MINUTES OF THE REGULAR MEETING of the City Council of the City of Orange City, Florida, held on Wednesday, September 09, 2019 at 6:30 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

CALL TO ORDER

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

ROLL CALL

PRESENT: Mayor Gary A. Blair; Vice Mayor Bill O'Connor; Council Members: Jim Mahoney, Martin Harper, Jeff Allebach; City Attorney William Reischmann; City Manager Dale Arrington; City Clerk Gloria Thomas.

TELEPHONICALLY PRESENT: Council Members Kelli Marks, O. William (Bill) Crippen and Martin Harper

INVOCATION/PLEDGE OF ALLEGIANCE

The Invocation was given by Council Member Harper, followed by the Pledge of Allegiance.

I. SPECIAL PUBLIC HEARING ON ADOPTION OF MILLAGE RATE AND BUDGET FOR FISCAL YEAR 2020/2021

Mayor's Opening Comment:

The City of Orange City intends to adopt a millage rate and budget for Fiscal Year 2020/2021. The rolled-back rate is 7.3387 and the proposed millage rate is 7.8332 mills which is 6.74% above the rolled-back rate as provided by the Property Appraiser of Volusia County.

First Reading of Budget & Millage Ordinances:

A. **ORDINANCE NO. 635** An Ordinance of the City Council of the City of Orange City, Florida, certifying the millage rate for fiscal year 2020-2021 on all taxable property located within the City of Orange City, Volusia County, Florida; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability and providing for an effective date.

B. **ORDINANCE NO. 636** An Ordinance of the City Council of the City of Orange City, Florida, adopting the Annual Budget for the 2020-2021 Fiscal Year beginning October 1, 2020, and ending September 30, 2021; authorizing subsequent amendments by resolution; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability and providing for an effective date.

Mr. Reischmann read the titles of Ordinances 635 and 636 into the record.

Amended

Staff Presentation

Christine Davis, Finance Director, provided a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes) that described the FY 2020/2021 budget development.

Ms. Davis discussed the impact of economic unknowns resulting from the COVID-19 pandemic on the proposed budget, which includes significant reductions in revenue projections, and "soft-frozen" non-essential vacancies. She noted that operating requests were reduced by $366K, capital requests were reduced by $491K, no new positions were included, and a $948K transfer-in from General Fund reserves was included in the proposed budget.

Ms. Davis provided a brief history of the budget activities to date, as well as the budget goals identified at the Strategic Planning Workshop held on February 2020. She explained the ad valorem taxable value for properties in the City, and gave a summary comparison of all funds, including the Project Fund.

Ms. Davis stated that the major funds are the General Fund, Utility Enterprise Fund, Stormwater Enterprise Fund and the CRA Fund. Other funds include the Impact Fee Fund, Forfeiture Fund, Solid Waste Special Assessment Fund, Shadow Ridge Street Lighting District and Briarwood South Streetlight District.

Ms. Davis reported on the following items that are included in the budget:

- Sponsorships & Contributions ($7,500)
- Pledge to the Neighborhood Center ($15K)
- Special Events ($61K)
- Replacement IT Hardware ($17K)
- Streets & Sidewalks ($209K)
- Debt Service Payment ($286K)
- Contingency Fund ($75K)
- COVID-19 Stabilization Fund ($403K)

Ms. Davis stated that operating, capital outlay and new position requests were not included into the budget. She listed the re-appropriated line items resulting from the decisions made in the August, 2020 Budget Workshop.

Ms. Davis provided a millage overview that described the ad valorem taxable value, new taxable value, and average taxable value.

Open Special Public Hearing

Mayor Blair opened the public hearing by asking if anyone wanted to speak for or against Ordinance Numbers 635 and 636. Seeing no one the Mayor closed the public hearing.

Close Special Public Hearing

Council Discussion

Amended

Council Member Mahoney stated that he is pleased with the recommended budget, it is a reflection of the times and the City is acting appropriately.

Vice Mayor O'Connor agreed and stated that he was glad to see the items that were added such as the 2% COLA.

Council Member Allebach agreed with council member's comments and stated that he too was pleased with the recommended budget.

Council Member Marks agreed with Council commenting that she appreciated all the hard work from staff to construct the budget.

Council Member Harper agreed with Council.

Council Member Crippen agreed with Council and applauded staff's hard work.

Mayor Blair stated that this has been the smoothest budget process due to staff's excellent job generating the budget.

II. ADOPTION OF THE MILLAGE RATE AND BUDGET FOR FISCAL YEAR 2020/2021 ON FIRST READING

A. Ordinance No. 635 (Millage Ordinance) is voted on first

Vice Mayor O'Connor moved to approve Ordinance No. 635, seconded by Council Member Mahoney, the motion passed by a 7/0 roll call vote of the City Council.

B. Ordinance No. 636 (Budget Ordinance) is voted on second

Vice Mayor O'Connor moved to approve Ordinance No. 636, seconded by Council Member Allebach, the motion passed by a 7/0 roll call vote of the City Council.

III. ANNOUNCEMENT OF PROPOSED MILLAGE RATE

Mayor's Closing Comment

The City of Orange City's proposed millage rate for fiscal year 20/21 is 7.8332 mills which is above the rolled-back rate of 7.3387 as provided by the Property Appraiser of Volusia County and reflects an increase of 6.74% in ad valorem taxes. The final budget hearing will be held on Tuesday, September 22, 2020 at 201 N. Holly Ave. at 6:30 p.m.

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End special public hearing and resume regular meeting format.

Amended

1. ABSENCES:

None at this time.

2. PRESENTATIONS/PROCLAMATIONS:

A. Presentation: Third Quarter Curb Appeal Awards

Ms. Mendez stated that the winners of the Third Quarter Curb Appeal Awards will be presented with a Certificate of Award, $50.00 Gift Card and a yard sign posted in the front yard. She announced the commercial winner as First Quality Plumbing, 746 N Volusia Avenue and the residential winner as Judy Beebe, 246 N Oak Avenue.

3. CITIZEN COMMENTS:

Betty Ulcam, a city resident, came forward and provided Council with a video that showed loud music coming from the bar Dales Ales. She stated that the bar is directly behind her home and the music can be heard at all hours of the day and night. Ms. Ulcam provided a petition signed by residential neighbors. (a copy of which is attached an becomes a permanent part of these minutes.) She requested Council's assistance to enforce the City's noise ordinance in this situation.

Richard Warren, came forward to speak his frustrations regarding the loud music coming from Dales Ales.

Donna Cobb, Historic Preservation Board Chair, announced a new app called Clio. The new app provides the user with locations to historic homes based on the user's location.

4. CONSENT AGENDA:

A. Amendment 5 To Work Order No. 100-19 CEI Services for B061-0-2018; Blue Springs Nutrient Reduction (Holly Avenue Project).
B. August 25, 2020 Regular Meeting Minutes

Council Member Crippen moved to approve the Consent Agenda, seconded by Council Member Marks, the motion passed by unanimous roll call vote of the City Council.

5. ORDINANCES – FIRST READING:

A. **Ordinance No. 631** An ordinance of the City Council of the City of Orange City, Florida, amending the official zoning map for 26.34 acres located at 2250 state road 472 from mixed use suburban (MX-2) to city planned unit development (PUD) for the project known as The Crossings; adopting the master development plan; repealing all ordinances or parts of ordinances in conflict herewith; and providing for severability and an effective date.

Amended

Mr. Reischmann read the title of Ordinance No. 631 into the record. He advised that all ex-parte communication must be revealed at this time. Mr. Reischmann noted for the record there were no disclosures.

Ms. Mendez came forward to provide a PowerPoint presentation (a copy of which is provided and becomes a permanent part of these minutes.) Ms. Mendez reported that Ordinance No. 631, also known as The Crossings, is a proposed Planned Unit Development (PUD) to allow 31,187 square feet of neighborhood commercial use, 13,600 square feet of office use, a 100-room hotel, and 288 multi-family units on approximately 26 acres.

Ms. Mendez noted that the property holds a Mixed Use Activity Center (MXAC) future land use (FLU) designation, which allows up to 40 dwelling units per acre and a 3.0 Floor Area Ratio of nonresidential building square footage. She stated that the MXAC FLU and the Mixed Use Suburban (MX-2) existing zoning classification requires a rezoning to a PUD before any development can begin.

Ms. Mendez stated that on August 5, 2020, the Planning Commission voted to find the rezoning consistent with the Comprehensive Plan and recommended forwarding to the City Council for approval with one condition. The condition is included as an amendment to the Development Agreement (page 4, section E) regarding the preservation of two historic trees located on the property.

Ms. Mendez discussed the existing conditions, The Crossing Mixed PUD, commercial building elevations, multifamily building elevations, rezoning review criteria, transportation and utilities LOS, and solid waste parks and schools.

Vice Mayor O'Connor voiced his concerns regarding traffic issues throughout the Kentucky Ave. intersections and roadways. A discussion ensued regarding the future traffic concerns that could result from the Amazon distribution center and the increase of traffic on Kentucky Ave.

Council Member Marks asked Ms. Mendez if this was a roadmap leading to the first steps before a plan for construction. Ms. Mendez replied that the rezoning establishes the next steps.

Ms. Mendez stated that staff request Council accept the recommendation of the Planning Commission and approve Ordinance No. 631 with the amended PUD Development Agreement at first reading and schedule a second and final reading on September 22, 2020.

The applicant came forward to thank staff and Council. He addressed the Council's concerns regarding traffic issues.

Mayor Blair opened the public hearing for comments, seeing no one, Mayor Blair closed the public hearing.

Council Member Crippen moved to approve Ordinance No. 631 at first reading, seconded by Council Member Allebach the motion passed by a 7/0 roll call vote of the City Council.

6. PUBLIC HEARING/ORDINANCES SECOND & FINAL READING

Amended

None at this time.

7. RESOLUTIONS

A. **Resolution No. 118-20** A resolution of the City Council of the City of Orange City, Florida, granting a conditional use to allow 130 multiple family units on 15 acres located at 2841 Enterprise Road and zoned general commercial (CG-2); repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

Mr. Reischmann read the title of Resolution No. 118-20 into the record. He noted that this was a quasi-judicial matter and that ex-parte communication must be revealed at this time.

Council Member Allebach noted that he spoke with the engineer regarding this project. Mr. Reischmann questioned whether Council Member Allebach will make his decision tonight based on the evidence presented. Council Member Allebach responded in the affirmative.

Ms. Mendez provided a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes.) Ms. Mendez stated that this is a Conditional Use application for a proposed 130-unit multi-family development on 15-acres located at 2841 Enterprise Road.

Ms. Mendez reported on the background of the property, the applicant proposal, architectural renderings, and the conditional use criteria.

Ms. Mendez stated that staff recommends Council approve the conditional use with the following conditions:

1. The conditional use site plan meets the sketch plan criteria of section 7.3.1 LDC. The applicant is authorized to submit application for Site Plan approval, which shall generally comply with the conditional use site plan attached and dated June 26, 2020.
2. This conditional use approval satisfies the Planning Commission and City Council review and approval process requirements for the future site plan application, sections 7.5.2 and 7.5.3, LDC, so long as the site plan generally complies with this conditional use plan attached and dated June 26, 2020.
3. The applicant must produce the reservation certificate of school capacity at the time of site plan application. The site plan shall comply with the lot and building requirements for multi-family dwellings in the R-3 zoning district, except that the minimum floor area for one bed/one bath units is 600 square feet and the minimum separation provided between buildings shall be designed in accordance FBC current edition – Chapter 5, and NFPA 1 and NFPA 101.
4. The applicant must provide a copy of the Volusia County USE permit prior to issuance of a site plan Development Order.

A representative for the applicant came forward to thank staff and Council.

Vice Mayor O'Connor voiced his concerns regarding the increase in traffic that could result from the school bus stops in front of the property.

Amended

Council Member Mahoney moved to approve Resolution No. 118-20, seconded by Council Member Allebach, the motion passed by at 6/1 roll call vote of the City Council, with Vice Mayor O'Connor voting "no."

B. **Resolution No. 121-20** A resolution of the City Council of the City of Orange City, Volusia County, Florida, appointing two members to the Orange City Historic Preservation Board seat 4 and 5; and reappointing Donna Cobb to seat 1; repealing all resolutions or parts of resolutions in conflict herewith; and providing an effective date.

Mr. Reischmann read the title of Resolution No. 121-20 into the record.

Council Member Mahoney moved to approved Resolution No. 121-20, seconded by Council Member Marks.

Melani Beringer, Deputy City Clerk, stated that 3 seats were available on the Historic Preservation Board. She stated that staff recommends Council appoint the recommended candidates for the board.

The motion passed by a 7/0 roll call vote of the City Council.

C. **Resolution No. 122-20** A resolution of the City of Orange City, Florida, relating to the collection and disposal of solid waste and recovered materials in the City of Orange City, Florida; reimposing solid waste service assessments against residential property located within the City of Orange City, Florida, for the fiscal year beginning October 1, 2020; approving the rate of assessment; approving the solid waste assessment roll; and providing an effective date.

Mr. Reischmann read the title of Resolution No. 122-20 into the record.

Ms. Davis stated that the annual rate Resolution No. 122-20 will certify the annual solid waste assessment and rate for tax year 2020. She stated that staff recommends Council adopt Resolution No. 122-20, as presented.

Council Member Mahoney moved to approve Resolution No. 122-20, seconded by Vice Mayor O'Connor, the motion passed by a 7/0 roll call vote of the City Council.

D. **Resolution No. 123-20** A resolution of the City of Orange City, Florida, relating to the provision of stormwater management services; confirming the preliminary rate resolution; imposing stormwater service assessments against certain real property within the incorporated area of the City of Orange City established as the stormwater service area for the fiscal year beginning October 1, 2020; approving the stormwater service assessment roll; and providing an effective date.

Mr. Reischmann read the title of Resolution No. 123-20 into the record.

Council Member Mahoney moved to approve Resolution No. 123-20, seconded by Vice Mayor O'Connor.

Amended

Ms. Davis stated that the annual rate Resolution No. 123-20 being presented will certify the annual stormwater assessment roll and rate for tax year 2020. She stated that staff recommends Council adopt Resolution No. 123-20, as presented.

The motion passed by a unanimous roll call vote of the City Council.

E. **Resolution No. 124-20** A resolution of the City of Orange City, Florida, relating to the provision of street lighting services, facilities and programs throughout the Shadow Ridge Street Lighting Assessment Area; providing authority and definitions; approving the updated street lighting assessment roll; providing for the reimposition of the street lighting assessments; providing for collection of the assessments pursuant to the uniform assessment collection act; providing for the effect of this resolution; providing severability and an effective date.

Mr. Reischmann read the title of Resolution No. 124-20 into the record.

Council Member Mahoney moved to approve Resolution No. 124-20, seconded by Vice Mayor O'Connor.

Ms. Davis stated that annual rate Resolution No. 124-20 being presented will certify the annual Shadow Ridge Street Lighting assessment roll and rate for tax year 2020. She stated that staff recommends Council approval of Resolution No. 124-20 as presented.

The motion passed by a unanimous roll call vote of the City Council.

F. **Resolution No. 125-20** A resolution of the City of Orange City, Florida, relating to the provision of street lighting services, facilities and programs throughout the Briarwood South Street Lighting Assessment Area; providing authority and definitions; approving the updated street lighting assessment roll; providing for the reimposition of the street lighting assessments; providing for collection of the assessments pursuant to the uniform assessment collection act; providing for the effect of this resolution; providing severability and an effective date.

Mr. Reischmann read the title of Resolution No. 125-20 into the record.

Council Member Mahoney moved to approve Resolution No. 125-20, seconded by Council Member Allebach.

Ms. Davis stated that annual rate Resolution No. 125-20 being presented will certify the annual Briarwood South Street Lighting assessment roll and rate for tax year 2020. She stated that staff recommends Council approval of Resolution No. 125-20 as presented.

The motion passed by a unanimous roll call vote of the City Council.

G. **Resolution No. 126-20** A resolution of the City of Orange City, Florida, relating to the state revolving fund program; authorizing the application; authorizing the agreement;

Amended

establishing pledged revenues; designating authorized representatives; providing assurances; repealing all resolutions in conflict herewith and providing an effective date.

Mr. Reischmann read the title of Resolution No. 126-20 into the record.

Council Member Mahoney moved to approve Resolution No. 126-20, seconded by Vice Mayor O'Connor.

Raul Palenzuela, Deputy Public Works Director, reported that Resolution No. 126-20 is a request for approval for SRF Water Quality Improvements Loan Application. He provided a summary of the project application and what is included that will authorize staff to move forward with the application.

He stated that staff recommends Council approve Resolution No. 126-20 as presented.

The motion passed by a unanimous roll call vote of the City Council.

8. DISCUSSION & ACTION

A. Private Special Event Applications

Ms. Arrington came forward to state that at the August 25, 2020 Council meeting, it was requested to include a discussion regarding the City Special Events during the coronavirus pandemic.

Mr. Reischmann provided a memorandum for Council's consideration that outlined various options available should Council decide to formally act on reducing, eliminating, suspending, or placing a moratorium on the City's application for private special events.

Ms. Arrington stated that another alternative is that the City amend the special event application criteria to include a COVID-19 mitigation plan. Council will become the approver of all type of events in the City.

Ms. Arrington stated that staff is requesting guidance on the following items:

1. Does the City Council approve cancelling the traditional Halloween Block Party and replacing it with the alternative of trick-or-treating around the City Hall vicinity?
2. Does the City Council approve proceeding with a Light Up event, on a much smaller scale, as outlined above?
3. Does the City Council approve having the Christmas Parade with the changes outlined above?
4. Does the City Council approve having the UHS Homecoming Parade, provided that the school intends to have their regular homecoming festivities? If approved, UHS would still have to fill out standard paperwork associated with the event.

A discussion ensued that pertained to Council's decision regarding special events for the rest of the year.

A decision was made to have Mr. Reischmann create a resolution that will tie a moratorium on special events to the continuation mask emergency ordinance.

Amended

B. Orange City Fall and Winter Special Events

Ms. Arrington stated that due to the coronavirus pandemic, staff is recommending changes to fall and winter events. She noted that the goal is to still have these events, on a much smaller scale, to provide a sense of community and camaraderie for residents.

Ms. Arrington provided options to Council regarding the Halloween Block Party, Light Up Orange City, the Christmas Parade and the UHS Homecoming Parade.

A discussion ensued between Council and Ms. Arrington regarding suggestions for each event. Ms. Arrington stated that the Halloween Block Party, Light Up Orange City and the Christmas parade will be cancelled. The City will still put up the Christmas decorations around town.

9. REPORTS

A. City Manager

Ms. Arrington stated that the next Council meeting will be the final budget meeting. She noted that the CRA meeting will commence prior at 5:30 p.m.

B. City Clerk

No report at this time.

C. City Attorney

No report at this time.

10. NEW BUSINESS

Vice Mayor O'Connor requested a Traffic Study for the Graves Avenue and Kentucky Avenue cross section.

Ms. Arrington clarified that a traffic study of current conditions of the roadway, future conditions based on the model, a listing of improvements that may be needed for additional capacity to be added, and study area should be included.

Mr. Reischmann advised that if Council requests a traffic impact analysis, they recommend an independent review of all future traffic impact analysis.

11. APPROVAL OF MINUTES *See Consent Agenda*

12. COUNCIL & MAYOR'S COMMENTS AND REPORTS

Amended

Council Member Mahoney responded to Ms. Ulcam's noise concern by stating that he decided to run for a seat on Council due to a ~~noise~~ nuisance issue he battled in the past. He hopes Council will take Ms. Ulcam's complaint seriously and act upon it.

Vice Mayor O'Connor thanked staff for an excellent job. He stated that he hopes he did not come across as anti-growth, the City needs to take the residents and traffic into consideration when planning.

Council Member Allebach agreed with Vice Mayor O'Connor regarding the traffic issues in the City. He recognized Council Member Marks for her excellent job with Back Pack Buddies. He commented that Amazon will bring more traffic and housing into the area.

Council Member Crippen offered condolences to Council Member Harper for the loss of his brother. He suggested a remembrance for Patriot's Day. He stated the meeting was successful and it was important to cancel public events to help control the spread of COVID-19.

Council Member Harper stated that traffic is an issue in Illinois as well. He showed appreciation for all the condolences for his brother and stated life is short and everyone should appreciate what we have.

Council Member Marks voiced condolences to Council Member Harper. She stated that traffic is an issue and should be addressed. She voiced appreciation to Vice Mayor O'Connor for his passion to resolve the traffic concerns. Council Member Marks stated that she was unaware of the noise issue at Dales Ales and wants a resolution. She stated that the food drop fed over 3,000 people, over $250,000 in food was distributed.

Mayor Blair stated that Back Pack Buddies is a success in the City. He voiced condolences for Council Member Harper. Mayor Blair stated that the historic walk on Saturday was fantastic.

Mayor Blair advised that he will entertain a motion to adjourn.

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

13. ADJOURN:

There being no further business, Mayor Blair adjourned the meeting at 10:54 p.m.

RESPECTFULLY SUBMITTED: **APPROVED ON:**

_____ **10/13/2020**

Melani Beringer Date

CMC, Deputy City Clerk

Amended