



CITY COUNCIL MEETING
City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, October 17, 2023 at 6:30 PM

DRAFT MINUTES

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

Council President Horn called the meeting to order at 6:43 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 a quorum with four Councilmembers present. Councilmember Rader and Mayor Dowless could not attend the meeting and requested to be excused.

Chotas made a motion to excuse Mayor Dowless and Councilmember Rader; seconded by Councilmember Pierce. Motion approved by voice vote (4/0).

Councilmembers Present

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

Councilmembers Absent

Mayor John Dowless
Councilmember Chris Rader

Staff Present:

Sandra Riffle, City Clerk
Dean DeSchryver, Police Chief
Shannon Patterson, PD Chief of Staff
Stacey Salemi, Code Compliance Officer
Drew Smith, City Attorney
Allen Lane, City Engineer

C. PRESENTATIONS & PROCLAMATIONS

- Week of the Family 2023 Proclamation

Council President Horn presented a proclamation to Renee Raper, Co-Chairman for Week of the Family. The proclamation announced November 5th through November 12th, 2023 as the Week of the Family.

D. CONSENT AGENDA

- **September 19, 2023 City Council and Final Budget Hearing Draft Minutes**

Councilmember Pierce noted that on page 14, he should be marked absent, not voting. Councilmember Chotas said that in his report it should be noted that he will be temporarily located out of state.

Councilmember Lomas made a motion to approve the September 19, 2023 meeting minutes as amended; seconded by Councilmember Chotas. Motion approved by voice vote (4/0).

E. ORDINANCES (FIRST READING)

1. 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 Ordinance 2023-16 in title only.

Attorney Smith said the ordinance resulted from a conversation regarding the Waterwitch rezoning. Councilmember Rader had concerns about the Impervious Surface Ratio (ISR) and asked Engineer Lane to allow a case-by-case analysis if there was a hardship.

There was no public comment.

Councilmember Chotas made a motion to approve Ordinance 2023-16 for first reading; 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

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

- **Ordinance 2023-11: Charter Amendment**

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, SUBMITTING TO THE ELECTORS OF EDGEWOOD PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF EDGEWOOD; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

Attorney Smith read Ordinance 2023-11 in title only.

Attorney Smith said the only change requested by Council from the first reading was that Council requested to remove the proposed amendment for collective bartering agreement to be approved by resolution rather than by ordinance.

There was no public comment.

Councilmember Chotas made a motion to approve Ordinance 223-11; seconded by Councilmember Lomas. Motion approved by roll call vote (4/0).

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

- **Ordinance 2023-12: Rezoning Waterwitch**

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.

Attorney Smith read Ordinance 2023-12 in title only.

Attorney Smith said this ordinance gives the area of Waterwitch a city zoning designation to replace the county designation. The area was not rezoned to City zoning after annexation.

There was no public comment.

Councilmember Lomas made a motion to approve Ordinance 2023-12; seconded by Councilmember Pierce. Motion approved by roll call vote (4/0).

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

- **Ordinance 2023-13: Pass-through fees**

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SUBPART B “LAND DEVELOPMENT REGULATIONS”, CHAPTER 101, “GENERAL AND ADMINISTRATIVE PROVISIONS”, ARTICLE I, “PASS-THROUGH FEES”, IN THE CODE OF ORDINANCES; PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF APPLICATIONS FOR INSTALLATION OF SWIMMING POOLS AND INSTALLATION OF COMMERCIAL DRIVEWAYS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Attorney Smith read Ordinance 2023-13 in title only.

Attorney Smith clarified to Councilmember Pierce that a commercial driveway can include a parking lot.

There was no public comment.

Councilmember Pierce made a motion to approve Ordinance 2023-13; 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

4. Ordinance 2023-15: Personnel Policy

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING THE CITY’S ADOPTED PERSONNEL POLICIES; PROVIDING FOR FUTURE AMENDMENTS TO THE PERSONNEL POLICIES TO BE ADOPTED BY RESOLUTION; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Smith read Ordinance 2023-15 in title only.

Attorney Smith said the only change made from the first reading was to strike approving personnel changes by resolution per Councilmember Chotas' suggestion.

There was no public comment.

Councilmember Chotas made a motion to approve Ordinance 2023-15; 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

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. GENERAL INFORMATION

J. CITIZEN COMMENTS

Jim Muszynski, an Edgewood resident, explained a traffic situation when his mother's car was disabled, and she had to pull into the southern entrance of Oakwater Circle. When she called 911, the dispatcher called Orange County to investigate. Mr. Muszynski wanted to be sure the 911 system knew that Oakwater Circle is in Edgewood.

Chief DeSchryver said that Orange County got a new computer dispatch system and had some addressing issues during the transition. He also explained that that intersection has areas of different ownership. City Clerk Riffle said she would confirm that the annexation was reported to the proper channels.

K. BOARDS & COMMITTEES

- **75 Holden Avenue Boise Cascade - Commercial Review**

Engineer Lane said the applicant requests to construct a storage building on the property. The landscape engineer and Planner Hardgrove reviewed the submittal to ensure that the application met the city code. The Planning and Zoning Board had no objection for approval.

Engineer Lane confirmed to Councilmember Lomas that CPH recommended approval under the condition that the Orange County Fire and Rescue review the plans to ensure the parking lot layout and driveway are sufficient for fire rescue services. Staff did not receive any objections from Orange County. Planning and Zoning made it a condition of approval.

Councilmember Lomas said she wanted a no-right turn sign at the property's exit. Engineer Lane said that would be up to the applicant.

There was no public comment.

Councilmember Chotas made a motion to approve the site plan with the condition recommended by Planning and Zoning that the City receive a letter from Orange County Fire and Rescue approving the parking lot layout.

The motion was seconded by Council President Horn. Motion approved by roll call vote (4/0).

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

- **307 Oak Lynn Single Family Residence Variance Request**

Engineer Lane explained that 307 Oak Lynn Drive is an undeveloped lot at the corner of Orange Avenue and is zoned for single-family residential. The applicant requested to allow single-family residential (SFR) construction. They have also requested four variances due to the shape of the lot and that Orange/Hansel Avenue has been widened. Code changes have also been made since the lot was platted. The P&Z Board made a recommendation to approve the four variance requests.

The requested variances include the following. 1) Allow the minimum lot area to be 10,712 square feet in lieu of the R1AA minimum lot area of 10,890 square feet 2) Allow the minimum lot width to be 83 feet in lieu of the R1AA minimum lot width of 90 feet 3) Allow the side street setback (Hansel Avenue) to be a minimum of 10.13 feet in lieu of the Code Section 134-550 requirement that a structure be at least 15 feet from a side street 4) Allow the minimum floor area in the dwelling (excluding garage) to be 2,076 square feet in lieu of the R1AA minimum of 2,200 square feet.

In response to Council President Horn, Engineer Lane said that several houses in the area are under the required size minimum and were built before the current code.

There was no public comment.

Councilmember Pierce made a motion to approve four variances for the construction of a single-family residence at 307 Oak Lynn Drive to include:

- 1) Allow the minimum lot area to be 10,712 square feet in lieu of the R1AA minimum lot area of 10,890 square feet;***
- 2) Allow the minimum lot width of 83 feet in lieu of the R1AA minimum lot width of 90 feet;***
- 3) Allow the side street setback (Hansel Avenue) to be a minimum of 10.13 feet in lieu of the Code Section 134-550 requirement that a structure be at least 15 feet from a side street;***
- 4) Allow the minimum floor area in the dwelling (excluding garage) to be 2,076 square feet in lieu of the R1AA minimum of 2,200 square feet.***

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

• **307 Oak Lynn Fence Variance Request**

The applicant requested approval for three variances related to fence construction on the west property line of the lot at 307 Oak Lynn Drive.

1. To allow the construction of a fence on the property line in lieu of the required setback of seven (7) feet as per Code Section 134.517(c)(1)b.4.
2. To allow the fence to be board-on-board wood in lieu of the decorative materials as required by Code Section 134.517(c)(1)b.1: wrought iron or powder-coated aluminum in a style of wrought iron. The decorative fence is required since the west side of the lot abuts an FDOT functionally classified arterial, i.e., Hansel Avenue. The fence is also required to have brick, stone, and/or cultured stone columns where the fence starts/ends (Code Section 134.517(c)(1)b.3).
3. Plant the required trees on the lot side of the fence due to the requested variance to put the fence on the property line. Code Section 134.517(c)(1)b.5. requires trees to be planted along the fence on the street side. For the subject property, the required trees will be understory trees, spaced every 20 feet on center, since overhead utilities exist along the Hansel Avenue side of the lot. Requested to be built on the property line, but that is also the ROW for Hansel Ave. Code requires a 7-foot setback for a setback on an FDOT ROW.

Engineer Lane said the landscaping requires the fence to be seven feet from the property line so plants and trees can be planted. The applicant can still plant understory trees between the fence and property line/sidewalk at five feet.

He said the P&Z Board recommended that the fence be constructed of PVC.

Attorney Smith noted that P&Z had concerns about setting precedence as the objective of the Code is to make nonconformities go away in time. He pointed out that each situation is different, and in this case, the lot is uniquely configured and abuts the State Road.

There was no public comment.

Councilmember Chotas made a motion to approve the variance requests with Planning and Zoning Board’s recommendations. 1) Allow the construction of a fence along Hansel Avenue to be built five (5) feet from the property line in lieu of the required setback of seven (7) feet as per Code Section 134.517(c)(1)b.4. 2) Allow the fence to be solid PVC in lieu of the decorative materials required by Code Section 134.517(c)(1)b.1. 3) Allow evergreen trees in lieu of canopy trees, but require the trees to be planted on street side of fence as per Code Section 134.517(c)(1)b.5.

The motion was seconded by Councilmember Lomas. Motion approved by roll call vote (4/0).

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

L. STAFF REPORTS

- **City Attorney Smith**

Attorney Smith said that new legislation requires business impact statements for new ordinances. The statements will be in each agenda package with the corresponding ordinance.

- **Police Chief DeSchryver**

September 2023 Chief's Report

Chief DeSchryver gave his report and said that a few Edgewood businesses were the victims of catalytic converter thefts. There is a new law not to accept them for resale, but it is an ongoing problem in multiple jurisdictions.

- **City Clerk Riffle**

Clerk Riffle said she received an email from OUC explaining that Deeper Fellowship Church did not claim their entity as tax-exempt. Therefore, OUC refunded them \$15000 for three years, which affects the city's budget by \$8472 this fiscal year.

FDOR accepted and approved the TRIM package for the 2023-24 fiscal year budget.

She and PD Chief of Staff Patterson had a final meeting with FEMA regarding Hurricane Ian. All funds have been obligated. The money that was obligated for roads and streets, which includes Harbour Island Rd. the flume, and Jessamine Lane, must be used and the projects completed by March 29, 2024. City Hall will adhere to the procurement policy for the repairs.

M. MAYOR AND CITY COUNCIL REPORTS

- **Mayor Dowless**

- Council Member Chotas
- Mayor Dowless said a legitimate concern was raised about enforcing the current code for short-term rentals.

Attorney Smith confirmed that the City does enforce the code. He said that the City would lose if it created an Ordinance prohibiting short-term rentals and was

challenged. If there was a positive benefit it might be to highlight how the State is taking power from local government. He clarified that the state has not been sued over short-term rental legislation, but a property owner who is code-enforced could sue the City.

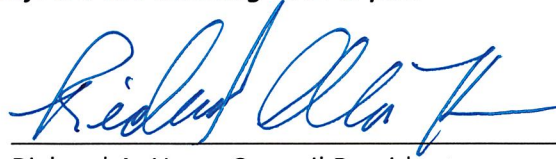
• **Council Member Pierce**

Councilmember Pierce inquired about the Harbour Island bridge. City Clerk Riffle responded that she would like to have the work done at the beginning of the year before the rainy season. The bridge should not have to be closed during the process. She said she has paperwork from Ayres from the last time maintenance was performed.

Council President Horn and Councilmember Lomas did not have reports.

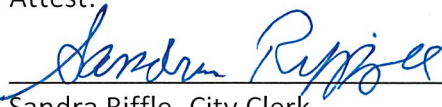
N. ADJOURNMENT

Councilmember Chotas made a motion to adjourn the meeting at 7:43 pm.



Richard A. Horn, Council President

Attest:



Sandra Riffle, City Clerk

Approved in the 11/28/2023 City Council meeting