



MINUTES

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

Council President Horn called the meeting to order at 6:33 pm.

B. ROLL CALL & DETERMINATION OF QUORUM

City Clerk Riffle confirmed that there was a quorum with four Councilmembers and Mayor Dowless in attendance.

Councilmember Rader was not in town and requested to be excused.

Council President Horn made a motion to excuse Rader's absence. The motion was seconded by Councilmember Pierce. Motion approved by voice vote (5/0).

PRESENT

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

ABSENT

Councilmember Chris Rader

STAFF

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

APPLICANTS

Paul Watterson, Boise Cascade, Inc.

C. PRESENTATIONS & PROCLAMATIONS

None

D. CONSENT AGENDA

1. June 20, 2023 City Council Meeting Draft Minutes

- Mayor Dowless requested a change to his report noting that the Tri-County League of Cities meeting would be in September.

- Councilmember Chotas requested a correction to his motion for the Boise Cascade variance requests., “to table discussions until the applicant can return with an answer on whether any variance for parking would terminate upon the sale of the property.”

Councilmember Lee Chotas made a motion to approve the June 20, 2023 meeting with corrections. The motion was seconded by Councilmember Lomas. Motion approved by voice vote (4/0).

E. ORDINANCES (FIRST READING)

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

1. Ordinance 2023-08 County to City R-1A Rezoning

Attorney Smith read Ordinance 2023-08 in title only.

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, REZONING AND CHANGING THE OFFICIAL ZONING MAP CLASSIFICATION OF PROPERTIES GENERALLY LOCATED ON THE NORTH SIDE OF GATLIN AVENUE, ALONG OAK COVE LANE THAT WERE PREVIOUSLY ANNEXED INTO THE CITY OF EDGEWOOD BUT WHICH HAVE NOT YET BEEN ASSIGNED A CITY OF EDGEWOOD ZONING DISTRICT DESIGNATION; REPLACING THE ORANGE COUNTY ZONING DESIGNATION FOR SUCH PROPERTIES WITH THE MOST CONSISTENT EXISTING CITY OF EDGEWOOD ZONING DESIGNATION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Planner Hardgrove said there have been no changes since the first reading.

Attorney Smith explained that Edgewood's Code closely modeled Orange County's and there was no need to rezone. There are now more distinctions.

There was no public comment.

Council President Horn made a motion to approve Ordinance 2023-08. The motion was seconded by Councilmember Lomas. Motion approved by roll call vote (4/0).

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

2. Ordinance 2023-07 Projected Signs

Attorney Smith read the ordinance in title only.

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, 4 RELATING TO SIGNS; AMENDING CHAPTER 122 OF THE CITY OF 5 EDGEWOOD CODE OF ORDINANCES RELATING TO PROHIBITED

6 SIGNS; MODIFYING THE LIST OF PROHIBITED SIGNS; PROVIDING 7 FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, 8 AND EFFECTIVE DATE.

There was no discussion. or public comment.

Council President Horn made a motion to approve Ordinance 2023-07. The motion was seconded by Councilmember Lomas. Motion approved by roll call vote (4/0).

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

3. Ordinance 2023-09 County to City R-1AA Rezoning

Attorney Smith read Ordinance 2023-09 in title only.

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, REZONING AND CHANGING THE OFFICIAL ZONING MAP CLASSIFICATION OF PROPERTIES CURRENTLY ZONED COUNTY R1AA WHICH WERE PREVIOUSLY ANNEXED INTO THE CITY OF EDGEWOOD BUT WHICH HAVE NOT YET BEEN ASSIGNED A CITY OF EDGEWOOD ZONING DISTRICT DESIGNATION; REPLACING THE ORANGE COUNTY ZONING DESIGNATION FOR SUCH PROPERTIES WITH THE MOST CONSISTENT EXISTING CITY OF EDGEWOOD ZONING DESIGNATION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

There was no discussion and no public comment.

Councilmember Pierce made a motion to approve Ordinance 2023-09. The motion was seconded by Councilmember Chotas. Motion approved by roll call vote (4/0).

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

G. UNFINISHED BUSINESS

H. NEW BUSINESS

Set tentative millage rate and set a public hearing date for final millage and proposed Fiscal Year 2023/2024 budget.

City Clerk Riffle explained that the City Council must set a tentative millage rate and set the public hearings for the proposed and final millage rate and budget. She noted that the tentative millage can be lowered, but it cannot be raised. The first budget workshop showed that a rate of 5.5 mills would avoid a deficit with the present proposed spending.

A motion was made by Councilmember Chotas to set the City's millage rate at 5.35%. The motion failed for lack of a second.

A motion was made by Councilmember Pierce: I move to set the City's tentative millage rate at 5.45% and direct the City Clerk to complete the DR420 and DR420MMP forms to provide to Orange County Property Appraiser, on or before noon on July 31, 2023.

The motion was seconded by Councilmember Lomas. Motion approved by roll call vote (3/1).

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

I. GENERAL INFORMATION

J. CITIZEN COMMENTS

K. BOARDS & COMMITTEES

- **Variances 2023-02 & 2023-03: Boise Parking & Landscaping**

(Note: This business was heard after the Consent Agenda.)

This discussion is a continuation of the June 20, 2023 meeting when Council tabled further discussions until the applicant could return with an answer on whether Boise will agree that any variance for parking would terminate on the sale of the property.

Mr. Paul Watterson, Branch Manager of Boise Cascade said that Boise Cascade thought that it was a reasonable request to set a time limit on the variance to coincide with the sale of the property.

Public Comment:

Paul Goddard, an Edgewood resident, said Boise is in the wrong place. He wanted to know if there are hours of operation as he hears the beeping of trucks as early as 4:30 am and their saws on Saturdays.

In response to Councilmember Chotas regarding hours of operation and the site plan, Planner Hardgrove said there are no restrictions on hours. Boise Cascade is proposing to remove three buildings and put up one new one. The new building will be on the existing pervious area.

Planner Hardgrove noted that if a new company were to come in requiring a special exception, then Council could set hours of operation.

Mr. Watterson explained that trucks are loaded in the afternoons and the beeping is from trucks backing up. Council President Horn said OSHA regulates the beeping.

Councilmember Rader sent an email stating that he opposes the variance as he does not believe that criteria #2, that special conditions and circumstances do not result from the actions of the applicant, is met as the expansion is their choice. He thinks they should meet Code or go above and beyond to be courteous to the neighbors.

Discussion ensued regarding the use and location of the new building. Mr. Watterson said more storage on the north end of the property would be indoors. While some storage would remain outside, much of it would come inside.

Mr. Watterson confirmed to Council President Horn that they do not mill or cut and only operate on weekends if they are behind, such as from a storm. Council President Horn requested that they try and minimize noise for the sake of the neighboring residents. Mr. Watterson said they try to be good neighbors. They do not want to lengthen the day or work on weekends as it requires overtime pay.

Mayor Dowless noted that the expansion moves more storage indoors. Boise has been responsive when the City has asked them for anything.

Planner Hardgrove said they have to maintain the 7-foot wall plus evergreen trees adjacent to residential. They are still under Orange County Zoning requirement and the County would not require any trees in that location. They will also add landscaping in the screened area as the parking lot is on the property line.

Councilmember Chotas said that in view of the long period of time, this property has been C-3, he does not think that it is appropriate to deny the parking variance because they volunteer to have the variance go away with the sale of the property. He is glad they are willing to be good neighbors to the residents and will try and minimize noise. He supports P&Z's recommendation to grant approval with the caveat that the parking variance goes away when Boise sells the property.

Councilmember Chotas made a motion to approve Variance 2023-02 (the parking variance) to allow a maximum increase of 17,060 square feet of building onsite without increasing the number of parking spaces exception for one additional ADA-compliant space, with the proviso that the City accept the proffer of the property owner that the parking variance goes away upon sale of the property, and the conditions of Planning and Zoning. The motion was seconded by Councilmember Pierce. Motion approved by roll call vote (4/0).

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

In response to Councilmember Pierce, Attorney Smith said this agreement can be recorded. Council's decision legally attaches the restriction to the site plan.

Councilmember Chotas made a motion to approve Variance 2023-03 (landscaping) to allow the addition of more than 5,000 square feet of building with the landscaping, open space, and parking/vehicular circulation as shown on the submitted site plan dated received April 24, 2023 with the following conditions imposed by the Planning and Zoning Board:

A. The maximum additional building square footage on the property shall be 17,059.46 (26,400 square feet new construction less the demolition of 9,340.54 square feet), and 11,000 square feet of non-enclosed lean-to square footage.

B. Modify the plan to show additional landscaping as following

1. Along and adjacent to the building side fronting Holden Avenue:

- a. Provide additional plants to provide a continuous hedge along the building frontage (excluding the western part of the building frontage where covered parking exists), with the new plants being at least 24 inches high at planting and being of a species capable of growing to at least 36 inches in height within 18 months. Maintain the existing and new hedges at a height of not less than 36 inches.***
- b. Add 4 evergreen shade trees along the building frontage, e.g., between the existing palm groupings. Each evergreen shade tree shall be of a species with a mature height of 30'-40' and a minimum caliper of 4" and a minimum of 16 feet in height at planting.***
- c. Maintain the existing palms.***

2. Along the Holden Avenue frontage, east of the easternmost driveway:

- a. Plant multi-stemmed evergreen understory trees at a minimum rate of 1 understory tree/25 feet, with each tree planted on center, with a minimum of three (3) stems, each stem a minimum 1.5-inch caliper and 4 feet spread. The existing cluster of palms in this location can substitute for one required understory tree.***
- b. Plant a continuous hedge of plants at least 30 inches high at planting, planted 30 inches on center, of a species capable of growing to at least 3 feet in height within 6 months, and maintained at a height of not less than 36 inches.***

3. Along the east property line, south of the building to the buffer along Holden

- a. Plant evergreen shade trees at a rate of 1 tree/35 feet, setback from the east property line at a distance that the chosen species at maturity will not interfere with railroad operations. Groupings of evergreen multi-stemmed understory trees can substitute for these shade trees at a minimum rate of 1 grouping (3 understory trees)/20 feet, with each grouping evenly spaced and with each tree a minimum of three (3) stems, each stem a minimum 1.5-inch caliper and 4 feet spread.***
 - b. Plant a continuous hedge of shrubs at least 30 inches high at planting, 30 inches on center, of a species capable of growing to at least 3 feet in height within 18 months and maintained at a height of not less than 36 inches.***
- 4. Along the west property line***
- a. Maintain the 7 feet high wall along the perimeter of the property adjacent to the church and homes along Forrestal Avenue.***
 - b. Adjacent to the homes fronting Forrestal Avenue, on the west side of the existing stormwater pond, provide evergreen shade trees instead of cypress trees at a rate of 1 tree/35 feet on center, with each tree a minimum of 4-inch caliper and capable of a***

canopy 30 to 40 feet wide at maturity. Mature height to be attainable within three years. The intent is to provide a dense visual screening from 7 feet to at least 30 feet in height;

5. Along the north property line provide at least one evergreen (1) shade tree or groupings (three trees) of evergreen multi-stemmed understory trees every fifty (50) feet within the 15 feet building setback along the north property line. Each shade tree shall be a minimum of ten (10) feet tall, with a minimum caliper of three (3) inches as measured twelve (12) inches above the root ball. Each understory tree shall have a minimum of three (3) stems, each stem a minimum 1.5-inch caliper and 4 feet spread.

C. Maintenance of a solid, minimum 6 feet-high fence.

D. All onsite landscaping shall be irrigated.

E. A minimum of 15% open space on the property shall be maintained.

F. Outdoor storage or materials and equipment shall be setback a minimum of 15 feet from the property lines of current tax parcel 11-23-29-0000-00-025; i.e., Fellowship Baptist Church of Orlando Inc.

G. No materials, equipment or other goods stored outdoors shall exceed 24 feet in height within 100 feet of the adjacent residential zoned property fronting Forestal Avenue.

H. Two ADA-compliant parking spaces shall be provided onsite. If additional parking is provided onsite, ADA-compliant parking spaces shall be provided at a rate of at least 1/25 new parking spaces.

Mr. Watterson commented on condition "F". He said they do not store over the height of the wall. He would prefer "F" not to be in motion, but he would accept it.

The motion was 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

L. STAFF REPORTS

City Attorney Smith

Attorney Smith said the City is with the bargaining unit for the Police Department. Aside from money, everything has gone smoothly. During the next meeting, the City will work with the CBA to clean up the parts of the contract that need to be update and talk more about money.

Police Chief DeSchryver

- A Speed study was conducted on Gatlin Avenue. It was confirmed that speeds were faster near the complaint area. The first study showed 90-95% compliance and the second showed 85%. 300 cars were going 4 miles per hour. Chief DeSchryver said 54, 875 vehicles passed through the test area in a week.

A resident on Gatlin Avenue asked for speed bumps; Chief DeSchryver suggested chokers that narrow the road, similar to what is installed on Delaney Avenue.

Attorney Smith confirmed that Gatlin Avenue is the County's responsibility, and they would have to give the City permission to install anything on the road.

- He said that two of the new officers are completing their training. One more will finish in August. Officer Zane withdrew his resignation, and the Police Department is fully staffed. Mayor Dowless suggests a letter to realtors of warning.

City Clerk Riffle

City Clerk Riffle drove on the west side and Harbour Island Road to look at trees. The tree company will begin elevating them soon.

M. MAYOR AND CITY COUNCIL REPORTS

Mayor Dowless

- News 13 ran two stories about protecting the sandhill cranes in the City and about speeding on Gatlin Avenue. The stories were not negative.
- He has a meeting with the Tri-County League of Cities Board this week.
- He gave kudos to Staff as they have assisted the Waterfront restaurant to get through issues with the parking lot and landscaping. They need to switch to sewer and make some needed updates.
- He is looking at insurance rates to see if there are ways to cut high costs.
- He spoke about getting a resolution for the banners along Orange and Hansel Avenue. He said the corporate entity would have to be represented in small claims court which would cost more than the banners. Attorney Smith can continue to send letters.
- He discussed possible digital filing cabinets and City Clerk Riffle said that the City would benefit as they have begun digitizing files and the paper permanent records are at risk from disasters. She explained that the Police Department will have access to the system and can keep records confidential. The system will help the City stay in compliance. Chief DeSchryver said his department is working on purging records and said that each kind of record has its own retention date. Mayor asked about internal affairs records and Attorney Smith said that his recommendation is to purge records upon their disposition dates. He said there can be multiple layers of costs by keeping records past their retention date.

Council Member Chotas – no report

Council Member Pierce – no report

Council Member Rader - absent

Council Member Lomas

- She said City Clerk Riffle sent another email to Orange County about the indentation on Holden Avenue and is waiting for a response.

Council President Horn said that Orange County is making improvements along Holden Avenue at Forrestal Avenue.

- There are at least four vehicles with expired tags or without tags at the automotive business at Holden and Orange Avenues. City Attorney Smith said they have already been to Code Enforcement, and this will be a repeat violation with fines.

Council President Horn

- Council President Horn noted that there are new power poles at Camelot on the Lake. They appear to be plumb, but they left the old pole standing. Mayor Dowless requested photos to be sent to Duke Energy.

N. ADJOURNMENT

The meeting was adjourned at 7:48 pm



Council President Horn

Attest:


Sandra Riffle, City Clerk

Approved in the 8/15/2023 City Council meeting.