

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, September 27, 2016 at 6:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, Orange City.

4
5 **CALL TO ORDER**

6
7 The meeting was called to order at 6:00 p.m. by Mayor Laputka and roll call was taken.

8
9 **ROLL CALL**

10
11 **PRESENT:** Mayor Tom Laputka; Vice Mayor Gary A. Blair; Council Members: Ron Saylor,
12 Michael G. Wright, Tom Abraham, O. William (Bill) Crippen, Anthony J. Pupello; 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 Council Member Pupello, followed by the Pledge of Allegiance.

18
19 **A. SPECIAL PUBLIC HEARING ON ADOPTION OF MILLAGE RATE AND**
20 **BUDGET FOR FISCAL YEAR 2016/2017**

21
22 The Mayor read the following statement into the record.

23
24 The City of Orange City intends to adopt a millage rate and budget for Fiscal Year 2016/2017. The
25 rolled-back rate is 7.0434 and the proposed millage rate is 7.45 mills which is 5.77% above the
26 rolled-back rate as provided by the Property Appraiser of Volusia County.

27
28 **SECOND READING & FINAL ADOPTION OF BUDGET & MILLAGE ORDINANCES:**

- 29
30
31 **a. ORDINANCE NO. 562:** An ordinance of the City of Orange City, Volusia
32 County, Florida; certifying the millage rate for fiscal year 2016-17 on all
33 taxable property located within the City of Orange City, Volusia County,
34 Florida; containing a repealer provision; a severability clause and providing for
35 an effective date.

36
37 Mr. Reischmann read the title of Ordinance No. 562 into the record.

38
39 **Vice Mayor Blair moved to adopt Ordinance No. 562, seconded by Council**
40 **Member Crippen.**

- 41
42 **b. ORDINANCE NO. 563:** An ordinance of the City of Orange City, Florida,
43 adopting the annual budget for the 2016-2017 fiscal year beginning October 1,
44 2016 and ending September 30, 2017; authorizing subsequent amendments by
45 resolution; repealing all inconsistent ordinances or parts thereof; and providing
46 for an effective date.

47
48 Mr. Reischmann read the title of Ordinance No. 563 into the record.
49

Vice Mayor Blair moved to adopt Ordinance No. 563, seconded by Council Member Crippen.

STAFF PRESENTATION

Christine Davis, Finance Director, provided a detailed PowerPoint presentation referring to the budget and millage rate for FY 2016/2017 (a copy of which is attached and becomes a permanent part of these minutes). Ms. Davis highlighted the budget challenges for the upcoming year and delivered an overview of revenues and expenses. Ms. Davis explained the items that were not included in the budget and discussed the average cost per year per resident. Ms. Davis concluded her discussion and offered to answer any questions from Council.

OPEN SPECIAL PUBLIC HEARING

Mayor Laputka opened the public hearing by asking if anyone wished to speak for or against the proposed ordinance.

CLOSE SPECIAL PUBLIC HEARING

There being no requests to speak, the Mayor closed the public hearing.

COUNCIL DISCUSSION

The Council spoke in support of approving the budget as presented and thanked staff for their efforts in keeping costs down and retaining services.

c. ADOPTION OF THE MILLAGE RATE AND BUDGET FOR FISCAL YEAR 2016/2017 ON SECOND READING

(1) Ordinance No. 562 (Millage Ordinance) is voted on first

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

(2) Ordinance No. 563 (Budget Ordinance) is voted on second

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

d. ANNOUNCEMENT OF PROPOSED MILLAGE RATE

Mayor Laputka read the following statement into the record:

The City of Orange City’s proposed millage rate for Fiscal Year 2016/2017 is 7.45 mills which is above the rolled-back rate of 7.0434 as provided by the Property Appraiser of Volusia County and reflects an increase of 5.77% in ad valorem taxes.

End Special Public Hearing and resume regular meeting format.

1. ABSENCES: None at this time

2. PRESENTATIONS/PROCLAMATIONS:

Fire Prevention Week

Mayor Laputka read a proclamation into the record proclaiming October 15, 2016 as Fire Prevention Week in Orange City. He urged all citizens to find out how old the smoke alarms in their homes are and to replace them if they are more than 10 years old.

Retirement – Jim Kerr

Mayor Laputka read a proclamation into the record commending Jim Kerr for his 33 years of dedicated public service to the City of Orange City and its citizens. On behalf of the City Council he wished Mr. Kerr much happiness in his retirement.

3. CITIZEN COMMENTS:

Kathie Gennrich 514 Patlin Avenue came forward to talk about problems with feral cats in her neighborhood. She stated that the “cat lady”, who does not live in the area, has been feeding the cats for over a year and it is getting out of control. The City’s trap neuter and release program is not affective. Ms. Gennrich requested that the City implement an ordinance that prohibits people from feeding feral cats.

Connie Sanford, 511 Patlin Avenue came forward and stated that she agrees with Ms. Gennrich. She suggested that the “cat lady” who is feeding the cats, take responsibility and take them to where she lives.

Council Member Saylor commented that the pregnant cats on Patlin Avenue are coming to Brightwood Avenue to have their kittens.

4. CONSENT AGENDA:

- a. Interlocal Agreement Renewal for Animal Control Services
- b. Contract Award ITB014-0-2016 Council Chambers Restroom Renovation Project
- c. Contract Award ITB B017-0-2016 Orange City Lift Station Retrofit/On-Call Services
- d. FDOT Traffic Signal Maintenance & Compensation Agreement
- e. ~~Approve Minutes August 23, 2016 Regular City Council Meeting~~
- f. ~~Approve Minutes September 14, 2016 Regular City Council Meeting~~

Mayor Laputka noted that Consent Agenda items 4e.-4f. were removed from the Consent Agenda.

Vice Mayor Blair moved to approve the Consent Agenda as amended, seconded by Council Member Crippen and passed by a 7/0 roll call vote of the City Council.

5. ORDINANCES – FIRST READING:

A. Ordinance No. 566 An ordinance of the City Council of the City of Orange City, Florida, amending Chapter 2, Administration, Article IV, Code Enforcement, Division 1, Code Enforcement through Hearing Officer process, by amending Section 2-137, specifically Subsection 2-137(c)(2), Administrative Fines; Liens; and by amending Section 2-140, Notices; providing for severability, conflicts and effective date.

1 Mr. Reischmann read the title of Ordinance No. 566 into the record.

2
3 **Vice Mayor Blair moved to adopt Ordinance No. 566 on first reading,**
4 **seconded by Council Member Crippen.**
5

6 Sergeant Lariscy, Code Enforcement Supervisor noted that the current code enforcement lien
7 reduction or forgiveness process requires that a violator or property owner appear before both the
8 code enforcement magistrate for a recommendation and then before Council for a final decision.
9 There are several foreclosed or abandoned properties that have minor violations and/or liens, which
10 would deter potential buyers, because the potential buyer has no way getting the liens reduced or
11 forgiven. The process outlined in Ordinance No. 566 would allow anyone who may have an interest
12 in the property to go before the code enforcement magistrate, and the hearing officer will make a final
13 decision. If the individual feels that decision is not correct they can appeal and go before the City
14 Council.
15

16 Another change that will occur if Ordinance No. 566 is adopted is the manner in which violation
17 notices are served. It would allow Code Enforcement to follow State statues in order to pool
18 resources in order to serve notices of code enforcement violations or hearings. In addition, it will
19 reduce postage costs because notices will be sent out certified mail, instead of certified return receipt
20 which is more costly. Sgt. Lariscy noted that this is the same process adopted by the legislature.
21

22 Mr. Reichmann commended Sgt. Lariscy for bringing this matter to Council’s attention because it
23 addresses some of the inefficiencies that Code Enforcement and the Magistrate are dealing with.
24 Adoption of this ordinance will create a streamlined approach for people to come in and bring their
25 properties into compliance and get all the City’s costs reimbursed at the same time.
26

27 Council spoke in support passing this ordinance, and thanked Sgt. Lariscy for bringing this matter
28 forward.
29

30 **Motion passed by a 7/0 roll call vote of the City Council.**
31

32 **6. PUBLIC HEARINGS:**
33

- 34 **A. Ordinance No. 564** An ordinance of the City of Orange City, Florida, amending the
35 Official Zoning Map of the City of Orange City, Florida; changing the zoning
36 classification of property owned by Monroe Investments, LLC, (Parcel No. 8012-04-00-
37 0190), located at 675 Veterans Memorial Parkway, consisting of 4.6 acres from the Villa
38 Tuscany Assisted Living Facility Business Planned Unit Development to CERTUS
39 Assisted Living Facility Business Planned Unit Development; adopting the BPUD Master
40 Development Plan; providing for conflict; providing for severability and providing for an
41 effective date.
42

43 Ms. Mendez, Development Services Director advised that this is the second reading of Ordinance No.
44 564 and there have been no changes since first reading. Ms. Mendez advised that the applicants were
45 present to answer questions. She recalled that this development was approved in 2010 however the
46 development agreement was never recorded or executed. CERTUS is proposing to reduce the units
47 from 100 to 65. The Planning Commission approved this project on August 3, 2016 with the
48 condition an architectural wall that separates the residential units is built at the rear property line. The
49 City Council accepted that condition and approved the development agreement on first reading on

1 September 14th. Ms. Mendez provided a PowerPoint slide of sample architectural elevations of what
2 the building might look like. She advised that staff recommends that City Council adopt Ordinance
3 No. 564 on second and final reading.

4
5 Mayor Laputka opened the public hearing by asking if anyone wished to speak on this matter, there
6 being no requests to speak Mayor Laputka closed the public hearing.

7
8 Council Member Pupello asked the applicants to come forward to talk about the vision for this
9 project.

10
11 Glen Plowskey, Chief Executive Officer, CERTUS Senior Living came forward. He noted that
12 CERTUS focuses on care for Alzheimer’s sufferers. A large percentage of Alzheimer’s sufferers live
13 in Florida and it can be a huge burden on family members and care givers. A program such as this is
14 a great alternative and it will bring several jobs to the City. CERTUS feels we can make a difference
15 by creating a focus on this type of care.

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

- 18
19 **B. Ordinance No. 565** An ordinance of the City of Orange City, Florida; vacating and
20 abandoning a 10-foot drainage and utility easement located within the Orange City Knolls
21 Replat, and generally located 1,250 feet south of East Rhode Island Avenue authorizing
22 execution of effecting documents as needed; providing for conflict; providing for
23 severability; and providing for an effective date.

24
25 Mr. Reischmann read the title of Ordinance No. 565 into the record.

26
27 **Vice Mayor Blair moved that the City Council adopt Ordinance No. 565 on**
28 **second and final reading, seconded by Council Member Crippen.**

29
30 Ms. Mendez advised that this is second reading of Ordinance No. 565 which is an abandonment of an
31 existing easement. At the last meeting Council approved the site plan for Chinchor Electric and one
32 of the conditions of approval was that this easement be vacated or abandoned. All of the local utility
33 providers have submitted a letter of no objection. Staff requests that the City Council adopt
34 Ordinance No. 565 on second and final reading, finding that the draining and utility easement is not
35 useful or needed.

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

38
39 **7. RESOLUTIONS:** None at this time

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

42
43 **A. Interlocal Agreement with Volusia County for Joint Wastewater Planning Services**

44
45 Midgdalia Hernandez, Public Work Director advised that staff is requesting authorization to enter
46 into an interlocal agreement with Volusia County for wastewater planning services. She recalled the
47 new state mandate to reduce the amount of nutrients in the aquifer stating that the City is being
48 proactive by addressing these issues early. The County will share 50% of the costs of the projects.
49 The first project is the CRA corridor. The project entails looking at the existing infrastructure (sewer

1 lines) to see if they can be used or if they need to be replaced. Hydraulic modeling will be done
 2 which can be merged with the estimated costs into the existing proposed CRA upgrades. Ms.
 3 Hernandez discussed several other projects contemplated. She concluded by stating that staff
 4 requests that the City Council authorize the City Manager to enter into an interlocal agreement with
 5 Volusia County for wasterwater planning services.

6
 7 **Vice Mayor Blair moved that the City Council authorized the City Manager**
 8 **to enter into an Interlocal agreement with Volusia County for joint waste**
 9 **water planning services, seconded by Council Member Crippen.**

10
 11 Council Member Pupello questioned why the Enterprise area was not included in this project. Ms.
 12 Hernandez responded that the area already has sewer lines and the sewer main is big enough to accept
 13 more capacity.

14
 15 **Motion passed by a 7/0 roll call vote of the City Council.**

16
 17 **B. Consideration of Process & Timeline to Appoint a New City Council Member,**
 18 **District 5**

19
 20 Ms. Arrington advised that this matter is to discuss a timeline for appointing a new city council
 21 member for the District Seat #5. She recalled that this action is necessary due to the resignation of
 22 Vice Mayor Blair to run for office of mayor.

23
 24 According to the Charter, Council has 45 days to fill the seat. Staff is recommending that the
 25 November 8th meeting is rescheduled to November 15th. In addition, staff is recommending a 20 day
 26 application process from November 9th to November 29th. An ad will be advertised in the newspaper
 27 and on the web site. Staff is also recommending that a special meeting is called for December 6th and
 28 December 8th, if required, to interview and make a selection. The newly appointed candidate will be
 29 sworn-in at the December 13th Regular City Council meeting.

30
 31 **Vice Mayor Blair moved that the City Council authorize the City Manager move**
 32 **forward with the process and timeline to appoint a new city council member for**
 33 **district seat #5, seconded by Council Member Crippen and passed a 7/0 roll call**
 34 **vote of the City Council.**

35
 36 **9. REPORTS:**

37
 38 **A. Mayor/City Council**

39
 40 Vice Mayor Blair communicated that he met with residents who had an objection to the water project
 41 involving Marshall Pond. The group requested to be are placed on the agenda because the time
 42 allotted for citizen comments is not enough time to explain the issue.

43
 44 **B. City Manager**

45
 46 Ms. Arrington acknowledged the problems encountered with the dewatering at Mill Lake for the
 47 nutrient reduction project. She explained that the plan was to move some of the water from Mill Lake
 48 to Marshall Pond however the adjacent property owners filed an objection. Staff is exploring

1 alternatives and will be meeting with the group on Friday morning. The group has sent out an email
2 inviting council members to attend the meeting however it is not a public meeting.

3
4 Mr. Reischmann noted that a public meeting must be noticed pursuant to the Sunshine Laws. He
5 cautioned Council about the possible violations that could occur. Mr. Reischmann suggested that
6 Council allow staff to initiate discussions to see if there is an amiable resolution.

7
8 Council Member Pupello requested that the citizen comments about feral cats be addressed. Ms.
9 Arrington noted that she would discuss the problem with the Police Department and see what
10 solutions are available. She commented that in her experience this is a very difficult situation and no
11 matter what is decided not everyone will be happy.

12 13 14 **C. City Clerk**

15
16 Ms. Arrington responded to Council with an update on hiring a deputy city clerk. She advised that
17 the position has been reposted and will be concluded next week. She stated if a viable candidate was
18 not found, temporary staff could be brought in.

19 20 **D. City Attorney**

21
22 Mr. Reischmann advised that he is working on acquiring the property for the public safety facility on
23 E. Ohio Avenue.

24
25 **10. NEW BUSINESS:** None at this time

26
27
28 **11. APPROVAL OF MINUTES:** None at this time

29
30
31 **12. COUNCIL COMMENTS:**

32
33 Council Member Pupello stated that he is looking forward to all of the accomplishments that are
34 outlined in the budget.

35
36 Council Member Saylor mentioned that the meeting was productive with Council passing a budget.

37
38 Council Member Crippen commented staff has presented excellent recommendations to Council.

39
40 Council Member Abraham noted that September 27th was Google's 18th birthday. He recommended
41 that everyone read the book "The Ecology of Congress: A Declaration of Sustainability" by Paul
42 Hawken.

43
44 Council Member Wright stated that he was honored to be a part of Jim Kerr's retiring announcement.

45
46 Vice Mayor Blair thanked the Finance Departments for their effort developing the budget.

47
48 **13. ADJOURN:**

49

1 There being no further business, Mayor Laputka adjourned the meeting at 8: 27 p.m.
2
3

4 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

5
6 _____
7 Melani Brown
8 Deputy City Clerk
9

_____ Date

10
11
12