

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, October 24, 2017 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, Jim Mahoney, Anthony J. Pupello, Evelyn Robinson; City Attorney William
12 Reischmann ; City Manager Dale Arrington; City Clerk Gloria Thomas.
13

14 **ABSENT:** None at this time
15

16 **INVOCATION/PLEDGE OF ALLEGIANCE**

17
18 The Invocation was given by Council Member Pupello.
19

20 **1. ABSENCES:** None at this time
21

22 **2. PRESENTATIONS/PROCLAMATIONS:**

23
24 A. Proclamation: Florida City Government Week
25

26 Mayor Blair read a proclamation into record that proclaimed October 23-29, 2017 as Florida City
27 Government Week.
28

29 B. State Revolving Fund (SRF) Funding History and Future Projects
30

31 Migdalia Hernandez, Public Works Director, came forward to provide a PowerPoint presentation (a copy
32 of which is attached and becomes a permanent part of these minutes) that presented updates on the State
33 Revolving Fund (SRF) for the drinking water and quality improvement projects. She reported that the City
34 has received 85% grant money forgiveness and 15% loan through Florida Department of Environmental
35 Protection (FDEP). Ms. Hernandez addressed changes to the SRF drinking water rules and regulations.
36 She stated that some changes are affecting the City's SRF agreements for water quality improvements,
37 original master plan addendums 1&2, request for inclusion, proposed vs bid construction costs and a
38 summary of the drinking water SRF amendments No. 1 through 3 as well as the City's next steps.
39

40 Ms. Hernandez reported that \$1.7 million was needed to complete the pipe rehabilitation project. She
41 stated that the State is aware of the need and is researching a solution. The City is expected to receive an
42 answer at the end of the month.
43

44 Vice Mayor Crippen asked about the process if number six looping is unsuccessful. Ms. Hernandez replied
45 that the City could purchase the easements or pay the customers impact fees.

1 Council Member Mahoney asked Ms. Hernandez her feelings about the August, 2018 completion date.
 2 She replied that she felt good because the project will be completed before payments begin. He asked if
 3 the sample pipe, that Ms. Hernandez provided was from OC 9, 10 and 12 and when that pipe was last
 4 serviced. Ms. Hernandez replied that the pipe was from OC 8 and was last serviced a month ago. In
 5 response to a further question replied that the term of the loan was 30 years. Council Member Mahoney
 6 asked what the acronym TTHMS stood for. Ms. Hernandez replied Total Trihalomethanes, which is a
 7 disinfection byproduct and is considered a carcinogenic compound.
 8

9 Council Member Allebach asked if there was a risk that the SRF will take money away leaving the City
 10 responsible for the full amount. Ms. Hernandez replied that SRF cannot take construction money that they
 11 have already given for the project.
 12

13 **3. CITIZEN COMMENTS:** None at this time
 14

15 **4. CONSENT AGENDA:**
 16

- 17 A. Second Amendment to Interlocal Agreement for Provision of Municipal Fire Services to the City
 18 of DeBary
- 19 B. Contract Award Citywide Janitorial Services
- 20 C. Approve Contract for Building Inspection and Permitting Services
- 21 D. Approve Axon Enterprise, Inc., Sole Source Vendor
- 22 E. Approve Minutes – October 10, 2017 Regular Meeting
 23

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

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

- 29 A. **ORDINANCE NO. 580** An ordinance of the City of the City of Orange City, Florida, amending
 30 the official zoning map by changing the zoning classification of property located at 1065 South
 31 Volusia Avenue, consisting of 6.66 acres, from the General Commercial (CG-2) and medium
 32 density residential (R-2) to Planned Unit Development (PUD); approving the PUD Master
 33 Development Plan; repealing all ordinances or part of ordinances in conflict herewith; and
 34 providing for an effective date.
 35

36 Mr. Reischmann read the title of Ordinance No. 580 into the record. He advised that this was a quasi-
 37 judicial matter and that any ex-parte communication should be disclosed. He noted for the record there
 38 were no disclosures.
 39

40 **Vice Mayor Crippen moved to adopt Ordinance No. 580, seconded by**
 41 **Council Member Pupello.**
 42

43 Becky Mendez, Development Services Director came forward and reported that Ordinance No. 580 was
 44 a rezoning of the Orange City Mobile Home Park. She stated the property consists of 6.66 acres and is
 45 partially zoned General Commercial (CG-2) and a medium density residential (R-2). Ms. Mendez

1 provided a brief history of the property. In 2003 the City prepared a large scale administrative amendment
2 that removed mobile home parks as a conditional use in the CG-2 zoning classification. Thus, leaving the
3 mobile home park as a non-conforming use, meaning no new structures could be constructed. Staff
4 suggested the new owners rezone the property and change the CG-2 to a PUD.
5

6 Ms. Mendez stated that the rezoning includes a draft Development Agreement between the City and the
7 applicant that establishes the 64 mobile home dwellings as a conforming use; provides maintenance
8 standards for the park and development standards for any future construction. On October 4, 2017, the
9 Planning Commission voted unanimously to forward the rezoning to the City Council for approval with
10 the following condition:

- 11 1. The Development Agreement shall be executed and recorded in the Volusia County official
12 Records, with recommended changes, as well as any changes requested by the City Council, within
13 six months of approval.
14

15 Council Member O'Connor asked whether the units are owned by the residents or management. The
16 applicant responded it was mixed, but that most of the residents own their units. He asked about the impact
17 that the asbestos located on the side of the buildings would have on the environment. Ms. Mendez
18 responded that the buildings are regulated by the Florida Building Code and with the non-conforming use
19 issue, the City can issue building permits and have inspections. Council Member O'Connor asked if this
20 will allow enforcement of the junk vehicles in the park. Ms. Mendez responded yes, that the new owners
21 will be enforcing the property management rules.
22

23 Ms. Mendez stated that staff recommends that the City Council accept that Planning Commission motion
24 and approve the PUD rezoning at first reading with the previous mentioned condition.
25

26 Council Member O'Connor asked about the process if the new property owners do not complete the
27 restricted conditions within the 12 month time frame. Ms. Mendez replied that the development agreement
28 becomes null and void.
29

30 Kevin Buff, representative for the applicant, stated that the interest is to improve the mobile home park
31 therefore improving the City. He advised that several of the improvements to the existing homes have
32 already been completed.
33

34 A conversation ensued between Council Member O'Connor and Mr. Buff that included the details of the
35 company and business details.
36

37 Council Member Pupello stated that he was excited about the possibilities for the mobile park's future.
38

39 Council Member Allebach asked about the life span of the mobile home units. Mr. Buff noted the life
40 span depends on the maintenance of the unit.
41

42 Council Member Pupello referred to the plat on the west side of the property, and asked if the septic system
43 was located there. Ms. Mendez replied "yes". He asked about the future use of the property if that area is
44 on sewer. Ms. Mendez replied that waste water sewer service isn't available at the present time. She noted
45 that when waste water sewer services become available the property owners will be notified per the Land

1 Development Code. Council Member Pupello noted that several people in the park are using clothes lines
2 to dry their laundry. Ms. Mendez noted that was because the laundry facilities are not working. It is a
3 condition of the developer's agreement that the laundry facilities are repaired.
4

5 Vice Mayor Crippen asked if the width of the roads are accessible to emergency services, such as fire.
6 Chief Long noted that the roads are tight but passible.
7

8 Mayor Blair opened the public hearing by asking if anyone wished to speak on this matter. No one
9 appeared, Mayor Blair closed the public hearing.
10

11 **Motion passed by a 7/0 roll call vote of the City Council.**
12

- 13 B. **ORDINANCE NO. 584** An ordinance of the City of Orange City, Florida, annexing 0.15 acres
14 of certain real property into the corporate limits, and including to the centerline of all surrounding
15 rights-of-way located at 915 Joe Street; repealing all ordinances or parts of ordinances in conflict
16 herewith, providing a severability clause, and for an effective date.
17

18 Mr. Reischmann read the title of Ordinance No. 584 into the record. He advised that this was a legislative
19 matter.
20

21 **Vice Mayor Crippen moved to adopt Ordinance No. 584, seconded by**
22 **Council Member Allebach.**
23

24 Ms. Mendez came forward and explained that Ordinance 584 was a voluntary annexation. The property
25 is a small area that Fountain View Apartments have been using for their dumpsters. Ms. Mendez stated
26 that staff recommends Council approve Ordinance 584 at first reading. Second and final reading will be
27 scheduled for November 14th.
28

29 Council Member Mahoney asked when the millage rate becomes effective after the annexation. Ms.
30 Arrington advised that the City should see the ad valorem revenue in fiscal year 2018/2019.
31

32 Mayor Blair opened the public hearing by asking if anyone wished to speak on this matter. No one
33 appeared, Mayor Blair closed the public hearing.
34

35 **Motion passed by a 7/0 roll call vote of the City Council.**
36

- 37 C. **ORDINANCE NO. 589** An ordinance of the City of Orange City, Florida, annexing 1.78 acres
38 of certain real property into the corporate limits, and including to the centerline of all surrounding
39 rights-of-way locate at 2873 Enterprise Road; repealing all ordinances or parts of ordinances in
40 conflict herewith, providing a severability clause, and for an effective date.
41

42 Mr. Reischmann read the title of Ordinance No. 589 into the record. He advised that this was a legislative
43 matter.
44

Council Member Allebach moved to adopt Ordinance No. 589, seconded by Vice Mayor Crippen.

Ms. Mendez came forward and explained that Ordinance 589 was a voluntary annexation. She provided a brief explanation of the property and reported that she received letters of no objection from DeBary and Volusia County. She reported that the property currently has a county commercial future land use designation and that after annexation staff will process an administrative map amendment and rezoning to match the City’s commercial designations. Staff recommends Council approve Ordinance 589 at first reading. Second and final reading is scheduled for November 14th.

Council Member O’Connor asked whether U-Haul could be forced to annex at this time. Ms. Mendez explained the process needed in order to force the U-Haul property into annexation.

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

6. PUBLIC HEARINGS:

- A. **ORDINANCE NO. 581** An ordinance of the City Council of the City of Orange City Florida, amending the Land Development Code regarding the regulation of pharmacies and medical marijuana treatment centers and other housekeeping items; providing for amendment to Chapter 2– Definitions and Chapter 8- Zoning Regulations; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date.

Mr. Reischmann read the title of Ordinance No. 581 into the record. He noted for the record this was a second reading.

Vice Mayor Crippen moved to adopt Ordinance No. 581 on second and final reading, seconded by Council Member Pupello.

Ms. Mendez stated there were no changes from the first reading of Ordinance No. 581. Staff recommends Councils approval at second and final reading.

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

7. RESOLUTIONS:

- A. Approve Resolution No. 883-17 and Contract Award to Traffic Engineering Data Solutions, Inc. (TEDS)

RESOLUTION NO. 883-17 A resolution of the City Council of the City of Orange City, Florida, approving and authorizing the execution of the Supplemental No. 1 to the 2016 Local Agency Program Agreement between the State of Florida Department of Transportation and the City of Orange City providing financial assistance for the W. French Avenue shared use path; repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

1 Mr. Reischmann read the title of Resolution No. 883-17 into the record.

2
3 **Vice Mayor Crippen moved to approve Resolution No. 883-17, seconded**
4 **by Council Member O'Connor.**
5

6 Ms. Mendez came forward to report that 90% of the total design of Big French is free money. She stated
7 that because Resolution 883-17 is a Local Agency Program (LAP) there are many federal guidelines to
8 go through. This is the final step of the process before the City can begin the design of Big French. The
9 first LAP agreement was approved for \$473,000 last year and Council approved Traffic Engineering Data
10 Solutions (TEDS) bid. She reported that the City has followed through with FDOT requirements and is
11 needing approval for Resolution No. 883-17 as the final step.

12
13 Mike Hale, Representative for TEDS, stated the process has been a long time coming, he felt positive
14 about the contract and is excited to proceed with the project.

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

17
18 Approve Contract Award to Consultant Traffic Engineering Data Solutions, Inc. (TEDS)

19
20 **Council Member O'Connor moved to approve the Contract Award to Traffic**
21 **Engineering Data Solutions, Inc. (TEDS), seconded by Vice Mayor Crippen and**
22 **passed by a 7/0 roll call vote of the City Council.**
23

24 **8. DISCUSSION AND ACTION:** None at this time

25
26 **9. REPORTS:**

27
28 A. Mayor/City Council

29
30 Mayor Blair reported that he spent time with the University High School, School of Government class.
31 He stated it is a very interesting group. He commented that he will be back on Thursday to tour City Hall
32 with the elementary school students. Mayor Blair reported that the siding on the Albertus Cottage needs
33 some attention. Ms. Arrington reported that it is in this year's budget.

34
35 Council Member Allebach reported that the TPO meeting is tomorrow. He reported that he attended the
36 IEMO conference in Jacksonville and realized how well Orange City is doing compared to other
37 municipalities around the State.

38
39 Vice Mayor Crippen reported that he played Henry Deland for the John Knox Village pioneer players.
40 The people at John Knox Village had a conversational fictitious city meeting spanning from the
41 incorporation of the City to the early part of the 20th century. Vice Mayor Crippen stated the meeting was
42 very well done and very interesting. He reported the cemetery walk for West Volusia Historical Society
43 will be this weekend.

44
45 B. City Manager

1 No report at this time

2

3 Council Member Pupello voiced a concern about snipe signs in the right of ways. Ms. Arrington replied
4 that a sweep will be done.

5

6 Mayor Blair voiced a concern about home owners not edging the sidewalks. Ms. Arrington replied that
7 she is not aware of a code requiring home owners to edge their sidewalks but it will be looked into.

8

9 Council Member Robinson asked about rental properties that do not maintain the right of way on the
10 property. Ms. Arrington replied that the City can notify the property owner.

11

12 C. City Clerk

13

14 No report at this time

15

16 D. City Attorney

17

18 No report at this time

19

20 **10. NEW BUSINESS:**

21

22 None at this time

23

24 **11. APPROVAL OF MINUTES:** See Consent Agenda

25

26 **12. COUNCIL COMMENTS:**

27

28 Vice Mayor Crippen commented that he is pleased with all the monument signs in the City. He stated he
29 is excited about the Big French design.

30

31 Council Member Allebach complimented the City's progression with the debris clean up. He would like
32 the City to be more aggressive in attracting certain businesses in 2018.

33

34 Council Member Robinson feels better about the problems that were solved. She is thankful for the
35 fountain in Mill Lake.

36

37 Council Member Pupello thanked the citizens that stayed throughout the entire meeting. He thanked the
38 charter officers, the City Manager, City Clerk and City Attorney as well as City staff. Council Member
39 Pupello requested that if he is needed to do the City invocation that he be notified ahead of time.

40

41 Council Member O'Connor thanked the grounds crew for the debris clean up.

42

43 Council Member Mahoney thanked Council Member Pupello for doing such a good job at the invocations.

44

1 Mayor Blair asked if there was going to be another pick up for storm debris. Ms. Arrington replied that
2 the second sweep of the City will be done this Friday.

3
4 Council Member Robinson voiced her concerns of a large tree that is down at the end of her street. Ms.
5 Arrington replied that she will report the tree.

6
7 Vice Mayor Crippen commented that 75% of Puerto Rico is still without power.

8
9 **13. ADJOURN:**

10
11 There being no further business, Mayor Blair adjourned the meeting 8:17 p.m.

12
13
14 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

15
16 _____
17 Melani Brown
18 Deputy City Clerk

Date

