

REGULAR MEETING

July 28, 2020

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, July 28, 2020 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; Jim Mahoney, Martin Harper; City Attorney Neysa Borkert; City
11 Manager Dale Arrington; City Clerk Gloria Thomas.

12
13 **TELEPHONICALLY:** Vice Mayor Bill O'Connor; Council Member O. William (Bill) Crippen, Kelli
14 Marks and Jeff Allebach.

15
16 **INVOCATION/PLEDGE OF ALLEGIANCE**

17
18 The Invocation was given by Council Member Harper followed by the Pledge of Allegiance.

19
20 **1. ABSENCES:**

21
22 None at this time.

23
24 **2. PRESENTATIONS/PROCLAMATIONS:**

25
26 None at this time.

27
28 **3. CITIZEN COMMENTS:**

29
30 The City Clerk read a comment into the record from citizen Thomas Abraham regarding a group meeting
31 in the park, not adhering to social distancing. (A copy is attached to these minutes.)

32
33 **4. CONSENT AGENDA:**

- 34
35 A. Approve Minutes Special Meeting Monday July 06, 2020
36 B. Approve Regular Meeting Minutes, July 14, 2020
37 C. Duke Energy Streetlight Replacement – Blue Springs Nutrient Reduction (Holly
38 Avenue Project)

39
40 **Council Member Allebach moved to approve the Consent Agenda, seconded by**
41 **Council Member Mahoney, the motion passed by a unanimous roll call vote of**
42 **the City Council.**

43
44 **5. ORDINANCES – FIRST READING:**

- 45
46 A. **Ordinance No. 629** An ordinance of the City Council of the City of Orange City,
47 Florida, a future land use map amendment for 1.18 acres located at 2240 North

1 Volusia Avenue from Volusia County Commercial (COM) and urban medium
2 intensity (UMI), to orange city commercial general (CG) and residential medium
3 (RM); repealing all ordinances or parts of ordinances in conflict herewith; and
4 providing for an effective date.
5

6 Ms. Borkert read the title of Ordinance No. 629 into the record.
7

8 Becky Mendez, Development Services Director, provided a PowerPoint presentation (a copy of which is
9 attached and becomes a permanent part of these minutes.) Ms. Mendez stated that this was a future land
10 use map amendment for 2240 N. Volusia Ave. She provided background and the proposed usage for the
11 property.
12

13 Ms. Mendez stated that staff recommends Council accept the Planning Commission recommendation and
14 approve Ordinance No. 629 at first reading. She noted that this amendment complies with review criteria,
15 is consistent with the Comprehensive Plan, discourages the proliferation of urban sprawl, is compatible
16 with adjacent land uses, and has no impact on concurrency monitored facilities. Ms. Mendez
17 recommended that the Council authorize staff to transmit the ordinance to the Volusia Growth
18 Management Commission (VGMC). She advised that second and final reading will occur in September.
19

20 **Vice Mayor O'Connor moved for approval of Ordinance No. 629 and authorize**
21 **staff to transmit the Ordinance to the VGMC, seconded by Council Member**
22 **Crippen, the motion passed by a unanimous roll call vote of the City Council.**
23

- 24 B. **Ordinance No. 630** An ordinance of the City Council of the City of Orange City,
25 Florida, amending the official zoning map for 1.18 acres located at 2240 North Volusia
26 Avenue from Volusia County General Commercial (B-4) and Urban Single-Family
27 Residential (R-4), to Orange City General Commercial, restricted (CG-1) and Low
28 Density Residential (R-1); repealing all ordinances or parts of ordinances in conflict
29 herewith; and providing for an effective date.
30

31 Ms. Borkert read the title of Ordinance No. 630 into the record. She noted this was a quasi-judicial matter
32 and asked that any ex-parte communication be disclosed at this time. She noted for the record there were
33 no disclosures.
34

35 Ms. Mendez stated that Ordinance No. 630 is related to Ordinance No. 629. She recommended that
36 Council approve Ordinance No. 630 noting that second and final reading is scheduled for September.
37

38 **Vice Mayor O'Connor moved for approval of Ordinance No. 630 seconded by**
39 **Council Member Crippen, the motion passed by a unanimous voice vote of the City**
40 **Council.**
41

42 **6. PUBLIC HEARING/ORDINANCES SECOND & FINAL READING:**
43

44 None at this time.
45

46 **7. RESOLUTIONS:**
47

- 1 A. **Resolution No. 112-20** A Resolution of the City of Orange City, Florida, relating
2 to the collection and disposal of solid waste in the incorporated area of Orange
3 City, Florida; establishing the estimated assessment rate for solid waste service
4 assessments against residential property located within the incorporated area of
5 Orange City, Florida, for the fiscal year beginning October 1, 2020; directing the
6 preparation of an updated solid waste assessment roll; authorizing a public hearing
7 and directing the provision of notice thereof; and providing an effective date.
8

9 Ms. Borkert read the title of Resolution No. 112-20 into the record.

10
11 Christine Davis, Finance Director, stated that Preliminary Rate Resolution No. 112-20 will serve to
12 establish the "maximum" solid waste rate for tax year 2020. She recalled that in May 2020, WCA provided
13 notification that they wish to forgo their 2021 CPI adjustment due to financial hardship associated with
14 COVID-19. The annual rate will remain \$167.52 for the 2020 tax year (October 1, 2020 through
15 September 30, 2021).
16

17 Ms. Davis stated that staff recommends Council approve Resolution No. 112-20 adopting the Preliminary
18 Rate Resolution for the fiscal year 2020/2021 Solid Waste Service Assessment.
19

20 **Council Member Allebach moved for approval of Resolution No. 112-20 seconded**
21 **by Council Member Harper, the motion passed by a unanimous 7/0 voice vote of**
22 **the City Council.**
23

- 24 B. **Resolution No. 113-20** A resolution of the City of Orange City, Florida, relating
25 to the provision of storm water management services; estimating the cost of storm
26 water management services provided by the city; establishing the method of
27 charging the cost of storm water management services against the real property
28 that will be benefited and served thereby; directing the city manager to prepare or
29 direct the preparation of an updated storm water service assessment roll based
30 upon the methodology set forth herein; establishing a public hearing for the
31 proposed storm water service assessments and directing the provision of notice in
32 connection therewith; providing for severability; and providing an effective date.
33

34 Ms. Borkert read the title of Resolution No. 113-20 into the record.
35

36 Ms. Davis reported that Preliminary Rate Resolution No. 113-20 will serve to establish the "maximum"
37 stormwater assessment roll and rate for tax year 2020. The revenue generated from the stormwater service
38 assessment is designated to be expensed for costs associated with implementing a stormwater capital
39 improvement program, a stormwater operation and maintenance (O&M) program, and a stormwater O&M
40 reserve.
41

42 Ms. Davis stated that the preliminary tax roll for FY 20/21 was revised to include new construction,
43 annexed parcels with impervious surfaces, and is set not-to-exceed \$779,704. She noted that the EBU
44 rate increased per the adopted plan, which depicts an automatic annual adjustment of 4%, which is \$14.11.
45

46 Ms. Davis stated that staff recommends Council approve Resolution No. 113-20 adopting the stormwater
47 Preliminary Rate Resolution for the fiscal year 2020/2021 Stormwater Service Assessment.

1
2 A discussion ensued between Council and Ms. Davis regarding the rate increase.

3
4 **Council Member Mahoney moved for approval of Resolution No. 113-20 seconded**
5 **by Council Member Crippen, the motion passed by a unanimous roll call vote of the**
6 **City Council.**

7 C. **Resolution No. 114-20** A resolution of the City of Orange City, Florida, relating
8 to the provision of street lighting services, facilities, and programs throughout the
9 Shadow Ridge street lighting assessment area; estimating the cost of street lighting
10 services, facilities, and programs to be assessed for the fiscal year commencing
11 October 1, 2020; directing the city manager to prepare or direct the preparation of
12 an updated street lighting assessment roll; authorizing a public hearing and
13 directing the provision of notice in connection thereof; providing for severability;
14 and providing an effective date.

15
16 Ms. Borkert read the title of Resolution No. 114-20 into the record.

17
18 Ms. Davis reported that Shadow Ridge Preliminary Rate Resolution No. 114-20 will serve to establish the
19 "maximum" assessment rate for tax year 2020. The revenue generated from the street lighting assessment
20 is designated to be expensed for the costs associated with operating the lights within the subdivision and
21 managing the annual assessment.

22
23 Ms. Davis stated that the preliminary tax roll for FY 2020/2021 is proposed to be \$135 per lot and not-to-
24 exceed \$10,665. She noted that the \$10 reduction in the assessment rate is made possible by available
25 funding from its unassigned fund balance.

26
27 **Council Member Allebach moved for approval of Resolution No. 114-20 seconded**
28 **by Council Member Harper, the motion passed by a unanimous 7/0 voice vote of**
29 **the City Council.**

30
31 D. **Resolution No. 115-20** A Resolution of the City of Orange City, Florida, relating
32 to the provision of street lighting services, facilities, and programs throughout the
33 Briarwood South street lighting assessment area; estimating the cost of street
34 lighting services, facilities, and programs to be assessed for the fiscal year
35 commencing October 1, 2020; directing the city manager to prepare or direct the
36 preparation of an updated street lighting assessment roll; authorizing a public
37 hearing and directing the provision of notice in connection thereof; providing for
38 severability; and providing an effective date.

39
40 Ms. Borkert read the title of Resolution No. 115-20 into the record.

41
42 Ms. Davis reported that Briarwood Preliminary Rate Resolution No. 115-20 will serve to establish the
43 "maximum" assessment rate for tax year 2020. The revenue generated from the street lighting assessment
44 is designated to be expensed for the costs associated with operating the street lights within the subdivision
45 and managing the annual assessment.

1 Ms. Davis reported that the preliminary tax roll for FY 20/21 will not exceed \$2,184 or \$52 per lot. She
2 stated that staff recommends Council approve Resolution No. 115-20.

3
4 **Council Member Allebach moved for approval of Resolution No. 115-20 seconded**
5 **by Council Member Mahoney, the motion passed by a unanimous voice vote of the**
6 **City Council.**

7
8 E. **Resolution No. 117-20** A resolution of the City Council of the City of Orange
9 City, Florida, adopting a proposed millage rate for the 2020-2021 fiscal year;
10 establishing the date, time, and place for a public hearing on the proposed millage
11 rate and the tentative budget; directing communication; expressing legislative
12 intent; repealing all resolutions in conflict herewith and providing for an effective
13 date.

14
15 Ms. Borkert read the title of Resolution No. 117-20 into the record.

16
17 Ms. Davis stated that the Truth-In-Millage (TRIM) Law requires local governing bodies to set a proposed
18 millage rate annually during the month of July. This sets the maximum rate the City intends to levy.

19
20 Ms. Davis stated that the City Manager's draft budget depicts levying a 7.8332 millage rate, which will
21 generate \$6,160,984 (at 95%) in ad valorem with \$5,842,094 appropriated for the General Fund
22 FY2020/21 budget and \$318,890 appropriate for the CRA budget. The Council may choose to levy any
23 rate up to 10 mills to be used for the TRIM notices issued in August.

24
25 Ms. Davis stated that with the draft budget representing a millage rate of 7.8332, the average household
26 would pay \$628 annually or \$52.34 monthly for all general city services. The 7.8332 millage rate is
27 considered a 6.74% increase over the rolled-back rate of 7.3387 mills. Ms. Davis noted that Council could
28 consider setting the tentative millage rate higher than 7.8332, in order to provide flexibility for Council
29 while staff works to develop and finalize the FY 2020/2021 budget.

30
31 Ms. Davis stated that staff recommends Council approve Resolution No. 117-20 which will set the
32 tentative millage rate and set the first public hearing date of Wednesday, September 9, 2020 at 6:30p.m.

33
34 A discussion ensued between Council and Ms. Davis that pertained to a specific millage rate.

35
36 Ms. Davis stated for the record that Council agreed to a millage rate set at 8.000 mills over the roll back
37 rate of 7.3387 which will represent a 9.01% increase in taxes.

38
39 **Council Member Allebach moved for approval of Resolution No. 117-20**
40 **seconded by Council Member Harper, the motion passed by a unanimous**
41 **roll call vote of the City Council.**

42
43 **8. DISCUSSION AND ACTION:**

44
45 A. Five Year Roadway Management Plan – Revision

46

1 Raul Palenzuela, City Engineer, provided a PowerPoint presentation (a copy is attached and becomes a
2 permanent part of these minutes.) Mr. Palenzuela discussed the five-year roadway management plan for
3 several roads within the City. He stated that many streets in the City's historic core, including significant
4 a portion of E. French Avenue, were constructed of 6 to 8 inch thick concrete panels with granite aggregate
5 measuring about 10 feet by 20 feet. It is challenging and impractical to remove and pave over with cracks
6 reflecting through the concrete.
7

8 Mr. Palenzuela recommended that replacing the concrete roads with asphalt roads could be accomplished
9 as a Capital Improvement Project instead of through the Roadway Management and Maintenance plan.
10

11 A discussion ensued that pertained to roads being serviced due to complaints or necessity, following the
12 recommendations made by Mr. Palenzuela, and sticking with the current road program.
13

14 **Council Member Mahoney moved to stay with the existing road management plan,**
15 **seconded by Council Member Harper, the motion passed by a 7/0 roll call vote of**
16 **the City Council.**
17

18 **9. REPORTS:**
19

20 **A. City Manager**
21

22 Ms. Arrington stated no report and recommended discussion items to Council such as water quality.
23

24 Ms. Arrington addressed Mr. Abraham's concerns regarding the church group not complying with social
25 distancing requirements in Veterans Park. She noted that a permit was obtained for the church group to
26 utilize the park. She noted that COVID-19 policies are noted on all applications.
27

28 Vice Mayor O'Connor stated that he appreciates the time that the City is taking to resolve the water issues
29 within the City.
30

31 Council Member Mahoney asked about the cost related to the damage at Mill Lake Park.
32

33 Ms. Arrington replied that a set amount has not yet been established, however, damage to the globe fixtures
34 were estimated at \$17,000. Ms. Hernandez noted the estimated costs to repair the globe fixtures was
35 \$1,700.
36

37 A discussion ensued that included the addition of lights and cameras.
38

39 **B. City Clerk**
40

41 Ms. Thomas noted that the Agenda management software is moving forward.
42

43 **C. City Attorney**
44

45 Ms. Borkert reported that a Palm Beach County court case denied a request for an emergency injunction
46 against the Palm Beach County face covering ordinance. She stated that there was not enough evidence to
47 issue an injunction.

1 **10. NEW BUSINESS:**

2
3 None at this time.

4
5 **11. APPROVAL OF MINUTES:** *(See Consent Agenda)*

6
7 **12. COUNCIL & MAYOR'S COMMENTS AND REPORTS**

8
9 Vice Mayor O'Connor reported that he attended the unveiling of the Veteran's parking signs around the
10 City. He stated that it was an honor to be a part of that event. He reported that he attended several food
11 drive events around the City. Vice Mayor O'Connor stated that the meeting was success and wished
12 everyone a great evening.

13
14 Council Member Allebach reported that he too attended the food drives and is happy to see the City
15 moving forward with several projects. He suggested everyone wear their face masks while out in public.
16 Council Member Mahoney stated that it was a busy night for Ms. Davis and she did a great job. He
17 congratulated Ms. Thomas on her retirement.

18
19 Council Member Marks stated that she can't wait to see Gloria as a volunteer with Backpack Buddies
20 after her retirement. She stated that she received an email from Second Harvest thanking the News Journal
21 for highlighting Backpack Buddies event. Council Member Marks noted that it was a great feeling to have
22 the support from the Council and thanked everyone that was involved with the event. She stated that she
23 is honored to have the Veteran signs within the City.

24
25 Council Member Harper agreed that the food drive was a great event. He commented that hopefully we
26 will have a vaccine for Covid-19 soon.

27
28 Council Member Crippen congratulated Ms. Thomas on her retirement. He thanked staff for all their
29 thoughtfulness and efforts with the presentations. He complimented staff on the appearance of the
30 Butterfly Garden. Council Member Crippen thanked Council for passing the mask mandate. Council
31 Member Crippen commented that DeLand will be a vaccination location. He stated that he gifted Ms.
32 Reading with old historic beer bottles, as well as other historic items. He complimented staff with the
33 budget process so far.

34
35 Mayor Blair thanked Ms. Thomas for her service and stated that she will be missed. He complimented
36 staff on a great job with all the presentations and budget process so far. He reported that he attended the
37 food drop, and thanked Council Member Marks for putting together the event. Mayor Blair commented
38 that he attended the Veteran's dedicated parking event as well.

39
40 **13. ADJOURN:**

41
42 **Council Member Crippen moved to adjourn the City Council meeting,**
43 **seconded by Council Member Harper, the meeting was adjourned by a**
44 **unanimous voice vote of the City Council.**

45
46 There being no further business, Mayor Blair adjourned the meeting at 8:34 p.m.

REGULAR MEETING

July 28, 2020

8

1 **RESPECTFULLY SUBMITTED:**

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3

4 _____
Melani Beringer

5 CMC, Deputy City Clerk

APPROVED ON:

08/25/2020

Date