

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, August 14, 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, Anthony J. Pupello, Evelyn Robinson, Jim Mahoney; City Attorney William Reischmann; City
12 Manager Dale Arrington; City Clerk Gloria Thomas.

13
14 **ABSENT:** Council Member Jeff Allebach

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

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

20
21 **1. ABSENCES:**

22
23 Shall the absence of Mayor Blair on July 24, 2018, be excused?

24
25 **It was the consensus of the City Council to excuse Mayor Blair's absence from the**
26 **July 24, 2018 City Council Meeting.**

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

29
30 None at this time

31
32 **3. CITIZEN COMMENTS:**

33
34 **4. CONSENT AGENDA:**

- 35
- 36 A. Award Contract Bid For Orange City Police Department and City Council Chamber
- 37 Complex 100kW Generator Replacement and Approve Budget Amendment Resolution
- 38 No. 919-18
- 39 B. Contract Award-Shadow Ridge Lift Station No. 7 Rehabilitation
- 40 C. Contract Award Bid For Printing and Mailing Services with SouthWest Direct, Inc.
- 41 D. South Water Treatment Plant High Service Pump Electrical Connection
- 42 E. Approve Minutes July 10, 2018 Budget Workshop
- 43 F. Approve Minutes July 24, 2018 Regular Meeting
- 44

45 **Vice Mayor Crippen moved to approve the Consent Agenda, seconded by Council**
46 **Member Pupello, motion passed by a 6/0 roll call vote of the City Council.**
47

1 **5. ORDINANCES – FIRST READING:**

- 2
- 3 A. **Ordinance No. 605** An ordinance of the City Council of the city of Orange City,
4 Florida, amending the West Volusia retail Centre PUD Development Agreement
5 to increase the number of residential units and to decrease the nonresidential building
6 area; repealing all ordinances or parts of ordinances in conflict herewith; and
7 providing for an effective date.
8

9 Mr. Reischmann read the title of Ordinance No. 605 into the record. He advised that this a quasi-judicial
10 matter and that all ex-parte communication shall be disclosed at this time. He noted for the record there
11 were no disclosures.
12

13 Becky Mendez, Development Services Director, provided a detailed PowerPoint presentation (a copy of
14 which is attached and becomes a permanent part of these minutes). Ms. Mendez noted that this item was
15 a major amendment to an existing planned unit development (PUD) referred to as the West Volusia Retail
16 Center (WVRC) PUD. Ms. Mendez noted that all major amendments are processed as a new rezoning
17 request.
18

19 Ms. Mendez reported that this first amendment to the 2015 WVRC PUD seeks to increase the number of
20 multifamily units from 72 to 106 units, eliminate the age restriction, and reduce the maximum retail area
21 from 75,000 to 69,000 square feet. This will allow site plan applications for the proposed multifamily
22 project and a second retail building up to 16,588 square feet on the vacant outparcels (Building H on the
23 PUD plans).
24

25 Ms. Mendez reported that the Technical Review Committee approved the amendment with conditions on
26 June 19 and the Planning Commission forwarded the amendment to City Council for approval on July 11.
27

28 Ms. Mendez went over the review criteria. She stated that staff recommends Council approve Ordinance
29 605 at first reading and schedule the second reading for August 28, 2018, with the following two
30 conditions; 1. Approve the first amendment to the Development Agreement as drafted, 2. The first
31 amendment to the Development Agreement must be executed within six months of approval.
32

33 Mark Watts, Cobb Cole Law Firm, thanked staff for the approval recommendation. Mr. Watts stated that
34 he was available to answer any questions from Council or the public.
35

36 Council Member O'Connor asked if the developer would be eliminating the parking near the garages due
37 to the traffic.
38

39 Mr. Watts responded that those issues would be worked through from a technical standpoint to assure
40 pedestrian safety.
41

42 Council Member Pupello and Vice Mayor Crippen commented about the walkability aspects.
43

44 Council Member Mahoney questioned whether the community really is a walkability community. He
45 asked at what point a signal light will be installed on Harley Strickland Blvd and Junior Street.
46

47 Ms. Mendez responded that a light on Junior Street is not included in the plans.

1 Council Member O'Connor voiced his concerns about the Fire Department's current struggle with getting
2 their fire trucks out onto Harley Strickland Blvd. He stated he is concerned with safety issues.

3
4 Mayor Blair asked the City Clerk to read a text message he received from Fran Schwartz into the record.

5
6 Mr. Reischmann advised that Ms. Schwartz is a Planning Commissioner and the Planning Commission
7 approved this request. At this point, Ms. Schwartz's comment is as a citizen. Ms. Thomas read the
8 following message into the record:

9
10 "I can't attend the Council Meeting tonight, and I have to ask that Ordinance No. 605 include a tot lot. I
11 specifically asked them for that at the Planning Commission meeting, and I don't see it on the plans that
12 are in your packet. They told me they would include it and I would not have voted yes without it. Thank
13 you."

14
15 Mr. Watts replied that an outside courtyard is included in the site plan.

16
17 **Vice Mayor Crippen moved to approve Ordinance No. 605, seconded by Council**
18 **Member O'Connor, motion passed by a 6/0 roll call vote of the City Council.**

19
20 **6. PUBLIC HEARINGS/ SECOND READING:**

21
22 None at this time

23
24 **7. RESOLUTIONS:**

- 25
26 A. **Resolution No. 915-18** A resolution of the City Council of the city of Orange City,
27 Florida, establishing an administrative procedure for review of reasonable
28 accommodation requests as required by the Federal Fair Housing Amendments Act and
29 Title II of The Americans with Disabilities Act; repealing all resolutions or parts of
30 resolutions in conflict herewith; and providing for an effective date.

31
32 Mr. Reischmann read the title of Resolution No. 915-18 into the record.

33
34 **Council Member Mahoney moved to approve Resolution No. 915-18, seconded**
35 **by Vice Mayor Crippen.**

36
37 Ms. Mendez stated that the City is required through the Fair Housing Amendment and the Americans with
38 Disabilities Act to accommodate this type of request. Currently, there is no such policy or procedure.

39
40 Ms. Mendez noted that Resolution No. 915-18 will establish the required administrative procedure, which
41 is generally described as follows:

- 42 1. Requests must be made in writing to the Development Services Director (DSD).
43 2. DSD reviews request and make a written recommendation, based on criteria, to the City Manager.
44 3. City Manager reviews DSD recommendation and makes a final decision in writing to the requestor.
45 4. Appeals of the City Manager decision go to the City Council.
46 5. Appeals of the City Council decision go to court.
47 6. No fees are required to make an accommodation request.

1 7. Code Enforcement is stayed until the final decision or outcome of the appeal.

2
3 Ms. Mendez advised that this resolution will take effect immediately upon approval. Once approved, staff
4 will process the Fox's reasonable accommodation request dated May 22, 2018, in accordance with the
5 procedure established herein.

6
7 Ms. Mendez stated that staff recommends the Council approve Resolution 915-18 as presented.

8
9 Mr. Reischmann noted that the reasonable accommodations granted, stay with the individual and are
10 attached to the land.

11
12 **The motion passed by a 6/0 roll call vote of the City Council.**

- 13
14 B. **Resolution No. 916-18** A resolution of the City Council of the city of Orange City,
15 Florida, amending the City Council Rules and Procedures; repealing all resolutions or
16 parts of resolutions in conflict herewith; and providing for an effective date.

17
18 Mr. Reischmann read the title of Resolution No. 916-18 into the record.

19
20 **Council Member Mahoney moved to approve Resolution No. 916-18, seconded by**
21 **Vice Mayor Crippen.**

22
23 Mr. Reichmann discussed the changes to the Council Rules and Procedures. He noted these changes were
24 necessary to make the policies consistent with the rules that apply to quasi-judicial hearings.

25
26 Mr. Reischmann listed that changes as follows, SECTION ONE: MEETINGS A. Regular Meetings: (2),
27 the meeting time was changed to 6:30 p.m.; SECTION TWO: AGENDA, C. Order of Business, council
28 comments is now consolidated with council reports; SECTION FIVE: RULES OF DEBATE A., verbiage
29 was added regarding quasi-judicial matters; SECTION SEVEN: MOTIONS AND VOTING H.
30 ABSTAINING FROM VOTING was revised to reflect the changes to Florida Law regarding abstaining
31 from voting for other than a conflict of interest.

32
33 **The motion passed by a 6/0 roll call vote of the City Council.**

- 34
35 C. **Resolution No. 917-18** A resolution of the City of Orange City honoring fifty years of
36 Municipal Home Rule in the Florida Constitution and committing to an educational
37 initiative to help Floridians understand this beneficial right.

38
39 Mr. Reischmann read the title of Resolution No. 917-18 into the record.

40
41 Mayor Blair stated that this year marks the 50th anniversary of municipal Home Rule. Adopting
42 Resolution No. 917-18 is a way to educate the public about the importance of Home Rule. It will also
43 send a message to the legislature that local government is the government that is closest to it people and
44 as such is uniquely qualified to make decisions for its people.

45
46 **Council Member O'Connor moved to approve Resolution No. 917-18, seconded by**
47 **Vice Mayor Crippen, motion passed by a 6/0 roll call vote of the City Council.**

1 **8. DISCUSSION AND ACTION:**

2

3 A. Request from Volusia County Schools for School Guardian Program

4

5 Ms. Arrington reported that the Volusia County School Board received a mandate that every school needs
6 to have a uniformed Guardian or School Resource Officer present during the school year. She stated that
7 the County did not receive enough funding to hire all the help needed. The School Board has asked each
8 city to contribute \$23,104.20 which will help fund the placement of a school resource officer in all
9 elementary schools.

10

11 Ms. Arrington suggested that if Council decides to fund the request from the County, there should be a
12 stipulation that this funding is not recurring, it is for this year only.

13

14 **Vice Mayor Crippen moved to authorize the City to contribute to \$23,104.20 to the**
15 **School Guardian Program for one year, seconded by Council Member Pupello.**

16

17 Council Member O'Connor stated that he applied and interviewed for this position. He noted that the State
18 funded the guardian program with \$162 million for the guardian program. He questioned the school
19 board's financial motives with the funds.

20

21 Ms. Arrington reported that she met with the superintendent of schools and that the funds requested are
22 for every school in Volusia County totaling over 4 million. The State has funded over \$2 million leaving
23 a shortage of approximately \$2.5 million. Ms. Arrington noted that some cities are using their own police
24 department staff for the program.

25

26 Council Member O'Connor stated that the middle schools and high schools already have resource officers
27 included in their budget. Although he agrees that the School Board unfairly was made responsible for
28 funding the program, he would like a member of the school board to provide a thorough explanation.

29

30 **Vice Mayor Crippen moved to table the motion until a time uncertain, when a**
31 **member of the Volusia County School Board is able to attend a City Council**
32 **meeting, seconded by Council Member Pupello and passed by a 6/0 roll call vote of**
33 **the City Council.**

34

35 B. Consideration of Sponsorship Request FY 18/19

36

37 Danielle FitzPatrick, Public Information Coordinator, provided a detailed PowerPoint Presentation (a copy
38 of which is attached and becomes a permanent part of these minutes) that discussed the consideration of
39 sponsorship requests for the upcoming fiscal year. She reported that \$20,000 is allocated into the budget
40 for sponsorship requests, \$15,000 towards recurring and \$5,000 non-recurring. Ms. Fitzpatrick stated there
41 is \$15,000 currently allocated in the budget for recurring sponsorships and \$26,000 in requests. She stated
42 there are 3 non-recurring applicants requesting a total of \$9,000 with \$5,000 allocated.

43

44 Ms. FitzPatrick provided a brief overview and ranking for each applicant. She reported that a committee
45 evaluated all applications and concluded on a ranking list.

46

1 Sharon Stafford, Everybody is Somebody, came forward to request help and support for more foot traffic
2 for this year's African American festival.

3
4 Mario Davis, Greater Union Life Center, Inc., came forward and stated that funding for the program would
5 help benefit the community.

6
7 Felicia Benzo, CATALYST, Global Youth Initiatives, Inc., came forward and provided an overview of
8 the program.

9
10 Cindy Sullivan, River of Lakes, came forward and provided an update of the brochures around the state
11 and the byways.

12
13 Tiffany McCann, University High School, Student Government Association Advisor. Ms. McCann also
14 organizes the homecoming parades. Ms. McCann stated that the parade would be moved to a Saturday
15 this year. She is requesting in-kind support from the City.

16
17 Michelle Fowler, Manatee Festival, reported that all the money that the Manatee Festival raises is donated
18 back into the community.

19
20 Ashley Novak, Girls on the Run of Volusia County, stated that last year they received grant funds for their
21 program at Orange City Elementary and River Springs Middle School. Ms. Novak thanked the Council
22 for their support.

23
24 Pricilla Ballasy, President VIA Club, and Kim Reading, VIA Member, came forward to address the
25 printing of the history book and the bunco club.

26
27 Don Sarro, University High School of Government, provided an update about the students in the School
28 of Government program.

29
30 Sylvia Prescott, Council on Aging, Wava Hall Senior Center, thanked staff and Council for their support.
31 She announced the names of the oldest members of the center.

32
33 Shelia Seamore, President Sorosis Club, stated that the money raised is put back into the community. Ms.
34 Seamore announced all the events that the Sorosis club hosts for the community.

35
36 A discussion ensued including Council opinions about the Sponsorships requests.

37
38 Vice Mayor Crippen moved that the City Council approve the 2018/2019 Sponsorship requests according
39 to the rankings that have been provided, seconded by Council Member Pupello, and passed by a 6/0 roll
40 call vote of the City Council.

41
42 **Vice Mayor Crippen moved that the City Council approve the 2018/2019 Sponsorship**
43 **requests according to the rankings that have been provided, seconded by Council**
44 **Member Pupello, and passed by a 6/0 roll call vote of the City Council.**

45
46 C. Consideration of Sponsorship Request For Current FY 17/18 COTA
47

1 Ms. FitzPatrick reported that \$500 remains for the Sponsorship Request for FY 2017/18. She received a
2 request from the Children's Organ Transplant Organization (C.O.T.A.) for a \$500 sponsorship. Ms.
3 FitzPatrick stated that the funds would help to arrange a benefits dinner for Cynthia Thomas who is in
4 need of a double lung transplant. C.O.T.A is also requesting that the City waive the fees for using WAVA
5 Hall for a fundraiser.

6
7 Ms. FitzPatrick stated that staff recommends Council deny the sponsorship request and waive the fees for
8 WAVA Hall.

9
10 **Council Member O'Connor motioned that the City Council deny the request for \$500**
11 **sponsorship funding and waive the fees for WAVA Hall, seconded by Vice Mayor**
12 **Crippen.**

13
14 Pat Thomas, C.O.T.A. Fundraising, came forward and described what the organization does and the needs
15 of his daughter, Ms. Thomas.

16
17 **Motion passed with a 6/0 roll call vote of the City Council.**

18
19 **9. REPORTS:**

20
21 A. Mayor/City Council:

22
23 Mayor Blair had no report at this time.

24
25 Council Member O'Connor reported that he attended the grand opening of the Badcock furniture store in
26 the Mayor's absence.

27
28 Vice Mayor Crippen reported that he attended the River of Lakes meeting. He commented that a movie
29 of the St. Johns River was presented and that the river is 310 miles.

30
31 B. City Manager

32
33 Ms. Arrington reported that pumping in Mill Lake will begin shortly.

34
35 C. City Clerk

36
37 Ms. Thomas reported that all Council members are in need of the required yearly ethics training. She noted
38 that the cost for Mr. Reischmann to lead the ethics training last year totaled \$1,500.

39
40 Mr. Reischmann provided Council with other options to attend the ethics training. A discussion ensued
41 regarding Council's options for the training. It was the consensus of the Council to complete the ethics
42 training on their own.

43
44 Ms. Thomas requested that the Council inform her when their training is completed.

45
46 D. City Attorney

47

1 No report at this time.

2

3 **10. NEW BUSINESS:**

4

5 None at this time.

6

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

8

9 **12. COUNCIL COMMENTS:**

10

11 Council Member Pupello stated that it is necessary for citizens to participate in the meetings. He noted
12 that the City is very professional and progressive and he is proud to serve on the Council.

13

14 Council Member Robinson stated that she spent some time away from town. She is thankful to approve
15 some items on the agenda. She thanked those that attended.

16

17 Vice Mayor Crippen stated that he is honored to serve on the Council and to be a resident of the City.

18

19 Council Member Mahoney commended the City for developing a sponsorship process.

20

21 Council Member O'Connor stated that the Council is responsible with the citizen's money and concerning
22 the guardian program, children are our most important aspect.

23

24 **13. ADJOURN:**

25

26 There being no further business to discuss, Mayor Blair adjourned the meeting at 09:34 p.m.

27

28 **RESPECTFULLY SUBMITTED:**

29

30

31 _____
Melani Beringer, Deputy City Clerk

APPROVED ON:

Date