

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, February 12, 2019 at 6:30 p.m. in Council Chambers, 201 N. Holly Avenue, Orange
3 City.

4
5 **CALL TO ORDER**

6
7 The meeting was called to order at 6:30 p.m. by Mayor Blair and roll call was taken.
8

9 **ROLL CALL**

10
11 PRESENT: Mayor Gary A. Blair; Vice Mayor Bill O'Connor; Council Members: O. William (Bill)
12 Crippen, Jeff Allebach, Jim Mahoney, Kellianne Marks, Martin E. Harper; City Attorney William
13 Reischmann; City Manager Dale Arrington; City Clerk Gloria Thomas.

14
15 **INVOCATION/PLEDGE OF ALLEGIANCE**

16
17 The Invocation was given by Reverend Phyllis Bartle-St. Jude Episcopal Church.
18

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

21 **2. PRESENTATIONS/PROCLAMATIONS:**

22
23 None at this time.
24

25 **3. CITIZEN COMMENTS:**

26
27 None at this time.
28

29 **4. CONSENT AGENDA:**

- 30
31 A. Budget Amendment FY 2018/19 Resolution No. 940-19
32 B. Piggyback Contract Award PB074-19, Tree Services
33 C. Piggyback Contract Award PB075-19, Professional Hydrogeological Services
34 D. Approve January 22, 2019 Regular Meeting Minutes
35

36 Council Member Allebach asked to remove 4A Budget Amendment FY 2018/19 Resolution No. 940-19
37 from the Consent Agenda.
38

39 **Council Member Crippen moved to approve items 4B, C, D of the Consent Agenda,**
40 **seconded by Council Member Mahoney, the motion passed by a 7/0 roll call vote of**
41 **the City Council.**
42

43 Council Member Allebach noted that he requested item 4A be removed from the Consent Agenda because
44 of transparency. He stated that he is proud of the presentation of the budget amendment, the summaries
45 and line item details are very thorough. It explains that the City received funding last year but was not
46 able to spend it. The City is required to transfer these funds to the current year until it is expended. He

1 stated that he wanted the public to understand what has occurred and suggested that approving this matter
2 under the Consent Agenda, where there is no discussion, sends the wrong message.

3
4 **Council Member Allebach moved to approve Consent Agenda item 4A, seconded by**
5 **Vice Mayor O’Connor, motion passed by a 7/0 roll call vote of the City Council.**
6

7 **5. ORDINANCES – FIRST READING:** None at this time
8

- 9 A. **Ordinance No. 611** An ordinance of the City Council of the City of Orange City,
10 Florida, amending the Land Development Code, Section 10.5- Landscaping and
11 Chapter 11- Tree Protection; repealing all ordinances or parts of ordinances in conflict
12 herewith; and providing for an effective date.
13

14 William Reischmann, City Attorney, read the title of Ordinance No. 611 into the record. He noted this
15 was a legislative matter.
16

17 Becky Mendez, Development Services Director recalled that last year, the City Council directed staff to
18 schedule a discussion with the Planning Commission for amendments to the Land Development Code
19 (LDC) regarding tree preservation and landscaping requirements. The Planning Commission discussed
20 the amendments and made recommendations to the City Council. On October 23, 2018, the City Council
21 accepted the Planning Commission’s recommendation, but requested additional information regarding;
22 alleyway buffer widths, sand pines, rounding, penalty and historic tree definitions.
23

24 Ms. Mendez noted the changes that Council and Planning Commission recommended.
25

26 Ms. Mendez stated that staff recommends Council either accept or revise the Planning Commission
27 recommendations and approve Ordinance No. 611 at first reading scheduling second and final reading on
28 the February 26, 2019 Council Meeting.
29

30 Mayor Blair opened the public hearing and asked if anyone would like to speak on this matter.
31

32 Bernie Senez, 2097 Kings Richard Ct., came forward to ask whether penalties would be applied for
33 removal of a historic tree.
34

35 Ms. Mendez replied a penalty will be applied if the tree is removed without a tree removal permit. She
36 noted that rental properties are not exempt from the tree replacement requirements.
37

38 **Council Member Crippen moved to approve Ordinance No. 611 at first reading,**
39 **seconded by Vice Mayor O’Connor and passed by a 7/0 roll call vote of the City**
40 **Council.**
41

- 42 B. **Ordinance No. 613** An ordinance of the City Council of the City of Orange City,
43 Florida, annexing 6.87 acres of certain real property into the corporate limits of the
44 City of Orange City, including the centerline of all surrounding rights-of-way; located
45 at 1055 and 1105 East Graves Avenue (Parcel Numbers 8002-00-00-0711 and 2008-

1 00-00-0701); redefining the boundaries of the City of Orange City; providing for
2 assignment of a City Council District; repealing all ordinances or parts of ordinances
3 in conflict herewith; and providing for an effective date.
4

5 William Reischmann, City Attorney, read the title of Ordinance No. 613 into the record.
6

7 Ms. Mendez provided details that pertained to the annexation. Ms. Mendez noted that if the annexation is
8 approved at second and final reading, staff will prepare a future land use map amendment and a rezoning
9 to City classification and designation, under separate cover.
10

11 Ms. Mendez stated that staff recommends Council find the annexation consistent with Florida Statutes
12 and approve Ordinance No. 613 at first reading, scheduling second and final on February 26, 2019.
13

14 Mayor Blair opened the public hearing and asked if anyone would like to speak on this matter, seeing no
15 one, the Mayor closed the public hearing.
16

17 **Council Member Allebach moved to approve Ordinance No. 613 at first reading,**
18 **seconded by Council Member Crippen, the motion passed by a 7/0 roll call vote**
19 **of the City Council**
20

21 **6. PUBLIC HEARINGS/ORDINANCES-SECOND READING:**
22

- 23 A. **Ordinance No. 606** An ordinance of the City Council of the City of Orange City
24 Florida, amending the Introduction, Future Land Use Element, Transportation
25 Element, Housing Element, Conservation Element, Recreation and Open Space
26 Element, Intergovernmental Coordination Element, Public Schools Facilities Element,
27 Capital Improvements Element, the Monitoring and Evaluation Element and the
28 Official Map Series of the Comprehensive Plan in accordance with the Evaluation and
29 Appraisal requirement of Florida Statutes, Chapter 163; repealing all ordinances or
30 parts of ordinances in conflict herewith; and providing for an effective date.
31

32 William Reischmann, City Attorney, read the title of Ordinance No. 606 into the record. He noted this
33 was a legislative matter.
34

35 Ms. Mendez advised that this is second reading for Ordinance No. 606, which is the Evaluation and
36 Appraisal Report (EAR) amendments to the City's Comprehensive Plan. It was approved at first reading
37 on September 25, 2018 and transmitted to the Volusia Growth Management System (VGMC). She noted
38 that all amendments to the Comprehensive Plan require VGMC certification. The Planning Commission
39 reviewed this Ordinance and the recommended revisions at their December 5, 2018 meeting and
40 recommended forwarding Ordinance No. 606 to City Council for approval.
41

42 Ms. Mendez described all of the amendments made to the Comprehensive Plan. She stated that staff
43 requests Council approval of Ordinance No. 606 on second and final reading.
44

45 Mayor Blair opened the public hearing by asking if anyone wished to speak for or against Ordinance No.
46 606, no one appeared, the Mayor closed the public hearing.

1 Vice Mayor O'Connor observed that the roads located in John Knox Village were not included. Ms.
2 Arrington responded that the roads in John Knox Village are private roads which the City does not
3 maintain.

4
5 Council Member Harper complimented staff on the excellent job presenting this item.

6
7 **Council Member Allebach moved to approve Ordinance No. 606 at second and**
8 **final reading, seconded by Council Member Crippen, the motion passed by a 7/0**
9 **roll call vote of the City Council.**

10
11 **7. RESOLUTIONS:**

12
13 A. **Resolution No. 939-19** A resolution of the City Council of the City of Orange City,
14 Florida naming "The Evelyn Robinson Playground"; repealing all resolutions or parts
15 of resolutions in conflict herewith; and providing for an effective date.

16
17 Mr. Reischmann read Resolution No. 939-19 into the record.

18
19 **Council Member Mahoney moved to approve Resolution No. 939-19, seconded**
20 **by Vice Mayor O'Connor,**

21
22 Ms. Arrington stated that after Council's recommendation to form a policy for naming City owned
23 facilities, staff produced Ordinance No. 610. Council Member Crippen requested to name Coleman Park
24 Playground after the late Council Member Robinson.

25
26 Ms. Arrington stated that staff requests adoption of Resolution No. 939-19 and \$2,000.00 from the
27 Contingency fund to purchase of a monument sign. She advised there would be a memorial/rededication
28 service.

29
30 Council Member Crippen reported all of Ms. Robinson's accomplishments throughout the City. He
31 suggested that the park is named "The Evelyn Durant Robinson Park."

32
33 Council Member Marks suggested that staff ask the family what name they would prefer for the
34 monument.

35
36 Mr. Reischmann advised that an amended resolution is required if Council decides to change the name.
37 He advised Council that a motion to continue this item at a later date is appropriate.

38
39 **Council Member Marks motioned to continue Resolution No. 939-19, seconded by**
40 **Council Member Mahoney, motion passed by a unanimous voice vote of the City**
41 **Council.**

42
43 B. **Resolution No. 941-19** A resolution of the City Council of the City of Orange City,
44 Florida, creating a new city advisory board entitled "Youth Advisory Council";
45 providing for composition; providing for elections of officers; providing for meetings;
46 providing for excused absences; providing for the filling of vacancies; providing for

1 the determination of a quorum; providing for voting; establishing the order of business
2 at meetings; providing for duties and responsibilities; providing for sunset; repealing
3 all resolutions or parts of resolutions in conflict herewith; and providing for an
4 effective date.

5
6 Mr. Reischmann read Resolution No. 941-19 into the record.

7
8 **Council Member motioned to approve Resolution 941-19, seconded by Council**
9 **Member**

10
11 Tammy Nguyen, Class President of University High School, came forward to thank staff and Council for
12 the Youth Advisory Council. Ms. Nguyen talked about the benefits of a youth council that will serve the
13 students and community.

14
15 Braden McCann, Junior Vice President for the Student Government Association (SGA) of University
16 High School, came forward to thank staff and Council for the Youth Advisory Council. Mr. McCann
17 provided the new Council Members with details about the SGA.

18
19 Ms. Arrington stated that this item was brought before Council in January 2019 to set up the framework
20 for the advisory board. She noted that this board is subject to the Sunshine laws and would make
21 recommendations to Council on the issues that affect younger people.

22
23 Ms. Arrington explained all the specifications of the Youth Advisory Board.

24
25 Vice Mayor O'Connor asked if the invitation was only shared with the University High School students
26 or does it include home schooled children.

27
28 Ms. Arrington replied that this is an invitation for all children within the City however they must be
29 recommended by an advisor.

30
31 A discussion between Council ensued pertaining to the qualifications and rules of the Youth Advisory
32 Board.

33
34 Mr. Senez stated that he was proud of the Council and students of the University High School for
35 developing the advisory board.

36
37 **Motion passed by a 7/0 roll call vote of the City Council.**

- 38
39 C. **Resolution No. 942-19** A resolution of the City Council of the City of Orange City,
40 Florida, appointing one member to the Orange City Historic Preservation Board, Seat
41 5; repealing all resolutions or parts of resolutions in conflict herewith; and providing
42 for an effective date.

43
44 Mr. Reischmann read Resolution No. 942-19 into the record.

45

1 Ms. Thomas stated that there were three applicants for the vacant seat on the Historic Preservation Board.
2 She advised that she passed out ballots with the candidate names for voting purposes.

3
4 Mayor Blair asked whether any of the applicants were present. Ms. Thomas advised that Maribeth (Nicki)
5 Burke was present. The Mayor asked Ms. Burke if she wished to come forward and state why she would
6 like to serve on the board. Ms. Burke stated that she is a long time resident of the City and has experience
7 with insuring historic homes.

8
9 Council completed their ballots and passed them to the City Clerk. Ms. Thomas announced that Ms.
10 Burke was voted 7/0 to fill the vacant seat.

11
12 **Council Member Crippen moved for approval of Resolution No. 942-19, seconded**
13 **by Vice Mayor O'Connor, motion passed by a 7/0 roll call vote of the City Council.**

14
15 **8. DISCUSSION AND ACTION:**

16
17 None at this time.

18
19 **9. REPORTS:**

20
21 A. City Manager

22
23 Ms. Arrington reported that progress has been made regarding reimbursements from FEMA. She provided
24 a memorandum to Council (a copy of which is attached and becomes a permanent part of these minutes)
25 explaining that the City Manager needs authority from the Mayor to sign and execute all the sub award
26 documents including amendments.

27
28 **Council Member Crippen moved to authorize the Mayor to delegate the**
29 **authority to the City Manager to sign and execute all sub award documents on**
30 **behalf of the City of Orange City for matters related to cost reimbursement for**
31 **Hurricane Irma, seconded by Vice Mayor O'Connor, motion passed by a**
32 **unanimous voice vote of the City Council.**

33
34 Ms. Arrington mentioned a newspaper article that pertained to a lawsuit out of Flagler County dealing
35 with website accessibility for the hearing and visually impaired.

36
37 Ms. Arrington reported that she will convene a small staff committee to review the areas on the City's
38 website that are not ADA compliant. She noted that most of the items on the website are compliant. In
39 order to avoid a lawsuit, the City will remove the documents that are not until further research is completed
40 as to how to make these documents ADA compliant. She noted that the audio recordings and the live
41 stream will be pulled from the website as well.

42
43 Ms. Arrington stated that staff will estimate the cost needed to bring all the items into compliance. Once
44 a figure is determined, this item will be brought forward to Council for guidance on what to restore based
45 upon the cost. She noted that the CRA and budget documents must be available to the public pursuant to
46 FL Statutes.

1 Ms. Arrington asked Council to advise Ms. Thomas about their availability to attend the Friday February
2 22, 2019 luncheon at Debarry Golf and Country Club, hosted by the West Volusia Regional Chamber of
3 Commerce about transportation issues.

4
5 Shari Simmons came forward to announce this event was delayed in January the first time due to the
6 Government shut down.

7
8 B. City Clerk

9
10 Ms. Thomas announced that an invitation was sent to Council for the February 22, 2019 event and that
11 she needs an RSVP by Friday.

12
13 C. City Attorney

14
15 Mr. Reischmann referred to an article in the magazine "Quality Cities" addressing Home Rule. He warned
16 Council to be careful of an attack on Home Rule.

17
18 **10. NEW BUSINESS:**

19
20 Council Member Marks requested a future agenda item to discuss establishing a fire and police facility
21 building.

22
23 Ms. Arrington provided two options, she noted that there is \$40,000 in the budget to hire a consultant that
24 will research land availability and priority. Ms. Arrington requested that this item be discussed again at
25 the April Strategic Plan meeting. Council Member Marks agreed.

26
27 Mayor Blair reported that he attended the Mayors Round Table meeting and Frank Bruno discussed the
28 Veteran's Bus campaign. Mr. Bruno is requesting cities to make donations for Veteran's Bus campaign.
29 Mayor Blair asked if it is Council's pleasure to bring this matter back as an agenda item. Ms. Arrington
30 announced that there are approximately \$3,500.00 remaining to fund this.

31
32 Council Member Allebach voiced his disagreement with this matter. He felt the Veterans Bus Campaign
33 should apply for sponsorship funding.

34
35 **It was the consensus of the Council to bring this item back for consideration.**

36
37 **11. APPROVAL OF MINUTES:** See Consent Agenda

38
39 **12. COUNCIL & MAYOR'S COMMENTS AND REPORTS**

40
41 Council Member Mahoney commented that the Manatee Festival was a wonderful event. He stated his
42 amazement for how popular the Orange City bags were. He announced that Gina Place is a wonderful
43 ambassador for the City. He stated that he appreciates the sentiment raised by both Vice Mayor O'Connor
44 and Council Member Allebach, regarding the candidate for the Historic Preservation Board.

45

1 Vice Mayor O'Connor stated that he looks forward to participating and seeing the Youth Advisory Board's
2 progress and views. He reported that his brothers enjoyed the Manatee Festival. The Vice Mayor reported
3 that he attended the Florida League of Cities dinner in Edgewater. He thanked the City Manager and
4 everyone that participated.

5
6 Council Member Crippen thanked Ms. Mendez and staff for the work done. He commented about the
7 Moose Lodge sign. He reported that the River of Lakes Heritage Corridor provided a great presentation
8 by Wayne Carter that covered the history and four areas of Main Street Deland. He announced that the
9 bike trail from Beresford Park to Osteen is completed. He thanked Council for approving Resolution 939-
10 19.

11
12 Council Member Allebach stated that the TPO board decided to begin working on Kentucky Ave on 2020.
13 He announced that he along with Migdalia Hernandez, Public Works Director, will be a part of a group
14 for the Walkability Action Institute. The Walkability Action Institute will with the TPO and the Health
15 Department to address walkability improvements around the City. Council Member Allebach announced
16 that there was a great city staff presence on at the Manatee Festival on Saturday, unfortunately the weather
17 closed down the festival on Sunday.

18
19 Council Member Harper stated that he will be visiting the Grand Canyon and will not be able to attend
20 the March 26, 2019 City Council meeting. He stated that he joined the Mayors Challenge. Council
21 Member Harper stated that he is proud to serve.

22
23 Council Member Marks reported that she attended the IEMO conference and learned a lot. She thanked
24 Ms. Arrington and staff for a City wide tour. She reported that she attended the Network at Night for the
25 West Volusia Regional Chamber. She announced the VIA Bunko fundraiser at the Sorosis Women's Club
26 on February 23, 2019 at 12:00 p.m. She thanked everyone who attended the meeting.

27
28 Mayor Blair reported that he attended the Volusia League of Cities dinner in Edgewater, the EMS Military
29 Expo, the Manatee Festival, Team Volusia Annual dinner, Seminole Auction House ribbon cutting,
30 Mayors Round Table, Veterans Bus Campaign and the Winter Fire Games. He noted that he received
31 positive calls from citizens regarding Officer Rodriquez's level of professionalism and going above and
32 beyond the call of duty. He thanked staff for the work on the youth council.

33
34 **Mayor Blair entertained a motion to adjourn, Vice Mayor O'Connor seconded the**
35 **motion, passed by a unanimous voice vote.**

36
37 **13. ADJOURN:**

38
39 There being no further business, Mayor Blair adjourned the meeting at 8:29 p.m.

40
41 **RESPECTFULLY SUBMITTED:**

42
43 _____
44 Melani Beringer
45 Deputy City Clerk

APPROVED ON:

02-26-2019
Date