

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, June 12, 2018 at 6:30 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3
4 **CALL TO ORDER**

5
6 The meeting was called to order at 6:30 p.m. by Mayor Blair and roll call was taken.

7
8 **ROLL CALL**

9
10 **PRESENT:** Mayor Gary A. Blair; Vice Mayor O. William (Bill) Crippen; Council Members: Bill
11 O'Connor, Jeff Allebach, Anthony J. Pupello, Evelyn Robinson, Jim Mahoney; City Attorney William
12 Reischmann; City Manager Dale Arrington; City Clerk Gloria Thomas.

13
14 **INVOCATION/PLEDGE OF ALLEGIANCE**

15
16 The Invocation was given by Reverend Tracy Lunquist, Mosaic Unitarian Universalist Congregation.

17
18 **1. ABSENCES:** None at this time

19
20 **2. PRESENTATIONS/PROCLAMATIONS:**

21
22 **A. Historic Preservation Board Program**

23
24 Kerry Donaway, Chair and Ted Marsolek, Vice-Chair of the Historic Preservation Board came forward
25 to provide Council with an update on the activities of the Board. Mr. Marsolek and Ms. Donaway noted
26 the goals and reported on the permits that have been applied for due to the new Historic Home Demolition
27 Ordinance No. 572 that passed in 2017.

28
29 Vice Mayor Crippen thanked the Historical Preservation Board for their efforts and help to protect and
30 preserve the historical homes in the City.

31
32 **3. CITIZEN COMMENTS:**

33
34 Donald Sandford, 455 W. Lansdowne, came forward and expressed his concern that Council Member
35 Pupello does not live at the residence he has registered with the City Council. Council Member Pupello
36 responded that in fact the address on record is his residence.

37
38 Ms. Arrington noted that she has had prior conversations with Mr. Sandford pertaining this issue. Council
39 Member Pupello has listed his home with the City Clerk at the address on Montclair Ave. It is his formal
40 residence, and it is the same address where he is registered to vote.

41
42 Mr. Reischmann advised that Section 2.09 of the City Charter states that any member of the City Council
43 shall be a registered elector in the City. Each member of the City Council shall reside in the City for at
44 least one year prior to the date in which he qualified to run for office. Council members shall reside in
45 their respective districts. He noted that if there were evidence to merit an investigation and/or hearing
46 Council Member Pupello is entitled to due process.

47
48 Sharon Stafford, 461 S. Clark St., came forward and announced that the summer feeding program is being
49 held at 289 E. Blue Springs Ave. Ms. Stafford reported that breakfast will begin at 9:00 a.m. to 9:45 a.m.

1 and lunch 11:00 a.m. to 11:45 a.m. She asked for volunteers to help entertain the children in the 2 hours
2 between meals.

3
4 **4. CONSENT AGENDA:**

- 5
6 A. FY 2017/2018 Mid-Year Budget Amendment - Resolution No. 908-18
7 B. Contract Award – Park Improvement for Coleman Park, Phase II
8 C. ECHO Grant for Colin’s Dream at Coleman Park – Resolution No. 906-18
9 D. Approve May 22, 2018 Regular Meeting Minutes

10
11 **Council Member Mahoney moved to approve the Consent Agenda, seconded by**
12 **Vice Mayor Crippen, motion passed by a 7/0 roll call vote of the City Council.**

13
14 **5. ORDINANCES – FIRST READING:**

- 15
16 A. **Ordinance No. 601** An ordinance of the City Council of the City of Orange City,
17 Florida, amending the Official Zoning Map by changing the zoning classification of
18 property located at 1800 East Graves Avenue, consisting of 19.69 acres, from mixed
19 use suburban (MX-2) to planned unit development (PUD); approving the PUD Master
20 Development Plan; repealing all ordinances or parts of ordinances in conflict herewith;
21 and providing for an effective date.

22
23 Mr. Reischmann read the title of Ordinance No. 601 into the record. He noted that this is a quasi-judicial
24 matter and asked that any ex-parte communications be disclosed at this time. He noted for the record
25 there were no disclosures.

26
27 **Council Member Allebach moved to approve Ordinance No. 601, seconded by Vice**
28 **Mayor Crippen.**

29
30 Becky Mendez, Development Services Director, reported that the applicant requested a rezoning from the
31 City’s MX-2 zoning classification to a Planned Unit Development (PUD) for the mentioned property. Ms.
32 Mendez noted that the site is currently developed with 175 mobile homes. Mobile home dwelling units
33 are not allowed in the MX-2 zoning classification. Therefore, the park is currently a non-conforming use
34 and is not eligible for building permits for new or replacement structures.

35
36 Ms. Mendez advised that the current owner of the park purchased the property in 2003 and wishes to
37 rezone to make it compliant with the Land Development Code in order to make improvements to the site.
38 The rezoning includes a draft Development Agreement between the City and the Owner that establishes
39 the 175 mobile home site as a conforming use and provides maintenance and development standards for
40 future construction for the park.

41
42 Ms. Mendez stated that on May 2, 2018, the Planning Commission voted unanimously to forward the
43 rezoning to the City Council for approval with the following conditions:

- 44 1. Approve the Development Agreement, as drafted.
45 2. The Development Agreement shall be executed and recorded in the Volusia County Official
46 Records, with any recommended changes, as well as any changes requested by the City Council,
47 within 6 months of approval.
48 3. Unit 166 is an unsafe structure and must be removed within 30 days of this rezoning approval.
49

1 She stated that staff recommends that the City Council accept the Planning Commission recommendation
2 and approve the PUD rezoning, at first reading, with the conditions stipulated and schedule second and
3 final reading on June 26, 2018.

4
5 Gil Odjick Jr., Lot #167 Land O'Lakes, voiced his concern about the rat infested lot next to his property
6 and trees damaged by hurricanes.

7
8 Council Member Allebach asked whether other mobile parks in the City requested the same rezoning
9 reclassification and were successful. Ms. Mendez replied that she has not heard any complaints from the
10 residents of those parks.

11 Council Member O'Connor commented that since the City was responsible for approving the original
12 zoning, the City should be responsible for approving the new rezoning.

13
14 Council Member Pupello stated that he appreciates the direction staff has taken with this application.

15
16 **Motion passed with a 7/0 roll call vote of the City Council.**

- 17
18 B. **Ordinance No. 602** An ordinance of the City Council of the City of Orange City,
19 Florida, amending the official zoning map by changing the zoning classification of
20 property located at 2000 North Volusia Avenue, consisting of 20 acres, from general
21 commercial restricted (CG-1) to Planned Unit Development (PUD); approving the
22 PUD Master Development Plan; repealing all ordinances or parts of ordinances in
23 conflict herewith; and providing for an effective date.

24
25 Mr. Reischmann read the title of Ordinance No. 602 into the record and noted for the record that this is a
26 quasi-judicial matter. He asked that any ex-parte communications be disclosed at this time and noted for
27 the record there was none.

28
29 **Vice Mayor Crippen moved to approve Ordinance No. 602, seconded by Council**
30 **Member O'Connor.**

31
32 Ms. Mendez reported that the applicant requests a rezoning from the City's CG-1 zoning classification to
33 a PUD for the property owned by Candlelight Mobile Home Park, LLC. Ms. Mendez stated that the site
34 is developed with 108 mobile home sites and the Tropi Shack restaurant. She noted that mobile home
35 dwelling units are not allowed in the CG-1 zoning classification. Therefore, the mobile home park is
36 currently a non-conforming use and is not eligible for building permits for new or replacement structures.

37
38 Ms. Mendez reported that the property owner purchased the property in 1998 and wishes to rezone to
39 make it compliant with the Land Development Code so that the tenants may apply for building permits.
40 The rezoning includes a draft Development Agreement between the City and the Owner that establishes
41 the 108 mobile home sites and the restaurant as a conforming use and provides maintenance standards for
42 the park. The Development Agreement includes language that allows the 10 acre vacant portion of the
43 property to develop under the regulations and requirements of the current CG-1 zoning classification.

44
45 Ms. Mendez reported that on May 2, 2018, the Planning Commission voted unanimously to forward the
46 rezoning application to the City Council for approval with the following conditions:

- 47 1. Approve the Development Agreement, as drafted.

2. The Development Agreement shall be executed and recorded in the Volusia County Official Records, with recommended changes, as well as any changes requested by the City Council, within 6 months of approval.

She stated that staff recommends that the City Council accept the Planning Commission recommendation and approve the PUD rezoning, at first reading, with the conditions stipulated and schedule second and final reading on June 26, 2018.

Michael Woods, Cobb Cole Law firm, stated that he was available for any questions that the Council may have concerning the application.

William Brain, 2000 N. Volusia Ave., stated that it is important to change the zoning of the property to allow the residents the freedom to fix any damages caused by hurricanes.

Motion passed with a 7/0 roll call vote of the City Council.

C. **Ordinance No. 603** An ordinance of the City of Orange City, Florida, annexing 4.06 acres of certain real property into the corporate limits, and including all surrounding rights-of-way located at 1425 E. Graves Avenue; repealing all ordinances or parts of ordinances in conflict herewith, providing a severability clause, and for an effective date.

Mr. Reischmann read the title of Ordinance No. 603 into the record.

Council Member Mahoney moved to approve Ordinance No. 603, seconded by Council Member Allebach.

Ms. Mendez stated that this is the first reading of a voluntary petition to annex into the City. She reported that the property is 4.06 acres, it is compact contiguous and it meets the statutory requirements for a voluntary annexation. The current future land use is County Urban Low Intensity and the current zoning is County Transitional Agriculture A-4. The property is currently vacant and undeveloped and would increase the City’s ad-valorem revenue base by \$381.00.

Ms. Mendez stated that following second and final reading of the annexation ordinance, staff intends to process an administrative Future Land Use Map amendment from County Low Impact Urban (LIU) to City Mixed Use (MX) designation and a rezoning from County Transitional Agriculture (A-4) to City Mixed Use Suburban (MX-2). She stated that staff request Council approves Ordinance No. 603 at first reading and schedule the second and final reading for June 26, 2018.

Motion passed with a 7/0 roll call vote of the City Council.

6. PUBLIC HEARINGS/ SECOND READING

None at this time

7. RESOLUTIONS:

None at this time

1 **8. DISCUSSION AND ACTION:**

2
3 None at this time

4
5 **9. REPORTS:**

6
7 **A. Mayor/City Council**

8
9 Mayor Blair reported that he attended the Elected Official's Round Table meeting and the ½ cent sales
10 tax was discussed. He stated that Ms. Arrington has all of the notes pertaining to that meeting. He reported
11 that he attended the NAACP banquet, the FLiCRA, Florida Life Care Residents Association at John Knox
12 Village and a ribbon cutting at DPT, Direct Physical Therapy with Council Members Allebach and
13 O'Connor and Vice Mayor Crippen. He attended the employee luncheon, the Volusia League of Cities
14 Award Banquet and Casi Sprague received the Citizen of the Year Award.

15
16 **B. City Manager**

17
18 Ms. Arrington reported that the County Council voted to conduct an intermediate traffic impact fee study
19 that would be complete in 120 days. The County Council is considering doing a special election in the
20 March/April time frame if they resolve the impact fee issue and they may be asking cities to contribute a
21 portion of the balloting cost for conducting a special election. Ms. Arrington stated that they also discussed
22 the additional \$25,000 homestead exemption that will be on the November ballot. She noted the effect it
23 would have on all properties within the City as the tax burden is shifted from people who own their homes
24 to those that do not own their homes.

25
26 **C. City Clerk**

27
28 Ms. Thomas reported that the election qualifying will begin at noon on Monday June 18 and end Friday
29 June-22.

30
31 **D. City Attorney**

32
33 Mr. Reischmann reported that Amendment One will have an impact on citizens that have homes with
34 lower taxable values. He noted that there will be a benefit for homeowners with more expensive homes as
35 the tax burden will shift to those property owners with less expensive homes.

36
37 **10. NEW BUSINESS:**

38
39 None at this time

40
41 **11. APPROVAL OF MINUTES** See Consent Agenda

42
43 **12. COUNCIL COMMENTS:**

44
45 Council Member Pupello appreciated those that came out to the meeting.

46
47 Council Member Robinson is thankful that the rain stopped so that the meeting could continue.

48

1 Council Member Allebach was happy to see that the City could be accommodating without giving away
2 the farm. He stated that the City needs to be actively pursuing activities that enable businesses and people
3 to produce and make the City better.

4
5 Vice Mayor Crippen reported that there was a representative from River of Lakes in Sanford present. He
6 advised that construction of the remainder of trail around Lake Monroe will begin in 2 weeks.

7
8 Council Member O’Connor thanked those that stayed for the meeting and wished everyone a Happy
9 Father’s Day.

10
11 Council Member Mahoney wished everyone a good evening.

12
13 Mayor Blair wished everyone a Happy Father’s Day. He noted that Thursday is Flag Day.

14
15 **13. ADJOURN:**

16
17 There being no further business to discuss, Mayor Blair adjourned the meeting at 08:58 p.m.

18
19 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

20
21 _____
22 Melani Beringer, Deputy City Clerk

Date

23