

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, February 10, 2009 at 7:00 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 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, Jim Mahoney; City Attorney William Reichmann; Interim
13 City Manager Chester Murray, City Clerk Deborah Renner

14
15 ABSENT: Council Member Donald Sandford

16
17 The Invocation was given by Pastor Josue Rodriguez, Family of the King’s Ministry Church

18
19 **1. ABSENCES**

20
21 Shall the absence of Council Member Donald Sandford on January 27, 2009 be excused?

22
23 **Council Member Laputka moved to removed Council Member**
24 **Sandford from the Council, seconded by Vice Mayor Allebach.**

25
26 Mr. Reischmann noted that the Charter provides for removal of a Council Member who misses four
27 consecutive meetings. He advised that the law provides for due process for this member. Mr.
28 Reischmann noted that Council Member Sandford has not missed four consecutive meetings. The City
29 Clerk confirmed that this is the third meeting that he has missed. Mr. Reischmann stated that there is a
30 statutory procedure for removal of a public officer by the Governor for misfeasance or malfeasance. He
31 stated, “That’s a different process, it’s not something we can do here tonight.” Mr. Reischmann advised
32 that the Council does not have the legal authority under the Charter to remove Council Member
33 Sandford in the manner proposed.

34
35 **Both the motion maker and seconder withdrew their motion and second.**

36
37 Mr. Reischmann read from the Council Rules and Procedures adopted November 18, 2008 noting that it
38 provides that a Council Member’s absence may be excused by a motion and approval.

39
40 **Council Member Mahoney moved to excuse the absence of Council**
41 **Member Sandford at the January 27, 2009 meeting, seconded by Vice**
42 **Mayor Allebach.**

43
44 Council Member Sherrill suggested that if the Governor is the only one who can remove Council
45 Member Sandford at this time, he should be asked for his resignation at the next meeting and if he
46 refuses, the matter should be referred to the Governor. He stated, “This is really getting ridiculous. The
47 people of Orange City deserve better and this Council deserves better.”

1 Mr. Reischmann advised that the motion be voted on and then Council can consider the next step they
2 wish to take.

3
4 Council Member Abraham stated that Council Member Sandford's absences can no longer be excused.

5
6 **Motion to excuse the absence of Council Member Donald Sandford on**
7 **January 27, 2009 failed by 0/6 roll call vote with Council Members**
8 **Mahoney, Laputka, Sherrill, Abraham, Vice Mayor Allebach and**
9 **Mayor Strickland voting, "no."**

10
11 Vice Mayor Allebach expressed his belief that the Charter provides that the Council shall decide on the
12 qualification of its members, noting that one of the qualifications is to reside in the City. Mr.
13 Reischmann read from the Charter noting that it provides for removal "in accordance with the provisions
14 of general law" and stated that he was not prepared at this time to advise for removal in any manner
15 other than the one he had previously mentioned. Vice Mayor Allebach said that he did not believe that
16 Council Member Sandford was still a resident of the City.

17
18 Mayor Strickland suggested that the City Manager send a letter to Council Member Sandford at his
19 Orange City address to determine his residency.

20
21 Council Member Abraham referenced an email that he saw in which Mr. Sandford acknowledged that
22 "his days on the Council are numbered." He said that, to him, this appeared to be a resignation. Mayor
23 Strickland advised that Mr. Sandford would have to resign officially. He reiterated his belief that a
24 certified letter could determine Mr. Sandford's residency.

25
26 **Vice Mayor Allebach moved to send a certified letter to Council**
27 **Member Sandford to see if his mail is received in Orange City,**
28 **seconded by Council Member Laputka.**

29
30 Council Member Sherrill noted that according to information he received from the Clerk, Council
31 Member Sandford had missed 13 out of 37 meetings and tonight's absence make 14 out of 38. Council
32 Member Sherrill further noted that Council Member Sandford is getting paid for these missed meetings.
33 Mayor Strickland suggested that this should be included in the letter to Council Member Sandford.

34
35 **Motion passed by unanimous 6/0 roll call vote of the Council.**

36
37 Chester Murray, Interim City Manager stated that he would like direction as to the content of the letter.
38 Mayor Strickland said that clarification is needed regarding whether or not Council Member Sandford is
39 still a resident of the City. Mr. Reischmann stated that the letter should state that the Council seeks to
40 confirm whether or not Council Member Sandford still meets the qualifications for office.

41
42 Council Member Sherrill questioned whether the letter should be written by the City Clerk rather than
43 the City Manager. It was agreed that the City Manager should send the letter.

44
45 **2. PRESENTATIONS/PROCLAMATIONS:** None at this time

46
47 **3. CITIZENS COMMENTS:** None at this time.
48

1 Mr. Murray requested that the order of the agenda be revised so that Items 6-A, 7-B, and 7-C be heard
2 first, followed by Items 5-C and 7-A.

3

4 **Vice Mayor Allebach moved to revised the order of the agenda as**
5 **requested, seconded by Council Member Laputka and passed by**
6 **unanimous 6/0 voice vote of the Council.**

7

8 The order of the Agenda was changed.

9

10 **4. CONSENT AGENDA:** None at this time

11

12 **REVISED ORDER TO FOLLOW:**

13

14 **A. ORDINANCE NO. 377: (Formerly Item 6-A)** An ordinance of the City Council of the
15 City of Orange City, Florida, authorizing the borrowing of money in an amount not to
16 exceed seven hundred fifty thousand dollars for the purpose of financing a portion of the
17 City's costs of certain road and utility improvements within the Sparkman Ridge
18 Residential Planned Unit Development project; and providing an effective date.

19

20 **Council Member Sherrill moved to adopt Ordinance No. 377 on**
21 **second and final reading, seconded by Council Member Laputka.**

22

23 The Mayor opened the public hearing.

24

25 Mr. Murray began his presentation by stating that this is second reading of the ordinance authorizing the
26 borrowing of money. He said that this item also involves a resolution to amend the existing developer's
27 agreement. He asked that presentation of this item be delayed to be considered at a special meeting next
28 week. Mr. Murray advised that the developer had previously agreed to this amendment, however, last
29 Friday he became concerned with some of the terms. He had to leave town on Friday, but is expected to
30 return on Monday. Mr. Murray said that this item is being driven by a proposed change order to the
31 existing contract Volusia County has in place for the work on Rhode Island Avenue. The change order
32 would allow the contractor to complete the project under the terms of the Rhode Island contract. The
33 agreement with Volusia County requires the City to pay in full for the work by February 20th. Mr.
34 Murray reassured Council that his advisors have confirmed that the City has the right to enact a special
35 assessment against the property either with or without the consent of the owner.

36

37 Mr. Murray explained that although he was requesting that consideration of Resolution No. 527-09 be
38 delayed, he would like Council to act on Ordinance No. 377 and Resolution No. 528-09 tonight and
39 consider adoption of Ordinance No. 528-09 at the special meeting previously requested.

40

41 In response to a comment from Mayor Strickland, Mr. Murray stated that representatives from the City's
42 Bond Counsel, Financial Advisor, GSG (the consultant working on the assessment district), and Kim
43 Booker (representing Sparkman Ridge) were all present in the audience. Mr. Murray stressed that any
44 approvals granted by Council tonight would not preclude "pulling the plug" on the project next week if
45 Council so desired without any obligation to the bank. Mayor Strickland noted that Andy Kelly, the
46 City's County Council representative was present. He said that the County has given its approval to
47 partner with the City on this project. Mr. Murray said that he requested an extension on the change
48 order from the County, but was told that it had already been approved by the County Council on the

1 terms that it be paid in full in advance and if it was not paid by February 20th, the approval would be
2 withdrawn.

3
4 Mr. Reischmann stated that Ordinance No. 377 and Resolution No. 528-09 pertain to the loan to pay for
5 the work. He clarified that Ordinance No. 377 authorizes, but does not direct, a loan in an amount not to
6 exceed \$750,000 and Resolution No. 528-09 deals more specifically with the loan from Branch Banking
7 and Trust Company (BB&T). Mr. Reischmann stated that Attorney Ken Artin and Jeff Larson, the
8 City's Financial Advisor were present in the audience to address questions. He advised that this is the
9 next step in the process in securing the financing for this project which will be repaid through the
10 creation of a Special Assessment District (SAD) by the property owner. He clarified that the SAD will
11 be presented to Council for approval on February 24th.

12
13 Kim Booker, Attorney for Sparkman Ridge, came forward and stated that there are a lot of details to be
14 worked out yet. She stated that it was "unfortunate" that a request could not be made to modify the
15 change order to allow more time to work out the details, but she assured Council that her client is
16 working as hard as possible and that he was expected back on Tuesday when it was hoped that any
17 remaining issues would be resolved. Ms. Booker said that there are concerns about some of the costs
18 being incorporated into the district, as well as some of the terms in the Supplemental Developer's
19 Agreement. Mr. Murray noted that Mr. Schwartz, the developer of Sparkman Ridge, was negotiating in
20 good faith to resolve the issues.

21
22 Mayor Strickland called Henry Durica forward.

23
24 Henry Durica, 1310 E. Lansdowne, came forward and requested that anyone addressing Council please
25 give their name and address for the record. Mr. Durica asked who would be responsible for the liability
26 related to any incidents that may happen on the property. Mr. Reischmann responded that there would
27 be assessments made on the property known as "Sparkman Ridge" which is owned by Sparkman, LLC.
28 He advised that a lien could be imposed along with assessments due each year. He clarified that the
29 monies due are not ad valorem taxes, but are procedurally similar. The assessment funds will be used to
30 pay the payments on the loan with BB&T. In answer to Mr. Durica's question, Mr. Reischmann stated,
31 "If this thing all works out the way we want it to work out, we're never going to own Sparkman Ridge.
32 It will continue to be owned by either the Developer, represented by Mrs. Booker, or I'm sure what he
33 prefers is that he'll go forward with the development and there will be about 220 families living out
34 there." He said that the City would have no exposure to any liability of the type mentioned by
35 Mr. Durica unless the City was forced to foreclose on the property. Mr. Durica next questioned whether
36 the property could be developed before the special assessment was paid off. Mr. Reischmann responded
37 in the affirmative stating that it would be paid annually on the tax bill as the property is developed.

38
39 Jeff Larson, D.A. Davidson, came forward and stated that Mr. Reischmann had responded to the
40 question "truthfully and honestly and fully." He said that the SAD was a "financing tool" available to
41 the City as a public/private partnership to allow the cost to be spread over sixteen years with the ability
42 to pass that cost on to the 202 single family homes which are part of the PUD.

43
44 Mr. Reischmann recalled that the property was to have been developed several years ago at the time it
45 was rezoned to a PUD. As required by the land development code, a Developer's Agreement had been
46 developed at that time and subsequently recorded in the public records of the County. One of the
47 obligations in that agreement was for the developer to build the road and install the utility lines. Mr.
48 Reischmann stated that because of economic reasons, the development did not go forward at that time,

1 but two schools were opened in the area which has resulted in traffic issues related to construction of the
2 road.

3
4 Council Member Abraham questioned whether the Developer has received a concurrency certificate for
5 the development from the school board. Ms. Booker responded in the affirmative.

6
7 There being no further requests to speak, Mayor Strickland closed the public hearing.

8
9 **Motion to adopt Ordinance No. 377 on second and final reading**
10 **passed by 6/0 roll call vote of the Council.**

- 11
12 **B. RESOLUTION NO. 527-09: (Formerly Item 7-B)** A resolution of the City of Orange
13 City, Florida, approving a Supplemental Developer's Agreement between the City of
14 Orange City, Florida and Sparkman LLC, Developers of Sparkman Ridge Subdivision
15 R-PUD; repealing all resolutions in conflict herewith; and providing for an effective date.

16
17 Vice Mayor Allebach read the title of Resolution No. 527-09 into the record.

18
19 **Council Member Laputka moved to adopt Resolution No. 527-09,**
20 **seconded by Council Member Sherrill.**

21
22 Mr. Reischmann noted that the original Developer's Agreement was signed in 2005. At that time, it was
23 contemplated that the property owners in the development would pay for the road and the utilities.
24 Resolution No. 527-09 was prepared in response to the change in market conditions that delayed the
25 Sparkman Ridge development. This resolution authorizes the formation of a SAD to fund that work.
26 Mr. Reischmann said that because a final agreement as to the terms of the Developer's Agreement has
27 not been reached, staff is requesting that consideration of this item be delayed pending the outcome of
28 further negotiations.

29
30 Jeff Larson came forward and stated that the loan must be closed on Thursday, February 19th in order to
31 pay the County as required by February 20th. Mr. Murray requested that the closing be scheduled for the
32 20th to allow as much time as possible to complete the negotiations. Mr. Larson noted that the interest
33 rate has only been guaranteed by the bank until the 19th and that interest rates have increased in the last
34 few days.

35
36 **Both the motion maker and seconder withdrew their motion and second.**

37
38 **Vice Mayor Allebach moved that a special meeting be called on**
39 **February 18th at 7:00 p.m. for the purpose of considering Resolution**
40 **No. 527-09, seconded by Council Member Laputka.**

41
42 Council Member Mahoney noted that the changes to the Developer's Agreement were specific to the
43 SAD. He stated, "If I knew we weren't doing that, I would vote 'no' on the loan. I only support the
44 loan in conjunction with the Special Assessment District." Mr. Murray responded, "Nothing directs me
45 to take that loan out." Mr. Reischmann concurred and advised that the Resolution only authorizes the
46 City Manager to move forward. He stated, "I'm pretty sure he's not going to do it unless you actually
47 direct him to." Council Member Mahoney reiterated his position by stating, "I would vote 'no' on
48 Resolution No. 528-09 if the City were not to incorporate a Special Assessment District."

1 Ken Artin, Bond Counsel, came forward and stated that his firm had prepared the loan documentation.
2 Mr. Artin stated that the City Charter requires that the borrowing of money must be authorized by
3 ordinance. He said that BB&T has advanced a commitment to loan the City up to \$750,000. Resolution
4 No. 528-09 will authorize the borrowing of up to \$750,000. He clarified that the resolution does not
5 direct the City to close on the loan or borrow the money, it just puts everything in place to be able to
6 close. If the negotiations do not go well, Council can direct the City Manager on the 18th not to close on
7 the loan.

8
9 Mr. Larson stated, "Mr. Artin is actually right. Technically speaking, we have to assume that the 18th
10 gets resolved. I want Ms. Booker to hear that and I want all the Attorneys to hear, because all the
11 numbers have to be crunched while you're negotiating and while you're discussing with the Developer."
12 He noted that the closing is scheduled for the day following the special meeting and that the loan
13 documents must be prepared in advance. Mayor Strickland stated, "What I've heard is that at this point,
14 everybody is diligently working to make this happen and that we're going on that assumption." Mr.
15 Larson responded, "I believe we're very close."

16
17 Council Member Mahoney asked, "At what point do we discuss the details of the debt-service
18 generator?" Mr. Murray responded, "Wednesday night at 7:03."

19
20 **Motion for a special meeting on Wednesday, February 18th, passed by**
21 **unanimous 6/0 voice vote of the Council.**

22
23 **Vice Mayor Allebach moved to postpone Resolution No. 527-09 to**
24 **February 18th at 7:00 p.m. at a special meeting called for that**
25 **purpose, passed by unanimous 6/0 voice vote of the Council.**

- 26
27 **C. RESOLUTION NO. 528-09: (Formerly Item 7-C)** A resolution of the City Council of the
28 City of Orange City, Florida, authorizing a loan from Branch Banking and Trust
29 Company in an aggregate principal amount equal to \$750,000 for the purpose of
30 financing a portion of the City's costs of certain onsite and offsite road and utility
31 improvements benefitting the Sparkman Ridge Residential Planned Unit Development;
32 authorizing the execution and delivery of a loan agreement and acceptance of the Bank's
33 commitment; authorizing the execution and delivery of a City of Orange City, Florida
34 Special Assessment Revenue Note, Series 2009 to evidence the City's obligation under
35 the loan agreement, such note to be a limited obligation of the City payable from non-ad
36 valorem special assessment revenues and, to the extent such non-ad valorem revenues are
37 insufficient, from legally available non-ad valorem revenues budgeted and appropriated
38 by the City; providing for the rights and securities of the owner of the note; designating
39 the note as a bank qualified tax-exempt obligation within the meaning of the Internal
40 Revenue Code; making certain other covenants and agreements in connection therewith;
41 and providing for an effective date.

42
43 Vice Mayor Allebach read the title of Resolution No. 528-09 into the record.

44
45 **Council Member Sherrill moved to adopt Resolution No. 528-09,**
46 **seconded by Council Member Laputka.**
47

1 Mr. Artin noted that a revised copy of the Resolution had been distributed late Friday correcting the
2 language in the title to read “.....in an aggregate principal amount ~~equal to~~ not to exceed \$750,000.”

3
4 Mr. Reischmann noted that the Resolution title as read should be corrected to reflect the language “not
5 to exceed \$750,000” as stated by Mr. Larson.

6
7 Mr. Artin further noted that minor revisions to the Resolution resulting from the above change had been
8 made and he distributed copies of the revised pages to Council (a copy of which are attached and
9 become a permanent part of these minutes).

10
11 In response to a question from Council Member Mahoney, Mr. Artin advised that the loan documents
12 will be updated to reflect the absolute number borrowed as soon as an agreement between the City and
13 the Developer has been reached.

14
15 **Motion passed by unanimous 6/0 roll call vote of the Council.**

16
17 **D. ORDINANCE NO. 378:** *(Formerly Item 5-C)* An ordinance of the City of Orange City,
18 Florida, transmitting and adopting an amendment to the City of Orange City Comprehensive
19 Plan pursuant to the stipulated settlement agreement that provides for remedial amendments to
20 Comprehensive Plan amendment Ordinance No. 315; providing for conflict and severability and
21 providing for an effective date.

22
23 **Council Member Laputka moved to adopt Ordinance No. 378 on first**
24 **reading, seconded by Vice Mayor Allebach.**

25
26 Mr. Murray stated that as part of the Comprehensive Plan, the State required the City to develop a Water
27 Plan. It was submitted to the State and it was returned with comments. Those comments were
28 incorporated and returned to the Department of Community Affairs (DCA). The person who made the
29 original comments was no longer with DCA and the new person decided that the changes were not
30 correct. As a result of this, the DCA put the City in “default” on the amendment and referred the matter
31 to an administrative hearing. A “Stipulated Settlement Agreement” was reached and the City amended
32 the Plan in accordance with the requirements of the Agreement. Mr. Murray noted that the amendment
33 was previously adopted and that this revised amendment meets the latest DCA requirements.

34
35 Mayor Strickland opened the public hearing by asking if anyone wished to speak on this item. There
36 being no requests to speak, the Mayor closed the public hearing.

37
38 Vice Mayor Allebach noted that the State has mandated that the cities identify alternative water sources.
39 He stated, “So, either way, find a way to make our water bills six times higher than they are now. I just
40 wanted to make that in the simple terms of what’s mandated by the State, folks. The State Legislature
41 and the State Administrators. Blame it on them in ten years, five years when your water bills are six to
42 ten times more than they are now.”

43
44 Mayor Strickland concurred stating, “It’s coming and we have no choice.”

45
46 **Motion passed by 5/1 roll call vote of the Council with Mayor**
47 **Strickland voting “no.”**
48

1 **E. RESOLUTION NO. 526-09:** *(Formerly Item 7-A)* A resolution of the City Council of the
 2 City of Orange City, Florida, approving a stipulated settlement agreement related to
 3 Comprehensive Plan Amendment Ordinance No. 315 and Comprehensive Plan Remedial
 4 Amendment Ordinance No. 378; repealing all resolutions or parts of resolutions in conflict
 5 herewith; and providing for an effective date.

6
 7 **Council Member Laputka moved to adopt Resolution No. 526-09,**
 8 **seconded by Vice Mayor Allebach.**
 9

10 Mayor Strickland opened the public hearing by asking whether anyone wished to speak on this item.
 11 There being no requests to speak, the Mayor closed the public hearing.

12
 13 **Motion passed by 5/1 roll call vote of the Council with Vice Mayor**
 14 **Allebach voting, “no.”**
 15

16 *Return to Published Agenda format:*

17
 18 **5. ORDINANCES – FIRST READING:**
 19

20 **A. ORDINANCE NO. 365:** An ordinance of the City of Orange City, Florida; amending
 21 Section 8.3 of the City’s Land Development Code, said section being the Official Zoning
 22 Map of the City of Orange City, Florida; said amendment changing the zoning
 23 classification of the GEL Corporation property, consisting of approximately 33.8 acres of
 24 property generally located within the northeast quadrant of Rhode Island Avenue and
 25 Leavitt Avenue; from its present zoning classification of (I-2) Heavy Industrial to
 26 (I-PUD) Industrial Planned Unit Development; containing a repealer provision, a
 27 severability clause and providing for an effective date.
 28

29 Vice Mayor Allebach read the title of Ordinance No. 365 into the record.

30
 31 **Council Member Laputka moved to approve Ordinance No. 365 on**
 32 **first reading, seconded by Council Member Mahoney.**
 33

34 Jim Kerr, City Planner, came forward and stated that staff and the Planning Commission recommend
 35 that Council approve the rezoning of the GEL property to I-PUD. Mr. Kerr gave a power point
 36 presentation on the proposed rezoning (a copy of which is attached and becomes a permanent part of
 37 these minutes). He noted the location of the subject property on the corner of Rhode Island and Leavitt
 38 Avenues. Mr. Kerr advised that the surrounding properties are zoned I-1, Industrial Light or I-2,
 39 Industrial Heavy.
 40

41 **Motion passed by 5/1 roll call vote of the Council with Vice Mayor**
 42 **Allebach voting, “no.”**
 43

44 **B. ORDINANCE NO. 376:** An ordinance of the City of Orange City, Florida, transmitting
 45 and adopting an administrative amendment to the City of Orange City Comprehensive
 46 Plan for the purpose of amending the Capital Improvements Element to update and revise
 47 the text including the Five-Year Capital Improvement Program; providing for conflict
 48 and severability and providing for an effective date.

1 Vice Mayor Allebach read the title of Ordinance No. 376 into the record.

2
3 **Council Member Mahoney moved to approve Ordinance No. 376 on**
4 **first reading, seconded by Council Member Laputka.**
5

6 Mr. Murray stated that this amendment is in response to a mandate from DCA that an annual update
7 reflecting the City's capital improvement plan be incorporated into the Comprehensive Plan. He said
8 that the amendment is in full compliance with State Law. Mr. Murray said that the capital improvement
9 plan varies slightly from the plan included in the budget because only items in excess of \$25,000 are
10 included in the Comp Plan. He explained that the State is primarily interested in items such as roads and
11 infrastructure. He said that staff believes this amendment complies with the State's requirements. Once
12 Council has approved the amendment it will be transmitted to DCA for their comment.
13

14 Don Sikorski, Planning Consultant, came forward and noted that an amendment to the Ordinance has
15 been distributed by Mr. Kerr. The changes were a result of a preliminary courtesy review by the
16 Volusia Growth Management Commission (VGMC). The revised language was taken directly from the
17 statute.
18

19 Mr. Reischmann clarified for the record that the motion as made and seconded does incorporate the
20 revised language that has been submitted.
21

22 **Motion passed by unanimous 6/0 roll call vote of the Council.**
23

24 **6. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

25
26 **7. RESOLUTIONS:**
27

28 **D. RESOLUTION NO. 529-09:** A resolution of the City of Orange City, Volusia County,
29 Florida supporting Volusia County School District's recommendations for legislative
30 action on school funding; providing an effective date.
31

32 **Vice Mayor Allebach moved to adopt Resolution No. 529-09, seconded**
33 **by Council Member Laputka.**
34

35 Council Member Mahoney expressed a concern regarding language in Section 1 which urges the
36 Legislature to allow the use of school funding capital for general operations with no limitations as to
37 time. Mayor Strickland responded that the purpose of the resolution is to urge the Legislature to
38 appropriate adequate funding for schools.
39

40 **Motion passed by unanimous 6/0 roll call vote of the Council.**
41

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

44 **A. Lien Reduction**
45

46 Sgt. Greg Lariscy, Code Enforcement Supervisor, came forward and stated that the purpose of this item
47 is to request that Council reduce a lien placed against a residential property because of tall grass as
48 recommended by the Special Magistrate on December 3, 2008. Sgt. Lariscy said that the property in

1 question was an investment property and was vacant for a lengthy period of time with no success in
2 getting the property owner into compliance. Ultimately, the property was returned to the mortgage
3 holder who subsequently requested that the lien be reduced. Sgt. Lariscy reported that since the
4 property has been returned to the original owner it has been well maintained and now has a potential
5 new buyer. He advised that on December 3, 2008, the Special Magistrate heard all sides of this case and
6 rendered a recommendation that the fine be reduced to \$180 with the consideration of fees in the amount
7 of \$165 that had already been paid.

8
9 Mr. Reischmann advised that Florida Statutes allow fines to be reduced by the Special Magistrate,
10 however, once the fine escalates to a lien, the City Council is the only authority that can release the lien.

11
12 **Vice Mayor Allebach moved to approve the Special Magistrate's**
13 **recommendation to release the lien against 585 Daly St., seconded by**
14 **Council Member Mahoney.**

15
16 In response to a question from Council Member Sherrill, Sgt. Lariscy confirmed that the City is not out
17 any money on this case.

18
19 **Motion passed by unanimous 6/0 voice vote.**

20
21 B. Engineering Services Award

22
23 Paul Johnson, Public Works Director, came forward and stated that he was asking authorization for the
24 City Manager to enter into an agreement with Quentin Hampton and Associates to perform services
25 related to the City's replacement water line projects. He said that staff has identified seven streets that
26 are in dire need of line replacements. In order to do the work, engineering and permitting through the
27 State Health Department and DEP must be done. Mr. Johnson advised that in accordance with the
28 City's purchasing procedures, four qualified firms were contacted and asked to submit proposals for the
29 work. Quentin Hampton was the lowest qualified respondent. He noted that this firm is currently
30 handling several other projects for the City and did a very good job. He said that this firm was also
31 selected to assist with the transient model evaluation for the St. Johns River with the West Volusia
32 Suppliers group. He expressed his confidence in Quentin Hampton. Mr. Johnson advised that he was
33 not sure if all seven of the roads could be completed this year, noting that they will be constructed by
34 staff once the engineering has been completed. The engineering and permitting is good for five years.
35 He requested approval from Council to execute the contract with Quentin Hampton. Mr. Murray
36 concurred that the City has been "very pleased" with Quentin Hampton's work, stating that they have
37 been very efficient and effective and reasonable in price.

38
39 **Vice Mayor Allebach moved that Council authorize the Interim City**
40 **Manager to enter into an agreement with Quentin L. Hampton**
41 **Associates, Inc. for the purpose of engineering and design of two inch**
42 **water main replacements on Montclair, Park, Greenwood, Sumner, St.**
43 **Lawrence Avenues and Cottonwood and Banyon Streets, seconded by**
44 **Council Member Laputka, and passed by unanimous 6/0 voice vote of the**
45 **Council.**

46
47 D. NEW BUSINESS:
48

1 Vice Mayor Allebach said that he would like to see a future discussion regarding improvement of red
2 light running enforcement. Mr. Murray responded that the City has had “very good luck with video
3 these days.” He said that he would bring a report at a later date. Mr. Reischmann advised that several
4 cities that he represents have installed red light cameras. He said that legislation is pending in
5 Tallahassee to authorize red light cameras.

6

7 Mayor Strickland said that he has frequently asked about the purpose of the blue lights on top of the
8 traffic lights in town. Mr. Murray responded that they are for Officers who are at a 90° angle to be able
9 to determine the exact time the light turns red.

10

11 **E. REPORTS**

12

13 A. City Manager

14

15 Mr. Murray reported that at a workshop held several weeks ago regarding alternative water sources, it
16 was proposed that the City should begin now to build a capital fund to finance these efforts. He said this
17 would be presented to Council along with staff’s recommendations within the next thirty days. Mr.
18 Murray said that a notice on the water bills is required to inform customers when that matter will be
19 considered by Council and he wanted them to be aware that this was going to be done so that they will
20 be prepared to address any questions. Mayor Strickland asked whether there were restrictions on what
21 type of information could be placed on water bills. Mr. Murray responded that there was a space
22 limitation. The Mayor said that he had been at Land O’Lakes recently and they were asking how they
23 could be better informed of City activities. Ms. Davis said that announcements were being made on the
24 bills now, subject to Council approval.

25

26 Mr. Murray announced that the International City Managers Association (ICMA) has an annual
27 Fellowship Program which recognizes outstanding young future leaders nationwide and provides them
28 with an opportunity to take fellowships throughout the Country. He announced that Angel Smith was
29 one of the top 100 applicants selected in the Country.

30

31 Mr. Murray and Council commended Ms. Smith for her work on the recent newsletter.

32

33 Council Member Sherrill advised that the old golf course storage facility on the former “Monastery”
34 property was half torn down and he asked whether they were going to complete the demolition. Mr.
35 Murray said that he would have to check.

36

37 B. Mayor/City Council

38

39 Council Member Sherrill said that he sent out a memo regarding WAV and he asked that Council
40 review it.

41

42 Mayor Strickland said that he attended a VCARD meeting which was a workshop on “Sustainability” at
43 which he learned about consultants who work with businesses to uncover any type of community
44 opposition or road blocks prior to commencing with development plans. He said that it saves
45 Developers a lot of money to reach agreements early in the process.

46

47 The City Clerk reported that it is time for her annual evaluation. She noted that several of the new
48 Council Members have not taken part in this activity before. Ms. Renner advised that there is a form

1 that has been used for the past several years and that she would be providing copies to Council by email
2 and/or hard copy and she requested that they convey any concerns they may have about the form to her.
3 Mayor Strickland asked that Council get back to Ms. Renner by the end of the week. Otherwise the
4 form will be provided to Council with a date-certain to return the completed forms.

5
6 C. City Attorney

7
8 Mr. Reischmann reported that a House Bill was pending in Tallahassee regarding maintenance of
9 abandoned property. He noted that Code Enforcement can sometimes be a lengthy process. The
10 proposed Bill would mandate notice to the jurisdiction where a property entering foreclosure is located
11 and would require the bank to maintain the property if possible. The Bill would also allow cities to
12 maintain bank-owned property and impose the cost as a superior lien. He said that he would keep
13 Council informed on the progress of this bill.

14
15 Mr. Murray noted that there is also legislation pending which would eliminate traffic concurrency
16 requirements in urban areas.

17
18 **11. APPROVAL OF MINUTES:** January 27, 2009 Regular Meeting

19
20 **Council Member Mahoney moved to approve the minutes of the**
21 **January 27, 2009 meeting, seconded by Council Member Laputka**
22 **and passed by a unanimous 6/0 voice vote of the Council.**
23

24 **12. COUNCIL COMMENTS**

25
26 Vice Mayor Allebach urged everyone to return their completed ballot for the Charter Referendum. He
27 stated, "I know I wouldn't want my district representative to be a single person though."
28

29 Council Member Sherrill commended Angel Smith for her work on the newsletter.

30
31 Council Member Laputka read a letter into the record from Ms. Beverly Evans (a copy of which is
32 attached and becomes a permanent part of these minutes) commending the Police Department for their
33 crime enforcement efforts.

34
35 Council Member Mahoney noted that the agenda tonight contained a lot of business. He thanked the
36 City Manager and City Attorney for all their support in addressing his concerns.

37
38 Mayor Strickland advised that 1,083 ballots have been returned for the Charter referendum. Of those,
39 23 are pending review by the Canvassing Board. He said that he was pleased with the response which
40 represents 16-18 %.

41
42 **13. ADJOURN**

43
44 There being no further business, Mayor Strickland adjourned the meeting at 8:33 p.m.
45

