



CITY COUNCIL REGULAR MEETING
City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, March 26, 2024 at 6:30 PM

MINUTES

A. CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

B. ROLL CALL & DETERMINATION OF QUORUM

Council President Horn called the meeting to order at 6:30 pm.

Elected Officials in Attendance

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

Staff in Attendance

Sandra Riffle, City Clerk,
Dean DeSchryver, Police Chief
Miguel Garcia, Deputy Chief
Shannon Patterson, PD Chief of Staff
Stacey Salemi, Code Enforcement Officer
Mike Fraticelli, Sergeant
Tim Cardinal, Sergeant
Ellen Hardgrove, City Planner
Allen Lane, City Engineer
Drew Smith, City Attorney

Applicant/Other Attendees

Charlie Crawford, Toll Brothers
Stuart McDonald, Toll Brothers
Mark McIntosh, Toll Brothers
George Smith, 302 Mandalay Road

C. ORGANIZATIONAL MEETING

1. Administer Oath of Office to newly elected City Councilmember

Mayor Dowless administered the Oath of Office to incoming Councilmember Beth Steele. Councilmember Steele took her seat at the dais.

2. Election of Council President and Pro-Tem

(This business was heard after Citizen Comments)

Councilmember Rader nominated Councilmember Horn for Council President, seconded by Councilmember Lomas. The motion was approved by voice vote (4/0).

Councilmember Lomas nominated Councilmember Rader as Council President Pro-Tem, seconded by Councilmember Steele. The motion was approved by voice vote (4/0).

3. Councilmember Responsibility Designations

Councilmember assignments were designated as follows:

Finance	Council President Horn (temporarily)
Code Compliance	Council President Horn
HAINC Liaison	Councilmember Steele
Cypress Grove Liaison	Councilmember Steele
Land Development/Master Plan	Councilmember Rader
Public Works	Councilmember Lomas
Staff Police Department City Hall Contract Staff	Mayor John Dowless

D. CONSENT AGENDA

- February 20, 2024 City Council Draft Meeting Minutes
Council President Horn noted that "Mark McIntosh" should be changed to "Stuart McDonald."
- March 5, 2024 Special Council Draft Meeting Minutes

Councilmember Lomas made a motion to approve the Consent Agenda as amended, seconded by Councilmember Rader. The motion was approved by voice vote (4/0).

E. PRESENTATION OF PROCLAMATION

- Mayoral Proclamation - Edgewood's 100th Birthday**

Mayor Dowless noted that a Proclamation was issued for Edgewood's 100th birthday and read during the Music Fest on April 23, 2024.

F. ORDINANCES (FIRST READING)

- Ordinance 2024-02 Small Scale Amendment - 302 Mandalay Road**

Attorney Smith read Ordinance 2024-02 in title only. He clarified to the Council and those in attendance that this discussion and vote are regarding the comprehensive plan and not for rezoning.

Planner Hardgrove said the applicant requests to change the future land use map from low-density residential to commercial. The property is located at the southeast corner of Hansel Avenue and Mandalay Road.

Planning and Zoning's recommendation was for denial. Staff's recommendation to Planning and Zoning was for approval. The public expressed significant opposition, with the primary issue being the potential of increased traffic on Mandalay Road. The other concern was the geometry of the Mandalay/Hansel intersection coupled with existing utility poles and land use compatibility. Based on the public input, Staff's recommendation is to implement the City's new Site-Specific Plan (SSP).

Planner Hardgrove explained that a commercial building, located across the street on Mandalay Road, is in the process of approval. She said that the SSP specifically ensures land use compatibility; it controls design with policies specifically for that parcel. The applicant must meet with the community before it goes to P&Z and Council.

In response to Attorney Smith, Planner Hardgrove confirmed that when an SSP comes to the council, it will be closer to a site plan level of detail. An SSP offers control of how the property is used.

The applicant, George Smith, came to the podium. He said the lot is inappropriate for residential use and that the City would gain more tax revenue if the parcel were considered commercial. He is aware of the safety concerns on Hansel Avenue.

Councilmember Rader said that staff recommends a change. This residential lot is more consistent with commercial properties than residential ones due to its access. The process of the SSP allows all things to be considered.

Public Comment:

Dan Drummond, an Edgewood resident, said it is not safe for Mandalay Road to support additional traffic. A medical facility will have in-and-out parking. The parcel is too small for stormwater and adequate parking on site. People will park on the street, which is already too small. It is a hazard to get onto Orange Ave, and cars on the street will make it worse.

He said a commercial property would not maintain the residential character of Edgewood. It would also cause more flooding. The commercial building will be built on the other side of the street. He is concerned about how site plans can be modified once the comprehensive plan is changed.

Attorney Smith responded that an SSP cannot be changed; it goes into the comprehensive plan.

Fulvio Romano, an Edgewood business owner, said Orange Avenue is too busy for a residence. The lot has fences to the south and west, keeping it separated.

Mark Crain, an Edgewood resident, said more traffic on Mandalay would be dangerous. The neighborhood is opposed to more traffic, lighting and dumpsters involved.

Sandy McMillan, an Edgewood resident, said she is concerned about privacy, traffic, lighting and noise. She said she has been hit twice coming in and out of the neighborhood.

Jenn Fine, an Edgewood resident, said she bought her home based on the residential character and that changing the conditions is not fair to the neighborhood.

Greg Levan, an Edgewood resident, said a commercial building would conflict with the intent of the ECD, which is to protect the stability of existing neighborhood character.

Tina Baker, an Edgewood resident, said Mandalay and Orange Avenue is not a safe intersection. The owner knew the lot was zoned for residential use.

Ray Solenberger, an Edgewood resident, said they would need a traffic light at the intersection.

Tim Lavey, an Edgewood resident, said he bought his property on Mandalay because it was a safe street with a cul-de-sac.

Council President Horn said he would vote with Planning and Zoning’s recommendation.

Councilmember Rader noted that S Orange Avenue at Mandalay is commercial. However, based on Planning and Zoning’s recommendation, he would not approve the Ordinance.

Council President Horn made a motion to deny Ordinance 2024-02, seconded by Councilmember Lomas. The motion to deny was approved by roll call vote (4/0).

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Favor
Councilmember Steele	Favor

2. Ordinance 2024-03 Parking

Attorney Smith read in Ordinance 2024-03 title only

Council President Horn said he would like to add trailers to the definitions.

There was no public comment.

Council President Horn made a motion to approve Ordinance 024-03 with the inclusion of trailers in the definitions, seconded by Councilmember Lomas. The motion was approved by roll call vote (4/0).

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Favor
Councilmember Steele	Favor

3. Ordinance 2024-04 Personnel - Flexible Workplace Policy

Attorney Smith read Ordinance 2024-04 in title only.

City Clerk Riffle explained the need for the policy. With a small staff, on some days it would be more productive for staff to be able to work from home rather than taking PTO. She explained

that in the last two and a half months, her staff has experienced a baby's birth, a family death, frequent PTO, and a sick child, all of which resulted in not having sufficient staff.

Councilmember Lomas commented that she thinks staff needs to turn off the job after work.

Mayor Dowless said It could benefit the city if work is being done.

Councilmember Rader said it would be important to have discretion and strong leadership to prevent abuse. The option should be used for an acute issue.

Council President Horn said that he would like to look at it after it has been instituted in a year and see the results.

Chief DeSchryver suggested that management make the decision. If an employee uses the flexible workplace more than a certain number of days per month, they should appear before the Council. He suggested 5 days a month. It can be mutually beneficial, but the Manager must be ready to deny the flexibility when it becomes a problem.

Council President Horn noted that it may be easier with the Police Department because they have a few more people. than In City Hall. He cautioned against preferential treatment or even the opposite.

Mayor Dowless said it makes sense to find out why people are not at work.

Attorney Smith said management advocates a flexible workplace as an alternative to PTO.

The council's consensus was for a 12-month sunset. To use the flexible workplace more than five times a month, the employee would have to go to the Council.

Councilmember Rader said the policy requires trust in staff.

Councilmember Horn made a motion to approve Ordinance 2024-04 with the addition of a 12-month sunset and language that limits the duration and number of occurrences with approval. The motion was seconded by Councilmember Steele. The motion was approved by roll call vote (4/0).

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Favor
Councilmember Steele	Favor

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

H. UNFINISHED BUSINESS (This business item was heard after the consent agenda.)

1. Haven Oaks PD Compliance Issues & Performance Bond

Planner Hardgrove stated the process for building a subdivision is Council’s approval for the site and construction plans, Certificate of Completion once the infrastructure is built, then

Certificate of Occupancy (CO) for the homes. They are currently trying to get the Certificate of Completion (COC).

Toll Brothers asked if they could start four houses without approval for the infrastructure and asked for a Performance Bond to sell the homes.

Toll Brothers has requested waivers to deviate from the development agreement to get the COC for the following items.

- **No parking signs**

Planner Hardgrove stated that the Development Agreement requires No Parking Signs on the lamp posts on one side of the road. This is necessary since the fire department requires a minimum of 20 feet of clear space. The road is 24 feet wide with two 2-foot-wide curbs. Thus, there is room for parking on only one side of the road. Duke Energy does not generally allow signage on their light posts. Toll Brothers has posted the poles with “No Parking” signs. Staff recommends additional signs per a conversation with the Fire Department, including the ones shown in the orange dots on the presentation exhibit and one in the cul-de-sac that specifically reads “no parking in the cul-de-sac.” Emergency trucks need the entire circumference of the cul-de-sac to turn around.

In response to Councilmember Lomas, Planner Hardgrove said this would be a waiver because the Developers Agreement (DA) requires signs on every lamp post.

There was no public comment.

Councilmember Horn made a motion to approve a waiver from putting no parking signs on the lamp posts, instead putting signs on a standard post and adding an additional sign at the cul-de-sac to prohibit parking and three additional signs as shown on the Exhibit presented by staff at the meeting. The motion was seconded by Councilmember Lomas. The motion was approved by voice vote (4/0).

- **Waiver for the subdivision monument sign**

There was no discussion or public comment.

Councilmember Rader made a motion to allow the subdivision wall sign to remain as it was constructed, seconded by Councilmember Lomas. The motion was approved by voice vote (4/0).

- **Subdivision wall color**

The requested waiver is for the wall to remain white as it was required to be painted a mottled mixed color. Councilmember Rader said that, logistically, painting three colors is a long-term maintenance challenge.

There was no public comment.

Councilmember Lomas made a motion to accept the plain white subdivision wall.

Councilmember Rader made a friendly amendment to ensure that the wall remains architecturally the same and does not become a flat white wall.

Councilmember Lomas accepted the friendly amendment.

The motion was seconded by Councilmember Steele. The motion was approved by voice vote (4/0).

- **Underground Utilities and Sidewalk Width**

Planner Hardgrove said the DA requires that all utilities be underground. The sidewalk expands to 7 feet at the intersection. Toll Brothers built the sidewalk at 7 feet but saw cut it to 6 feet because they were told to put in a curb or move the sidewalk away from the road.

Discussion ensued regarding the placement of power poles and the sidewalk. The four poles along Holden Avenue are new.

Mr. McIntosh said they cannot control Duke Energy. It was a design challenge for them, and the best they could do was to leave the poles. It would cost Toll Brothers \$200,000 and they would have to raise the prices of the homes.

In response to Mr. McIntosh, Mayor Dowless said Legacy's power is underground.

Councilmember Lomas said Toll Brothers sold the project with power being underground.

Planner Hardgrove said that a Duke Energy representative told her there were several options, including putting the utilities all the way down to Legacy

Councilmember Rader said the sidewalk is the bigger issue, and it is narrower now than it was originally. He suggested moving poles to create the sidewalk, which is less expensive than fully removing the poles.

Mr. McDonald said- Duke Energy will not let them move the poles back. They are working on a design to see how far down they need to go for underground utilities, but they still need four poles. Mr. McIntosh added that those four poles would have to go onto someone else's property to make it work.

Public Comment:

Brett Barner, an Edgewood resident said the intent was to make the neighborhood special. He pointed out there are 7-foot sidewalks except in front of Toll Brothers and the Randall Property. It is a safety hazard.

Councilmember Rader asked if Toll Brothers would like to come back with a solution. He would like staff to meet with Duke Energy.

Mr. McIntosh said he needs more approvals to close. Planner Hardgrove suggested they could get a commitment from Duke to move the poles, then the sidewalks can be maximized.

In response to Councilmember Lomas, Mr. Crawford said the four lots are speculative homes, but he does not know which lots are ready for closing. Only one of the homes has been sold. Lot 43 was scheduled to close the previous week, but they had to extend the time. He explained that closing a house means they have a buyer, but closing a Certificate of Occupancy means the permit is being closed out.

There was no public comment.

Councilmember Rader made a motion to table the decisions on the waiver for the power pole elimination and sidewalk installation until the applicant comes back to Council. The motion was seconded by Council President Horn. The motion was approved by voice vote (4/0).

Home construction requested waivers

Toll Brothers has four pending closings on lots 5, 41, 42, and 43. They want to close them and put up a performance bond.

- Lot 41 - Planner Hardgrove said lot 41 is on a corner and should have window trim and secondary building materials. Toll Brothers has proposed two options. Option A is to plant a hedge along the side of the house and three crepe myrtles in the open space tract. The existing tree would remain. Option B is to offer the same landscaping and add horizontal panels to the side of the house.

The consensus was to accept Option B, which included paneling on the side of the building and landscaping. No vote was needed because this option met the requirements.

Lot 42 does not meet the trim requirements. Toll Brothers is asking for approval for this elevation only for that lot. The elevation will be pulled and no longer offered.

Councilmember Rader made a motion for approval of a waiver for lot 42 with the following conditions: a continuous evergreen hedge using a min 3-gallon container of evergreen plant material shall be planted on the north side of the house, and three crepe myrtles of a variety approved by the landscape architect, shall be planted in the open space tract north of the house with the intent of minimizing the wall's blank wall appearance. Councilmember Lomas seconded the motion. The motion was approved by voice vote (4/0).

- Lot 42 - Toll Brothers requested a waiver for the air conditioning placement unit. It is not possible to walk from the front yard to the back yard without stepping on the neighboring property due to the units proximity to the side property line.

There was no public comment.

Council President Horn made a motion for all future builds to have a 5-foot minimum linear offset measured from the outermost points of the units; seconded by Councilmember Rader. The motion was approved by voice vote (4/0).

- Planner Hardgrove said the rest of the elevations do not meet the requirements, and the Council needs to decide whether to accept them.

Mr. Crawford there are two more homes currently under construction that are modern elevations. The Frederick Modern model has been pulled and will only be built on lot 9, and the Frederick Elite will only be on lot 12. He said Mr. Crawford said the only lots visible outside the subdivision are 42 and 43.

There was no public comment.

Rader motioned approval of the architectural renderings for lots 9 and 12, subject to the installation of upgraded garage doors, seconded by Council President Horn. The motion was approved by voice vote (4/0).

- Approval of elevations – The upper window on the Frederick Contemporary does not have the required trim but does have siding and stonework.

There was no public comment.

Councilmember Rader made a motion to approve the following eight elevations with upgraded garage doors: Chapleton Contemporary, Bronte Contemporary, Ashley Transitional, Ashley Contemporary, Arthur Contemporary, Alina Contemporary, Frankfield Contemporary, and Frederick Contemporary. The motion was seconded by Councilmember Lomas. The motion was approved by voice vote (4/0).

All other permits that were previously issued by OC will still be on hold until the subdivision COC is released, and the required documents are submitted by Toll Brothers.

I. NEW BUSINESS

J. GENERAL INFORMATION

K. CITIZEN COMMENTS

Benjamin Bassem said he has a laundromat business. Staff told him that the city allows dry cleaners but not laundromats. He said there is no laundromat service to the north until Michigan Street, and people in the area must go to Michigan, Oak Ridge, or Conway. Councilmember Rader said the city spent many years with the community developing the ECD and its allowed uses, and he said those uses are very unlikely to change.

Council President Horn said no resident in Edgewood would probably require a laundromat. Councilmember Rader agreed.

There was no direction from Council to take action.

L. BOARDS & COMMITTEES**M. STAFF REPORTS** (heard after Councilmember assignments)**City Attorney Smith**

- Lindke vs Freed

Attorney Smith explained that Linke claimed that his First Amendment rights were violated when City Manager Freed blocked him on social media and deleted his comments.

Attorney Smith said a government page could not block people, but a private page is not the government's official viewpoint. If using a personal page, make a disclaimer that it is not the official opinion of the city of Edgewood.

- The legislature approved the timing for the creation of building permits.

Council President Horn said he received an email regarding Volusia County that he believes is averting the intent of the legislation by requiring a pre-application.

- A bill to increase sovereign immunity amendments limiting tort liability. There have been efforts to increase the caps.
- Senate Bill 280 passed. The Florida League of Cities is against it as it keeps pre-emption in place. The bill creates a database that tracks advertisements and ads and makes it available to local governments. It will take a couple of years to achieve it while DBPR prepares. The state is a complete regulator of the ads.

In response to Councilmember Lomas, Attorney Smith said an ad does not prove a rental was made.

Police Chief DeSchryver

1. Chief DeSchryver February 2024 Report

- Sergeant Cardinal addressed Council and said that he has looked at many police departments and their health plans. He gave a list of factors that make plans successful.
 1. Accountability helps officers with support. Having a coach or mental health counselor.
 2. Employees should participate in the City's health screening and he suggested offering it more than one time per year.
 3. Require annual physicals
 4. Reward success and incorporate good eating habits during training.
 5. Participate in the state agility test.
 6. Additional money or reimbursement for meal plans or gym membership. It is important to have a coach.

Mayor Dowless explained to the Council that the City replaced employees' health reimbursement cards. The City did not reimburse for weight loss programs, and I asked what the criteria would be for approval.

Sergeant Cardinal said other police departments offer gym memberships, but he has not seen anything about meal plans. He said one plan will not work for all people.

Mayor Dowless said the council is open to hearing ideas.

Councilmember Lomas said she wants its employees to be healthy and happy.

Councilmember Steele said there needs to be accountability.

Councilmember Rader said Altamonte employees get PTO rewards for passing a physical.

Chief DeSchryver gave an update on police department employees. The City hired three new people but will lose two other employees. Officer Schlopy will retire in a couple of weeks, and another officer will be deployed for service soon. The job will be held for this officer until they return to work.

- Chief DeSchryver commented on the 100th birthday Music Fest and acknowledged the officers for going above and beyond. Most worked 12 hours and finished in the rain.
- Reporting numbers for crime have come in. Chief DeSchryver said that the reporting system has changed, affecting how the numbers look. In the past, one call was one event; now, each charge is listed, making it appear that crime numbers have increased when the City is actually experiencing a historic low.

There were 57 crimes this year. Property crimes are fairly consistent.

- Councilmember Rader reported there was an accident in front of Boise Cascade, shutting down Holden Ave. The Boise truck driver, coming from Orange Blossom Trail, yelled at drivers for blocking the entrance and was going against the truck requirement on Holden.

Attorney Smith said the City does not enforce County traffic.

Sergeant Cardinal added that if they are making deliveries on Holden, they can't be stopped from doing so.

Councilmember Lomas said it is in the code. Attorney Smith said code enforcement will need to observe the activity.

- Councilmember Lomas said there is a white van with a Texas tag in the parking lot where Tops in Details used to be.

City Clerk Riffle

1. Election and Charter Amendment Questions

City Clerk Riffle told City Council that all nine Charter Amendment questions were approved in the March 19, 2024 election.

She also alerted Council that the Primary Election would be held on Tuesday, August 20, 2024, which is the same day as City Council. The Council decided to move the regular Council meeting to the next day, Wednesday, August 21, 2024, at 6:30 pm.

N. MAYOR AND CITY COUNCIL REPORTS

Mayor Dowless

Mayor Dowless recapped Edgewood's 100th Anniversary Music Fest event. He said the police department was incredible during the event and even stayed to take the event down while it was raining. The public gave a lot of positive feedback.

The City applied for a grant through Congressman Soto's office. If the City accepts the terms, it will receive \$1 million as a matching grant.

Council Member Lomas – no report

Council Member Rader – no report

Councilmember Steele

Councilmember Steele said the 100th birthday event was wonderful, and she was excited to participate.

Council President Horn

Council President Horn said he heard a lot of positive feedback about the event. He would like to evaluate the process, identify what went right and what went wrong, and use that information for future events.

O. ADJOURNMENT

The meeting was adjourned at 10:11 pm.


Richard A. Horn, Council President

Attest:


Sandra Riffle, City Clerk

Approved in the 3/26/2024 Council Meeting.