

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, April 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 **PHYSICALLY PRESENT:** Mayor Gary A. Blair and Council Member Martin Harper; City Attorney Bill
11 Reischmann; City Manager Dale Arrington; City Clerk Gloria Thomas.

12 **TELEPHONICALLY PRESENT:** Vice Mayor Bill O’Connor; Council Members; O. William (Bill)
13 Crippen, Jeff Allebach, Jim Mahoney, Kelli Marks.

14
15 **INVOCATION/PLEDGE OF ALLEGIANCE**

16
17 The Invocation was given by Council Member Harper followed by the Pledge of Allegiance.

18
19 **1. ABSENCES:**

20
21 None at this time

22
23 **2. PRESENTATIONS/PROCLAMATIONS:**

24
25 A. Earth Day Proclamation

26
27 Mayor Blair read a proclamation into the record that proclaimed April 22, 2020 as Earth Day in the City
28 of Orange City. He urged all citizens to celebrate the Earth and commit to building a sustainable and
29 green economy.

30
31 B. Arbor Day Proclamation

32
33 Mayor Blair read a proclamation into the record that proclaimed April 24, 2020 as Arbor Day in the City
34 of Orange City. He urged all citizens to support efforts to protect our trees and woodlands, and to plant
35 trees to gladden the heart and promote the well-being of this and future generations.

36
37 **3. CITIZEN COMMENTS:**

38
39 None at this time.

40
41 **4. CONSENT AGENDA:**

- 42
43 A. April 14, 2020 Regular Council Meeting Minutes
44 B. March 24, 2020 Regular Council Meeting Minutes

45
46 **Council Member Harper moved to approve the Consent Agenda, seconded**
47 **by Vice Mayor O’Connor, the motion passed by a unanimous roll call vote**
48 **of the City Council.**
49

1 **5. ORDINANCES – FIRST READING:**

2
3 None at this time.
4

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

6
7 None at this time.
8

9 **7. RESOLUTIONS:**

10
11 None at this time.
12

13 **8. DISCUSSION AND ACTION:**

14
15 A. 2020/21 Community Development Block Grant (CDBG) Project Proposal
16

17 Ashley Gay, Parks and Recreation Superintendent, provided a paper PowerPoint presentation (a copy of
18 which is attached and becomes a permanent part of these minutes.) Ms. Gay reported that Volusia County
19 is an annual recipient of Community Development Block Grant (CDBG) funds from the U.S. Department
20 of Housing and Urban Development (HUD). She noted that Orange City is an entitlement city within the
21 County. The City is estimated to receive \$69,153 for FY 2020/21.
22

23 Ms. Gay provided Council with two projects to consider utilizing the CDBG grant funds; a bathroom
24 facility at Coleman Park, and shade canopies at Mill Lake Park. She stated that staff requests guidance
25 from Council to move forward with one of the projects.
26

27 A discussion ensued that pertained to Council’s opinions about the projects being considered and the usage
28 of the grant funds versus impact fees.
29

30 **Vice Mayor O’Connor moved to direct staff to utilize the CDBG funds to**
31 **construct a bathroom facility at Coleman Park, seconded by Council Member**
32 **Harper, the motion passed by a 7/0 roll call vote of the City Council.**
33

34 B. Insurance Requirements for Special Events Held Within the City
35

36 Jeremey Wiggins, Human Resources Manager, provided a paper PowerPoint presentation (a copy of
37 which is attached and becomes a permanent part of these minutes.) Mr. Wiggins recalled that on March
38 24, 2020 staff presented to Council insurance requirements for special events for approval on the consent
39 agenda. Council Member Marks pulled the item for further discussion. Mr. Wiggins noted that based on
40 Council’s discussion staff was directed to revisit the item and bring forward additional information on
41 automobile insurance and waivers of subrogation.
42

43 Mr. Wiggins discussed the insurance requirements for Special Events, waiver of subrogation limits,
44 counter suits against third parties, and automobile liability requirements for vendors with the proposed
45 requirements and recommendations.
46

47 Mr. Wiggins stated that staff recommends adoption of the attached insurance requirements for special
48 events, which will ensure the City has adequate coverage and protection for liabilities incurred as part of

1 special events taking place in the City. In addition, it will ensure applicants are clear on what levels of
2 coverage are needed for their events and provide consistent requirements for all applicants.

3
4 **Council Member Marks moved to adopt the Insurance Requirements for**
5 **Special Events, removing the Participant Liability, Section Seven, pertaining to**
6 **the special event application, seconded by Council Member Crippen.**

7
8 A discussion ensued between Council and Mr. Wiggins that pertained to the required amount of insurance
9 coverage and the type of coverage.

10
11 Council Member Marks clarified that every vendor participant should be required to fill out the Hold
12 Harmless Indemnification Agreement, which will protect the City. She stated that the general liability
13 would still apply with the one million and two million aggregate coverage, which is plenty of coverage
14 for the City.

15
16 Mr. Reischmann clarified that the motion that is on the table does not eliminate the proposed requirements
17 for a Hold Harmless Indemnification agreement.

18
19 **Council Member Crippen withdrew his second, the motion died for the lack of a**
20 **second.**

21
22 **Council Member Harper moved to approve the Insurance Requirements for Special**
23 **Events as proposed, seconded by Council Member Crippen.**

24
25 Ms. Arrington clarified the term “or other organized activity” that Council Member Marks intended
26 to convey. She noted this was to explain that those engaged in active sporting events or parades and
27 that have the potential to be more dangerous and provide harm to the participants involved. She
28 recommended to change the verbiage to “walk, run, parade, amateur or professional sporting,
29 physical training or similar sporting activities” and delete “or other organized activities.”

30
31 Council Member Marks agreed that would address the concerns she intended to convey.

32
33 **Council Member Harper moved to amend the main motion and change the verbiage**
34 **“organized activity” to “similar sporting activity”, seconded by Council Member**
35 **Crippen, the amendment passed by a 7/0 roll call vote of the City Council.**

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

38
39 C. Monastery Road Water and Sewer Utilities

40
41 Raul Palenzuela, City Engineer, provided a paper PowerPoint presentation (a copy of which is attached
42 and becomes a permanent part of these minutes.) Mr. Palenzuela reported that water and sewer
43 infrastructures serving 10 properties on Monastery Road is in very poor condition and are not built
44 according to codes and standards for public Utilities.

45
46 Mr. Palenzuela advised that there are no records that show how the sanitary sewer and potable water
47 infrastructure was put in place. He stated that the City responds to service calls to these private properties
48 without the authorized easements. Also, the City collects monthly fees from the properties, however, no
49 records of connection fees can be found.

1 Mr. Palenzuela provided the following three options for Council to consider, which would resolve the
2 issue.

3
4 Option One: Negotiate an access and utility easement with the owner of the undeveloped property to the
5 south and then move the entire length of both the water and sewer lines out of the backyards of the ten
6 homes.

7
8 Option Two: Attempt to keep the existing line in back yards and obtain access and utility easements from
9 each of the ten private property owners. Dig up and replace the existing pipes.

10
11 Option Three: Maintain the status quo and wait until a solution could be integrated into future development
12 plans for the property to the South, the timing of such improvements are unknown and out of the City's
13 control.

14
15 Mr. Palenzuela stated that staff recommends Council authorize staff to meet with the golf course and
16 Monastery Road property owners to discuss a solution.

17
18 **Council Member Mahoney moved to authorize staff to move forward with Option**
19 **one, seconded by Council Member Marks, the motion passed by a 7/0 roll call vote of**
20 **the City Council.**

21
22 D. Food Pantry Information

23
24 Ms. Arrington stated that at the April 14, 2020 meeting, Council requested information regarding food
25 pantries that are serving residents within the City. She reviewed the information regarding the food
26 pantries along with the others services provided. Ms. Arrington noted that Back Pack Buddies was the
27 only organization distributing perishable goods and is need of additional funding.

28
29 A discussion ensued between Council regarding Back Pack Buddies distribution requirements, posting
30 information to the City's website, contributions to pantries and organizations that donate to City residents.

31
32 **Vice Mayor O'Connor moved to donate the remaining funds of \$1,064 in the**
33 **Sponsorship Fund to the "Back Pack Buddies" to assist the residents in need**
34 **during the Coronavirus epidemic, seconded by Council Member Mahoney.**

35
36 Mr. Reischmann advised that there are policies and procedures to be followed when distributing monies
37 from the Sponsorship funds. Ms. Arrington stated that doing so would require moving the Sponsorship
38 funds and utilizing it for something else.

39
40 Vice Mayor O'Connor replied that the Council has authority to do so. Council Member Mahoney
41 concurred with the Vice Mayor.

42
43 Ms. Arrington recommended that Council Member Marks recuse herself from the vote.

44
45 Mr. Reischmann advised that as long as Council Member Marks receives no financial gain in the support
46 of Back Pack Buddies she is not required recuse herself.

47
48 **The motion passed by a unanimous voice vote of the City Council.**
49

1 **9. REPORTS:**

2
3 **A. City Manager**

4
5 Ms. Arrington advised Council of the issues within the Utility Department. She noted that the Fire Station
6 has a leak and has caused damage that must be repaired. Ms. Arrington requested authorization to extend
7 the grace period for utility customers into May and to waive the third party fee for credit card payments.
8

9 It was the consensus of the Council to authorize the City Manager to move forward with these issues.

10
11 **A. City Clerk**

12
13 Nothing at this time.

14
15 **B. City Attorney**

16
17 Mr. Reischmann reported that he as well as other attorneys met to discuss the actions being taken in
18 regards to the COVID-19 situation. He announced that Governor DeSantis will issue an executive order
19 on Thursday.
20

21 **10. NEW BUSINESS:**

22
23 Council Member Harper suggested the possibility for the City to form a Parks Commission.

24
25 Ms. Arrington replied that staff will return with a brief report at an upcoming Council meeting.

26
27 Vice Mayor O'Connor requested that Ms. Arrington research funds to donate \$5,000 to \$10,000 to an
28 organization for assistance to our citizens with the current situation.
29

30 Devlin Moore clarified that a budget amendment is planned for the second Council meeting in May.

31
32 **11. APPROVAL OF MINUTES:** See Consent Agenda

33
34 **12. COUNCIL & MAYOR'S COMMENTS AND REPORTS**

35
36 Vice Mayor O'Connor stated that he is looking forward to the day when the current coronavirus situation
37 passes and all members can sit on the dais together again. Vice Mayor O'Connor commended Council
38 Member Marks on her efforts with the Back Pack Buddies program. He appreciates the support that the
39 Council is receiving to make sure the residents are taken care of. He encouraged everyone to stay safe and
40 stated he is honored to serve on the Council.
41

42 Council Member Allebach concurred with Vice Mayor O'Connor's comments, and encouraged everyone
43 to stay safe.
44

45 Council Member Mahoney complimented Mayor Blair's enthusiasm while reading the Arbor Day
46 Proclamation. He stated that he is a fan of trees as well. Council Member Mahoney complimented Council
47 Member Marks with the Back Pack Buddies program and the special event requirements.
48

1 Council Member Marks commented that she is honored to serve with everyone on the Council and she
 2 appreciates Council’s support of Back Pack Buddies. She stated that people’s needs are increasing more
 3 every day. Council Member Marks thanked Council Member Mahoney for the questions he asks and stated
 4 that she learns from his questions. She thanked Mr. Wiggins for the insurance policy research regarding
 5 the City events.

6
 7 Council Member Harper stated that eventually people need to resume to their jobs however doing so could
 8 cause more spread of the virus. He voiced his concern that the current testing and procedures should be
 9 taken seriously. Council Member Harper commented that he is surprised by everything that has been going
 10 on during this situation. He thanked everyone for the great meeting.

11
 12 Council Member Crippen stated that the meeting was great and all of staff did a wonderful job. He voiced
 13 his appreciation for the first responders and the City. He encouraged everyone to continue practicing social
 14 distancing and washing hands. He commented and that this situation will change our lives forever.

15
 16 Mayor Blair stated that he is sort of a tree hugger and thanked Council Member Mahoney for the
 17 compliment. He stated that he is proud to serve and it is a great Council. The Mayor encouraged everyone
 18 to stay safe and have a wonderful evening.

19
 20 **13. ADJOURN:**

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

25
 26 The meeting adjourned at 9:41 p.m.

27
 28
 29 **RESPECTFULLY SUBMITTED:**

30
 31 _____
 32 Melani Beringer
 33 CMC, Deputy City Clerk

APPROVED ON:

05-12-2020
 Date