

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, September 22, 2020 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; Jeff Allebach, Jim
12 Mahoney, Martin Harper; City Attorney Bill Reischmann; City Manager Dale Arrington; Interim City
13 Clerk Melani Beringer.

14
15 **TELEPHONICALLY PRESENT:** Council Members; O. William (Bill) Crippen, Kelli Marks

16
17 **INVOCATION/PLEDGE OF ALLEGIANCE**

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

20
21 **I. SPECIAL PUBLIC HEARING ON ADOPTION OF MILLAGE RATE AND BUDGET FOR**
22 **FISCAL YEAR 2020/2021**

23
24 **Mayor’s Opening Comments:**

25
26 “The City of Orange City intends to adopt a millage rate and budget for Fiscal Year 2020/2021.
27 The rolled-back rate is 7.3387 and the proposed millage rate is 7.8332 mills which is 6.74%
28 above the rolled-back rate as provided by the Property Appraiser of Volusia County.”
29

30 **Second Reading of Budget & Millage Ordinances:**

- 31
32 A. **ORDINANCE NO. 635** An Ordinance of the City Council of the City of Orange City, Florida,
33 certifying the millage rate for Fiscal Year 2020-2021 on all taxable property located within the
34 City of Orange City, Volusia County, Florida; repealing all ordinances or parts of ordinances in
35 conflict herewith; providing for severability and providing for an effective date.
36
37 B. **ORDINANCE NO. 636** An Ordinance of the City Council of the City of Orange City, Florida,
38 adopting the Annual Budget for the 2020-2021 Fiscal Year beginning October 1, 2020, and
39 ending September 30, 2021; authorizing subsequent amendments by resolution; repealing all
40 ordinances or parts of ordinances in conflict herewith; providing for severability and providing
41 for an effective date.
42

43 **Staff Presentation**

44
45 Christine Davis, Finance Manager, came forward to provide a PowerPoint presentation (a copy of which
46 is attached and becomes a permanent part of these minutes.) Ms. Davis stated that this was the second and
47 final hearing of the Fiscal Year 2020/2021 budget.
48

1 Ms. Davis provided a brief history of the budget activities to date. She discussed significant implications
2 resulting from COVID-19, post budget workshop outcomes and a high level overview by fund. Ms. Davis
3 stated that the major funds are the General Fund, Utility Enterprise Fund, Stormwater Enterprise Fund and
4 the CRA Fund. Other funds include the Impact Fee Fund, Forfeiture Fund, Solid Waste Special
5 Assessment Fund, Shadow Ridge Street Lighting District and Briarwood South Streetlight District.
6

7 Ms. Davis concluded the staff presentation.
8

9 Mr. Reischmann read the titles of Ordinance No. 635 and 636 into the record.
10

11 **Open Special Public Hearing**

12

13 Mayor Blair opened the public hearing by asking if anyone wanted to speak for or against Ordinance
14 Numbers 635 and 636. Seeing no one the Mayor closed the public hearing.
15

16 **Close Special Public Hearing**

17

18 **Council Discussion**

19

20 Council Member Crippen commented that staff did an excellent job preparing and presenting the budget.
21 He appreciated all of staff's hard work.
22

23 Council Member Marks seconded Council Member Crippen and thanked staff for all their hard work.
24

25 Council Member Mahoney stated that this was a good budget, and that the millage rate was kept the same
26 as last years. He stated that the City is responsive of the time and is managing well in this time of
27 uncertainty.
28

29 Vice Mayor O'Connor stated that the millage rate has stayed the same, taxes have risen due to the value
30 of property in the City rising. He appreciated staffs hard work in preparing the budget.
31

32 Council Member Harper stated that he recently visited Chicago and taxes are relatively higher than
33 Florida. He stated that the City is growing due to people relocating from other states.
34

35 Council Member Allebach stated that he is happy to provide the citizens with the needed services without
36 raising costs.
37

38 Mayor Blair stated that he agrees with Council's comments and that this year's budget process has gone
39 smoother than prior years.
40

41 Council Member Harper stated that COVID-19 has thrown a curveball into everything however, staff has
42 done an amazing job at continuing the budget process.
43

44 **II. ADOPTION OF THE MILLAGE RATE AND BUDGET FOR FISCAL YEAR 2020/2021 ON** 45 **SECOND READING**

46

47 A. Ordinance No. 635 (Millage Ordinance) is voted on first
48

Council Member Mahoney moved to approve Ordinance No. 635, seconded by Council Member Allebach, Ordinance No. 635 passed by a 7/0 roll call vote of the City Council.

B. Ordinance No. 636 (Budget Ordinance) is voted on second

Vice Mayor O'Connor moved to approve Ordinance No. 636, seconded by Council Member Mahoney, Ordinance No. 636 passed by a 7/0 roll call vote of the City Council.

III. ANNOUNCEMENT OF PROPOSED MILLAGE RATE

*****TO BE READ INTO THE RECORD*****

The City of Orange City's proposed millage rate for Fiscal Year 20/21 is 7.8332 mills which is above the rolled-back rate of 7.3387 as provided by the Property Appraiser of Volusia County and reflects an increase of 6.74% in ad valorem taxes.

End special public hearing and resume regular meeting format

Mayor Blair stated that Agenda item number 7B was requested to be removed and discussed during the City Managers report.

1. ABSENCES:

None at this time

2. PRESENTATIONS/PROCLAMATIONS:

A. Hydrocephalus and Childhood Cancer Awareness Month

Mayor Blair read a proclamation into the record that proclaimed the month of September, 2020 as Hydrocephalus and Childhood Cancer Awareness Month in the City of Orange City. He encouraged all citizens to observe and support these causes that so deeply impact families in every community across the Country.

3. CITIZEN COMMENTS:

Jennifer Cohan, first time candidate for a seat on the West Volusia Hospital Authority, came forward to introduce herself and explain why she is running for the position.

Alex Vise, 455 W. Fern Dr., came forward to thank Council and staff for all of their help with surveys and business tax receipt inquiries. Ms. Vise requested Council to review City Ordinances regarding home owners with larger parcels. He voiced concerns regarding an issue with a neighbor parking a large RV on his property. He requested guidance to remove the neighbor from his property.

4. CONSENT AGENDA:

- 1 A. Approve Purchase of EMS Supplies and Medications
- 2 B. Volusia County Coronavirus Relief Fund Municipal Sub recipient Agreement
- 3 C. Approve August 17, 2020 Budget Workshop Meeting Minutes

4
 5 **Council Member Allebach moved to approve the Consent Agenda, seconded by**
 6 **Council Member Mahoney, the motion passed by a unanimous roll call vote of**
 7 **the City Council.**

8
 9 **5. ORDINANCES – FIRST READING:**

10
 11 *Emergency Ordinance:*

- 12
- 13 A. **Ordinance No. 637** An Emergency Ordinance of the City of Orange City, Florida,
- 14 temporarily suspending the issuance of special event permits for private special events
- 15 in order to protect the health, safety and welfare of the public in controlling the spread
- 16 of COVID-19; providing for applicability and conflict; providing for severability; and
- 17 providing an effective date.

18
 19 Mr. Reischmann read the title of Ordinance No. 637 into the record.

20
 21 **Council Member Allebach moved to approve Ordinance No. 637, seconded by**
 22 **Council Member Mahoney.**

23
 24 Mr. Reischmann stated that this matter was requested by Council to seek options for the issues that the
 25 City faces regarding special events during COVID-19. He stated that this Ordinance will provide
 26 limitations on issuances of public and private special event permits. Mr. Reischmann stated that this
 27 Ordinance expires when the State’s emergency ordinance concludes.

28
 29 Elizabeth Chavez, Nitty Gritty True Talk Ministry, came forward to announce an event. She stated that it
 30 is not a private event but not open to the public. She stated that the event may not comply with Ordinance
 31 No. 637 and will be located at Church Agape, 301 W. Blue Springs Ave.

32
 33 Ms. Arrington responded that an event held by a church is not considered a special event. This event would
 34 not be regulated by the Ordinance.

35
 36 **The motion passed by a 7/0 roll call vote of the City Council.**

37
 38 **6. PUBLIC HEARING/ORDINANCES SECOND & FINAL READING:**

- 39
- 40 A. **Ordinance No. 629** An ordinance of the City Council of the City of Orange City,
- 41 Florida, a future land use map amendment for 1.18 acres located at 2240 North
- 42 Volusia Avenue from Volusia County Commercial (COM) and Urban Medium
- 43 Intensity (UMI), to Orange City Commercial General (CG) and Residential
- 44 Medium (RM); repealing all ordinances or parts of ordinances in conflict herewith;
- 45 and providing for an effective date.

46
 47 Mr. Reischmann read the title of Ordinance No. 629 into the record. He noted that this was a legislative
 48 matter.

1 **Council Member Mahoney moved to approve Ordinance No. 629, seconded by**
2 **Council Member Allebach.**

3
4 Ms. Mendez provided a PowerPoint presentation (a copy of which is attached and becomes a permanent
5 part of these minutes.) She reported a brief history of the property and stated that this Ordinance will
6 assign a Volusia County Future Land Use designation to a like for like City designation.

7
8 Ms. Mendez stated that no changes have been made since first reading except for receiving the Volusia
9 Growth Management Commission Certificate of Consistency on September 09, 2020.

10
11 Ms. Mendez stated that staff recommends Council approval of Ordinance No. 629 at second and final
12 reading.

13
14 **The motion passed by a 7/0 roll call vote of the City Council.**

15
16 B. **Ordinance No. 630** An ordinance of the City Council of the City of Orange City,
17 Florida, amending the official zoning map for 1.18 acres located at 2240 North
18 Volusia Avenue from Volusia County General Commercial (B-4) and Urban
19 Single-Family Residential (R-4), to Orange City General Commercial, restricted
20 (CG-1) and Low Density Residential (R-1); repealing all ordinances or parts of
21 ordinances in conflict herewith; and providing for an effective date.

22
23 Mr. Reischmann read the title of Ordinance No. 630 into the record. He advised this was a quasi-judicial
24 matter and any ex-parte communication must be disclosed at this time. He noted for the record there were
25 no disclosures.

26
27 Ms. Mendez stated that Ordinance No. 630 matches the zoning in Ordinance No. 629. She noted that this
28 was second and final reading and no changes have been made since first reading.

29
30 Ms. Mendez stated that this rezoning is consistent with the Comprehensive Plan and staff recommends
31 Council approval of Ordinance No. 630 at second and final reading.

32
33 **Vice Mayor O'Connor moved to pass Ordinance No. 630, seconded by Council Member**
34 **Mahoney and the motion passed by a 7/0 roll call vote of the City Council.**

35
36 C. **Ordinance No. 631** An ordinance of the City Council of the City of Orange City,
37 Florida, amending the official zoning map for 26.34 acres located at 2250 State Road
38 472 from Mixed Use Suburban (MX-2) to City Planned Unit Development (PUD)
39 for the project known as The Crossings; adopting the master development plan;
40 repealing all ordinances or parts of ordinances in conflict herewith; and providing
41 for severability and an effective date.

42
43 Mr. Reischmann read the title of Ordinance No. 631 into the record. He stated that this is a quasi-judicial
44 matter.

45
46 Ms. Mendez stated that the applicant has requested a continuance to a date certain of October 13, 2020 for
47 the second and final reading.

48

1 Ms. Mendez stated that staff recommends Council accept the request and move second and final reading
2 of Ordinance No. 631 to the October 13, 2020 City Council meeting.

3
4 **Council Member Allebach moved to accept the applicant’s request of a**
5 **continuance for second reading of Ordinance No. 631 to the October 13, 2020**
6 **City Council meeting, seconded by Council Member Harper, the motion passed**
7 **by a 7/0 roll call vote of the City Council.**
8

9 **7. RESOLUTIONS:**

10
11 A. **Resolution No. 127-20** A resolution of the City Council of the City of Orange City,
12 Florida, appointing a member to fill Seat #3 on the Orange City Planning
13 Commission for a term to expire on December 31, 2020; repealing all resolutions
14 or parts of resolutions in conflict herewith; and providing for an effective date.
15

16 Mr. Reischmann read the title of Resolution No. 127-20 into the record.

17
18 **Council Member Mahoney moved for approval of Resolution No. 127-20,**
19 **seconded by Council Member Allebach.**
20

21 Ms. Beringer came forward to state that Theodore Marsolek has applied to the open seat on the Planning
22 Commission.

23
24 Mr. Marsolek came forward to state that he has sat on the Historic Preservation Board for eight years. He
25 is eager to serve on the Planning Commission.
26

27 **The motion passed by a 7/0 roll call vote of the City Council.**
28

29 B. **Resolution No. 129-20** A resolution of the City Council of the City of Orange
30 City, Florida, supporting two Volusia County referendums on the November 3,
31 2020 General Election ballot; which referendums would (1) continue funding for
32 Volusia ECHO, an environmental, cultural, historic and outdoor recreation
33 program within Volusia County; and (2) continue funding for Volusia Forever, a
34 fund dedicated to acquisition and improvements of environmentally sensitive,
35 water resources and protection of outdoor recreation lands within Volusia County;
36 repealing all resolutions in conflict herewith and providing for an effective date.
37

38 This item was pulled from the Agenda.
39

40 **8. DISCUSSION AND ACTION:**

41
42 A. Appeal of Magistrate Decision Regarding Lien Reduction at 346 West University Avenue
43

44 Ms. Arrington stated that on September 02, 2020, the Special Magistrate considered a reduction of a lien
45 for the property located at 346 W. University Ave. She provided a history of the property and reviewed
46 the Code Enforcement case.
47

48 Amy Waldman, 328 W. University Ave., came forward and discussed the actions taken so far to purchase
49 the property. She stated that she was advised to come to the Orange City Police Department to address the

1 lien amounts assessed on the property. She stated that she was provided two options. One option of paying
2 a total amount of \$500 immediately or attending the Code Enforcement hearing to have the fee reduced
3 to \$250. Ms. Waldman chose the second option however, at the hearing she was ordered to pay a fine of
4 \$1,000. Ms. Waldman is requesting Council reduce the Magistrates ordered fine to a lower amount.
5

6 Mr. Reischmann read the City Code that pertained to this case.
7

8 A discussion ensued that pertained to reducing the fees to the \$500 option.
9

10 **Vice Mayor O'Connor moved to approve the appeal and order Ms. Waldman to pay**
11 **\$500, seconded by Council Member Harper, the motion passed by a 6/1 roll call vote**
12 **of the City Council with Council Member Crippen voting "no".**
13

14 B. Appointment of Interim City Clerk
15

16 Ms. Arrington stated that the City will experience a vacancy for the City Clerk's position for
17 approximately two months. She recommended appointing the Deputy City Clerk, Melani Beringer, as the
18 Interim City Clerk affective October 01, 2020 until the position is filled. Ms. Arrington requested that if
19 approved a temporary bi-weekly pay raise in the amount of \$2,391 and exempt classification be assessed.
20

21 **Council Member Crippen moved to approve Melani Beringer as interim City Clerk**
22 **until the vacant position is filled, seconded by Council Member Mahoney, the motion**
23 **passed by a 7/0 roll call vote.**
24

25 C. Consideration of Process and Timeline for Appointment of New City Council Member to Seat #2
26

27 Ms. Arrington stated that District No. 2 term will end following the adoption of the Resolution that will
28 declare the results of the November 03, 2020 election. She noted that according to the City's Charter, it is
29 the responsibility of the City Council to appoint a member to the seat until the next General Election. She
30 has prepared a timeline for Council's approval of the actions being taken following the election.
31

32 A discussion ensued that pertained to a timeline of dates and actions.
33

34 **It was the consensus of the Council to provide direction to the City Manager to move**
35 **forward on this matter.**
36

37 **9. REPORTS:**
38

39 **A. City Manager**
40

41 Ms. Arrington stated that the outside aesthetics of city hall will be cleaned up. She added that the inside
42 of city hall leaks during the rain due to the clogged gutter system. She informed Council of the
43 improvements and funds needed to fix the gutter system on city hall.
44

45 **It was the consensus of the Council to provide direction to the City Manager to move**
46 **forward on this matter.**
47

1 Ms. Arrington explained why she chose to pull the ECHO and Volusia Forever Resolution from the
2 Agenda. She stated that rather than creating a resolution she would prefer to create an educational factual
3 piece that will explain the programs.
4

5 A discussion ensued between Council that pertained to the beautiful facilities that have benefitted from
6 the ECHO grants and Volusia Forever programs.
7

8 Ms. Arrington announced that the virtual Mayors State of the Region address will be held on October 1,
9 2020 and she reminded Council of the October 6, 2020 Special Meeting.
10

11 **B. City Clerk**

12
13 No report at this time.
14

15 **C. City Attorney**

16
17 Mr. Reischmann referred to the special event Ordinance and reported a spread of COVID throughout
18 another City that did not have such an Ordinance. He stated that he shared this with Council just to inform
19 of the importance to protect the community.
20

21 **10. NEW BUSINESS:**

22
23 None at this time.
24

25 **11. APPROVAL OF MINUTES:** *(See Consent Agenda)*
26

27 **12. COUNCIL & MAYOR'S COMMENTS AND REPORTS**
28

29 Council Member Marks stated good luck to Ms. Thomas in her retirement and congratulated Ms. Beringer.
30 She complimented the Vice Mayors food that he cooked for the meeting. She stated that is nice to hear
31 compliments from the citizens. She welcomed Mr. Marsolek to the Planning Commission.
32

33 Council Member Crippen stated that the meeting was a success. He provided an update regarding the
34 COVID pandemic around the world. He stated that it is very important to continue wearing a face mask
35 in order to control the spread. He stated that the River of Lakes has posted on Facebook the ECHO and
36 Volusia Forever programs.
37

38 Vice Mayor O'Connor gave recognition to a member of the Waste Management Company for going above
39 and beyond by helping an elderly couple with their trash bins. He provided Kudos to the Fire Department,
40 and staff throughout the City.
41

42 Council Member Mahoney stated that the budget was responsible in recognizing the current environment.
43 He provided a special thank you to finance for the budget process, congratulated Ms. Thomas and thanked
44 Ms. Beringer. He stated that regarding the Code Enforcement appeal, he felt the decision Council made
45 was fair and appropriate.
46

47 Council Member Allebach stated that goal setting should be a plan in the near future. He appreciated the
48 way staff responded to the flooding around town. He stated that growth is inevitable throughout the City.
49 The budget went very smooth and all of staff did a great job.

1 Council Member Harper stated that the meeting was great. He provided an update regarding the park
2 ranger program. He stated that volunteers were needed and asked if anyone would like to participate.

3

4 Mayor Blair welcomed a motion to adjourn.

5

6 **13. ADJOURN:**

7

8 Council Member Allebach moved to adjourn the City Council meeting, seconded by Vice Mayor
9 O'Connor, the meeting was adjourned by a unanimous voice vote of the City Council.

10

11 There being no further business, Mayor Blair adjourned the meeting at 9:05 p.m.

12

13

14 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

15

16

17 _____
Melani Beringer
18 CMC, Interim City Clerk

10-27-2020
Date