



CITY COUNCIL REGULAR MEETING
City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, April 19, 2022 at 6:30 PM

MINUTES

CALL TO ORDER

Council President Pro-Tem Pierce called the meeting to order at 6:30 pm. He asked for a moment of silence followed by leading everyone in the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

Council President Horn and Councilmember Chotas requested excused absences as they could not attend the meeting.

Councilmember Rader made the motion to excuse Council President Horn and Councilmember Chotas; second by Councilmember Lomas. Approved (3/0).

PRESENT

Councilmember Ben Pierce
Councilmember Chris Rader
Councilmember Susan Lomas

ABSENT

Councilmember Lee Chotas
Council President Richard Horn

STAFF

Sandra Riffle, Interim City Clerk
John Freeburg, Police Chief
Shannon Patterson, Police Chief of Staff
City Attorney, Drew Smith
Ellen Hardgrove, AICP City Planner
Allen Lane, P.E. CPH City Engineer

Consultants - Carr Riggs & Ingram CPAs and Advisors

Yvonne M. Clayborne, CPA, CAM, CITP
Jennifer Polk, Senior Accountant

APPLICANTS

John Mezzina 506 and 512
Eric and Tina Baker – 535 Mandalay Rd

ORGANIZATIONAL MEETING

1. Election of Council President and Council President Pro Tem

A brief discussion was held regarding the election of a Council President Pro Tem.

Councilmember Lomas made a motion for Council President Horn to continue as Council President; seconded by Council President Pro Tem Pierce. Approved (3/0).

Councilmember Rader made a motion for Council President Pro Tem to continue as Council President Pro Tem; seconded by Councilmember Lomas. Approved (3/0).

2. Designation of Council Assignments

After a brief discussion, it was decided that each Councilmember would retain their areas of responsibility (not already under the jurisdiction of the Mayor).

Council President Pro Tem Pierce made a motion to keep each Councilmember's assignment the same; the motion was seconded by Councilmember Rader. Approved (3/0).

The areas of responsibility are the following:

Finance	Ben Pierce
Code Compliance	Councilmember Chotas
HAINC Liaison Cypress Grove Liaison	Council President Horn
Land Development/Master Plan	Councilmember Rader
Public Works	Councilmember Lomas
Police Department City Hall Contract Staff MetroPlan	Mayor Dowless

3. Review and appointment of consultants per City Charter

Interim City Clerk Riffle provided the current billing costs and terms for each of the consultants. There were no rate changes in the 2021/2022 fiscal year budget. She said staff maintains a positive view of each of the consultants.

It was the recommendation of Mayor Dowless and the consensus of the City Council to maintain the agreements with CPH, McDirmit-Davis, CRI, Ellen Hardgrove, Shepard, Smith, Kohlmyer & Hand, P.A., and Garganese, Weiss, D'Agresta & Salzman, P.A.

Councilmember Rader made a motion to accept the appointment of consultants with no changes; seconded by Councilmember Lomas. Approved (3/0).

PRESENTATIONS AND PROCLAMATIONS

1. Fiscal Year 2020/2021 Audit Report

Auditor Clayborne, Auditing and Consulting partner with Carr, Riggs and Ingram, LLC. (CRI), presented the annual audit for the 2020/2021 fiscal year. She summarized the reports and analyses related to the City's accounting and reporting via a PowerPoint that is attached to the minutes.

CRI audited the financial statements of the governmental activities and each major fund, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City.

Primary features of the audit review included that the City is relatively debt-free and has a positive net position with a healthy positive unassigned fund balance.

Auditor Clayborne pointed out the City needs a process for the disposal of capital assets. CRI recommended designating an asset custodian and to formalize the policies and procedures.

In response to Mayor Dowless, Auditor Clayborne said Chief Freeburg has been the de facto custodian for the Police Department's assets. She suggested that City Hall formalize a process to be brought before Council for the record.

In response to Councilmember Pierce, she said the capital asset threshold is at \$1,000. Many cities have raised their thresholds and the Department of Financial Services has the threshold for tangible property at \$5,000. The City still has to track the items that are below the threshold.

Auditor Clayborne said the City needs to update the accounting policies and establish the new threshold, naming the person delegated to be the asset custodian.

McDermitt Davis will watch for items coded as capital outlay but do not meet the threshold, and they will move the item back into repair and maintenance. CRI is maintaining the depreciation schedule on their software.

There was no public comment.

Councilmember Rader made a motion to accept the fiscal year 2020/2021 audit report; seconded by Councilmember Lomas. Approved (3/0).

APPROVAL OF MINUTES

1. March 15, 2022 City Council Draft Minutes

Mayor Dowless requested a change to page five of the minutes under the Mayor's report. Change to "will go" to the Governor for signature, in place of

Councilmember Lomas made a motion to approve the minutes with the requested changes; seconded by Council President Pro Tem Pierce. Approved (3/0).

ORDINANCES 1ST READING

1. Ordinance 2022-01 - County Zoning to City Zoning

Attorney Smith read Ordinance 2022-01 in title only.

This agenda item relates to the creation of new zoning districts for land annexed into Edgewood from Orange County. Planner Hardgrove explained that when properties were annexed into Edgewood, excepting the Legacy at Lake Jessamine PD and the ECD, the City did not establish city zoning for the annexed land. She said that according to Code Section 134-172, all annexed areas retain their original zoning classification unless the City changes it. The lack of establishing a city zoning district has created confusion amongst staff regarding development application standards.

The notation for the new districts would be "CA", meaning County annexed. The newly zoned districts would largely keep the same standards as the county's in which the properties were

originally zoned, to avoid nonconforming situations. Rezoning also gives the City more control over the uses.

Planner Hardgrove said that P&Z recommended keeping the City's standard maximum Impervious Surface Ratio (ISR) of 45% in lieu of the County's open space requirements. Site development standards for the R-3 CA district shall be the same as the requirements for R-3 as set forth in Section 134-479.

In response to Councilmember Lomas, Attorney Smith said the purpose of this Ordinance was to avoid nonconforming structures resulting from different development standards for properties that were annexed into the City.

Attorney Smith agreed with Planner Hardgrove for rezoning to be done in stages rather than at one time.

There was no public comment

Councilmember Rader made a motion to approve Ordinance 2022-01; seconded by Council President Pro Tem Pierce. Approved (3/0).

The motion was approved with a roll call vote

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

3. Ordinance 2022-03 – Comprehensive Plan Amendment

Attorney Smith read Ordinance 2022-03 in title only.

Planner Hardgrove said this is the beginning of the comprehensive plan amendment process and is specific to policy 1.1.6. It will then go to the State for review and then comes back to Council for second reading.

She said that this amendment would create a new designation on the Future Land Use Map (FLUM) and is called a Site-Specific Pan. Applicants wishing to develop under this designation would have to get a comprehensive plan amendment and rezone.

The Site-Specific Plan would be used for parcels that require a more detailed level of review to ensure land use and or environmental compatibility. It would allow any use permitted in the City condition on the demonstration of adjacent land use and environmental compatibility. The maximum density allowed shall be 15 units per acre and for nonresidential, the maximum allowed Floor Area Ratio would be 1.0.

Planner Hardgrove said that if the future land use becomes Site-Specific, the applicant must rezone their property to the new zoning district. They also would have to amend the comprehensive plan for a text amendment.

Planner Hardgrove said the amendment applies to the future land use designation, which provides clarity and more control for the City.

Councilmember Rader asked if all properties in the City could benefit from a comprehensive plan amendment. Planner Hardgrove responded that this would primarily be for redevelopment and could have been used for the Holden PD.

Councilmember Rader said he does not like legislating to a particular use as it was not consistent. The City just went through the process to eliminate C-3 zoning and this opens the door to bring it back. This property is next to residential neighborhoods. He said it does not make sense to him.

He thinks the concept of the use is sound but he doesn't think there is enough land to take advantage of it but said he recognized that a positive element is the ability to negotiate.

Mayor Dowless said there are other options that would cause the City to lose control if they developed that location. There is support for this to be able to control what could go there.

Further discussion ensued regarding the zoning designation and commercial uses. Mayor Dowless said that C-3 allows no control of the use and Attorney Smith added that a developer would be bound to that use unless it is rezoned.

Planner Hardgrove said her recommendation is not to designate the property for commercial and the benefit of using a Site-Specific Plan is there is control over the use and the appearance of the property. She said it would have to be consistent with the Comprehensive Plan. She asked if Council wanted to transmit this to the State for their consideration to create the designation in the Comprehensive Plan.

There was no public comment.

Councilmember Lomas made a motion to approve the transmittal of Ordinance 2022-03 to the State; seconded by Council President Pro Tem Pierce. Motion failed (2/1).

A roll call vote was taken.

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

Attorney Smith said all three votes are required for the motion to pass.

Council President Pro-Tem Pierce made a Motion to table the transmittal until the May 17, 2022 City Council meeting; seconded by Councilmember Lomas. Approved (3/0).

A roll call vote was taken.

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

Attorney Smith said that Planning and Zoning would make a recommendation conditioned upon approval of the comprehensive plan. Planner Hardgrove proposed a presentation of the planning district for the next meeting. Councilmember Rader said this is creating standards

that could be built and that both Planning and Zoning should have visuals of what is being envisioned.

4. Ordinance 2022-02 - Window Sign Change

Attorney Smith read Ordinance 2022-02 in title only

Planner Hardgrove said that what is being proposed is that windows would be permitted on the ground floor only and cannot exceed five square feet and that two windows would be required to have symmetrical signage that totals up to seven square feet.

Councilmember Rader commented that all sized buildings would have the same signage entitlements. Planner Hardgrove agreed but added that wall signs are also allowed.

Attorney Smith said that existing signs can remain.

In response to Councilmember Rader, Attorney Smith said a sign survey will need to be made if the ordinance passes.

A brief discussion ensued regarding regulating content and what should be permitted compared to the scale of a building.

Mayor Dowless said that he thought allowing 25% of a window for signage is a large amount and Planner Hardgrove said that the City’s signage allowance is very generous. She said with glass buildings there is the propensity to have a lot of area covered with signage.

Councilmember Rader said he agrees that five square feet is easier to administer and enforce than 25% but there is an administrative burden to inventory the existing signage.

Interim City Clerk Riffle confirmed to Mayor Dowless that photos of signage could be stored in the NOVO Solutions application. Could help code enforcement. Freeburg likes having it in the BTR.

Interim City Clerk Riffle said a letter from John Moccio representing the Edgewood Business and Property Owners Association was included in the agenda stating that they do not support the proposed sign changes.

There was no additional public comment.

Council President Pro Tem Pierce made a motion to approve the first reading of Ordinance 2022-03 window signage; seconded by Councilmember Lomas. Approved (3/0)

The motion was approved by roll call vote.

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

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION) - None

UNFINISHED BUSINESS - None

NEW BUSINESS - None

GENERAL INFORMATION - None

CITIZEN COMMENTS - None

BOARDS & COMMITTEES

1. **Proposed Replat and Variance 2022-01 - 506 & 512 Linson Ct.**

The requested replat is for two lots in the Oak Lynn subdivision proposing that both lots have lakefront access. She said her recommendation for approval would be for the existing house on lot 15 to be demolished before the plat is recorded to ensure that both lots meet R-1AA zoning district standards.

The applicant would like City Council to determine the rear lot line on the south. They have a sufficient building envelope that would be a buildable lot using that line as a rear lot line.

Planner Hardgrove said that the applicant has also requested a variance for the front yard setback on lot 15 to be 30 feet, which is the R-1AA standard. Because of the irregularly shaped lot the house would have to be set back approximately 24 feet at the point that the lot becomes 90 feet wide. The other houses on the street have a 30-foot setback.

In response to Councilmember Lomas, Engineer Lane said that docks are measured from the side lot lines. The designated rear lot line would be considered to be a side lot line because of the two lot lines tying into the lake. The same would be true of the other lot.

Councilmember Rader asked the recourse if the demotion of the house does not occur. Attorney Smith said there would be an issue during permitting and Planner Hardgrove said the City has to sign off on the plat. Councilmember Rader said it seemed strange for there to be a physical condition to record a plat

Property owner John Mezzina said he would prefer to sell the property with the home on it rather than demo the house for no reason. So for the purpose of getting approval first, he will permit the demolition and then will return to record the plat.

Councilmember Rader made a motion to approve the plat, date received March 30, 2022, conditioned that prior to recording the plat that the minor changes noted by CPH to the survey and the plat be corrected, a note added to the plat to provide for allowance of the drainage and utilities on lot 1, for setback purposes the house on lot 2 shall be demolished, and the new lot line be considered as the rear lot line; second by Council President Pro Tem Pierce. Approved (3/0).

There was no public comment.

The motion was approved with a roll call vote.

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

Councilmember Rader made a motion to approve Variance 2022-01 allowing the front setback to be measured as a standard R1AA lot would be measured at 30 feet from the front property line; second by Councilmember Lomas. Approved (3/0).

There was no public comment.

The motion was approved with a roll call vote.

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

2. Variance 2022-02 - 535 Mandalay Rd. Home Addition

Allen Lane CPH came to the podium and explain that the property owners at 535 Mandalay Road are requesting a variance to allow a proposed addition to their single-family residence to encroach into the side yard setback by 1'-1" leaving 8'-11" from the corner of the addition to the side lot line. He noted that Planning and Zoning reviewed the application and recommended approval.

In response to Councilmember Lomas, Engineer Lane confirmed the dimensions of the addition.

Property owner Eric Baker explained the conditions of the lot. He said the need for the addition is due to the need to work from home and that Tina Baker had been working from a walk-in closet located in the garage.

Councilmember Lomas noted that most Covid-19 restrictions were over. Mr. Baker explained that initially, his wife worked from home due to Covid-19. Since then she was given the choice to move to Connecticut or work from home.

The City did not receive any objections resulting from the public notice. There was no public comment

Councilmember Lomas made the motion to approve Variance 2022-02 to allow the building addition to encroach into the setback by 1'-1" leaving 8'-11" from the corner of the addition to the side lot line; second by Council President Pro Tem Pierce. Approved (3/0).

The motion was approved with a roll call vote.

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

STAFF REPORTS**City Attorney Smith**

Attorney Smith said Planning and Zoning asked permission to review the City's tree and landscaping code. A landscape engineer serves on the Board and has some suggestions. There was no objection from the Council.

Police Chief Freeburg – March 2022 Report

- Chief Freeburg said the accreditors would be at the Police Department the following week.
- The Police Department secured two slots at the Academy in September if they are needed. The State will pay for this under certain circumstances.
- There has been an increase in traffic accidents. There have been a lot of lane shifts on Orange Avenue due to construction. He met with FDOT, put out some promotions and the department did some enforcement.
- He met with Engineer Lane, Attorney Smith, Code Enforcement Officer Salemi, and Interim City Clerk Riffle to discuss ways to approach some code enforcement conditions.
- CrimeLine brought insulated bags which he offered to Council and Staff.

Interim City Clerk Riffle

- Interim Clerk Riffle reviewed the proposed TRIM calendar and asked Council to let her know if they had any conflicts.
- She said that City Hall made a hire and Ashley Pagan is the new part-time Administrative Assistant. Ms. Pagan is fitting in very well.

MAYOR AND CITY COUNCIL REPORTS

- Mayor Dowless
 - Mayor Dowless said Mayor said Interim Clerk Riffle is doing well in the transition.
 - He gave his compliments to Chief and Shannon who have also taken on additional responsibilities.
 - Rules for ARPA money have changed for those receiving under ten million dollars and the money does not have to be allocated towards a particular project or prove the loss. Chief said the decision needs to be made on how the money will be spent by the first annual report. The money needs to be allocated by 2024 and spent by 2026. He recommends a group to make decisions on how the money is spent.
- Council Member Chotas - Absent
- Council Member Pierce - No report
- Council Member Rader - No report
- Council Member Lomas
 - Councilmember Lomas discussed Community Action Board finance information. She said it does not go very far.
- Council President Horn - Absent

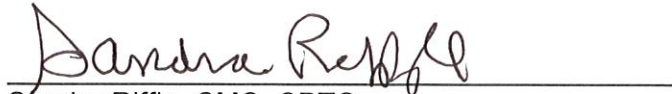
ADJOURNMENT

Council President Pro Tem Pierce made a motion to adjourn the meeting at 8:40 pm.



Richard A Horn
Council President

Attest:



Sandra Riffle, CMC, CBTO
Interim City Clerk

Approved in the 5/17/22 Council Meeting.