

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held
2 on Tuesday, November 13, 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 **INVOCATION/PLEDGE OF ALLEGIANCE**

15
16 The Invocation was given by Pastor Mike Carroll-First Assembly of Deland, followed by the Pledge of
17 Allegiance.

18
19 Inauguration Agenda

20
21 **I. Resolution No. 935-18:** A resolution of the City Council of the City of Orange City, Florida,
22 declaring the results of the General Election held in the City of Orange City on November
23 6, 2018; repealing all resolutions in conflict herewith and providing for an effective date.

24
25 Mr. Reischmann read the title of Resolution No. 935-18 into the record.

26
27 **Council Member Mahoney moved to approve Resolution No. 935-18, seconded**
28 **by Vice Mayor Crippen, motion passed by a 6/0 roll call vote of the City Council.**

29
30 **II. Comments from Outgoing Council Members**

31
32 A. District 4 Council Member Anthony J. Pupello

33
34 Council Member Pupello read quotes from Ralph Waldo Emerson and Hickley. He thanked all the voters
35 and stated it has been an honor and privilege to have serve on the Council for nine years.

36
37 Mayor Blair thanked Council Member Pupello and stated it was an honor to serve with him. Mayor Blair
38 presented Council Member Pupello with a plaque commemorating his years of service.

39
40 B. District 5 Proclamation in honor of Council Member Evelyn Robinson

41
42 Mayor Blair read a proclamation into the record that honored the passing of Council Member Evelyn
43 Robinson. Council presented the proclamation as well as a plaque commemorating Ms. Robinson's service
44 to the community, to her family.

45

1 **III. Oath of Office – Newly Elected Council Members**

- 2
- 3 A. District 4 Council Member Kellianne Marks
- 4 B. District 5 Council Member Martin E. Harper
- 5 C. At-Large Council Member O. William Bill Crippen
- 6

7 City Clerk, Gloria Thomas, gave the oath of office to the newly elected council members.

8

9 **IV. Election of Vice Mayor**

10

11 Council Member Mahoney nominated Council Members Allebach and O’Connor as Vice Mayor. The

12 Council voted Council Member O’Connor as the Vice Mayor in a 3 to 4 written ballot.

13

14 *Mayor Blair recessed the meeting at 6:58 p.m. reconvening at 7:18 p.m.*

15

16 **ROLL CALL**

17

18 **PRESENT:** Mayor Gary A. Blair; Vice Mayor Bill O’Connor; Council Members: O. William (Bill)

19 Crippen, Jeff Allebach, Jim Mahoney, Kellianne Marks, Martin E. Harper; City Attorney William

20 Reischmann; City Manager Dale Arrington; City Clerk Gloria Thomas.

21

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

23

24 **2. PRESENTATIONS/PROCLAMATIONS:** None at this time

25

26 **3. CITIZEN COMMENTS:** None at this time

27

28 **4. CONSENT AGENDA:**

- 29
- 30 A. Final Budget Amendment FY 17/18 – Resolution No. 933-18
- 31 B. Contract Extension - Professional Services for Grant Writing
- 32 Services & Administration
- 33 C. South Water Plant Well #7 Hydrogeological Evaluation and Pump Repair
- 34 D. Contract Award Water Consumptive Use Permit (CUP) Impact Assessment Modeling
- 35 Hydrogeological Services
- 36 E. Approve October 23, 2018 Regular City Council Minutes
- 37

38 **Council Member Crippen moved to approve the Consent Agenda, seconded by**

39 **Council Member Mahoney, and passed by a 7/0 roll call vote.**

40

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

42

43 **6. PUBLIC HEARINGS/ORDINANCES-SECOND READING:** None at this time

44

45

1 **7. RESOLUTIONS:**

- 2
- 3 A. **Resolution No. 934-18** A resolution of the City Council of the City of Orange City,
4 Florida, approving the Interlocal agreement for annexation of enclaves; thereby
5 annexing certain enclave properties into the corporate limits of the city repealing all
6 resolutions or parts of resolutions in conflict herewith; and providing for an effective
7 date.

8

9 Mr. Reischmann read the title of Resolution No. 934-18 into the record.

10

11 **Council Member Mahoney moved to approve Resolution No. 934-18, seconded**
12 **by Council Member Crippen.**

13

14 Becky Mendez, Development Services Director, explained a PowerPoint presentation (a copy of which is
15 attached and becomes a permanent part of these minutes) that described Resolution No. 934-18. Ms.
16 Mendez advised that Florida Statutes state that a city, with agreement of a county, can take enclaves that
17 are of a certain size, and are completely surrounded by the city or only have access through the city limits.
18 In 2011 Florida Statutes increased the maximum enclave size from 10 acres to 100 acres. Ms. Mendez
19 stated that enclaves create significant problems in planning, growth management and service delivery.

20

21 Ms. Mendez stated there were 16 enclave areas throughout the City that included 150 real property parcels,
22 119 single family dwellings, 72 multi-family units and eight commercial properties. A total of 242 acres,
23 176 acres of real property, 53 acres of right of way and 13 acres of parks and/or water bodies.

24

25 Ms. Mendez noted that residential solid waste service will not transfer from County to City until October
26 1, 2019. The commercial and multifamily property owners will be notified and the City will help transition
27 the contracts. City police and fire services will become effective immediately upon approval of the County
28 Council.

29

30 Ms. Mendez advised that if Council approves Resolution 934-18, the agreement will be forwarded to
31 Volusia County Council for approval at their December 18, 2018 meeting.

32

33 Ms. Mendez noted that the City will assume maintenance responsibility of E. Graves Ave. between
34 Highway 17-92 and Veterans Memorial Parkway and W. French Ave. from Sparkman to Highway 17-92.
35 Including the local county roads that are located within the enclave areas. The enclaves are already included
36 within the City's utilities service areas except enclaves 8, 9, 10, 12, and 14.

37

38 Ms. Mendez advised that taxes will not change until 2019. The City will not receive any revenue until the
39 next tax roll. Ms. Mendez noted that if approved, the County Municipal Service District (MSD) and fire
40 taxes will be replaced by the City millage rate effective October 1, 2019. Ms. Mendez noted that regardless
41 of the annexation, every resident of Volusia County pays the base county millage. Ms. Mendez compared
42 the cost difference of county fees and the city fees.

43

44 Ms. Mendez stated that staff recommends Council approve Resolution No. 934-18 and forward the
45 agreement to County Council for approval at their December 18, 2018 meeting.

1 Vice Mayor O'Connor asked how this annexation will affect the agricultural differences between county
2 and city codes.

3
4 Ms. Mendez responded that regardless of jurisdiction, the future land use and county zoning remain in
5 place until the City does a future land use map amendment and rezoning. Staff will interpret the Volusia
6 County code until that occurs. She noted that the City has an equivalency matrix in the comprehensive
7 plan that was negotiated with the County. Ms. Mendez encouraged each property owner to contact
8 Development Services with their concerns about zoning.

9
10 Mayor Blair opened the floor for citizen comments.

11
12 John Barfield, 1571 N. Silverstone Ct., came forward and stated he is opposed to paying city taxes and
13 changing from well water to city water.

14
15 Gary R. Knight, 1555 N. Silverstone Ct., inquired of the benefits to his property if annexed into the city.

16
17 Patrick Alexander, 1095 E. Graves Ave., inquired in the direction of 911 calls, hospital district, and what
18 services will change. Deputy Police Chief Wayne Miller responded that all 911 calls are directed to the
19 Volusia County dispatch center.

20
21 Council Member Allebach responded that Mr. Alexander is located in the West Volusia Hospital district.

22
23 Rita DuBreuie, 1515 N. Silverstone Ct., stated that she is happy the way her community is now and does
24 not want any change.

25
26 Paul Foley, 1505 N. Silverstone Ct., stated that Council has already made a decision by making a motion.
27 He stated that he moved to the County to live on his land the way he would like to.

28
29 Referring to the motion on the table, Council Member Harper inquired about Roberts Rules of Order. Ms.
30 Arrington clarified, that in order to move forward with the agenda item, a motion from the Council was
31 needed.

32
33 Bonnie Cary, 660 Bonnie Lane, stated that property owners should be able to utilize their land the way want
34 to. She inquired about the difference in taxes that the residents will be responsible for.

35
36 Terrie and Jeremy Toth, 1545 N. Silverstone Ct., Ms. Toth voiced her concerns about switching from County
37 to City water. She also voiced concerns about the John Knox Community behind her property.

38
39 Cyndee Thielman, 1535 N. Silverstone Ct., also stated concerns about the John Knox community behind
40 her property

41
42 Darrell Traylor, 315 Silverstone Dr., stated he is in favor of city water being connected to the community.
43 He stated that he was in favor of the annexation.

44

1 Richard Garrot, 752 Briarcliff Dr., representing the Briarcliff community, stated the community is against
2 the annexation.

3
4 Mike Otway, 2109 N. Volusia Ave., owner of Nice N Easy inquired about City plans for stormwater, front
5 and rear parking lot requirements and city trash collection.

6
7 Mr. Reischmann stated that Section 8.2 of the Land Development Code provides for non-conforming
8 structures, uses and lots. When a property becomes part of the city and there are existing uses or the lots or
9 structures are non-conforming, the use is granted grandfather status. He stated that residents with concerns
10 should contact Ms. Mendez.

11
12 Ron Patrick, 1500 N. Silverstone Ct., referred to two large areas on the map and asked why those areas were
13 not being annexed.

14
15 Ms. Arrington replied that the two larger areas exceeded the maximum allowable size for the type of
16 annexation that Resolution 934-18 covers.

17
18 Bryan Martin, 1520 S. Silverstone Ct., voiced concerns about the cost of being connected to city water and
19 sewage and asked if an allowance will be given when city services are required.

20
21 Ms. Arrington replied that the process of switching services from city to county is a long process. Residents
22 will not be obligated into new services.

23
24 Deborah and Gary Morin, 230 W. Silverstone Ct., Ms. Morin stated that she was not prepared for Council
25 to vote regarding the annexation at this meeting. She stated that the homeowners have not been informed of
26 the benefits to the residents.

27
28 Juanita Nisbett, 405 Terrace Hill Blvd. DeBary, voiced her concerns about the changes the annexation will
29 have to her property, located in DeBary.

30
31 Diane Craparotta, 768 Briarcliff Dr., stated that the people of the Briarwood community are opposed to the
32 annexation.

33
34 Bernie Senez, 2097 Kings Richard Ct., stated that the residents of the Silverstone community are a big part
35 of Orange City, Fl.

36
37 Les Hammond, Veteran Memorial Parkway, stated that he is part of A3 zoning and is the only resident on
38 the road. Mr. Hammond stated that he understands the need for consolidated services, after he lost his home
39 to a fire years ago.

40
41 Mark Robinson, 1485 N. Silverstone Ct., stated his opposition to the annexation.

42
43 There being no further requests to speak, Mayor Blair closed the floor for citizen comments.
44

1 Council Member Mahoney commented there were numerous issues identified by the residents who are
2 opposed to this annexation, except the one resident who wants to be hooked up to Orange City water.
3 Opposition about the water system, in large part, was due to the costs. Council Member Mahoney
4 characterized the other concerns such as boats, RV's, home businesses, etc. noting that there really will not
5 be much of a change in that regard.

6
7 Council Member Mahoney acknowledged that non-conforming uses are temporary and a citizen may lose
8 some rights, if anything were to happen. He also observed that the two residents who spoke about burn
9 piles were correct, is it not allow in the City. Council Member Mahoney concluded by stating that the
10 drawbacks of the annexation will be the temporary aspect of non-conforming uses and the lack of burn piles.
11 The benefits are the importance of the efficiency of delivery of services, and that is the underlying
12 motivation for this annexation.

13
14 Council Member Harper inquired about County response to residents' complaints about John Knox Village.
15 He stated that one benefit from the annexation is the City would then be in the position to address those
16 complaints.

17
18 Council Member Allebach stated that progress is inevitable and water and sewage changes are a slow
19 process. He noted that the City's only plans for the annexation is to provide all residents with the same
20 benefits that the City has to offer.

21
22 Council Member Marks stated that she appreciates and understands the concerns expressed by the citizens
23 affected by this action. She stated that she is willing to work with the community and is in agreement to
24 compromise.

25
26 Council Member Mahoney observed revenue from the tax bills that property owners just received would go
27 to the County. If this resolution is passed by the City and subsequently the County Council, Orange City
28 will begin providing municipal services immediately, without compensation. He reiterated, "The
29 motivation from Orange City is not revenue based, it is the efficient delivery of services."

30
31 Council Member Crippen reiterated the residents' concerns. He stated that change will not come
32 immediately.

33
34 Vice Mayor O'Connor stated that once this annexation is approved this Council can take action on residents'
35 complaints. He commented that was what the Council was for.

36
37 Mayor Blair addressed Fire Chief Long about the concerns of burn pits and barrels located on resident's
38 property.

39
40 Chief Long replied that the City follows Division of Forestry guidelines for burn barrels and burn pits. The
41 guidelines depend on the size of the lot. He noted that the Fire Department would respond to a complaint
42 about a burn in the yard and provide counseling about the proper burn procedures on an individual's
43 property. The Fire Department has no issues with an approved burn container.

44
45 Mayor Blair stated that the Council is available to work with the residents.

1 Mr. Reischmann clarified that while a non-conforming use cannot be expanded, the property do not lose its
2 non-conforming use unless the use is discontinued.

3
4 Mayor Blair again opened the floor for citizen comments.

5
6 Deborah Warren, shared that she is proud to live in the County of Volusia and concerned about being
7 annexed.

8
9 Ron Patrick referred to the comment from Council about the installation of City water and sewer taking
10 decades. He asked if the millage rate would be different than that of current Orange City residents.

11
12 Ms. Arrington replied that water and sewer services are not paid through the City's millage rates. The service
13 costs are included in the utility bill.

14
15 **Motion passed by a 6/1 roll call vote of the City Council, with Council Member**
16 **Marks voting "no."**

17
18 *Mayor Blair recessed the meeting at 8:55 p.m., reconvening at 9:02 p.m.*

19
20 **8. DISCUSSION AND ACTION:**

21
22 A. Request for Direction on Kentucky Avenue

23
24 Ms. Arrington requested direction from Council about Kentucky Ave. Ms. Arrington provided a detailed
25 PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes.) She
26 advised that if Council chose to move forward, a presumed cost of \$12,000 would be assumed.

27
28 Ms. Arrington provided a brief history of Kentucky Ave. and the reason for the predicament with the
29 residents along the road. She reported that in 1989 a development order for Country Village was issued to
30 Dyland Corporation and a 290 acre rezoning was completed by Dyland Corporation. She noted that
31 Kentucky Ave. is a private road that is shared by multiple property owners and it is not being maintained.

32
33 Ms. Arrington noted that a title search was performed in 2017 resulting in several owners. Multiple attempts
34 to search for the true owners of the road were unsuccessful. She advised that a survey is needed in order to
35 find the true owners of the correct sections of Kentucky Ave.

36
37 Ms. Arrington provided a list of options for repairing the road. She suggested to do a survey in order to
38 match title work to ownership. The cost would amount to \$12,000 which is needed to determine who owns
39 what section of the road in order to obtain permission to repair the damage.

40
41 Ms. Arrington provided the current condition of the road. She noted that finding ownership of the road is
42 necessary in order to move forward to correct the deteriorating issues.

43
44 Ms. Arrington noted that in order to continue the maintenance on the road a special assessment district is
45 needed. A special assessment district will determine a fair amount is for each property owner to pay

1 annually to maintain the roadway. The factors to be determined during this process is whether to maintain
2 the road in its current condition or to collect enough money to build savings to redo the road in 10-20 years.
3 The City also has the option to bond out bond out reconstruction of the roadway.

4
5 Ms. Arrington suggested a survey is done to have the legal ownership of the roadway clarified. Staff would
6 like direction on whether or not to move forward with the City in a leadership role, creating a special
7 assessment district.

8
9 A discussion ensued between Council, Ms. Arrington and Mr. Reischmann discussing legal responsibilities,
10 public safety, and the necessity of the survey.

11
12 Bernie Senez came forward to provide his suggestions to Council about the issue with Kentucky Ave.

13
14 Council Member Mahoney stated that what Mr. Senez said and the actions contemplated are not in conflict.
15 At the end of the day you still need the survey.

16
17 **Council Member Allebach motioned to authorize the City Manager to spend up**
18 **to \$12,000 for a survey on Kentucky Ave. and to bring forward to Council the**
19 **process to follow to get the technical studies completed and to hire a consultant**
20 **to create a special assessment district, seconded by Council Harper, motion**
21 **passed by a unanimous voice vote of the City Council.**

22
23 **9. REPORTS:**

24
25 A. City Manager

26
27 Ms. Arrington reported that the south side Fire Department is having a water issue. Chief Long has received
28 estimates to fix the issue. The cost or a portion of the cost may be covered by insurance. The cost to fix the
29 issue is \$28,500 and needs to be taken care of ASAP to avoid an issue with the union. Ms. Arrington asked
30 Council permission to move forward.

31
32 **Council Member Crippen motioned to authorize Ms. Arrington to move forward,**
33 **seconded by Council Member Marks, motion passed by a unanimous voice vote**
34 **of the City Council.**

35
36 Ms. Arrington reported that the Holiday Parade will take place on December 8, 2018. She asked Council if
37 they would like to ride on the float. It was the consensus of the Council to ride on the float during the parade.

38
39 Ms. Arrington reported that there will be one City Council meeting in December, held on the 11th. She stated
40 that Council photos will be taken at 4:30 p.m., the CRA meeting will follow at 5:30 p.m. and the Council
41 meeting will begin at 6:30 p.m.

42
43 B. City Clerk

44
45 No report at this time.

1 C. City Attorney

2
3 No report at this time.

4
5 **10. NEW BUSINESS:**

6
7 Vice Mayor O'Connor requested a monthly update involving the progress of new businesses coming into
8 the City.

9
10 Council Member Allebach requested an update on the street lights around the City.

11
12 Ms. Arrington replied that the representatives at Duke Energy has been contacted. Staff is requesting an
13 immediate meeting. Unfortunately, representatives are in the Panhandle and as soon as they can be contacted
14 again the effort will continue.

15
16 **11. APPROVAL OF MINUTES:** See Consent Agenda

17
18 **12. COUNCIL & MAYOR'S COMMENTS AND REPORTS**

19
20 Council Member Mahoney welcomed the new council members. He congratulated Vice Mayor O'Connor.
21 He stated that he was disappointed to hear the criticism of John Knox Village and hopes that the concerns
22 can be addressed. He stated that he thought it was a wonderful meeting. He thanked Mr. Senez for being an
23 ambassador for the City. He apologized to a citizen in the audience that lost his home due to a house fire.

24
25 Vice Mayor O'Connor welcomed the new council members. He stated that there is no such thing as a dumb
26 question and not to be afraid to ask. He stated that this was one of the most exciting meetings he has attended.
27 He thanked Ms. Mendez and Chief Long for their prompt responses to the residents of the Silverstone
28 community. He noted that some of the members of the audience thanked him for listening to their concerns.
29 He thanked those that attended the meeting.

30
31 Council Member Crippen welcomed the new council members. He stated that while he was campaigning
32 he was approached with a lot of concerns from the citizens and he was able to get answers from the City
33 Manager's office. He reported that the River of Lakes Heritage Corridor brochure was submitted to a
34 nationwide entity that rates the brochure. The City ranked in the top 60, which shows the quality of the
35 brochure and presents the west side of Volusia County nationwide.

36
37 Council Member Allebach welcomed the new council members. He stated that the meeting was exciting
38 and the Council is out to do what is right for the City. He is hopeful that the street lights will be taken care
39 of soon. He reported that the Transportation Planning Organization (TPO) is moving forward and is fighting
40 to maintain a 10% stipulation so programs like Big French and Little French can be completed.

41
42 Council Member Harper stated that it was very humbling to be able to sit in Ms. Robinson's seat. He thanked
43 City Clerk Ms. Thomas for her help through all the paperwork for the Council position. He is looking
44 forward to learning the new position.

45

1 Council Member Marks congratulated Council Member Crippen and welcomed him back in his position.
 2 She thanked Ms. Thomas as well for her help. She looks forward to learning more and stated that it has been
 3 a wonderful experience to meet the citizens in her community. She appreciated that the Mayor allowed the
 4 citizens to speak.

5
 6 Mayor Blair welcomed the “newbies” to the Council. He congratulated Council Member Crippen for being
 7 reelected. He stated that a lady approached him during the break and stated that her community was in favor
 8 of the annexation. He reported that the children from the elementary school visited the Council and
 9 submitted pictures.

10

11 **13. ADJOURN:**

12

13 There being no further business, Mayor Blair adjourned the meeting at 10:17 p.m.

14

15 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

16

17 _____

18 Melani Beringer
19 Deputy City Clerk

Date

