



CITY COUNCIL REGULAR MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, August 16, 2022 at 6:30 PM

MINUTES

CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

Council President Horn called the meeting to order at 6:30 p.m. He asked for a moment of silence followed by leading everyone in the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

Interim Clerk Riffle announced a quorum with four Councilmembers and Mayor Dowless in attendance. Councilmember Lomas asked in advance to be excused from the meeting.

Councilmember Chotas made a motion to excuse Councilmember Lomas' absence; seconded by Councilmember Rader. Approved (4/0).

PRESENT

Mayor John Dowless
Council President Horn
Council President Pro-Tem Pierce
Councilmember Chotas
Councilmember Pierce
Councilmember Rader

ABSENT

Councilmember Lomas

STAFF

Sandra Riffle, Interim City Clerk
John Freeburg, Police Chief
Shannon Patterson, Police Chief of Staff
Stacey Salemi, Code Enforcement Officer
Ellen Hardgrove, AICP, City Planner
David Mahler, P.E. CPH, City Engineer

APPLICANTS

David Gragg, 5540 Jessamine Lane lot split
Sam Sebaali, P.E., FEG for Suncoast Building Materials
William Johns, owner, Suncoast Building Materials
Sheila Cichra, Streamline Permitting

APPROVAL OF MINUTES

- July 19, 2022 City Council Meeting Minutes
- August 3, 2022 City Council Budget Workshop Minutes

Councilmember Rader made a motion to approve the meeting minutes for July 19, 2022, City Council Meeting and August 3, 2022, Budget Workshop Meeting; seconded by Councilmember Pierce. Approved (4/0).

ORDINANCES (FIRST READING) – none

PUBLIC HEARINGS – none

UNFINISHED BUSINESS - none

NEW BUSINESS – none

CITIZEN COMMENTS - none

BOARDS & COMMITTEES

- **Parcel Split 2022-01: 5540 Jessamine Lane**

Planner Hardgrove described the property lot as an 8.5-acre parcel on the north shore of Lake Jessamine. Access to the parcel is via an access easement off of Jessamine Lane. The request is to subdivide the parcel into two parcels. Both parcels meet minimum zoning standards. The east parcel would contain the house which will still meet R-1AA setbacks. The west parcel will be able to provide a practical R-1AA building.

On August 8, 2022, the Planning and Zoning Board recommended approval of the creation of two parcels as described on the survey received on 4/22/2022.

There was a comment at Planning and Zoning from a resident from the north concerning the maintenance of the access easement. Another property owner raised an objection as they were concerned that a house would be built on parcel 2 which would block their lake view.

Applicant David Gragg explained the access parcel is owned and maintained by the neighbor to the east and the former neighbor to the west who has moved but did not sell the access easement. He said there have been complaints about trees on the access parcel but Mr. Gragg does not own or maintain the easement.

There was no public comment

Councilmember Chotas made a motion, based on Planning and Zoning’s recommendation, to approve the creation of two parcels as legally described on the submitted survey received “April 22, 2022”; The motion was seconded by Councilmember Rader. Approved (4/0).

The motion was approved by roll call vote.

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

- **Special Exception 2022-03: Suncoast Building Materials Special Exception Amendment 101 Mary Jess Road**

Planner Hardgrove explained the request to allow the modification of conditions of the special exception granted to Suncoast Building Materials in 2016. The request is to change operating hours to 5:00 am to 8:00 pm from the originally approved hours of 6:00 am to 6:00 pm. The applicant has changed their request to change only the evening operating hours until 8:00 pm for trucks to arrive back to the facility and park.

She explained that per Code Section 134-104, a special exception can only be approved with a finding that the approval shall not adversely affect the public interest and shall not negatively impact the character of the neighborhood in which the proposed use is to be located and the value of surrounding lands. The conditions of approval attached to the 2016 special exceptions were part of the City Council's required finding in granting the special exception.

Planner Hardgrove stated that Staff's position is that this request will have a negative affect and recommends denial of the request. Planning and Zoning strongly recommended denial. She added that since 2016 there have been many calls to City Hall about Suncoast's operations.

Engineer Sam Sebaali, representing Suncoast Building Materials, confirmed the applicant does not request to extend the hours of operation but asks to allow the trucks to come back to the site until 8 pm. He explained drivers would park the trucks and leave the site. The issue is that trucks do not always have time to get through traffic and arrive back by 6:00 pm in order to park their trucks and leave. They are asking for that flexibility.

Engineer Sebaali stated he does not believe the change will impact the neighbors. He said that there are always trucks on the road after 6:00 pm and they are asking for flexibility.

In response to Councilmember Chotas' question about the definition of operating hours, Engineer Sebaali said they understood that hours of operation include when the doors are open to customers. He said that they have since understood that hours of operation mean you cannot do anything outside the approved hours. He would like clarification.

Business owner, Williams Johns, said office hours are 6:00 am to 4:30 pm after which time no customers are received and no trucks are sent out.

Mr. Johns said he had trouble with fuel trucks coming after hours to fuel the trucks. They are no longer fueling on property.

Mr. Johns told Council President Horn that he has eight trucks and that half of them are usually back by 4:30 pm. He added that he is leasing a spot down the road to park the trucks after hours and the drivers have to get a ride back to the property to get their personal vehicles.

Councilmember Rader said he was on Planning and Zoning during the review of the special exception and he was opposed to the concept. One of the key discussions was truck traffic on Mary Jess Road. They have returned saying the conditions do not work for them anymore.

Attorney Smith said the workers are parking the trucks offsite but they are violating the conditions of the special exception to get back to their vehicles. There is always a potential of arriving back late.

Mr. Johns said he secured a building in Tavares and half of the vehicles will leave in about 3 months. He discharged the manager who did not seem to understand the reasons for the conditions and they will do what they need to do to conform.

Councilmember Chotas made a motion to approve the amendment to condition 11 to drive trucks back on the property and park until 8:00 pm with no access to the building, so it is limited. He said he recognized Councilmember Rader's desire to stay with the conditions and he withdrew his motion until after public comments.

Public Comment

Cliff Rathbun, an Edgewood resident, said Suncoast does not abide by the rules. When there is more than one truck on Mary Jess Road it is faster to take Oak Ridge Road than to wait for the trucks to move through the light.

Mary Woznack, an Edgewood resident, spoke as an opponent. She said there was no compliance for three years. It is incumbent upon the applicant to understand any ambiguity in operation hours. She said that last year, Councilmember Rader told Suncoast they did not have an approved site plan for the north parcel. They cleared the parcel, and she sees them operating on the north parcel daily.

Councilmember Rader clarified that his comments were not that they could not operate but that he was concerned about the appearance and definition of a buffer of the northern parcel.

Virginia Rice, an Edgewood resident, spoke as an opponent. She said that twelve hours of operation a day is enough for a business and no neighborhood should have to deal with the trucks. She sent a video to the city on 7/12/2022 showing the trucks.

Jim Muszynski, an Edgewood resident, spoke as an opponent. He said he does not know if the fuel tank on the property was properly permitted. He also said the agreements were for the trucks to return by 6:00 pm.

Richard Yates, an Edgewood resident, spoke as an opponent. He said delivery trucks to Suncoast and Rosen are making U-turns at Lake Mary Jess Shores Court and that trucks are parking on the right-of-way.

Cindy Beckner, an Edgewood resident, spoke as an opponent, and said extending the hours will increase the problem. She said the neighborhood used to be very quiet but now trucks

are lined up almost constantly at the light. She feels their needs have been pushed aside for the business.

Interim Clerk Riffle read the letter received at City Hall in opposition to the request. She also mentioned a letter from Sergeant Ireland regarding conditions and the trucks on the road, which was provided in the agenda.

Engineer Sebaali said the intent is not to create more problems for the neighbors or for the city. It is zoned C-3 and there could be a much higher density use in that location with much more traffic. Suncoast operates eight trucks and if the hours are extended, not all the trucks would have to return during rush hour.

Engineer Sebaali noted that before Suncoast, the property was a concrete plant and not virgin land. There are no open code-compliant issues, and the property on the north side is cleaned and mowed. The owner has been trying to comply, which is why they made this request to Council. He said he understands opposition, but does not like the accusation that the property owner is not trying to comply.

Councilmember Rader said there is no pattern of the applicant doing what he is supposed to do and there is no history of good faith. He said that extending the hours would push the problem to 8:00 pm instead of 6:00 pm.

Councilmember Rader made a motion, in support of Planning and Zoning’s recommendation, to deny the request to extend operating hours to 8:00 pm from the approved operating hours of 6:00 am to 6:00 pm, as this request would adversely affect the neighboring properties. The motion was seconded by Councilmember Pierce. Approved (3/1).

The motion was approved by roll call vote:

Councilmember Rader	Favor
Council President Horn	Favor
Council President Pro-Tem Pierce	Favor
Councilmember Chotas	Oppose

Councilmember Chotas said that he believes the business owner is sincere, but the manager was not compliant. He said that perhaps the request will be made again, after relations are repaired, in a way that does not injure the neighbors and is good for the business. He noted that he voted no as a practical matter and he does not think that they are asking for much.

- **Variance 2022-04: 495 Mandalay Rd. - Boat Dock**

David Mahler, engineer CPH explained the after-the-fact variance request for a boat dock. The request is to allow a recently constructed dock to remain 24.4 feet away from the dock across the canal in lieu of the minimum 25-foot requirement and to allow the dock to remain 28% of the width of the canal.

Engineer Mahler said that the seawall was built out further than was planned, due to a footer, and contributed to the problem of the dock’s final location. The Sheriff’s office toured the area and did not see a navigable hazard. The abutting property owner did not have an issue with the dock’s location.

Attorney Smith said if the letter of no objection had been received before the construction of the boat dock, it would have been considered to be an administrative issue. The letter would have allowed the encroachment.

Contractor, Sheila Cichra with Streamline Permitting said the end result of the boat dock’s location was due to a series of mistakes and events including that it took five months to get the seawall permit from Orange County. The builder did not accurately consider the conditions and the location is in a narrower part of the canal.

Council President Horn asked if there was communication with the property owner across the canal. Ms. Cichra said she believes the builder and the surveyor spoke with the owner and they had no issue. If the variance is not approved, the application will need to cut off most of the catwalk.

Councilmember Rader expressed frustration about boat dock variances due to contractor errors. Ms. Cichra said some municipalities require a piling survey before begins. She also said that this is the first Edgewood job for the contractor, Rafael Valle.

Attorney Smith said he agrees that something is needed between when the pilings are installed and when the dock begins construction. It would alleviate this kind of problem.

There was no public comment.

Councilmember Chotas moved to approve 2022-04, as proposed by the Planning and Zoning Board, to allow the boat dock to remain 24.4 feet away from the dock across the canal in lieu of the minimum 25-foot requirement; and to allow the dock to remain at 28% of the width of the canal. The motion was seconded by Council President Pro-tem Pierce. Approved (4/0).

The motion was approved by roll call vote.

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

- **Variance 2022-06: 525 Mandalay Rd. - Boat Dock**

Engineer David Mahler, with CPH, said this is a variance request to allow an existing side setback to remain at 6.93’ and to allow a future addition for a boathouse and covered deck to be added onto an existing dock that is 10 feet from the property line, instead of the required 15 feet per the City land development.

Engineer Mahler confirmed to Council President Horn that a platform exists and the application wants to add a boathouse.

He confirmed to Councilmember Chotas that the affected neighbor did consent to the dock's location.

Engineer Mahler said the property has an odd shape and is located at the end of the canal.

There was no public comment.

Contractor Sheila Cichra clarified the proposed boat dock meets all the other requirements and the only way to meet code is to cut the end off this deck. They are requesting the corner of the boat dock remain where it is. She said the dock was built 12-15 years ago and Interim City Clerk Riffle confirmed that the dock was permitted by Edgewood's former engineer, Art Miller.

Councilmember Rader made a motion to approve Variance 2022-06 to allow an existing side setback to remain at 6.93' and to allow a future addition for a boathouse and covered deck to be added onto an existing dock that is 10 feet from the property line, instead of the required 15 feet per the City land development. The motion was seconded by Councilmember Chotas. Approved (4/0).

The motion was approved by roll call vote:

Council President Horn	Favor
Council President Pro-tem Pierce	Favor
Councilmember Chotas	Favor
Councilmember Rader	Favor

STAFF REPORTS

- **City Attorney Smith**
 - Said he will work on making modifications regarding pilings for the boat dock ordinance. Council President Horn suggested that the City wait until the Orange County dock code modification is complete.
 - Fence code will be on the next agenda.
- **Police Chief Freeburg**
 - The Town of Pembroke Park is creating a new Police Department. FDLF recommended Edgewood as a good agency with good standards for the town to use as a standard of comparison. It was a great recommendation.
- **Interim Clerk Riffle**
 - Supplied budget changes after the second workshop. Some issues were found such as an unintentional additional \$5,000 for neighborhood grants that needed to be removed from the budget and adding \$25,000 for sidewalks to account for tree removal.

Mayor Dowless said he does not believe a third budget workshop will be necessary and that they can be ready for the first hearing on September 6, 2022. He said Tammy

Campbell, with McDirmit Davis, thinks that there will be just under \$3.5M in unrestricted funds and the City will have to move some money around to avoid going over 75% of reserves. He added that ARPA is not unrestricted funds.

Councilmember Chotas said he would like to make sure the approved budget reflects compliance with charter requirements.

- Sidewalk work is beginning soon and will be working through small sections of the City at a time. She will send the proposed concrete contract to Attorney Smith for his review before it is approved, and possibly utilize a payment performance policy.

MAYOR AND CITY COUNCIL REPORTS

- Mayor Dowless
 - Said he would like to pursue the City having its own engineering contractor as there have been too many issues over the past few years with Orange County. This may allow the City to get some more individual attention.

Councilmember Rader suggested that the City could piggyback with another City's existing contract.

Council Member Chotas – no report

Council Member Pierce – no report

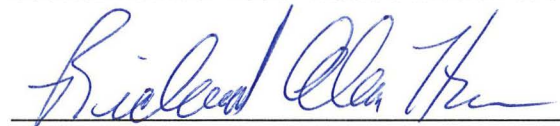
Council Member Rader – no report

Council Member Lomas – no report

Council President Horn said he is the Vice Chair of the Orange County Environmental Protection Commission and hears boat dock variances and waivers. The new dock ordinance makes a variance almost impossible. The uses are expanded and people do not have to come in for variances and after-the-fact variances will be very difficult to get.

ADJOURNMENT

Councilmember Rader made a motion to adjourn the meeting at 8:07 pm.



Richard A. Horn
Council President

Attest:



Sandra Riffle, CMC, CBTO
Interim City Clerk