

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, July 10, 2018, 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, Anthony J. Pupello, Evelyn Robinson, Jim Mahoney; City Attorney William
12 Reischmann; City Manager Dale Arrington; City Clerk Gloria Thomas.

13
14 **ABSENT:**

15
16 **INVOCATION/PLEDGE OF ALLEGIANCE:**

17
18 The Invocation was given by Sensei Morris Sullivan-Volusia Buddhist Fellowship
19

20 **1. ABSENCES:**

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

23
24 A. Citywide Street Lighting Report

25
26 Mayor Blair noted that the Citywide Street Lighting Report has been delayed. Further Information from
27 Duke Energy is needed.

28
29 B. Curb Appeal Awards – 2nd Quarter

30
31 Becky Mendez, Development Services Director, presented the 2nd quarter Residential and Commercial
32 Curb Appeal Award winners. She announced the commercial winner as Chinchor Electric Inc. 1440 &
33 1460 Leavitt Ave. and the residential winner as Chanz and Brittany Paddack, 322 Stonebridge Ln.
34

35 **3. CITIZEN COMMENTS:**

36
37 Jose Vargas, President of the Volusia Titans Youth Football and Cheer, came forward to discuss the
38 activities of the Volusia Titans AAU Football League. He noted that the league would like to become
39 more involved with the City in order to attract more youth to the program.
40

41 **4. CONSENT AGENDA:**

- 42
43 A. South Water Treatment Plant CROM Tank Rehabilitation
44 B. Volusia Titans AAU Football League-Valentine Park Usage
45 C. Contract Award B048-0-2018/DRS; Picnic Pavilion Replacement at Veterans Memorial
46 Park
47 D. Fourth of July Fireworks Contract
48 E. Approval of June 26, 2018 Regular City Council Meeting Minutes
49

1 **Vice Mayor Crippen moved to approve the Consent Agenda, seconded by Council**
2 **Member Allebach, motion passed by a 7/0 roll call vote of the City Council.**

3
4 **5. ORDINANCES – FIRST READING:**

5
6 A. **Ordinance No. 604** An ordinance of the City Council of the City of Orange City,
7 Florida, changing the zoning classification for property located at 578 South
8 Sparkman Avenue, consisted of approximately 2.5 acres, from low density residential
9 (R-1) to rural residential (RR); repealing all ordinances or parts of ordinances in
10 conflict herewith and providing for an effective date.

11
12 Mr. Reischmann read the title of Ordinance No. 604 and advised for the record that this is a quasi-judicial
13 matter. He asked that any ex-parte communications be disclosed at this time and noted that there were
14 none.

15
16 Council Member Allebach and Mayor Blair advised that they visited the applicant's home and had a
17 conversation with him. Council Member O'Connor and Mahoney both stated that they received emails
18 from the applicant but did not respond.

19
20 Mr. Reischmann noted that the Council members will make their decisions on the records created and the
21 evidence presented.

22
23 Ms. Mendez reported that Ordinance No. 604 is an application that requests a rezoning from the City's R-
24 1 to an RR zoning classification that would allow the keeping of horses for personal use. The minimum
25 lot size for the RR zoning classification is 2.5 acres, which is larger than the existing 9,000 square foot
26 requirement of the R-1 classification. Ms. Mendez noted that if this rezoning is approved, no further
27 subdivision of the 2.5-acre parcel would be allowed.

28
29 Ms. Mendez advised that the RR classification also requires increased setbacks from 25 feet to 40 feet in
30 the front yard and from 10 feet to 25 feet in the side yard. The existing single family residential structure
31 does not meet the minimum front and side yard requirements of the proposed RR classification and would
32 be made nonconforming if approved.

33
34 Ms. Mendez reported that on June 6, 2018, the Planning Commission denied Ordinance No. 604 on a 5:1
35 vote which forwarded the rezoning to City Council for denial. Ms. Mendez stated that one member of the
36 public spoke in favor of the rezoning. Two members of the public spoke in opposition of the rezoning
37 primarily based on potential odor nuisances and safety concerns.

38
39 Ms. Mendez stated that staff clarified that the Land Development Code does not regulate the number or
40 boarding of horses, and the rezoning could not be approved with conditions.

41
42 Ms. Mendez stated that staff recommends that Council uphold the Planning Commission recommendation
43 to deny the rezoning based on review criteria 2,3,4,8 and 9 of the Land Development Code and schedule
44 second and final reading on July 24, 2018.

45
46 Mayor Blair opened the public hearing.

47
48 Council Member Pupello commented that this is not an easy decision because there are no conditions. He
49 suggested revamping the RR zoning classification.

1 Council Member Allebach asked if there were any other government entities that regulate the maintenance
2 and ownership of horses. He stated that he disagreed with the Planning Commission's decision.

3
4 Referring the Section 8.2 of the Land Development Code, Council Member Mahoney suggested that
5 Council could not approve the application due to conformity considerations. He stated that he does not
6 agree with taking action on one property based on the non-conformity considerations.

7
8 Council Member Pupello noted that the RR zoning classification setbacks create a situation where the
9 property is non-conforming.

10
11 Vice Mayor Crippen stated that if zoning were to change to RR then the property would become a non-
12 conforming use. He noted that there is appropriate zoning for horses and does not agree with Council
13 beginning to erode the rules and regulations in the Code.

14
15 Council Member O'Connor agreed with the non-conforming issues especially criteria 9. He suggested
16 that he cannot support this matter.

17
18 Edime Perez, 578 S. Sparkman Ave., the applicant, came forward and suggested entering into a contract
19 with the City that would allow him to keep his horses under conditions. He noted that fines could be
20 implemented if he were to break the contract.

21
22 Mr. Reischmann advised that this request is a rezoning from R-1 to RR, as set forth in the Land
23 Development Code. Council is required to follow the 10 standards set forth in Section 3.5.2 and apply
24 the facts as the evidence that has been presented. He reminded Council that the Planning Commission
25 recommended denial.

26
27 **Council Member Mahoney moved to deny Ordinance No. 604, seconded by**
28 **Council Member Pupello, motion to deny was carried by a 6/1 roll call vote of**
29 **the City Council, with Council Member Allebach voting "no."**

30
31 **6. PUBLIC HEARINGS/ SECOND READING:**

32
33 None at this time

34
35 **7. RESOLUTIONS:**

36
37 None at this time

38
39 **8. DISCUSSION AND ACTION:**

- 40
41 A. Approve Ranking List and Contract Award for RFP042-0-2018/DRS; Cooperative Disaster
42 Debris Hauling Services.

43
44 David Santiago, Purchasing Manager, reported that the City issued a request for proposals for the
45 Cooperative Disaster Debris Hauling Services. On June 18th the City received five responses to the request.
46 He noted that these are FEMA reimbursable debris removal contracts. FEMA has gotten more stringent
47 about following the procurement and contracting process. Mr. Santiago noted that FEMA requires every
48 agency to solicit their own contracts or to enter into a contract as a cooperative. The City has entered into

1 a cooperative contract with the cities of Lake Helen and DeBary, a committee was formed and the
2 responses are presented to Council for consideration.

3
4 Mr. Santiago stated that staff recommends Council approve the ranking list for RFP P042-0-2018 and
5 authorize the City Manager to execute a contract with Custom Tree Care, Inc., DRC Emergency Services,
6 Grubbs Emergency Services, LLC, Wood Resource Recovery, LLC and TFR Enterprises, Inc.

7
8 Council Member Allebach asked if the lengthy distance of all five bidders would affect the response times
9 when called after a storm.

10
11 Mr. Santiago responded that the out-of-state companies have subcontractors located throughout Florida.

12
13 Council Member O'Connor asked if references were checked in order to make sure the contractors were
14 not those who left Central Florida for South Florida during the last storm.

15
16 Mr. Santiago responded that references are checked.

17
18 Council Member Pupello asked why a contract would be offered to all five companies. Ms. Hernandez,
19 Public Works Director, responded that it is necessary to guarantee there is a company available when
20 needed.

21
22 **Council Member Allebach moved to approve the ranking list and contract award**
23 **for RFP042-0-2018/DRS, as presented, seconded by Council Member O'Connor,**
24 **the motion passed by a 7/0 roll call vote of the City Council.**

25
26 **9. REPORTS:**

27
28 A. Mayor/City Council:

29
30 Mayor Blair reported that he attended the 4th of July Celebration.

31
32 Council Member O'Connor attended the DeLand Chamber network luncheon, presented by the Tortugas
33 baseball team, teamwork was discussed. He announced the DeLand Orange City Alliance is hosting an
34 event at the Tortugas baseball field on August 24th.

35
36 Vice Mayor Crippen reported from the River of Lakes meeting. He announced that Stetson University
37 will be providing an interpretive panel at the Blue Spring Park this upcoming fiscal year. He announced
38 that the River Walk in Sanford will be extended down to I-4. The City of Sanford, announced the million
39 dollar Bloomberg Challenge grant, a regional project partnering with communities around Lake Monroe
40 for temporary projects. He announced that Luther Davis, physics teacher at Lake Mary High school and
41 Laura Dodd, City Planner, DeBary spoke at the River of Lakes meeting.

42
43 Council Member Allebach commented on the Transportation Planning Organization (TPO) survey. He
44 announced that the TPO voted in favor of keeping the truck stop in Seminole County and not moving it to
45 Volusia County.

46
47 B. City Manager

48
49 No Report

C. City Clerk

No Report

D. City Attorney

No Report

10. NEW BUSINESS:

11. APPROVAL OF MINUTES: See Consent Agenda

12. COUNCIL COMMENTS:

Council Member Mahoney stated that regardless of opposing opinions, he respects his fellow Council Members.

Council Member O'Connor stated that he was pleased to see the boy scouts attend the meeting. He complimented Ashley Gay for loving her City by pulling the weeds at Veterans Park. Council Member O'Connor thanked everyone who attended the meeting.

Vice Mayor Crippen applauded the City Manager and Mr. Santiago's presentations. He appreciated the in depth explanations that all departments provided to Council.

Council Member Allebach attended the 4th of July celebration and stated it was a huge crowd and fireworks. He stated that Orange City is doing great things. He was happy to hear that the old barn restaurant was sold to a new and exciting restaurant. He stated that when Council disagrees it is about points of view and he appreciates the respect.

Council Member Robinson appreciated the work that was done for the budget. She stated that she missed the 4th of July celebration due to not feeling well. She thanked everyone that attended the meeting.

Council Member Pupello thanked everyone that attended the meeting. He praised staff on an excellent job with the budget and meeting. He stated that the fireworks were fantastic and impressive.

Mayor Blair stated that he is very proud of the Council and he considers everyone friends.

13. ADJOURN:

There being no further business to discuss, Mayor Blair adjourned the meeting at 08:39 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON:

Melani Beringer, Deputy City Clerk

07-24-2018
Date