

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, February 12, 2008 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
12 Laputka, Tom Abraham, Don Sherrill, Donald Sandford, Jim Mahoney; City Attorney
13 William 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 Mr. McCue requested that Item 4-A be removed from the agenda. He advised that he met with
18 representatives from the VIA and in response to their questions and concerns, he felt that this is the
19 best course of action at this time. He advised that there would be further negotiations in the future.

20

21 **1. PRESENTATIONS:** Ann McFall, Volusia Co. Supervisor of Elections

22

23 Ms. McFall came forward and distributed a copy of Chapter 95-462, Laws of Florida, which governs
24 the conduct of elections in Volusia County. She discussed why this special act was adopted back in
25 1995 and subsequently amended in 1998. Ms. McFall explained that in accordance with 95-462, the
26 first election in odd-numbered years must be held 28 days prior to the next election. She advised
27 that new legislative requirements will prevent accommodating this schedule in 2009. Ms. McFall
28 noted that the qualifying period for cities in odd years is eleven days. In even years when Council
29 elections are held, it is four days. She said that when the County and the cities have an election
30 together, it amounts to sixteen separate elections, each with its own canvassing board. The new
31 ten-day period for contest of elections begins when the City Council certifies the election. During
32 the contest period, all voting equipment and ballots must be secured and held which prevents
33 reprogramming the voting equipment for the next election during this ten-day period. The Logic &
34 Accuracy (L&A) testing requirements have doubled and 100% testing is now required which takes a
35 week as opposed to a two-day period. Ballot proofs must be completed within twenty-four hours of
36 qualifying end. Poll worker training is also an issue as it must be started before the qualifying period
37 ends and before it is known if an election will even be required. Ms. McFall explained that the
38 greatest obstacle is a new audit requirement which demands that each canvassing board must come
39 to her office immediately after certification of the election and perform an audit of 1%-2% of their
40 precincts which requires that one race be randomly selected from a random precinct and the race
41 must be manually counted. Finally, the number of signatures must be compared to the number of
42 ballots. These audit requirements must be fulfilled by the seventh day after certification and apply to
43 every election.

44

45 Ms. McFall advised that she held a meeting with the City Clerks and City Attorneys of
46 municipalities throughout the County. She assured Council that she would work with every City to

1 do her best to accommodate their needs. Ms McFall said that she has made this presentation to
2 several other cities in the County and that some of them have expressed a wish to move to even-year
3 elections. Some wish to move to eight weeks between and Ponce Inlet has already amended their
4 Charter to hold just one election per year in November. Ms. McFall presented several scenarios to
5 remedy the new issues: (1) continue with odd-year elections, but have nine weeks between first and
6 second elections; (2) have elections in even-numbered years on the ballot with state and federal
7 elections which, historically, generate a much larger voter turnout and a reduced cost to the City, (3)
8 have even-year elections with the votes canvassed by the county canvassing board which would
9 recognize the election as one election rather than sixteen separate elections, however, this option
10 would have to be approved unanimously by the cities, (4) hold in odd numbered years with county
11 canvassing the votes, and (5) have the cities specify how many weeks there will be between the two
12 elections.

13
14 In response to a question from Council Member Sandford, Ms. McFall said that in regard to option
15 (5), eight weeks would be the minimum time needed between elections. Ms. McFall advised that
16 any change must be implemented by March 1st of any year. Mr. Reischmann noted that Orange City
17 would have to amend its charter to implement any of these changes, however, that could be
18 accomplished by ordinance without a referendum.

19

20 **2. CITIZENS COMMENTS:**

21

22 Ray Blanchard, 526 Lynn Avenue, came forward and praised the Utility Dept. for their response to
23 concerns that he had raised. Mr. Blanchard stated, "I just wanted to compliment the City, that we're
24 proud to live here. Thank you very much."

25

26 Catherine Gennrich, 514 Patlin Avenue, came forward and read a statement into the record (a copy
27 of which is attached and becomes a permanent part of these minutes) addressing the recent opening
28 of video gaming establishments in the City and surrounding areas. Ms. Gennrich discussed her
29 concerns about these types of establishments and asked whether the City has laws prohibiting their
30 operation. She observed that there may be code violations regarding serving food and smoking. Ms.
31 Gennrich stated, "I think we should do everything we can to prevent these establishments from
32 filling up our empty store fronts in Orange City." She said that the police department informed her
33 that the City can not close these establishments down or prevent them from coming into the City as
34 they have a legal right to be here at this time. Mr. McCue advised that the State Attorney is not
35 going to prosecute the cases until they have been tried in circuit court and a precedent set, therefore,
36 there is nothing the City can do about the situation. He further advised that the City can not prohibit
37 these groups from starting up in the City as that would be unconstitutional. Council Member Sherrill
38 concurred that the issue had been researched and there is nothing the City can do at this point.
39 Mayor Strickland advised that he has received a number of calls regarding this issue and that he has
40 also referred people to the County with their concerns as well. Mr. McCue said that a case is
41 pending in the panhandle and if that is decided favorably for local governments, the entire situation
42 will change. Chief Baskoff said that the police department is participating in a county taskforce
43 investigating these establishments. Council Member Mahoney asked whether the City could
44 "arbitrarily" set the rates for local business taxes. Mr. Reischmann responded that the legislature
45 prohibits the implementation of new local business tax rates other than the 5% increase allowed
46 every two years. Mr. McCue expressed his concern that if these establishments are not found to be

1 illegal in the courts, they will start appearing everywhere. Mr. McCue suggested that citizens
2 express their concerns to the Governor and Cabinet members.

3
4 Ed Tiller, 664 Heather Lane, came forward and stated that he has lived at this address in the City for
5 twenty-five years. Mr. Tiller expressed his concern because some people in the City receive twice
6 weekly trash pickups and some only receive once weekly. He expressed further concern regarding
7 illegal dumping on vacant lots throughout the City. Mr. Tiller noted a vacant house on his street that
8 had an overgrown lawn and trash around the house. He stated, "When you've got a dirty city, you
9 bring crime." He said that up until the past three years, there was no crime on his street and now
10 there have been numerous break-ins and incidents of auto theft in the area. Mr. McCue advised Mr.
11 Tiller that if there were issues with Waste Management, these could be reported through the web site
12 or by calling his office. He revisited the process by which Waste Management was awarded their
13 contract. Mr. McCue asked that Mr. Tiller report instances of illegal dumping to him. He said that
14 he would contact Mr. Tiller for an appointment to further discuss these issues.

15
16 Al Blue, 447 N. Oak, came forward read a list of items into the record which he believes need to be
17 addressed (a copy of which is attached and becomes a permanent part of these minutes). Mr. Blue
18 concluded his presentation by stating, "Those that voted for change are patiently waiting."

19
20 Michelle Polgar, 585 Montclair, came forward and thanked Mayor Strickland for speaking with a
21 third grade class at Osteen Elementary School. She stated, "I appreciate the time you volunteered
22 and I appreciate all the knowledge your shared and your stories about Orange City."

23
24 Hugh Strickland 420 May Street, came forward and complimented Mr. Moltz for working with the
25 YMCA to bring their programs to the City. He said that the Leisure Services department should be
26 seeking grant funding to expand their programming. Mr. Strickland said that he was aware of an
27 employee in another department who had experience with writing grants and suggested that he be
28 "loaned" to Leisure Services to raise money for the parks, especially in light of potential cuts
29 resulting from tax reform. He said that the state legislature will always provide grant funding. Mr.
30 Strickland next spoke on Agenda Item 6-A, a resolution authorizing a contract to provide for water
31 bill credit card payments over the internet. He expressed that the proposed arrangement favors
32 people who use a lot of water because the set fee of \$4 is proportionately higher for those who have
33 a low water bill. Mr. Strickland stated that this method "discourages people who conserve." He said
34 that Option "B" would cause a 3% reduction in the amount of money available to repair the water
35 system and said that this option was not a "wise decision." He said that he favors option "C" which
36 would be to charge any customer who wants to pay by electronic means a fee of 3% of their total
37 bill. Mr. Strickland stated, "It seems to me that if you could manipulate the software to do either of
38 those, options A or B, you could manipulate it to do item C, which is a sort of A & B combined."
39 Finally, Mr. Strickland discussed the item on the agenda for a review of the City Charter stating, "I
40 started by reading the Orange City Charter, found it very interesting. I also found that portions of
41 the ordinances have been amended so what appears in the state records actually aren't in effect. You
42 have to dig pretty deep to find out what actually counts." He also noted some inconsistencies in the
43 Charter. Mr. Strickland stated, "It's time for a comprehensive review using the work that other
44 governments have done." He suggested that Orange City should have election by districts. He
45 further suggested that citizens be involved in the charter review process. Mr. Strickland said that
46 the implementation of election by district would make annexing into the City more appealing.

1
2 **3. CONSENT AGENDA:** None at this time.

3
4 **4. ORDINANCES - FIRST READING:**

- 5
6 **A. ORDINANCE NO. 333:** An ordinance of the City of Orange City, Volusia County,
7 Florida, approving and authorizing the lease between the City of Orange City and the
8 Village Improvement Association of the premises located at 200 East Rose Avenue,
9 Orange City, Florida; providing for purpose, description, term, and consideration;
10 providing for conflicting provisions; providing for severability; providing an effective
11 date. (Continued on 1/08/08)

12
13 **Withdrawn from the Agenda – no action taken.**

14
15 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

- 16
17 **A. ORDINANCE NO. 336:** An ordinance of the City Council of the City of Orange
18 City, Florida, providing for a non-exclusive franchise to Container Rental Company,
19 Inc. (CRC) for the collection and disposal of commercial trash, garbage, recyclable
20 materials and other refuse within the city limits; providing for definitions, terms
21 condition, rates, compliance with laws, arbitration, standards of performance,
22 collection, regulation operations, hours, routes, penalties, accounting, complaint
23 resolutions; containing a repealer provision; a severability clause and providing for an
24 effective date.

25
26 **Council Member Sherrill moved to adopt Ordinance No. 336 on**
27 **second reading, seconded by Council Member Laputka.**

28
29 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
30 opposition to the proposed ordinance.

31
32 Al Blue, 447 N. Oak, came forward and stated that at 3:45 tomorrow morning, a dumpster would be
33 emptied within a couple of blocks of his house, violating the hours of operation in the ordinance.
34 Sgt. Lariscy responded that he is looking into the matter.

35
36 No one else appeared. Mayor Strickland closed the public hearing.

37
38 Council Member Abraham asked whether any of the commercial garbage haulers were present at the
39 meeting. No one responded. He said that he attended a code enforcement hearing for Waste
40 Management the other day and that there was no “cross-examination” of Waste Management.
41 Council Member Abraham characterized this as a “fundamental weakness” in the procedure. He
42 said that the presiding officer for the case should have the opportunity to ask questions. Mr.
43 Reischmann responded that in this case, Waste Management had chosen not to attend the hearing,
44 therefore, a decision was made based on the testimony that was presented from staff. He
45 emphasized the violator was notified of the hearing and has every right to appear and be heard. If
46 they choose not to, it is up to them. Council Member Abraham stated, “I have a problem. I have a

1 problem in voting “yes” today for Waste Management or any company that is in violation of a code
2 in the City.” He clarified that when he voted “yes” on first reading, he did not know that they were
3 in violation of their contract. Mr. Abraham advised that he inquired whether anyone else was not in
4 compliance with their contract and was told that there was, however, he does not know who it is.
5 Mr. McCue responded that none of the commercial waste haulers were out of compliance with their
6 franchise agreement. He said that occasionally, a hauler will violate some clause in the contract and
7 they are then punished accordingly, however, none of them are in non-compliance.

8
9 **Motion passed by 7/0 roll call vote of the Council.**

10
11 **B. ORDINANCE NO. 337:** An ordinance of the City Council of the City of Orange
12 City, Florida, providing for a non-exclusive franchise to Sunshine Recycling Inc. for
13 the collection and disposal of commercial trash, garbage, recyclable materials and
14 other refuse within the city limits; providing for definitions, terms condition, rates,
15 compliance with laws, arbitration, standards of performance, collection, regulation
16 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
17 repealer provision; a severability clause and providing for an effective date.

18
19 **Council Member Mahoney moved to adopt Ordinance No. 337 on**
20 **second reading, seconded by Vice Mayor Allebach,**

21
22 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
23 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

24
25 Council Member Laputka asked whether Sunshine Recycling, Inc. is in compliance with their
26 franchise agreement. Mr. McCue responded, “yes.”

27
28 Council Member Mahoney noted that there is a complaint resolution process in the terms of the
29 franchise agreement and questioned whether this would be contradictory.

30
31 Vice Mayor Allebach stated that what is under consideration is a franchise agreement, not a contract.
32 The agreement allows the City to create the rules imposed on the conduct of their business. He
33 maintained that the contract is between Waste Management and their customer, not them and the
34 City.

35
36 Mr. McCue said that none of the waste haulers is in violation of the agreement related to the
37 franchise fees. He said that when violations of the terms of the agreement occur, the City pursues a
38 remedy against the hauler. Often, the City must rely on reports of violations from citizens in the
39 community.

40
41 Mr. Reischmann discussed the terms of the agreement and the procedures included to remedy
42 violations. He advised that the agreement can be revoked if the provider doesn’t comply with the
43 rules.

44
45 **Motion passed by 7/0 roll call vote of the Council.**

46

- 1 **C. ORDINANCE NO. 338:** an ordinance of the City Council of the City of Orange
2 City, Florida, providing for a non-exclusive franchise to Waste Management for the
3 collection and disposal of commercial trash, garbage, recyclable materials and other
4 refuse within the city limits; providing for definitions, terms condition, rates,
5 compliance with laws, arbitration, standards of performance, collection, regulation
6 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
7 repealer provision; a severability clause and providing for an effective date.

8
9 **Council Member Laputka moved to adopt Ordinance No. 338 on**
10 **second reading, seconded by Vice Mayor Allebach.**

11
12 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
13 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

14
15 Council Member Abraham asked if there was a representative of Waste Management present in the
16 audience. No one came forward.

17
18 **Motion passed by 5/2 roll call vote of the Council with Council**
19 **Members Abraham and Sandford voting, “no.”**

- 20
21 **E. ORDINANCE NO. 339:** An ordinance of the City Council of the City of Orange
22 City, Florida, providing for a non-exclusive franchise to Waste Pro for the collection
23 and disposal of commercial trash, garbage, recyclable materials and other refuse
24 within the city limits; providing for definitions, terms condition, rates, compliance
25 with laws, arbitration, standards of performance, collection, regulation operations,
26 hours, routes, penalties, accounting, complaint resolutions; containing a repealer
27 provision; a severability clause and providing for an effective date.

28
29 **Vice Mayor Allebach moved to adopt Ordinance No. 339 on second**
30 **reading, seconded by Council Member Laputka,**

31
32 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
33 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

34
35 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 36
37 **F. ORDINANCE NO. 340:** An ordinance of the City Council of the City of Orange
38 City, Florida, providing for a non-exclusive franchise to Waste Services for the
39 collection and disposal of commercial trash, garbage, recyclable materials and other
40 refuse within the city limits; providing for definitions, terms condition, rates,
41 compliance with laws, arbitration, standards of performance, collection, regulation
42 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
43 repealer provision; a severability clause and providing for an effective date.

44
45 **Vice Mayor Allebach moved to adopt Ordinance No. 340 on second**
46 **reading, seconded by Council Member Mahoney.**

1 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
2 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

3
4 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 5
6 **G. ORDINANCE NO. 341:** An ordinance of the City Council of the City of Orange
7 City, Florida, providing for a non-exclusive franchise to Volusia Waste for the
8 collection and disposal of commercial trash, garbage, recyclable materials and other
9 refuse within the city limits; providing for definitions, terms condition, rates,
10 compliance with laws, arbitration, standards of performance, collection, regulation
11 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
12 repealer provision; a severability clause and providing for an effective date.

13
14 **Council Member Mahoney moved to adopt Ordinance No. 341 on**
15 **second reading, seconded by Council Member Sherrill.**

16
17 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
18 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

19
20 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 21
22 **H. ORDINANCE NO. 342:** An ordinance of the City Council of the City of Orange
23 City, Florida, providing for a non-exclusive franchise to 4 Jays Management, Inc. for
24 the collection and disposal of commercial trash, garbage, recyclable materials and
25 other refuse within the city limits; providing for definitions, terms condition, rates,
26 compliance with laws, arbitration, standards of performance, collection, regulation
27 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
28 repealer provision; a severability clause and providing for an effective date.

29
30 **Council Member Mahoney moved to adopt Ordinance No. 342 on**
31 **second reading, seconded by Council Member Laputka**

32
33 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
34 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

35
36 Council Member Sandford noted that 4 Jays Management had not paid any franchise fees to the
37 City. Mr. McCue responded that they do not have any customers in the City.

38
39 **Motion passed by unanimous 7/0 roll call vote of the Council.**

40
41 **6. RESOLUTIONS:**

- 42
43 **A. RESOLUTION NO. 465-08:** A resolution of the City Council of the City of Orange
44 City, Florida, authorizing the City Manager to execute a contract with Official
45 Payments Corporation (OPC) to provide an internet credit card payment option for
46 Orange City Utilities water customers; repealing all resolutions in conflict herewith;

1 and providing for an effective date.

2
3 **Vice Mayor Allebach moved to adopt Resolution No. 465-08, seconded**
4 **by Council Member Sherrill.**

5
6 Christine Davis, Finance Director, came forward and said that staff has been reviewing options on
7 this matter for several years. Staff's recommendation is that this software is fully integrated with the
8 City's existing software. She said that staff recommends that the user pay the convenience fee
9 required by the vendor for payment. Ms. Davis advised that when staff first began investigating
10 options for credit card payments, state law prohibited the levy of a convenience fee that would
11 benefit the City. She said that new laws provide that the fee can be charged for internet payments,
12 however, if the customer comes in to pay the bill, a fee cannot be assessed for just using a credit card
13 payment. Ms. Davis stated, "This, at this time, seems the most fair and equitable for all. If you
14 choose to use it, you pay it. There is no initial cost to the City to set it up." She said that in
15 conjunction with the internet payments, staff will also be instituting an automatic debit payment
16 system which will automatically deduct payments from a customer's account on a specified date.
17 Ms. Davis noted that for customers who are facing disconnect because their payment is late, the \$4
18 convenience fee for the internet payment is small compared to the penalty they would incur.

19
20 Mr. McCue said that staff is not recommending that the City absorb the cost for the convenience fee
21 because it would not benefit everyone. He said that in order to implement option 3 as suggested by
22 Mr. Strickland during citizen comments, water rates would have to be adjusted accordingly.

23
24 Council Member Mahoney expressed doubts that anyone would be willing to pay the \$3.95
25 convenience fee. He suggested postponing action on this item and that a questionnaire is included
26 with the water bills to see what people prefer. He spoke in support of offering a credit card payment
27 option, but suggested that it should be available for telephone payments not just internet payments.
28 He stated, "My fear is we're going to enact something because people are asking for it, but what
29 we're giving them isn't what they're asking for." Ms. Davis responded that telephone payments by
30 credit card would a higher rate because of the increased liability associated due to risk of fraud
31 and/or theft. Mr. McCue clarified that the goal was to let the people who use the service incur the
32 cost and not to have all customers pay for the convenience of a few. He said that he could send a
33 questionnaire with the water bills.

34
35 Mayor Strickland and Council Member Sherrill concurred with Council Member Mahoney that the
36 decision should be postponed until input is received from water customers.

37
38 In response to a question from Council Member Laputka, Ms. Davis reiterated that there is no cost to
39 the City to implement the recommended option.

40
41 **Motion failed by unanimous 0/7 roll call vote with all Council**
42 **Members voting "no."**

43
44 **B. RESOLUTION NO. 466-08:** A resolution of the City Council of the City of Orange
45 City, Florida, authorizing the City Manager to execute an agreement with the Orange
46 City/DeBary Family YMCA for the use of certain facilities located within Valentine

1 Park; repealing all resolutions or parts of resolutions in conflict herewith; and
2 providing for an effective date.
3

4 *(Note: this item was listed as Item 7-B on the Agenda and was repositioned.)*
5

6 **Vice Mayor Allebach moved to adopt Resolution No. 466-08, seconded**
7 **by Council Member Laputka.**
8

9 Mr. McCue spoke in support of the proposed partnership with the YMCA. He noted that the City
10 attempted to start an after-school program in partnership with the YMCA last year, and expressed his
11 hope that this contract would be the start of more joint projects in the future.
12

13 Council Member Laputka stated that his daughter was involved in the YMCA soccer program in
14 Deltona and said that it is an “outstanding” program.
15

16 **Motion passed by unanimous 7/0 roll vote of the Council.**
17

18 **7. DISCUSSION AND ACTION:**
19

20 A. Initiation of a Charter Review
21

22 Mayor Strickland acknowledged Al Blue’s request to speak on this issue.
23

24 Al Blue, 447 N. Oak, came forward and expressed his support of a charter review. He suggested that
25 a review should be done every four years. Mr. Blue spoke in support of the implementation of
26 Council Districts.
27

28 Council Member Laputka observed that the issue appears to be two-fold: whether Council wishes to
29 initiate a charter review, and if so, do they wish to include a citizen review committee?
30

31 Mayor Strickland asked how many Council Members would like to have a charter review.
32

33 Council Member Mahoney asked why a review of the charter was being considered at this time. He
34 said that he would only favor a review if it involves a citizen committee. Council Member Mahoney
35 discussed districts stating that he felt the only reason to form them is to remedy a disparity between
36 the needs of different individuals within the same City.
37

38 Mayor Strickland stated that the issue of different groups in different neighborhoods in the
39 community is one of the prime motivators to consider districts. He expressed that the city has
40 become diverse enough that people’s needs could better be addressed by districts.
41

42 Council Member Mahoney noted that with the threats of reduced funding, cities must consider what
43 are essential services. He said that safety services are a concern for all citizens. He cited the
44 example of garbage service which is based on a division of residential or commercial, not
45 geographic location within the city.
46

1 Mayor Strickland used the example of the last election and stated that the residents of John Knox
2 Village who vote at precinct 303 voted differently on Amendment 1 than the people who voted in
3 precinct 309 because they have totally different needs. The Mayor stated, "I think that that reflects a
4 very diverse and different group of folks with different needs and different perceptions of the kind of
5 services that the City is providing for them." He suggested that perhaps the people living in enclaves
6 would be more inclined toward annexation if they knew they would have their own representative on
7 the Council.

8
9 Council Member Laputka concurred with Mr. Blue that a review of the charter should be undertaken
10 at regular intervals.

11
12 Council Member Sherrill questioned whether there was a need for a committee to review the charter
13 rather than the Council doing it at a workshop meeting.

14
15 Council Member Sandford noted that it is better for the citizens if the City is divided into districts as
16 they then have one person to call with their concerns.

17
18 Vice Mayor Allebach noted that Lake Helen's elected officials run by district, however, the entire
19 town votes on each candidate. He discussed concerns over how the districts would be established in
20 order for the process to remain equitable.

21
22 **It was the consensus of Council to proceed with a charter review.**

23
24 Council Member Mahoney recalled that one of the criticisms elected officials are receiving is that
25 they are not listening to people. He spoke strongly in support of the appointment of a citizen review
26 committee.

27
28 Mr. Reischmann advised that the last time a citizen review committee was used, it was established
29 by resolution.

30
31 Mr. McCue noted that the time constraints for the review are very tight and he questioned whether
32 the process could be completed in time for the fall elections. Mr. McCue stressed that the charter is
33 the City's "constitution" and as such should have some permanency. He urged the Council to take
34 their time to complete the review properly. He suggested that Council identify and clarify their time
35 schedule to accomplish the charter review.

36
37 Vice Mayor Allebach recalled that in the past, the City has rushed through the review process only to
38 have the referendum fail. He advised that it is costly to conduct an election, and urged that it be
39 done properly.

40
41 Mayor Strickland asked Mr. McCue to develop a suggested timeline for presentation at the next
42 Council meeting. Mr. McCue responded that the City Clerk could provide the time constraints now.

43
44 Mr. Reischmann referenced the agenda item cover memo and noted that the timeframe is nearly
45 identical. He asked Council to let him and the City Clerk know now if they wish to establish a
46 charter review committee so that a resolution may be prepared. He also requested direction as to the

1 makeup and appointment of the committee so that information could be included in the resolution.

2
3 Mayor Strickland said that he did not feel the committee should have more than ten members and
4 that seven is “a reasonable number.”

5
6 The City Clerk stated that if Council wishes to have the referendum on the August 2008 ballot, the
7 process must be completed in June. If the desire is to include the referendum on the November
8 presidential ballot, the deadline is August 26th. Ms. Renner advised that if Council feels this
9 schedule will not work, the election could be held in February, however, then the advantage of the
10 expected large turn-out for the presidential election would be lost. She also suggested that Council
11 may want to consider a mail ballot election where the ballot would be sent to all registered voters
12 and returned by mail to the Supervisor of Elections.

13
14 Council Member Sherrill noted that if the election is held at a time other than during the presidential
15 elections, the City will have to pay.

16
17 Mr. McCue reiterated his concern that Council not rush through the review process.

18
19 Ms. Renner recalled that during the 2001 charter review, the committee began meeting in March and
20 transmitted their recommendations to the City Council on June 26th. She said that that committee
21 met twice monthly from March to June which required a “serious commitment of time” on the part
22 of the committee members. The City Council then met at three workshops during the month of
23 August to review the committee’s recommendations and produce the final proposed new charter.
24 Ms. Renner advised Council that charter review is a very time consuming process.

25
26 Mr. Reischmann noted that there are expenses involved in the process. He said that Council would
27 need to decide on a number of issues such as whether to hire a facilitator and whether or not the City
28 Attorney’s presence would be required at all meetings. Council Member Mahoney questioned
29 whether the City Attorney could act as the facilitator. Mr. Reischmann said that a facilitator is not
30 required and the City did not use one in 2001. Mr. McCue suggested that the City Attorney must be
31 present at least at a minimum of meetings.

32
33 Mr. McCue summarized stating that Council has agreed that a charter review process be started, and
34 that a citizen review committee would be used. The timeframe for the election has yet to be decided
35 and a resolution must be prepared for Council to appoint the citizens committee. He said that
36 Council needs to decide how they will appoint the members to the committee. He expressed his
37 doubt that the process could be completed in time for the fall elections.

38
39 Mayor Strickland concurred and stressed that the necessary time should be taken to ensure that it is
40 done properly and has a good chance of success.

41
42 Mr. Reischmann recalled that in the past attempts to change the charter in 2001, 2003 and 2004, the
43 referendums held in 2001 and 2003 were presented as “all or nothing” changes. He said that in those
44 cases, if someone was opposed to even one of the proposed changes, it would have been enough for
45 them to vote “no” and the entire effort was defeated.

46

1 Council Member Mahoney asked if there was a risk of some of the changes being contradictory
2 when approved by separate questions. Mr. Reischmann responded that great care was taken to
3 ensure that did not happen.

4
5 Mr. McCue suggested that a decision on ballot language and presentation could be reserved until the
6 changes are identified. He asked Council if they wished to have the review completed in time for
7 the presidential election ballot. Council Member Sherrill responded that he did not believe it was
8 possible. Council Member Mahoney expressed his wish that it could be done because of the
9 anticipated large voter turnout. Mr. McCue suggested that the details for the appointment process be
10 completed tonight and then let the committee decide if they can complete the process by August.

11
12 Council Member Mahoney expressed his concern that if this approach is used, it will not be done by
13 August. Mr. McCue expressed his opinion that a mail ballot would bring a higher likelihood of
14 success.

15
16 **It was the consensus of Council that each member would appoint a**
17 **representative to the Charter Review Committee.**
18

19 Mr. Reischmann advised that it would be helpful if Council can let him or the City Clerk know the
20 name of their appointee so that they can be present at the February 26th Council meeting and be
21 ready to begin immediately. Mr. Abraham questioned how word would get out to the public inviting
22 them to apply to serve on the committee. Mr. McCue said that, historically, the City has not had
23 much success with soliciting for committees by placing ads in the paper, etc. He suggested that it is
24 the responsibility of each Council Member to personally solicit their own appointment. He said that
25 he would place a notice on the website.

26
27 Mayor Strickland said that he was not clear on what kind of commitment the committee members
28 would be asked to make. Mr. Reischmann responded that it would be three to four hours at least
29 twice a month for three and a half months. In total, it would involve about 30-40 hours during
30 spring and early summer. In addition, there would be work to be done in between meetings.

31
32 Mr. McCue said that he would have the resolution prepared for the February 26th meeting to appoint
33 a citizen committee to initiate and establish a charter review process. He suggested that the
34 Committee discuss a timeframe at their first meeting and report back to Council with time schedule
35 they felt they could accomplish.

36
37 **8. REPORTS:**

38
39 A. City Manager

40
41 Mr. McCue announced that Wava's Hall has scheduled a white elephant sale on April 26th from 8
42 a.m. to 2 p.m.

43
44 Mr. McCue advised Council that staff has arranged for Waste Management to do special trash waste
45 pickup May 18 through May 24 in the city. He said that Monday, Tuesday and Wednesday are the
46 pick up days for residents on the east side of Volusia Avenue (17-92) and Thursday, Friday and

1 Saturday are the pick up days for residents on the west side. Waste Management will remove all
2 rubbish or trash, except hazardous waster, placed at the curb on the dates listed above. He said
3 information about this program is included in the newsletter should be published soon.
4

5 Mr. McCue reported a public workshop to discuss Community Development Block Grants (CDBG)
6 has been scheduled for Wednesday, February 20. He said that it is a staff and public oriented
7 workshop but that council is invited.
8

9 Mr. McCue thanked staff for their efforts in scanning and posting agenda items for upcoming
10 Council meetings on the web site. He said that it is accessible at the City Council agenda web page.
11 Mayor Strickland remarked that he had already received positive feedback. In response to a question
12 from Council Member Laputka, Ms. Renner said that a third column with the agenda backup has
13 been added to the City Council agenda/minutes web page.
14

15 Mr. McCue advised that staff is still working to quantify the impact of the recently approved
16 Amendment One on the city. He said that the amounts previously discussed have changed. Staff is
17 working with the property appraiser to obtain revised figures. Mr. McCue said that staff is
18 beginning the ~~2009-2010~~ 2008-2009 budget process. - Amended on 2/26/08 He predicated that it will
19 require budget cuts and suggested that a public workshop is scheduled that will provide citizens
20 input on where to apply those cuts. This workshop should coincide with the upcoming state of the
21 city address and goal setting workshops.
22

23 B. Mayor/City Council 24

25 Mayor Strickland said that he attended the State of the County. The focus was the need for
26 partnerships between the county and its cities and better working relationships. He said that five
27 council members attended the EMO program in Gainesville; he asked that council member reports
28 are kept short.
29

30 Council Member Mahoney reported that he attended the EMO program in Gainesville. He said there
31 were elected officials from many municipalities and that the common theme was a lack of
32 "appreciation" of the budget development process. Council Member Mahoney advised Ms. Davis
33 that he plans to continue the work started last year.
34

35 Council Member Sandford said that he also enjoyed the EMO conference. He said that he met other
36 elected officials whose cities have similar issues as Orange City. Council Member Sandford said
37 that he learned "quite a few things" and noted that the conference was worthwhile.
38

39 Council Member Abraham agreed with previous comments. He said the seminar was very
40 interesting and that he had an opportunity to interact with neighboring commissioners. Council
41 Member Abraham stated, "It was a nice experience."
42

43 C. City Clerk 44

45 The City Clerk had nothing further to report.
46

1 D. City Attorney

2
3 Mr. Reischmann advised Council Member Abraham that staff had completed a review of the city's
4 current sign code and that a through comprehensive update is coming forth in the near future. He
5 briefly summarized a memorandum written to address concerns expressed by both Council Member
6 Abraham and Mr. Hugh Strickland (a copy of which is attached and becomes a permanent part of
7 these minutes). Mr. Reischmann said that the city has leeway on some of the small sign and banner
8 issues. However, the city cannot form a bias in favor of one sign content vs. the content of another
9 sign; commercial or non-commercial; secular or religious. He said that the federal courts have
10 advised that sign regulations must be uniform and content neutral. He said the changes Mr. Hugh
11 Strickland requested would violate the federal regulations. Mr. Reischmann said language
12 prohibiting the placement of temporary signs or banners that create a traffic hazard, already exists in
13 Section 9.2.2 subsection C. of the sign code.

14
15 **9. APPROVAL OF MINUTES:** January 22, 2008 Regular Council Meeting

16
17 **Vice Mayor Allebach moved to approve the minutes of the January**
18 **22, 2008 City Council Meeting, seconded by Council Member Sherrill**
19 **and passed by unanimous 7/0 voice vote of the Council.**

20
21 **10. COUNCIL COMMENTS**

22
23 Council Member Sandford thanked staff for preparing and getting the agenda items on the web site.
24 He said that it is very helpful to have it available for citizen review.

25
26 Council Member Abraham remarked there are other things the city could do to facilitate information
27 access for citizens. He suggested having DVD's available of the Planning Commission meetings
28 and Code Enforcement hearings. Council Member Abraham said that other cities have already
29 started to utilize this technology. He said it is affordable and is useful for future court purposes in
30 the place of transcripts.

31
32 Vice Mayor Allebach thanked every one for their help with the Manatee Festival. He said it was a
33 "great success." The Vice Mayor said that the SPCA was present to adopt out animals and told a
34 story of a visiting family who adopted a dog. He said "we did real well...we want to thank the city
35 for everything."

36
37 Council Member Mahoney recalled comments this evening about public meetings to solicit citizen
38 input on the city services. Council Member Mahoney suggested that in addition to looking for
39 feedback on the services that citizens' value, the city should consider asking citizens where they feel
40 we may be able to save a little. He stated, "Because we need to do... the same with less..."

41
42 Council Member Laputka remarked about Ms. Catherine Gennich's comments concerning the
43 gambling locations in Orange City. He agreed with her concerns and stated, I don't know what we
44 can do about it other than we can at least understand the potential of that kind of thing." Council
45 Member Laputka commented the parks and recreation grant money, discussed by Mr. Hugh
46 Strickland, is worthy of pursuing. He stated, "We have a tremendous parks and recreation

1 department and I would really like to see that prevail.” Council Member Laputka thanked Council
2 Member Abraham for bringing up the Charter Review recommendation, he stated, “I thought that
3 was very timely of you, and thank you.”

4
5 Mayor Strickland discussed an incident today with Sand Hill cranes crossing Volusia Avenue (17-
6 92) while traffic zoomed passed. He suggested erecting signs alerting people the birds are in the
7 area. Mayor Strickland said that the city has many interesting visiting birds this time of year and
8 remarked “Its part of what makes Orange City a little unique community to have that much nature
9 right here in the middle of the city.”

10

11 **11. ADJOURNMENT**

12

13 There being no further business, Mayor Strickland adjourned the meeting at 9:42 p.m.

14

15 **RESPECTFULLY SUBMITTED:**

APPROVED ON

16

17

18

19

20 Gloria Williams
21 Deputy City Clerk
