

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, June 26, 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; Council Members: Bill O'Connor, Jeff Allebach, Anthony J. Pupello,
11 Evelyn Robinson, Jim Mahoney; City Attorney William Reischmann; City Manager Dale Arrington; City
12 Clerk Gloria Thomas.
13

14 **ABSENT:** Vice Mayor O. William (Bill) Crippen
15

16 **INVOCATION/PLEDGE OF ALLEGIANCE:**

17
18 The Invocation was given by Pastor Mike Carroll-First Assembly Deland.
19

20 1. **ABSENCES:** None at this time
21

22 2. **PRESENTATIONS/PROCLAMATIONS:**

23
24 None at this time
25

26 3. **CITIZEN COMMENTS:**

27
28 Stacy Fox, 480 E. Wisconsin Ave., came forward to request that Council allow her to keep her mini pig
29 that acts as her emotional support pet.
30

31 It was Council's unanimous decision to discuss this matter under New Business of the Agenda.
32

33 Mayor Blair acknowledged the candidates for the upcoming election that was in the audience.
34

35 4. **CONSENT AGENDA:**

- 36
37 A. Amnesty Day Event Hazardous Waste Disposal
38 B. Approve Work Order 084-18 for Post Design Services to Pegasus Engineering for E. Graves/S.
39 Orange Avenue Drainage Improvements/State Revolving Fund (CWSRF)
40 C. Acceptance of Public Improvements for Chinchor Electric Site Plan
41 D. Acceptance of Public Improvements of Shadow Ridge Phase 2
42 E. Approve June 12, 2018, Regular Meeting Minutes
43

44 Council Member Allebach requested that Consent Agenda items A, C, and D be pulled from the Consent
45 Agenda.
46

47 **Council Member Allebach moved to approve the Consent Agenda items B and E,**
48 **seconded by Council Member Robinson, motion passed by a 6/0 roll call vote of the**
49 **City Council.**

1 Council Member Allebach noted that he pulled item 4A from the Consent Agenda to acknowledge how
2 the annual event impacts and benefits the City's environment.

3
4 **Council Member Allebach moved for approval of Consent Agenda Item 4A, seconded**
5 **by Council Member O'Connor, motion passed by a 6/0 roll call vote of the City**
6 **Council.**

7
8 Council Member Allebach noted he pulled item 4C from the Consent Agenda to recognize Chinchor
9 Electric's growth and contributions to the City.

10
11 **Council Allebach moved for approval of Consent Agenda Item 4C, seconded by**
12 **Council Member Mahoney, motion passed by a 6/0 roll call vote of the City Council.**

13
14 Council Member Allebach noted he pulled item 4D from the Consent Agenda to recognize the Shadow
15 Ridge community growth and contributions to the City.

16
17 **Council Allebach moved for approval of Consent Agenda Item 4D, seconded by**
18 **Council Member Mahoney, motion passed by a 6/0 roll call vote of the City Council.**

19
20 **5. ORDINANCES – FIRST READING:**

21
22 None at this time

23
24 **6. PUBLIC HEARINGS/ SECOND READING:**

25
26 A. **Ordinance No. 601** An ordinance of the City Council of the City of Orange City,
27 Florida, amending the Official Zoning Map by changing the zoning classification of
28 property located at 1800 East Graves Avenue, consisting of 19.69 acres, from mixed-use
29 suburban (MX-2) to planned unit development (PUD); approving the PUD Master
30 Development Plan; repealing all ordinances or parts of ordinances in conflict herewith; and
31 providing for an effective date.

32
33 Mr. Reischmann read the title of Ordinance No. 601 and advised for the record that this is a quasi-judicial
34 matter. He asked that any ex-parte communications be disclosed at this time and noted that there were
35 none.

36
37 Becky Mendez, Development Services Director, reported that this was the second reading for this
38 rezoning. On June 12, 2018, City Council approved Ordinance No. 601 at first reading. Ms. Mendez noted
39 no changes have been made since first reading and staff recommends approval at second and final reading.

40
41 Council Member Allebach moved to approve Ordinance No. 601, seconded by Council Member
42 O'Connor, motion passed by a 6/0 roll call vote of the City Council.

43
44 B. **Ordinance No. 602** An ordinance of the City Council of the City of Orange City,
45 Florida, amending the official zoning map by changing the zoning classification of property
46 located at 2000 North Volusia Avenue, consisting of 20 acres, from general commercial
47 restricted (CG-1) to Planned Unit Development (PUD); approving the PUD Master
48 Development Plan; repealing all ordinances or parts of ordinances in conflict herewith; and
49 providing for an effective date.

1 Mr. Reischmann read the title of Ordinance No. 602 into the record. He noted that this is a quasi-judicial
2 matter and asked that any ex-parte communications be disclosed at this time. He noted for the record
3 there were no disclosures.

4
5 **Council Member Allebach moved to approve Ordinance No. 602, seconded by**
6 **Council Member Pupello.**

7
8 Ms. Mendez reported that this is second and final reading of Ordinance No. 602. There have been no
9 changes since first reading and staff recommends approval at second and final reading.

10
11 Gil Odjich Jr., Lot #167 Land O'Lakes, voiced his concern about the rat-infested lot next to his property
12 and trees damaged by hurricanes. Mr. Odjich stated that he is having a hard time selling his home due to
13 the condition of the home on the adjacent lot. He asked when destruction will occur.

14
15 Ms. Arrington replied that Mr. Odjich's concern relates to Agenda item 6A. She replied that the owners
16 have 30 days to remove the condemned building from the property, once this Ordinance No. 601 is
17 adopted.

18
19 **The motion passed by a 6/0 roll call vote of the City Council.**

20
21 **C. Ordinance No. 603** An ordinance of the City of Orange City, Florida, annexing 4.06
22 acres of certain real property into the corporate limits, and including all surrounding
23 rights-of-way located at 1425 E. Graves Avenue; repealing all ordinances or parts of
24 ordinances in conflict herewith, providing a severability clause, and for an effective date.

25
26 Mr. Reischmann read the title of Ordinance No. 603 into the record.

27
28 Ms. Arrington asked that this ordinance is continued. She provided a history of the annexation application
29 citing that the City has come to an informal agreement with Mr. George Recktenwald, the Interim Volusia
30 County Manager, about the conditions for annexation.

31
32 Ms. Arrington advised that if Ordinance No. 603 is tabled indefinitely it could possibly die or the Council
33 could bring it forward again and proceed with the annexation. She also suggested that Council could table
34 the ordinance indefinitely.

35
36 **Council Member Allebach moved to table Ordinance No. 603 indefinitely, seconded**
37 **by Council Member O'Connor and passed by a 6/0 roll call vote of the City Council.**

38
39 **7. RESOLUTIONS:**

40
41 **A. Resolution No. 901-18** A resolution of the City Council of the City of Orange City,
42 Florida, abandoning 202 feet +/- of the Trafford Avenue 25-foot right-of-way located
43 within the Garland Industrial Center Plat; repealing all resolutions or parts of resolutions
44 in conflict herewith; and providing for an effective date.

45
46 Mr. Reischmann read the title of Resolution No. 901-18 into the record.

47
48 Council Member Mahoney moved to approve Resolution No. 901-18, seconded by Council Member
49 Pupello.

1 Ms. Mendez came forward and provided a brief history of Resolution No. 901-18 with a PowerPoint
2 presentation (a copy of which is provided and becomes a permanent part of these minutes.) Ms. Mendez
3 stated that staff recommends that Council deny Resolution No. 901-18 stating that the application does
4 not clearly demonstrate an overriding public purpose or benefit.

5
6 Michael Lutiniak, Engineer for C&S Towing came forward to request that the City vacate the 25-foot
7 right-of-way property described in Resolution 901-18.

8
9 A discussion ensued between Council and Mr. Lutiniak regarding the length of time that cars are allowed
10 to spend on the lot, the future use of surrounding roads, and the present condition of the road.

11
12 Ms. Arrington read Florida Statue Chapter 713.78 to clarify what the law states about the amount of time
13 a vehicle is required to be stored on the property after collection.

14
15 Mr. Reischmann read Chapter 16.4 of the City Code to clarify Council concerns about the property and
16 the condition.

17
18 **The motion failed by a 5/1 roll call vote of the City Council with Council Members,**
19 **O'Connor, Allebach, Pupello, Mahoney and Mayor Blair voting “no”.**

20
21 **Council Member Mahoney motioned to deny abandoning the 202+/- feet of the**
22 **Trafford right-of-way, seconded by Council Member Pupello. The motion passed by**
23 **6/0 roll call vote of the City Council.**

24
25 **8. DISCUSSION AND ACTION:**

26
27 None at this time.

28
29 **9. REPORTS:**

30
31 **A. Mayor/City Council:**

32
33 Mayor Blair reported that he received a letter from the Government Finance Office Association (GFOA)
34 and that the City has been awarded the Distinguished Budget Presentation, once again. He congratulated
35 Ms. Davis and her staff for their efforts.

36
37 Council Member Allebach reported on an accident in front of the Bravo Supermarket. He was impressed
38 that the City's Fire and Police Departments responded quickly and attended to the victims. He
39 congratulated City staff for their quick response even though the incident was in incorporated County
40 jurisdiction.

41
42 **B. City Manager:**

43
44 Ms. Arrington provided Council with a letter from the school board requesting a meeting to discuss
45 entering into a local agreement regarding funding of school guardians within the City. Ms. Arrington noted
46 that she has requested this item to be placed on the Volusia County managers meeting agenda. She has
47 also requested that Chief Thomas present this item for discussion at the Police Chiefs meeting this Friday.

48
49 Ms. Arrington announced the Fireworks and Fun celebration at Valentines Park on, Saturday, June 30th.

1
2 Ms. Arrington stated that a quote for a new generator for the Council Chambers is anticipated soon. She
3 also stated that a plan is in progress for a solution to the outdated generator at the main water treatment
4 plant.

5
6 Ms. Arrington reported that Mill Lake had a power surge and as a result the fountain is out of order. Part
7 repair or replacement has been scheduled and it is anticipated that the fountain will be in running order in
8 approximately 2 weeks. She reported that there are some severe leaks at the south water treatment plant
9 pumps and a refurbished pump is being installed there.

10 11 C. City Clerk

12
13 Ms. Thomas reported that the election qualifying period ended on Friday. She announced that Council
14 Member Pupello and Kellianne Marks qualified for District Seat #4, Vice Mayor Crippen and Gaea Nunez
15 qualified for the At-Large Seat and Martin Harper qualified unopposed for District Seat #5. She noted that
16 because no three candidates qualified for any race a Primary Election is not necessary and therefore the
17 General Election will be held in November.

18
19 Ms. Thomas announced the Mayor is the only one signed up for the Florida League Conference in August.
20 The Mayor will be the voting delegate for the City. Ms. Thomas noted that the Mayor will be honored for
21 his 20 years of service at the conference. She stated if anyone from Council would like to attend, contact
22 the Clerk's office.

23 24 D. City Attorney

25
26 Mr. Reischmann recommended that Council add an exception to the general rule in the case of quasi-
27 judicial matters. He advised that a motion should be considered after the presentation of evidence. If
28 Council approves, a resolution amending the Council Rules and Procedures will be brought forward.

29
30 **It was the consensus of the Council to allow Mr. Reischmann to move forward with a resolution to**
31 **amend the Council Rules and Procedures.**

32
33 Mr. Reischmann noted that currently according to the Council Rules and Procedures, the starting time for
34 Council meetings is 7:00 p.m. This has been amended by Resolutions to the current time of 6:30 p.m. Mr.
35 Reischmann advised updating the start time of the Council Rules and Procedures to 6:30, as it states in
36 the resolution.

37
38 Mr. Reischmann noted that other jurisdictions combine Council reports and Council comments into one
39 section on the Agenda. He inquired if Council would like to follow the format.

40
41 Mayor Blair stated that he is in favor of combining the two agenda items. Council Member O'Connor
42 stated that he is in favor of keeping the two items separated as Reports are more formal and Comments
43 are informal.

44
45 Council Member Pupello commented that if the two items are combined on the agenda he would not be
46 considered so "long-winded."

47
48 **It was the consensus of the Council to remove section 9A on the agenda and combine Council**
49 **Reports with Council Comments into one section.**

1 Mr. Reischmann advised adding the sentence "in quasi-judicial matters if there is an appearance of a
2 conflict you can choose not to vote" to the section in the Council Rules and Procedures that discusses that
3 issue.
4

5 Mr. Reischmann referred to the request from Ms. Fox to keep her emotional support pet pig, stating that
6 currently, the Code does not include a specific process for requests for reasonable accommodations. He
7 stated that this request is not a variance of the Land Development Code (LDC). Mr. Reischmann
8 recommended that the City adopt an ordinance comparable to Section 3.11 of the Code of Ordinances. He
9 advised that Council inform Mr. and Mrs. Fox that Council will consider the request and allow Mr.
10 Reischmann time to amend the code.
11

12 **It was the consensus of the Council to allow Mr. Reischmann to proceed with an amendment of the**
13 **LDC.**
14

15 Ms. Arrington reminded Council that a budget workshop is scheduled for July 10th at 5:00 p.m.
16

17 **10. NEW BUSINESS:**

18
19 **11. APPROVAL OF MINUTES:** See Consent Agenda
20

21 **12. COUNCIL COMMENTS:**
22

23 Council Member Pupello thanked the candidates that will run in the November Election. He thanked those
24 that attended the meeting.
25

26 Council Member Robinson is thankful to be able to be involved with tonight's meeting.
27

28 Council Member Allebach stated that the City's responders did an awesome job at the car injury incident.
29 He reported that he looks forward to attending the 4th of July festivities this weekend at Valentine's Park.
30

31 Council Member O'Connor announced that the budget process is about to begin. He invited the citizens
32 to attend the budgets meetings in order to voice their opinions about the budget.
33

34 Council Member Mahoney stated that he was pleased by the way the City is handling Ms. Fox's request.
35

36 Mayor Blair wished everyone a Happy 4th of July and encouraged everyone to come out to the festivities
37 at Valentines Park.
38

39 **13. ADJOURN:**
40

41 There being no further business to discuss, Mayor Blair adjourned the meeting at 08:25 p.m.
42

43 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

44
45
46 Melani Beringer, Deputy City Clerk
47
48

Date