



CITY COUNCIL REGULAR MEETING

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

AGENDA

Welcome! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however, a **five (5) minute limit** has been set by Council. Large groups are asked to name a spokesperson. **Robert's Rules of Order** guide the conduct of the meeting. **Please silence all cellular phones and pagers during the meeting.** Thank you for participating in your City Government.

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

B. ROLL CALL & DETERMINATION OF QUORUM

C. ORGANIZATIONAL MEETING

1. Administer Oath of Office to newly elected City Councilmember
2. Election of Council President and Pro-Tem
3. Councilmember Responsibility Designations

D. CONSENT AGENDA

Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.

1. February 20, 2024 City Council Draft Meeting Minutes
2. March 5, 2024 Special Council Draft Meeting Minutes

E. PRESENTATION OF PROCLAMATION

1. Mayoral Proclamation - Edgewood's 100th Birthday

F. ORDINANCES (FIRST READING)

1. Ordinance 2024-02 Small Scale Amendment - 302 Mandalay Road
2. Ordinance 2024-03 Parking
3. Ordinance 2024-04 Personnel - Flexible Workplace Policy

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

H. UNFINISHED BUSINESS

- 1. Haven Oaks PD Compliance Issues & Performance Bond

I. NEW BUSINESS

J. GENERAL INFORMATION

K. CITIZEN COMMENTS

L. BOARDS & COMMITTEES

M. STAFF REPORTS

City Attorney Smith

- 1. Lindke vs Freed

Police Chief DeSchryver

- 1. Chief DeSchryver February 2024 Report

City Clerk Riffle

- 1. Election and Charter Amendment Questions

N. MAYOR AND CITY COUNCIL REPORTS

Mayor Dowless

Council Member Lomas

Council Member Rader

Councilmember Steele

Council President Horn

O. ADJOURNMENT

UPCOMING MEETINGS

Monday, April 8, 2024 at 6:30 pm.....Planning and Zoning Meeting

Tuesday, April 16, 2024, at 6:30 pm.....City Council Meeting

Meeting Records Request

You are welcome to attend and express your opinion. Please be advised that **Section 286.0105**, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made.

Americans with Disabilities Act

In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the **City Clerk at (407) 851-2920**.

CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

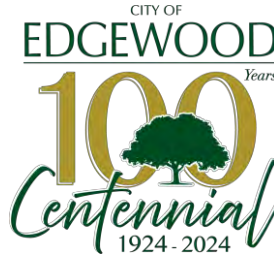
ROLL CALL & DETERMINATION OF QUORUM

ORGANIZATIONAL MEETING

**Administer Oath of Office to
newly elected City
Councilmember**

Election of Council President and Pro-Tem

Councilmember Responsibility Designations



Memo

To: Mayor Dowless, Council President Horn,
Council Members Lomas, Pierce, and Steele

From: Sandra Riffle, City Clerk

Date: March 21, 2024

Re: 2024 Council Assignments

Council Assignments

The Code provides the following:

Section 3.12.- Areas of responsibility.

Upon the start of a new council session, the council president shall designate areas of responsibility (not already under the jurisdiction of the mayor) to be assigned to individual council members. Each council member shall assume responsibility for the assigned area and execute his/her other responsibilities within the broad guidelines established by the council. The council members shall render reports regarding other areas during a regular or special meeting of the council.

The areas of responsibility with the current assignments are the following:

Area of Responsibility	Designated Assignments on April 18, 2024
Finance	Councilmember Ben Pierce
Code Compliance	Councilmember Lee Chotas
HAINC Liaison	Council President Richard A. Horn
Cypress Grove Liaison	Council President Richard A. Horn
Land Development/Master Plan	Councilmember Chris Rader
Public Works	Councilmember Susan Lomas
Police Department*	Mayor John Dowless
City Hall*	Mayor John Dowless
Contract Staff*	Mayor John Dowless

* Pursuant to Section 4.04 of the *City Charter*, the mayor has jurisdiction over the police department, city hall, and contract staff.

The Code does not provide the duties associated with Councilmembers' Charter designated responsibility. Historically, Council members serve as City liaisons when contacting various agencies and elected officials to aid the City in projects and other types of assistance that may be needed.

CONSENT AGENDA



DRAFT 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 there was a quorum with three council members and Mayor Dowless attending.

City Council and Mayor Present:

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

Staff Present:

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

Applicant Present:

Mark McIntosh, VP Land Development
Charlie Crawford,
Stuart McDonald

C. PRESENTATIONS & PROCLAMATIONS

Officer of the Year Presentation

Chief DeSchryver recognized Officer Scott Arellano-Zane as Officer of the Year 2024. Officer Arellano-Zane expressed his appreciation to the City.

D. CONSENT AGENDA

January 16, 2024 Draft City Council Meeting Minutes

Councilmember Lomas made a motion to approve the January 16, 2024 meeting minutes as presented; seconded by Councilmember Rader. Motion approved by voice vote (3/0).

E. ORDINANCES (FIRST READING)

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

1. Ordinance 2023-18 Lake Mary Jess Shores Court

Attorney Smith read Ordinance 2023-18 in title only.

There was no public comment.

Councilmember Rader made a motion to approve Ordinance 2023-18; seconded by Councilmember Lomas. Motion approved by roll call vote (3/0).

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Favor

2. Ordinance 2023-19 Lake Mary Court

Attorney Smith read Ordinance 2023-19 in title only.

There was no public comment.

Councilmember Rader made a motion to approve Ordinance 2023-18; seconded by Councilmember Lomas. Motion approved by roll call vote (3/0).

Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Favor

3. Ordinance 2023-20 John Scott Property

Attorney Smith read Ordinance 2023-20 in title only.

There was no public comment.

Councilmember Rader made a motion to approve Ordinance 2023-20; seconded by Councilmember Lomas. Motion approved by roll call vote (3/0).

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Favor

4. Ordinance 2023-21 Animals

Attorney Smith read Ordinance 2023-21 in title only.

Mayor Dowless noted the word "property" was written twice on line 57.

There was no public comment.

Councilmember Lomas made a motion to approve Ordinance 2023-21 as amended; seconded by Councilmember Rader. Motion approved by roll call vote (3/0).

Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Favor

5. Ordinance 2024-01 Golf Carts

Attorney Smith read Ordinance 2024-01 in title only.

There was no public comment.

Councilmember Rader made a motion to approve Ordinance 2023-18; seconded by Councilmember Lomas. Motion approved by roll call vote (3/0).

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Favor

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. Haven Oaks Closeout Inspection and Compliance Issues

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

Planner Hardgrove said she made a site visit to Haven Oaks to inspect the signage. When she was there, she noticed deficiencies with the planned development and items that differed from the approved plans. City staff was not made aware before or after the changes were made.

Attorney Smith said the Council's options are to enforce or waive portions of the DA.

- **Entry median**

The median at the entry was painted onto the road but should be raised and filled in with brick to prevent entry through the egress gate. It should have two (2) palm trees. The solar panel extends 12 inches outside the median.

Mr. McDonald, with Toll Brothers, said that with pavers the raised area would not provide a deterrent. Councilmember Rader said the engineer does not get to make that decision. It's a safety issue.

Mr. McDonald said trucks were damaging the curbs. Councilmember Rader responded that the median was supposed to be low profile to avoid damage.

Council President Horn asked if the fix to the median could be made after trucks were finished coming in and out of the gate. Mr. McDonald requested to defer raising the median until the homes are completed.

Discussion ensued about when to issue the Certificate of Occupancy (CO). Planner Hardgrove suggested Toll Brothers could wait and do it with a performance bond, but Attorney Smith said he would prefer that Toll Brothers be responsible for getting it done

Councilmember Lomas said the deficiencies should be fixed immediately. Council President Horn said he is good with the last 1 to 2 houses and then rebuilding the median.

Councilmember Rader said it is better to do sooner than later as there could be two years of the community operating with that issue.

- **Subdivision wall**

The wall is painted a shade of white. The approved plans showed the wall would be three colors.

Mr. McDonald said the wall is designed to be one color. He admitted that Toll Brothers should have brought it up at the beginning before painting it. They are willing to repaint. In response to Attorney Smith, Mr. McDonald said repainting with three colors would be almost impossible, he is not sure why it was agreed upon, and that it is easier for an HOA to maintain a single-color wall.

Attorney Smith said the frustration is that a lot of time was spent on this, and Toll Brothers did what they wanted to.

- **Buried utilities**

The Developers Agreement (DA) required that the overhead power lines be buried. On the east side of the property, new poles were installed.

Mr McDonald said Duke would not bury the lines on the east side. They had to install poles for the lift station and to support the existing service to the address on the east.

Planner Hardgrove said the poles could have been pushed back. Mr. McDonald said Duke installs within the ROW and they were provided with only one option. Planner Harddgrove responded that the city would have helped with that.

Councilmember Rader said Duke would have probably given options. If the poles had to be gone, Duke would say how much it would cost. If Duke said no, it should have been a conversation.

- **Width of Sidewalk**

The sidewalk in front of the subdivision was to be seven (7) feet wide. There are locations where the sidewalk reduces to approximately four (4) feet wide. Power lines were to be buried.

Mr. McDonald said the sidewalk was part of Holden Ave improvements and that their engineer discussed the power poles with Allen Lane. Orange County Public Works decided on what to do with the sidewalk.

Planner Hardgrove said she spoke with Orange County. Had Toll Brothers come to the city there could have been a way to move the sidewalk to the buffer. Mr. McDonald responded that Orange County said denied allowing them to put the sidewalk in the buffer.

In response to Mayor Dowless, Allen Lane said he reviewed his emails and could not find communication between him and the engineer discussing the sidewalk width and certainly not from 7 feet to 42 inches, as that would have been a red flag.

In response to Council President Horn, Engineer Lane said they need to coordinate back with Orange County.

In response to Planner Hardgrove, Councilmember Rader said Duke Energy is fairly prescriptive. but the premise of the negotiation was that the poles would be removed.

Attorney Smith said they need to get an understanding if there is room for waiver and this will probably have to be tabled.

Mr. McDonald said the property on the east is fed above ground, which is why a pole has to be there. He said they removed as much of the fence as possible and took the sidewalk as far as they could with OC public works.

○ **Narrowed median**

The median should have two (2) palm trees. The solar panel extends 12 inches outside the median.

Mr. McDonald said the solar panel was removed. He said the median was being constantly run over, so the engineer narrowed it. He admitted that they should have brought it to the attention of the City.

○ **Landscaping**

There should be an oak and two palms on each side of the entrance. A historic oak was removed and now there are just palm trees.

Planner Hardgrove said the median could be widened. Mr. McDonald believed they narrowed the median about 4 feet on the exit side. Engineer Lane said he measured the entrance which was 71 feet from wall to wall. It seemed like the exit may have been narrower.

Councilmember Rader noted that the perennials are underwhelming.

Councilmember Rader said this was a loss of vegetation and the two oaks that were removed were signature oaks. Planner Hardgrove said there is no longer room for the oaks.

Attorney Smith suggested going through the list and seeing what they can waive in the developers agreement. Otherwise, staff can work with the developer. Planner Hardgrove said she needs to hear what Toll Brothers is willing to do. Attorney Smith said their attorney can contact him.

○ **Subdivision sign**

The entrance sign was part of a comprehensive sign plan as it is larger than regulations allow. It was approved as a monument sign but the developer installed a wall sign

Mr. McDonald acknowledged the sign was supposed to be an 8-foot freestanding sign in front of the 6-foot wall. It was not aesthetically pleasing so they installed a wall sign.

Council President Horn said he would support issuing a waiver. Planner Hargrove agreed.

○ **Changes to the architectural guidelines**

- Requirement for side treatment for houses that have a side facing a wall.
Mr. Crawford distributed elevation and design plans to the Council.

Planner Hardgrove said the developers agreement requires side treatment for when a side faces a road. Lot 41 is the most obvious and Councilmember Rader said it needs to be corrected.

Councilmember Rader suggested landscaping the open space tract. Attorney Smith said adding landscaping could help hide the bare facade.

- Architectural trim on windows on the first and second-floor windows
Mr. Crawford said the contemporary and modern styles are designed to be clean with sharp lines without a lot of trim. All the plans show the elevations and were approved by the City.

Planner Hardgrove said the permit packages show an elevation, and those elements should have been caught but the deficiencies are now noted. Council President Horn said each site is to be reviewed.

Councilmember Rader remarked that he said he wanted a design book and never received one. There are some elevations that are very stark. Mr. Crawford said they are far into the development to make this change and that they are not trying to cut corners; it is an architectural style.

Planner Hardgrove said nobody reviewed the architecture and it should have been caught by staff. Toll Brothers should have followed the developers agreement.

- Garage doors are to be upgraded from a typical 16-panel door
Planner Hardgrove said the renderings AVCON showed had upgraded garage doors with each model having a unique style. The doors that were installed do not look upgraded.
- Driveways are 15 to 16 feet wide but were approved to be 18 feet wide. This can be corrected except in lots 42 and 43, which are built. Toll Brothers has already started corrective actions to make the driveways 18 feet.
- Color scheme
Color schemes were shown in the package Mr. Crawford distributed with six color schemes between elevations. Mr. Crawford said people want white houses; the colors have subtle variations.
- Size of playground
Mr. McDonald said the playground was installed per the construction plans. The original proposal was conceptual. Planner Hardgrove noted that the size of the playground significantly changed.

Planner Hardgrove said they need to change the mulch out to ADA mulch, which is engineered wood. Planner Hardgrove suggested adding another 15 feet and another structure.

- o Location of air conditioning units

Mr. Crawford said it is common to have 5-foot setbacks and it is not desirable to have units in the back. He said units are on one side, so the other side of the house is clear for access.

Councilmember Rader said that serviceability was a major point, and people need to get a mower between the two lots. Mayor Dowless said it needs to be implemented so the city doesn't have to get involved. Attorney Smith said an attorney would need to answer how to replace a condenser without stepping on another person's property.

Mr. Crawford told Mayor Dowless that not all developments have ingress/egress easements between homes.

Council President Horn said the Council gave the developer flexibility, but Toll Brothers went beyond that. They need to come up with solutions.

Mr. Crawford asked if any items can go forward and they will come back to the council with prescriptive corrections. Council President Horn said not to spend too much time on the sign or the wall.

2. **Sergeant Tim Cardinal - Healthcare Plan Request**

Sergeant Cardinal addressed City Council and said that he understands the decision regarding weight loss programs and the use of employees' \$2,000 for healthcare expenses. He gave some facts about the negative effects of obesity in the workforce. He said the police department needs a fitness program and fitness should be a priority.

Council President Horn agreed some accidents are less likely for healthier people. He requested financial statistics.

Mayor Dowless said the Council changed from offering a pre-paid HRA card to avoid unnecessary purchases for reimbursement. He asked if the Council wanted to give more latitude.

Chief DeSchryver noted that the purpose of the \$2,000 is to help reduce costs to the employee. They need guidelines for what is or is not approved.

Mayor Dowless said to come up with quantifiable guidelines and the council will discuss it.

3. **Property and Disposal Property**

City Clerk Riffle said the City's auditing firm, CRI requested that the City provide a formalized Property and Disposal Policy. She requested that the Council provide a minimum value for items to be disposed of. Anything above that amount would need the Council's permission before disposal.

Deputy Chief Garcia noted Florida statutes address the disposal of capital items and equipment.

Mayor Dowless suggested a minimum threshold of \$2,500, which was agreed upon by City Council.

Council President Horn made a motion to approve a minimum threshold of \$2,500 the amount requiring the Council's permission for the disposal of capital items. The motion was seconded by Councilmember Lomas. The motion was approved by voice vote (3/0).

I. GENERAL INFORMATION

J. CITIZEN COMMENTS

K. BOARDS & COMMITTEES

L. STAFF REPORTS

• **City Attorney Smith**

Discussion of Parking Ordinance Revisions

- Attorney Smith began a discussion about abandoned and unused cars that are kept on the streets.

Council President Horn said that streets are not parking lots. Parking on the street should be temporary for a defined allowable period of time.

Chief DeSchryver said the police department does not actively look, but they do receive calls about cars parked in the streets. They are asking for 72 hours to find out who a vehicle belongs to and give them time to move it.

The consensus of the council was to allow 72 hours.

- Attorney Smith said the Form 6 lawsuit was filed.
- Per Attorney Smith's request, City Clerk Riffle will send legislative Calls to Actions to Council during the Florida legislative session.

• **City Engineer Lane**

County Installing No Wake Signage on the Lake

Engineer Lane said he received an email from Tara Urbanik at Orange County Environmental Division. They are putting no wake signs on lakes, some of which are in Edgewood such as under the Harbour Island Road bridge.

Council President Horn noted that water markers have a specific set of standards per State Statute. The City will not be responsible for installing the signage.

• **Police Chief DeSchryver**

Chief DeSchryver January 2024 Report

Chief DeSchryver said the City needs to promote the message that emergency calls should be sent to 9-1-1, not to individual sergeants. People in dispatch are trained to take the calls.

- **City Clerk Riffle**

Clerk Riffle reminded Council that new Councilmember, Beth Steele, would be sworn in during the March 26, 2024 meeting and that new Council assignments would be made.

M. MAYOR AND CITY COUNCIL REPORTS

- **Mayor Dowless**

- Mayor Dowless said there are a couple events coming up including Pioneer Days that weekend and Mecatos Bakery’s grand opening on March 29th.
- The City’s 100th birthday celebration will be on March 23rd with a free community music fest and fireworks. He still needs to raise more funds for the event and credited Kim McFadden’s assistance in planning the event.
- Council Member Rader – no report
- Council Member Lomas – no report
- Council President Horn – no report

N. ADJOURNMENT

The meeting adjourned at 9:55 pm.

Richard A. Horn, Council President

Attest:

Sandra Riffle, City Clerk

Approved in the _____ City Council Meeting



CITY COUNCIL DISCUSSION

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, March 05, 2024 at 1:00 PM

DRAFT MINUTES

A. CALL TO ORDER

Council President Horn called the meeting to order at 1:00 pm.

B. ROLL CALL & DETERMINATION OF QUORUM

City Clerk Riffle confirmed that a quorum was present.

Mayor and Councilmembers Present:

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

Staff Present:

Sandy Riffle, City Clerk
Dean DeSchryver, Police Chief
Drew Smith, City Attorney
Allen Lane, City Engineer
Ellen Hardgrove, City Planner

Toll Brothers Representatives Present:

Stuart McDonald, Land Development Manager
Mark McIntosh, V.P. Land Development

C. NEW BUSINESS

Council President Horn opened the discussion and explained that the developers of Haven Oaks Planned Development requested that the Council consider the creation of a performance bond for the subdivision infrastructure to meet the development order and obtain a Certificate of Completion (COC) and Certificate of Occupancy (CO).

Planner Hardgrove explained that a CO for the subdivision is required before COs for homes can occur. She said several items are holding up the subdivision's CO. There are also noncompliance issues with some of the homes; particularly lots 5, 41, 42, and 43 with the biggest issues being air conditioning (a/c) unit placement and upgraded garage doors.

Lot 5 – Resolution of lack of upgraded garage door. Resolution of insufficient side yard width to allow maneuverability of maintenance equipment from front yard to rear yard due to a/c placement.

Lot 41- Resolution of the noncompliance with side treatment (no mix of materials and no window treatments on side facing the side street). Resolution of lack of upgraded garage door. Resolution of insufficient side yard width to allow maneuverability of maintenance equipment from front yard to rear yard due to a/c placement.

Lot 42 – Resolution of the lack of required architectural trim on windows. Compliance with the minimum driveway width. Resolution of lack of upgraded garage door. Resolution of insufficient side yard width to allow maneuverability of maintenance equipment from front yard to rear yard due to a/c placement.

Lot 43 – Compliance with the minimum driveway width. Resolution of lack of upgraded garage door. Resolution of insufficient side yard width to allow maneuverability of maintenance equipment from front yard to rear yard due to a/c placement.

Planner Hardgrove said sidewalks at the front of the subdivision were constructed at seven feet, but some were cut back in areas to the east and west. Orange County said they were too close to the travel lane and gave the developer the choice to cut them back or move them. They chose to cut them back. Orange County was unaware that the sidewalk width was part of the approval process.

In response to Council President Horn, Planner Hardgrove said she expects the performance bond to be more than \$200,000. Toll Brothers will submit the list to the city engineer who will review it and estimate the costs. Mr. McIntosh said landscaping will be done before the subdivision CO. Garage doors can be worked out with the buyers as it is an upgrade.

A discussion ensued regarding the location of air conditioning units. Planner Hardgrove said she spoke to Charlie Crawford, and he said it was unusual to have the units back-to-back on one side of the house. She said he suggested raising the units by installing brackets on the wall, allowing homeowners to mow underneath them without having to step on a neighbor's property.

In response to Councilmember Lomas, Mr. McIntosh said they would adjust the spacing for the existing air conditioning units. Planner Hardgrove said this needs to be addressed because when the developer leaves, it becomes the property owners' problem.

Engineer Lane suggested moving the tubing from the side of the pad to the front and rear to make more room on the side.

In response to Councilmember Rader, Mr. McIntosh said the upgraded garage doors can be included in the closing documents.

Councilmember Rader noted the need for a date certain for the resolution of all items, no later than the April council meeting.

Discussion ensued regarding the side treatment on lot 41.

Councilmember Rader said he was not in favor of just proposing landscaping. Planner Hardgrove confirmed that the sides facing the road must have the same elements as the front. Mr. McIntosh said he favored landscaping to avoid removing stucco.

Councilmember Lomas asked if it was Toll Brothers' typical procedure to not follow plans. Mr. McIntosh responded that engineered plans are never perfect and for this reason, they supply as-builts to reflect changes made in the field. Councilmember Rader remarked that the changes were architectural features, not engineering.

Planner Hardgrove said the side lot is a big item because it is a big blank wall. That elevation was not designed for a side lot. She and Councilmember Rader said they are looking for a rendering of the proposed solution.

In response to Planner Hardgrove, Mr. McIntosh said they would ask for waivers on the utility poles but not for the houses.

There was no public comment.

Councilmember Rader made a motion to allow a performance bond for the Haven Oaks subdivision be the guarantee for compliance with the subdivision items found to be non-compliant with the approved land use plan, development plan, and development agreement, as listed in the staff report for the 3/5/2024 agenda, in order to allow certificates of occupancy for lots 5, 41, 42, and 43 which are closing within the next two months. In addition, the following items needed to be completed before the certificates of occupancy are issued:

- ***Compliant driveway width on lots 42 and 43;***
- ***resolution of physical spacing of air conditioner units on lots 5, 41, 42 and 43 to provide maneuverability of lawn and other maintenance equipment from front yard to rear yard;***
- ***resolution of lack of side treatment on Lot 41 to be brought to the 3/26/2024 council meeting for consideration;***
- ***resolution of lack of architectural trim and treatments on lot 42 to be brought to the 3/26/2024 council meeting for consideration;***
- ***upgraded garage doors on lots 5, 41, 42, and 43, allowing them to get a Certificate of Occupancy subject to the condition that the buyer be informed that the upgraded garage door will be installed when delivered;***
- ***this does not include the authority to approve lots 41 and 42 as they are contingent on the 3/26/2024 City Council meeting.***

The Performance bond will be reviewed and accepted by staff with the itemized value provided by Toll Brothers. The motion was seconded by Council President Horn. Motion approved by roll call vote (3/0).

Councilmember Rader	Favor
Council President Horn	Favor
Councilmember	Favor

C. ADJOURNMENT

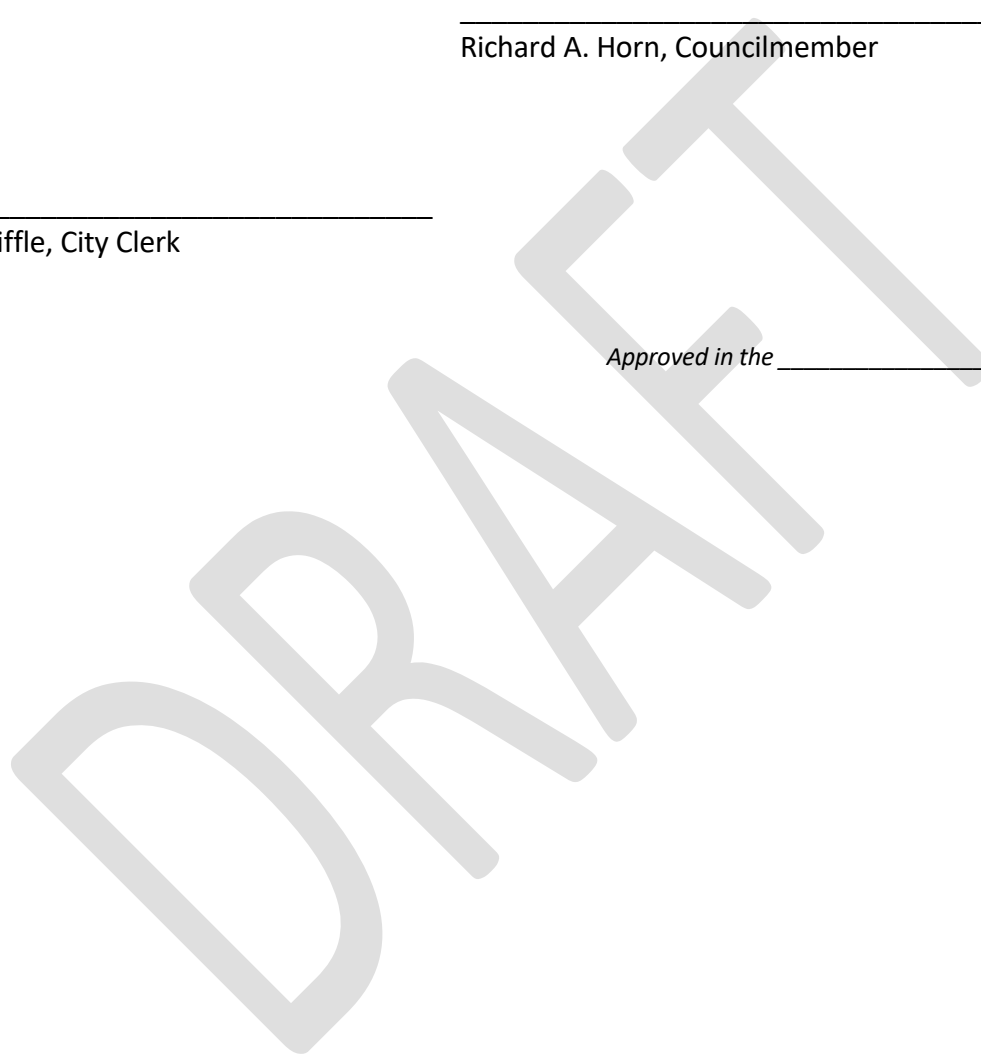
At 1:47 pm, Councilmember Rader made a motion to adjourn the meeting.

Richard A. Horn, Councilmember

Attest:

Sandra Riffle, City Clerk

Approved in the _____ City Council meeting.



PRESENTATIONS & PROCLAMATIONS



Mayoral Proclamation

INVITATION TO CELEBRATE

WHEREAS, The City of Edgewood was founded on April 24th in the year 1924, and today, March 23, 2024, we are here to celebrate our 100TH birthday; and

WHEREAS, we are here today to commemorate the lives and contributions of those who built and developed this City; and

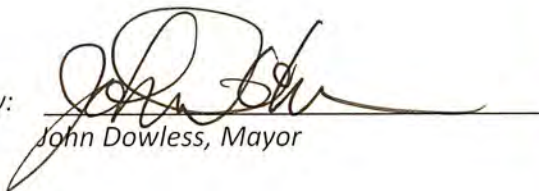
WHEREAS, Edgewood is an integral part of the history of the State of Florida and the County of Orange from 1881 when the South Florida Railroad constructed a line from Orlando to Tampa passing through the area; and

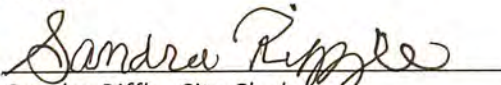
WHEREAS, Edgewood is now home to a diverse variety of businesses including shops, restaurants, medical facilities, and financial and nonprofit institutions; and

WHEREAS, this 100th anniversary celebration is to capture the enthusiasm and energy that have forged a lasting legacy in the City of Edgewood for the last ten decades.

NOW, THEREFORE, I John Dowless, Mayor of the City of Edgewood, do hereby urge all of the residents, civic organizations, faith groups, and pioneer families to support and participate in the celebration.

IN WITNESS THEREOF, I have hereto set my hand and caused the Seal of the City of Edgewood to be affixed this 23rd day of March 2024.

By: 
John Dowless, Mayor

Attest:

Sandra Riffle, City Clerk

ORDINANCES (FIRST READING)

ORDINANCE 2024-02:

Small Scale Amendment - 302

Mandalay Road



Memo

To: Mayor Dowless, Council President Horn,
Council Members Lomas, Rader, and Steele

From: Brett Sollazzo, Administrative Project Manager

Date: 3/11/2024

Re: Planning & Zoning Report – Ordinance 2024-02 Small Scale Comp Plan Amendment
302 Mandalay Road

The following Ordinance was reviewed by the Planning and Zoning Board at the March 11, 2024 meeting:

1. Ordinance 2024-02: Small Scale Comprehensive Plan Amendment 302 Mandalay Road

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 0.28 ACRES LOCATED AT 302 MANDALAY ROAD; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP IS A SMALL SCALE AMENDMENT UNDER SECTION 163.3187, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

The following motion was made by the Planning and Zoning Board:

Chair Santurri made a motion to recommend denial of Ordinance 2024-02 for the Small Scale Comprehensive Plan Amendment at 302 Mandalay Road. The motion was seconded by Board Member Gragg. Approved (5/0) by roll call vote.

The motion was approved by roll call vote.

Chair Santurri	Favor
Vice Chair Nelson	Favor
Board Member Gibson	Favor
Board Member Gragg	Favor
Board Member Nolan	Favor

Public notice letters were mailed out to 53 properties within a 500-foot radius of the subject property. There were six (6) returned letters. As of this memo, City Hall has received seven (7) letters of objection, which have been included in your agenda packet.

Planner Hardgrove and the applicant will be in attendance to answer any question you may have regarding this Ordinance.



Date: March 22, 2024
To: City Council
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, City Clerk
Brett Sollazzo, Administrative Project Manager
Drew Smith, City Attorney
Allen Lane, CPH Engineering, City Engineering Consultant

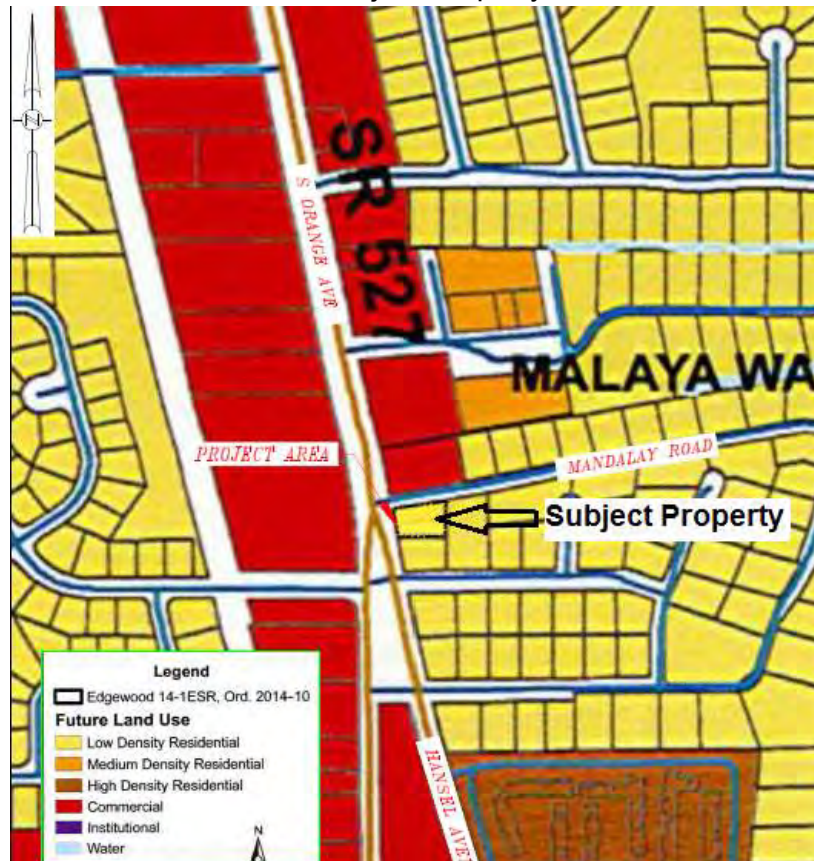
Re: Comprehensive Plan Amendment Low Density Residential to Commercial at 302 Mandalay Road; Applicant: George Smith, represented Fulvio Romano

Introduction

This is a request to change the future land use designation from Low Density Residential to Commercial for property located at the southeast corner of Hansel Avenue and Mandalay Road; the address is 302 Mandalay Road, also known as Orange County tax parcel 13-23-29-6056-03-020. The property comprises ±0.28 acre and is undeveloped.

Exhibit 1 shows the location of the property as well as the existing future land use designations of the property and surrounding area.

Exhibit 1 – Subject Property Location



Planning and Zoning Board (P&Z) and Staff Recommendation

P&Z held a public hearing on March 11, 2024 and recommends denial (5-0 vote); the staff recommendation was for approval.

There was a significant amount of opposition from the surrounding neighborhood residents, with the most frequent concerns being

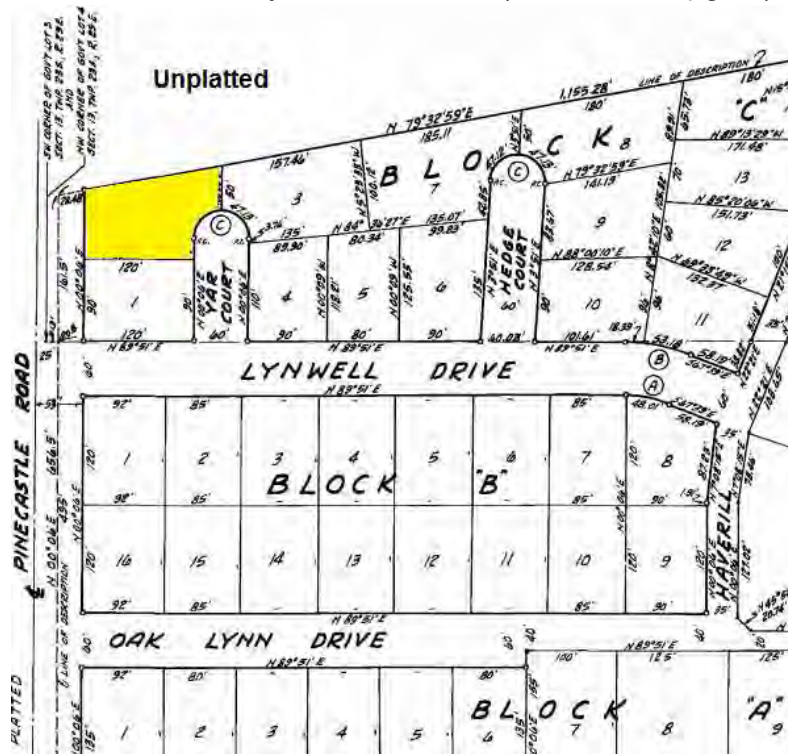
- 1) Increased traffic on Mandalay Road will endanger children playing and going to school
- 2) The geometry of Mandalay with Hansel's curve coupled with the existing utility poles and the substandard width of the Mandalay Road creates safety issues when turning in or leaving Mandalay.
- 3) Land Use compatibility

Staff continues to support a change in future land use based on the rationale presented below; however, based on the public's input, the staff recommendation has been modified: a future land use map amendment for this property needs to be pursued using the Site Specific Plan (SSP) future land use designation.

Rationale For Change

There have been significant changes to this lot to warrant a future land use amendment. The property is Lot 2, Block C of the Oak Lynn Second Plat and the west 1/2 of a vacated street (Yar Court) lying east of the lot. The Oak Lynn Second Plat subdivision was approved by the City of Edgewood August 16, 1958; an excerpt from the plat with the subject lot highlighted is shown in Exhibit 2.

Exhibit 2 - Oak Lynn Second Plat (Plat Book W/pg 97)



As shown by the plat, the subject lot was intended to be accessed from Yar Court, making construction of a single family home a practical use. In 1981, the City vacated/abandoned Yar Court resulting in the lot's re-orientation to be either Hansel Avenue, a major arterial road, or a future commercial lot; i.e., the lot on the north side of Mandalay.

A 3-story office building for the property across Mandalay is currently in City review. That lot is zoned ECD and has a future land use designation of Commercial.

Consistency with Comprehensive Plan Policies

A change to allow a use other than low density residential on the property is consistent with the comprehensive plan policies as listed below.

Future Land Use Policy 1.1.3 directs development where sufficient public facilities are available.

Future Land Use Policy 1.1.4 requires compatibility with surrounding existing land uses and with the overall character of the community.

The city's goal is to encourage new development along the Orange/Hansel Avenue Corridor.

The recommended SSP Future Land Use (FLU) designation would provide the needed control of design and use of a proposed development to ensure land use compatibility. This FLU requires specific policies to be added to the comprehensive plan at the time the FLU is established. The policies would specify the exact development program intended for the property; in addition, a development agreement between the owner/developer and the City detailing design standards and a simultaneous rezoning to Comprehensive Plan Planned Development (CPPD) District would be required.

This FLU also requires coordination with the area residents and property owners before the Planning Board and City Council consider the proposal; the intent is to resolve issues such traffic impacts, stormwater management, and development layout, including but not limited to architectural style/detail, lighting, and dumpster location.

Staff Recommendation

Without the use of the SSP and CPPD development tools, the staff recommendation for a future land use map amendment for this property is denial.

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 0.28 ACRES LOCATED AT 302 MANDALAY ROAD; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP IS A SMALL SCALE AMENDMENT UNDER SECTION 163.3187, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood is committed to planning and managing the future growth and redevelopment of the City; and

WHEREAS, the City of Edgewood has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City Council of Edgewood desires to adopt an amendment to the Comprehensive Plan, Future Land Use Map, to guide and control the future development of the City and to preserve, promote and protect the public's health, safety and welfare; and

WHEREAS, the property satisfies the criteria for a small scale amendment under Section 163.3187, Florida Statutes; and

WHEREAS, the amendment to the Comprehensive Plan, Future Land Use Map contemplated herein involves fewer than fifty acres; and

WHEREAS, the City of Edgewood's Planning and Zoning Board, as the City's local planning agency, held a public hearing to consider this amendment to the Future Land Use Map of the Future Land Use Plan Element of the City of Edgewood Comprehensive Plan; and

WHEREAS, the City Council as the City's governing body, held a public hearing for adoption to consider the amendment to the City of Edgewood Comprehensive Plan in accordance with the controlling provisions of State law; and

WHEREAS, the City of Edgewood has complied with all requirements and procedures of Florida law in processing this small scale amendment to the City of Edgewood Comprehensive Plan.

WHEREAS, the City Council of the City of Edgewood hereby finds and determines that this Ordinance is internally consistent with the goals, objectives and policies of the City of Edgewood Comprehensive Plan and other controlling law to include, but not limited to, Chapter 163, Florida Statutes, and the provisions of the State Comprehensive Plan as codified at Chapter 187, Florida Statutes.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, AS FOLLOWS:

Section 1: The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Edgewood.

Section 2: Small Scale Comprehensive Plan Amendment – Future Land Use Map:

Ordinances adopting and amending the Comprehensive Plan of the City of Edgewood, Florida, be, are hereby amended to designate that property located at 302 Mandalay Road and more particularly described as:

LOT 2, BLOCK C OF THE OAK LYNN SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK W, PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY LYING WESTERLY OF THE SUBJECT PROPERTY; AND TOGETHER WITH THAT PORTION OF THE WESTERLY ½ OF VACATED ROAD RIGHT-OF-WAY LYING EASTERLY OF SUBJECT PROPERTY

also described as Tax Parcel Identification Number: 13-23-29-6056-03-020, as Commercial on the Future Land Map.

Section 3: The City Clerk is hereby directed to transmit a copy of this amendment of the Comprehensive Plan to the State Land Planning Agency.

Section 4: All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5: If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6: This Ordinance and small scale amendment shall become effective 31 days after adoption. If challenged within 30 days after adoption, said amendment

shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted small scale amendment is in compliance, pursuant to *Florida Statute* 163.3187(5)(c).

PASSED AND ADOPTED this ____ day of _____, 2024 by the City Council of the City of Edgewood, Florida.

John Dowless, Mayor
City of Edgewood

Attest:

Sandra Riffle, CMC, FCRM
City of Edgewood



**CITY OF EDGEWOOD APPLICATION FORM
COMPREHENSIVE PLAN AMENDMENTS**

PLEASE CHECK THE APPROPRIATE APPLICATION TYPE BELOW:

Amendment Type	Applied For	Cost
LARGE-SCALE MAP AMENDMENT		\$2500 + advertising and Pass-Thru Fees Per Ordinance 2013-01
SMALL-SCALE MAP AMENDMENT (10 acres or fewer)	X	\$1000 + advertising and Pass-Thru Fees Per Ordinance 2013-01
TEXT AMENDMENT Large Scale (\$2500) Small Scale (\$1000)		\$2500/\$1000* + advertising and Pass-Thru Fees Per Ordinance 2013-01

REQUIRED DOCUMENTS TO ATTACH TO APPLICATION FOR PROPOSED TEXT AMENDMENT

- 1) Proposed text in a strike-through/underline format identifying the proposed change(s), including applicable element and policy number. Underline text denotes proposed policy language, whereas, strikethrough text denotes proposed deletions to currently adopted policies.
- 2) A description of how the proposed text change will impact availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, schools (if the City has adopted school concurrency), and recreation, as appropriate.
- 3) Information regarding the consistency of the proposed text amendment with other goals, objectives and policies of the plan.
- 4) Notarized owner affidavit(s) – see third page of this form.
- 5) Application fee – cash or check made payable to “City of Edgewood.”
- 6) Any additional information that may aid in understanding the proposal, such as a conceptual site plan

REQUIRED DOCUMENTS TO ATTACH TO APPLICATION FOR PROPOSED FUTURE LAND USE MAP AMENDMENT (add additional pages if necessary):

- 1) Certified legal description with a boundary sketch signed by a Florida registered surveyor for the specific property proposed to be amended. Certified legal description must include the acreage.
- 2) Illustration subject property’s and adjacent property’s future land use
- 3) Identification on a map of adjacent existing uses
- 4) Environmental Assessment – If there are wetlands on the property, a preliminary environmental assessment is required including a narrative describing the wetland, a table indicating the acreage, and an aerial photograph or map indicating the approximate location and extent of the wetlands on site.
- 5) Attach a statement justifying the need for the requested amendment, including the appropriate data and analysis to support the requested change, illustrating how the amendment is consistent with and furthers various objectives and/or policies of the City’s Comprehensive Plan. The justification should include, but not be limited to, adjacent land use compatibility, availability of sanitary sewer, potable water, stormwater, solid waste, transportation, and recreation facilities and demonstrated need based on

population demands and/or market demand. In addition, the maximum development that can occur on the site under the proposed future land use designation and the anticipated development program under the proposed future land use designation needs to be outlined by designation, including the square footage and acreage for each category. If the City has adopted school concurrency, the additional demand on the school facilities shall be provided.

- 6) Notarized owner affidavit(s) – see third page of this form.
- 7) Application fee – cash or check made payable to “City of Edgewood.”
- 8) Any additional information that may aid in understanding the proposal, such as a conceptual site plan

TYPE or PRINT the following information:

Owner <u>George Smith</u>	Applicant/Agent <u>Fulvio Romano</u>
Address <u>480 N Orange Ave Apt 114</u>	Address <u>5205 S. Orange Ave. STE 200</u>
City <u>Orlando</u>	City <u>Orlando</u>
State <u>FL</u> Zip Code <u>32801</u>	State <u>FL</u> Zip Code <u>32809</u>
Phone (H) <u>(407) 960-0999</u>	Phone (H) <u>(407) 490-0350</u>
(W) <u>()</u>	(W) <u>()</u>
(Cell) <u>()</u>	(Cell) <u>()</u>
(Fax) <u>()</u>	(Fax) <u>(407) 232-6000</u>
E-mail Address <u>deglogroup@gmail.com</u>	E-mail Address <u>fulvio@rabitsromano.com</u>

Orange County Tax Roll Parcel Number(s) Involved	Total Acreage of Parcel(s)	Developable Acreage of Parcel(s)	Current Future Land Use Category	Proposed Future Land Use Category
13-23-29-6056-03-020	.28	.28	Residential	Commercial

CONTACT INFORMATION (NAME, ADDRESS, PHONE NUMBER, FAX AND EMAIL)	
Property owner/applicant	Authorized agent (if not the owner/applicant)
George Smith 480 N Orange Ave Apt 114 Orlando, FL 32801 Phone: 407-960-0999 Email: deglogroup@gmail.com	Fulvio Romano 5205 S. Orange Ave. STE 200 Orlando, FL 32809 Phone: 407-490-0350 Fax: 407-232-6000 Email: fulvio@rabitsromano.com

Staff Use Only: Application Complete – Yes Received: Date ____/____/____ Time ____:____ a.m. / p.m.

AFFIDAVIT

STATE OF Florida
COUNTY OF ORANGE

BEFORE ME THIS DAY PERSONALLY APPEARED

George Smith
Property owner's name, printed

WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner of the real property legally identified by City of Edgewood/Orange County Parcel numbers:
13-23-29-6056-03-020
2. He/she duly authorizes and designates Fulvio Roman to act in his/her behalf for the purposes of seeking a change to the future land use map designation of the real property legally described by the certified legal description that is attached with this amendment request;
3. He/she understands that submittal of a Comprehensive Plan map and/or text amendment application in no way guarantees approval of the proposed amendment;
4. The statements within the Comprehensive Plan map and/or text amendment application are true, complete and accurate;
5. He/she understands that all information within the Comprehensive Plan map and/or text amendment application is subject to verification by county staff;
6. He/she understands that false statements may result in denial of the application; and
7. He/she understands that he/she may be required to provide additional information within a prescribed time period and that failure to provide the information within the prescribed time period may result in the denial of the application.
8. He/she understands that if he/she is one of multiple owners included in this amendment request, and if one parcel is withdrawn from this request, it will constitute withdrawal of the entire amendment application from the current amendment cycle.

[Signature] 1/23/2024
Property owner's signature Date

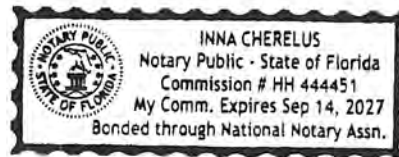
Signed and sworn to (or affirmed) before me on January 23rd, 2024 by
George Smith (Date)
(Property owner's name) He/she is personally known to me or has produced

5530-300-88-065-0 as identification.
(Driver's license, etc.)

[Signature]
Notary public signature

State of Florida County of ORANGE

My commission expires: 09/14/2027



March 6, 2024

The Honorable John Dowless
405 Bagshaw Way
Edgewood, FL 32809



Re: Opposition to Rezoning of 302 Mandalay Road, Edgewood, FL 32809

Dear Mayor Dowless:

The purpose of this letter is to first make you aware of the already dangerous location of the bus stop on Orange Avenue just before the turn onto Mandalay Road. Second, to voice my opposition to the proposed rezoning of the property located at 302 Mandalay Road in Edgewood as commercial. Increasing traffic flow on a RESIDENTIAL street, (Mandalay Road), will only add to the difficult and unacceptable hazardous conditions that already exist when exiting the neighborhood. You will recall this same issue came up in July 2019 and the Planning & Zoning Board denied the requests. Besides the rezoning, I have also learned that although the property is adjacent to Orange Avenue, parking would be accessible through the residential Mandalay Road. Please be advised that, although this proposal is not yet before the Planning and Zoning Board or the City Council, I intend to voice my opposition to it at every available public meeting. In support of my opposition, I have discovered the following issues with the rezoning and potential commercial development which I would like to call to your and the Council's attention.

First, this rezoning would be contrary to the express intent of the City's comprehensive plan due to the lack of compatibility with its Future Land Use Map, last adopted in January of 2015. All along Orange Avenue within the confines of Edgewood, the Planning and Zoning Department and the City Council have recognized in its FLUM that the property in question is part of a residential community. Almost the entirety of the property which is adjacent to Orange Avenue is zoned commercial, except for these few lots near Mandalay Road which are residential in nature. Deviating from this planned course of action would be contrary to the City's plans and contrary to good sense.

In addition, this rezoning would conflict with the City's policies also set forth in its comprehensive plan. This includes policy 1.1.6: "Development orders shall only be approved consistent with the adopted Future Land Use Map." However, it would also conflict with the City's transportation goals by adding considerably to traffic on a residential street and at a dangerous intersection without a traffic control device. In addition, the comprehensive plan states that the City's commercial districts have already been fully developed and that there is no need for further commercial development and that element should be maintained at current levels. Instead, the City anticipates additional housing needs—at the time that the Comprehensive Plan was put together—of an additional 290 homes in 2020 from 2012 levels. Rezoning a residential lot to commercial, adding commercial development to create further hazards at an already dangerous intersection and traffic to residential streets, and depleting the already small amount of residential property available are all detrimental to the good of the City and in opposition to its comprehensive plan.

Please know that, as a resident of Edgewood, I plan to voice my opposition to this plan at every stage of the local government process. I have already consulted with other neighbors who have ensured me of their support in opposing this request, who may also have sent you letters. Please help maintain the residential character of this area by denying the request to rezone 302 Mandalay Road from residential to commercial, and help maintain the unique character of Edgewood that has contributed to our mutual desire to make this city our mutual home.

Sincerely,

Dr. Jenn and Michael Fine

Edgewood Resident

March 8, 2024

Local Planning Agency of the City of Edgewood, FL
Planning and Zoning Members: Santurri, Nelson, Gibson, Gragg and Nolan

RE: Public Hearing Monday, March 11, 2024 @6:30 p.m.

We received Notice of a Public Hearing regarding "302 MANDALAY RD" property – changing the designation from Low-Density Residential to Commercial. We have gone through this process before and not so long ago.

We purchased our home at 415 Mandalay Road in July of 1974 (50 years ago) and raised our family here. It was an ideal location for the following reasons:

- 1) Residential neighborhood – Mandalay, Lynnwell and Oak Lynn Road
- 2) Cul de sac – Dead end with no thru traffic
- 3) Schools
- 4) Small Town atmosphere

Over the years, traffic at Mandalay and Orange Ave/Hansel has become very dangerous and this will only add more problems. I will attend every meeting and voice my objections for this change of which there are many. PLEASE keep the last piece of our neighborhood residential!!!

Thanking you in advance for your consideration.

Sandy Fox
415 Mandalay Rd.
Orlando, Florida 32809
407-620-4384

March 7, 2024

The Honorable John Dowless
405 Bagshaw Way
Edgewood, FL 32809

RECEIVED
MAR 11 2024
CITY OF EDGEWOOD

Re: Opposition to Rezoning of 302 Mandalay Road, Edgewood, FL 32809

Dear Mayor Dowless:

I write today to voice my opposition to the proposed rezoning of the property located at 302 Mandalay Road in Edgewood to commercial.

You will recall this same issue came up in July 2019 and the Planning & Zoning Board denied the requests. Besides the rezoning, I have also learned that although the property is adjacent to Orange Avenue, parking would be accessible through the residential Mandalay Road. Please be advised that, although this proposal is not yet before the Planning and Zoning Board or the City Council, I intend to voice my opposition to it at every available public meeting. In support of my opposition, I have discovered the following issues with the rezoning and potential commercial development which I would like to call to your and the Council's attention.

First, this rezoning would be contrary to the express intent of the City's comprehensive plan due to the lack of compatibility with its Future Land Use Map, last adopted in January of 2015. All along Orange Avenue within the confines of Edgewood, the Planning and Zoning Department and the City Council have recognized in its FLUM that the property in question is part of a residential community. Almost the entirety of the property which is adjacent to Orange Avenue is zoned commercial, except for these few lots near Mandalay Road which are residential in nature. Deviating from this planned course of action would be contrary to the City's plans and contrary to good sense.

In addition, this rezoning would conflict with the City's policies also set forth in its comprehensive plan. This includes policy 1.1.6: "Development orders shall only be approved consistent with the adopted Future Land Use Map." However, it would also conflict with the City's transportation goals by adding considerably to traffic on a residential street and at a dangerous intersection without a traffic control device. In addition, the comprehensive plan states that the City's commercial districts have already been fully developed and that there is no need for further commercial development and that element should be maintained at current levels. Instead, the City anticipates additional housing needs—at the time that the Comprehensive Plan was put together—of an additional 290 homes in 2020 from 2012 levels. Rezoning a residential lot to commercial, adding commercial development to create further hazards at an already dangerous intersection and traffic to residential streets, and depleting the already small amount of residential property available are all

Please know that, as a resident of Edgewood, I plan to voice my opposition to this plan at every stage of the local government process. I have already consulted with other neighbors who have ensured me of their support in opposing this request, who may also have sent you letters. Please help maintain the residential character of this area by denying the request to rezone 302 Mandalay Road from residential to commercial, and help maintain the unique character of Edgewood that has contributed to our mutual desire to make this city our mutual home.

Sincerely,

The Leveroni's
441 Mandalay Road
Edgewood, FL 32809

A handwritten signature in blue ink, appearing to read "Anna Luni". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

March 9, 2024

Planning & Zoning Board Members

ATTN: Mr. Ryan Santurri

Mr. David Nelson

Ms. Melissa Gibson

Mr. David Gragg

Mr. Todd Nolan

405 Bagshaw Way

Edgewood, FL 32809

Re: Opposition to Rezoning of 302 Mandalay Road, Edgewood, FL 32809

Dear Planning & Zoning Board Members:

I write today to voice my opposition to the proposed rezoning of the property located at 302 Mandalay Road in Edgewood as commercial. You will recall this same issue came up in July 2019 and the Planning & Zoning Board denied the request. Please be advised that I intend to voice my opposition to it at every available public meeting, beginning on Monday, March 11, 2024. In support of my opposition, I have discovered the following issues with the rezoning and potential commercial development which I would like to call to the Board's attention.

First, this rezoning would be contrary to the express intent of the City's comprehensive plan due to the lack of compatibility with its Future Land Use Map (FLUM), last adopted in January of 2015. All along Orange Avenue within the confines of Edgewood, the Planning and Zoning Board and the City Council have recognized in its FLUM that the property in question is part of a residential community. The property across from 302 Mandalay Road is already zoned commercial. The remaining lots on Mandalay Road are all residential. Allowing TWO commercial lots at the ENTRANCE to our community would be contrary to the FLUM plan and contrary to good sense.

In addition, this rezoning would conflict with the City's policies also set forth in its comprehensive plan. This includes policy 1.1.6: "Development orders shall only be approved consistent with the adopted Future Land Use Map." It would also add considerably to traffic and further contribution to an already dangerous intersection (Mandalay Road and Orange Avenue) which it without a traffic control device. Rezoning a residential lot to commercial, adding commercial development to create further hazards at an already dangerous intersection, and depleting the already small amount of residential property available are all detrimental to the good of the City and in opposition to its comprehensive plan.

I also reviewed the Edgewood Central District (ECD) summary and I would like the Board to explain at Monday's meeting how the requested rezoning from residential to commercial is in compliance with the following points within this document:

"Protect the stability of the existing residential neighborhoods through design guidelines and only allowing uses which are compatible with the intended neighborhood character," and

“The development standards for both the activity nodes and the business/residential corridor are intended to foster Edgewood’s identity as a great “place”. Making a “place” is not the same as constructing a building, designing a plaza, or developing a commercial zone. It is a cohesive plan designed to serve people, with development at a human scale with attention to function as well as form.”

I already consulted with other neighbors who have ensured me of their support in opposing this request, who may also have sent you letters. Please help maintain the residential character of this area by denying the request to rezone 302 Mandalay Road from residential to commercial, and help maintain the unique character of Edgewood that has contributed to our mutual desire to make this city our home and a great “place”.

Sincerely,

Gregory A. Levan
555 Mandalay Rd
Edgewood, FL 32809

From: "Baker, Tina (NBCUniversal)" <Tina.Baker@nbcuni.com>

Date: March 11, 2024 at 9:26:53 AM EDT

To: John Dowless <jdowless@edgewood-fl.gov>, Ryan Santurri <rsanturri@edgewood-fl.gov>, David Nelson <dnelson@edgewood-fl.gov>, Melissa Gibson <mgibson@edgewood-fl.gov>, Todd Nolan <tnolan@edgewood-fl.gov>, David Gragg <dgragg@edgewood-fl.gov>

Cc: Eric Baker <eric.c.baker67@gmail.com>

Subject: Opposition to Rezoning of 302 Mandalay Road, Edgewood, FL 32809

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Honorable Mayor Dowless and Planning & Zoning Council ~

We write today to voice our opposition to the proposed rezoning of the property located at 302 Mandalay Road in Edgewood as commercial. You will recall this same issue came up in July 2019 and the Planning & Zoning Board denied the requests unanimously. Our stance has not changed, in addition to all of the reasons that were discussed in 2019, the traffic on Orange Avenue/Hansel have increasingly gotten worse in the 10 years that we have resided in Edgewood. The intersection of Orange Avenue/Hansel is already dangerous. The addition of the bus stop, along with utility poles causes blind spots when trying to leave Mandalay. Adding a commercial business to the mix will result in a public safety issue. We intend to voice our opposition at tonight's meeting.

We have consulted with other neighbors who have ensured us of their support in opposing this request, who may also have sent you letters. Please help maintain the residential character of this area by denying the request to rezone 302 Mandalay Road from residential to commercial, and help maintain the unique character of Edgewood that has contributed to our mutual desire to make this city our mutual home.

Sincerely,

Eric and Tina Baker
535 Mandalay Road
Edgewood

Sandra Riffle, CMC, FCRM
City Clerk

O: 407-851-2920 x4202 | M: 407-881-2345

PLEASE NOTE: *Information provided in this email is subject to disclosure to the public pursuant to Florida Sunshine Law. Email sent on the City system is considered public and is only withheld from disclosure if deemed confidential pursuant to state law.*

From: Reed Clary <rclary@corridorlegal.net>
Sent: Thursday, March 7, 2024 5:23 PM
To: Sandy Riffle <sriffle@edgewood-fl.gov>
Subject: FW: Rezoning at end of Mandalay

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Sandy-

To the extent it matters, we just wanted to log that our neighborhood is against the rezoning of the Mandalay lot, at least without some serious traffic improvements. The suicide lane at the end of the street is already too dangerous, and it is about to get worse already with the two new commercial buildings opening at some point in 2024. It is getting to the point where the only safe way to go south on Orange Avenue out of our neighborhood, is to first go north and then do a U-turn in one of the parking lots north of us (which I'm sure those business owners don't appreciate).

Nothing against the developer- it is purely a safety issue. Especially with a soon-to-be teenage driver.

Thanks for all that you do!
-Reed

Reed R. Clary
Partner



Corridor Legal Partners, LLP
5127 S. Orange Ave.
Suite 210
Orlando, FL 32809
Managing Director; Corridor Legal Holdings, Chartered
Office: (321) 837-9395
Mobile: (407) 666-1448
rclary@corridorlegal.net
<http://www.corridorlegal.net>

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Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to any Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

John Dowless
City Council

March 19, 2024

Re: Opposition to rezoning of 302 Mandalay Road, Edgewood, FL 32809

Dear Mayor Dowless:


I write today to voice my opposition to the proposed rezoning of the property located at 302 Mandalay Road in Edgewood as commercial. You will recall this same issue came up in July 2019 and the Planning & Zoning Board denied the requests. Besides the rezoning, I have also learned that although the property is adjacent to Orange Avenue, parking would be accessible through the residential Mandalay Road. Please be advised that, although this proposal is not yet before the Planning and Zoning Board or the City Council, I intend to voice my opposition to it at every available public meeting. In support of my opposition, I have discovered the following issues with the rezoning and potential commercial development which I would like to call to your and the Council's attention.

First, this rezoning would be contrary to the express intent of the City's comprehensive plan due to the lack of compatibility with its Future Land Use Map, last adopted in January of 2015. All along Orange Avenue within the confines of Edgewood, the Planning and Zoning Department and the City Council have recognized in its FLUM that the property in question is part of a residential community. Almost the entirety of the property which is adjacent to Orange Avenue is zoned commercial, except for these few lots near Mandalay Road which are residential in nature. Deviating from this planned course of action would be contrary to the City's plans and contrary to good sense.

In addition, this rezoning would conflict with the City's policies also set forth in its comprehensive plan. This includes policy 1.1.6: "Development orders shall only be approved consistent with the adopted Future Land Use Map." However, it would also conflict with the City's transportation goals by adding considerably to traffic on a residential street and at a dangerous intersection without a traffic control device. In addition, the comprehensive plan states that the City's commercial districts have already been fully developed and that there is no need for further commercial development and that element should be maintained at current levels. Instead, the City anticipates additional housing needs—at the time that the Comprehensive Plan was put together—of an additional 290 homes in 2020 from 2012 levels. Rezoning a residential lot to commercial, adding commercial development to create further hazards at an already dangerous intersection and traffic to residential streets, and depleting the already small amount of residential property available are all detrimental to the good of the City and in opposition to its comprehensive plan.

Please know that, as a resident of Edgewood, I plan to voice my opposition to this plan at every stage of the local government process. I have already consulted with other neighbors who have ensured me of their support in opposing this request, who may also have sent you letters. Please help maintain the residential character of this area by denying the request to rezone 302 Mandalay Road from residential to commercial, and help maintain the unique character of Edgewood that has contributed to our mutual desire to make this city our mutual home.

Sincerely,


Edgewood Resident

Additionally this lot is not large enough for a commercial building in addition to the Cook 2 housing

ORDINANCE 2024-03:

Parking

29 **Section 1.** Legislative Findings and Intent. The findings set forth in the recitals above are
30 hereby adopted as legislative findings pertaining to this ordinance.

31 **Section 2.** Chapter 62, Article II, “Stopping, Standing, and Parking,” of the City of Edgewood
32 Code of Ordinances shall be amended as follows:

33 * * *

34 Sec. 62-20. - Definitions.

35 As used in article II, the following words shall have the meaning indicated unless the
36 context clearly indicates otherwise. All other definitions contained in F.S. § 316.003, not in
37 conflict with the definitions in this section shall be applicable and are incorporated by reference.

38 *Local hearing officer* means the person designated by the city to hear notice of violations
39 under Mark Wandall Traffic Safety Act, F.S. § 316.0083, and contests of municipal parking
40 violations under this article as provided by F.S. §§ 316.008(1)(a)(2), (5). The local hearing
41 officer may also be the city's currently appointed code enforcement board or special magistrate.

42 Abandoned vehicle means any motor vehicle kept or parked in a location visible to the
43 public which is wrecked, inoperative, partially dismantled, unregistered, or otherwise in a
44 condition that is not lawfully drivable. Signs of disuse such as leaks, flat tires, broken parts, and
45 accumulation of vegetative or other debris on, around and under the vehicle shall all constitute
46 indicia of abandonment.

47 *Motor vehicle* means any self-propelled vehicle in, upon, or by which a person or
48 property is or may be transported or drawn upon a highway, roadway or street, excluding
49 bicycles, mopeds, motorized scooters and vehicles operated upon rails, tracks or guideways.

50 *Park or parking* means the halting of a motor vehicle, regardless of whether the vehicle is
51 occupied or in operation, except for the momentary purpose of receiving or discharging
52 passengers or materials.

53
54 *Stop or stopping* means any halting, even momentarily, of a vehicle, whether occupied or
55 not, except when necessary to avoid conflict with other traffic, to comply with the directions of a
56 law enforcement officer, to yield to a funeral procession or emergency vehicle, or to comply with
57 a traffic control sign, signal or device.

58 **Sec. 62-21. State parking statutes adopted; issuance of parking violations notices; parking**
59 **restrictions and prohibitions.**

60 (a) Except as otherwise stated herein, those portions of F.S. ch. 316, as now or hereafter
61 amended, being the State Uniform Traffic Control Law, pertaining to the parking of motor
62 vehicles, are hereby adopted by reference as if fully set forth herein. Any violation of these
63 parking statutes is considered a violation of article II.

64 (b) A law enforcement officer, community service officer, traffic infraction enforcement
65 officer, or a parking enforcement specialist who discovers an illegally parked vehicle
66 pursuant to city ordinance or general law may issue a parking violation notification to the
67 driver of the vehicle or, if the vehicle is unattended, may attach such notice a conspicuous
68 place on the vehicle. Each day that a parking violation occurs constitutes a separate offense
69 for which a parking violation notice may be issued.

70 (c) The mayor and chief of police are hereby authorized to prohibit or limit parking in the City
71 Hall parking lot when such prohibitions or limitations serve a valid public purpose. Signs or
72 markers clearly indicating any prohibition or limitation established under this section shall

73 be erected and maintained giving notice thereof. When authorized signs are erected as
74 provided herein, it shall be unlawful to park in a manner contrary to such signage.

75 (d) It shall be unlawful for any person to park a vehicle on any right-of-way of the city, or in
76 any street other than parallel with the edge of the curb or paved roadway headed in the
77 direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12
78 inches of the curb or paved edge of the roadway, except:

79 (1) Upon those portions of streets which have been marked or signed for angle parking,
80 vehicles shall be parked at the angle to the curb indicated by such mark or signs with
81 the right front wheel against the curb;

82 (2) In places where stopping for the loading or unloading of merchandise or material is
83 permitted, vehicles used for the transportation of merchandise or materials may back
84 into the curb to take on or discharge loads.

85 (e) When the curb on the side of the road is marked yellow, or when authorized signs are
86 erected indicating that no parking is permitted on any designated side of any street or any
87 other designated no-parking area, it shall be unlawful for any person to park a vehicle in any
88 such designated area.

89 (f) On such streets where parking spaces are officially indicated by signs or markings, parking
90 shall be allowed only within such spaces and then only for the times indicated by such signs
91 or markings.

92 (g) It shall be unlawful for any person to park a vehicle between the hours of 9:00 a.m. and 6:00
93 p.m., Monday through Saturday, in a manner in which any portion of the vehicle is located

94 within five feet, as measured along a line parallel to the right-of-way, of a mailbox installed
 95 upon or adjacent to a right-of-way.

96 * * *

97 Sec. 62-26. - Schedule of civil penalties for parking violations.

98 There is hereby adopted the following schedule of civil penalties for parking violations
 99 occurring within the city for which payment may be made to the general fund:

Violation	Amount of Civil Penalty
Parking where prohibited by official signs	\$ 30.00
Parking in bus space or taxi stand	30.00
Parking on sidewalk or unpaved right-of-way	30.00
Parking in passenger loading zone	30.00
Parking by yellow curb (on sign)	30.00
Parking over the lines used to indicate spaces where parking is permitted	30.00
Parking against traffic flow (wrong direction)	30.00
Unauthorized parking in reserved space	40.00
Unauthorized parking in space for disabled	150.00
Unauthorized parking in freight loading zone	30.00
Obstructing traffic	30.00
<u>Impairing Access to Mailbox by Postal Service</u>	<u>30.00</u>

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Sec. 62-35. Removal and impounding of abandoned vehicles and vehicles without valid registration and properly affixed registration sticker ~~Parking on public property of vehicles without affixed current and valid registration license plate and validation sticker; removing, impounding, or immobilization of vehicles without affixed current and valid registration license plate and validation sticker.~~

(a) No person shall stop, stand, or park a vehicle upon any public street or upon any property owned and controlled by the city unless such vehicle has affixed to it a current and valid registration license plate and validation sticker nor shall any person leave an abandoned vehicle parked on public property or a public right-of-way.

(b) No person shall a park vehicle upon any city street for a period of time longer than seventy-two (72) consecutive hours, unless during the seventy-two (72) hour period the vehicle has been removed from the particular street for a period of at least eight (8) consecutive hours.

(c) Any vehicle parked in violation of Paragraph (a) or (b) shall be a violation and police officers of the City are hereby authorized to have such vehicle removed as described in subparagraphs (d) through (f), below, from any public right-of-way or City property in addition to the issuance of a parking citation.

~~Any motor vehicle without a current and valid license plate and validation sticker affixed to it found parked at any time upon any public street or upon any property owned and controlled by the city may, in addition to the issuance of a parking violation notice, be immediately immobilized by or under the direction of a police officer in such a manner as to~~

122 ~~prevent its operation. No such vehicle shall be immobilized by any means other than the use~~
123 ~~of a device or other mechanism which will cause no damage to such vehicle unless it is~~
124 ~~moved while such device or mechanism is in place.~~

125 (d) Except as provided in Paragraph (f), below, if a vehicle parked in violation of Paragraph (a)
126 or (b) does not present an immediate threat to public safety, the police officer shall cause to
127 be placed on the vehicle in a conspicuous location a notice that if the vehicle is not removed
128 within seventy-two hours of the date and time of the notice, the vehicle shall be subject to
129 removal by the City.

130 (e) Except as provided in Paragraph (f), below, if a vehicle presents an immediate threat to
131 public safety, the vehicle shall be subject to removal immediately.

132 (f) If an abandoned vehicle is parked within the main-travelled part of a road, Section 62-23
133 herein shall govern its removal and storage.

134 ~~It shall be the duty of the police officer immobilizing such motor vehicle, or under whose~~
135 ~~direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place,~~
136 ~~notice sufficient to inform the owner or operator of the vehicle that:~~

137 ~~(1) Such vehicle has been immobilized pursuant to and by the authority of this section of~~
138 ~~the Code of Ordinances; and~~

139 ~~(2) The owner of such immobilized vehicle, or other duly authorized person, shall be~~
140 ~~permitted to repossess or to secure the release of the vehicle upon payment to the~~
141 ~~police department the fine prescribed in division 2 of this article for the offense of~~
142 ~~parking a vehicle without a current and valid registration license plate and validation~~
143 ~~sticker affixed to it.~~

144 (g) It shall be unlawful for anyone, except those persons authorized by the police department or
145 the owner of the vehicle, to remove or attempt to remove, tamper with, or in any way
146 ~~damage or alter any notice affixed to a vehicle pursuant to this Section~~ the immobilization
147 device.

148 (h) In the event a vehicle is towed pursuant to this Section: ~~If the owner of the immobilized~~
149 ~~vehicle, or other duly authorized person, does not make arrangements for removal of the~~
150 ~~immobilization device in accordance with the foregoing provisions within 24 hours of the~~
151 ~~time such motor vehicle was immobilized, a police officer of the city is hereby authorized to~~
152 ~~have such vehicle towed by the city's authorized towing company.~~

153 (1) The owner of the vehicle shall be responsible for any and all towing and storage
154 charges along with ~~the~~ any civil penalty identified in Section 62-26 ~~division 2~~.

155 (2) The charges and civil penalty must be paid ~~remitted~~ prior to the release of the vehicle.

156 **Section 3.** The provisions of this Ordinance shall be codified as and become and be made a
157 part of the Code of Ordinances of the City of Edgewood.

158 **Section 4.** Severability. If any section, sentence, phrase, word or portion of this ordinance is
159 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
160 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
161 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

162 **Section 5.** Conflicts. All ordinances that are in conflict with this Ordinance are hereby
163 repealed.

164 **Section 6.** Effective Date. This Ordinance shall become effective immediately upon its
165 passage and adoption.

166 **PASSED AND ADOPTED** this _____ day of _____, 2024, by the City
167 Council of the City of Edgewood, Florida.

168

169 PASSED ON FIRST READING: _____
170

171 PASSED ON SECOND READING: _____
172

173 _____
174 Richard Horn, Council President

175
176 *ATTEST:*
177
178 _____
179 Sandra Riffle
180 City Clerk

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 62, ARTICLE II, "STOPPING, STANDING, AND PARKING;" PROVIDING FOR REMOVAL AND IMPOUNDMENT OF ABANDONED VEHICLES PARKED ON CITY OWNED PROPERTY AND PUBLIC RIGHTS-OF-WAY; PROHIBITING VEHICLES FROM PARKED IN A MANNER TO BLOCK POSTAL SERVICE ACCESS TO POST BOXES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

1. Summary of the proposed ordinance: The Ordinance provides for removal of certain vehicles parked upon public rights-of-way in order to protect public safety.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Cit, if any:

The Ordinance is not expected to have any direct economic impact on private, for profit businesses.

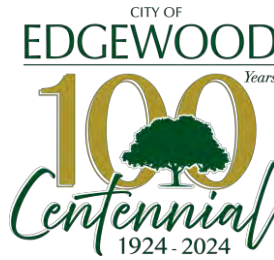
3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The ordinance is not expected to have any direct economic impact on private, for profit-businesses.

ORDINANCE 2024-04:

Personnel –

Flexible Workplace Policy



Memo

To: Mayor Dowless, Council President Horn,
Council Members Lomas, Rader, and Steele

From: Sandra Riffle, City Clerk

Date: March 21, 2024

Re: Election and Charter Amendment Questions

Workplace Flexibility

Ordinance 2024-04 is a proposed change in personnel policy relating to workplace flexibility to allow work to be performed at off-campus work sites on an as-needed basis. Offering flexibility may help improve employee retention by enhancing employee satisfaction and loyalty in a positive, productive work environment.

Some important aspects of the proposed policy include:

- Flexibility is intended for short-term situations when an employee can effectively work from an off-campus location rather than using PTO hours. This allows the employee to remain productive, adhere to deadlines, and continue to meet expectations.
- Supervisor approval is required whenever workplace flexibility is used.
- Employees desiring to work offsite must sign a Telecommuting Agreement and Approval form.
- Employees are responsible for keeping information secure in whatever environment work is being performed.

37 **PASSED AND ADOPTED** this _____ day of _____, 2024, by the City Council of the City
38 of Edgewood, Florida.

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Richard A. Horn, Council President

ATTEST:

Sandra Riffle, City Clerk



OFFICE OF THE CITY CLERK FLEXIBLE WORKPLACE

Purpose: The City of Edgewood recognizes that it may be mutually beneficial to provide flexibility for staff to work from an alternate location (ex: home) and telecommute in roles that, in the discretion of the City are capable of being adequately and competently performed remotely. Where appropriate, these arrangements provide employees with increased well-being due to flexibility with their work schedule, and enhance recruitment and retention, while engaging the City's talented, diverse, progressive, and productive workforce.

- I. Scope**
- II. Policy**
- III. Definitions**
- IV. Procedure**

I. SCOPE

- A. This policy outlines guidelines for flexible workplace practices including flexible work schedules and work locations.
- B. Providing a flexible workplace will create an environment that meets team members' needs and set expectations for work-life balance and ensures that they can continue to perform at a high level.

II. POLICY

- A. The parameters for a flexible workplace require compliance with the following State and Federal laws.
 - Fair Labor Standards Act
 - Worker's Compensation
 - Americans with Disabilities Act
- A. Considered on a case-by-case basis, alternative work arrangements are determined by management. They are not considered an employee benefit or entitlement and do not change the terms and conditions of employment.
- B. Flexible work arrangements may not be suitable or practical for all positions. They will be based on the operational needs of the City and the department, job functions, and responsibilities, without adversely affecting staffing, productivity, or levels of service.
- C. Approval, on an individual basis, is made by the City Clerk or Mayor to whom the City Clerk reports. The City Clerk is responsible for identifying the type, criteria, and details of alternative work arrangements, including feasibility, duration (temporary, ongoing, rotational) within the department. They are also responsible for planning, documenting, and managing these arrangements with clear expectations and communications regarding work productivity, attendance, and performance.

- D. The City Clerk is responsible for determining eligibility and parameters for these arrangements, providing requisite staffing coverage, and meeting the needs of internal and external customers.
- E. Telecommuting is a privilege, which may be granted under appropriate circumstances and job capacity to employees without negative performance issues and in good standing. Each individual situation may be unique depending on the mission of the City, department needs, and an employee's role and responsibilities.
- F. In general, full-time exempt and non-exempt employees who have completed their probationary period may be eligible for alternative work arrangements, as determined by management per this policy. Other job-related factors such as attendance, performance, or disciplinary issues will be considered. While efforts will be made to provide reasonable notice (from supervisor to employee and vice versa) between supervisors and employees working these arrangements, they may be re-evaluated and subject to change with or without notice, depending on the circumstances. While this may be effective, valuable, and appropriate for some jobs, situations, and employees, it may not be for others.
- G. In general, telecommuting is limited to a maximum of 2 days per week or as determined by the City Clerk.
- H. Consistent with the City of Edgewood's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of private or confidential information accessible from their alternate location/home office, in accordance with applicable legal requirements such as HIPPA and public records exemptions. Steps include the use of a locked file cabinet, desk, and regular password maintenance, and any other measures appropriate for the job and the environment. In compliance with Public Records law, all information produced is subject to public records requests.
- I. The City is committed to providing a productive workplace and may furnish a laptop or other computer device as needed and as available. The City will not furnish or equip a home office. The City will not be responsible for purchasing any additional cell phones, covering cell phone bills, or paying any portion of the personal costs incurred for any work-related calls made while teleworking.
- J. Employees are responsible for reporting any injuries to the City Clerk as soon as practical. Employees may not invite or meet with members of the general public with regard to city business at the remote worksite.

III. DEFINITIONS

- A. **Flexible Work Location:** The ability to work under an arrangement in which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved, remote worksite other than the location from which the employee would otherwise work, such as a City facility or office. Temporary in nature, such as in response to an emergency, while on an approved FMLA leave, or when otherwise needed as determined by the City Clerk.
 - 1. This option shall be available to eligible employees, subject to operational need. It is recognized that due to the nature of some employees'

responsibilities, such as field assignments, supervisory responsibilities, or direct customer service, they may not be able to work from alternative locations on a regular basis. **The remote workspace is not intended to permanently replace the employee's current worksite.**

2. Such arrangements shall ensure that there are no changes to facility hours, or levels of service for internal and external customers; however, such schedules may not incur overtime or provide for compensatory time.
 3. This may also be implemented on a recurring basis or in combination with another type of arrangement, such as rotating a certain number of days or weeks in the office (regular work location) coupled with remote.
 4. The City will support remote work with appropriate technology and training to ensure that employees can work productively and securely in an alternative work location. The City may also establish minimum criteria for alternative work sites, such as connectivity to support remote work and workplace safety.
 5. Employees who are working remotely will be expected to be available during their agreed-upon work hours for phone calls, video conferencing, email, and instant messaging. If the employee is unable to work remotely for any reason, they will be required to report to their normal work location.
 6. Employees may be required to report to their normal work location to attend meetings, training, or other events based on operational needs.
- B. Flexible or Alternative Work Schedule:** An established work schedule that serves as an alternate to five consecutive eight-hour workdays, Monday through Friday.
1. Such schedules shall ensure that there are no changes to facility hours or level of services for internal and external customers.
 2. The City Clerk is responsible for the approval of alternative work schedules. Employees may be required to report to their normal work schedule to attend meetings, training, or other events based upon operational needs.
- C. Flextime:** A temporary rescheduling of an employee's hours of work to accommodate operational requirements and/or the needs of the employee.
1. May be used as long as the scheduling does not hinder the efficient operation of the service provided.
 2. The City Clerk is solely responsible for the approval of flextime.
 3. Normal operating hours of facilities will not be changed when accommodating employee requests nor will services be eliminated during the time periods impacted by an accommodation.
- D. Compensatory Time:** A voluntary process regulated by the Department of Labor; wherein under certain prescribed conditions, employees of State or local government agencies may receive compensatory time off, at a rate of not less than one and one-half hours for each overtime hour work, instead of cash overtime pay.

- E. **Compressed workweek** in which an employee works 10 hours per workday, reducing the workweek to four days a week.
- F. **Meal Periods:** Meal breaks for full-time employees during an alternative work arrangement, may be set by the City Clerk based upon operational requirements of the department. Mealtimes will be no less than one-half hour and will not be eliminated.

IV. **Approval Procedure**

- A. For employees to request an alternative schedule, they shall submit a written request to the City Clerk. The request shall explain the basis and advantages to the department of the flexible work schedule. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without disrupting performance and/or service delivery. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without disrupting performance and/or service delivery.
- B. To determine whether the request is appropriate, the City Clerk will review the purpose and circumstances, assess the impact and the outcome in terms of production, quality, and eligibility, and if one or a combination of the above arrangements is viable and in the best interest of the department. Management may also wish to implement the arrangement(s) on a short-term or pilot basis.
- C. The request shall be reviewed and approved by the City Clerk who will ensure compliance with applicable laws and City policies. A copy of the request with any related documents shall be placed in the employee's personnel file.
- D. An employee wishing to change or cancel an alternative work arrangement shall obtain written approval from the City Clerk. Management may revoke the alternative arrangement at any time and for any reason.
- E. Normal timekeeping procedures must be followed, including review and approval of timesheets.

Created 2/22/2024



Telecommuting Agreement and Approval Form

I, _____ (print name), will establish a safe and appropriate work environment within my alternate location/home for work purposes.

The City of Edgewood will not be responsible for costs associated with the setup of my office, such as internet access, remodeling, furniture or lighting, nor for repairs or modifications to my alternate location/home office space.

Employee agrees that the City will not maintain or repair any structure at the telecommuting location, or the workspace contained therein. All maintenance of the remote structure is the responsibility of the Employee.

Employee agrees not to conduct in-person City business meetings with the general public at the telecommuting location unless authorized to do so by the City Clerk or Mayor.

The employee will apply city-approved safeguards to protect department records from unauthorized disclosure or damage. Work done at the alternate work site is considered official City business. All records, papers, and correspondence must be safeguarded and regularly returned to the official location. Automated, electronic or digital files are considered official records and must be protected from unauthorized use or disclosure. Phone contacts related to confidential information will be conducted in a private area.

The City of Edgewood will determine the equipment needs for each employee on a case-by-case basis. Equipment supplied by the City is to be used for business purposes only. The employee shall, at the employee's expense, provide internet access with appropriate virus and security protection as determined by City.

All equipment, supplies or other property provided by the City remain the property of the City. The employee must take reasonable and prudent precautions to protect City equipment against damage, loss, or abuse while in the employee's custody. City equipment must be used for official business only and only by the employee. The employee shall as soon as reasonably possible, notify the City Clerk if any equipment provided by the City is damaged or lost. City equipment shall only be serviced and repaired by the City. The City assumes no responsibility for employee-provided equipment and will not service or repair such equipment.

I further agree that I will comply with any and all additional information technology, equipment or security policies and requirements that may be imposed by the City at any time during the period that I have been authorized to telecommute.

In compliance with Public Records Law, I understand and acknowledge that all information produced is subject to public records requests.

Furthermore, I attest that my alternate location/home office has internet access and adequate work space lighting, ventilation, fire extinguishers, smoke detectors, seating, workspace and that I have adequate homeowner's/renter's insurance coverage.

The City of Edgewood has the right to cancel or suspend employee telecommuting privileges at any time, for any reason or for no reason.

Additional conditions agreed upon by the employee and supervisor are as follows:

Employee Telecommuting Information

Employee name: _____

Job title: _____

Department: _____

Supervisor: _____

Reason: _____

Current on-site work location: _____

Location where Telework will be performed: _____

Cell phone number where employee can be reached: _____

City email address: _____

Telework arrangement effective period: _____

Created: 2/22/2024

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED PERSONNEL POLICIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. DATE

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance: The Ordinance amends the City's Personnel Policies to make provision for flexible work arrangements.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Cit, if any:

The Ordinance is not expected to have any direct economic impact on private, for profit businesses.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The ordinance is not expected to have any direct economic impact on private, for profit-businesses.

**PUBLIC HEARINGS
(ORDINANCES – SECOND
READINGS & RELATED
ACTION)**

UNFINISHED BUSINESS



Date: March 21, 2024
To: City Council
From: Ellen Hardgrove, City Planning Consultant
Allen Lane, City Engineer
XC: Sandy Riffle, City Clerk
Brett Sollazzo, Administrative & Permitting Manager
Drew Smith, City Attorney
Re: Request to Approve Residence Certificates of Occupancy prior to Subdivision Certificate of Completion

As has been previously discussed at the last two Council meetings, there are several infrastructure noncompliance issues with the Haven Oaks subdivision. Compliance with the approved Land Use Plan and Development Agreement is necessary for the City to issue a Certificate of Compliance (CC). A CC is required prior to issuance of Certificates of Occupancy (COs) for the houses.

Subdivision Infrastructure Status

Toll Brothers requested Council's permission to issue a performance bond to guarantee compliance with the approved Land Use Plan, Development Plan, and Development Agreement to allow the issuance of four COs; those houses are scheduled to close in March and early mid-April. Additional COs would not be issued until the noncompliance issues were resolved.

Staff has approved the draft performance bond; the included itemized list will cover the cost of the noncompliance items. Issuance of the bond is anticipated by March 29th. The list of the non-compliance items and the proposed resolution is listed in attached Table 1. Note, even though the list includes resolution of all the noncompliance issues, **Toll Brothers is requesting Council's approval to waive some of the Development Agreement and/or Land Use/Development Plan requirements;** those are as follows:

- **Underground Utilities** *All utilities, including but not limited to electric and telephone, shall be underground, including the existing overhead utility lines along Holden Avenue, installation costs of which will be borne completely by the Developer.*
- **Sidewalk width** *The sidewalk within the Holden Avenue right-of-way shall be the same width to match the existing sidewalk adjacent to the Subject Property. (7 feet)*
- **No Parking Signs** *All areas not identified as parking zones shall be posted "no parking" per 18.2.3.5.1 nfpa 1 (ffpc 6th edition). No parking signage shall be located on all street light posts outside of the specified parking zones.*
- **Subdivision Wall** *An architectural precast concrete wall...The portion of the wall facing Holden Avenue shall include wall panels which replicate the look of masonry, natural rock, stone or brick, with the columns matching the remainder of the perimeter wall: Decorative 6' ht Precast Wall 3 Color Modeling Paint Pattern.*
- **Subdivision Sign** *Build the subdivision sign as per the Comprehensive Sign Plan approved by Council May 17, 2022*

Home Construction on Lots 5, 41, 42, & 43

With issuance of the performance bond, Council gave staff authorization to waive the requirement of Certificate of Completion prior to issuing Certificates of Occupancy for the homes on Lots 5, 41, 42, and 43 provided the identified noncompliance issues on those lots were resolved. Table 2 provides an update to the status of those noncompliance issues; the highlighted items in the table require Council consideration, which includes the side street trim on the Lot 41 house and the a/c units proximity and acceptance of the house without window trim on Lot 42.

General Home Construction

Related to all the homes in Haven Oaks and compliance with the Development Agreement, there are two remaining issues that Council needs to address:

A/C placement: Toll Brothers is proposing to provide “the maneuverability of lawn and other maintenance equipment from front yard to rear yard” by maintaining a minimum 5' linearly offset where a/c condensers and related appurtenances and proximate landscaping are installed adjacent side yards.

Architectural Trim: Toll Brothers is requesting Council’s acceptance of the architectural trim on the following elevations. These elevations are included at the end of this report.

- Alina Modern (Only on Lot 42)
- Alina Contemporary
- Arthur Contemporary
- Ashley Contemporary
- Ashley Transitional
- Bronte Contemporary
- Chapleton Contemporary
- Frankfield Contemporary
- Frederick Contemporary
- Frederick Modern (Only on Lot 9)
- Frederick Elite Modern (Only on Lot 12)

ESH

Table 1
 Status of Non Compliance Subdivision Infrastructure Issues
 * denotes included in performance bond
Highlighted Requires Council Consideration

Non-compliance Item	Status
Overhead utilities*	Proposing not to bury
Sidewalk width*	Proposing to keep the sidewalk width as constructed
Raised diverter Island in gate area*	Corrected, awaiting the pavers
Light poles	Not included in Itemized list as Duke Energy has determined lighting is sufficient
Light pole conflict with tree	Will be corrected
Drainage culvert concrete flume*	Will be corrected
Call box/entrance island width*	Reconstruction occurred, inspection for width necessary, awaiting re-landscaping
Call box/entrance island landscaping*	Will be corrected
Oak trees at entrance*	Will be corrected
Striping of exit lanes	Corrected
Striping of entrance lanes	Corrected
Paver crosswalks internal to subdivision*	Will be provided
ADA truncated domes	Corrected
Playground size*	Will be expanded
Playground equipment*	Swing set and bench will be added
Playground ADA mulch*	Certification has been provided; ADA mulch will be provided in expansion
ADA compliance playground/guest parking spaces	Corrected
No Parking signs	Signs to be installed, but not on light poles as was required by Development Plan. Duke Energy's rules do not generally allow signs on poles. Fire Department recommends a "No Parking In Cul-de-Sac" sign to ensure emergency vehicles have adequate turn around movement per the Haven Oaks Development Plan. The City Engineer also recommends an additional No Parking sign situated about halfway between Lots 1 and 8, between Lots 8 and 13, between Lots 13 and 19.
Subdivision wall*	Requesting to allow one color as existing in lieu of the required 3 color paint pattern
Subdivision sign*	Requesting to allow the signs to be on the perimeter wall as constructed
Wall landscaping*	Will be corrected
Other landscaping*	Will be corrected

Table 2 – Non-Compliance Status of Lots Authorized for Approval
prior to Subdivision Infrastructure Certificate of Completion
Highlighted Requires Council Consideration

Lot 5	Upgraded garage door ordered, installation anticipated by July 31, 2024. Two a/c units to remain in current location (west side house). The conflict will be resolved with Lot 6 a/c placement.
Lot 41	Upgraded garage door ordered, installation anticipated by July 31, 2024. Two a/c units to remain in current location (south side house) as the a/c units on Lot 40 will be on the south side of that house; in addition the north side setback on Lot 40 is 10 feet. Proposed resolution of Side Treatment (no mix of materials and no window treatment) to be presented at Council's March 26th meeting.
Lot 42	Upgraded garage door ordered, installation anticipated by July 31, 2024. Consistent with Development Agreement 5.g., Toll Brothers is requesting Council's acceptance of the trim on windows (Alina Modern).* Driveway width to be inspected prior to CO. A/C placement on Lot 43 was accepted by staff, A/C placement resolution for Lot 43 to be presented at Council at the March 26th meeting.
Lot 43	Upgraded garage door ordered, installation anticipated by July 31, 2024. Driveway is now compliant. A/C placement accepted.

*The Alina Modern is being pulled from offered elevations.



Alina Modern (Only for Lot 42)



Alina Contemporary



Arthur Contemporary



Ashley Transitional



Ashley Contemporary



Bronte Contemporary



Chapleton Contemporary



Frankfield Contemporary



Frederick Contemporary



Frederick Modern (Only for Lot 9)



Frederick Elite Modern (Only for Lot 12)



March 20th, 2024

Stuart McDonald
Toll Brothers
2966 Commerce Park Dr., Suite 100
Orlando, FL 32819

**Reference: 22-E-041 - Haven Oaks Subdivision
Certified Cost Breakdown**

Dear Mr. McDonald:

I, Bradley R. Elwell, a Professional Engineer, registered in the state of Florida, License No. 96932 do hereby certify that the costs itemized in the enclosed Exhibit represent the complete cost of the additional items requested for the performance bond for the subject property, including but not limited to, the following: Landscaping, Hardscape Modifications, and Utility Undergrounding. The enclosed line-item estimate represents complete infrastructure costs.

I certify that these costs are complete, including all on-site work, off-site work, general contractor responsibilities, subcontractor responsibilities and all associated items such as mobilization, staking... etc.

The Total Cost is: **\$ 476,667.65**

Sincerely,

Bradley R. Elwell, P.E.
Engineer, Land Development
AVCON, INC.



Haven Oaks Cost Breakdown

General Conditions						
Item #	Description	Source	Quantity	Unit	Unit Price	Amount
1	Cost to Bury the Four Utility Poles Constructed on the Site	Duke Energy	1.00	LS	200,000.00	200,000.00
2	Cost to Provide 7-Foot Wide Sidewalks Along the Entire Holden Avenue Frontage	Eden Sidewalk Cost Estimate & Eden Curb Cost Estimate	1.00	LS	113,118.77	113,118.77
3	Cost to Modify the Median to the Design on the Approved Development Plan	Eden Entry Median Cost Estimate	1.00	LS	11,672.50	11,672.50
	Cost to Install the Island, Which Includes Mountable Curb and Brick Pavers, per the Approved Development Plan / Conditions of Approval	-	-	-	-	-
4	Cost to Install the Brick Paver Cross Walks Just South of the Security Gates, at Lots 5 and 6, at the South Parking lot, and the Lift Station Driveway as Shown on the Approved Development Plan	Hardsapers Cost Estimate	1.00	LS	28,400.00	28,400.00
5	Cost to Expand the Playground to Match the Approved Development Plan	APC Play Cost Estimate	1.00	LS	6,914.00	6,914.00
6	Cost to Add Additional Playground Equipment and a Bench	APC Play Cost Estimate & Heirloom Cost Estimate	1.00	LS	7,243.38	7,243.38
7	Cost to Provide the Required 3 Color Paint Pattern that will Replicate the Look of Masonry, Natural Rock, Stone, or Brick	Seminole Masonry Cost Estimate - Wall Paint	1.00	LS	9,939.00	9,939.00
8	Cost to Provide the Sign per the Approved Comprehensive Sign Plan	Seminole Masonry Cost Estimate - Entry Sign	1.00	LS	69,980.00	69,980.00
9	Cost to Add/Replace Landscaping per City Landscape Architect Review	West Orange Cost Estimate	1.00	LS	29,400.00	29,400.00
	Cost to Regrade / Resod the Area South of the Concrete Flume that Provides Holden Avenue Drainage to the Onsite Swale Area	-	-	-	-	-
	Cost to Provide the Plants in Conformance With the Approved Landscape Plan	-	-	-	-	-
	Cost to Replace the Planted Palms with the Oaks as Shown on the Approved Landscape Plan	-	-	-	-	-
	Cost to Add the Landscaping Along the Easternmost Two Panels of the Holden Avenue Wall as Shown on the Approved Development Plan	-	-	-	-	-
General Conditions Total:						\$ 476,667.65

NEW BUSINESS

GENERAL INFORMATION

CITIZEN COMMENTS

BOARDS AND COMMITTEES

STAFF REPORTS

City Attorney Smith

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

LINDKE *v.* FREEDCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SIXTH CIRCUIT

No. 22–611. Argued October 31, 2023—Decided March 15, 2024

James Freed, like countless other Americans, created a private Facebook profile sometime before 2008. He eventually converted his profile to a public “page,” meaning that *anyone* could see and comment on his posts. In 2014, Freed updated his Facebook page to reflect that he was appointed city manager of Port Huron, Michigan, describing himself as “Daddy to Lucy, Husband to Jessie and City Manager, Chief Administrative Officer for the citizens of Port Huron, MI.” Freed continued to operate his Facebook page himself and continued to post prolifically (and primarily) about his personal life. Freed also posted information related to his job, such as highlighting communications from other city officials and soliciting feedback from the public on issues of concern. Freed often responded to comments on his posts, including those left by city residents with inquiries about community matters. He occasionally deleted comments that he considered “derogatory” or “stupid.”

After the COVID–19 pandemic began, Freed posted about it. Some posts were personal, and some contained information related to his job. Facebook user Kevin Lindke commented on some of Freed’s posts, unequivocally expressing his displeasure with the city’s approach to the pandemic. Initially, Freed deleted Lindke’s comments; ultimately, he blocked him from commenting at all. Lindke sued Freed under 42 U. S. C. §1983, alleging that Freed had violated his First Amendment rights. As Lindke saw it, he had the right to comment on Freed’s Facebook page because it was a public forum. The District Court determined that because Freed managed his Facebook page in his private capacity, and because only state action can give rise to liability under §1983, Lindke’s claim failed. The Sixth Circuit affirmed.

Held: A public official who prevents someone from commenting on the official’s social-media page engages in state action under §1983 only if

Syllabus

the official both (1) possessed actual authority to speak on the State’s behalf on a particular matter, and (2) purported to exercise that authority when speaking in the relevant social-media posts. Pp. 5–15.

(a) Section 1983 provides a cause of action against “[e]very person who, *under color of any statute, ordinance, regulation, custom, or usage, of any State*” deprives someone of a federal constitutional or statutory right. (Emphasis added.) Section 1983’s “under color of” text makes clear that it is a provision designed as a protection against acts attributable to a State, not those of a private person. In the run-of-the-mill case, state action is easy to spot. Courts do not ordinarily pause to consider whether §1983 applies to the actions of police officers, public schools, or prison officials. Sometimes, however, the line between private conduct and state action is difficult to draw. In *Griffin v. Maryland*, 378 U. S. 130, for example, it was the source of the power, not the identity of the employer, which controlled in the case of a deputized sheriff who was held to have engaged in state action while employed by a privately owned amusement park. Since *Griffin*, most state-action precedents have grappled with whether a nominally private person engaged in state action, but this case requires analyzing whether a *state official* engaged in state action or functioned as a private citizen.

Freed’s status as a state employee is not determinative. The distinction between private conduct and state action turns on substance, not labels: Private parties can act with the authority of the State, and state officials have private lives and their own constitutional rights—including the First Amendment right to speak about their jobs and exercise editorial control over speech and speakers on their personal platforms. Here, if Freed acted in his private capacity when he blocked Lindke and deleted his comments, he did not violate Lindke’s First Amendment rights—instead, he exercised his own. Pp. 5–8.

(b) In the case of a public official using social media, a close look is definitely necessary to categorize conduct. In cases analogous to this one, precedent articulates principles to distinguish between personal and official communication in the social-media context. A public official’s social-media activity constitutes state action under §1983 only if the official (1) possessed actual authority to speak on the State’s behalf, and (2) purported to exercise that authority when he spoke on social media. The appearance and function of the social-media activity are relevant at the second step, but they cannot make up for a lack of state authority at the first. Pp. 8–15.

(1) The test’s first prong is grounded in the bedrock requirement that “the conduct allegedly causing the deprivation of a federal right be *fairly attributable to the State*.” *Lugar v. Edmondson Oil Co.*, 457 U. S. 922, 937 (emphasis added). Lindke’s focus on appearance skips

Syllabus

over this critical step. Unless Freed was “possessed of state authority” to post city updates and register citizen concerns, *Griffin*, 378 U. S., at 135, his conduct is not attributable to the State. Importantly, Lindke must show more than that Freed had *some* authority to communicate with residents on behalf of Port Huron. The alleged censorship must be connected to speech on a matter within Freed’s bailiwick. There must be a tie between the official’s authority and “the gravamen of the plaintiff’s complaint.” *Blum v. Yaretsky*, 457 U. S. 991, 1003.

To misuse power, one must possess it in the first place, and §1983 lists the potential sources: “statute, ordinance, regulation, custom, or usage.” Determining the scope of an official’s power requires careful attention to the relevant source of that power and what authority it reasonably encompasses. The threshold inquiry to establish state action is not whether making official announcements *could* fit within a job description but whether making such announcements is *actually* part of the job that the State entrusted the official to do. Pp. 9–12.

(2) For social-media activity to constitute state action, an official must not only have state authority, he must also purport to use it. If the official does not speak in furtherance of his official responsibilities, he speaks with his own voice. Here, if Freed’s account had carried a label—*e.g.*, “this is the personal page of James R. Freed”—he would be entitled to a heavy presumption that all of his posts were personal, but Freed’s page was not designated either “personal” or “official.” The ambiguity surrounding Freed’s page requires a fact-specific undertaking in which posts’ content and function are the most important considerations. A post that expressly invokes state authority to make an announcement not available elsewhere is official, while a post that merely repeats or shares otherwise available information is more likely personal. Lest any official lose the right to speak about public affairs in his personal capacity, the plaintiff must show that the official purports to exercise state authority in specific posts. The nature of the social-media technology matters to this analysis. For example, because Facebook’s blocking tool operates on a page-wide basis, a court would have to consider whether Freed had engaged in state action with respect to any post on which Lindke wished to comment. Pp. 12–15.

37 F. 4th 1199, vacated and remanded.

BARRETT, J., delivered the opinion for a unanimous Court.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, pio@supremecourt.gov, of any typographical or other formal errors.

SUPREME COURT OF THE UNITED STATES

No. 22–611

KEVIN LINDKE, PETITIONER *v.* JAMES R. FREED

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT

[March 15, 2024]

JUSTICE BARRETT delivered the opinion of the Court.

Like millions of Americans, James Freed maintained a Facebook account on which he posted about a wide range of topics, including his family and his job. Like most of those Americans, Freed occasionally received unwelcome comments on his posts. In response, Freed took a step familiar to Facebook users: He deleted the comments and blocked those who made them.

For most people with a Facebook account, that would have been the end of it. But Kevin Lindke, one of the unwelcome commenters, sued Freed for violating his right to free speech. Because the First Amendment binds only the government, this claim is a nonstarter if Freed posted as a private citizen. Freed, however, is not only a private citizen but also the city manager of Port Huron, Michigan—and while Freed insists that his Facebook account was strictly personal, Lindke argues that Freed acted in his official capacity when he silenced Lindke’s speech.

When a government official posts about job-related topics on social media, it can be difficult to tell whether the speech is official or private. We hold that such speech is attributable to the State only if the official (1) possessed actual authority to speak on the State’s behalf, and (2) purported to

Opinion of the Court

exercise that authority when he spoke on social media.

I
A

Sometime before 2008, while he was a college student, James Freed created a private Facebook profile that he shared only with “friends.” In Facebook lingo, “friends” are not necessarily confidants or even real-life acquaintances. Users become “friends” when one accepts a “friend request” from another; after that, the two can generally see and comment on one another’s posts and photos. When Freed, an avid Facebook user, began nearing the platform’s 5,000-friend limit, he converted his profile to a public “page.” This meant that *anyone* could see and comment on his posts. Freed chose “public figure” for his page’s category, “James Freed” for its title, and “JamesRFreed1” as his username. Facebook did not require Freed to satisfy any special criteria either to convert his Facebook profile to a public page or to describe himself as a public figure.

In 2014, Freed was appointed city manager of Port Huron, Michigan, and he updated his Facebook page to reflect the new job. For his profile picture, Freed chose a photo of himself in a suit with a city lapel pin. In the “About” section, Freed added his title, a link to the city’s website, and the city’s general email address. He described himself as “Daddy to Lucy, Husband to Jessie and City Manager, Chief Administrative Officer for the citizens of Port Huron, MI.”

As before his appointment, Freed operated his Facebook page himself. And, as before his appointment, Freed posted prolifically (and primarily) about his personal life. He uploaded hundreds of photos of his daughter. He shared about outings like the Daddy Daughter Dance, dinner with his wife, and a family nature walk. He posted Bible verses, updates on home-improvement projects, and pictures of his dog, Winston.

Opinion of the Court

Freed also posted information related to his job. He described mundane activities, like visiting local high schools, as well as splashier ones, like starting reconstruction of the city’s boat launch. He shared news about the city’s efforts to streamline leaf pickup and stabilize water intake from a local river. He highlighted communications from other city officials, like a press release from the fire chief and an annual financial report from the finance department. On occasion, Freed solicited feedback from the public—for instance, he once posted a link to a city survey about housing and encouraged his audience to complete it.

Freed’s readers frequently commented on his posts, sometimes with reactions (for example, “Good job it takes skills” on a picture of his sleeping daughter) and sometimes with questions (for example, “Can you allow city residents to have chickens?”). Freed often replied to the comments, including by answering inquiries from city residents. (City residents can have chickens and should “call the Planning Dept for details.”) He occasionally deleted comments that he thought were “derogatory” or “stupid.”

After the COVID–19 pandemic began, Freed posted about that. Some posts were personal, like pictures of his family spending time at home and outdoors to “[s]tay safe” and “[s]ave lives.” Some contained general information, like case counts and weekly hospitalization numbers. Others related to Freed’s job, like a description of the city’s hiring freeze and a screenshot of a press release about a relief package that he helped prepare.

Enter Kevin Lindke. Unhappy with the city’s approach to the pandemic, Lindke visited Freed’s page and said so. For example, in response to one of Freed’s posts, Lindke commented that the city’s pandemic response was “abysmal” and that “the city deserves better.” When Freed posted a photo of himself and the mayor picking up takeout from a local restaurant, Lindke complained that while “residents [we]re suffering,” the city’s leaders were eating at an

Opinion of the Court

expensive restaurant “instead of out talking to the community.” Initially, Freed deleted Lindke’s comments; ultimately, he blocked him. Once blocked, Lindke could see Freed’s posts but could no longer comment on them.

B

Lindke sued Freed under 42 U. S. C. §1983, alleging that Freed had violated his First Amendment rights. As Lindke saw it, he had the right to comment on Freed’s Facebook page, which he characterized as a public forum. Freed, Lindke claimed, had engaged in impermissible viewpoint discrimination by deleting unfavorable comments and blocking the people who made them.

The District Court granted summary judgment to Freed. Because only state action can give rise to liability under §1983, Lindke’s claim depended on whether Freed acted in a “private” or “public” capacity. 563 F. Supp. 3d 704, 714 (ED Mich. 2021). The “prevailing personal quality of Freed’s post[s],” the absence of “government involvement” with his account, and the lack of posts conducting official business led the court to conclude that Freed managed his Facebook page in his private capacity, so Lindke’s claim failed. *Ibid.*

The Sixth Circuit affirmed. It noted that “the caselaw is murky as to when a state official acts personally and when he acts officially” for purposes of §1983. 37 F. 4th 1199, 1202 (2022). To sort the personal from the official, that court “asks whether the official is ‘performing an actual or apparent duty of his office,’ or if he could not have behaved as he did ‘without the authority of his office.’” *Id.*, at 1203 (quoting *Waters v. Morristown*, 242 F. 3d 353, 359 (CA6 2001)). Applying this precedent to the social-media context, the Sixth Circuit held that an official’s activity is state action if the “text of state law requires an officeholder to maintain a social-media account,” the official “use[s] . . . state resources” or “government staff” to run the account, or the

Opinion of the Court

“accoun[t] belong[s] to an office, rather than an individual officeholder.” 37 F. 4th, at 1203–1204. These situations, the Sixth Circuit explained, make an official’s social-media activity “‘fairly attributable’” to the State. *Id.*, at 1204 (quoting *Lugar v. Edmondson Oil Co.*, 457 U. S. 922, 937 (1982)). And it concluded that Freed’s activity was not.

The Sixth Circuit’s approach to state action in the social-media context differs from that of the Second and Ninth Circuits, which focus less on the connection between the official’s authority and the account and more on whether the account’s appearance and content look official. See, e.g., *Garnier v. O’Connor-Ratcliff*, 41 F. 4th 1158, 1170–1171 (CA9 2022); *Knight First Amdt. Inst. at Columbia Univ. v. Trump*, 928 F. 3d 226, 236 (CA2 2019), vacated as moot *sub nom. Biden v. Knight First Amdt. Inst. at Columbia Univ.*, 593 U. S. ____ (2021). We granted certiorari. 598 U. S. ____ (2023).

II

Section 1983 provides a cause of action against “[e]very person who, *under color of any statute, ordinance, regulation, custom, or usage, of any State*” deprives someone of a federal constitutional or statutory right. (Emphasis added.) As its text makes clear, this provision protects against acts attributable to a State, not those of a private person. This limit tracks that of the Fourteenth Amendment, which obligates *States* to honor the constitutional rights that §1983 protects. §1 (“No *State* shall . . . nor shall any *State* deprive . . . ” (emphasis added)); see also *Lugar*, 457 U. S., at 929 (“[T]he statutory requirement of action ‘under color of state law’ and the ‘state action’ requirement of the Fourteenth Amendment are identical”). The need for governmental action is also explicit in the Free Speech Clause, the guarantee that Lindke invokes in this case. Amdt. 1 (“*Congress* shall make no law . . . abridging the freedom of speech . . . ” (emphasis added)); see also *Manhattan Community Access*

Opinion of the Court

Corp. v. Halleck, 587 U. S. 802, 808 (2019) (“[T]he Free Speech Clause prohibits only *governmental* abridgment of speech,” not “*private* abridgment of speech”). In short, the state-action requirement is both well established and reinforced by multiple sources.¹

In the run-of-the-mill case, state action is easy to spot. Courts do not ordinarily pause to consider whether §1983 applies to the actions of police officers, public schools, or prison officials. See, e.g., *Graham v. Connor*, 490 U. S. 386, 388 (1989) (police officers); *Tinker v. Des Moines Independent Community School Dist.*, 393 U. S. 503, 504–505 (1969) (public schools); *Estelle v. Gamble*, 429 U. S. 97, 98 (1976) (prison officials). And, absent some very unusual facts, no one would credit a child’s assertion of free speech rights against a parent, or a plaintiff’s complaint that a nosy neighbor unlawfully searched his garage.

Sometimes, however, the line between private conduct and state action is difficult to draw. *Griffin v. Maryland* is a good example. 378 U. S. 130 (1964). There, we held that a security guard at a privately owned amusement park engaged in state action when he enforced the park’s policy of segregation against black protesters. *Id.*, at 132–135. Though employed by the park, the guard had been “deputized as a sheriff of Montgomery County” and possessed “the same power and authority” as any other deputy sheriff. *Id.*, at 132, and n. 1. The State had therefore allowed its power to be exercised by someone in the private sector. And the source of the power, not the identity of the employer, controlled.

By and large, our state-action precedents have grappled

¹Because local governments are subdivisions of the State, actions taken under color of a local government’s law, custom, or usage count as “state” action for purposes of §1983. See *Monell v. New York City Dept. of Social Servs.*, 436 U. S. 658, 690–691 (1978). And when a state or municipal employee violates a federal right while acting “under color of law,” he can be sued in an individual capacity, as Freed was here.

Opinion of the Court

with variations of the question posed in *Griffin*: whether a nominally private person has engaged in state action for purposes of §1983. See, e.g., *Marsh v. Alabama*, 326 U. S. 501, 502–503 (1946) (company town); *Adickes v. S. H. Kress & Co.*, 398 U. S. 144, 146–147 (1970) (restaurant); *Flagg Bros., Inc. v. Brooks*, 436 U. S. 149, 151–152 (1978) (warehouse company). Today’s case, by contrast, requires us to analyze whether a *state official* engaged in state action or functioned as a private citizen. This Court has had little occasion to consider how the state-action requirement applies in this circumstance.

The question is difficult, especially in a case involving a state or local official who routinely interacts with the public. Such officials may look like they are always on the clock, making it tempting to characterize every encounter as part of the job. But the state-action doctrine avoids such broad-brush assumptions—for good reason. While public officials can act on behalf of the State, they are also private citizens with their own constitutional rights. By excluding from liability “acts of officers in the ambit of their personal pursuits,” *Screws v. United States*, 325 U. S. 91, 111 (1945) (plurality opinion), the state-action requirement “protects a robust sphere of individual liberty” for those who serve as public officials or employees, *Halleck*, 587 U. S., at 808.

The dispute between Lindke and Freed illustrates this dynamic. Freed did not relinquish his First Amendment rights when he became city manager. On the contrary, “the First Amendment protects a public employee’s right, in certain circumstances, to speak as a citizen addressing matters of public concern.” *Garcetti v. Ceballos*, 547 U. S. 410, 417 (2006). This right includes the ability to speak about “information related to or learned through public employment,” so long as the speech is not “itself ordinarily within the scope of [the] employee’s duties.” *Lane v. Franks*, 573 U. S. 228, 236, 240 (2014). Where the right exists, “editorial control over speech and speakers on [the public employee’s]

Opinion of the Court

properties or platforms” is part and parcel of it. *Halleck*, 587 U. S., at 816. Thus, if Freed acted in his private capacity when he blocked Lindke and deleted his comments, he did not violate Lindke’s First Amendment rights—instead, he exercised his own.

So Lindke cannot hang his hat on Freed’s status as a state employee. The distinction between private conduct and state action turns on substance, not labels: Private parties can act with the authority of the State, and state officials have private lives and their own constitutional rights. Categorizing conduct, therefore, can require a close look.

III

A close look is definitely necessary in the context of a public official using social media. There are approximately 20 million state and local government employees across the Nation, with an extraordinarily wide range of job descriptions—from Governors, mayors, and police chiefs to teachers, healthcare professionals, and transportation workers. Many use social media for personal communication, official communication, or both—and the line between the two is often blurred. Moreover, social media involves a variety of different and rapidly changing platforms, each with distinct features for speaking, viewing, and removing speech. The Court has frequently emphasized that the state-action doctrine demands a fact-intensive inquiry. See, e.g., *Reitman v. Mulkey*, 387 U. S. 369, 378 (1967); *Gilmore v. Montgomery*, 417 U. S. 556, 574 (1974). We repeat that caution here.

That said, our precedent articulates principles that govern cases analogous to this one. For the reasons we explain below, a public official’s social-media activity constitutes state action under §1983 only if the official (1) possessed actual authority to speak on the State’s behalf, and (2) purported to exercise that authority when he spoke on social media. The appearance and function of the social-media activity are relevant at the second step, but they cannot make

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up for a lack of state authority at the first.

A

The first prong of this test is grounded in the bedrock requirement that “the conduct allegedly causing the deprivation of a federal right be *fairly attributable to the State*.” *Lugar*, 457 U. S., at 937 (emphasis added). An act is not attributable to a State unless it is traceable to the State’s power or authority. Private action—no matter how “official” it looks—lacks the necessary lineage.

This rule runs through our cases. *Griffin* stresses that the security guard was “possessed of state authority” and “purport[ed] to act under that authority.” 378 U. S., at 135. *West v. Atkins* states that the “traditional definition” of state action “requires that the defendant . . . have exercised power ‘possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.’” 487 U. S. 42, 49 (1988) (quoting *United States v. Classic*, 313 U. S. 299, 326 (1941)). *Lugar* emphasizes that state action exists only when “the claimed deprivation has resulted from the exercise of a right or privilege having its source in state authority.” 457 U. S., at 939; see also, e.g., *Edmonson v. Leesville Concrete Co.*, 500 U. S. 614, 620 (1991) (describing state action as the “exercise of a right or privilege having its source in state authority”); *Screws*, 325 U. S., at 111 (plurality opinion) (police-officer defendants “were authorized to make an arrest and to take such steps as were necessary to make the arrest effective”). By contrast, when the challenged conduct “entail[s] functions and obligations in no way dependent on state authority,” state action does not exist. *Polk County v. Dodson*, 454 U. S. 312, 318–319 (1981) (no state action because criminal defense “is essentially a private function . . . for which state office and authority are not needed”); see also *Jackson v. Metropolitan Edison Co.*, 419 U. S. 345, 358–359 (1974).

Lindke’s focus on appearance skips over this crucial step.

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He insists that Freed’s social-media activity constitutes state action because Freed’s Facebook page looks and functions like an outlet for city updates and citizen concerns. But Freed’s conduct is not attributable to the State unless he was “possessed of state authority” to post city updates and register citizen concerns. *Griffin*, 378 U. S., at 135. If the State did not entrust Freed with these responsibilities, it cannot “fairly be blamed” for the way he discharged them. *Lugar*, 457 U. S., at 936. Lindke imagines that Freed can conjure the power of the State through his own efforts. Yet the presence of state authority must be real, not a mirage.

Importantly, Lindke must show more than that Freed had *some* authority to communicate with residents on behalf of Port Huron. The alleged censorship must be connected to speech on a matter within Freed’s bailiwick. For example, imagine that Freed posted a list of local restaurants with health-code violations and deleted snarky comments made by other users. If public health is not within the portfolio of the city manager, then neither the post nor the deletions would be traceable to Freed’s state authority—because he had none. For state action to exist, the State must be “responsible for the specific conduct of which the plaintiff complains.” *Blum v. Yaretsky*, 457 U. S. 991, 1004 (1982) (emphasis deleted). There must be a tie between the official’s authority and “the gravamen of the plaintiff’s complaint.” *Id.*, at 1003.

To be clear, the “[*m*]isuse of power, possessed by virtue of state law,” constitutes state action. *Classic*, 313 U. S., at 326 (emphasis added); see also, *e.g.*, *Screws*, 325 U. S., at 110 (plurality opinion) (state action where “the power which [state officers] were authorized to exercise was misused”). While the state-action doctrine requires that the State have granted an official the type of authority that he used to violate rights—*e.g.*, the power to arrest—it encompasses cases where his “particular action”—*e.g.*, an arrest made with excessive force—violated state or federal law. *Griffin*,

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378 U. S., at 135; see also *Home Telephone & Telegraph Co. v. Los Angeles*, 227 U. S. 278, 287–288 (1913) (the Fourteenth Amendment encompasses “abuse by a state officer . . . of the powers possessed”). Every §1983 suit alleges a misuse of power, because no state actor has the authority to deprive someone of a federal right. To misuse power, however, one must possess it in the first place.

Where does the power come from? Section 1983 lists the potential sources: “statute, ordinance, regulation, custom, or usage.” Statutes, ordinances, and regulations refer to written law through which a State can authorize an official to speak on its behalf. “Custom” and “usage” encompass “persistent practices of state officials” that are “so permanent and well settled” that they carry “the force of law.” *Adickes*, 398 U. S., at 167–168. So a city manager like Freed would be authorized to speak for the city if written law like an ordinance empowered him to make official announcements. He would also have that authority even in the absence of written law if, for instance, prior city managers have purported to speak on its behalf and have been recognized to have that authority for so long that the manager’s power to do so has become “permanent and well settled.” *Id.*, at 168. And if an official has authority to speak for the State, he may have the authority to do so on social media even if the law does not make that explicit.

Determining the scope of an official’s power requires careful attention to the relevant statute, ordinance, regulation, custom, or usage. In some cases, a grant of authority over particular subject matter may reasonably encompass authority to speak about it officially. For example, state law might grant a high-ranking official like the director of the state department of transportation broad responsibility for the state highway system that, in context, includes authority to make official announcements on that subject. At the same time, courts must not rely on “excessively broad job descriptions” to conclude that a government employee is

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authorized to speak for the State. *Kennedy v. Bremerton School Dist.*, 597 U. S. 507, 529 (2022) (quoting *Garcetti*, 547 U. S., at 424). The inquiry is not whether making official announcements *could* fit within the job description; it is whether making official announcements is *actually* part of the job that the State entrusted the official to do.

In sum, a defendant like Freed must have actual authority rooted in written law or longstanding custom to speak for the State. That authority must extend to speech of the sort that caused the alleged rights deprivation. If the plaintiff cannot make this threshold showing of authority, he cannot establish state action.

B

For social-media activity to constitute state action, an official must not only have state authority—he must also purport to use it. *Griffin*, 378 U. S., at 135. State officials have a choice about the capacity in which they choose to speak. “[G]enerally, a public employee” purports to speak on behalf of the State while speaking “in his official capacity or” when he uses his speech to fulfill “his responsibilities pursuant to state law.” *West*, 487 U. S., at 50. If the public employee does not use his speech in furtherance of his official responsibilities, he is speaking in his own voice.

Consider a hypothetical from the offline world. A school board president announces at a school board meeting that the board has lifted pandemic-era restrictions on public schools. The next evening, at a backyard barbecue with friends whose children attend public schools, he shares that the board has lifted the pandemic-era restrictions. The former is state action taken in his official capacity as school board president; the latter is private action taken in his personal capacity as a friend and neighbor. While the substance of the announcement is the same, the context—an official meeting versus a private event—differs. He invoked his official authority only when he acted as school board

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president.

The context of Freed’s speech is hazier than that of the hypothetical school board president. Had Freed’s account carried a label (*e.g.*, “this is the personal page of James R. Freed”) or a disclaimer (*e.g.*, “the views expressed are strictly my own”), he would be entitled to a heavy (though not irrebuttable) presumption that all of the posts on his page were personal. Markers like these give speech the benefit of clear context: Just as we can safely presume that speech at a backyard barbecue is personal, we can safely presume that speech on a “personal” page is personal (absent significant evidence indicating that a post is official).² Conversely, context can make clear that a social-media account purports to speak for the government—for instance, when an account belongs to a political subdivision (*e.g.*, a “City of Port Huron” Facebook page) or is passed down to whomever occupies a particular office (*e.g.*, an “@PHuronCityMgr” Instagram account). Freed’s page, however, was not designated either “personal” or “official,” raising the prospect that it was “mixed use”—a place where he made some posts in his personal capacity and others in his capacity as city manager.

Categorizing posts that appear on an ambiguous page like Freed’s is a fact-specific undertaking in which the post’s content and function are the most important considerations. In some circumstances, the post’s content and

²An official cannot insulate government business from scrutiny by conducting it on a personal page. The Solicitor General offers the particularly clear example of an official who designates space on his nominally personal page as the official channel for receiving comments on a proposed regulation. Because the power to conduct notice-and-comment rulemaking belongs exclusively to the State, its exercise is necessarily governmental. Similarly, a mayor would engage in state action if he hosted a city council meeting online by streaming it only on his personal Facebook page. By contrast, a post that is compatible with either a “personal capacity” or “official capacity” designation is “personal” if it appears on a personal page.

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function might make the plaintiff’s argument a slam dunk. Take a mayor who makes the following announcement exclusively on his Facebook page: “Pursuant to Municipal Ordinance 22.1, I am temporarily suspending enforcement of alternate-side parking rules.” The post’s express invocation of state authority, its immediate legal effect, and the fact that the order is not available elsewhere make clear that the mayor is purporting to discharge an official duty. If, by contrast, the mayor merely repeats or shares otherwise available information—for example, by linking to the parking announcement on the city’s webpage—it is far less likely that he is purporting to exercise the power of his office. Instead, it is much more likely that he is engaging in private speech “relate[d] to his public employment” or “concern[ing] information learned during that employment.” *Lane*, 573 U. S., at 238.

Hard-to-classify cases require awareness that an official does not necessarily purport to exercise his authority simply by posting about a matter within it. He might post job-related information for any number of personal reasons, from a desire to raise public awareness to promoting his prospects for reelection. Moreover, many public officials possess a broad portfolio of governmental authority that includes routine interaction with the public, and it may not be easy to discern a boundary between their public and private lives. Yet these officials too have the right to speak about public affairs in their personal capacities. See, *e.g.*, *id.*, at 235–236. Lest any official lose that right, it is crucial for the plaintiff to show that the official is purporting to exercise state authority in specific posts. And when there is doubt, additional factors might cast light—for example, an official who uses government staff to make a post will be hard pressed to deny that he was conducting government business.

One last point: The nature of the technology matters to the state-action analysis. Freed performed two actions to

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which Lindke objected: He deleted Lindke’s comments and blocked him from commenting again. So far as deletion goes, the only relevant posts are those from which Lindke’s comments were removed. Blocking, however, is a different story. Because blocking operated on a page-wide basis, a court would have to consider whether Freed had engaged in state action with respect to any post on which Lindke wished to comment. The bluntness of Facebook’s blocking tool highlights the cost of a “mixed use” social-media account: If page-wide blocking is the only option, a public official might be unable to prevent someone from commenting on his personal posts without risking liability for also preventing comments on his official posts.³ A public official who fails to keep personal posts in a clearly designated personal account therefore exposes himself to greater potential liability.

* * *

The state-action doctrine requires Lindke to show that Freed (1) had actual authority to speak on behalf of the State on a particular matter, and (2) purported to exercise that authority in the relevant posts. To the extent that this test differs from the one applied by the Sixth Circuit, we vacate its judgment and remand the case for further proceedings consistent with this opinion.

It is so ordered.

³On some platforms, a blocked user might be unable even to *see* the blocker’s posts. See, e.g., *Garnier v. O’Connor-Ratcliff*, 41 F. 4th, 1158, 1164 (CA9 2022) (noting that “on Twitter, once a user has been ‘blocked,’ the individual can neither interact with nor view the blocker’s Twitter feed”); *Knight First Amdt. Inst. at Columbia Univ. v. Trump*, 928 F. 3d 226, 231 (CA2 2019) (noting that a blocked user is unable to see, reply to, retweet, or like the blocker’s tweets).

Police Chief DeSchryver

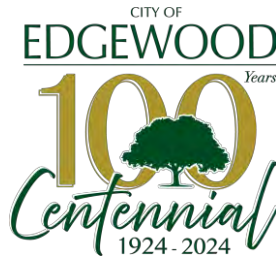
**Edgewood Police Department
City Council Report
February 2024**

	January	February
Residential Burglaries	0	0
Commercial Burglaries	0	0
Auto Burglaries	2	1
Theft	0	3
Assault/Battery	1	0
Sexual Battery	0	0
Homicides	0	0
Robbery	1	0
Traffic Accident	14	13
Traffic Citations	142	110
Traffic Warnings	173	118
Felony Arrests	0	3
Misdemeanor Arrests	4	0
Warrant Arrests	1	3
Traffic Arrests	3	3
DUI Arrests	1	1
Code Compliance Reports	35	27

Department Highlights:

- During February, the Edgewood Police Department Officers and Administrative Staff completed an FMIT Expose Control Training which satisfied both an accreditation standard and a mandatory training required by FDLE.
- In February, Officer Simmons and Officer Baretto completed Phase 2 of their training. Officer Tajada (prior LEO Experience) completed his field training and is now serving as a solo officer.
- On February 9, 2024, Officer Chris Meade was appointed to the West Central PBA Board of Directors.
- From February 19 through February 23, Officer/Accreditation Manager Adam LaFan represented the Edgewood Police Department at the Accreditation Conference in St. Augustine.
- On February 27, Stacey and Haymee attended a meeting with the Orange County Sheriff's Office to prepare for the Annual Torch Run. This year the Torch Run will start and end at the Publix Super Market at Cornerstone at Lake Hart located on Narcoossee Road.

City Clerk Riffle



To: Mayor Dowless, Council President Horn,
Council Members Lomas, Rader, and Steele

From: Sandra Riffle, City Clerk

Date: March 21, 2024

Re: Election and Charter Amendment Questions

Charter Amendment Report

The election held on March 19, 2024, as it applied to Edgewood, was for the Charter referendum only as there was no opposition in the City Council race. All nine ballot questions were approved by the voters.

Primary Election – August 20, 2024

I am requesting Council change the August 20, 2024 Council meeting date so that it will not coincide with the Primary Election which will be held on the same day. As there is nothing on the ballot pertaining to the City, the date can be chosen at the Council's convenience.

MAYOR & CITY COUNCIL REPORTS

Mayor Dowless

Council Member Lomas

Council Member Rader

Council Member Steele

Council President Horn

ADJOURN