

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held
2 on Wednesday, September 25, 2018 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, Jim Mahoney, Anthony J. Pupello; City Attorney William Reischmann; City
12 Manager Dale Arrington; City Clerk Gloria Thomas.

13
14 **ABSENT:** Council Member Robinson
15

16 **INVOCATION/PLEDGE OF ALLEGIANCE**

17
18 The Invocation was given by Pastor Angel-Reaching Hands Christian Center, followed by the Pledge of
19 Allegiance.
20

21 **I. SPECIAL PUBLIC HEARING ON ADOPTION OF MILLAGE RATE AND BUDGET FOR**
22 **FISCAL YEAR 2018/2019**

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

25
26 The City of Orange City intends to adopt a millage rate and budget for Fiscal Year 2018/2019.
27 The rolled-back rate is 7.6222 and the proposed millage rate is 8.0340 mills which is 5.40%
28 above the rolled-back rate as provided by the Property Appraiser of Volusia County.
29

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

31
32 William Reischmann, City Attorney, read the titles of Ordinance No. 607 and Ordinance No. 608 into the
33 record.
34

35 A. **ORDINANCE NO. 607** - An ordinance of the City Council of the City of Orange City,
36 Florida, certifying the millage rate for fiscal year 2018-2019 on all taxable property
37 located within the City of Orange City, Volusia County, Florida; repealing all
38 ordinances or parts of ordinances in conflict herewith; and providing for an effective
39 date.
40

41 B. **ORDINANCE NO. 608** - An ordinance of the City Council of the City of Orange City,
42 Florida, adopting the annual budget for the 2018-2019 fiscal year beginning October 1,
43 2018, and ending September 30, 2019; authorizing subsequent amendments by
44 resolution; repealing all ordinances or parts of ordinances in conflict herewith; and
45 providing for an effective date.

1 **Staff Presentation**

2
3 Christine Davis, Finance Director, noted a typographical error pertaining to the notice of proposed tax
4 increase in the budget summary ads. She stated that the error was an incorrect comma placement in the
5 numbers. She stated that she could provide a hard copy that was submitted to the News Journal if requested.
6 Ms. Davis reported that the City has consulted with the TRIM compliance department on how to proceed
7 and TRIM has approved the City to proceed with the hearing despite the Scribner’s error with the legal
8 advertisement.

9
10 Ms. Davis provided a presentation on the FY2018/2019 budget. She advised no changes have been made
11 since the first budget hearing, staff recommends Council approval of Ordinance No’s 607 and 608.

12
13 **Open Special Public Hearing**

14
15 Mayor Blair opened the public hearing by asking if anyone wanted to speak for or against Ordinance No’s
16 607 and 608.

17
18 **Close Special Public Hearing**

19
20 There being no requests to speak, the Mayor closed the special public hearing.

21
22 **Council Discussion**

23
24 **II. ADOPTION OF THE MILLAGE RATE AND BUDGET FOR FISCAL YEAR 2018/2019 ON**
25 **SECOND READING**

26
27 A. Ordinance No. 607 (Millage Ordinance) is voted on first.

28
29 **Vice Mayor Crippen moved to adopt Ordinance No. 607 at second and final**
30 **reading, seconded by Council Member Mahoney and passed by a 6/0 roll call vote**
31 **of the City Council.**

32
33 B. Ordinance No. 608 (Budget Ordinance) is voted on second.

34
35 **Vice Mayor Crippen moved to adopt Ordinance No. 608 at second and final**
36 **reading, seconded by Council Member Mahoney and passed by a 6/0 roll call vote**
37 **of the City Council.**

38
39 **III. ANNOUNCEMENT OF PROPOSED MILLAGE RATE**

40
41 Mayor Blair read the following statement into the record:

42
43 The City of Orange City’s adopted millage rate for Fiscal Year 2018/2019 is 8.034 mills which
44 is above the rolled-back rate of 7.6222 mills as provided by the Property Appraiser of Volusia
45 County and reflects an increase of 5.40% in ad valorem taxes.

1 End special public hearing and resume regular meeting format.

2

3 **1. ABSENCES:**

4

5 None at this time

6

7 **2. PRESENTATIONS/PROCLAMATIONS:**

8

9 None at this time

10

11 **3. CITIZEN COMMENTS:**

12

13 Kelli Anne Marks, 570 Columbus Ave., came forward to announce that she is running for City Council
14 District Seat #4. Ms. Marks also advised that she will be hosting the Deland Bacon and Brew Fest on
15 September 29th and invited Council to attend.

16

17 **4. CONSENT AGENDA:**

18

- 19 A. Veterinarian Services for Orange City
- 20 B. Approve Purchase of Medical Supplies
- 21 C. Contract Award for construction of the West French Avenue Sidewalk Project (Little French)
- 22 D. Authorize Construction, Engineering and Inspection Services for the Construction of the W. French
23 Avenue Sidewalk Project (Little French), Work Order No. 088-18
- 24 E. Collective Bargaining Agreement Between the City of Orange City and the International Union of
25 Police Associations (I.U.P.A.), AFL-CIO
- 26 F. County of Volusia Standard Interlocal Agreement for Provision of Municipal Services to the City
27 of Orange City
- 28 G. Approve September 12, 2018 Regular Meeting Minutes

29

30 **Vice Mayor Crippen moved to approve the Consent Agenda, seconded by**
31 **Council Member Pupello, and passed by a 6/0 roll call vote.**

32

33 **5. ORDINANCES – FIRST READING:**

34

- 35 A. **Ordinance No. 606** – An ordinance of the City Council of the City of Orange City Florida,
36 amending the Introduction, Future Land Use Element, Transportation Element, Housing
37 Element, Conservation Element, Recreation and Open Space Element, Intergovernmental
38 Coordination Element, Public Schools Facilities Element, Capital Improvements Element,
39 the Monitoring and Evaluation Element and the Official Map Series of the Comprehensive
40 Plan in accordance with the Evaluation and Appraisal requirement of Florida Statutes,
41 Chapter 163; repealing all ordinances or parts of ordinances in conflict herewith; and
42 providing for an effective date.

43

44 Mr. Reischmann read the title of Ordinance No. 606 into the record. He noted this was a legislative matter.

45

1 **Council Member Mahoney moved to approve Ordinance No. 606, at first reading,**
2 **and authorize staff to forward the Ordinance to the Volusia Growth Management**
3 **Commission and the Department of Economic Opportunity, seconded by Vice**
4 **Mayor Crippen.**

5
6 Becky Mendez, Development Services Director, provided a detailed PowerPoint presentation (a copy of
7 which is attached and becomes a permanent part of these minutes) that discussed Ordinance No. 606. Ms.
8 Mendez reported that this Ordinance contains Evaluation and Appraisal Review (EAR) based amendments.
9 State Law requires that the Comprehensive Plan is evaluated and updated every seven years.

10
11 Ms. Mendez reported that the Planning Commission held two discussion sessions on the EAR based
12 amendments. On September 5, 2018 the Commission recommended forwarding the amendments to City
13 Council for approval.

14
15 Ms. Mendez announced the two most significant changes were Urban Sprawl Indicators and Office
16 Transition Future Land Use (FLU). She provided updated map suggestions and reported the elements that
17 were not updated.

18
19 Ms. Mendez stated that the next steps were to approve Ordinance 606 at first reading and authorize staff to
20 transmit it to the Department of Economic Opportunity (DEO) and Volusia Growth Management
21 Commission (VGMC). Second and final reading will be scheduled once the state provides their Objections
22 Recommendations and Comments Report and VGMC issues a consistency certification.

23
24 Council Member O'Connor questioned whether the land use for MXAC was changed at some point. Ms.
25 Mendez responded that the maximum development potential did not change.

26
27 Council Member Mahoney referred to the future land use element policy 3.1 and asked why the language
28 was changed to permit schools in the future land use. Ms. Mendez replied that the future land use element
29 was changed to allow schools in all future land use designations.

30
31 **Motion passed by a 6/0 roll call vote of the City Council.**

32
33 **6. PUBLIC HEARINGS:**

34
35 None at this time

36
37 **7. RESOLUTIONS:**

- 38
39 A. **Resolution No. 925-18** – A resolution of the City Council of the City of Orange City,
40 Florida, approving and authorizing the execution of the Supplemental No. 1 to the 2018
41 Local Agency Program (LAP) agreement for construction of the W. French Avenue
42 sidewalk from Valentine Park to N. Carpenter Avenue between the State of Florida
43 Department of Transportation and City of Orange City; repealing all resolutions or parts
44 of resolutions in conflict herewith; and providing for an effective date.

45

1 Mr. Reischmann read the title of Resolution No. 925-18 into the record. He advised Council that this is a
2 quasi-judicial matter and that all ex-parte communication shall be disclosed. Mr. Reischmann noted for
3 the record there were no disclosures.

4
5 **Council Member Allebach moved to approve Resolution No. 925-18, seconded by**
6 **Council Member Pupello.**

7
8 Ms. Mendez reported that the “Little French” project is the five foot sidewalk on French Ave. that connects
9 Valentine Park to Carpenter Ave. Ms. Mendez stated that staff recommends the City Council adopt
10 Resolution 925-18 and the following Resolution 928-18, which is a budget amendment for this project.

11
12 **Motion passes with a 6/0 roll call vote of the City Council.**

- 13
14 B. **Resolution No. 928-18** – A resolution of the City Council of the City of Orange City,
15 Florida, amending the annual operating budget for fiscal year 2017-2018 by adjusting
16 revenue and expenses; repealing all resolutions or parts of resolutions in conflict herewith;
17 and providing for an effective date.

18
19 **Council Member Mahoney moved to approve Resolution No. 928-18, seconded by**
20 **Vice Mayor Crippen and passed by a 6/0 roll call vote of the City Council.**

- 21
22 C. **Resolution No. 926-18** – A resolution of the City Council of the City of Orange City,
23 Florida, approving an Interlocal agreement with Volusia County for water, wastewater
24 and reclaimed water service boundary area; repealing all resolutions or parts of resolutions
25 in conflict herewith; and providing for an effective date.

26
27 Mr. Reischmann read the title of Resolution No. 926-18 into the record. He advised Council that this is a
28 quasi-judicial matter and that all ex-parte communication shall be disclosed. Mr. Reischmann noted for
29 the record there were no disclosures.

30
31 **Council Member Allebach moved to approve Resolution No. 926-18, seconded by**
32 **Vice Mayor Crippen**

33
34 Raul Palenzuela, City Engineer came forward and delivered a PowerPoint presentation (a copy of which is
35 attached and becomes a permanent part of these minutes) that described the inter-local agreement with
36 Volusia County for water, wastewater and reclaimed water service boundary areas. Mr. Palenzuela provided
37 a brief background of Resolution 926-18.

38
39 Mr. Palenzuela stated that currently the City does not have a wastewater treatment plant, therefore the City
40 purchases sewer capacity from the County called Equivalent Residential Units (ERU), the City receives a
41 rate of 86% of the retail rate. Wastewater capacity to serve new development within the Service Boundary
42 Area (SBA) is reserved at the time a sewer connection impact fee is paid to the County. Mr. Palenzuela
43 stated that the City retains a portion called the Contribution-in-aid-of-Construction (CAIC) to fund
44 maintenance of existing infrastructure and future expansion. Concurrently, staff is reviewing an
45 overpayment of CAIC impact fees, approximately \$150,000, made by the City to the County.

1 Mr. Palenzuela stated that staff recommends City Council approve the SBA agreement and staff will forward
2 the agreement to the County for review at the October 2, 2018 County Council meeting.

3
4 Council Member O'Connor asked if there was a specific waste water requirement that would need to be
5 reviewed in the future.

6
7 Mr. Palenzuela replied that the lift stations are monitored by the County.

8
9 Mike Ulrich, Volusia County Public Works Department Water Resources and Utilities Division Director,
10 addressed Council and stated that the need to collaborate and work together is important.

11
12 **Motion passed by a 6/0 roll call vote.**

- 13
14 D. **Resolution No. 927-18** – A resolution of the City Council of the City of Orange City,
15 Florida amending the pay plan for the City of Orange City; containing a repealer
16 provision, a severability clause and providing for an effective date.

17
18 Mr. Reischmann read the title of Resolution No. 927-18 into the record.

19
20 **Council Member Mahoney moved to approve Resolution No. 927-18, seconded by**
21 **Vice Mayor Crippen, and passed by a 6/0 roll call vote.**

22
23 Christine Davis reported that Resolution No. 927-18 will amend the City's current pay plan. She stated that
24 the items being addressed in this Resolution include adding an accounting analysis position, increasing the
25 starting minimum by 3%, with exception of the union represented police and fire departments, adding a
26 construction project coordinator and deleting the custodian position. Ms. Davis stated that in addition there
27 are a variety of specific certification and licenses that have been added to the exhibit of the pay plan. Ms.
28 Davis stated that staff recommends Council adopt Resolution 927-18.

29
30 **Motion passed by a 6/0 roll call vote of the City Council.**

31
32 **8. DISCUSSION AND ACTION:**

- 33
34 A. Code Enforcement Actions for 763 W. Blue Springs Foreclosure

35
36 Mr. Reischmann advised that this matter is presented to Council pursuant to Chapter 162 of the Florida
37 Statutes. This matter has been before the City's Special Magistrate previously on several occasions. His
38 recent orders were attached to the agenda item as exhibits.

39
40 Mr. Reischmann referred to a Finding of Fact, Conclusion of Law and Order, dated December 6, 2017 citing
41 the condition of the property and imposing a \$250/day fine if the conditions are not corrected. The order
42 also noted that the violations presented a threat to public safety and welfare and ordered that the City be
43 notified pursuant to Section 162.06(4) and 162.09(1) of the Florida Statutes.

44

1 He advised that the second order, dated September 6, 2018 authorized the City to initiate the foreclosure of
2 the Code Enforcement liens. Such liens reflect fines that have accrued on the property from non-
3 compliance.

4
5 Mr. Reischmann reported that Council needs to decide if they wish to initiate foreclosure, and agree to
6 expend the funds necessary to correct the violations, including securing the open pool. He noted these are
7 two separate matters pertaining to the property and that direction from Council is needed.

8
9 **Council Member Pupello moved to direct staff to remedy the violations that are**
10 **present on afore mentioned property, including securing the open pool, seconded by**
11 **Council Member Mahoney, motion passed by a unanimous voice vote of the City**
12 **Council.**

13
14 **Council Member O'Connor moved to begin the foreclosure process on afore**
15 **mentioned property, seconded by Council Member Mahoney, motion passes by a 6/0**
16 **roll call vote of the City Council.**

17
18 **9. REPORTS:**

19
20 **A. City Manager**

21
22 Ms. Arrington reported that the City is under contract with the Titans football team for the use of the large
23 field at Valentine Park. University High school soccer team has requested to use the field as well. Ms.
24 Arrington requested that Council approve both groups to use Valentine Park free of charge.

25
26 **It was the consensus of the City Council to allow both the Titans football team and**
27 **University High School soccer team to use the large field at Valentine Park, free of**
28 **charge.**

29
30 Ms. Arrington requested to cancel the October 9, 2018 City Council meeting due to lack of agenda items.

31
32 **It was the consensus of the Council to cancel the October 9th City Council meeting.**

33
34 **B. City Clerk**

35
36 No report at this time

37
38 **C. City Attorney**

39
40 No report at this time

41
42 **10. NEW BUSINESS:**

43
44 Council Member O'Connor requested that staff get quotes to purchase a pole barn at the Public Works
45 facility to allow staff to work on the fire trucks.

1 **It was the consensus of the City Council to bring this item forward on a future agenda.**

2
3 Mayor Blair suggested a yearly City Clerk evaluation.

4
5 **It was the consensus of the Council to move forward.**

6
7 **11. APPROVAL OF MINUTES:** See Consent Agenda

8
9 **12. COUNCIL & MAYOR’S COMMENTS AND REPORTS**

10
11 Council Member Pupello thanked everyone for attending the meeting.

12
13 Council Member Allebach complimented the budget process and commented on homeowner taxes. He
14 complimented staff on all their efforts with the budget and the homecoming parade.

15
16 Vice Mayor Crippen told a story about when he coached soccer for young children. He reported that he
17 attended a proclamation reading with the Mayor. He requested to keep a representative from Stetson
18 University and Council Member Robinson in prayer.

19
20 Council Member O’Connor gave recognition to the firefighters that helped Council Member Robinson
21 recover.

22
23 Council Member Mahoney thanked the firefighters and Pastor Angel. He commented about the assessed
24 values of homes.

25
26 Mayor Blair reported that he presented a proclamation that proclaimed September as Hydrocephalus and
27 Childhood Cancer Awareness month. He attended the Career Source Anniversary Celebration and the
28 University High school homecoming parade. He requested that everyone keep Council Member Robinson
29 in prayer.

30
31 **13. ADJOURN:**

32
33 There being no further business, Mayor Blair adjourned the meeting at 08:53 p.m.

34
35 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

36
37 _____
38 Melani Beringer
39 Deputy City Clerk

Date