



MINUTES

A. CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

Councilmember Horn called the meeting to order at 6:30 pm. He asked for a moment of silence and then led the Pledge of Allegiance.

B. ROLL CALL & DETERMINATION OF QUORUM

City Clerk Riffle said there was a quorum present. Councilmember Rader was ill and asked to be excused from attending the meeting.

Councilmember Lomas made a motion to excuse Councilmember Rader's absence; seconded by Councilmember Steele. Motion approved by voice vote (4/0).

The following elected officials and staff were present:

City Council and Mayor

Richard A. Horn, Council President
Susan Lomas, Councilmember
Casey McElroy, Councilmember
Beth Steele, Councilmember

Absent:

Chris Rader, Council President Pro-Tem

Staff Members

Sandra Riffle, City Clerk
Dean DeSchryver, Police Chief
Miguel Garcia, Deputy Police Chief
Shannon Patterson, Police Department Chief of Staff
Stacey Salemi, Code Enforcement Officer
Ellen Hardgrove, City Planner
Allen Lane, City Engineer
Drew Smith, City Attorney

C. ADMINISTER OATH OF OFFICE

- Administer Oath of Office - Casey McElroy

City Clerk Riffle administered Casey McElroy's Oath of Office, and Councilmember McElroy took his seat at the dais.

D. PRESENTATIONS AND PROCLAMATIONS

E. CONSENT AGENDA

There were no corrections to the May 21, 2024 meeting minutes.

Councilmember Lomas made a motion to approve the May 21, 2024 meeting minutes as presented, seconded by Councilmember Steele. Motion approved by voice vote (4/0).

F. ORDINANCES (FIRST READING)

- **Ordinance 2024-05 - Sign Regulations**

Note: Ordinance 2024-05 was heard after Boards and Committees.

Attorney Smith read Ordinance 2024-05 in title only.

Discussion began between City Council and City Planner Hardgrove about proposed changes to the sign code. She stated that most proposed changes were re-organization and clarity of the existing regulations. She pointed out changes that weren't only for clarity or reorganization including a change to the definition of "flag" in order to differentiate between flags and banner signs. The intent is for flags to be flags and not signs; current definition could result in a flag being used as a banner. Attorney Smith stated the City cannot regulate the content of a flag.

The changes to the flag definition would not create any nonconformities.

The discussion mainly focused on window signs. Planner Hardgrove reviewed the current window signage code. The allowable window signage is not proposed to change, but required compliance is. As proposed, all window signs would need to be in compliance by the end of the year; no fee for the change will be charged. If the proposed change is approved, all businesses will be notified of compliance requirements via BTR letters. Staff is proposing to add the ability to have neon window signs, such as "Open" signs, in addition to the permanent window signs conditioned upon they do not move, blink, or flash. Council members suggested that color changes within 24 hours also not be allowed. An area for decals was also suggested in addition to the copy area for permanent window signage.

Discussion ensued about displaying hours as signage and neon signs versus window signs. Councilmember Steele said she favored window signage over neon signs.

There was also a suggestion to allow more copy area for a window sign when a wall sign isn't used. The window signs in lieu of wall sign choice would be open to multi-tenant buildings but must be uniform with all having window or wall signs.

There was also discussion related to the ability to cover windows for sun/heat protection, with the suggestion being it should be allowed as long as the coverings did not constitute a sign.

Staff will continue reviewing the Ordinance before the second reading.

There was no public comment

Councilmember Lomas made a motion to move Ordinance 2024-05 to second reading; seconded by Councilmember McElroy. Motion approved by roll call vote (4/0).

Councilmember Steele	Favor
Councilmember McElroy	Favor
Councilmember Lomas	Favor
Council President Horn	Favor
Councilmember Rader	Absent

G. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

H. UNFINISHED BUSINESS

I. NEW BUSINESS

- **Non-Ad Valorem Assessment FY 2024-25**

City Clerk Riffle explained that FCC Environmental Waste's contract allows them to raise collection rates up to 3% annually. Based on their increasing costs, FCC is requesting an increase of 5.15% to service the City. There is also a disposal rate, which is the Orange County landfill rate and that is expected to increase at least 12%.

Mayor Dowless said that FCC Environmental Waste's service has been very good, and he recommended that the City adjust the non-ad valorem rate from \$318.93 per month per unit to \$322.23.

There was no objection from City Council.

There was no public comment.

Council President Horn made a motion to increase the non-ad valorem rate from \$318.93 to \$322.23 and increase the collection rate by 5.15%; seconded by Councilmember Lomas. Motion approved by voice vote (4/0).

- **Resolution 2024-02: Travel Expense Policy**

City Clerk Riffle said the City's travel policy has not been updated since 2006. She briefly reviewed proposed changes, including adjustments for per diem, meal reimbursements, and overnight travel.

There was no public comment.

Council President Horn made a motion to approve Resolution 2024-02; seconded by Councilmember Steele. The motion was approved by roll call vote (4/0).

Council President Horn	Favor
Councilmember Lomas	Favor
Councilmember Steele	Favor
Councilmember McElroy	Favor
Councilmember Rader	Absent

J. GENERAL INFORMATION

K. CITIZEN COMMENTS

L. BOARDS & COMMITTEES

- **Variance 2024-04: 5525 Jessamine Ln. - Rear Setback**

Planner Hardgrove said the request is for approval of a rear yard variance of 15.5 feet in lieu of 35 feet to allow the construction of a home on the vacant property at 5525 Jessamine Lane. The property is located toward the end of Jessamine Lane. The property is zoned R-1AA.

County zoning applies to this property because it has not had City zoning established since annexation from Orange County. R-1AA minimum living area of 1,200 square feet could be built on the property without a setback variance; however, existing historic and specimen oaks would likely be damaged or removed. The variance is requested to save these trees.

The property to the north would be the most affected, but that lot's configuration would minimize the impact of a rear setback reduction. A wall is also located along the shared property line.

Planner Hardgrove said that saving trees is included as part of the approval criteria. Staff and the Planning and Zoning Board support the request with the condition that the site is developed as proposed.

Property Owner Nathan Aleskovsky spoke to City Council and said they have worked with an arborist and tried different ways to fit the house on the lot without disturbing the trees.

There was no public comment.

There were no objections from City Council.

Councilmember Lomas made a motion to recommend approval of Variance 2024-04 to allow a rear yard setback (north property line) of 15.5 feet in lieu of County R1AA required 35 feet conditioned on the site is developed as proposed on the site drawing submitted by the applicant, which maximizes tree preservation. The motion was seconded by Councilmember McElroy. Motion approved by roll call vote (4/0).

Councilmember Lomas	Favor
Councilmember Steele	Favor
Councilmember McElroy	Favor
Council President Horn	Favor
Councilmember Rader	Absent

Mayor Dowless complimented the applicant for designing the house around the trees.

- **Variations 2024-02 & 2024-03: 425 Oak Lynn Dr. - Pool Equipment & Fence were discussed together.**
- **Variance 2024-02 Pool Equipment**

Planner Hardgrove said the property owners requested that pool equipment and a fence be allowed in the west 15 feet of the property located at 425 Oak Lynn Drive. She provided the history of the property; specifically, it is part of a subdivision approved in November 2020 conditioned on the establishment of a 15 feet wide right of way easement along the property's Haverill Drive frontage due to the substandard width of Haverill Drive. The easement, granted by

variance, substituted for the Code required dedication of the west 25 feet needed to create a standard right-of-way width for Haverill Drive. As a right-of-way easement, the public has the right to walk on/within the easement and the land could be used for road widening, construction of a sidewalk, or future utilities such as, but not limited to, central sewer lines.

Pool equipment has already been installed 12 feet from the west property line. Code Section 134-483(e) requires appurtenant fixtures to a residence to conform to building setbacks, which, for the subject property, according to Code Section 134-484(g), would be 15 feet. The equipment location was never reviewed by City staff, and the County must not have been aware of the City's regulations.

In addition, the application submitted to the County included a survey that did not show the west 15 feet of the subject property as a right-of-way easement, although the easement does appear on the plat. The equipment could have been located on the north side of the house in accordance with the Code.

Planning and Zoning recommended approval to allow appurtenant fixtures to the residence to be 12 feet from the west property instead of 15 feet, conditioned on City Council's approval of a right-of-way utilization permit and property owner acceptance that should the City need to use the right-of-way easement in the future, any fixtures or equipment without the easement will be removed at that time solely at the owner's expense.

- **Variance 2024-03 Fence Location**

The property owner would like to erect a 6-foot-high fence, 10 feet from the west property line within the easement. Planner Hardgrove said the fence could be placed in accordance with the Code outside the easement by extending it directly north from the northwest corner of the house.

Planning and Zoning recommended approval with the condition that if the city needs the right of way in the future, the property owner must move at their own expense.

Discussion ensued amongst the Council.

Planner Hardgrove and Attorney Smith reiterated that the easement did not appear on the survey that was submitted with the fence application, nor the survey used for construction of the house and the pool.

Mayor Dowless said that if the variances are approved, the right-of-way use agreement will need to be recorded in official County Records. Attorney Smith said this will require an executed right of way agreement. In response to Council President Horn, Attorney Smith said the requests are not the result of the owner's actions. If the easement had appeared on the survey, it would have been determined that the Code would not allow the location of the pool equipment. Orange County did not ask the question. He said that Planning and Zoning found that the applicants did not create the situation.

Attorney Smith said use of the right-of-way in the future is somewhat unlikely. Planner Hardgrove said the only thing she could think of would be installing central sewer lines for the neighborhood.

Applicant Steven Betancourt said they found out about the situation after the pool was built. It is very costly to move everything.

Councilmember Lomas noted that both the surveyor and Orange County missed the easement.

Council President Horn made a motion to approve Variances 2024-02 and 2024-03 425 Oak Lynn Drive, to allow equipment appurtenant to the residence to be 12 feet from the west property line instead of 15 feet; and to allow a 6 feet high fence 10 feet from the west side property line, both conditioned on a right-of-way utilization permit and acceptance that should the City need to use the right-of-way easement in the future, any equipment/appurtenant/accessory fixtures/fence within the easement will be removed at that time solely at the owner's expense. Councilmember Lomas seconded the motion. Motion approved by roll call vote (4/0).

Councilmember Lomas	Favor
Councilmember Steele	Favor
Councilmember McElroy	Favor
Council President Horn	Favor
Councilmember Rader	Absent

M. STAFF REPORTS

City Attorney Smith

Attorney Smith gave an update on Forms 1 and 6. A US District Judge issued a preliminary injunction against the law requiring elected municipal officials to file a Form 6. The impact of the injunction is temporary, but it is a good sign. Councilmembers can now file a Form 1 for this year.

Police Chief DeSchryver

1. May 2024 Report

Chief DeSchryver said that June was Law Enforcement Appreciation Month. He said the community supplied lunches and snacks.

Councilmember Lomas asked if the lighted sign on Holden Avenue could be put back in place. Attorney Smith explained that the sign would be lawful only in the City limits and there is no place for trucks to turn around.

Councilmember Lomas read City Code Section 62-2 Truck traffic prohibited on certain road segments. She would like the Police Department to note which trucks are driving through.

Councilmember McElroy said he thought that the lighted sign on Gatlin Avenue has helped. Chief DeSchryver said they would pull the data.

Mayor Dowless suggested putting another sign for the budget.

City Clerk Riffle - No report

N. MAYOR AND CITY COUNCIL REPORTS

Mayor Dowless - No report.

Council Member Lomas

Councilmember Lomas said she attended the monthly Community Action Board and volunteered to serve on the Executive Committee.

She said there are so few people on the Board that the last meeting brought in nine new board members. Their budget could not be approved because the numbers were so wrong.

Council Member McElroy - No report

Council Member Rader Absent

Council Member Steele - No report

Council President Horn - No report

O. ADJOURNMENT

Councilmember Steele made a motion to adjourn the meeting at 8:32 pm.



Richard A. Horn, Council President

Attest:



Sandra Riffle, City Clerk