffic is brutal, and the business is not a good idea.

The applicant, Ms. Claytor, said she and Ms. Bratonozić have talked to several neighboring businesses and they have verbal parking commitments from some of these businesses. They do not have written contracts yet.

Councilmember Chotas noted that he could support the landscape variances, but he is not sure he can support the parking variances.

Planner Hardgrove reviewed the 6 variance criteria and discussion ensued regarding the relevance of each of the criteria. There is a parking issue, but the use is consistent with the ECD vision. The business is west of the line where commercial uses exist along Orange Avenue and does not intrude into the neighborhood.

Councilmember Pierce said the property is only developable if it includes the lot to the north because the lot is too small.

Engineer Lane commented that without a variance a literal interpretation of the code would deny the rights commonly enjoyed by other properties. He said that the existing business would not be allowed to exist there because it does not meet the code for parking requirements.

Councilmember Chotas made a motion to approve the three landscaping variances with the condition of approval that should the site be razed, the new development shall meet current land development regulations.

1) Variance in Code Section 114-4(1)a.1 to allow the landscape buffer strip width between the parking lot and Lake Gatlin Road to be a minimum of three (3) feet instead of seven (7) feet.

2) Variance in Code Section 114-4(4) to allow the building perimeter buffer (south side) width to be three (3) feet in width instead of eight (8) feet.

3) Variance in Code Section 114-4(1)b to allow the landscape buffer between the vehicular

use area and the adjacent property (east) to be 5 feet 4 inches in width instead of 7 feet and to allow the use of understory trees instead of shade trees.

Councilmember Pierce seconded the motion. Motion approved (3/1) by roll call vote.

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

Councilmember Pierce made a motion to approve Variance 2023-08 – 1 to allow the dimensions of the parking spaces to be 9 feet x 18 feet in lieu of either 9 feet x 20 or 10 feet by 18 feet. The motion was seconded by Councilmember Chotas. Motion approved (4/0) by roll call vote.

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

Councilmember Chotas made a motion, based on the inability to meet Variance Criteria five and six, to deny Variance 2023-08-2 in Code Section 134-605(a)(21) and not to allow the parking ratio to be one space per 160 square feet of inside restaurant space in lieu of one space per 100 square feet. The motion was seconded by Councilmember Lomas. The motion to deny was approved (4/0) by roll call vote.

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

- **Site Plan Approval 11 Lake Gatlin Rd**

The applicant withdrew their application for site plan approval as the variances were not approved.

L. STAFF REPORTS

- **City Attorney Smith**

- Mayor Dowless had a question about animals in the city code; particularly about miniature goats. Code prohibits them if they constitute a nuisance but does not define what a nuisance animal would be.

Mayor Dowless suggested that quantity could be based on what kind of land is available. Furthermore, establishing limits will prevent Council from having to make subjective decisions.

Attorney Smith said that the code can remain flexible, or the nuisance language can be removed. He will create an ordinance for Council to see and to make a decision.

- State law changed so that a person has to be at least 16 years of age to operate a golf cart. The City's golf cart ordinance is what allows golf carts in the City. Council President Horn said he is in favor of mainlining the ordinance and changing the allowable age.
- Live local is affordable housing legislation. State law for affordable housing allows affordable housing to be developed on commercial and industrial property. Planner Hardgrove is working on an ordinance to address this topic
- **Police Chief DeSchryver – October report**
 - Officers worked on railroad and school safety.
 - The Trunk or Treat event went well and they are now planning for the Santa Fly-In on December 1st. The City is accepting toys and food items for the Orlando Union Rescue Mission.
 - Officer Ron Beardslee will retire on January 5th
 - Job offers are out to three candidates for officers.
- **City Clerk Riffle**
 - Finished OCPS and workers compensation audits and is waiting for the reports.
 - Now working on the financial audit.

M. MAYOR AND CITY COUNCIL REPORTS

- **Mayor Dowless**
 - Mayor Dowless recommended the re-appointment of David Nelson to Planning and Zoning. Council approved Board Member Nelson's appointment (4/0) by voice vote.
 - He asked the Council for their opinion on sponsorship of Pioneer Days. Council approved placing an ad in the event brochure. The City does not need to staff a table.
 - Employee HRA Update – Mayor Dowless asked for the Council's opinion on reimbursing employees for a medical weight loss program and gym memberships.

Councilmember Pierce suggested approving whatever the IRS says is appropriate. Chief DeSchryver said that some weight loss programs are under the supervision of physicians. Council President Horn said that if a doctor prescribed a program and an employee lost weight, the employee may be at a lower risk of health issues.

Councilmember Chotas said he wants dollars to be used for public functions. Councilmember Pierce said it is important to be a good employer but would say no to gym memberships. Councilmember Lomas said she would support doctor-approved programs.

The consensus was that if it is prescribed it would be reimbursed.

- Centennial event – Mayor Dowless said the event would most likely be at the end of March 2024. He met with someone who secures talent and is considering Water’s Edge shopping center as the venue. He is working to get a committee organized and to secure sponsorships.
- **Council Member Chotas** - no report
- **Council Member Pierce** asked about short-term rentals and Attorney Smith said that HOAs have some control over them.
- **Council Member Lomas** said she went to a Florida League of Cities event and learned more about Form 6. Mayor Dowless said if a council member does not want to complete the form, they have to resign by December 30th.
 - Councilmember Lomas has spoken with Granada Woods residents about short-term rentals.
 - She asked about the police officers serving as code enforcement over the weekends and at night. Attorney Smith said they can do that, but they need to be careful that they come across appropriately to the public.
- **Council President Horn** – no report
- **Council Member Rader** - absent


N. ADJOURNMENT

The meeting adjourned at 9:27 pm.



Richard A. Horn, Council President

Attest:



Sandra Riffle, City Clerk

Approved in the 1/12/2024 Council meeting.