

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, April 25, 2017 at 7:00 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 7:00 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 Bill
12 Reischmann; City Manager Dale Arrington; City Clerk Gloria Thomas.

13
14 **INVOCATION/PLEDGE OF ALLEGIANCE**

15
16 The Invocation was given by Father Titus Kachdina-St. Anns Catholic Church, Debary, followed by the
17 Pledge of Allegiance.

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

20
21 **2. PRESENTATIONS/PROCLAMATIONS:**

22
23 A. Arbor Day Proclamation

24
25 Mayor Blair read a proclamation into the record proclaiming April 28, 2017 as Arbor Day in Orange
26 City. He urged all citizens to celebrate and support efforts to protect our trees and woodlands and to
27 plant trees to gladden the heart and promote the well-being of this and future generations.

28
29 B. Teacher Appreciation Proclamation

30
31 Mayor Blair read a proclamation into the record proclaiming the week of May 1st to May 5th, 2017 as
32 Teacher Appreciation Week in the City of Orange City. He urged all residents to express their gratitude
33 to Volusia County teachers who help build our future by educating our children.

34
35 Educators in the audience came forward to accept the proclamation and to take photos with Council
36 members.

37
38 C. First Quarter Curb Appeal

39
40 Becky Mendez, Development Services Director, came forward to announce the winners of the 2017
41 First Quarter Curb Appeal Awards program. She announced the commercial property winner as Chinelli
42 Design Build, LLC located at 520 N Volusia Ave. and the residential winner as Crystal Romanyszyn
43 located at 601 W. Blue Springs Ave. Ms. Mendez asked Mike Chinelli, and Crystal Romanyszyn, to
44 come forward to receive a Certificate of Award and a \$50 gift card.

45
46 **3. CITIZEN COMMENTS:**

47
48 Sharon Stafford, 461 S. Clark St., came forward to thank Council for their help in supporting the African
49 American Festival. She noted that she was ill and was not able to come forward sooner.

1 Kerry Donaway and Joan Lafleur came forward to announce the 100th year Anniversary celebration of
2 Dickinson Park on April 29th from 9 am to 2 pm.

3
4 Christine Campanelli and Anthony Piorre from Cubscouts, Pack-420 came forward to ask if there was a
5 fire ban in Volusia County. Fire Chief Ronnie Long came forward to reply that the State nor Volusia
6 County has put forth a fire ban in this area. Mr. Piorre also asked if the recent fires were started on
7 purpose. Mayor Blair replied that it is unknown at this time.

8
9 **4. CONSENT AGENDA:**

- 10
11 A. Orange City Little League Agreement – Valentine Park Use
12 D. April 11, 2017 Regular Meeting Minutes

13
14 Council Member Allebach requested that Item 4B be removed from the Consent Agenda.
15 Council Member Pupello requested that Item 4C be removed from the Consent Agenda.

16
17 **Vice Mayor Crippen moved to approve Consent Agenda Items 4A. and**
18 **4D., seconded by Council Member Pupello and passed by a 7/0 roll call**
19 **vote of the City Council.**

- 20
21 B. Contract Award ITB B023-0-2017 Potable Water Well No. 3R

22
23 Migdalia Hernandez, Public Works Director, came forward to address the Council's questions
24 concerning Consent Agenda Item 4B.

25
26 Council Member Allebach stated that he felt it was appropriate to hold a public hearing due to the
27 amount of the bid for contract ITB B023-0-2017. Council Member Allebach stated his concern and
28 wanted to be assured that there would be a successful potable water well after the money is spent.

29
30 Ms. Hernandez replied by providing background information and discussing the purpose for Well No.
31 3R. She stated that the City plans to expand the production out of the main plant because the water
32 quality is better than the south plant. Ms. Hernandez stated that it is not uncommon to have issues with
33 a project like this and that is why the City has the help of an expert geologist. She noted that a line item
34 for the use of acid was added to the bid package in case there are problems with discolored water or
35 problems with well development.

36
37 Mayor Blair suggested staff develop a policy stating that the City use local and certified contractors.

38
39 City Attorney William Reischmann remarked Federal and States governments will not allow a local
40 government to use government provided funds if that City has a policy or preference for local bidders.

41
42 **Council Member Allebach moved to approve Consent Agenda Item 4B,**
43 **seconded by Vice Mayor Crippen and passed by a 7/0 roll call vote of the**
44 **City Council.**

- 45
46 C. Amendment to Developer's Agreement with Chick-fil-A

47
48 Council Member Pupello advised that he pulled Consent Agenda Item 4C in order to allow a
49 representative from Chick-fil-A to come forward and explain the remodel plans for the restaurant.

1 **Council Member Pupello moved to approve Consent Agenda item 4C,**
 2 **seconded by Vice Mayor Crippen and passed by a 7/0 roll call vote of the**
 3 **City Council.**

4
 5 **5. ORDINANCES – FIRST READING:** None at this time

6
 7 **6. PUBLIC HEARINGS/Second Hearing:**

8
 9 **A. Ordinance No. 569** An ordinance of the City of Orange City, Florida, amending
 10 Appendix A – Land Development Code regarding Improvement Guarantees and
 11 Vehicle Parking in residential areas; providing for amendments to Section 2.2,
 12 Chapter 2 Definitions, and Section 5.1.1, Chapter 5 Development Orders,
 13 Development Permits and Certificates of Occupancy, and Section 6.6, Chapter 6
 14 Subdivision Regulations, and Section 7.10, Chapter 7 Site Plan Review, and Section
 15 8.7.11, Chapter 8 Zoning Regulations; providing for codification; conflicts,
 16 severability and an effective date.

17
 18 Mr. Reischmann read the title of Ordinance No. 569 into the record.

19
 20 Ms. Mendez came forward and stated that this was the second reading of Ordinance 569. As requested
 21 by Council at first reading, staff modified the definition of a one ton-truck/commercial vehicle as a class
 22 4 vehicle consistent with the Federal Highway Administration classification and consistent with Code
 23 Enforcement’s interpretation of the existing land development code standard. Ms Mendez stated that
 24 staff recommends that Council adopt Ordinance 569 at second and final reading.

25
 26 Mayor Blair opened the public hearing by asking if anyone wanted to speak for or against the proposed
 27 ordinance, no one appeared. The Mayor closed the public hearing.

28
 29 **Council Member Mahoney moved to adopt Ordinance No. 569 on second**
 30 **and final reading, seconded by Vice Mayor Crippen and passed by a 7/0**
 31 **roll call vote of the City Council.**

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

38
 39 Mr. Reischmann read the title of Ordinance No. 571 into the record.

40
 41 Ms. Mendez stated that this was the second reading of Ordinance 571. She noted that at first reading
 42 Council approved the text amendment with the condition that staff address the smaller residential
 43 accessory structures that are 120 square feet or less. The text, “and screened from the right of way and
 44 adjacent properties by using fences walls or hedges in accordance with Section 8.7.4 or other similar
 45 screening methods.” was added. Ms. Mendez stated the purpose of addressing this code was that the
 46 height standards of a four foot high fence wall or hedge in the front of the side street yard can reach up
 47 to six feet in the rear yard. She explained a typical 10x12 shed is approximately 12 feet tall and six feet
 48 is the maximum fence height wall or hedge standard allowing a peak of the structure to be visible. Staff
 49 recommends that Council adopt Ordinance 571 at second and final reading.

1 Mayor Blair opened the public hearing by asking if anyone wanted to speak for or against the proposed
2 ordinance, no one appeared. The Mayor closed the public hearing.

3
4 In response to a question from Council Member O'Connor, Ms. Mendez explained the restrictions with
5 regard to fences and hedges in the back and side yards for corner lots.

6
7 **Council Member Mahoney moved to adopt Ordinance No. 571 on second**
8 **and final reading, seconded by Vice Mayor Crippen and passed by a 6/1**
9 **roll call vote of the City Council with Council Member O'Connor voting**
10 **"no".**

11
12 C. **Ordinance No. 572** An Ordinance of the City of Orange City, Florida, amending the
13 Code of Ordinances regarding the demolition of historic properties; providing for
14 amendments to Part II, Chapter 2-Administration, Article III-Boards, Commissions and
15 Committees, Division 3-Historic Preservation Board; providing for codification,
16 conflicts, severability and an effective date.

17
18 Mr. Reischmann read the title of Ordinance No. 572 into the record.

19
20 Ms. Mendez stated that this was the second reading of Ordinance 572. She stated no changes have been
21 made since first reading. Council accepted the Planning Commission and the Historic Preservation
22 Boards recommendation. Staff is requesting that Council adopt Ordinance 572 at second and final
23 reading.

24
25 Mayor Blair opened the public hearing by asking if anyone wanted to speak for or against the proposed
26 ordinance, no one appeared. The Mayor closed the public hearing.

27
28 **Council Member Allebach moved to adopt Ordinance No. 572 on second**
29 **and final reading, seconded by Vice Mayor Crippen and passed by a 7/0**
30 **roll call vote of the City Council.**

31
32 7. **RESOLUTIONS:** None at this time

33
34 **8. DISCUSSION AND ACTION:**

35
36 **A. Consideration of Stormwater Design Alternatives for Orange Ave. South**

37
38 Raul Palenzuela, City Engineer came forward. He noted the purpose of this agenda item was to obtain
39 Council approval of staff recommendations for the different design alternatives for the Stormwater
40 Phase 2 project. He noted there are 3 alternatives.

41
42 Mr. Palenzuela discussed the alternatives in detail. Alternative One involves draining East Graves and
43 Orange Avenue South to Mill Lake. This alternative involves a large area, 83 acres, which currently
44 drain into this zone, and a high degree of private property acquisition. Property acquisition was
45 recommended by consultants to build stormwater treatment ponds. After further review, staff
46 determined that most of the treatment already occurs due to the Mill Lake project and felt that this
47 alternative was not the best option given the high social and economic costs associated. Alternative One
48 is anywhere from \$2.9 to \$3 million.

49

1 Alternative Two requires a private public partnership with the Volusia County Baptist Church. It would
2 involve tradeoff with different areas that the Church needs improved and in exchange the City would use
3 some of their land for stormwater treatment. However, recently the Church advised staff they were not
4 ready, at this point, to undertake a partnership of this magnitude. The cost associated with Alternative
5 Two is \$2.3 million and there are too many unknowns.

6
7 Alternative Three is the project on Orange Avenue South which involves containing the runoff that
8 currently exists in front of the Volusia County Baptist Church to the swales on the south side of Graves
9 Avenue and then to convey the water more efficiently into a new stormwater system under the street.
10 This will alleviate the flooding problems that occur in front of Ms. Durant's house and get the water
11 most efficiently into Mill Lake while making use of the property that the City acquired for a stormwater
12 pond to remove the floating trash. This was the most economical and beneficial alternative. The cost is
13 around \$1 million. Staff is recommending that the City Council authorize staff to proceed with
14 Stormwater Phase 2 Project under the Stormwater Assessment Master Plan and proceed with alternative
15 number 3.

16
17 Council Member Allebach spoke in support of this action.

18
19 **Council Member Allebach moved that the City Council authorize staff to**
20 **move forward with the Stormwater Phase 2 Project and choose**
21 **Alternative 3 for the project, seconded by Vice Mayor Crippen and**
22 **passed by a 7/0 roll call vote of the City Council.**

23
24 **B. Engineering & Design Services in Support of State Revolving Fund Loan Deadline**

25
26 Mr. Palenzuela began his presentation. Mayor Blair noted that this matter was already discussed at the
27 6:00 p.m. CRA meeting.

28
29 **Council Member Allebach moved that the City Council approve the**
30 **Engineering and Design services and work orders coming out of the**
31 **Stormwater Fund at \$90, 151.14, as presented, seconded by Vice Mayor**
32 **Crippen.**

33
34 Council Member O'Connor questioned what was being approved at this time. Ms. Arrington advised
35 that this motion is for City Council funding for the Stormwater projects. The CRA Board authorized
36 CRA funding at the previously held CRA meeting.

37
38 Council Member Pupello thanked staff for all of their efforts with regard to the stormwater
39 improvements.

40
41 Vice Mayor Crippen thanked this Council and previous Council's for supporting the water projects
42 throughout the years. He commented that successive Council's will follow through on this plan to see
43 that it comes to fruition.

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

46
47 **9. REPORTS:**

48
49 **A. Mayor/City Council**

1 Mayor Blair reported that the Mayors Weight Loss Challenge has ended. He noted that former Mayor
2 Tom Laputka had surgery and asked everyone to keep him in their prayers. The Mayor also announced
3 that the VIA will hold a pinwheel planting event at Dickinson Park to raise awareness for child abuse.
4 Mayor Blair announced that he and several other Council members attended the Volusia County State of
5 the County Address and a ribbon cutting at the new Halifax Center in Deltona. He also participated in a
6 local radio show and announced the Council agenda.

7
8 Council Member O'Connor reported that and several City staff members attended the Transportation
9 Planning Organization (TPO) meeting and that raising taxes was the topic of discussion.

10
11 **B. City Manager**

12
13 Ms. Arrington announced that the Arbor Day tree planting event held at Manatee Cove Elementary
14 school was changed from April 28th to May 5th. A notice will be sent out shortly. Ms. Arrington
15 requested a special closed door meeting on May 9th beginning at 6:00pm. She stated the meeting was
16 necessary to review all of the items that were previously discussed and tentatively agreed upon with the
17 Fire Department Union representative. Ms Arrington stated that she anticipates providing Council with a
18 contract by May 23rd.

19
20 **C. City Clerk**

21
22 Ms. Thomas reminded Council to leave their Ipads in order to have necessary updates installed.

23
24 Mayor Blair requested that Council receive Agendas from all other City boards going forward.

25
26 **D. City Attorney**

27
28 Mr. Reischmann reported on two items of preemption that will affect local governments. The first one is
29 regarding telecommunication in the local rights of way and the second is a preemption of all ride sharing
30 regulations, such as Uber and Lyft. Mr. Reischmann advised that an appeal of a Planning Commission
31 decision may come forward. It is a quasi judicial proceeding.

32
33 Mayor Blair said that he received an email from an attorney requesting to meet about this matter,
34 however, he declined. Several other Council Members noted that they had received the same email but
35 did not respond. Mr. Reischmann advised Council to avoid any form of ex-parte communications.

36
37 Mayor Blair reported that he received an email from Marilyn Crotty about the Homestead exemption bill
38 HJR-717105. Council authorized Ms. Arrington to send out an email opposing the bill on their behalf.

39
40 **10. NEW BUSINESS:**

41
42 Council Member Pupello requested a discussion concerning the speeding issue in District 4.

43
44 **It was the consensus of the City Council to have a future agenda item**
45 **about this matter.**

46
47 Council Member O'Connor asked Ms. Arrington when the new alcohol ordinance will come forward.
48 Ms. Arrington replied that it is currently being developed.

49

11. APPROVAL OF MINUTES: See Consent Agenda

12. COUNCIL COMMENTS:

Council Member O'Connor invited everyone to an open house at the Career Source on Friday, April 28th from 3-5 pm.

Vice Mayor Crippen noted that according to the sign, the pain relief clinic on the north side of town is now a women's health clinic. He thanked staff for their efforts.

Council Member Allebach stated he was excited about the accomplishments tonight and all of the projects within the City.

Council Member Robinson appreciated everyone coming to the meeting.

Council Member Pupello appreciated the citizens who participated in their community. He stated he was proud to serve with the Council and commended staff on their work.

13. ADJOURN:

There being no further business, Mayor Blair adjourned the meeting at 8:35 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON:

Melani Brown
Deputy City Clerk

Date