

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, July 24, 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 Vice Mayor Crippen and roll call was taken.

7
8 **ROLL CALL:**

9
10 **PRESENT:** Vice Mayor O. William (Bill) Crippen, Council Members: Bill O'Connor, Jeff Allebach,
11 Anthony J. Pupello, Evelyn Robinson, Jim Mahoney; City Attorney William Reischmann; City Manager
12 Dale Arrington; City Clerk Gloria Thomas.

13
14 **ABSENT:** Mayor Gary A. Blair

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

17
18 The Invocation was given by Rabbi Paul Faulk-Ariel Ministries.

19
20 Vice Mayor Crippen acknowledged that Barb Girtman, Candidate for West Volusia County Council
21 District 1 was present. Ms. Girtman came forward. She noted that she is a community servant and wishes
22 to serve on the County Council to make a difference in the community. She commented that, if elected,
23 she looks forward to pushing Volusia County forward.

24
25 **1. ABSENCES:**

26
27 **2. PRESENTATIONS/PROCLAMATIONS:**

28
29 **A. Citizen and Police Explorer Recognition**

30
31 Wayne Miller, Deputy Police Chief, came forward to give recognition to the 2018 graduation class of
32 Police Explorers and several citizens. Chief Miller announced the 2018 Police Explorer graduates as
33 follows, Phase 1: Joe Sereikas, Greg Ramos and Charles Brown; Phase 2: Angel Figueroa and Christian
34 Sanchez and Phase 3: Melina Priore, Kaylee Fritz and Bexangeliz Figueroa. Chief Miller presented Citizen
35 Awards to Dalton Ray, Shawn Cochran, Duane Fuller, Danile Solazzo, and Marianne Ruggles who have
36 assisted the police in the apprehension of criminals.

37
38 **B. Proclamation System Information Administrator Day**

39
40 Vice Mayor Crippen read a proclamation into the record that proclaimed July 27th as System Administrator
41 Appreciation Day and encouraged all citizens and employees of Orange City to increase their
42 understanding and awareness of how important our "IT" guys, Matt Place and Dustin Johnson, are to the
43 functions in and around the City.

44
45 **3. CITIZEN COMMENTS:**

46
47 Gil Odjich, 1800 E. Graves Ave., came forward to thank the Council for assisting with the issues of a
48 condemned home next to his property, leading to the demolition.

49

1 **4. CONSENT AGENDA:**

- 2
- 3 A. Contract Award-Repairs to Fire Stations 67, 68, Main Water Treatment
4 Plant & City Hall and Approve Budget Amendment Resolution #912-18
- 5 B. Sewer Rehabilitation Cooperative Agreement Contracts Approval
- 6 C. Contract Award-Electrical Systems Upgrades and SCADA Systems Integration
7 Wells 1 and 3 at County Village, Orange City
- 8 D. River to Sea Transportation Planning Organization 2018/2019 Funding Agreement
- 9 E. Interlocal Agreement - Municipal Animal Control Services to the City of DeBary
- 10 F. Approve July 10, 2018 Regular Meeting Minutes

11

12 **Council Member Mahoney moved to approve the Consent Agenda, seconded by**
13 **Council Member O'Connor, motion passed by a 6/0 roll call vote of the City**
14 **Council.**

15

16 **5. ORDINANCES – FIRST READING:**

17

18 None at this time

19

20 **6. PUBLIC HEARINGS/ SECOND READING:**

- 21
- 22 A. **Ordinance No. 604** An ordinance of the City Council of the City of Orange City,
23 Florida, changing the zoning classification for property located at 578 South
24 Sparkman Avenue, consisting of approximately 2.5 acres, from low density
25 residential (R-1) to rural residential (RR); repealing all ordinances or parts of
26 ordinances in conflict herewith and providing for an effective date.

27

28 Mr. Reischmann read the title of Ordinance No. 604 into the record. He advised that this a quasi-judicial
29 matter and that all ex-parte communication shall be disclosed at this time. He noted for the record there
30 were no disclosures.

31

32 Becky Mendez, Development Services Director, came forward and noted this was second reading of
33 Ordinance No. 604 with no changes. She stated that staff recommends Council deny Ordinance No. 604
34 at second and final reading.

35

36 Mr. Reischmann said something here about why there was a 2nd reading. You need to listen to the
37 recording.

38

39 Vice Mayor Crippen opened the public hearing, no one came forward. Vice Mayor Crippen closed the
40 public hearing.

41

42 **Council Member Mahoney moved to deny Ordinance No. 604, seconded by Council**
43 **Member O'Connor, motion passed by a 5/1 roll call vote of the City Council with**
44 **Council Member Allebach voting “no.”**

45

46 **7. RESOLUTIONS:**

- 47
- 48 A. **Resolution No. 909-18** A resolution of the City of Orange City, Florida, relating to the
49 collection and disposal of solid waste in the incorporated area of Orange City, Florida;

1 establishing the estimated assessment rate for solid waste service assessments against
2 residential property located within the incorporated area of Orange City, Florida, for the
3 fiscal year beginning October 1, 2018; directing the preparation of an updated solid
4 waste assessment roll; authorizing a public hearing and directing the provision of notice
5 thereof; and providing an effective date.

6
7 Mr. Reischmann read the title of Resolution No. 909-18 into the record.

8
9 **Council Member Allebach moved to approve Resolution No. 909-18, seconded by**
10 **Council Member Mahoney.**

11
12 Christine Davis, Finance Director, stated that Resolution No. 909-18 will establish the preliminary solid
13 waste assessment. Ms. Davis provided a brief history of the assessment. Ms. Davis advised that the 2018
14 preliminary assessment roll for solid waste is \$162.52 or \$13.96 a month. Ms. Davis stated that staff
15 recommends Council approval of Resolution 909-18.

16
17 **Motion passed by a 6/ roll call vote of the City Council.**

- 18
19 B. **Resolution No. 910-18** A resolution of the City of Orange City, Florida, relating to the
20 provision of stormwater management services; estimating the cost of stormwater
21 management services provided by the City; establishing the method of charging the cost
22 of stormwater management services against the real property that will be benefited and
23 served thereby; directing the city manager to prepare or direct the preparation of an
24 updated stormwater service assessment roll based upon the methodology set forth
25 herein; establishing a public hearing for the proposed stormwater service assessments
26 and directing the provision of notice in connection therewith; providing for severability;
27 and providing an effective date.

28
29 Mr. Reischmann read the title of Resolution No. 910-18 into the record.

30
31 **Council Member Mahoney moved to approve Resolution No. 910-18, seconded by**
32 **Council Member Allebach.**

33
34 Ms. Davis stated that Resolution No. 910-18 will establish the preliminary stormwater assessment. She
35 noted that the assessment was first implemented in 2015 with an Equivalent Benefit Unit (EBU) rate of
36 \$11.61. The current program calls for an annual escalator of four percent, approved for the past three years
37 and recommended for the 2018 preliminary assessment, bringing the EBU rate to \$13.05. Ms. Davis stated
38 that staff recommends Council approve Resolution 910-18 adopting the preliminary assessment roll.

39
40 Council Member O'Connor voiced his disagreement with Resolution No. 910-18. He stated that the
41 preliminary stormwater assessment does not take into consideration the residents that purchased gutters
42 for their homes to redirect the run off. This assumes the rain water runs off the roof of the house, into the
43 concrete and finally into the stormwater system.

44
45 Council Member Pupello asked for clarification about an EBU. Ms. Davis responded that EBU ties back
46 to the impervious surfaces as per the Volusia County property appraiser, and is calculated based on every
47 500 feet of impervious surface then calculated into an EBU.

48
49 Council Member Pupello asked Ms. Arrington to address Council Member O'Connor's comment.

1 Ms. Arrington stated that next fiscal year the City is hoping to ask for a new rate study in order to address
2 this matter.

3
4 **Motion passed by a 6/0 roll call vote of the City Council.**

- 5
6 C. **Resolution No. 911-18** – A resolution of the City of Orange City, Florida, relating to the
7 provision of street lighting services, facilities, and programs throughout the Shadow
8 Ridge street lighting assessment area; estimating the cost of street lighting services,
9 facilities, and programs to be assessed for the fiscal year commencing October 1, 2018;
10 directing the city manager to prepare or direct the preparation of an updated street lighting
11 assessment roll; authorizing a public hearing and directing the provision of notice in
12 connection thereof; providing for severability; and providing an effective date.

13
14 Mr. Reischmann read the title of Resolution No. 911-18 into the record.

15
16 **Council Member Mahoney moved to approve Resolution No. 911-18, seconded by**
17 **Council Member Allebach,**

18
19 Ms. Davis stated that Resolution No. 911-18 establishes a preliminary assessment for Shadow Ridge
20 community street lighting. The first assessment established was with the 2017 tax roll at \$192.00 per lot
21 not to exceed \$15,235. She recommended the 2018 tax roll to remain at the same amount. Ms. Davis stated
22 that staff recommends Council approve Resolution No. 911-18 adopting the preliminary assessment.

23
24 **Motion passed by a 6/0 roll call vote of the City Council.**

- 25
26 D. **Resolution No. 914-18** A resolution of the City Council of the City of Orange City,
27 Florida, adopting a proposed millage rate for the 2018-2019 fiscal year; establishing the
28 date, time, and place for a public hearing on the proposed millage rate and the tentative
29 budget; directing communication; expressing legislative intent; repealing all resolutions
30 in conflict herewith and providing for an effective date.

31
32 Mr. Reischmann read the title of Resolution No. 914-18 into the record.

33
34 Ms. Davis, provided a PowerPoint presentation (a copy of which is attached and becomes a permanent
35 part of these minutes) that advised adoption of Resolution No. 914-18 which will set the maximum
36 tentative millage rate for fiscal year 2018/2019. Ms. Davis noted that the tentative millage rate must be
37 established by August 3rd with notice to the property appraiser. The rate is used on the Truth-In-Millage
38 (TRIM) notice. She stated that the budget workshop is set for Monday, August 13, 2018. The first public
39 hearing will be held on Wednesday, September 12, 2018 and the final public hearing on Tuesday,
40 September 25, 2018.

41
42 Ms. Davis noted that the current millage rate was set at 8.065 mills and the 2018 calculated roll back rate
43 is 6.22 mills. The recommended rate for utilization on the TRIM notice is 8.065 mills, the same rate as
44 last year. Ms. Davis noted that the budget rate was presented at 8.034 mills at the previous Council meeting
45 to allow Council to appropriate ad valorem as the budget process progresses.

46
47 Ms. Davis discussed the maximum voting requirements established by State law. She noted that a majority
48 vote or 4 votes is required to adopt a millage rate up to 7.7342 mills. A two-thirds vote or 5 votes is

1 required for a millage rate of 7.7343 up to 8.5076 mills. Anything over 8.5076 mills would require a
2 unanimous vote or referendum. Municipalities may adopt a millage rate up to 10 mills.

3
4 Ms. Davis provided a brief history of the past millage rates. She reported on the nine items that were
5 accomplished last year by increasing the roll back rate. A full time police officer for the year and a full
6 time police officer half of the year, IT hired a new employee, and three firefighters were reclassified.

7
8 Ms. Davis stated that staff recommends Council adopt Resolution 914-18 establishing a tentative millage
9 rate of 8.065mills. This rate represents a 5.81% increase over the roll back of 7.622 mills or as approved
10 by Council.

11
12 Council Member Allebach suggested a millage rate of 8.2 mills to provide more leverage.

13
14 Council Member Mahoney suggested a millage rate of 8.5076 mills.

15
16 Council Member O'Connor suggested a millage rate of 8.1 mills.

17
18 Council Member Allebach asked for the total amount of revenue generated from each suggested rate.

19
20 Delvin Moore, Finance Manager, replied that an 8.1 millage rate will increase the roll back rate to 6.27%
21 and would generate an additional \$42,000 in ad valorem. An 8.2 millage rate would increase the roll back
22 rate to 7.58% generating an additional \$105,000 in ad valorem. An 8.5075 millage rate would increase
23 the roll back rate to 11.61% generating an additional \$300,000 for General Fund.

24 Council Member Pupello stated that the City is in need with more income and agrees with staff's
25 suggestions.

26
27 Vice Mayor Crippen asked Ms. Davis for the difference between the 8.034 and 8.065 mills to the average
28 household. Ms. Davis replied that the difference is approximately \$2.00 per household. Vice Mayor
29 Crippen asked for the difference in amounts of 8.1 and 8.2. Ms. Davis replied the difference between the
30 8.065 and the 8.1 is \$7.00.

31
32 Council Member Robinson stated that the City is in the same predicament as last year but everything
33 worked out.

34
35 Council discussed the suggested millage rates and the benefits for each.

36
37 **Council Member Allebach moved to approve Resolution No. 914-18, with the**
38 **maximum millage rate of 8.5075 mills, seconded by Council Member Mahoney.**

39
40 Mr. Reischmann clarified that there are two copies of Resolution 914-18 in the agenda packet, one is filled
41 in with a millage rate of 8.065, and a blank copy. He noted that Council has filled in one blank with a
42 millage rate of 8.5075 with the current motion, reflecting an 11.61% increase. He noted that the public
43 should be given an opportunity to speak on this matter.

44
45 Vice Mayor Crippen opened the floor to the public.

46
47 Pat Tolbas, 2656 Corby Dr., stated that he has lived in the City for over 30 years and works for the City.
48 He suggested that Council spend time in each department within the City to observe the real needs of the
49 employees.

1 Ernie Senez, 2097 King Richards Ct., advised Council to follow staff's recommendation.

2
3 Gaia Nunez, 1515 Brandon Lake Dr., stated that the language being used in the presentation is
4 complicating to the public. She stated that in order to make the daily millage rate more simplified use "a
5 cup of coffee" as an understandable comparison.

6
7 **Motion passed by a 5/1 roll call vote of the City Council with Council Member**
8 **O'Connor voting "no".**

9
10 E. **Resolution No. 913-18** A resolution of the City Council of the City of Orange City,
11 Florida, reappointing Donna Cobb and Ted Marsolek to the Orange City Historic
12 Preservation Board, seats 1 and 4; repealing all resolutions or parts of resolutions in
13 conflict herewith; and providing for an effective date.

14
15 Mr. Reischmann read the title of Resolution No. 913-18 into the record.

16
17 **Council Member Mahoney moved to approve Resolution No. 913-18, seconded by**
18 **Council Member O'Connor, motion passed by a 6/0 roll call vote of the City**
19 **Council.**

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

22
23 A. Interlocal Enclave Annexation Agreement with Volusia County.

24
25 Ms. Mendez delivered a PowerPoint presentation (a copy of which becomes a permanent part of these
26 minutes) that discussed an Interlocal Enclave Agreement with Volusia County. She noted that enclave
27 agreements are necessary due to close City boundary gaps. In 2011 Florida Statutes increased the enclave
28 size that could be annexed by agreement from 10 acres to 110 acres In 2015/2016, the areas eligible for
29 annexation were researched and 16 enclave areas encompassing 242 acres were found and made a part of
30 the enclave agreement. She noted that of the 242 acres includes 176 acres of real property (single family
31 dwellings, multifamily units and commercial properties), 53 acres of right-of-way and 13 acres of park,
32 storm water and/or water body were identified.

33 Ms. Mendez noted that enclave number 8 is the Briarwood subdivision and the addresses were corrected
34 from those in the actual list of the enclave annexation.

35
36 Ms. Mendez provided an explanation of roadway maintenance, city services, ad valorem revenue for 2019
37 and expense for 2018.

38
39 Ms. Mendez requested that Council authorize staff to set the public hearing schedule for the Interlocal
40 Enclave Annexation agreement in coordination with county staff. She recommended that the advertised
41 public hearing be held at the October 9 City Council and at the County Council, October 30.

42
43 A discussion ensued between Council and Ms. Mendez concerning the benefits and concerns that the
44 Interlocal Agreement will bring to the City.

45
46 Council Member O'Connor relayed positive comments that he received from the community.

47
48 **Council Member Allebach moved to authorize staff to set a public hearing schedule**
49 **for the Interlocal Enclave Annexation Agreement in coordination with County staff,**

1 **seconded by Vice Mayor Crippen, motion passed by a 6/0 roll call vote of the City**
2 **Council.**

3
4 B. Special Events Payroll Tracking

5
6 Danielle FitzPatrick, Public Information Coordinator, came forward to discuss special event payroll
7 tracking. She provided a detailed PowerPoint presentation (a copy of which is attached and becomes a
8 permanent part of the minutes) that reported the City's tracking of in-kind services for 2017/2018 for
9 special events.

10
11 Ms. FitzPatrick stated that staff asks that Council reaffirm the special event process. Staff also wants
12 Council to understand the in-kind costs that are spent on special event partnerships prior to the
13 consideration of the FY 18/19 sponsorship requests tentatively scheduled for August 14, 2018.

14
15 Council Member Mahoney stated that he agrees with the continuous tracking of in-kind services. He asked
16 for clarification about the reaffirm of the special event process.

17
18 Ms. FitzPatrick asked if Council would like staff to continue tracking the City events.

19
20 Council Member O'Connor stated that he is in favor of keeping the special events process and would like
21 staff to continue tracking the costs.

22
23 Council Member Pupello stated that he is in agreement of tracking the costs.

24
25 Council Member Robinson stated that she agrees with tracking the events.

26
27 Council Member Allebach stated that he is favor of keeping all the City events and to continue tracking
28 the events.

29
30 Vice Mayor Crippen stated that the special event payroll tracking report was eye opening and a great idea.
31 He noted that these special events bring in visitors from outside the City.

32
33 C. Award of Contract-Nutrient Reduction E. Graves Ave./S. Orange Ave. Drainage
34 Improvements

35
36 Raul Palenzuela, City Engineer, came forward and asked Council for an approval and Award B044-0-
37 2018/DRS, Blue Springs Nutrient Reduction- East Graves and South Orange Ave. Drainage
38 Improvements to Carr & Collier, Inc. in the amount of \$767,189.00 and authorize the City Manager to
39 execute the construction contract and any subsequent change orders within 10% (\$76,718) of the contract
40 amount.

41
42 **Council Member O'Connor moved to authorize staff to award the contract as presented and to**
43 **authorize the City Manager to execute the construction contract and any subsequent change orders**
44 **within 10% of the contract amount seconded by Council Member Pupello, motion passed by a 6/0**
45 **roll call vote of the City Council.**

46
47 **9. REPORTS:**

48 A. Mayor/City Council:

49

1 No reports at this time

2

3 B. City Manager

4

5 Ms. Arrington reported that on June 14th there was a meeting with the representatives of the original
6 Country Village PUD regarding Kentucky Ave. She reported that the representatives decided that the City
7 should obtain cost quotes to obtain a survey of the road and the City would determine who would be
8 willing to pay for the survey. Several owners indicated that they would be willing to pay their
9 proportionate fair share as long as the City would provide leadership.

10

11 Ms. Arrington advised that the survey will reveal ownership of sections on Kentucky Ave. since the City
12 does not have permission to repair the roadway due to several different ownerships. Ms. Arrington asked
13 Council for permission to obtain the survey quotes and proceed.

14

15 **It was the consensus of the Council to grant Ms. Arrington permission to move**
16 **forward with the survey to obtain ownership of Kentucky Ave.**

17

18 Ms. Arrington noted that the Volusia County School Board has requested that the City help pay 30% of
19 the cost to hire 3 safety officers for the elementary schools totaling \$23,000. She noted that this item will
20 be added to a future agenda.

21

22 A discussion ensued between Council and Ms. Arrington concerning the cost and time frame of when the
23 school board would need funding and the process of funding.

24

25 C. City Clerk

26

27 No Report

28

29 D. City Attorney

30

31 Council Member Mahoney asked if there were any plans for a public records and sunshine law training
32 and asked if they could have a training this year.

33

34 Mr. Reischmann responded that it is up to Council if they would like to do it. He noted there were many
35 different options

36

37 **10. NEW BUSINESS:**

38

39 None at this time

40

41 **11. APPROVAL OF MINUTES:** See Consent Agenda

42

43 **12. COUNCIL COMMENTS:**

44

45 Council Member Mahoney stated that he was pleased to see that there were both the amendment as well
46 the resolution corresponding to the amendment at the same time.

47 Council Member O'Connor stated he opposed a resolution and voted for it because he is a citizen as well
48 as council member and when he is on the dais his best interest is for the City. He noted that the City has

1 completed great work with stormwater. He stated that with regard to the millage rate, he will be watching
2 the dollars. He thanked everyone that came out to the meeting.

3
4 Council Member Allebach stated that the meeting went over well and he agrees that Council is trusted by
5 the public to spend citizen’s money responsibly. He thanked everyone who attended the meeting.

6
7 Council Member Robinson stated that she has enjoyed the meetings. She reported that she was at Veterans
8 Park on Friday and that people had concerns about parking in the area.

9
10 Council Member Pupello thanked everyone who attended the meeting. He stated that he was proud to have
11 the opportunity to serve.

12
13 Vice Mayor Crippen agreed that a lot was accomplished at this meeting. He complimented the police
14 explorers and noted that the budget discussion was great. He praised the City’s efforts and
15 accomplishments and stated that “he enjoys serving on the Council.” The Vice Mayor thanked everyone
16 that attended the meeting.

17
18 **13. ADJOURN:**

19
20 There being no further business to discuss, Vice Mayor Crippen adjourned the meeting at 09:34 p.m.

21
22 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

23
24 _____
25 Melani Beringer, Deputy City Clerk

Date