

1 **MINUTES OF THE REGULAR COUNCIL MEETING** of the City Council of the City of Orange
2 City, Florida, held on Tuesday, January 24, 2017 at 6:30 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 6:30 p.m. by Mayor Blair and roll call was taken.
8

9 **ROLL CALL**

10
11 PRESENT: Mayor Gary A. Blair; Vice Mayor O. William (Bill) Crippen; Council Members; Bill
12 O'Connor, Council Member Anthony Pupello, Council Member Jim Mahoney, Council Member Jeff
13 Allebach, Council Member Evelyn Robinson; City Attorney Bill Reischmann; City Manager Dale
14 Arrington; City Clerk Gloria Thomas.
15

16 **INVOCATION/PLEDGE OF ALLEGIANCE**

17
18 The Invocation was given by Cindy Tocci, Representative of The Journey, followed by the Pledge of
19 Allegiance.
20

21 **1. ABSENCES**

22 None at this time
23

24 **2. PRESENTATIONS/PROCLAMATIONS**

25 A. Curb Appeal Awards -4th Quarter
26

27 Becky Mendez, Development Services Director, explained the details of the Curb Appeal Awards
28 program. She advised nominations for the 1st Quarter of 2017 are now being accepted. Ms. Mendez
29 announced the 2016 4th Quarter Commercial winner as Daleys Bar and Package Store located at 641
30 Volusia Ave owner Tommy Daley accepted the award. The 2016 4th Quarter Residential winners were,
31 Shannon Hawkins and Danger Monsure at 573 Daley St.
32

33 **3. CITIZEN COMMENTS**
34

35 Cassie Sprague, 380 Julia St., introduced herself to the new Council and reported the status of funds
36 raised for a skate park in Orange City. She stated presently, she has raised \$77,000 on her own and
37 reiterated the \$30,000 the Council previously promised her. The ECHO grant that she has been waiting
38 for has been delayed until the end of the year. Ms. Sprague announced she will plan three fund raiser
39 events this year. One event will be held on Collins birthday. Mayor Blair inquired about the date and
40 location of that event. Ms. Sprague replied, no venue has been scheduled yet. She stated she would keep
41 the Council apprised.
42

43 Richard and Ola Cutman, 585 Summer Avenue, came forward and voiced their objections concerning a
44 possible drug rehab program planned for the The Alling House location.
45

46 Mayor Blair recommended the Cutmans discuss their concerns with Ms. Mendez on this matter.

1 Ms. Arrington clarified stating that interested parties were directed to speak with neighbors of the Alling
2 House to obtain how they would feel about a drug rehab program in their neighborhood. She apologized
3 that this caused a concern.

4
5 Council Member Pupello asked if other citizens would like to speak on this matter.

6
7 Mr. Reischmann advised that the City has not yet received an application for the Alling House property.
8 If there is a concern as to what kind of business would operate at that location it will be addressed then.

9
10 Diane and Mark Woods, property owners near Alling House came forward and recalled that several
11 years ago cabins were built on the back end of the Alling property, which is adjacent to their property. A
12 barrier dividing the two properties should have been built at that time. The Woods delivered strong
13 objections to a drug rehab center at this location.

14
15 Mr. Reischmann recommended the Woods discuss their concerns with Ms. Mendez, Development
16 Services Director.

17 18 **4. CONSENT AGENDA**

- 19
20 A. City Surplus
21 B. Request -African American Heritage Festival, Everybody is Somebody, Inc.
22 C. Minutes January 10, 2017
23

24 **Council Member Pupello moved to approve the Consent Agenda, seconded**
25 **by Council Member O'Connor and passed by a 7/0 roll call vote of the City**
26 **Council.**

27 28 **5. ORDINANCES – FIRST READING**

- 29
30 A. **Ordinance No. 567** An Ordinance of the City of Orange City, Florida, amending the official
31 zoning map for 152.38 acres owned by Orange Dale Venture LLC and Orangedale Plat
32 Right-of-Way from Volusia County Urban Single Family Residential (R-4) to Mixed
33 Planned Unit Development (MPUD) for property known as Parc Hill; adopting the Master
34 Development Plan; providing for conflict; providing for severability and providing for an
35 effective date.
36

37 Mr. Reichmann read the title of Ordinance No. 567 into the record.

38
39 **Vice Mayor Crippen moved to adopt Ordinance No. 567 on first reading,**
40 **seconded by Council Member Allebach**

41
42 Mr. Reichmann noted that this is a quasi-judicial matter and any ex-parte communication shall be
43 disclosed. Mayor Blair disclosed he spoke with the developer after a Planning Commission meeting.
44 Council Member O'Connor stated Mr. Watts called him; Mr. Watts also called Vice Mayor Crippen to
45 say he would be late. Council Member Allebach stated that Mr. Watts called him also but just about
46 moving the agenda item not about the presentation.
47

1 Council Member Pupello and Council Member Mahoney stated they both received an email from Mr.
2 Watts in reference to some questions but neither responded.

3
4 Mr. Reischmann reminded everyone, the decision of the council will be for compliance purposes of this
5 application and the factors of the Land Development Code.

6
7 Becky Mendez, Director of Development Services, provided a detailed PowerPoint presentation
8 discussing the rezoning of the Parc Hill Property (a copy of which is attached and will become a
9 permanent part of these minutes). The Parc Hill property consists of 152 acres located on Veteran
10 Memorial Parkway, north of Kohl's, south of Shadow Ridge and east of Breezewood. The current
11 zoning is Volusia County Urban Single Family (R-4) which will allow 724 single family dwellings on
12 5,000 square ft. lots.

13
14 On December 7th the Planning Commission voted to forward the application to the City Council for
15 approval with 5 conditions. She discussed the conditions in detail. Ms. Mendez advised that if the
16 property is rezoned to a Mixed Use Planned Unit Development (MPUD) it will consist of 370 single
17 family and 400 multifamily residential units, 130 assisted living units and 25,000 square feet on non
18 residential areas. Ms. Mendez provided Council with a revised preliminary plan and explained in detail
19 the changes and requirements for the rezoning proposal.

20
21 Ms. Mendez described the permitted uses, the different phases and development standards of the
22 rezoning plan. She noted that the sign and preliminary plans were included in the agenda packet. The
23 sign plan will be negotiated due to additional signage needs. The property will be served by central
24 water, sewer and reclaimed water for irrigation. The traffic access and impacts include 3 connections to
25 Veteran's Memorial Parkway, Junior Street, as well as a southbound right turn and eastbound turn lane
26 at the Harley Strickland Blvd and Junior Street intersection.

27
28 Ms. Mendez continued to explain the changes that are needed on local streets to accommodate the
29 impact of public growth. She defined Proportionate Fair Share agreements as a method for developers
30 to get through concurrency when a transportation network does not have capacity to accommodate new
31 growth. It allows you to look at necessary transportation projects. She discussed the various
32 transportation improvements the developer has agreed to.

33
34 Council Member Mahoney asked if there was a process by which the projects were prioritized. Ms.
35 Mendez replied there was not. She suggested that would depend on the costs of the projects and what
36 Council's priorities may be.

37
38 Council Member O'Connor questioned whether a traffic signal would be installed on 6th Street. He
39 expressed concern that no traffic signal is being considered for the Junior Street and Harley Strickland
40 Blvd. Ms. Mendez noted that the rule of thumb for signalized intersections is ¼ mile or 1300 linear feet
41 apart. There are already two traffic signals on Harley Strickland Blvd. The best alternative would be to
42 have an access agreement with Kohl's property owners to allow a connection at their north property line
43 between the Goodwill and Kohl's shopping plazas. She noted that widening Harley Strickland is
44 another alternative that will be discussed when negotiating the Proportionate Fair Share Agreement with
45 the developer.

46
47 Council Member Pupello asked several questions with regard to the traffic impact analysis. He voiced
48 his concerns about the "horrible" traffic conditions on Harley Strickland Blvd.

1 Council Member Mahoney observed that the proposed rezoning may bring the daily trips to 7500 trips
2 but that does not necessary mean the trips going through Breezewood would increase. Ms. Mendez
3 agreed stating that a model and trip distribution study is just an estimate which is why the county traffic
4 engineer requested that the residential traffic control be delayed.

5
6 Council Member Mahoney clarified that the traffic generation study would be done prior to
7 development. Ms. Mendez responded in the affirmative stating that a Proportionate Fair Share
8 agreement would be negotiated before the developer is allowed to subdivide or put a shovel in the
9 ground.

10
11 Ms. Arrington noted that when the Growth Management Act began it was customary to have
12 infrastructure in place before moving forward with a land development plan. However, that prevented
13 development from moving forward because the existing backlogs could not be dealt with. The law
14 changed to allow local governments to collect impact fees when issuing a building permit or certificate
15 of occupancy and the monies generated was saved until there was enough money to make road
16 improvements.

17
18 Proportionate Fair Share agreements became popular in 2011. Developers were allowed to pay all the
19 monies, at one time, into a proportionate fair share agreement in lieu of paying impact fees each time a
20 building permit was pulled. However, it is still not enough to make road improvements. Pipelining
21 became important because local governments could combine proportionate fair share monies together to
22 do road improvements. While this does not alleviate the government from having to address the backlog
23 when the funding becomes available, it does enable improvements in real time as opposed to waiting 10
24 to 20 years.

25
26 Next, Ms. Mendez explained the rezoning criteria that Council must consider. She advised that staff is
27 requesting approval on first reading with the following conditions; accept the Planning Commissions
28 approval with a revised development agreement and preliminary plan; authorize staff to coordinate the
29 PUD rezoning with Volusia Growth Management Commission (VGMC); schedule second and final
30 reading after VGMC clearance is requested; and the development agreement shall be executed and
31 recorded in the Volusia County Official Records within six (6) months of approval.

32
33 Mark Watts, Attorney, Cobb & Cole, East New York Ave, came forward and thanked staff for the work
34 they did on this project. He talked about the difficulties the property owner has had over the past year.
35 He concurred with the details of the project and explained the benefits and opposition to extend Junior
36 Street to Harley Strickland Blvd. Mr. Watts concluded by stating that he was available to answer any
37 further questions the Council may have.

38
39 In response to a question from Council Member O'Connor, Mr. Watts advised that he is affiliated with a
40 similar project in Alachua County. A lengthy discussion about property that is not included the
41 development began. Mr. Watts explained the process to acquire said properties.

42
43 Andy Aims, with LTG described the traffic analysis portion of the presentation to the Council. Mr.
44 Aims discussed the amount of trips that have gone above the capacity of the existing facility and the
45 amount of trips that have gone into the new capacity.

46
47 Mayor Blair opened the public hearing by asking if anyone wished to speak. There being no requests to
48 speak the Mayor closed the public hearing.

1 **Motion passed on the first reading with a 7/0 roll call vote of the**
2 **City Council**

3
4 The Mayor recessed the meeting at 8:48 p.m., reconvening at 8:57 p.m.
5

6 **6. PUBLIC HEARING/ORDINANCE - SECOND READING**
7

- 8 A. **Ordinance No. 568** An Ordinance of the City Council of the City of Orange
9 City, Florida, establishing a temporary moratorium within the jurisdictional limits
10 of the City of Orange City; adopting findings of fact; prohibiting any and all
11 medical cannabis activities during the moratorium period including the growing,
12 cultivation, processing, manufacture, dispensing, distribution, and sale of medical
13 cannabis, low-THC cannabis, derivative products, and related activities; directing
14 staff to develop proposed unified land development code provisions and other
15 recommendations regarding such cannabis related activities; providing for
16 penalties, severability, conflicts, and an effective date.
17

18 Mr. Reichmann read the title of Ordinance No. 568 into the record.
19

20 **Vice Mayor Crippen moved to adopt Ordinance No. 568 on second and**
21 **final reading, seconded by Council Member O'Connor, Motion passed**
22 **by a 7/0 roll call vote of the City Council.**
23

24 **7. RESOLUTIONS** none at this time
25

26 **8. DISCUSSION & ACTION**
27

- 28 A. Water Quality Improvements Looping 2 and 8 Easements
29

30 Migdalia Hernandez, Public Works Director, gave a detailed explanation of the Looping 2 and 8
31 easements. She asked Council if they had any questions.
32

33 **Council Member Allebach moved to approve Water Quality**
34 **Improvements Looping 2 and 8 Easements, seconded by Vice Mayor**
35 **Crippen and passed by a 7/0 roll call vote of the City Council.**
36

- 37 B. DEP Agreement Number LP64202-General Appropriations Act Grant
38

39 Migdalia Hernandez Public Works Director, and Raul Palenzuela, City Engineer, presented the General
40 Appropriations Act Grant. Ms Hernandez reported, in 2015 the City applied for a grant for stormwater
41 storage at Mill Lake. The City was awarded the funds from State legislature.
42

43 Mr. Palenzuela asked Council to disburse the grant funds in order to begin the project. Mr. Palenzuela
44 presented the locations where the drains will be placed throughout the City. He asked council for
45 approval in order to move forward with the Mill Lake Project.
46

47 Council Member Allebach asked Ms. Arrington where the designated areas of approval were located.
48 Ms. Arrington requested approval of the construction grant agreement with the Department of

1 Environmental Protection (DEP) and to spend the \$1.6 million on the shallower lines with the \$500,000
2 option of the lift station recommended by staff.

3
4 **Council Member O'Connor moved to accept the General Appropriations**
5 **Act Grant as presented, seconded by Vice Mayor Crippen and passed with**
6 **a 7/0 roll call vote of the City Council**

7
8 **Council Member Allebach moved to approve the Grant option**
9 **recommended by City staff for \$1.6 million, seconded by Vice Mayor**
10 **Crippen, and passed by a 7/0 roll call vote of the City Council**

11
12 **9. REPORTS**

13
14 None at this time

15
16 A. Mayor/City Council

17
18 Mayor Blair reported that he attended the H2O project in New Smyrna Beach, the Historic Preservation
19 Board meeting, and the Volusia Manufacturers Associations tour. He stated that he was on the radio
20 show and reviewed this meeting agenda. Mayor Blair stated that he met with Dr. Jones, University High
21 Principal last week. He announced the EMS event on Friday at University High, the Faith Based
22 Community Breakfast on Thursday and the Deltona Center Groundbreaking. He mentioned the Florida
23 League Dinner, The Manatee Festival, Mayors Fitness Challenge and Team Volusia had their annual
24 meeting. Mayor Blair disclosed Bottom Line, a Florida report, which ranked Orange city number nine in
25 the state as a great place to start a business.

26
27 Council Member Allebach announced his TPO meeting will be on Wednesday.

28
29 Vice Mayor Crippen noted the River of Lakes meeting will be held in two or three weeks.

30
31 B. City Manager

32
33 None at this time

34
35 C. City Clerk

36
37 Ms. Thomas announced, Council will receive an email inviting them to a Group photo shoot. She asked
38 Council for a quick response. Ms. Thomas announced that she circulated a signup sheet for any council
39 member that wished to work the City table at the Manatee Festival.

40
41 Mayor Blair requested to have all board meetings with agendas are placed on council member's
42 calendars.

43
44 D. City Attorney

45
46 Mr. Reischmann provided each council member with their certificates of completion for the Government
47 in the Sunshine course.

48

1 **10. NEW BUSINESS**

2
3 Vice Mayor Crippen asked for clarification of the issues the neighbors of the Alling House had. Ms.
4 Arrington responded that staff suggested to the people who are considering purchasing the Alling House
5 to speak with the neighbors.
6

7 Council Member O'Connor requested a letter in support for expanding the Veterans Out Patient Center.
8 He noted the lease is almost expired. Ms. Arrington asked for the contact information.
9

10 Council Member Pupello suggested that it may be too late for a letter of support as another party may
11 have already purchased the building. Ms. Arrington stated that she would research the purchase of the
12 Veterans Out Patient Center.
13

14 **11. APPROVAL OF MINUTES**

15
16 None at this time
17

18 **12. COUNCIL COMMENTS**

19
20 Council Member Pupello commented, great job, Orange City is a place to be, a lot of construction will
21 begin in the City and there is always room for improvement.
22

23 Council Member Robinson stated she was glad to see some of the things happening in the city.
24

25 Council Member Allebach remarked that Orange City was on the cutting edge in the late 90s by using
26 the term mixed use. He reminded everyone that the Manatee Festival will be open at 9 a.m. this
27 weekend. He thanked City staff for everything they have done.
28

29 Vice Mayor Crippen complimented the amazing quality and caliber of City staff. He stated all staff did
30 a great job on their presentations.
31

32 Council Member O'Connor stated that his decision about the Parc Hill rezoning was difficult to make
33 but the City was in need of growth.
34

35 Council Member Mahoney agreed with Council Member O'Connor.
36

37 Mayor Blair reiterated he went to Cape Canaveral and saw Bob Graham speak who gave him a copy of
38 his book "How regular people get involved with their cities."
39

40 **13. ADJOURN**

41
42 There being no further business to discuss, Mayor Blair adjourned the meeting at 9:43 p.m.
43

44 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

45
46 _____
47 Melani Brown, Deputy City Clerk
48

February 14, 2017
Date