

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Wednesday, September 13, 2017 at 6:30 p.m. in Council Chambers, 201 N. Holly Avenue,
3 Orange City.

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5 **CALL TO ORDER**

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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 Debra
13 Babb-Nutcher; City Manager Dale Arrington; City Clerk Gloria Thomas.

14
15 **ABSENT:** None at this time

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17 **INVOCATION/PLEDGE OF ALLEGIANCE**

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19 The Invocation was given by Council Member Pupello, followed by the Pledge of Allegiance.

20
21 **I. SPECIAL PUBLIC HEARING ON ADOPTION OF MILLAGE RATE AND BUDGET FOR**
22 **FISCAL YEAR 2017/2018**

23
24 **Mayor's Opening Comments:**

25
26 The City of Orange City intends to adopt a millage rate and budget for Fiscal Year 2017/2018. The
27 rolled-back rate is 7.0466 and the proposed millage rate is 8.2101 mills which is 16.51% above the
28 rolled-back rate as provided by the Property Appraiser of Volusia County.

29
30 **First Reading of Budget & Millage Ordinances:**

31
32 Debra Babb-Nutcher, City Attorney, read the titles of Ordinance No. 582 and Ordinance No. 583 into
33 the record.

34
35 A. **ORDINANCE NO: 582** An Ordinance of the City Council of the City of Orange City,
36 Florida; certifying the millage rate for fiscal year 2017-2018 on all taxable property located
37 within the city of Orange City, Volusia County, Florida; containing a repealer provision; a
38 severability clause and providing for an effective date.

39
40 B. **ORDINANCE NO: 583** An Ordinance of the City Council of the City of Orange City,
41 Florida; adopting the annual budget for the 2017-2018 fiscal year beginning October 1, 2017,
42 and ending September 30, 2018; authorizing subsequent amendments by resolution; repealing
43 all inconsistent ordinances or parts thereof; and providing for an effective date.

44
45 **Staff Presentation**

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47 Christine Davis, Finance Director, provided a PowerPoint presentation (a copy of which is attached and
48 becomes a permanent part of the minutes) that described the FY 2017/2018 budget development. Ms.
49 Davis described the budget history time line and the budget forecast. She explained the budget

1 challenges were limits and mandates with ad valorem and flat or declining revenue sources. Ms. Davis
2 provided flow charts for the ad valorem taxable value, fuel tax, electric franchise fee and the
3 communication services tax. She stated the budget challenges were insufficient revenues to fund capital
4 replacements, new positions, low property values coupled with a slow economic recovery and external
5 threats. She also provided a budget summary of the general fund and discussed the capital deferred
6 budget; the requested positions that were not funded, as well as the positions that were funded.

7
8 Ms. Davis advised that the proposed budget maintained current staffing and operations and included a
9 2% COLA, contingency fund, sponsorships and contributions, pledge to neighborhood center, continued
10 funding for senior center, Coleman skate park, continued funding for special events, replacement
11 computers, server and software updates, 5 vehicle replacements, repairs to the cupola, and historic
12 preservation. She also stated a facility needs plan, reclass 3 fire lieutenants, facility needs assessment,
13 updated to land development standard, large format scanner, fire iPads and application and reserve for
14 financial and billing software were also included in the budget.

15
16 Ms. Davis also discussed the items not included in the budget which include; new positions, holiday
17 lights, the radio show, new city events and free food at city events. She noted that building maintenance,
18 replacement vehicles, sidewalk and road improvements and new building funding were deferred. The
19 revenue/funding options were to increase the current millage rate, increase the electric utility fee from
20 5% to 10%, debt millage and implementation of the fire assessment fee.

21
22 Ms. Davis advised that the current budget was balanced at 7.45 mils and would generate roughly \$4.4
23 million. The tentative millage rate, set on July 25th was 8.2101 mils and would generate roughly \$4.8
24 million in ad valorem. Ms. Davis reported that the proposed budget was presented with a 7.45 millage
25 rate. Which would cost the average tax payer approximately \$421 annually per single family residential
26 or \$35 monthly. She stated that the tentative rate of 8.2101 mils would cost the average tax payer per
27 family residential \$463 or \$39 monthly.

28
29 Ms. Davis provided a prioritization list of 10 items that was generated based on the tentative millage of
30 8.2101 mils, (a copy of which is attached and becomes a permanent part of the minutes).

31
32 Ms. Davis presented the Impact Fee Fund balance as an alternate funding option and proposed Councils
33 consideration to purchase 2 new police vehicles totaling \$68,000 from impact fees leaving a remaining
34 balance of \$52,377. She stated that a millage rate of 8.065 mils would be necessary to fund all of the
35 items on the prioritization list.

36
37 Vice Mayor Crippen asked for clarification about the spending regulations for impact fees. Ms. Davis
38 replied that the purchase of items using impact fees funds must be used for growth, new items and to
39 expand services. Therefore the capital portion can be funded with impact fees.

40
41 Ms. Davis concluded her presentation by discussing the finalization of the FY 2017/18 budget.

42 43 **Open Special Public Hearing**

44
45 Mayor Blair opened the public hearing by asking if anyone wanted to speak for or against Ordinance
46 No's. 582 and 583.

47 48 **Close Special Public Hearing**

49

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

2
3 **Council Discussion**

4
5 Vice Mayor Crippen inquired what would the difference be between a millage rate of 8.065 and 8.2101
6 mils if the utilization of the police impact fees were applied. Ms. Davis replied \$85,521.

7
8 Council Member Pupello suggested that the City use the impact fees to fund the budget.

9
10 Council Member O'Connor asked for more information and how much it would cost with regard to the
11 recent storm. He asked for the City's response time in that regard. Ms. Arrington suggested that hiring
12 another officer would not impact the response time. She noted that police officers worked doubled
13 shifts during the storm.

14
15 Council Member Mahoney asked whether the City should be budgeting for more generators, given what
16 occurred during Hurricane Irma. Ms. Arrington agreed that there is a need for more generators.

17
18 Vice Mayor Crippen noted that the projection is that any upcoming storms will increase in severity and
19 felt that there is a need to have working generators to meet emergency responses.

20
21 Council Member Allebach suggested an 8.18 millage rate.

22
23 Council Member Mahoney clarified that he was referring to generators for the lift stations.

24
25 A conversation ensued between Council and Ms. Arrington discussing whether the budget would
26 include funding for generators for City lift stations to be prepared in case of emergency.

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28 Council Member Pupello agreed that funding should be appropriated in a contingency fund.

29
30 Vice Mayor Crippen stated that he will support the 8.18 and not the 8.065 mils.

31
32 Council Member O'Connor suggested lowering the millage to 8.065 mils.

33
34 **Council Member O'Connor moved to set the millage rate of 8.065,**
35 **seconded by Council Member Mahoney and passed with a 4/3 roll call**
36 **vote of the City Council with Council Member Pupello, Vice Mayor**
37 **Crippen and Mayor Blair voting "no".**

38
39 Ms. Davis clarified that Ordinance No. 582 would require at least five votes in order to pass.

40
41 **II. ADOPTION OF THE MILLAGE RATE AND BUDGET FOR FISCAL YEAR 2017/2018 ON**
42 **FIRST READING**

43
44 A. Ordinance No. 582 (Millage Ordinance) is voted on first.

45
46 A lengthy discussion ensued clarifying the voting procedure in order to adopt Ordinance No. 582 the
47 8.065 millage rate previously voted on. Ms. Davis stated that a 2/3 voting percentage was needed in
48 order for Ordinance 582 to pass. She clarified that the vote would need to be at least 5 to 2 or the motion
49 would fail.

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Council Member Allebach moved to adopt Ordinance No. 582 on first reading, seconded by Council Member Mahoney and passed by a 5/2 roll call vote of the City Council with Vice Mayor Crippen and Mayor Blair voting “no.”

B. Ordinance No. 583 (Budget Ordinance) is voted on second.

Council Member Allebach moved to adopt Ordinance No. 583 on first reading, seconded by Council Member O’Connor and passed by a 7/0 roll call vote of the City Council.

III. ANNOUNCEMENT OF PROPOSED MILLAGE RATE

Mayor Blair read the following statement into the record:

The City of Orange City’s proposed millage rate for Fiscal Year 2017/2018 is 8.065 mills which is above the rolled-back rate of 7.0466 as provided by the Property Appraiser of Volusia County and reflects an increase of 14.45% in ad valorem taxes. The final Budget Hearing will be held on Tuesday September 26, 2017 in Council Chambers, 201 N. Holly Avenue, at 6:30 p.m.

End special public hearing and resume regular meeting format.

Mayor Blair called a recess at 8:05 p.m. and reconvened at 8:17 p.m.

1. ABSENCES:

Shall the absence of Vice Mayor Crippen, from the August 22, 2017 Regular City Council meeting be excused?

Council Member Mahoney moved to approve the absence of Vice Mayor Crippen on August 22, 2017, seconded by Council Member O’Connor, motion passed by a unanimous voice vote.

2. PRESENTATIONS/PROCLAMATIONS:

A. Proclamation: Constitution Week September 17th-23rd Requested by the Daughters of the American Revolution

Mayor Blair read a proclamation into the record proclaiming September 17th to 23rd as Constitution Week and encouraged all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

B. Presentation: Melody Johnson, Volusia County School Board Chairman, DCD

Melody Johnson, Volusia County School Board Chairman, came forward and discussed the (DCD) District Cost Differential formula. She advised that with this formula the State takes money from the

1 poorer school districts and gives it to wealthier school districts. Ms. Johnson asked Council for their
2 support by adopting Resolution No. 879-17, calling for Florida legislature to amend state law.

3
4 **C. Resolution No: 879-17** A Resolution of the City Council of the City of Orange City,
5 Florida, calling for Florida legislature to amend state law to halt the transfer of
6 education funding from poorer school districts to wealthier school districts under the
7 district cost differential multiplier within the Florida education finance program
8 formula.

9
10 Ms. Babb-Nutcher read the title of Resolution No. 879-17 into the record.

11
12 **Vice Mayor Crippen moved to approve Resolution No. 879-17,**
13 **seconded by Council Member Allebach, and passed by a 7/0 roll call**
14 **vote.**

15
16 **3. CITIZEN COMMENTS:** None at this time

17
18 **4. CONSENT AGENDA:**

- 19
20 A. Authorize Construction, Engineering and Inspection Services for the Construction of
21 the Main and South Water Treatment Plant Improvements, Work Order No. 063-17
22 B. Debris Removal Services with DRC Emergency Services, LLC
23 C. August 22, 2017 Regular City Council Meeting

24
25 **Council Member Allebach moved to approve the Consent Agenda,**
26 **seconded by Vice Mayor Crippen, and passed by a 7/0 roll call vote.**

27
28 **5. ORDINANCES – FIRST READING:** None at this time

29
30 **6. PUBLIC HEARINGS:** None at this time

31
32 **7. RESOLUTIONS:**

33
34 **A. Resolution No: 875-17** A Resolution of the City of Orange City, Florida, relating to the
35 collection and disposal of solid waste and recovered materials in the City of Orange City,
36 Florida; reimposing solid waste service assessments against assessed property located
37 within the city of Orange City, Florida, for the fiscal year beginning October 1, 2017;
38 approving the rate of assessment; approving the solid waste assessment roll; and
39 providing an effective date.

40
41 Ms. Babb-Nutcher read the title of Resolution No. 875-17 into the record.

42
43 **Council Member Mahoney moved to approve the Resolution 875-17,**
44 **seconded by Vice Mayor Crippen, and passed by a 7/0 roll call vote.**

45
46 **B. Resolution No: 876-17** A Resolution of the City of Orange City, Florida, relating to the
47 provision of stormwater management services; confirming the preliminary rate
48 resolution; imposing stormwater service assessments against certain real property within
49 the incorporated area of the city of Orange City established as the stormwater service

1 area; approving the stormwater service assessment roll; establishing a mitigation credit
2 policy; and providing an effective date.

3 Ms. Babb-Nutcher read the title of Resolution No. 876-17 into the record.

4
5 **Council Member Mahoney moved to approve the Resolution 876-17,**
6 **seconded by Vice Mayor Crippen, and passed by a 7/0 roll call vote.**
7

8 As a point of order Ms. Arrington explained that Resolutions 875-17 and 876-17 require public hearings
9 and must be reconsidered.

10
11 **Council Member Mahoney moved for reconsideration of Resolution**
12 **875-17, seconded by Vice Mayor Crippen, passed by a 7/0 voice vote.**
13

14 **Council Member Mahoney moved for reconsideration of Resolution**
15 **876-17, seconded by Vice Mayor Crippen, passed by a 7/0 voice vote.**
16

17 Ms. Babb-Nutcher again read the title of Resolution No. 875-17 into the record.

18
19 Ms. Davis delivered a PowerPoint presentation that related to the annual solid waste assessment. (a copy
20 of which is attached and becomes a permanent part of the minutes). She explained that in August 2004,
21 the City Council adopted Master Service Assessment Ordinance No. 211, which provides for the
22 collection of the service assessment fees through the non-ad valorem portion of the tax bill. Each year
23 the City must certify the non-ad valorem assessment roll to Volusia County. Ms. Davis stated that the
24 Annual Rate Resolution No. 875-17 will certify the annual solid waste assessment and rate for tax year
25 2017. The tax roll for FY 17/ 18 will be \$418,800. This is based upon the residential solid waste service
26 assessment fee of \$167.52 per year, or \$13.96 per month. Staff recommends Council approve Resolution
27 No. 875-17 adopting the Annual Rate Resolution for the fiscal year FY 2017/18 for the Solid Waste
28 Assessment.
29

30 Mayor Blair opened the public hearing by asking if there were any requests to speak, there being none,
31 the Mayor closed the public hearing.
32

33 **Council Member Mahoney moved to approve the Resolution 875-17,**
34 **seconded by Vice Mayor Crippen, passed by a 7/0 roll call vote.**
35

36 Ms. Babb-Nutcher again read the title of Resolution No. 876-17 into the record.
37

38 Ms. Davis delivered a PowerPoint presentation that related to the annual stormwater assessment, (a copy
39 of which is attached and becomes a permanent part of the minutes). She reported that Resolution No.
40 876-17 will certify the annual stormwater assessment roll and rate for tax year 2017. The revenue
41 generated from the stormwater service assessment is designated to be expensed for the costs associated
42 with implementing the stormwater capital improvement program, stormwater operation and maintenance
43 (O&M) program, and fund a stormwater O&M reserve. Staff recommends Council approve Resolution
44 No. 876-17 adopting the Annual Rate Resolution for the fiscal year 2017/18 for the Stormwater Service
45 Assessment.
46

47 Mayor Blair opened the public hearing, by asking if there were any request to speak, there being none
48 the Mayor closed the public hearing.
49

Council Member Mahoney moved to approve the Resolution 876-17, seconded by Vice Mayor Crippen, passed by a 7/0 roll call vote.

C. **Resolution No: 877-17** A Resolution of the City of Orange City, Florida, relating to the provision of street lighting services, facilities and programs throughout the Shadow Ridge street lighting assessment area; providing authority and definitions; creating the Shadow Ridge street lighting assessment area; confirming the initial assessment resolution; approving the Shadow Ridge street lighting assessment roll; providing for the imposition of the street lighting assessments; providing for collection of the assessments pursuant to the uniform assessment collection act; providing for the effect of this resolution; providing severability and an effective date.

Ms. Babb-Nutcher read the title of Resolution No. 877-17 into the record.

Council Member Allebach moved to approve the Resolution 877-17, seconded by Vice Mayor Crippen.

Ms. Davis delivered a PowerPoint presentation that related to the annual street lighting assessment for Shadow Ridge subdivision. (a copy of which is attached and becomes a permanent part of the minutes). She reported that in April 2017, the City received a petition from the property owner of Shadow Ridge requesting to create a street lighting district for the Shadow Ridge Phase II subdivision. Along with the petition the applicant has paid \$6,500 into escrow toward the implementation costs. Resolution No. 877-17 will certify the annual Shadow Ridge Phase II Street Lighting assessment roll and rate for tax year 2017. Ms. Davis stated that the revenue generated from the street lighting assessment is designated to be expensed for the costs associated with operating the lights within their subdivision. She stated that staff recommends Council approve Resolution No. 877-17 adopting the Final Rate Resolution for the fiscal year 17/18 (tax year 2017) for the Shadow Ridge Phase II Street Lighting District

Mayor Blair opened the public hearing by asking if there were any request to speak, there being none, the Mayor closed the public hearing.

Motion passed by a 7/0 roll call vote.

D. **Resolution No. 878-17** A Resolution of the City Council of the City of Orange City, Florida, urging the Florida legislature to enact legislation that would make texting while driving a primary offense; repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

Ms. Babb-Nutcher read the title of Resolution No. 878-17 into the record.

Council Member Mahoney moved to approve the Resolution 878-17, Seconded by Council Member O'Connor.

Pete Thomas, Police Chief, came forward and provided a brief description of Resolution 878-17. He stated that at the August 22, 2017 council meeting, Council Member O'Connor, requested that the City consider a resolution urging the Florida Legislature to make the act of texting while driving a primary offense. Chief Thomas reported that the Florida Legislature passed the Florida Ban on Texting While Driving Law in 2013 to improve roadway safety and reduce crashes related to the act of text messaging. The law was written to prohibit a law enforcement officer from taking any enforcement action unless the

1 law enforcement officer observes another traffic offense. He stated that staff recommends Council adopt
2 the attached resolution.

3 Mayor Blair opened the public hearing by asking if there were any request to speak, there being none,
4 the Mayor closed the public hearing.

5
6 A conversation ensued regarding the details of the texting resolution and if the effort for producing a
7 resolution would have an effect on the City.

8
9 **Motion passed with 7/0 roll call vote.**

10
11 **8. DISCUSSION AND ACTION:** None at this time

12
13 **9. REPORTS:**

14
15 **A. Mayor/City Council**

16
17 Council Member Allebach reported that the TPO has funds available for FY 2018/2019. He noted there
18 is funding on the State level for projects like Big French.

19
20 **B. City Manager**

21
22 Ms. Arrington reported that the City declared a local emergency on September 8, 2017. A week prior to
23 the hurricane the Fire department had plans on hand from all the nursing homes in the City. She
24 commended the Public Works department for their work prior to the hurricane. The City has not had any
25 lift station failures or boil water issues and the City only had one street light out. She reported the only
26 major flooding issue was located on Industrial Drive.

27
28 Ms. Arrington stated there may have been more structural damage this year than last year. She reported
29 that the City buildings suffered some minor damage and there was damage to the public parks. The
30 parks are closed until further notice, with the exception of Valentine and Veterans Parks. She advised
31 that the grand opening of Coleman Park was rescheduled to Friday, September 29th at 4:30 p.m.

32
33 Ms. Arrington reported that next Monday will be only household garbage pickup. Citizens can use their
34 recycle bins as regular garbage bins. There is a meeting tomorrow with DRC about debris pickup.

35
36 Vice Mayor Crippen asked who is responsible for clearing vacant lots. Ms. Arrington replied that she
37 assumes the owner of the property is responsible for clearing the lot. However, it is not the City's
38 responsibility.

39
40 Council Member O'Connor asked how the citizens, who live in an HOA run community, dispose of
41 debris when the HOA requires they put their debris in a trash bag. Ms. Arrington replied that HOA laws
42 are more restrictive than a municipality and it does not mean the local municipality is enforcing the law.
43 It is not part of the City's contract with WCA to pick up excessive debris following storms.

44
45 Ms. Arrington asked Council if they would like to consider a resolution that will waive permits for storm
46 related repair, similar to the one adopted last year. Council approved with a consensus voice vote.

47
48 Ms. Arrington stated that restoration electric is a prime concern and the City is in communication with
49 Duke Energy.

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C. City Clerk

No report at this time

D. City Attorney

No report at this time

10. NEW BUSINESS:

11. APPROVAL OF MINUTES: See Consent Agenda

12. COUNCIL COMMENTS:

Council Member Mahoney gave kudos to Governor Scott for his leadership and emphasis on safety.

Council Member O'Connor gave kudos to the City Manager and staff for keeping him up to date on all actions the City took during the storm. Council Member O'Connor also complimented those who worked on the sandbags.

Vice Mayor Crippen stated that he was impressed with staff's response during the storm. He stated the City Manager, Chief Thomas and Ms. Davis did an excellent job and were extremely efficient under the worst circumstances and he was very proud to be an Orange City resident. Vice Mayor Crippen stated he appreciated everyone's effort in completing the Budget and appreciated the discussion.

Council Member Allebach recalled the damage in Texas from Hurricane Harvey. He thanked staff for their efforts during Hurricane Irma.

Council Member Robinson appreciated the fact that Ms. Arrington called everyday to make sure everyone was ok.

Council Member Pupello stated that our City represented many great works of service. He is proud to be part of the City.

Mayor Blair stated he is proud to be part of the Council. He was proud to see residents helping other residents.

13. ADJOURN:

There being no further business, Mayor Blair adjourned the meeting at 10:09 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON:

Melani Brown
Deputy City Clerk

Date