

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, November 14, 2017 at 6:30 p.m. in Council Chambers, 201 N. Holly Avenue, Orange
3 City.

4
5 **CALL TO ORDER**

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

8
9 **ROLL CALL**

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

14
15 **INVOCATION/PLEDGE OF ALLEGIANCE**

16
17 The Invocation was given by Phyllis Bartle, St. Jude's Episcopal Church, followed by the Pledge of
18 Allegiance.

19
20 **1. ABSENCES:** None at this time

21
22 **2. PRESENTATIONS/PROCLAMATIONS:**

23
24 A. Presentation: Casi Sprague

25
26 **Vice Mayor Crippen motioned to move Agenda Item 7A Resolution No. 885-17**
27 **forward on the agenda, seconded by Council Member O'Connor and passed by a**
28 **7/0 voice vote of the City Council.**

29
30 Casi Sprague, representative for Collins Dream Skate Park, came forward and thanked Council for their
31 support. Ms. Sprague introduced Nita Schmellick, President, CEO of the Community Foundation of East,
32 Central Florida. Ms. Schmellick presented Council with a check for \$76,584.68 to help fund construction
33 of a skate park.

34
35 **3. CITIZEN COMMENTS:**

36
37 See Agenda Item 7A

38
39 **4. CONSENT AGENDA:**

- 40
41 A. Resolution No. 884-17 - Final Budget Amendment FY 2016/17
42 B. Closeout of Stormwater Master Plan Purchase Order/Approval of Change Order
43 C. Approve October 24, 2017 Regular Meeting Minutes
44 D. Approve July 11, 2017 Budget Workshop Meeting

45
46 **Council Member Allebach moved to approve the Consent Agenda, seconded by Vice**
47 **Mayor Crippen and passed by a 7/0 roll call vote of the City Council.**

48
49 **5. ORDINANCES – FIRST READING:**

- 1 A. **Ord. No. 592** An ordinance for the City of Orange City Florida; adopting and providing
2 for the levy of taxes on purchase of electricity within the corporate limits of Orange
3 City, Florida; providing for the collection thereof by the seller; payment thereof by the
4 seller to the City of Orange City, Florida; containing a penalty for the violation by the
5 seller or purchaser; a severability clause; providing for codification; and providing for
6 an effective date.
7

8 Mr. Reischmann read the title of Ordinance No. 592 into the record. He noted for the record that this was
9 a legislative matter.
10

11 Christine Davis, Finance Director, came forward and discussed a PowerPoint presentation (a copy of
12 which is attached and becomes a permanent part of these minutes) that provided a brief recap of the
13 2017/2018 budget process. She recalled that Council gave staff direction to pursue the utility tax
14 equalization. Ms. Davis noted that Ordinance 592 will allow staff to equalize the utility tax fee and adjust
15 the fee from 5% to 10% for residential properties. Ms. Davis reported the estimated reoccurring revenue
16 would increase from \$210,000 to \$250,000. Final reading is set for December 12, 2017.
17

18 Ms. Davis reported that by adopting Ordinance 592 the City would generate the revenue to fund the
19 unfunded items described in the budget. Ms. Davis stated that staff recommends Council approve
20 Ordinance 592 at first reading.
21

22 **Council Member Allebach moved to adopt Ordinance No. 592 on first reading,**
23 **seconded by Vice Mayor Crippen.**
24

25 Council Member Pupello stated his concerns about raising taxes but is in favor of Ordinance No. 592.
26

27 Council Member Allebach also spoke in support of Ordinance No. 592.
28

29 Council Member Mahoney stated that he understood Council Member Pupello concerns.
30

31 **Motion passed by a 6/1 roll call vote of the City Council with Mayor Blair voting**
32 **“no”.**
33

- 34 B. **Ord. No. 593** An ordinance of the City Council of the City of Orange City, Florida;
35 updating the five-year schedule of capital improvements for fiscal years 2017-2022;
36 repealing all ordinances or parts of ordinances in conflict herewith; and providing for an
37 effective date.
38

39 Mr. Reischmann read the title of Ordinance No. 593 into the record.
40

41 **Vice Mayor Crippen moved to adopt Ordinance No. 593 on first reading, seconded**
42 **by Council Member O'Connor.**
43

44 Becky Mendez, Development Services Director, came forward and noted that Ordinance 593 was an
45 annual update of the schedule to the capital improvement plan. She noted the last schedule that was
46 adopted by City Council was in 2011. Staff intends to amend the Capital Improvement Element at a later
47 date to remove the 2011 schedule from the Comprehensive Plan and reference the annual update as
48 allowed by state law. This amendment will be reviewed and processed during the 2018 Evaluation and

1 Review (EAR). Ms. Mendez stated that staff recommends City Council approve Ordinance 593 at first
2 reading and schedule second and final reading for December 12, 2017.

3
4 Council Member Allebach noted that the efforts that staff took sets a precedent for the other cities and
5 counties in the state and this will maintain the City's standards.

6
7 Council Member O'Connor asked how the school chart played into part of the City's capital plans. Ms.
8 Mendez responded in 2008 all jurisdictions were required to adopt a public school facilities element to
9 deal with concurrency and establish a level of service standards. In 2011 the State stated this was no longer
10 a required element. Council Member O'Connor reiterated that part of the five year plan is dictated by the
11 school board. Ms. Mendez replied, yes.

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

14
15 **6. PUBLIC HEARINGS:**

- 16
17 A. **ORDINANCE NO. 580** An ordinance of the City of the City of Orange City, Florida,
18 amending the official zoning map by changing the zoning classification of property
19 located at 1065 South Volusia Avenue, consisting of 6.66 acres, from the General
20 Commercial (CG-2) and medium density residential (R-2) to Planned Unit Development
21 (PUD); approving the PUD Master Development Plan; repealing all ordinances or part of
22 ordinances in conflict herewith; and providing for an effective date.

23
24 Mr. Reischmann read the title of Ordinance No. 580 into the record. He noted this was a quasi-judicial
25 matter and any ex parte communication be disclosed at this time. He noted there were none.

26
27 **Vice Mayor Crippen moved to adopt Ordinance No. 580 on second and final reading,**
28 **seconded by Council Member Mahoney and passed by a 7/0 roll call vote of the City**
29 **Council.**

- 30
31 B. **ORDINANCE NO. 584** An ordinance of the City of Orange City, Florida, annexing 0.15 acres
32 of certain real property into the corporate limits, and including to the centerline of all surrounding
33 rights-of-way located at 915 Joe Street; repealing all ordinances or parts of ordinances in conflict
34 herewith, providing a severability clause, and for an effective date.

35
36 Mr. Reischmann read the title of Ordinance No. 584 into the record.

37
38 **Vice Mayor Crippen moved to adopt Ordinance No. 584 on second and final**
39 **reading, seconded by Council Member Pupello.**

40
41 Ms. Mendez reported there have been no changes since the first reading and asked Council to adopt
42 Ordinance 584 on second and final reading.

43
44 **Motion passed by a 7/0 roll call vote of the City Council.**

- 45
46 C. **ORDINANCE NO. 589** An ordinance of the City of Orange City, Florida, annexing 1.78 acres
47 of certain real property into the corporate limits, and including to the centerline of all surrounding
48 rights-of-way located at 2873 Enterprise Road; repealing all ordinances or parts of ordinances in
49 conflict herewith, providing a severability clause, and for an effective date.

1 Mr. Reischmann read the title of Ordinance No. 589 into the record.

2
3 **Vice Mayor Crippen moved to adopt Ordinance No. 589 on second and final**
4 **reading, seconded by Council Member Pupello.**
5

6 Ms. Mendez reported there have been no changes since the first reading and asked Council to adopt
7 Ordinance 584 on second and final reading.
8

9 **7. RESOLUTIONS:**

- 10
11 A. **RESOLUTION NO. 885-17** A resolution of the City of Orange City, Volusia County,
12 Florida confirming support for the ECHO grant applications for Colin's Dream to be
13 constructed at Coleman Park, located at 200 East Blue Spring Avenue, Orange City,
14 Florida; and providing for an effective date.
15

16 Mr. Reischmann read the title of Resolution No. 885-17 into the record.

17
18 **Vice Mayor Crippen moved to adopt Resolution No. 885-17, seconded by Council**
19 **Member Pupello.**
20

21 Frank Frazier Sr., 497 S. Orange Ave, came forward and voiced his concerns with regard to the pump
22 station that is planned for his neighborhood near Mill Lake Park.
23

24 Vorn Stafford Sr., 316 E. Rose Ave, came forward to voice his concern about the location of the skate
25 park. He stated the park should be built in another location.
26

27 Lisa Stafford, 461 Clark St, came forward and asked Council to consider moving the skate park to another
28 location due to the history of Coleman Park and the noise issue a skate park could produce.
29

30 Vice Mayor Crippen suggested placing notification in the park for noise control during church hours.
31

32 Council Member Mahoney noted that noise from a ball park is basically the same as that of a skate park.
33

34 Council Member O'Connor asked if the grant award is contingent on the park location.
35

36 Ms. Arrington replied yes, the Echo Grant has already been awarded based on the location.
37

38 **Motion passed by a 7/0 roll call vote of the City Council.**
39

40 **8. DISCUSSION AND ACTION:**
41

- 42 A. Evaluation and Appraisal Review Report (EAR) of the Comprehensive Plan
43

44 Ms. Mendez came forward and provided Council with an official letter from the Department of Economic
45 Opportunity (DEO), (a copy of which is attached and becomes a permanent part of these minutes). The
46 letter states that the City is due to review the comprehensive plan, update any changes or local ordinances,
47 make sure it complies with State law and provide an evaluation and appraisal notification letter by January
48 1, 2018. Ms. Mendez noted that staff has reviewed the comprehensive plan and are suggesting as
49 housekeeping items, to update the population and statistics for future land use development, include the

1 adoption of the CRA, delete the references to Florida code rule 9J-5, update of the plan map series, update
2 potable water and sanitary sewer elements and update the CIP. She stated that staff recommends Council
3 authorize staff to send the drafted letter to the State before the January 1st deadline.
4

5 **Council Member Allebach motioned to authorize staff to send the determination**
6 **letter to the Department of Economic Opportunity, seconded by Council Member**
7 **Mahoney and passed by a 7/0 roll call vote of the City Council.**
8

9 B. Approve Payment to Thompson Consulting Services for Hurricane Matthew
10

11 Ms. Davis reported that the City entered into a work order with Thompson Consultant Services (TCS)
12 through a cooperative agreement. TCS invoiced the City at a higher amount of \$28,000 rather than the
13 original agreed amount of \$9,000. TCS credited the CITY \$3,500 which leaves a remaining amount of
14 \$24,766.77. Ms. Davis stated that staff recommends Council authorize payment of \$24,766.77 to TCS.
15

16 **Council Member Allebach moved to authorize a payment of \$24,766.77 to**
17 **Thompson Consultant Services as presented, seconded by Vice Mayor Crippen.**
18

19 Council Member Mahoney asked for clarification. Ms. Davis responded TCS had more items that needed
20 to be filed with the state that were not billed. She stated that the City does not anticipate any more billing
21 from TCS. Council Member Mahoney asked, why the disparity. Ms. Davis responded the explanation that
22 was provided was that the right hand didn't communicate with the left hand.
23

24 Ms. Arrington clarified that the City did not receive a bill from TCS until eight months into the process.
25

26 Council Member Mahoney asked about the process to receive reimbursements from FEMA. Ms. Arrington
27 provided a brief explanation of the process.
28

29 Council Member O'Connor voiced his concern about using TCS again for Hurricane Irma.
30

31 Council Member Pupello voiced his disappointment in TCS raising the quoted amount.
32

33 Council Member Mahoney reiterated that it is the City's recommendation to pay TCS for the work
34 completed. Ms. Arrington responded that TCS has done the work. However, all of the issues were not
35 TCS fault.
36

37 **Motion passed by a 6/1 roll call vote of the City Council with Council Member**
38 **Pupello voting "no".**
39

40 C. Approve Contractual Services for FEMA Public Assistance Consulting Services with Tetra
41 Tech, Inc., Hurricane IRMA
42

43 Ms. Davis came forward and requested that Council authorize the procurement of Tetra Tech, Inc. to
44 assist with the City's FEMA public assistance claims process.
45

46 **Council Member Pupello motioned to approve contractual services with Tetra**
47 **Tech, Inc., seconded by Vice Mayor Crippen.**
48

1 Council Member Mahoney asked for clarification about the funding amount from FEMA. Ms. Arrington
2 responded that another amendment for the revenue side will be presented to Council once reimbursement
3 is received.

4
5 **Motion passed by a 7/0 roll call vote of the City Council.**
6

7 D. Discussion on TPO Board Vote to Increase Local Match Requirements for LAP Projects
8

9 Ms. Mendez came forward and described the project prioritization process. She reported that the
10 subcommittee recommended an increase on the number of points allotted for a local match, referring to
11 the criteria for bicycle/pedestrian B/P local initiatives project chart. As well as a rise with the threshold in
12 the local match funds chart. The TPO Board voted to increase the local match from 10% to 25% causing
13 more weight, larger thresholds and now an increase to local match. It is unsure how the change will impact
14 the City's share for Big and Little French projects going forward.

15
16 Ms. Mendez referred to a letter from Lois Bolenback, Executive Director, River to Sea TPO (a copy of
17 which is attached and becomes a permanent part of these minutes). The letter provides tables of traffic
18 operation, safety and local initiatives projects. Ms. Mendez recommended Council authorize an opposition
19 letter sent to the TPO.
20

21 A lengthy discussion ensued between the council members that clarified how the TPO votes to increase
22 the local match from 10% to 25% and how their decisions affect the smaller cities.
23

24 Council Member Allebach responded that he stands up as a representative for the City and champions for
25 10% at the TPO board meetings.
26

27 **Council Member Pupello motioned to move forward with an opposition letter,**
28 **seconded by Council Member O'Connor and motion passed by a 7/0 roll call vote.**
29

30 E. Election of Vice Mayor
31

32 **Council Member Mahoney move to nominate Vice Mayor Crippen for Vice Mayor,**
33 **seconded by Council Member Pupello motion passed by a 7/0 voice vote of the City**
34 **Council.**
35

36 Vice Mayor Crippen thanked the Council for their support.
37

38 **9. REPORTS:**
39

40 **A. Mayor/City Council**
41

42 Mayor Blair reported that he and Vice Mayor Crippen attended the retirement celebration of Buddy
43 Snowden. Mayor Blair attended the Halloween Block party. He commented about the elementary students
44 visit to town hall. He stated that he received a letter from Philip Revine, Mayor of Miami, which reported
45 a resolution to help relocate Lolita, the killer whale.
46

47 Vice Mayor Crippen reported that Stetson University will be paying for one of the interpretive panels that
48 are being installed at Blue Springs. He noted that Fred Peace, husband of Susie Peace, solar panel co-op

1 representative, Mr. Peace spoke about an effort for a bridge over the DeBary Bayou. Vice Mayor Crippen
2 provided a history of the area.

3
4 **B. City Manager**

5
6 Ms. Arrington reported that the City Utility bills are not prorated. She noted that due to an unhappy citizen
7 stating she was charged for a full month's flat rate fee for 3 days of usage. Ms. Arrington suggested that
8 a new Ordinance be created to change the policy in order to prorate the utility service.

9
10 **C. City Clerk**

11
12 No report at this time

13
14 **D. City Attorney**

15
16 Mr. Reischmann reported on a pending bill that will attack home rule. He stated it was a proposal from
17 the State preempting local government regulation of the trimming or dealing with trees.

18
19 **10. NEW BUSINESS:**

20
21 Mayor Blair asked for Councils support to generate a resolution supporting the transfer of killer whale,
22 Lolita, out of her location in south Florida to Washington State.

23
24 **Council approved to have a resolution drawn by a unanimous voice vote.**

25
26 **11. APPROVAL OF MINUTES:** See Consent Agenda

27
28 **12. COUNCIL COMMENTS:**

29
30 Council Member Pupello thanked those in attendance.

31
32 Council Member Robinson reported that she received her ethics training certificate. She noted that she
33 will be attending the St. Jude's Boy Scouts on November 6th. On November 26th Council Member
34 Robinson will attend a ginger bread house contest at Orange Tree Village as a judge. She enjoyed attending
35 the Halloween block party. Council Member Robinson stated that the Stafford family had plenty of time
36 to try to continue with the Coleman park property.

37
38 Council Member Allebach agreed with Council Member Robinson's comments about Coleman Park. He
39 commented on the debris still located on Sparkman and Sperrn Ave. He also commented that edgings on
40 US17-92 be a priority.

41
42 Vice Mayor Crippen noted that he was not able to attend the Halloween block party due to a prior
43 commitment to the Historical society cemetery walk. Vice Mayor Crippen reported that he attended the
44 ethics class with Council Member Robinson and all the City officials from the Town of Pierson were also
45 in attendance. He appreciates all of the improvements around the City.

46
47 Council Member O'Connor stated that he grew up in the City and is happy with all of the improvement.
48 He stated he was happy with the plans to improve the Orange City Mobile Home Park. He enjoyed the
49 Halloween Block party and was impressed with staff's efforts in planning the party.

1 Council Member Mahoney noted the importance of getting involved with the decisions for the City's
2 improvement plans early in the process. He wished everyone a Happy Thanksgiving.

3
4 Mayor Blair wished everyone a Happy Thanksgiving.

5
6 **13. ADJOURN:**

7
8 There being no further business, Mayor Blair adjourned the meeting at 9:10 p.m.

9
10
11 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

12
13 _____
14 Melani Brown
15 Deputy City Clerk

Date

