

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, July 11, 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 Reverend Margaret Ann Schmidt, UCSS Spiritual Centre, followed by the  
17 Pledge of Allegiance.  
18

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

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

22  
23 A. Fire Cadet Program

24  
25 Fire Chief Ronnie Long came forward and gave a presentation about the City's Fire Cadet Program. He  
26 provided a brochure regarding the program (a copy of which is attached and becomes a permanent part  
27 of these minutes.) He stated that the Orange City Cadet program is a youth based, educational program  
28 designed to introduce high school age students into the career field of fire and medical emergency  
29 services. Chief Long explained in detail the in house training and the opportunities for all the Cadets.  
30 He announced that a much needed trailer has been donated to the program and all that is needed are the  
31 funds for the registration.  
32

33 **Vice Mayor Crippen moved to allow Chief Long to accept the donated**  
34 **trailer and approve the funds needed for the registration, seconded by**  
35 **Council Member O'Connor and passed by a 7/0 voice vote of the Council.**  
36

37 **3. CITIZEN COMMENTS:**

38  
39 Danyel Hoskins, 281 C Street, requested an established ordinance regarding allowing mobile vending in  
40 the City. She noted that she has met with the city manager and was advised that she could discuss this  
41 matter with the City Council.  
42

43 **4. CONSENT AGENDA:**

- 44  
45 A. Contract Award Orange City Main and South Water Treatment Plant Improvements  
46 B. Blue Springs Avenue Obsolete/Defective Water Main Abandonment  
47 C. Consideration of Sponsorship Request-Addition to Original Approved Request

- 1 D. Amend Pay Plan to Extend Provisions of Article 24 of the Firefighter and Fire  
2 Lieutenants Collective Bargaining Agreement to Battalion Chief, Fire Marshal and Fire  
3 Safety Inspectors  
4 E. Approve June 27, 2017 Regular Meeting Minutes  
5

6 **Council Member Pupello moved to approve the Consent Agenda,**  
7 **seconded by Vice Mayor Crippen and motion was passed by a 7/0 roll call**  
8 **vote of the City Council.**  
9

10 **5. ORDINANCES – FIRST READING:**  
11

- 12 A. **Ordinance No. 578** An Ordinance of The City Council of The City of Orange  
13 City, Florida extending the temporary moratorium within the jurisdictional  
14 limits of the City of Orange City relating to facilities dispensing medical  
15 marijuana; readopting findings of fact; prohibiting medical marijuana  
16 dispensing facilities during the extended moratorium period; directing staff to  
17 develop proposed land Development Code provisions and other  
18 recommendations regarding such dispensing facilities; providing for penalties,  
19 severability, conflicts, and an effective date.  
20

21 Mr. Reischmann read the title of Ordinance No. 578 into the record. He noted for the record this was a  
22 legislative matter.  
23

24 **Council Member Mahoney moved to adopt Ordinance No. 578, seconded**  
25 **by Vice Mayor Crippen.**  
26

27 Becky Mendez, Development Services Director, reported that Ordinance No. 578 will extend the  
28 Medical Marijuana Treatment Centers (MMTC) moratorium that is scheduled to expire on July 23,  
29 2017. The State Legislature adopted regulations for MMTC on June 23, 2017 which preempted local  
30 governments from adopting regulations for the growing and processing of medical marijuana. This  
31 ordinance is necessary to extend the temporary moratorium on medical marijuana dispensing facilities  
32 for 180 days to January 19, 2018 to allow time to assess the new State Law, discuss options, and  
33 formulate regulations for Council consideration. Due to the preemption clauses of the new State Law,  
34 Council may choose to ban dispensing facilities or allow them as a pharmacy. Second reading of the  
35 moratorium is tentatively scheduled for July 25, 2017.  
36

37 Ms. Mendez reviewed Senate Bill 8A which explains medical uses, number of MMTC licenses allowed  
38 statewide, regulations for MMTC facility types and dispensing facility regulations. She discussed the  
39 State preemption, specifically the mandate that local governments must treat medical marijuana  
40 dispensaries as a pharmacy use and how that would relate to Orange City's zoning.  
41

42 Mayor Blair opened the public hearing by asking if anyone wanted to speak for or against the proposed  
43 ordinance, no one appeared. Mayor Blair closed the public hearing.  
44

45 Vice Mayor Crippen asked Mr. Reischmann if the city of Orlando was banning MMTC's. Mr.  
46 Reischmann replied that a lot of jurisdictions are banning MMTC's due to the legislature creating two  
47 options either ban or treat MMTC's like a pharmacy facility.  
48

1 Council Member Pupello asked Ms. Mendez how much time and effort would be used if Council chose  
2 to treat MMTC's like pharmacy facilities. Ms. Mendez replied that it would take the effort of creating a  
3 definition. Currently, there are not a lot of zoning definitions in the Code. She recommended a Mixed  
4 Use Historic district zoning classification. Council Member Pupello asked if the Council was leaning  
5 toward an approval of CG-1 and CG-2.

6  
7 Council Member O'Connor replied that he would vote "no" on CG-1 because that was in his district.

8  
9 Council Member Allebach commented about his recent visit to Oregon where recreational marijuana is  
10 legal. He stated the symbol on the MMTC facility was a green cross.

11  
12 Vice Mayor Crippen stated that a MMTC should be treated as a pharmacy. He is in support of extending  
13 the moratorium.

14  
15 A conversation ensued between council members and Ms. Mendez discussing the definition of a  
16 pharmacy.

17  
18 Council Member Pupello asked Ms. Mendez how limiting can Council be about the definition of a  
19 pharmacy. Ms. Mendez replied that Council can define what a pharmacy is, its uses and define zoning  
20 classification and requirements. Mr. Reischmann agreed.

21  
22 In response to a further question from Council Member Pupello, Ms. Mendez recommended against  
23 creating a new zoning classification just for a pharmacy use.

24  
25 Council Member Mahoney commented that updates to the Land Development Code (LDC) are not  
26 included in the budget. He suggested that LDC was not clear with regard to the Beachcomber LDC  
27 conditional use application. Council Member Mahoney stated that MMTC's are not a pharmacy because  
28 they are cash only facilities. He remarked that Council voted no to the Beachcomber but will vote yes to  
29 the MMTC's.

30  
31 Vice Mayor Crippen remarked that the Beachcomber is a rehab facility and the MMTC's are providing  
32 alternative medicine to prescription medicine. The reason for the cash only transactions are because  
33 medical marijuana is still not approved federally. He stated the reason for this discussion is to decide if  
34 Council would like to extend the moratorium in order to receive clarification.

35  
36 A discussion ensued between council members about extending the moratorium and the classification of  
37 pharmacies.

38  
39 Ms. Mendez commented that other cities have allowed MMTC facilities to open. She stated that Deltona  
40 is currently deciding and Deland has voted to ban them.

41  
42 Mayor Blair stated that he is not opposed to an MMTC facility and the moratorium should be extended.

43  
44 Vice Mayor Crippen agreed.

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

47  
48 **6. PUBLIC HEARINGS/SECOND READING:** None at this time

49

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

2

3 **8. DISCUSSION AND ACTION:**

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5 A. Presentation: Fleet Management and Maintenance and Authorization to Purchase Fuel  
6 Distribution and Fleet Data Collection System

7

8 Raul Palenzuela, City Engineer, delivered a PowerPoint presentation explaining that the City's fueling  
9 distribution system located at the Public Works yard on Thorpe Ave. is in long need of repair and  
10 upgrade (a copy of which is attached and becomes a permanent part of these minutes.) Mr. Palenzuela  
11 explained that while the fuel delivery pumps are working reliably, the current system is obsolete because  
12 it is completely reliant on manually entering vehicle information and is not capturing the consumption of  
13 gasoline and diesel fuels. Additionally, the "high-wear" items such as hoses, nozzles, fuel dispenser  
14 cabinets and swivels need to be replaced. The City is also losing the opportunity to automate collection  
15 of data needed to efficiently manage the City's fleet, which is essential to continue to provide public  
16 service for our Police and Fire Departments.

17

18 Mr. Palenzuela stated that staff recommends that the City Council approve the purchase of the Syntech  
19 fuel distribution and fleet maintenance tracking system and authorize the City Manager to issue a  
20 purchase order to Guardian Fueling Technologies in the amount of \$45,533.40

21

22 Vice Mayor Crippen asked Ms. Arrington if the purchase amount of this product was available in the  
23 budget. Ms. Arrington replied yes it was.

24

25 **Council Member O'Connor moved to allow the purchase of the Syntech**  
26 **fuel distribution and fleet maintenance tracking system, seconded by**  
27 **Council Member Allebach, motion passed by a 7/0 voice vote of the City**  
28 **Council.**

29

30 **9. REPORTS:**

31

32 A. **Mayor/City Council**

33

34 Mayor Blair reported that he has received letters from the Mayors of Oak Hill and Daytona Beach  
35 Shores, stating that they have adopted Resolutions urging members of the State Legislator to amend  
36 current animal cruelty laws and would like Mayor Blair to do the same. He will pass the letter to the  
37 City Clerk so that she can distribute it for further consideration. Mayor Blair announced that he, Ms.  
38 Arrington and Mr. Palenzuela met with the president of the West Volusia Titans football team.

39

40 Vice Mayor Crippen reported that the Rivers of Lakes Board met yesterday to introduce the new  
41 secretary of the Florida Department of Transportation, Jeff Castor. Mr. Castor announced that he will  
42 seek to unite all the scenic highways and byways and hold a statewide meeting.

43

44 B. **City Manager**

45

46 None at this time

47

48 C. **City Clerk**

49

1 Ms. Thomas reminded Council to respond to the invitation for the Volusia League of Cities Dinner on  
2 July 27<sup>th</sup> in Port Orange and if Council was planning to attend.

3  
4 **D. City Attorney**

5  
6 None at this time

7  
8 **10. NEW BUSINESS:**

9  
10 Council Member Allebach requested a discussion to allow mobile concession trucks in city parks. Ms.  
11 Arrington stated that she could present this matter on an August Agenda.

12  
13 Mr. Reischmann noted that there was a limited set of regulations in Chapter 10.5.19 subsection 13 of the  
14 Code of Ordinances.

15  
16 Ms. Arrington responded there is also a set of Ordinances titled "Peddlers and Solicitors." She stated  
17 that regulations and rules would need to be discussed.

18  
19 **Council Member Allebach moved to add Concessionaries in City Parks**  
20 **on a future Agenda, seconded by Council Member Pupello and motion**  
21 **passed by a 7/0 voice vote of the City Council.**

22  
23 **11. APPROVAL OF MINUTES:** See consent agenda

24  
25 **12. COUNCIL COMMENTS:**

26  
27 Council Member Mahoney stated that he is not advocating this, suppose we introduce the fire  
28 assessment with a corresponding ad valorem reduction such that it was revving in neutral some would  
29 benefit clearly at the expense of others. Our vote for Beachcomber some would of benefitted but again  
30 potentially at the expense of others. When we consider medical marijuana some people will benefit also  
31 potentially at the expense of others and in all of our decision making process we need to consider both  
32 sides of the equation.

33  
34 Council Member O'Connor stated it was easier sitting the audience for the budget meeting last night. He  
35 thanked staff for their work on the budget.

36  
37 Vice Mayor Crippen appreciated Ms. Arrington's efforts in preparing the budget.

38  
39 Council Member Allebach commented that one of the questions he was asked when he was running for  
40 office was why he wanted to be an elected official and he responded that because it was hard. He stated  
41 there should be some regulations for the food trucks. He appreciated the City's effort in preparing for  
42 City Council meetings.

43  
44 Council Member Robinson commented that a few days ago while she was about town she noticed the  
45 fence that was installed around the church having issues with the traffic through the drain field. She  
46 stated she was glad to hear the information about the medical marijuana program. She thanked everyone  
47 who attended the meeting.

48

1 Council Member Pupello thanked the citizens who attended the meeting. Staff did a great job on the  
2 budget this year. He appreciated the varied opinions of the Council. He stated the fact that there are  
3 2,149 homesteaded properties and 628 do not pay taxes in the City. He repeated Ms. Arrington's  
4 previous quote, "Cut your roses with long stems" and Chief Long's previous quote "Everything you do  
5 in life is an interview."  
6

7 Mayor Blair complemented Council Member Robinson for the food she prepared for tonight's meeting.  
8  
9

10 **13. ADJOURN:**

11  
12 There being no further business, Mayor Blair adjourned the meeting at 9:03 p.m.  
13  
14

15 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

16  
17 \_\_\_\_\_  
18 Melani Brown  
19 Deputy City Clerk

\_\_\_\_\_  
Date