

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Thursday, October 11, 2007 at 7:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, Orange City.

4
5 **CALL TO ORDER**

6
7 The Meeting was called to order at 7:00 p.m. by Mayor Erwin and roll call was taken.

8
9 **ROLL CALL**

10
11 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Anthony R. Yebba; Council Members; Jim
12 Mahoney, Donald C. Sherrill, Jeff H. Allebach; Robert A. Storke; Acting City
13 Manager Chester Murray; City Attorney William Reischmann; City Clerk Deborah
14 Renner

15
16 **ABSENT:** Council Member Joelle DeVane; City Manager John McCue

17
18 The Invocation was given by Jim Kerr, City Planner, followed by the Pledge of Allegiance.

19
20 1. **PRESENTATIONS: PROCLAMATION – Sergeant David Drew**

21
22 Mayor Erwin called Sgt. David Drew, U.S. Army National Guard, forward and read a proclamation
23 into the record recognizing him for his service to his fellow citizens and the United States of
24 America while serving two tours of duty in Iraq. The Mayor presented Sgt. Drew with the framed
25 proclamation and an American Flag.

26
27 **PROCLAMATION – City Government Week**

28
29 Mayor Erwin read a proclamation into the record declaring the week of October 21-27 as “City
30 Government Week” and encouraging all citizens and government officials to recognize the
31 important role of City Government in our lives.

32
33 **INTRODUCTIONS – New Hires & Promotions**

34
35 Chester Murray, Acting City Manager, introduced Pennie Traber, the City’s Human Resources
36 Manager. Ms. Traber came forward and introduced new employees hired between October 2006
37 and October 2007, as well as those employees who had received a promotion during this period (see
38 attached list of employees).

39
40 2. **CITIZENS COMMENTS:**

41
42 George Stone, 107 W. Highland, came forward and thanked the voters who voted in the recent
43 Primary Election Mr. Stone commended the Police and Fire Departments for their response to an
44 emergency medical call he made. He thanked both Departments.

45
46 Rebekah O’Riordan, 527 N. Carpenter Avenue, came forward and advised that she has had a

1 problem in her neighborhood with feral cats. She said that she experienced a similar problem two
2 years ago. She said that she reported the problem to animal control and the cats were taken to the
3 humane society. Ms. O’Riordan stated that she trapped fifteen cats and turned them over to animal
4 control, but they were released back into the neighborhood. Francis Peterson, 364 May Street, came
5 forward and said that she is a neighbor of Ms. O’Riordan. She reiterated that this problem has been
6 ongoing for the past two years. Ms. Peterson reported that the cats were being killed by cars on the
7 street. She stated, “Something has got to be done because this has gotten to be just a ridiculous
8 situation and I don’t want to have to keep picking up dead animals.” Mayor Erwin suggested that
9 Ms. Peterson and Ms. O’Riordan make an appointment with the City Manager to explore possible
10 solutions to the problem.

11
12 **3. CONSENT AGENDA:**

13
14 Mayor Erwin removed Item 3-b from the Consent Agenda because of a citizen request to speak on
15 this item.

16
17 Mayor Erwin read the titles of Resolution No.’s 439-07 and 440-07 into the record.

- 18
19 a. Awarding Bid to M & C Tree Service for City-Wide Tree Work
20
21 c. Awarding bid to Militello Contracting for Sidewalk Construction
22
23 d. **RESOLUTION NO. 439-07:** A resolution of the City Council of the City of
24 Orange City, Florida, canvassing the votes and declaring the results of the 2007
25 Primary Election held in the City of Orange City, Florida on October 9, 2007;
26 repealing all resolutions in conflict herewith and providing for an effective date.
27
28 e. **RESOLUTION NO. 440-07:** A resolution of the City Council of the City of Orange
29 City, Florida pursuant to Sections 4.04 and 4.05 of the City Charter listing candidates
30 and certifying the form of ballot for the General Election to be held on November 6,
31 2007, repealing all resolutions in conflict herewith and providing for an effective
32 date.
33

34 **Council Member Sherrill moved to approve the consent agenda,**
35 **seconded by Council Member Storke and passed by unanimous 6/0**
36 **roll call vote of the Council.**

- 37
38 b. Awarding Bid for Engineering for Carpenter Avenue Water Main Replacement

39
40 Vice Mayor Yebba moved to approve Item 3-b, seconded by Council Member Storke.

41
42 Ron Saylor, 361 Dixson Street, came forward and recalled that as a child, he came to Orange City
43 for water from the fountain on Graves. He said that the water was very clean and pure and tasted
44 good. Mr. Saylor said that for the last two years, he has experienced terrible problems with rust in
45 his water to the point where he had to install a filter on the outside meter and that has solved the
46 problem. He said that he was not sure Council understood the magnitude of the problem and

1 presented them with two used filters from his house so they could see for themselves. Mr. Saylor
 2 said that he was told that it was policy that improvements to the water delivery system could not be
 3 made until the funding was made available from water sales revenues, and he suggested that since
 4 Council sets policy, they could also change it. Mr. Murray responded that the proposed project
 5 would address Mr. Saylor’s problems. Mayor Erwin noted that the City is in the process of
 6 “looping” the water system throughout the City and that would greatly reduce problem areas.

7
 8 Council Member Sherrill said that he has been on the Council for six years and had attended
 9 meetings for two years previous to that and that Council had always been reluctant to raise the water
 10 rates. He noted that Council enacted a “pretty hefty” increase last year and that this increase in
 11 revenue would be used to pay for improvements to the aging water system.

12
 13 **Motion passed by 6/0 voice vote of the Council.**

14
 15 **4. ORDINANCES - FIRST READING:** None at this time

16
 17 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

18
 19 **A. ORDINANCE NO. 323:** An ordinance of the City of Orange City, Florida,
 20 amending Section 8.3 of the City’s Land Development Code, said section being the
 21 Official Zoning Map of the City of Orange City, Florida; said amendment changing
 22 the zoning classification of the Villa Grande property, consisting of approximately
 23 8.17 acres of property generally located within the northeast quadrant of Saxon
 24 Boulevard and South Volusia Avenue; from its present zoning classification of (R-
 25 PUD) Residential Planned Unit Development (condominiums) to (R-PUD)
 26 Residential Planned Unit Development (adult apartments); containing a repealer
 27 provision, a severability clause and providing for an effective date.

28
 29 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
 30 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

31
 32 **Council Member Allebach moved to adopt Ordinance No. 323 on**
 33 **second reading, seconded by Vice Mayor Yebba and passed by**
 34 **unanimous 6/0 roll call vote of the Council.**

35
 36 **B. ORDINANCE NO. 327:** An ordinance of the City of Orange City, Florida, vacating
 37 and abandoning a certain portion of the Silverstone Subdivision plat and returning
 38 said plat to acreage, consisting of 5.69 acres, located immediately east of the John
 39 Knox Village Assisted Living Facility, Orange City, Florida; containing a repealer
 40 provision, a severability clause and providing for an effective date.

41
 42 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
 43 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

44
 45 **Council Member Storke moved to adopt ordinance No. 327 on second**
 46 **and final reading, seconded by Council Member Mahoney and passed**

1 **by unanimous 6/0 roll call vote of the Council.**

- 2
- 3 **C. ORDINANCE NO. 328:** An ordinance of the City Council of the City of Orange
4 City, Florida, authorizing a loan from Branch Banking and Trust Company in an
5 aggregate principal amount not to exceed \$400,000; authorizing the execution and
6 delivery of a loan agreement; authorizing the execution and delivery of a note to
7 evidence the City's obligation under the loan agreement, such note to be a limited
8 obligation of the City payable from legally available designated revenues as defined
9 herein; providing for the rights and securities of the owner of the note; designating
10 the note as a bank qualified tax-exempt obligation within the meaning of the internal
11 revenue code; ratifying and confirming the Council's authority to execute the
12 commitment letter with the bank; making certain other covenants and agreements in
13 connection therewith; and providing for an effective date.

14

15 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
16 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

17

18 **Vice Mayor Yebba moved to adopt Ordinance No. 328 on second and**
19 **final reading, seconded by Council Member Storke.**

20

21 Council Member Allebach noted that the maximum amount of the loan authorized by this ordinance
22 has been reduced to \$400,000 from \$800,000 with the difference to be paid from impact fees.

23

24 **Motion passed by unanimous 6/0 roll call vote of the Council.**

25

26 **6. RESOLUTIONS:**

- 27
- 28 **A. RESOLUTION NO. 428-07:** A resolution of the City Council of the City of
29 Orange City, Florida, acknowledging and approving the Master Development Plan,
30 Development Agreement and Site Plan for the Villa Grande (R-PUD) Residential
31 Planned Unit Development, to be constructed on an 8.17 acre parcel, located in the
32 northeast quadrant of South Volusia Avenue and Saxon Boulevard, Orange City,
33 Florida; repealing all resolutions or parts of resolutions in conflict herewith; and
34 providing for an effective date.

35

36 **Vice Mayor Yebba moved to adopt Resolution No. 428-07, seconded**
37 **by Council Member Sherrill.**

38

39 Jim Kerr, City Planner, came forward and noted that Council had previously reviewed and approved
40 the rezoning for this project and that now the site plan is being considered. Mr. Kerr discussed the
41 placement of the buildings and showed drawings depicting the elevations. He noted that faux
42 windows had been included to balance the visual impact of the building. Mr. Kerr discussed the
43 lighting that would be placed throughout the development. He said that staff is recommending
44 approval of Resolution No. 428-07 approving the site plan for the Villa Grande R-PUD subject to
45 the eight recommended conditions. In addition, Mr. Kerr noted that the applicant has requested four
46 departures from code requirements, one of which is in regard to the parking requirements to allow

1 175 parking spaces rather than the 198 required by code. Mr. Kerr advised that staff recommends
2 approval of this departure.

3
4 Council Member Mahoney addressed Departure #1, building height, and questioned whether this
5 would create any issues regarding fire protection. Mr. Kerr responded that the project has been
6 reviewed by the Fire Marshall on two occasions. Mr. Murray advised that the entire building,
7 including the attic, is sprinkled.

8
9 Council Member Mahoney addressed Departure #3 regarding parking spaces and said that a study is
10 referenced that said that only 110 parking spaces are needed, not the 198 required by Code. He
11 maintained that many of the residences will have two or more tenants and that, likely, each of them
12 will have a car. He asked "How comfortable are we with the 175?" Mr. Kerr responded that "Staff
13 is very comfortable with that." Council Member Mahoney noted that there must also be adequate
14 space for visitor parking. Mr. Kerr responded that in many cases over the years, there is more
15 parking than is needed in developments.

16
17 Council Member Storke asked whether the possibility exists that staff could work with the developer
18 to increase the number of parking places in the future if needed. Mr. Kerr responded that it was
19 discussed, and that it would not be an issue. Council Member Storke asked whether there were still
20 plans to put a tree line to act as a visual shield for Terrace Hill Condominiums. Mr. Murray
21 responded that the developer has met with the Terrace Hill Homeowners and an agreement was
22 made to plant some trees which would be maintained in perpetuity on the Terrace Hill property to
23 block any potential site line onto their property.

24
25 Mayor Erwin asked what the price range would be on these dwellings. The developer reiterated that
26 they would be rental units, not for sale, and that rent would range from \$1,250 for the smallest unit
27 to \$1,650 for the largest.

28
29 Council Member Mahoney said, "Again, going back to the parking, when I look at those monthly
30 rentals you're speaking of, I look at that and I conclude that people who can afford that are going to
31 be working. And if they're going to be working, they're going to have vehicles." He reiterated his
32 concern over the number of parking places, questioning again if it is adequate. The developer
33 responded that 84 of the 120 units are one-bedroom and that the target market is a single person in
34 their upper sixties or lower seventies with one car.

35
36 Council Member Storke commended the Developer for their work on this project.

37
38 **Motion passed by unanimous 6/0 roll call vote of the Council.**

- 39
40 **B. RESOLUTION NO. 441-07:** A resolution of the City Council of the City of Orange
41 City, Florida, requesting that the Florida Department of Environmental Protection
42 recognize local zoning laws as part of its permit processing requirements; opposing
43 the Florida Department of Environmental Protection's issuance of any further permit
44 to G.E.L. Corp., for the operation of a C & D Landfill or a Recycling Facility without
45 considering compliance with local zoning regulations; providing for the distribution

1 of this resolution to state and local officials; repeal of prior inconsistent resolutions,
2 severability and an effective date.

3
4 **Council Member Mahoney moved to adopt Resolution No. 441-07,**
5 **seconded by Council Member Storke.**

6
7 BEGIN TAPE 1-B

8
9 Mr. Reischmann explained that the purpose of this resolution is to request that the Florida
10 Legislature amend the Statutes to direct that state agencies consider local codes before granting
11 permits, and to require that the DEP obtain certification that the applicant complies with local land
12 development codes.

13
14 Mayor Erwin suggested that the City must enlist the support of the legislature to enact the proposed
15 legislation. Mr. Reischmann noted that Orange City is not the only City suffering from this
16 situation.

17
18 Vice Mayor Yebba said that he would distribute the Resolution at the Legislative Policy Council
19 meeting tomorrow in Tampa.

20
21 Council Member Mahoney noted the sixth "Whereas" on page 2 of 5, third sentence, should read
22 GEL "Landfill" not GEL "Land." He complimented Mr. Reischmann on "the precision of the
23 'Whereas' clauses" of the Resolution.

24
25 **Motion passed by unanimous 6/0 roll call vote of the Council.**

26
27 **7. DISCUSSION AND ACTION:** None at this time

28
29 **8. REPORTS:**

30
31 A. City Manager

32
33 Chester Murray, Acting City Manager, said that he and staff are available to answer any questions.

34
35 Council Member Storke noted that the clock was not working yesterday. Paul Johnson, Public
36 Works Director, said that he has a call in to the clockmaker, but has not heard back from him yet.
37 Mr. Murray said that the problem appears to be in the pendulum and that the clock does run much of
38 the time, but the time is off. The repairman also needs to reset the cogs to make the clock chime the
39 appropriate number of times at the proper intervals.

40
41 Vice Mayor Yebba noted that work has begun on the 17-92 beautification project. He said that the
42 work is being funded by a grant from DOT.

43
44 B. Mayor/City Council

45
46 Mayor Erwin advised that the River of Lakes Heritage Corridor has submitted an application to have

1 US 17 through Volusia County put on the list of roadways having a “scenic highway” designation.
2 A video of the proposed designated area that was submitted with the application will be shown on
3 Channel 15 on October 14th at 4:30 p.m., October 17th at 7:30 p.m., November 2nd at 10:30 p.m., and
4 November 6th at 10:30 p.m.

5
6 C. City Clerk

7
8 The City Clerk had nothing further to report.

9
10 D. City Attorney

11
12 The City Attorney had nothing further to report.

13
14 Mayor Erwin announced that Mr. Reischmann has been honored by being nominated for “City
15 Attorney of the Year” through the Florida League of Cities. The Mayor advised that another
16 Attorney from Mr. Reischmann’s firm was also nominated.

17
18 9. **APPROVAL OF MINUTES:** September 25, 2007 Regular Meeting

19
20 **Council Member Allebach moved to approve the minutes of the**
21 **September 25th City Council Meeting seconded by Council Member**
22 **Storke and passed by unanimous 6/0 voice vote of the Council.**

23
24 **10. COUNCIL COMMENTS**

25
26 Council Member Sherrill thanked City Staff, especially Angel Smith, for her work recognizing Sgt.
27 Drew. He stated, “Anyone involved in setting that up, I appreciate it.”

28
29 Vice Mayor Yebba noted that some new people were in the audience and he thanked them for
30 coming.

31
32 Council Member Allebach encouraged everyone to get out and vote November 6th. He said that he
33 would like to see a turnout that is not “dismal.”

34
35 Council Member Storke noted that all new sidewalks in the City will now be five feet or greater. He
36 reported that the plan for trails in the County includes a loop that will go around the perimeter of the
37 County and will include 200 miles of continuous trail when complete.

38
39 Council Member Mahoney reported that he “had the privilege of serving on the canvassing board”
40 for the first time after the primary election. He said that he “enjoyed it very much” and that it gave
41 him an appreciation for the respect that the workers contribute to the process. Council Member
42 Mahoney stated, “It was a really nice experience.”

43
44 **11. ADJOURNMENT**

45
46 There being no further business, Mayor Erwin adjourned the meeting at 8:00 p.m.

1 **RESPECTFULLY SUBMITTED:**
2
3
4 Deborah J. Renner, CMC
5 City Clerk

APPROVED ON

October 23, 2007