



CITY COUNCIL MEETING AND FINAL BUDGET HEARING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, September 19, 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.

B. ROLL CALL & DETERMINATION OF QUORUM

City Clerk Riffle announced a quorum. Councilmember Pierce was unable to attend and requested to be excused from the meeting.

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

Councilmembers Present

Mayor John Dowless
Council President Horn
Councilmember Chotas
Councilmember Lomas
Councilmember Rader

Councilmember(s) Absent

Councilmember Ben Pierce

Staff Present

Sandra Riffle, City Clerk
Dean DeSchryver, Police Chief
Shannon Patterson, Police Dept. Chief of Staff
Tim Cardinal, Sergeant
Ryan White, Police Officer
Scott Arellano-Zane, Police Officer
Drew Smith, City Engineer
Allen Lane, City Engineer

Applicant(s)

Ryan Davis, The Waterfront
Stephen Allen, The Waterfront

C. PRESENTATION OF PROCLAMATION

D. CONSENT AGENDA

- August 15, 2023, City Council Meeting Minutes
- September 6, 2023, 1st Budget Hearing Meeting Minutes

There was no public comment.

Councilmember Rader made a motion to approve the meeting minutes from August 15, 2023 and September 6, 2023 as presented; seconded by Councilmember Lomas. Motion approved by voice vote (4/0).

E. ORDINANCES (FIRST READING)

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

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

Councilmember Chotas recommended striking the proposed changes in Section 3.14. referred to the proposed change of approving charter changes by resolution versus ordinances and said that he likes ordinances, particularly when discussing collective bargaining agreements. He said there is pressure on the Mayor, and he likes the visibility, obligation of notice, and formality of having two readings. He does not want to change the ordinance process as it would be a disservice to the citizens.

There was no objection from the Mayor or other council members to removing the proposed changes.

In reference to Section 3.11 Compensation and Expenses, Attorney Smith explained that the suggestion to raise the stipend of the Mayor from “up to \$1,000.00” to up to “\$3,000.00” was the idea of the committee and did not come from the Mayor. He said that Edgewood has a true working, executive Mayor. Council did not object to this section being on the ballot.

There was no public comment.

Councilmember Chotas made a motion to approve Ordinance 2023-11 with the deletion of lines 93-131. Councilmember Lomas seconded the motion. Motion approved by roll call vote (4/0).

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

- **Ordinance 2023-12: County to City Rezoning R1AA 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.

City Attorney Smith read Ordinance 2023-12 in title only.

Planner Hardgrove said the proposed rezoning is for the Waterwitch neighborhood. It continues the City's effort to rezone previously annexed areas of the City where the County zoning has remained after annexation to a City zoning district. This is a city-sponsored rezoning and staff recommends approval.

She said that the R1-AA County and the R1-AA-CA have the same standards except for Impervious Surface Ratio (ISR) requirements. All City zoning districts have a maximum 45% ISR, which would make 50% of the lots in Waterwitch legally nonconforming. Most of the lots are already built out. There are eight lots that would need a variance if a property owner wanted any building expansion.

There was no opposition from the public during P&Z and the Board recommended approval.

Councilmember Rader asked about the criteria and if there is a means to rezoning impervious surface ratio (ISR). The city would have to approve every variance.

Planner Hardgrove said staff does not want to increase the ISR. Stormwater management for Waterwitch was designed for 35% so even at 45% there is more allowance than what the stormwater was designed for.

Planner Hardgrove said when this came up she looked at other neighborhoods. This is a city-wide issue. The type of stormwater management would have to be considered before approving a variance. She noted that going forward, there needs to be a condition that whatever the stormwater handles, that is your ISR.

Attorney Smith said there are jurisdictions that have neighborhood reasons for their ISR and he advocates a case-by-case basis when requesting a variance.

Councilmember Rader said now people have to do a stormwater report that previous people did not have to do.

Planner Hardgrove asked about requiring swales and Councilmember Rader responded it is the out-of-ordinary storms that are the concern.

Attorney Smith suggested that he craft language that would be appropriate for those eight properties, without specifically identifying them, with criteria for those falling at or beyond the target ISR.

There was no public comment.

Councilmember Rader made a motion to approve the first reading of Ordinance 2023-12 with the recommendation that staff consider alternative language for Impervious Surface Ratio (ISR) to be presented to Council for second reading. Councilmember Lomas seconded the motion. Motion approved by roll call vote (4/0).

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

3. Ordinance 2023-13: Pass-Through Fees Amendment

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 explained that this request came from the City Clerk’s office as many reviews cost more money from the consultants’ reviews than the \$50.00 review fee.

There was no public comment.

Councilmember Rader made a motion to approve Ordinance 2023-13; seconded by Councilmember Lomas. The motion was approved by roll call vote (4/0).

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

4. Ordinance 2023-15: Personnel Policy Amendment

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 there are two sets of changes in the ordinance. The first is to correct the inconsistency in the personnel policy as one part states that part-time employees are allowed bereavement leave and another section negates that.

City Hall Permitting and Administrative Manager, Brett Sollazzo, made additional suggestions to the policy, including issues of paid parental leave and office closure,

Attorney Smith told Councilmember Chotas that the reference to approving personnel by resolution rather than ordinance can be removed without changing the ordinance schedule.

Councilmember Chotas said he felt it was more appropriate for the public to have two readings of the ordinance so that it is well-considered. He suggested deleting the change to move it by resolution rather than by ordinance.

There was no public comment.

Councilmember Chotas made a motion to approve Ordinance 2023-15 with the removal of Section Five. The motion was seconded by Councilmember Rader. The motion was approved by roll call vote (4/0).

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

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

- **Ordinance 2023-10: Collective Bargaining Agreement Adoption**

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, ENACTING AND APPROVING OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF EDGEWOOD AND THE WEST CENTRAL FLORIDA POLICE BENEVOLENT ASSOCIATION FOR THE TERM OCTOBER 1, 2023, TO SEPTEMBER 30, 2026; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Attorney Smith read Ordinance 2023-10 in title only.

There was no public comment.

Councilmember Chotas made a motion to approve Ordinance 2023-10; seconded by Councilmember Lomas. Motion approved by roll call vote (4/0).

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

Councilmember Chotas thanked and congratulated the staff, Mayor Dowless, and the Police Department for working together through the process.

Council President Horn called for a recess from 7:24 pm to 7:26 pm to sign paperwork.

2. Second/Final Budget Hearing Fiscal Year 2023/2024

Note: This was heard after the Consent Agenda.

- **Ordinance 2023-14 Final Levy Fiscal Year 2023-2024**

ORDINANCE 2023-14: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES UPON THE ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS FOR FISCAL YEAR 2023/2024, BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024 AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Smith read Ordinance 2023-14 in title only.

There was no public comment.

Councilmember Rader made a motion to adopt Ordinance No. 2023-14, setting the City of Edgewood's millage rate for Fiscal Year 2023/2024 at 5.25 mills, which represents a 7.71 percent increase over the roll-back rate of 4.8740 mills. Councilmember Lomas seconded the motion. Motion approved (4/0).

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

- **Resolution 2023-04 Budget Adoption**

A RESOLUTION OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR 2022/2023, BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Smith read Resolution 2023-04 in title only.

There was no public comment.

Councilmember Rader made a motion to adopt Resolution No. 2023-04, adopting the City of Edgewood's budget for fiscal year 2023/2024; seconded by Councilmember Lomas. Motion approved by roll call vote (4/0).

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

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- **2023 Ducktoberfest Sponsorship**

City Clerk Riffle explained that Cornerstone Academy requested sponsorship for their annual Ducktoberfest event. In the past, the City donated \$450 for the event.

Mayor Dowless said he does not object to sponsorship because Edgewood kids attend the school.

The consensus was to make the donation of \$450 using the remaining \$70 from the donations budget and the remaining amount from the Mayor’s discretionary budget.

I. GENERAL INFORMATION

J. CITIZEN COMMENTS

K. BOARDS & COMMITTEES

- **4201 S. Orange Ave. - The Waterfront Site Plan Approval**

Note: This agenda item was heard after the budget hearing.

Engineer Lane explained the requirements and conditions of approval. He reviewed the proposed modification, which includes additional parking, landscaping, and removing the existing septic tank and drain field to connect to the force main along Orange Avenue.

He said there were some conditions of approval, including the removal of the septic tank, drain field, and trees marked for removal. One of the trees is directly adjacent to the drain field and would destroy the drain field and shut down the restaurant.

A cross-access easement on the south side of the project.

Plans show the location of the proposed sign on the frontage of the property, which would be a separate permit.

Roadway signage on the south end of the parking lot. The marker from FDOT needs to be placed at the end of the driveway and remain in place until the property to the south develops, at which time there will be a cross-access easement to the property to the south.

Planning and Zoning recommended approval.

Councilmember Chotas asked when the work would begin. Engineer Lane said they have to submit to OC and FDEP. The parking lot work will take place once the lift station and force main is put in. Once that happens it could be after 2-3 weeks after that.

Councilmember Chotas stated his concern that the City would be allowing years for this to commence. Engineer Allen said in his conversation with the owners, they wanted to do all the permitting at once.

Stephen Allen, the civil engineer for the applicant, said he has OCU, FDOT, and the health department's approval. There is no option to wait once they get approval. Once the lift station is on site. The Waterfront owner, Ryan Davis, said the restaurant will be shut down during construction. He wants to gather and get approvals first so the restaurant is shut down for a minimum of time.

Mr. Davis explained to Councilmember Chotas that the lift station must be installed to open and they will not break ground until they have it. They are not expanding the restaurant.

There was no public comment

Councilmember Rader made a motion to approve the construction plans for The Waterfront, LLC with the following conditions:

1. Removal of the septic tank, drain field, and trees will occur when the parking lot work begins.
2. A cross-access easement must be added to the south end of the project area. A sketch and legal description of the easement will be required. This may be submitted and recorded at a later date, prior to project closeout and Certificate of Occupancy from the city.
3. The applicant will place end-of-roadway signage at the south end of the property at the sidewalk to indicate the end of the drive until the cross access is tied in.

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

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

L. STAFF REPORTS

- **City Attorney Smith**

As a result of recent legislation, ordinances will be accompanied by a business impact statement. The City will follow the Florida League of Cities' advice and use the form they created. Some ordinances will be exempt from the form.

- **Police Chief DeSchryver**

Chief's Report - August 2023

Chief DeSchryver noted that there was a lower number of traffic stops over the past month due to the new CAD system transfer.

The City has separated with Officer Bird as some of his actions were not in the city's best interest.

- **City Clerk Riffle**

City Clerk Riffle reminded Council to sign the budget resolution at the end of the meeting. She will submit the budget package to the State for approval.

M. MAYOR AND CITY COUNCIL REPORTS

Mayor Dowless

Mayor Dowless said there is a Brightline meeting for their grand opening on Friday with Florida League of Cities.

The City's 100th anniversary is next year and he has received a significant sponsorship for the event. He communicated with the President of Universal Studios who lives in Edgewood and has a call scheduled for tomorrow to see if he can get their sponsorship.

Orange County will study to see what they did to the Orange-Gatlin-Holden Avenue intersection to see if it resulted in the desired effect. The traffic has returned to pre-Covid levels.

Mayor Dowless met with Pioneer Days and the Pine Castle Historic District about amending the Pine Castle Urban Preservation District to help with Edgewood's ability to annex property. Billy Morgan met with Orange County Commissioner Uribe, but she has reservations and wants to see actual language, which is a six-month process. The request would go to Orange County's Charter Review Commission and each commissioner has two designees on the commission.

Mayor Dowless said he will be out of the country for three weeks. Council President Horn will be available for signatures and to step in as needed.

Council Member Chotas

Councilmember Chotas said he will resign effective December 1, 2023, as he will temporarily reside out of state. An appointment needs to be made to fill his seat until the end of his term in March 2024.

Council Member Pierce - Absent

Council Member Rader

Councilmember Rader asked about partnership grants as he received a request for assistance with cameras as they need a conduit to the island. Mayor Dowless said the grant has been used for safety in the past. Attorney Smith said that if there is a public benefit he does not have an issue with it.

Council Member Lomas

Councilmember Lomas said that she goes to the CAB meetings. She is making an effort to assist with the proper processing of their budget paperwork.

Council President Horn

Council President Horn thanked the Charter Review Commission for their work and for their time.

N. ADJOURNMENT

Councilmember Lomas made a motion to adjourn the meeting at 7:49 p.m.



Richard A. Horn, Council President

Attest:


Sandra Riffle, City Clerk