

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, March 26, 2019 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 Bill O'Connor; Council Members: O. William (Bill)
11 Crippen, Jeff Allebach, Jim Mahoney, Kelli Marks; City Attorney William Reischmann; City Manager
12 Dale Arrington; City Clerk Gloria Thomas.

13
14 **INVOCATION/PLEDGE OF ALLEGIANCE**

15
16 The Invocation was given by Milton Carrero, Chaplain for the Volusia County Sheriff's Office.
17

18 **1. ABSENCES:** Council Member Harper

19
20 Ms. Arrington introduced Jeremy Wiggins as the new Human Resources/Risk Management employee.
21

22 **2. PRESENTATIONS/PROCLAMATIONS:**

23
24 **A. Presentation - Institute of Elected Officials Certificate to Council Member Marks**

25
26 The City Council presented a certificate to Council Member Marks for completing the Institute of Elected
27 Officials training in January, 2019.
28

29 **B. Presentation - Auditor Report Fiscal Year End 2018**

30
31 Tamara Campbell, CPA from McDirmit Davis & Co., displayed a PowerPoint presentation (a copy of
32 which is attached and becomes a permanent part of these minutes) that discussed the 2018 Annual
33 Financial Audit Report. Ms. Campbell reported that the audit opinion was found to be unmodified which
34 is the best type to obtain. Ms. Campbell stated that the City has received a certificate of achievement for
35 the past 17 years.
36

37 Ms. Campbell reported on the citywide assets, liabilities, deferred outflows, revenues and expenditures,
38 unassigned fund balance, liquidity and utility funds. Ms. Campbell stated that the City's financial
39 condition assessment procedures for the past five years were compared to cities of similar size, and the
40 City has performed favorably. She noted that the City does not have any governmental long term debt.
41 The long term debt consists of the SRF loans and the utility bonds, which are secured by utility revenue
42 sources.
43

44 Ms. Campbell stated that overall the report showed positive financial results.
45

1 A question and answer forum ensued between Council Member Mahoney, Council Member Allebach and
2 Ms. Campbell discussing areas of improvement, FRS liability, and FEMA reimbursement owed to the
3 City.

4
5 **Council Member Crippen moved to approve and accept the Comprehensive**
6 **Annual Financial Report for Fiscal Year end 2018, seconded by Council**
7 **Member Allebach and passed by a unanimous voice vote of the City Council.**
8

9 C. Department Presentation – Public Works
10

11 Migdalia Hernandez, Public Works Director, distributed a PowerPoint presentation (a copy of which is
12 attached and becomes a permanent part of these minutes). Ms. Hernandez discussed the Public Works
13 Department organizational chart, noting that the department encompasses 33 positions funded by various
14 budget sources.

15
16 Ms. Hernandez stated the department's accomplishments from FY 2017/18.
17

18 Ms. Hernandez reported on the department's needs, updates, asset management/work order software, and
19 Florida Rural Water Association (FRWA) Diamond Maps. Ms. Hernandez also discussed the Public
20 Works Fuel Master Asset Management System, FY 2018/19 Public Works funding and challenges, overall
21 department challenges, stormwater enterprise funding and accomplishments. She concluded the
22 presentation with stating the Stormwater Enterprise challenges, Parks/Recreation/Facilities Updates and
23 Challenges and the Capital Improvement Projects (CIP) Status.
24

25 Vice Mayor O'Connor asked whether an analysis was done to compare utilizing internal versus outsourced
26 maintenance. Ms. Hernandez replied that it is challenging to capture all the finalized work to receive a
27 result.
28

29 Council Member Mahoney asked for clarification about the need for chlorine at Mill Lake Park. Ms.
30 Hernandez replied for the splash pad.
31

32 Council Member Marks stated that the department tour was an "eye opener." She commented that the
33 department is doing a great job, the Public Works Department is a good team.
34

35 Council Member Crippen asked what actions were being taken to correct the chlorine damage issue in the
36 Mill Lake storage unit. Ms. Hernandez responded that Mr. Palenzuela and Ms. Gay are working on a
37 solution. A solution will be included in the next fiscal year budget.
38

39 Ms. Hernandez asked Mr. Palenzuela to elaborate. Mr. Palenzuela advised that electrical equipment
40 degradation from the stored chlorine will be managed by improving ventilation and long term by
41 upgrading to equipment rated for aggressive environments.
42

43 D. Department Presentation – Development Services
44

1 Ms. Mendez provided a detailed PowerPoint presentation (a copy of which is attached and becomes a
2 permanent part of these minutes) that provided an overview of the Development Services Department.
3 She noted that the department is comprised of the Planning and Building Divisions.

4
5 Ms. Mendez explained the organizational chart and introduced department staff.

6
7 Ms. Mendez discussed actual revenue and expenses for FY 2018/19. She noted the 2018 accomplishments
8 for the Planning Commission, Historic Preservation Board, and the Technical Review Committee as well
9 as results for permits issued in 2017/18. Ms. Mendez concluded her presentation by discussing the
10 department's accomplishments for 2018 and goals for 2019.

11
12 Vice Mayor O'Connor stated that Public Works and Development Services are the face of the City. He
13 complimented staff for the excellent work and customer service.

14
15 Mayor Blair complimented Ms. Mendez on the presentation.

16
17 **3. CITIZEN COMMENTS:**

18
19 Shari Simmons, Executive Director, West Volusia Regional Chamber of Commerce, announced that the
20 second annual First Responders Valor Awards will be held on May 22, 2019 at the DeBary Golf and
21 Country Club. She reported Orange City Firefighter Ryan Kazazis will be awarded Firefighter of the year,
22 Lieutenant Clinton Scheels will receive a lifesaving award, Detective Ken Jones and Detective Sherif El-
23 Shami will receive a bronze medal, Officer Hector Olmeda will receive the Orange City Officer of the
24 Year award. The ceremony will be held on May 22nd 11:30 a.m. to 1:00 p.m. located at the DeBary Golf
25 and Country Club.

26
27 **4. CONSENT AGENDA:** None at this time

28
29 **5. ORDINANCES – FIRST READING:** None at this time

30
31 **6. PUBLIC HEARINGS/ORDINANCES-SECOND READING:** None at this time

32
33 **7. RESOLUTIONS:** None at this time

34
35 **8. DISCUSSION AND ACTION:** None at this time

36
37 A. Discussion regarding Kentucky Ave

38
39 Ms. Arrington provided a PowerPoint presentation (a copy of which is attached and becomes a permanent
40 part of these minutes) about the history and owner findings of Kentucky Ave. Ms. Arrington cited the
41 various developments that use Kentucky for egress/ingress. She discussed the maintenance and ownership
42 for the road, providing a timeline of the ownership and noting that it was transferred several times before
43 the State revoked the PUD.

44

1 Ms. Arrington referred to errors in the agenda item cover memo that deals with the length of the roadway.
2 She noted that the wrong size scale was used. The second paragraph should read “The Kentucky Avenue
3 private right-of-way is approximately 5,206 feet long” and on the second page the sentence should read
4 “There are eight different owners of the northerly 3,921 feet...”
5

6 Ms. Arrington commented that the ownership of Kentucky Ave. is very unique. She noted that the road
7 ownership is split up in different, unusual, and complicated patterns.
8

9 Ms. Arrington stated that a lot of discoveries have been made thus far, however, a lot is unknown. She
10 stated that the first thing to do is inform the residents of the survey and the findings of ownership.
11 Appointments with the owners of the roadway should be set up to let them know what part of the road is
12 theirs.
13

14 Ms. Arrington discussed the options for repairing the private road, a strategy, funding and future Council
15 actions. She stated that a very specialized team is needed to work on the project for the City.
16

17 Ms. Arrington reiterated that Kentucky Ave is a private roadway. She suggested a special assessment
18 district is an option in which each user of the road is assessed their proportionate fair share to pay for
19 maintenance of the road.
20

21 Ms. Arrington recommended hiring a consultant to determine the benefit or rational nexus test so that
22 everyone pays an amount according to their benefit for use of the road. She explained the process of the
23 proportionate fair share.
24

25 Ms. Arrington concluded by stating that if Council decides to move forward, Kentucky Ave. will be
26 presented on future agendas. She commented that this will be a very long process.
27

28 Vice Mayor O’Connor asked Mr. Reischmann what would happen if the owners decide not to participate.
29 Mr. Reischmann explained that a special assessment district could be enacted. The Vice Mayor further
30 questioned the wisdom of using public monies to fund the repair of a private road. He suggested it would
31 set a precedent. Mr. Reischmann noted is a very convoluted and confusing process.
32

33 Council Member Mahoney recalled that the last time this was brought forward, Council approved a survey
34 and agreed to the possibility of a special assessment.
35

36 Bernie Senez came forward and thanked the City Manager for identifying the property owners. He listed
37 the names of the individuals who no longer own the road and commented that if the remaining names are
38 the only names on the list, it should be a “piece of cake.” He complimented the Council and City for their
39 efforts.
40

41 Ron Black, adjacent and principal owner of Liberty Orange, LLC, questioned whether the original owners
42 still have ownership in the road. Ms. Arrington responded in the affirmative. She explained the intricacies
43 of this matter. Mr. Black asked for a copy of the survey. Ms. Arrington stated that the City will make a
44 copy available for everyone.
45

1 Mr. Reischmann stated that there are hurdles to fix the road, maintain it and make sure the appropriate
2 parties fund this process. Questions to ask are, what do you have to go through; what are you going to do;
3 and who will pay for it?
4

5 Ms. Arrington noted that the first thing a consultant will do is to develop cost estimates and funding
6 analysis options for Kentucky Ave road improvements. Those options may include but are not limited to,
7 minimal repair maintenance, repairing and improving Kentucky Ave for additional capacity, rehabilitating
8 the roadway and bringing it up to standard.
9

10 Vice Mayor O'Connor stated that an understanding of the funding mechanism is needed before we move
11 forward using public funding. Mr. Reischmann noted that a special assessment is legal and created via
12 state statute.
13

14 A discussion ensued between Council, Ms. Arrington and Mr. Reischmann that included; owners of the
15 road to fund the repair, options for what kind of fix needs to be done to the road, explanations of a way to
16 fix the issues, hiring a consultant to tend to the issue and provide a solution.
17

18 Mr. Black came forward to ask about the length of time the special assessment taxes would occur. Ms.
19 Arrington replied a consultant is needed to evaluate the matter and decide what the assessment will be.
20 Mr. Black suggested the amount quoted is applied through a 10-year assessment.
21

22 Lewis Smith, 2416 Windermere Ln in Country Village, thanked Ms. Arrington for communicating with
23 the residents. He noted that he moved to Country Village 7 months ago. Mr. Smith suggested a concrete
24 truck is needed to fill the large holes. His major concern is that past repair work be repaired now.
25

26 Ms. Arrington stated that is a possibility if owners of the properties provide permission.
27

28 Raul Palenzuela, City Engineer, came forward to clarify that engineers have inspected the holes and
29 concluded that the past project was not the cause of the holes on Kentucky Ave. He stated that the original
30 construction of the road was not up to standards and the degradation of the materials over time have
31 resulted in the collapse.
32

33 Bill Carageenes, resident of the City, stated that he met with Mr. Palenzuela. Mr. Carageenes stated that
34 the vendor present accepted responsibility for one of the holes. He requested Council view the road
35 themselves, and asked for the Council's help. He suggested a short term fix and requested owners
36 contribute.
37

38 Council Member Mahoney stated that the City needs to be involved and respect that it is private property.
39

40 Vice Mayor O'Connor suggested that Ms. Arrington review documents, hold the interviews and present
41 a new scope.
42

43 Ms. Arrington asked for authorization to meet with the property owners, set up a town hall type meeting,
44 and revise the scope, based on what Council has learned. She advised that the scope would come back to
45 Council to see if they would like to proceed.

1 **Vice Mayor O'Connor moved to authorize the City Manager to meet with the**
2 **property owners, revise the scope and present it back to Council, seconded by Council**
3 **Member Allebach, the motion passed by a unanimous voice vote of the City Council.**
4

5 **9. REPORTS:**

6
7 A. City Manager

8
9 Ms. Arrington requested to cancel the April 09, 2019 City Council Meeting due to a lack of business items
10 on the agenda.

11
12 Ms. Arrington reported a neighborhood meeting pertaining to the Holly Ave project will be held on April
13 10, 2019 5:00 p.m. to 6:00 p.m. in Council Chambers.

14
15 B. City Clerk

16
17 Ms. Thomas reported that Melani Beringer, Deputy City Clerk, achieved her Certified Municipal Clerk
18 (CMC) certification.

19
20 C. City Attorney

21
22 No report.

23
24 **10. NEW BUSINESS:**

25
26 Council Member Crippen stated that he will soon be requesting the City apply to be named a Monarch
27 City.

28
29 **11. APPROVAL OF MINUTES:** March 12, 2019 Regular Meeting Minutes

30
31 **Council Member Crippen moved to approve the March 12, 2019 City Council**
32 **minutes, seconded by Vice Mayor O'Connor, the motion passed by a unanimous**
33 **voice vote of the City Council.**
34

35 **12. COUNCIL & MAYOR'S COMMENTS AND REPORTS**

36
37 Council Member Marks commented that she would like to see the City apply to be a Monarch City as
38 well.

39
40 Council Member Allebach announced that he will be attending the Walkability Institute in April. He
41 complemented the discussion pertaining to public roads. He stated he attended the retirement party for
42 former Human/Risk Manager Andy McNeil and announced that Mayor James Sowell from Pierson passed
43 away.
44

1 Council Member Crippen apologized for not attending Mr. McNeil's retirement party. He said that he
2 attended Mayor Sowell's memorial service.

3
4 Vice Mayor O'Connor commented that the Council services the public, referencing the Kentucky Ave.
5 agenda item.

6
7 Council Member Mahoney thanked staff for all the presentations. He welcomed Jeremy Wiggins, the new
8 Human Resource/Risk Manager.

9
10 Mayor Blair reported that he attended the Orange City clean up function. He will be presenting information
11 about the Youth Council at University High School on Friday. He announced that he will be attending an
12 Orange City Elementary School Field Trip at Mill Lake Park. The Mayor commented that Mr. McNeil is
13 a "great guy" and he regretted he was unable to attend his retirement party due to work.

14
15 Mayor Blair announced the Volusia League of Cities dinner will be held this Thursday evening in Holly
16 Hill.

17
18 Council Member Allebach announced the Manatee Cove Elementary D.A.R.E. program graduation will
19 be held on Friday at 8:30 a.m.

20
21 Mayor Blair advised that he will entertain a motion to adjourn.

22
23 **Council Member Crippen moved to adjourn the City Council meeting,**
24 **seconded by Vice Mayor O'Connor the meeting was adjourned by a unanimous**
25 **voice vote of the City Council.**

26
27
28 **13. ADJOURN:**

29
30 There being no further business, Mayor Blair adjourned the meeting at 9:27 p.m.

31
32 **RESPECTFULLY SUBMITTED:**

33
34 _____
35 Melani Beringer
36 CMC, Deputy City Clerk

APPROVED ON:

04-23-2019
Date