

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, November 27, 2007 at 7:00 p.m. in Council Chambers, 201 N. Holly  
3 Avenue, Orange City.

4  
5 **CALL TO ORDER**

6  
7 The Meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was taken.

8  
9 **ROLL CALL**

10  
11 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,  
12 Tom Abraham, Don Sherrill, Donald Sandford, Jim Mahoney; City Attorney William  
13 Reischmann; City Manager John McCue, City Clerk Deborah Renner

14  
15 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

16  
17 **1. PRESENTATIONS:** None at this time.

18  
19 **2. CITIZENS COMMENTS:**

20  
21 Kathy Belew, 634 Pineview Drive, came forward to address Council. She expressed concerns that  
22 there are no sidewalks at the intersection of Harley Strickland Blvd. and Enterprise Road, in front of  
23 the Olive Garden restaurant. She said that it is difficult for handicapped people to maneuver at that  
24 intersection. Chester Murray, Development Services Director, commented that a new development is  
25 coming to that location and that the developer has agreed to pave portions of that sidewalk. Mr.  
26 McCue stated that that intersection is in the county jurisdiction. He said that staff would contact the  
27 county to coordinate paving of the remainder of the sidewalk.

28  
29 Mayor Strickland spoke favorably about the changes the city has made to improve handicapped  
30 access. He felt that the new traffic lights equipped with countdown timers installed throughout the  
31 city are a step in the right direction. He said that the count down is short, but expressed gratitude that  
32 there was a visual countdown.

33  
34 Andy Belew, 634 Pineview Drive, came forward to address the Council. He remarked that the water  
35 utility billing system is “antiquated” and not “people oriented.” Mr. Belew suggested that the utility  
36 develop a procedure manual for its customers. He said it is not easy to get the same answers when  
37 making inquiries about an account. Mr. Belew asked that the Council “study” the effectiveness of the  
38 utility billing system and to consider changing it to an automated system.

39  
40 Mr. McCue advised that the utility recently purchased a new billing system that was implemented last  
41 month. He said that staff is working on the contract details for a credit card payment system and once  
42 completed the contract would be presented to Council for approval.

43  
44 **3. CONSENT AGENDA:** None at this time

45  
46 **4. ORDINANCES - FIRST READING:** None at this time

1 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:** None at this  
2 time.

3  
4 **6. RESOLUTIONS:**

5  
6 **A. Resolution No. 438-07:** A resolution of the City Council of the City of Orange City,  
7 Florida, amending the annual operating budget for fiscal year 2006-2007 by adjusting  
8 revenue and expenses; repealing all resolutions or parts of resolutions in conflict  
9 herewith; and providing for an effective date.

10  
11 **Council Member Mahoney moved to adopt Resolution 438-07,**  
12 **seconded by Council Member Laputka.**  
13

14 Mr. McCue advised that staff's recommendations for adjustments to the FY 2006-2007 budget are  
15 detailed in the information memo provided for this resolution. He said that staff is available to answer  
16 Council's questions.

17  
18 In response to a question from Council Member Sandford, Mr. McCue confirmed that the adjustments  
19 are for the prior year. He explained that the purpose of the adjustments is to "true up" the year-end  
20 and to make sure that all of the budgets are balanced. He said that this resolution would be included in  
21 the annual audit.

22  
23 Vice Mayor Allebach commented that there are budget line items that are difficult to estimate such as  
24 additional building permits. He pointed out that at the end of the last fiscal year there was a lot of  
25 activity in the building department and suggested that this adjustment is a result of that activity. Vice  
26 Mayor Allebach said the building department line item is a "pass through" account. He explained that  
27 monies received and deposited to the building department account are used to pay Independent  
28 Contractors for services rendered. Mr. McCue concurred. He commented that staff estimates the  
29 building permit activities 20 months in advance and that estimation cannot capture all the activity. He  
30 said this budget adjustment is necessary to "true up" the account. Mr. McCue said that at the end of  
31 the fiscal year unexpended funds are transferred into the fund balance account and categorized as  
32 reserves for the following fiscal year.

33  
34 Council Member Abraham inquired about the line item "other current charges." Ms. Davis, Finance  
35 Director, came forward and explained that "other current charges" includes activity not specifically  
36 identified in the State Chart of Accounts. Mr. McCue agreed. He said that Orange City follows the  
37 State Chart of Accounts and that this accounting system identifies the budget categories used. He said  
38 if there are no clear designations for an activity it is placed in "other current charges" or  
39 "miscellaneous" line items. Ms. Davis detailed some of the items that are included in these categories.  
40 In response to a question from Council Member Abraham, Ms. Davis stated that the audit is ongoing at  
41 this time. She said that the auditor would present a draft of the audit to Council in January and that the  
42 final audit would be available in March 2008.

43  
44 **Motion passed with a 7/0 voice call vote of the Council.**

45  
46 **B. Resolution No. 448-07:** A resolution of the City Council of the City of Orange City,

1 Florida, affirming its support of maintaining mobile home parks; recognizing the  
2 unique lifestyle provided in mobile home parks; supporting legislation to preserve  
3 mobile home parks and establishing certain requirements for mobile home park  
4 rezonings; encouraging other local governments to support the preservation of mobile  
5 home parks; directing the City Clerk to forward photocopies of this resolution various  
6 government officials and concerned parties; repealing all resolutions or parts of  
7 resolutions in conflict herewith; and providing for an effective date.

8  
9 **Council Member Mahoney moved to adopt Resolution 448-07, seconded**  
10 **by Vice Mayor Allebach.**  
11

12 Leslee Gustafson, 2322 Sandlewood Lane, came forward to address Council. She said that Country  
13 Village is a mobile home community with mostly retired people on a fixed income. Ms. Gustafson  
14 spoke in favor of the proposed resolution and on behalf of the Country Village Homeowners  
15 Association asked that the Council support it also.  
16

17 Council Member Abraham spoke in support of the proposed resolution and asked if it would extend to  
18 small apartment complexes. Mr. McCue responded that it would only affect mobile home parks where  
19 the residents do not own their own property. He advised that this matter would be part of Orange  
20 City's legislative agenda packet for next year.  
21

22 Council Member Laputka asked about the intent of this resolution. Mr. McCue advised that once  
23 approved, a copy will be forwarded to the Florida League of Cities Legislative Policy Committee  
24 (FLC LPC) for inclusion in its legislative lobbying packet. He said that the FLC LPC represents 438  
25 cities in 67 counties in Florida. He predicted that if all the cities passed a resolution such as this it  
26 would give the FLC LPC's lobbying efforts more "teeth." Mr. Reischmann pointed out that Section 5  
27 of the resolution directs the City Clerk to forward copies of this resolution to other local governments  
28 in Volusia County with the hope that these governments would enact similar directives to the Florida  
29 Legislature. He remarked, that would give the FLC LPC the ammunition it needs to get this type of  
30 legislation passed by the Florida Legislature.  
31

32 Council Member Abraham voiced concerns that other communities would also ask the City to support  
33 their cause with regard to affordable housing. Mr. McCue remarked that this resolution is not a local  
34 law that would provide relief to the mobile home community. He said it is a resolution in support of  
35 future legislative action.  
36

37 In response to a question from Mayor Strickland, Council Member Sherrill replied that there are  
38 approximately 1,200 units in mobile home parks in Orange City. He advised that number does not  
39 represent the number of individuals living in mobile home parks. Council Member Sherrill  
40 encouraged the Council to ask questions. He reiterated that mobile homes are the only affordable  
41 housing left. Council Member Sherrill gave a brief history of the Ron Sadowski Trust Fund. He said  
42 that the State collects a documentary stamp tax on real estate transactions. He advised that the fund  
43 collects 5-6 million dollars a year but for the last five years, the legislature has placed a cap of \$341  
44 million dollars on the use of money collected. He stated, "That's not enough to get the job done."  
45 Council Member Sherrill said that, collectively, these resolutions would urge the legislature to remove  
46 that cap and if a park owner wants to redevelop his property he must prepare and present an exit plan

1 to the local governing body. He said that the city cannot stop property owners from redeveloping their  
2 property, but can make it harder for them to put mobile home owners out of their homes.

3  
4 Council Member Sandford asked who would be the appointed delegate discussed in Section 6 of the  
5 resolution.

6  
7 Mayor Strickland expressed his support of the resolution. He asked Council Member Sherrill to act as  
8 a delegate for this matter. Council Member Sherrill responded in the affirmative. Mayor Strickland  
9 asked all council members to assist Council Member Sherrill in this endeavor.

10  
11 **Motion passed with a 7/0 roll call vote of the Council.**

12  
13 Council Member Sherrill thanked the Council for its support and advised that he would be meeting  
14 with other mobile home owners to solicit additional support.

15  
16 **7. DISCUSSION AND ACTION:**

17  
18 A. Appointments to the Planning Commission

19  
20 Mayor Strickland opened the discussion for appointments to the Planning Commission.

21  
22 Council Member Laputka asked about the affect of the recent term amendments and the current seated  
23 commissioners. Mr. Reischmann detailed the changes made to the terms of the commissioners. He  
24 explained that newly elected council members have the right to nominate someone to the Planning  
25 Commission seat that corresponds with that council member's seat. He advised Council of the  
26 parliamentary procedures to follow when making a nomination. Mr. McCue commented that the  
27 recent modification to the Planning Commission By-Laws postponed the appointment of commission  
28 officers until the January following an election. He said that gives the newly elected council members  
29 an opportunity to formalize their seat appointments.

30  
31 In response to a question from Council Member Laputka, Mr. McCue said that the currently seated  
32 commissioners are not required to submit a new application. He recalled that the newspaper  
33 advertisement was to solicit potential new appointments. Mr. Reischmann remarked that while an  
34 application is not required for a nomination, it provides information to evaluate a candidate.

35  
36 Vice Mayor Allebach nominated David Seaman for seat #1. He remarked that Mr. Seaman has served  
37 on the Planning Commission for some time and that he would like to see him remain. Discussion  
38 began about the appropriate procedures to follow. Mr. Reischmann advised that traditionally  
39 nominations are done in two steps. He said that the first step is the nomination and selection process,  
40 and that in the second step, staff prepares and presents resolutions formalizing the appointments at the  
41 next meeting.

42  
43 Council Member Sherrill stated that the Planning Commission is the most important board of the  
44 Council. He said that there are six experienced people already seated. He emphasized the importance  
45 of choosing commissioners who have comparable backgrounds and qualifications.

46

1 Council Member Abraham remarked that the board openings were advertised in the newspaper. He  
2 felt that council members should review and choose from the applications submitted. He stated  
3 “otherwise it was meaningless to put an ad in the newspaper if we have planned to keep all those  
4 people who are already on the Commission.” Council Member Abraham requested that the  
5 applications submitted be evaluated for possible appointment.  
6

7 Vice Mayor Allebach agreed with Council Member Abraham. He stated, “Its time to lead, go around  
8 go down...” “Tell me who your person is for P&Z so that the staff can put together the resolutions.”  
9 He said if there is a problem with a nomination, arguments can be presented at the following meeting.  
10 He stated, “Let’s do it that way.”  
11

12 Council Member Laputka nominated Ben Franklin for seat #1, Council Member Sandford nominated  
13 Christopher Weldon for seat #5, Council Member Abraham nominated Michele Polgar for seat #3,  
14 Council Member Mahoney nominated Hector Gonzalez for seat #6 and Mayor Strickland nominated  
15 Alisa Stafford for seat #7. Mr. McCue noted that staff will prepare the resolutions and put them on the  
16 agenda for the December 11, 2007 meeting.  
17

#### 18 B. Appointments to Various Governmental Organizations

19  
20 Mayor Strickland remarked that the Council has to appoint representatives to various organizations.  
21 As a point of order, Mr. Reischmann advised Mayor Strickland that he must pass the gavel before  
22 making a motion. The Mayor passed the gavel to Vice Mayor Allebach.  
23

24 **Mayor Strickland nominated Vice Mayor Allebach as the city representative for**  
25 **the Metropolitan Planning Organization (MPO), seconded by Council Member**  
26 **Laputka and passed by a 7/0 voice vote of the Council.**  
27

28 **Mayor Strickland nominated Council Member Sherrill as the city representative**  
29 **for the Water Authority of Volusia (WAV), seconded by Council Member**  
30 **Mahoney, and passed by a 7/0 voice vote of the Council.**  
31

32 Vice Mayor Allebach passed the gavel to Mayor Strickland.  
33

34 **Vice Mayor Allebach nominated Robert Storke for the Bicycle Pedestrian**  
35 **Advisory Committee (BPAC), a subcommittee of the MPO, seconded by Council**  
36 **Member Mahoney.**  
37

38 Both the motion maker and seconder withdrew the motion and the second  
39

40 **Vice Mayor Allebach nominated Robert Storke for the Bicycle Pedestrian**  
41 **Advisory Committee (BPAC) and the Citizens Advisory Committee (CAC),**  
42 **subcommittees of the MPO, seconded by Council Member Mahoney and passed**  
43 **by a 7/0 voice call vote of the Council.**  
44

#### 45 8. REPORTS:

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1           A. City Manager

2  
3 Mr. McCue asked for direction from the Council. He said that the city has been running ads for  
4 potential special taxing districts. He said that this is a regulatory requirement and warned that if the  
5 city does not follow procedure it would not be able to coordinate such a district if the need arises.  
6 Council Member Mahoney concurred. He stated, "It's a tool and you want that tool in your toolbox."  
7 He said it does not mean you have to use the tool. Mr. McCue assured the Council that there are no  
8 special assessments planned at this time.

9  
10 Mr. McCue announced that the "kickoff" for the city holiday activities is December 1<sup>st</sup>, at 7 p.m. He  
11 said that the city will host the annual "Light Up Orange City" ceremony. A Christmas parade is  
12 planned for the following Saturday, December 8<sup>th</sup>. Mr. McCue said a Christmas float is available for  
13 viewing at Public Works and encouraged council members to stop by. He said that pictures of the  
14 float would be posted to the City's web site. Mr. McCue advised that there was a scheduling conflict  
15 with activities planned in Deland and that staff would be riding the Orange City Float in the Deland  
16 parade on Saturday.

17  
18 Mr. McCue reported that he forwarded an email to Council regarding Orange City's water supply. He  
19 advised that it is an important topic for the future and encouraged Council to review it and to ask  
20 questions. He predicted that the residents of Orange City are going to be hit with a significant increase  
21 in the price of water and remarked there is no action the Council can take to protect its residents. He  
22 recommended that Orange City continue to participate in regional alternative supply efforts in an  
23 attempt to mitigate the impact of that increase. Mr. McCue estimated the increase would be about \$4  
24 per thousand gallons used. He remarked that is a significant jump in the cost of water and a significant  
25 reduction in the quality of the water. He stated, "That is just the most distasteful thing in the world."

26  
27           B. Mayor/City Council

28  
29 Mayor Strickland reported that he attended a Volusia Council of Governments (VCOG) meeting  
30 yesterday. He said that the discussion centered on tax issues and the upcoming legislation revising the  
31 Florida constitution. Mayor Strickland indicated that no one really knows what impact the tax reform  
32 will have. He advised that much of the discussion centered on the manner in which tax reform is done  
33 in Florida. He noted that there was an agreement to examine that process in the future. Mayor  
34 Strickland said the upcoming amendment would protect homeowners who have homestead exemption  
35 and put the tax burden on homeowners who do not. He emphasized that it important to help educate  
36 people about the proposed tax reform bill.

37  
38 In response to a question from Council Member Mahoney, Mayor Strickland said that no one spoke in  
39 favor of the proposed amendment at that meeting.

40  
41 Vice Mayor Allebach said he attended on a MPO meeting today. He noted that there are a number of  
42 projects in the MPO's five year plan and remarked that there were no projects planned for Orange  
43 City. He stated, "Mr. Storke and I are going to have to fix this," Orange City has to do a better job of  
44 pulling federal money for the City.

45  
46 Council Member Laputka said that he has attended the CAC meetings for a couple of years. He

1 remarked that the communities that receive these awards have organized committees. He stated,  
2 “They go in there with a plan and they continually become a squeaky wheel and they get greased.”

3  
4 Vice Mayor Allebach reported about smart growth discussion. He explained the MPO’s view of smart  
5 growth and its vision of the conservation corridor. He remarked that if cities continue to develop at  
6 the current rate, by 2050 Volusia County will be “all paved over.” Vice Mayor Allebach spoke in  
7 support of the MPO’s efforts, he said that the MPO plans to review and compare the comp plans of the  
8 cities in its jurisdiction and report any discrepancies to the respective council. Vice Mayor Allebach  
9 said that the MPO is taking a different direction by planning for people and places as opposed to  
10 planning for roads and traffic.

11  
12 Council Member Abraham discussed his participation in the “Sunshine Summit.” He said that some  
13 people questioned why these laws do not apply to representatives at the State level. He said that one  
14 rationale was that they have partisan elections and that they only meet three times per year. In  
15 response to a question from Council Member Abraham, Mr. Reischmann said that he could not  
16 provide an opinion on why the current sunshine laws do not apply to State officials. He stated “I am  
17 sure there is always going to be debate on that.”

18  
19 C. City Clerk

20  
21 No further report.

22  
23 D. City Attorney

24  
25 Mr. Reischmann reported that the GEL litigation is almost over. He gave a brief recap of the legal  
26 proceedings thus far. He said that the courts have ruled in favor of Orange City and but that GEL has  
27 appealed that decision. Mr. Reischmann advised that after this court decision GEL has limited legal  
28 options against Orange City.

29  
30 **9. APPROVAL OF MINUTES:** November 13, 2007 Regular Council Meeting

31  
32 **Council Member Mahoney moved to approved the minutes of the November**  
33 **13<sup>th</sup> City Council Meeting, seconded by Council Member Sherrill and passed**  
34 **by unanimous 7/0 voice vote of the Council.**

35  
36 **10. COUNCIL COMMENTS**

37  
38 Mayor Strickland thanked everyone for coming. He said that he would like to see more citizen  
39 involvement and asked the Council to suggest items for future agendas. Mayor Strickland advised that  
40 he would like the Tree Board to meet to discuss the needs of the city. Council Member Sherrill  
41 suggested that the Tree Board meet at 6:00 p.m. before a regularly scheduled Council meeting. Mayor  
42 Strickland felt that the Tree Board could meet during a recess of the regularly scheduled Council  
43 meeting.

44  
45 Council Member Mahoney remarked that that there are procedures to follow. He explained that there  
46 should be no give and take during this section of the agenda. He said if Council wanted to have a

1 discussion, it should be placed in the appropriate section.

2

3 Mr. Reischmann concurred. He discussed the proper procedures for this portion of the agenda. Mr.  
4 McCue said that Council comments are for individual statements. He confirmed that there is no  
5 debate during this section. Mr. McCue assured council that the Tree Board would be added to the  
6 agenda.

7

8 Council Member Laputka commented on the condition of bus stops in the city. He stated, "It's  
9 embarrassing." Mr. Laputka said that this issue needs to be addressed.

10

11 Council Member Sandford commented that he would like a section on the agenda where there can be  
12 discussion among the Council. Mr. McCue pointed out that Discussion and Action is the appropriate  
13 section. Council Member Sandford remarked that there is no funding in the budget for tree planting.  
14 He said that he recently read an article in the newspaper that Volusia County is selling trees and felt  
15 that the city could purchase these trees, nurture and then plant them in the City at a relatively low cost.  
16 Council Member Sandford remarked that he would like to look at the options available for street  
17 lighting such as LED's and solar lighting.

18

19 Council Member Abraham commented that the Florida flag in the front of Town Hall needs to be  
20 replaced.

21

## 22 **11. ADJOURNMENT**

23

24 There being no further business, Mayor Strickland adjourned the meeting at 8:04 p.m.

25

26 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

27

28

29 Gloria Williams  
30 Deputy City Clerk

\_\_\_\_\_