

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, October 22, 2019 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 Bill O’Connor; Council Members O. William (Bill)
11 Crippen, Jeff Allebach, Jim Mahoney, Kelli Marks, Martin Harper; City Attorney Bill Reischmann; City
12 Manager Dale Arrington; City Clerk Gloria Thomas.

13
14 **INVOCATION/PLEDGE OF ALLEGIANCE**

15
16 The Invocation was given by Riaz Qureshi- Islamic Center of Deltona, followed by the Pledge of
17 Allegiance.

18
19 **1. ABSENCES:**

20
21 None at this time.

22
23 **2. PRESENTATIONS/PROCLAMATIONS:**

24
25 None at this time.

26
27 **3. CITIZEN COMMENTS:**

28
29 None at this time.

30
31 **4. CONSENT AGENDA:**

- 32
- 33 A. Contract Award Financial Consulting Services for Non-Ad Valorem Fees (M101-19)
- 34 B. Resolution No. 976-19Vacate a 5-acre Portion of Lake Fountain Highlands
- 35 C. Approve September 25, 2019 Regular Meeting Minutes
- 36

37 **Vice Mayor O’Connor moved to approve the Consent Agenda, seconded by**
38 **Council Member Mahoney, the motion passed by unanimous 7/0 roll call vote of**
39 **the City Council.**

40
41 **5. ORDINANCES – FIRST READING:**

- 42
- 43 A. **Ordinance No. 618** An Ordinance of the City Council of the City of Orange City,
44 Florida, amending the official zoning map for approximately 4.33 acres located at 1420
45 North Volusia Avenue from Commercial General, CG-1, to City Planned Unit
46 Development (PUD) for the project known as DeLand Motorsports; adopting the Master
47 Development Plan; repealing all ordinances or parts of ordinances in conflict herewith;
48 and providing for an effective date.
- 49

1 Mr. Reischmann read the title of Ordinance No. 618 into the record. He noted that this was a quasi-judicial
2 matter and any ex-parte communications must be disclosed at this time. He noted for the record, there
3 were none.

4
5 Becky Mendez, Development Service Director, provided a PowerPoint presentation (a copy of which is
6 attached and becomes a permanent part of these minutes.) Ms. Mendez reported that the request is a
7 rezoning from the current city Commercial General 1(CG1) to a Business Planned Unit Development
8 (BPUD). She noted that the rezoning is to allow the sales of automobile, motorcycles, boats and the like,
9 which is not a permitted use in the current zoning classification. The applicant has requested a BPUD to
10 allow the use to occur.

11
12 Ms. Mendez described the previous and future actions, the preliminary plan, and the rezoning review
13 criteria.

14
15 Ms. Mendez stated that staff recommends Council approve Ordinance No. 618 at first reading with the
16 following conditions:

- 17 1. Approve the Development Agreement as drafted.
- 18 2. The Development Agreement shall be executed and recorded within 6 months of final approval.

19
20 Mr. Reischmann clarified for the record, the unusual circumstances regarding this matter. Ordinance No.
21 618 was originally heard and approved, at first reading, on September 24, 2019 and because the matter
22 was not properly noticed this is a repeat first reading. Council members have not had any ex-parte
23 communications outside of the previous or this public hearing.

24
25 **Council Member Crippen moved to approve the Ordinance No. 618, seconded by**
26 **Vice Mayor O'Connor, the motion passed by a 7/0 roll call vote of the City**
27 **Council.**

- 28
29 B. **Ordinance No. 621** An Ordinance of the City Council of the City of Orange City,
30 Florida, providing for adoption of a small scale comprehensive plan amendment
31 changing the future land use map designation of certain property located at 1351 North
32 Volusia Avenue (Parcel Number 8003-00-00-0700) from Volusia County Commercial
33 (COM), Urban Medium Intensity (UMI), Urban Low Intensity (ULI), to Orange City
34 Commercial General (CG); repealing all ordinances or parts of ordinances in conflict
35 herewith; and providing for an effective date.

36
37 Mr. Reischmann read the title of Ordinance No. 621 into the record. He noted for the record that this a
38 legislative matter.

39
40 Ms. Mendez provided a PowerPoint presentation (a copy of which is attached and becomes a permanent
41 part of these minutes). Ms. Mendez reported on the history of the future land designations for this property,
42 the previous actions, the existing and proposed development yield, and the future land use review criteria.

43
44 Ms. Mendez stated that staff recommends Council approval at first reading and authorize staff to transmit
45 the small scale amendment to the Volusia Growth Management Commission (VGMC) with the following
46 condition: Ordinance 621 cannot be adopted unless rezoning the property to MX-2, is also approved.
47 Second reading will be scheduled after the VGMC review period is completed.

48
49 Valarie Grub, property owner came forward to thank Council for their reconsideration on this matter.

1 Julie Mendez, stated that she lives on Carpenter Ave. across the street from the Dunton property. She
2 stated that she is opposed to the Dunton property changing to a commercial zoning. Ms. Mendez stated
3 her concerns about the traffic that is already present on the street.

4
5 Ms. Mendez noted that in the case of a development being built on the property a traffic analysis would
6 be conducted beforehand.

7
8 A discussion ensued between the Council and Ms. Mendez that entailed zoning the back half of the Dunton
9 property to a PUD, compatibility examples, the surrounding residential neighborhood, walkability benefits
10 of commercial zoning, residential and property owners concerns, consistency and compatibility, zoning
11 classifications, and future rules of the PUD.

12
13 Mr. Reischmann reminded Council that the agenda item is for a comprehensive plan amendment and that
14 staff's recommendation is to approve a comprehensive plan future land use with an added condition.

15
16 A discussion ensued that entailed the compatibility zoning, proper buffering, and the like for like zoning
17 from the County to the City.

18
19 Steven Sanders, 623 Swan Range Road came forward to state concerns about possible road damage as a
20 result of commercial zoning in residential areas. He stated that a plan should be in place to control speeding
21 in the residential neighborhoods.

22
23 Julie Mendez stated that the neighborhood is residential and should stay that way.

24
25 **Vice Mayor O'Connor moved to amend the Ordinance No. 621 to change 4.4 acres**
26 **to city commercial and 5.1 acres to city residential low, seconded by Council**
27 **Member Marks, the motion passed by a 4/3 roll call vote of the City Council with**
28 **Council Members Allebach, Crippen and Mayor Blair voting "no."**

- 29
30 C. **Ordinance No. 622** An Ordinance of the City Council of the City of Orange City,
31 Florida, amending the official zoning map of the City of Orange City; said amendment
32 changing the zoning classification of certain property located at 1351 North Volusia
33 Avenue (Parcel 8003-00-00-0700) from Volusia County General Commercial (b-4), and
34 Urban Single-family Residential (r-4) to Orange City Mixed Use Suburban (mx-2);
35 repealing all ordinances or parts of ordinances in conflict herewith; and providing for an
36 effective date.

37
38 Mr. Reischmann read the title of Ordinance No. 622 into the record. He noted for the record that this was
39 a quasi-judicial matter and the companion to Ordinance No. 621.

40
41 Ms. Mendez provided a PowerPoint presentation (a copy of which is attached and becomes a permanent
42 part of these minutes.) She reported that the Volusia County zoning of the property did not follow Orange
43 City's future land use designations. Ms. Mendez noted that there were three future land use designations
44 on the property and only two County zoning classifications. She stated that the proposal is to take the
45 whole nine and a half acres to MX-2, which requires any development to come back as a planned unit
46 development.

47
48 Ms. Mendez provided previous actions and the rezoning review criteria. She stated that staff recommends
49 Council find the Official Zoning Map amendment consistent with the concurrent Future Land Use

1 Amendment (FLUM), Ord 621. Ms. Mendez stated that second reading will be scheduled after VGMC
2 review of Ordinance 621 is completed.

3
4 A discussion ensued between Council and Ms. Mendez that entailed the details of traffic routes through
5 the residential neighborhood.

6
7 Julie Mendez came forward to provide a recommendation to ease potential traffic patterns off of Carpenter
8 Ave. and onto 17-92.

9
10 Valarie Grub, came forward to ask for clarification about the recommended zoning changes.

11
12 Ms. Mendez stated that a decision has not been made as of yet. Staff's recommendation for the front 4.2
13 acres is MX-2. This recommendation will be determined by the Council votes.

14
15 Council Member Mahoney stated that if the recommendation of the Planning Commission was to zone
16 the first 2 parcels commercial and the rear parcel residential, then you would not be supporting the MX-2
17 designation.

18
19 Mr. Reischmann recommended that Council refer to the Land Development Code. He provided the options
20 available for the Council to consider.

21
22 **Council Member Mahoney moved to return Ordinance No. 622 to the Planning**
23 **Commission based on the changes that were enacted in Ordinance No. 621, seconded**
24 **by Council Member Harper.**

25
26 A discussion ensued that pertained to the zoning classification recommendations by the Planning
27 Commission.

28
29 **The motion passed by a 6/1 roll call vote of the City Council, with Council Member**
30 **Allebach voting "no."**

31
32 **6. PUBLIC HEARING/ORDINANCES SECOND & FINAL READING:**

33
34 None at this time.

35
36 **7. RESOLUTIONS:**

- 37
38 A. **Resolution No. 970-19** A Resolution of the City Council of the City of Orange City,
39 Florida, authorizing a site plan for a 68-unit development located at 12 W. Lake Drive;
40 providing for conditions of approval; repealing all resolutions or parts of resolutions in
41 conflict herewith; and providing for an effective date.

42
43 Mr. Reischmann read the title of Resolution No. 970-19 into the record.

44
45 Ms. Mendez provided a PowerPoint presentation (a copy of which is provided and becomes a permanent
46 part of these minutes.) She advised that Resolution No. 970-19 is a site plan application to begin
47 construction at Valencia Landing in John Knox Village. Ms. Mendez reviewed the background of the
48 application. She provided the site plan, concurrency review and review criteria.

49

1 Ms. Mendez stated that staff recommends Council approve Resolution 970-19, and find that the site plan
2 application meets the criteria of Section 7.5.3, Land Development Code and is consistent with the
3 comprehensive plan with the following conditions:

- 4 1. The site plan and construction drawings shall be revised to comply with the Notice of Intent (NOI) to
5 Issue Development Order dated August 27, 2019, except as otherwise amended by this resolution.
- 6 2. The proposed Right-of-Way vacation application (VACA-07-19-1555) shall be approved by City
7 Council prior to issuance of a development order.

8
9 Vice Mayor O'Connor noted that he sits on the John Knox Village board in a non-compensatory position.
10 Mr. Reischmann noted for the record that pursuant to Chapter 112, this is not a voting conflict.

11
12 **Council Member Harper moved to approve Resolution No. 970-19, seconded by**
13 **Council Member Crippen, the motion passed by a 7/0 roll call vote of the City**
14 **Council.**

- 15
16 B. **Resolution No. 983-19** A Resolution of the City Council of the City of Orange City,
17 Florida, adopting a revised building permit fee schedule to include private provider
18 administrative fees; repealing all resolutions or parts of resolutions in conflict herewith;
19 and providing for an effective date.

20
21 Mr. Reischmann read the title of Resolution No. 983-19 into the record.

22
23 Ms. Mendez provided a PowerPoint presentation (a copy of which is provided and becomes a permanent
24 part of these minutes.) Ms. Mendez reported that the State of Florida amended the Florida Building Codes
25 Act, Section 553.791 of the Florida Statutes during their 2019 legislative session. She stated that this
26 section allows permit applicants to request plan review and inspections to be performed by a private
27 provider, and not the local building official.

28
29 Ms. Mendez stated this resolution is a request to amend the building permit fee schedule and add a
30 reasonable administrative fee. She stated that staff suggests the following fee adjustments:

- 31 • \$0.95 per thousand total valuation for residential permits (\$0.50 for issuing certificates of
32 occupancy/completion, and \$0.45 for monitoring the records)
- 33 • \$2.37 per thousand total valuation for commercial permits (\$1.75 for issuing certificates of
34 occupancy/completion, and \$0.62 for monitoring the records)

35
36 Ms. Mendez stated that staff recommends Council approval of Resolution No. 983-19 to amend the permit
37 fee schedule to add private provider administrative fees.

38
39 Council Member Crippen asked if the purpose of this was to expedite the permitting process.

40
41 Ms. Mendez replied that the purpose is to charge a fee for the building official to be able to review the
42 building permits properly. The fee is implemented to reimburse the private contract provider for the
43 services.

44
45 Mr. Reischmann stated that this change is an attempt to capture reimbursement for the work that the City
46 does associated with development.

47

1 **Vice Mayor O'Connor moved to approve Resolution No. 983-19, seconded by**
2 **Council Member Crippen, the motion passed by a 7/0 roll call vote of the City**
3 **Council.**

4
5 **8. DISCUSSION AND ACTION:**

6
7 A. Technical Rescue Team Interlocal Agreement between Deltona, Orange City and
8 DeLand Fire Departments

9
10 Ronnie Long, Fire Chief, provided a PowerPoint presentation (a copy of which is attached and becomes
11 a permanent part of these minutes.) He reported that a Fire Department report on the Technical Rescue
12 Agreement between the cities of Deltona, Orange City and Deland was previously presented to City
13 Council. He advised that the agreement would provide an avenue for specialized rescue services. Chief
14 Long stated that the cities of Deltona, Orange City and Deland desire to work in conjunction to respond
15 to unique and/or complex rescue situations within their jurisdiction or when deployed by the State of
16 Florida.

17
18 Chief Long stated that staff recommends approval of the Technical Rescue Team Agreement between the
19 cities of Deltona, Orange City and Deland Fire Departments.

20
21 **Council Member Allebach moved to approve the Technical Rescue Team**
22 **Interlocal Agreement, seconded by Council Member Harper, the motion passed**
23 **by a unanimous voice vote of the City Council.**

24
25 B. Presentation Detailing the Removal and Changes of Website Content

26
27 Matt Place, Information Technical Manager, delivered a PowerPoint presentation (a copy of which is
28 attached and becomes a permanent part of these minutes.) Mr. Place provided updates relating to ADA
29 compliance of the City's website. Mr. Place reported the background of ADA compliance, the corrective
30 actions taken to assure compliance of the website, and the additional changes needed for compliance.

31
32 Mr. Place stated that the City is in need of ADA compliance training. He stated that the goal is to train
33 one employee per department to review documents before forwarding to IT for posting. An Adobe Acrobat
34 software update will be needed for the assigned employee.

35
36 Mr. Place reviewed security and safeguards, including the steps taken in order to maintain secure internet
37 practice, information transfers and the intranet. Mr. Place reviewed Cloud computing and the benefits of
38 using the cloud.

39
40 Ms. Arrington stated that this item was brought forward at the request of Vice Mayor O'Connor who
41 requested that the City adopt an ADA Resolution. Ms. Arrington requested either to maintain the current
42 status of the City's website or to return to the original layout. The original layout would require more
43 resources to ensure ADA compliance.

44
45 Ms. Arrington asked Council for guidance moving forward.

46
47 Vice Mayor O'Connor stated that his recommendation is to produce a Resolution that states the City is
48 doing what it can to make the website ADA compliant.

49

1 A discussion ensued between Council that entailed the details for going forward.

2
3 Mr. Reischmann asked Council if they wanted an ADA Resolution drafted.

4
5 **It was the consensus of the City Council to have an ADA Resolution drafted.**

6
7 Council Member Harper requested that as technology develops the City continue to upgrade its policies.

8
9 Mr. Place requested a second Resolution is drafted to ask the Department of Justice to clarify the ADA
10 guidelines.

11
12 **It was the consensus of the City Council to draft a second Resolution as suggested.**

13
14 C. City Logos and Seal

15
16 Danielle FitzPatrick, Public Information Coordinator, described a PowerPoint presentation (a copy of
17 which is attached and becomes a permanent part of these minutes.) Ms. FitzPatrick provided a brief history
18 of the City Seal, a partial timeline of various City logos, and the current logo compared to the City seal
19 used on official city documents.

20
21 Ms. FitzPatrick stated that staff recommends Council select one seal to be used as the official City seal.
22 Staff can present several variations of the logo chosen, at a later date. Once Council selects an official
23 seal, staff will draft an ordinance allowing the City to designate an official municipal seal.

24
25 Vice Mayor O'Connor commented about the possible cost of changing the official seal.

26
27 Mr. Reischmann advised that the purpose of choosing an official City seal is protection from facsimile or
28 altered misleading documents.

29
30 A discussion ensued that entailed a character for the logo, the history, the wording, the process of creating
31 a new seal, and using the current seal.

32
33 Council Member Marks recommended using the existing seal to protect the City's interest at this time and
34 present a new seal at another future date.

35
36 **Council Member Harper moved to adopt the 2014 version of the City seal as the**
37 **Official Seal of the City of Orange City, seconded by Council Member Marks,**
38 **motion passed by a unanimous voice vote of the City Council.**

39
40 **9. REPORTS:**

41
42 **A. City Manager**

43
44 Ms. Arrington reported that due to heavy rain, the Police department flooded. The Country and Blue Grass
45 Festival was cancelled due to the rain on Saturday, and a new special event authorization will be presented
46 in the near future. An electrical panel at Well #1 is shut down until future notice due to the storm. Ms.
47 Arrington noted that the City may need to purchase another generator due to the storm.

48

1 Ms. Arrington reported that the Volusia County Legislative Delegation will be at the DeBary Hall on
2 November 20, 2019. The City’s request for funding for water outfitting in the CRA will be presented at
3 this time. Ms. Arrington requested Council attend the event.
4

5 Ms. Arrington reported that last year \$50,000 was budgeted for a facility plan. That amount will fund a
6 public safety facilities analyzation. She suggested Council consider allowing the analyzers to prepare a
7 scope and cost to fund the original study, for all facilities. Council authorized Ms. Arrington to go forward
8 with the original study.
9

10 Ms. Arrington reported on the traffic issues near the schools in the P.M. hours. She stated that the City
11 will meet with school board staff on Thursday to discuss the service of the Police department directing
12 traffic during peak traffic hours. She noted that the City will recommend the School Board contribute to
13 the funding of the police officers.
14

15 A discussion ensued that pertained to “quid pro quo” of the school board, the length time the board will
16 need police officer assistance, the traffic pattern and the change of the time scheduling.
17

18 Tim Lawrence, 430 Howard Ave., teacher at River Springs Middle School, stated that the time change is
19 causing a lot of these traffic problems. He stated that once the parents learn the process then the traffic
20 issue will subside.
21

22 Ms. Arrington announced that she will be taking off a couple days the first week in November.
23

24 **B. City Clerk**
25

26 Ms. Thomas announced that the Legislative conference is scheduled on Council’s calendars. Ms. Thomas
27 referred to Council Member Crippen’s comment about the year 1882 being on the City seal. She reported
28 that in August 25, 1882 the citizens voted to incorporate however, the legislature did not approve it until
29 May 30, 1889.
30

31 **C. City Attorney**
32

33 No report at this time.
34

35 **10. NEW BUSINESS:**
36

37 None at this time.
38

39 **11. APPROVAL OF MINUTES:** See the Consent Agenda
40

41 **12. COUNCIL & MAYOR’S COMMENTS AND REPORTS**
42

43 Council Member Mahoney referred to Agenda Item 5B. He recalled a controversial vote some time ago
44 where everyone wanted him to vote “no” but he voted “yes.” He suggested there is a tendency to
45 emphasize growth, sometimes at the expense of the existing population. He felt that the applicant did not
46 have a right to a single commercial zoning, when there are other options. He stated he has no problem
47 defending the interest of an existing resident and their needs.
48

1 Vice Mayor O'Connor agreed with Council Member Mahoney comments. He said it was good
2 conversation at tonight's meeting. The Vice Mayor stated that while sitting on the dais it is important to
3 remember common courtesy and not make comments while others are speaking and to wait for your turn
4 to speak. Each member has their own opinions however, each member is here to serve the City
5 professionally.

6
7 Council Member Marks thanked Mr. Place for his hard work accommodating the website to be ADA
8 compliant. She thanked staff for their assistance concerning the traffic issue near the schools. She reported
9 that the playground dedication to Evelyn Robinson was excellent. She is looking forward to the Country
10 and Blue grass festival. She stated that she will not be able to attend the Halloween block party due to
11 other engagements. She reported that the Legislative Delegation on November 20th falls on her birthday.

12
13 Council Member Harper thanked everyone who stayed until the end of the meeting. He reported that the
14 dedication to Evelyn Robinson was wonderful. Council Member Harper stated that he will be attending
15 the East Central Florida Regional Resilience agreement signing ceremony in Orlando tomorrow.

16
17 Council Member Allebach commented that the storm also affected his high school reunion in downtown
18 DeLand. He stated there are challenges with Mother Nature that are not always fixable. Council Member
19 Allebach reported that he attended the park dedication for Evelyn Robinson. He stated that he will not be
20 attending the Halloween Block Party as he will be out of town for a convention.

21
22 Council Member Allebach reported that the TPO will be working on the Veterans Memorial parkway
23 improvements.

24
25 Council Member Crippen reported that he will be attending the Halloween Block Party. He reported that
26 the River of Lakes Heritage corridor dedicated an interpretive panel, paid for by the Stetson Institute, for
27 Water and Environmental Resilience. This panel will feature information about William Bartram's trail
28 on one side and the River of Lakes Heritage Corridor on the other side. He stated that the bike traffic from
29 Blue Spring will flow into the City.

30
31 Council Member Crippen reported that he attended the Evelyn Robinson park dedication. He reported that
32 he has received compliments about Mill Lake Park.

33
34 Mayor Blair reported that he attended the University High School of Government meeting. He attended
35 the Mayors Round Table. The subjects discussed were the census, bike trails and the Fire Consolidation.
36 Mayor Blair stated that he attended the park dedication for Evelyn Robinson and the River of Lakes
37 interpretive plaque dedication. He noted that his home was changed to an MX zoning classification and
38 he welcomed the change. The Mayor reported that he will be attending the East Central Florida Regional
39 Resilience agreement signing ceremony with Council Member Harper.

40
41 **13. ADJOURN:**

42
43 Council Member Crippen moved to adjourn the City Council meeting, seconded by Vice Mayor
44 O'Connor, the meeting was adjourned by a unanimous voice vote of the City Council.

45
46 There being no further business, Mayor Blair adjourned the meeting at 9:56 p.m.

47 **RESPECTFULLY SUBMITTED:**

48
49 _____
50 Melani Beringer
CMC, Deputy City Clerk

APPROVED ON:

11-12-2019

Date