

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, April 11, 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, Anthony J. Pupello, Evelyn Robinson, Jim Mahoney; City Attorney William  
12 Reischmann; City Manager Dale Arrington; City Clerk Gloria Thomas.  
13

14 **INVOCATION/PLEDGE OF ALLEGIANCE**

15  
16 The Invocation was given by William (Bill) Henderson-Principal for Trinity Christian Academy  
17

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

20 **2. PRESENTATIONS/PROCLAMATIONS:**

21  
22 A. Proclamation for Water Conservation Month  
23

24 Mayor Blair read a proclamation into the record proclaiming April, 2017 as Water Conservation month  
25 in the City of Orange City and urged all residents and businesses to help protect our precious water  
26 resources by practicing water saving measures.  
27

28 Migdalia Hernandez, Public Work Director and Raul Palenzuela, Deputy Public Works Director, City  
29 Engineer came forward to accept the Proclamation.  
30

31 **3. CITIZEN COMMENTS:**

32  
33 Alan Thompson, West Volusia Association of Realtors and Young Professionals Network came  
34 forward and announced a fundraiser event "Comedy for Collin" on April 13<sup>th</sup> from 5-8 p.m. at the Draft  
35 House in Orange City. He invited everyone to attend.  
36

37 **4. CONSENT AGENDA:**

- 38  
39 A. Award Contract for Coleman Park Handicapped Playground Equipment  
40 B. Surplus Inventory/Request to Donate  
41 C. Funding for the Demolition of 260 E. Banana and 896 Thorpe Avenue  
42 D. Approve September 27, 2016 Regular Meeting Minutes  
43 E. Approve March 28, 2017 Regular Meeting Minutes  
44

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

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

1 A. **Ordinance No. 569** An ordinance of the City of Orange City, Florida,  
2 amending Appendix A – Land Development Code regarding Improvement  
3 Guarantees and Vehicle Parking in residential areas; providing for amendments  
4 to Section 2.2, Chapter 2 Definitions, and Section 5.1.1, Chapter 5  
5 Development Orders, Development Permits and Certificates of Occupancy,  
6 and Section 6.6, Chapter 6 Subdivision Regulations, and Section 7.10, Chapter  
7 7 Site Plan Review, and Section 8.7.11, Chapter 8 Zoning Regulations;  
8 providing for codification; conflicts, severability and an effective date.  
9

10 Mr. Reischmann read the title of Ordinance No. 569 into the record.

11  
12 **Council Member Mahoney moved to adopt Ordinance No. 569 on first**  
13 **reading, seconded by Vice Mayor Crippen.**  
14

15 Becky Mendez, Development Services Director, came forward and provided a detailed PowerPoint  
16 presentation (a copy of which is attached and becomes a permanent part of these minutes). Ms.  
17 Mendez explained that this was the first reading of an administrative text amendment. She stated that it  
18 is a housekeeping item. Ms. Mendez presented detailed information to clarify the definition of a one ton  
19 motor vehicle as commercial vehicle for Code Enforcement. Ms. Mendez recommended a change in  
20 the text of the actual definition of commercial motor vehicle from a gross “combination” weight rating  
21 to gross “vehicle” weight rating (GVWR) which is what the industry standard states. She stated staff  
22 recommends Council approve at first reading and schedule second and final for April 25<sup>th</sup>.  
23

24 Council Member Allebach asked for a clearer definition of larger trucks such as an F350, which would  
25 not be allowed to be parked in a resident’s driveway if this Ordinance is passed. Ms. Mendez replied  
26 that the Ordinance would only pertain to a truck that is used for commerce purposes and is 10,001  
27 pounds or more.  
28

29 Council Member O’Connor remarked that some homeowners associations cannot enforce the larger  
30 vehicles in their neighborhoods because a City code does not exist.  
31

32 Council Member Robinson asked about the residents that use the vehicles in question as their main  
33 mode of transportation. Ms. Mendez responded that the Ordinance only applies to the larger vehicles  
34 with advertisement on the side identifying it as a commerce vehicle.  
35

36 Vice Mayor Crippen commented that Council Member Pupello purchased a larger truck with an  
37 emblem on it at a surplus auction and asked if that would be illegal with the new Ordinance. Ms.  
38 Mendez replied that it could raise a red flag to Code Enforcement.  
39

40 Council Member Mahoney asked if a company vehicle that was an F250 with an emblem on it, would  
41 be a problem, Ms. Mendez responded, yes no noting that an F350 would not be allowed either and that  
42 this is based on the industry standards.  
43

44 Council Member Pupello stated he understood what the City was trying to achieve but this will affect  
45 most of the City’s working class citizens. He stated that he would like modifications to the Ordinance  
46 that would provide clarification and allow enforcement.  
47

1 Vice Mayor Crippen asked if it would be acceptable to have the larger vehicles parked in the side yards.  
2 Ms. Mendez stated currently commercial vehicles are not allowed to be parked in residential  
3 neighborhoods.

4  
5 Council Member Allebach recommended that the restricted weight amount be increased to 14,000  
6 pounds.

7  
8 Council Member Pupello asked Sergeant Lariscy, Code Enforcement Officer, to come forward.  
9 Sergeant Lariscy explained that Code Enforcement is requesting clarification of the definition of  
10 commercial vehicles in order to enforce the Code. He clarified that larger vehicles would only be  
11 judged by classification and size.

12  
13 **Council Member Mahoney moved to amend the definition of a commercial motor**  
14 **vehicle in Chapter 2. – DEFINITIONS, Section 2.2 – Specific terms defined. 1), to**  
15 **read “Has a gross combination weight rating of 14,001 or more pounds” seconded**  
16 **by Vice Mayor Crippen.**

17  
18 Council Member O’Connor asked if the Planning Commission could provide a reason why they  
19 developed the vehicle weight classifications. Ms. Mendez replied that it was staff’s recommendation,  
20 based on industry standards. She advised that the changes to the Ordinance were never meant to be  
21 more restrictive or more flexible; it was for clarification for Code Enforcement.

22  
23 **Amendment passed by a 7/0 roll call vote of the City Council.**

24  
25 **Main motion, passed on the first reading by a 7/0 roll call vote of the City**  
26 **Council.**

27  
28 B. **Ordinance No. 571** An Ordinance of the City of Orange City, Florida, amending  
29 Appendix A – Land Development Code regarding residential accessory structures;  
30 providing for amendments to Section 8.7, Supplementary Regulations, of Chapter  
31 8 Zoning Regulations; providing for codification; conflicts, severability and an  
32 effective date.

33  
34 Mr. Reischmann read the title of Ordinance No. 571 into the record.

35  
36 **Vice Mayor Crippen moved to adopt Ordinance No. 571 on first reading,**  
37 **seconded by Council Member Allebach.**

38  
39 Ms. Mendez came forward and provided a detailed PowerPoint presentation explaining the Land  
40 Development Code regarding residential accessory structures (a copy of which is attached and  
41 becomes a permanent part of these minutes). She explained that the City frequently receives  
42 requests to allow metal utility sheds and carports on residential property. The current code requires  
43 that accessory structures match the character of the area and be consistent with the structural design  
44 of the principal building. However, the design standards are vague and subjective. Staff is seeking to  
45 provide enforceable design standards for larger, visible structures and flexibility for smaller  
46 structures.

47  
48 Ms. Mendez noted that the existing code does not provide bulk and mass standards nor does it limit  
49 the number or size of accessory structures on a lot. Staff suggests an amendment to the Code to

1 provide standards and to protect the residential character of the local neighborhoods. Ms. Mendez  
2 discussed the proposed amendments in detail. She explained an exemption stating that if the  
3 proposed shed is 120 square feet or less it does not need to match the design of the main structure as  
4 long as it is located behind the house.

5  
6 Mayor Blair asked if a structure is visible from the street would that be considered behind the house.  
7 Ms. Mendez read from the Ordinance, accessory structures that are 120 square feet or less and are  
8 fifteen (15) feet in height or less, do not have to match the primary structures material and design as  
9 long as the structure is located behind the principle structure.

10  
11 Council Member Pupello asked if this Ordinance would pertain to garage apartments. Ms. Mendez  
12 replied that garage apartments were not regulated by the accessory structures and therefore do not  
13 have these requirements.

14  
15 Vice Mayor Crippen asked about height requirements for a recreational vehicle (RV) garage. Ms.  
16 Mendez stated that RV garages are taller than 15 feet and the owners would have to apply for a  
17 variance for the height standard. She displayed several examples of this explanation.

18  
19 Mayor Blair asked for the verbiage of the ordinance to be modified. Ms. Mendez stated that verbiage  
20 could be changed to “it’s not visible from the right of way or adjacent properties”.

21  
22 Council Member O’Connor mentioned that staff provided letters from two residents who have metal  
23 sheds in their yards and are concerned about this amendment. Ms. Mendez replied that this  
24 Ordinance would not affect the citizens who already have the described sheds.

25  
26 A conversation ensued between the Council Members voicing their opinions on the sheds and the  
27 amended text.

28  
29 **Council Member Mahoney moved to amend Section 8.7.1 (e), to read**  
30 **“when the added structure is located behind the principle structure and is**  
31 **screened and is not visible from the right of way or adjacent properties”,**  
32 **seconded by Vice Mayor Crippen.**

33  
34 **Amendment passed by a 6/1 roll call vote of the City Council, with Council**  
35 **Member O’Connor voting “no”**

36  
37 **Main motion passed by a 6/1 roll call vote of the City Council with Council**  
38 **Member O’Connor voting “no”**

- 39  
40 C. **Ordinance No. 572** An Ordinance of the City of Orange City, Florida, amending  
41 the Code of Ordinances regarding the demolition of historic properties; providing  
42 for amendments to Part II, Chapter 2-Administration, Article III-Boards,  
43 Commissions and Committees, Division 3-Historic Preservation Board; providing  
44 for codification, conflicts, severability and an effective date.

45 Mr. Reischmann read the title of Ordinance No. 572 into the record.

46  
47 **Council Member Mahoney moved to approve Ordinance No. 572 on first**  
48 **reading, seconded by Vice Mayor Crippen.**  
49

1 Ms. Mendez provided a detailed PowerPoint presentation describing the details of the proposed future  
2 land use development element policy 6.2.10 (a copy of which is attached and becomes a permanent  
3 part of these minutes). She noted that the policy would apply to structures that are 50 years or older  
4 located in the historic district. The amendment would require a demolition permit application if a  
5 property owner wishes to demolish a historic home.  
6

7 The permit application will be reviewed by staff and will require a site visit and GIS data. The  
8 Development Services Director will review any applications that will have a minor impact on the area.  
9 Additional information may be requested and the determination will be based on criteria. Applicants  
10 can appeal to the Historic Preservation Board if their application is denied. The Historic Preservation  
11 Board will review all applications that will have a major impact on the historic district. The Board  
12 may require additional information and determination will be based on criteria. Applicants can appeal  
13 to the City Council if their application is denied. Ms. Mendez discussed the criteria and conditions of  
14 approval for demolition permits. Staff recommends approval at first reading and to schedule second  
15 and final reading for April 25, 2017.  
16

17 A question and answer session ensued between Council Members and Ms. Mendez explaining more  
18 details of the presentation.  
19

20 Mr. Reischmann read section 2.103 (6) Appeals of the Code of Ordinances and 3.11 of the Land  
21 Development Code, in order to clarify the correct flow of appeal applications, should a homeowner  
22 appeal the decision of the Development Services and the Historic Preservation Board.  
23

24 Council Member Robinson expressed concerns that many of the owners of historic homes are  
25 deceased and it may be difficult to find out who is the owner of an abandoned historical home. She  
26 gave “kudos” to the Historical Preservation Committee for their efforts in this matter.  
27

28 Vice Mayor Crippen also expressed his appreciation to the Historical Board.  
29

30 Council Member Pupello stated that it was important to retain historical properties. He spoke in  
31 support of moving this matter forward.  
32

33 Mayor Blair stated he was in favor of the Ordinance and recalled that Council Member Mahoney’s  
34 views towards the historical homes have not waivered over the years.  
35

36 Mayor Blair opened the floor to the public.  
37

38 Joan LaFluer, 2A Azula Drive, came forward and noted that she currently owns a historic home and  
39 as coordinator of the Orange City History book, she urged the Council to adopt this ordinance.  
40

41 Carry Donaway stated she currently owns a historic home and is a member of the Historic  
42 Preservation board. Ms. Donaway remarked that was a difficult project for the Historic Preservation  
43 Board. She gave recognition to Kim Reading, City Planner for her involvement. Ms. Donaway  
44 reported that there will be a 100 year anniversary celebration at Dickenson Park on April 29<sup>th</sup>.  
45

46 **Motion passed by a 7/0 vote of the City Council**  
47

48 **6. PUBLIC HEARINGS/ SECOND READING:** None at this time.

1 7. **RESOLUTIONS:** None at this time.

2  
3 8. **DISCUSSION AND ACTION:**

4  
5 A. Review of Alcoholic Beverage Ordinance

6  
7 Police Chief Thomas came forward and provided a PowerPoint presentation (a copy of which is  
8 attached and becomes a permanent part of these minutes) showing several pictures of people who  
9 seemed intoxicated and/or passed out on sidewalks around town. He recalled that in 2014 this matter  
10 was brought forward and staff and Council agreed that an open container ordinance was not required at  
11 that time, due to State and County regulations that could apply. At that time Council suggested that  
12 staff come forward if the situation changed. Chief Thomas stated that an ordinance of this nature is  
13 now required.

14  
15 Council Member O'Connor inquired about the County's open container ordinance. Chief Thomas  
16 replied that the County does have an open container ordinance but cannot enforce it within the City  
17 limits.

18  
19 Council Member Allebach voiced that there should be specific verbiage stating standards for special  
20 events that occur in the City.

21  
22 A conversation between Council and Mr. Reischmann ensued clarifying what the next steps of the  
23 process would be in order to pass the ordinance.

24  
25 Ms. Arrington stated that once alcohol is prohibited in the public rights of way it is also necessary to  
26 have a provision to allow it. A special permit would be needed to have beer sales in conjunction with a  
27 City festival.

28  
29 Council Member Robinson recalled that at the African American Heritage Festival vendors who sold  
30 alcohol beverages had to have a permit and a police present. She asked if that was still policy.

31  
32 Chief Thomas responded, yes that is the policy under the Parks section of the Code and it gives the City  
33 the authorization to issue a permit for alcohol with the restrictions.

34  
35 Council Member O'Connor asked for clarification of the Chapter 3 and permits of the parks.

36  
37 Ms. Arrington responded that the City already had the ability to grant a permit to allow alcohol sales in  
38 conjunction with a special event that occurs in parks however, the City does not have an open container  
39 law in public rights of way. Ms. Arrington stated a provision could be added to allow open containers  
40 on streets in association with City festivals; if those streets are closed to traffic.

41  
42 Mr. Reischmann recommended that Council direct staff to draft an amendment that states what they  
43 would like the updated code to state about the open containers.

44 **It was the consensus of the Council to bring an alcohol beverage or open**  
45 **container ordinance forward.**

46  
47 B. Consideration of committing 5 year funding to the Neighborhood Center of DeLand in  
48 Support of the Proposed Day Center for Homeless  
49

1                   **Council Member O'Connor moved that the City Council authorize the**  
2                   **City Manager to pledge \$15,000 per year for 5 years to the homeless**  
3                   **center in DeLand, seconded by Vice Mayor Crippen.**  
4

5 Vice Mayor Crippen stated that he was in favor of supporting the homeless center in Deland.  
6

7 Council Member O'Connor asked if \$15,000 would be affordable each year. Ms. Arrington advised the  
8 funds would be budgeted. She noted that the pledge would be approved by the Council each year once  
9 the budget is adopted.  
10

11 Council Member Pupello commented that he has supported this center for some time and asked if the  
12 amount would be increased in the future.  
13

14 Mayor Blair commented that at the elected official's roundtable Mayor Apgar stated that the County  
15 may be asking for more money in the future.  
16

17 Council Member Allebach stated that he would support this amendment as well. He asked if it would  
18 be included in the budget for the fiscal year 2017/2018. Ms. Arrington replied that was correct but  
19 most likely would not be used until next fiscal year.  
20

21                   **Motion passed by a unanimous voice vote of the City Council.**  
22

23                   C. Approve 2017 CDBG Application  
24

25 Devlin Moore, Accounting Manager and CDBG Liaison, came forward and provided a PowerPoint  
26 presentation (a copy of which is attached and becomes a permanent part of these minutes) that  
27 described the Community Development Block Grant (CDBG) application submittal for fiscal year  
28 2017/2018. Mr. Moore explained that the intent of the CDBG funds were to benefit a low to moderate  
29 income population that is generally identified by the Federal census data.  
30

31 Mr. Moore advised that the City is a participating community and sub-grantee of Volusia County.  
32 Orange City is scheduled to receive \$69,887 in fiscal year 2017/2018. In turn the City may use the  
33 funds to perform capital improvement projects within the limited benefit area or provide ADA  
34 improvement anywhere within City limits. Mr. Moore discussed past projects that the CDBG  
35 allocation have funded such as picnic pavilions, ADA drinking fountains, picnic tables, benches  
36 handicap parking stalls and sidewalks throughout the park. He noted the plans for the 2017 CDBG  
37 allocation is for ADA playground equipment for Coleman Park.  
38

39 Mr. Moore noted that funding for the CDBG program is scheduled to cease in FY 2018/2019. The  
40 County does not anticipate there will be a problem with the funding this year. He advised that staff  
41 recommends Council approve the 2017 CDBG Application project.  
42

43                   **Council Member Allebach moved to approve the 2017/2018 CDBG capital**  
44                   **improvement project as presented by staff, seconded by Vice Mayor**  
45                   **Crippen and passed with a unanimous voice vote of the City Council.**  
46

47 **9. REPORTS:**  
48

49                   **A. Mayor/City Council**

1  
2 Mayor Blair reported that he and Ms. Arrington met with a liaison about the Deltona Halifax Hospital  
3 proposal. He also met with John Clark, a local journalist about Mill Lake Park. Mr. Clark also  
4 mentioned Orange City in his international radio show. Mayor Blair noted that he attended the elected  
5 official round table meeting and Larry Bartlett, Property Appraiser, was the speaker. Mr. Bartlett stated  
6 that the theme of his department was teamwork. Mr. Bartlett advised that Orange City's property value  
7 has increased by 7.3% and that he would like to institute electronic filing of permits. Mayor Blair  
8 reminded Council about a presentation at John Knox Village, hosted by the Deland Chamber about  
9 transportation issues and tax increases for local roads.

10  
11 Vice Mayor Crippen reported that he attended the River of Lakes meeting. The group is continuing its  
12 efforts to develop the market as well as completing the trails from Seville to Oak Hill. Vice Mayor  
13 Crippen stated he was apprehensive due to one of the legislative programs that will eliminate the  
14 Welcome to Florida program.

15  
16 Mayor Blair announced that a Bill SJR 1774 was being considered by the Florida Senate that would  
17 increase homestead exemptions by \$25,000 which would cause a \$126,000 loss to the City if the bill  
18 passes. Mayor Blair noted that he will leave a list of contacts with the City Clerk if anyone would like  
19 to oppose that bill.

20  
21 Council Member O'Connor attended a ribbon cutting for LC Home Staggers at "the purple house" a  
22 historically home that was built in 1905. The owners have done a good job renovating the house.

### 23 24 **B. City Manager**

25  
26 Ms. Arrington reported that she received a letter from the NAACP announcing their annual banquet  
27 that will be held on June 2<sup>nd</sup> at 6:30 p.m. in the Sanborn Center. The NAACP will be presenting  
28 Sharon Stafford with an award and has requested that the City become a sponsor of the event this year.  
29 Ms. Arrington recommended Council allow her to purchase tickets to the event for \$730.00 which  
30 would classify the City as a bronze sponsor.

31  
32 **It was the consensus of the City Council to authorize the City Manger to**  
33 **move forward and purchase tickets to the NAACP event, as presented.**  
34

35 Ms. Arrington reported that she will be calling a Special CRA meeting on April 25<sup>th</sup> or May 9<sup>th</sup> to  
36 discuss plans to proceed on a low interest loan. She stated that the City has to move quickly in order to  
37 prepare loan documents to present to the State showing debt in order to retain the CRA should it be  
38 threatened with the continuing legislation.

39  
40 Council Member Pupello announced that he would like the CRA meetings to begin at an ample amount  
41 of time before the Council meeting so that all of the items on the agenda could be reviewed.

42  
43 Ms. Arrington stated tickets for the State of the County address on April 18<sup>th</sup> were selling quickly and  
44 urged Council to sign up as soon as possible.

### 45 46 **C. City Clerk**

47  
48 No report.  
49



**D. City Attorney**

Mr. Reischmann reported on items of preemption arising in the legislature that deal with communication services. The bills take away local governments ability to control the rights of way in their jurisdictions, specifically light poles and other facilities in the right of ways. Communication companies could come in and install antennas and other structures in the City’s right of ways and the City would not have any control over how it would appear or the potential safety issues. Mr. Reischmann encouraged Council to take into consideration those discussions with their state representatives.

Vice Mayor Crippen asked Mr. Reischmann if he has heard the results of the Marion County hearing that would grant that county access to the aquifer. Mr. Reischmann replied he has not heard but will research and get back to the Council.

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

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

**12. COUNCIL COMMENTS:**

Council Member Pupello commended the citizens that came out to support the community. He appreciated the way Council exchanged their views and is proud to serve.

Council Member Robinson acknowledged a classmate that was in the audience from her high school class of 1960. She appreciated being able to attend the CDBG meeting and is excited for the future and the progress of Mill Lake.

Council Member Allebach stated the discussion was fantastic this evening and the Council and staff were very compassionate.

Vice Mayor Crippen appreciated all the work the Historic board has done and announced that he will be presenting a talk about the politics of Volusia County in the early 20<sup>th</sup> century on Thursday evening at 7 p.m. located at the Enterprise Preservation Society. He also announced that early in May there will be a traveling exhibit about the work the pioneers did in this area.

Council Member O’Connor stated that it is not about us it is about the citizens of the City. He announced he will be presenting a demonstration at an open house on April 28<sup>th</sup> explaining that new employers will have access to every active resume that is available in the area for those seeking employment.

Council Member Mahoney apologized for the impression that he may have given. He stated he was on his laptop “Googling” information in the meeting instead of asking questions to staff.

**13. ADJOURN:**

There being no further business to discuss, Mayor Blair adjourned the meeting at 9:16 p.m.

**RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

\_\_\_\_\_

\_\_\_\_\_

1 Melani Brown, Deputy City Clerk

Date