

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, March 10, 2009 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange  
3 City.

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5 **CALL TO ORDER**

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

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9 **ROLL CALL**

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11 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,  
12 Tom Abraham, Don Sherrill, Jim Mahoney; City Attorney William Reischmann; Interim City Manager  
13 Chester Murray, City Clerk Deborah Renner

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15 **INVOCATION**

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17 The Invocation was given by Pastor John Gryglewicz, New Life Bible Church of Orange City, followed  
18 by the pledge of allegiance.

19  
20 Mr. Murray requested an addition to Section 8 Discussion and Action regarding the Chamber of  
21 Commerce building.

22  
23 **Council Member Sherrill moved to add an agenda item to Section 8**  
24 **Discussion and Action as requested, seconded by Vice Mayor Allebach**  
25 **and passed by a unanimous 6/0 voice vote of the Council.**

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27 **1. ABSENCES:** None at this time

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29 **2. PRESENTATIONS:** Department of Financial Services-  
30 "Safeguarding our Seniors"

31  
32 Randall Brown, CPM, Regional Director, Florida Department of Financial Services 135 Executive  
33 Circle, Daytona Beach, came forward and stated that he represents Chief Financial Officer Alex Sink.  
34 The CFO's responsibilities include managing the state's treasury funds, licensing of insurance agents  
35 and investigating insurance fraud. Last year the CFO's office received numerous complaints from  
36 senior citizens who felt unscrupulous agents were targeting them. As a result the "Safeguard our  
37 Seniors" task force was formed. The task force is comprised of financial managers from around the  
38 state who are currently investigating over 450 cases of possible fraud. The CFO's office has been  
39 instrumental in changing the law to make it a felony to use a false signature or false designation and is  
40 pushing to make intentional deception a felony offense. Mr. Brown said the CFO's office had  
41 conducted over 2,000 educational programs last year to combat the problem and that he would be  
42 willing to schedule additional programs if there is a need. The contact information for the CFO's Office  
43 is 877-MYFLCFO (1-877-693-9256) or at the web sites [www.flseniors.net](http://www.flseniors.net) or [www.myfloridacfo.com](http://www.myfloridacfo.com).

44  
45 Council Member Sherrill suggested that the CFO's contact information is placed on the City web site.

46  
47 In response to a question from Council Member Mahoney, Mr. Brown said unscrupulous practices were  
48 the offenses most identified by the task force.

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**3. CITIZENS COMMENTS:**

Ron Saylor, 361 Dixson Street came forward and expressed his concerns about a hydrant on the corner of Carpenter Avenue and Dixson Street that has not worked for three months. He said he discussed the matter with the City Manager and Fire Chief to no avail. Mr. Saylor asked Council to “get some answers” as to when the fire hydrant would be operational. Paul Johnson, Public Works Director came forward and stated that the problem is due to the rerouting of the water service on Dixson Street. He said new water lines have been installed along the east side of Dixson Street and across Carpenter Avenue. The line connected to the hydrant had been stopped because previously it had created a problem at the location of the hydrant. It would require a major repair costing approximately \$6,000 to make the hydrant operational again. He explained what would be required and stated staff is working on it. Mr. Johnson promised to keep Mr. Saylor informed of the progress.

Al Blue, 447 N. Oak Avenue came forward to discuss the assessment for garbage service. He stated currently, there are nine vacant houses near his home that are still paying the garbage assessment. Mr. Blue stated, “I find that to be intolerable.” Mr. Blue said that over a year ago, he reported the damage Florida Public Utilities (FPU) did to the right of way on his street and wondered if anything was done to resolve the matter. He said he spoke with the City Manager who told him he “wasting his time.” Mr. Blue maintained that FPU should have been made to repair the damage.

Gina Holmes 670 Placid Run and Gregory Barnes 693 Placid Run came forward and stated they were representing the Blue Springs Villas Homeowners Association. Ms. Holmes said there are three issues they wanted to discuss. She recalled that she came forward months ago to request that maintenance of the streetlights in Blue Springs Villas be transferred to the City and that payment be made via a special assessment to the homes in the neighborhood. Mr. Johnson contacted her after that meeting requiring additional information, but that she was not able to provide until now. Mr. Murray noted the streetlights in Blue Springs Villas are privately owned. He said the City would be willing to work with the homeowners’ association. He cautioned that a special assessment would be more costly than paying outright. Next, Ms. Holmes discussed problems with the retention pond on the corner of Thorpe & Blue Springs Avenues. She said the pond is too costly to maintain noting there have been numerous break-ins and drug activities by individuals who are not residents. The homeowners’ association has had to spend hundreds of dollars a month to replace the fencing. She asked if the fence line could be moved closer to the development and ownership of the pond be transferred to the City. Mr. Murray responded “no.” He said the pond was created to handle the drainage from the streets and homes in the development. He suggested that it would be possible to add the maintenance of the pond to the proposed special assessment district along with the streetlights. In addition, Mr. Murray noted that he would investigate possible solutions to the crimes being committed in that area, such as using cameras to monitor the location. Lastly, Ms. Holmes discussed problems with maintaining homes in the development that are in foreclosure. She said that 48 out of 140 homes are vacant in the development and the homeowners’ association can no longer afford to maintain the lawns of these vacant homes. She said she contacted Code Enforcement for assistance and was advised it would be about three months before anything could be done. Mr. Barnes commented that Orange County has been making the owner pay. He questioned if that meant the bank must pay and whether such a plan is being considered for Orange City. Mr. Murray advised that sometime in April staff will bring forward an ordinance that, if adopted, would require banks to register with the City when a home goes into foreclose, suggesting that will provide information on who the responsible parties are. Mr. Reischmann advised that the association attorney could file paperwork that will force the bank to move quickly on foreclosures. Once the bank obtains the certificate of title, the association could send a certified letter outlining what must be done to maintain the property. If the bank fails to do so, a lien could be placed on the property.

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

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3 **5. ORDINANCES – FIRST READING:**

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

6  
7 **A. ORDINANCE NO. 380:** An ordinance of the City of Orange City, Florida, annexing the  
8 Florida Premier Group property into the Corporate limits of the City of Orange City,  
9 Florida; said property being generally located on the east side of Enterprise Road,  
10 approximately 450 feet south of Grand Plaza Drive, containing approximately 1.75 acres;  
11 in accordance with the voluntary annexation provisions of Florida Statute 171.044;  
12 redefining the boundaries of the City of Orange City by amending the appropriate sections  
13 of the code of Ordinances; containing a repealer provision, a severability clause and  
14 providing for an effective date.

15  
16 Vice Mayor Allebach read the title of Ordinance No. 380 into the record.

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18 **Council Member Sherrill moved to adopt Ordinance No. 380 on second**  
19 **and final reading, seconded by Council Member Laputka.**

20  
21 Jim Kerr, City Planner came forward and stated there were no changes to this ordinance.

22  
23 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
24 proposed ordinance, no one appeared. The mayor closed the public hearing.

25  
26 **Motion passed by a 6/0 roll call vote of the Council.**

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28 **B. ORDINANCE NO. 381:** An ordinance of the City of Orange City, Florida, annexing the  
29 Florida Premier Group property into the Corporate limits of the City of Orange City,  
30 Florida; said property being generally located on the east side of Enterprise Road,  
31 approximately 300 feet south of Grand Plaza Drive, containing approximately 0.75 acres;  
32 in accordance with the voluntary annexation provisions of Florida Statute 171.044;  
33 redefining the boundaries of the City of Orange City by amending the appropriate sections  
34 of the code of Ordinances; containing a repealer provision, a severability clause and  
35 providing for an effective date.

36  
37 Vice Mayor Allebach read the title of Ordinance No. 381 into the record.

38  
39 **Vice Mayor Allebach moved to adopt Ordinance No. 381 on second and**  
40 **final reading, seconded by Council Member Mahoney.**

41  
42 Jim Kerr, City Planner came forward and stated there were no changes to this ordinance.

43  
44 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
45 proposed ordinance, no one appeared. The mayor closed the public hearing.

46  
47 **Motion passed by a 6/0 roll call vote of the Council.**

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1     **7.     RESOLUTIONS:**

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- A.     **RESOLUTION NO. 531-09:** A resolution of the City of Orange City, Florida, relating to construction and funding of the Sparkman Avenue Extension project; establishing the terms and conditions of proposed special assessments to fund construction of the Sparkman Avenue Extension project; establishing a public hearing to consider imposition of the proposed assessments and the method of their collection; directing the provision of notice; and providing an effective date.

10 Vice Mayor Allebach read the title of Resolution No. 531-09 into the record.

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12             **Council Member Sherrill moved to approve Resolution No. 531-09,**  
13             **seconded by Council Member Laputka.**

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Christine Davis, Finance Director came forward and advised that attorney Christie Carey from Nabors Giblin & Nickerson P.A. and consultant Jeff Rackley from Government Services Group were present to address any concerns that Council may have regarding this resolution. She commented there had been several last minute revisions to the initial assessment resolution. Pages 18 and 19 had been redistributed to Council after the agenda was prepared. However as a result of additional revisions, the pagination changed again, and she provided copies of revised pages 15 and 16 (formerly page 18 and 19) via email yesterday. She said additions were underlined and deletions were struck-through. Ms. Davis stated that Resolution No. 531-09 is the initial assessment resolution and establishes the terms and conditions of the proposed special assessment such as the method of assessing the property. Required notifications to the citizens affected, and a public advertisement would be published on March 24. The second and final resolution required for the formation of the special assessment district will be presented to Council on April 14. Once that resolution is adopted, the tax roll will be submitted to Volusia County. She said staff recommends that the Council adopt this resolution.

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Mr. Murray asked Matt Gable, Booker & Associates, attorney representing Sparkman LLC, to come forward. Mr. Gable came forward and stated that he had not received the revised resolution until this afternoon. He said that Section 3.03 COMPUTATION OF ASSESSMENTS is in conflict with the supplemental developer's agreement which was negotiated and agreed upon by Sparkman LLC. Further, the direct bill option was omitted and the cap on the annual fees is not included. In addition, there is no indication that there will not be a 1% penalty imposed for prepayment.

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Mr. Reischmann advised Council that the City has retained separate counsel Nabors, Giblin and Nickerson, PA to handle this matter. He said that Ms. Carey is present and could respond to Mr. Gable's concerns. Mr. Reischmann said that he received an email yesterday from Ms. Encinosa indicating that she had spoken with Mr. Zucker, attorney for Sparkman LLC about the recent changes. He asked Ms. Carey to come forward.

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Ms. Christie Carey came forward and stated her understanding that the resolution was provided to the developer's counsel last Monday. She said there were changes that were made yesterday, however, it had been in the attorney's possession since last week. The issue with the collection options provided in the developer's agreement are not revelant in that the City is now imposing the assessment and a collection method must be identified. She discussed the process of implementing the special assessment. She said there are very explicit requirements for noticing the property owner. In order to make sure that all requirements are followed, it is important to identify the repayment option and implement the assessment process simulanteously. She reiterated the method of collection is required in

1 order to properly calculate the assessment amount. On the issue of the maximum rate, the assessment  
2 resolution establishes how the assessment is calculated and sets out the methodology. This calculation  
3 will be included in the notification that is sent to the property owner and in the final assessment  
4 resolution. Ms. Carey stated that if it is important to the Developer, the agreed upon amount discussed  
5 in the supplemental developer's agreement could be included in the resolution it could be amended on  
6 the floor to include a statement that the maximum rate will not exceed \$53,266.

7  
8 Next, Ms. Carey discussed the financing terms. She said the loan had very restrictive terms, such as the  
9 1% prepayment penalty and no options for partial prepayments of the loan. If the loan were prepaid, the  
10 City would have to incur a 1% penalty and pay that from its general fund. She said, in the event there is  
11 a condemnation of the property, the developer is in a better position to negotiate with the condemning  
12 authority to get the 1% penalty included in their condemnation proceedings and part of the  
13 compensation they receive. She stated she received an email from Mr. Zucker asking that a statement  
14 be included in the resolution that the City will do its best to cooperate with the developer in negotiating  
15 with the condemning authority to get the 1% covered, if condemnation were to occur. Otherwise, it  
16 would be the City's responsibility to pay the 1% penalty. She stated she had no problem including that  
17 provision if it gives the developer some comfort. Mr. Gable noted that would be amenable to the  
18 developer. Discussion ensued about the best way to proceed with this matter. Mayor Strickland  
19 suggested listing the options one by one. Ms. Carrie stated the agreed upon issues as follows: 1) the  
20 Developer's Agreement provides that the first year may be paid on the tax bill or by direct bill to  
21 developer thus deferring the assessment to next year. She noted the Developer wants to retain the option  
22 to use either method; 2) in the event of a condemnation, the City will cooperate with the Developer in  
23 negotiating with the condemnation authority to provide for repayment of the assessment. Ms. Carey  
24 stated those are the two changes that Council would be considering this evening.

25  
26 Vice Mayor Allebach stated that one of the stipulations of the loan was that it would be collected  
27 through taxes. He felt that there is no point to making it an option. He stated, "The loan does not exist  
28 unless we guarantee it through property tax collections and making it the premium." Council Member  
29 Mahoney agreed. He recalled that he had stated previously that he would not support the loan without  
30 the special assessment district.

31  
32 **Mr. Reischmann stated a motion to direct Counsel to amend the**  
33 **resolution to address the two remaining issues that have been agreed**  
34 **to tonight by Nabors, Giblin & Nicholas, P.A. and by the Booker &**  
35 **Associates.**

36  
37 **So moved by Council Member Sherrill, seconded by Council Member**  
38 **Laputka and passed by unanimous 6/0 roll call vote of the Council.**

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40 Council Member Mahoney pointed out an error in the formula under the "cost of collection" section. He  
41 said the original formula is fine, and that section B as it reads, mathematically, is perfect.

42  
43 **Mr. Reischmann stated a motion to amend the original resolution to**  
44 **incorporate the changes that were submitted tonight as corrected by**  
45 **Council Member Mahoney is required.**

46  
47 **So moved by Vice Mayor Allebach, seconded by Council Member**  
48 **Laputka and passed by unanimous 6/0 roll call vote of the Council.**  
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**Main motion passed as amended by unanimous 6/0 roll call vote of the Council.**

**B. RESOLUTION NO. 534-09:** A resolution of the City Council of the City of Orange City, Florida, authorizing the Interim City Manager to execute an agreement with Bryant Miller and Olive P.A. to serve as the City’s Bond Counsel and to assist the City and staff with financing a portion of the costs of certain onsite and offsite road improvements benefitting the Sparkman Ridge R-PUD; and providing for an effective date.

Vice Mayor Allebach read the title of Resolution No. 534-09 into the record.

**Council Member Laputka moved to approve Resolution No. 534-09, seconded by Council Member Sherrill.**

Ms. Davis came forward and stated that Resolution No. 534-09 ratifies Council’s previous decision to use Bryant Miller and Olive P.A. as bond counsel for the Sparkman Ridge special assessment. In response to a question from Council Member Mahoney, Mr. Reischmann said Bryant Miller and Olive requested this resolution.

In response to a question from Council Member Abraham, Ms. Davis said that the \$12,000 Bond Counsel fee is the standard fee for Bryant Miller and Olive.

**Motion passed by a 6/0 roll call vote of the Council**

**C. RESOLUTION NO. 535-09:** A resolution of the City Council of the City of Orange City, Florida recommending certain changes to the rules of procedure for the Volusia Growth Management Commission (VGMC) as set forth herein; providing for severability; providing for conflicting ordinances; and providing an effective date.

Vice Mayor Allebach read the title of Resolution No. 535-09 into the record.

**Council Member Laputka moved to approve Resolution No. 535-09, seconded by Council Member Sherrill.**

Mr. Reischmann said that the purpose of this resolution is to recommend that Volusia County revise the rules and procedures of the Volusia Growth Management Commission (VGMC) to bring the commission more in line with its original purpose. Mr. Reischmann noted that the exhibit contains the proposed changes, crafted by groups of attorneys and planners from the various cities in Volusia County. This resolution was considered by the Volusia Council of Governments (VCOG) and has been approved by various cities. Mr. Reischmann predicted that the specific changes to the VGMC might not be adopted by Volusia County however; it does provide Volusia County and the VGMC with Orange City’s preferences on the matter.

Council Member Mahoney questioned whether the proposed changes, particularly Article 2, “swing the pendulum the other way.” Mr. Reischmann responded “no.” He said the original objective of the VGMC was to create a forum for local governments to mediate inconsistencies with their comprehensive plan amendments. For the most part, VGMC’s concerns are created by its staff or citizen’s who already had an opportunity to address the matter during the public hearing process at the local jurisdiction level. He said that is an inconsistency between the process and the original intent of

1 the VGMC. Mr. Murray stated the VGMC has set themselves up as a super planning agency which can  
2 override a local decision. Vice Mayor Allebach pointed out the VGMC is not an elected body and its  
3 members are not responsible to voters.

4

5 Mayor Strickland said that VCOG has discussed the matter. He said that these issues have come up for  
6 Orange City and a number of other cities as well. The majority of the other cities have expressed the  
7 same concerns. He stated, "I fully support that we act on this."

8

9 **Motion passed by a 6/0 roll call vote of the Council**

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11 **8. DISCUSSION AND ACTION:**

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13 *(Agenda item added to follow)*

14

D. Chamber of Commerce

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16 Mr. Murray advised that the City and the Chamber of Commerce have joint interest in the old Chamber  
17 of Commerce building on Volusia Avenue. The Chamber built the building on City property.  
18 Currently, the Chamber is experiencing financial difficulties and is asking the City to reimburse them  
19 for the money they put into the building. Mr. Murray noted that the Chamber has been a valuable  
20 resource to the City and West Volusia. He stated, "We owe a great deal to the West Volusia Chamber  
21 of Commerce and I certainly don't want to see them go away."

22

23 David Bridgeman, Chamber of Commerce of West Volusia (The Chamber) came forward. He said that  
24 when the Chamber relocated to the new building, it planned to use the old location for developing  
25 incubator programs. Mr. Bridgeman noted that incubator programs are one of the best ways to create  
26 jobs and stimulate the local economy. However, there have been unplanned changes in the Chamber's  
27 funding. Within the last 45 days, The West Volusia Tourism Authority and Daytona State College have  
28 withdrawn their funding. As a result, the Chamber had to reassess its options and felt that it was not  
29 possible to maintain both locations. Mr. Bridgeman said the Chamber approached the City Manager  
30 regarding the matter and offered the City the opportunity to purchase the Chamber's interest in the  
31 location. He suggested that the Chamber could obtain a grant and collaborate with the City to provide  
32 incubator space at the location. Mr. Bridgeman stated that this would assist the Chamber in moving  
33 forward in these challenging times.

34

35 Mr. Murray advised that it is necessary to move quickly. The City obtained a "Broker Price Opinion"  
36 (BPO) that indicates the property and building are valued at \$150,000. The City's investment would be  
37 about \$75,000. He said that he would like to pay in two payments over a six month period. The  
38 purchase could be funded from the General Fund and may require a budget amendment however, the  
39 City would not have to access its Reserve fund. Mr. Murray suggested two payments. Mr. Bridgeman  
40 noted the Chamber would be amenable to that schedule.

41

42 Mayor Strickland spoke in favor of the purchase stating the City should continue to support the  
43 Chamber and its efforts. Council Member Sherrill suggested the money is taken from the City's  
44 Reserve Fund. Mr. Murray said there are adequate funds in the Reserve Fund. Vice Mayor Allebach  
45 spoke in favor of the purchase, noting this is an opportunity for the City to support the Chamber and its  
46 efforts to stimulate the community. Council Member Mahoney stated that he agrees with the concept  
47 but that he had concerns with the process. He questioned whether the transaction conforms to the  
48 purchasing policy and stated that an appraisal is required. Mr. Reischmann responded that Section  
49 12.3.1 of the Code of Ordinances provides that the purchasing policy does not apply to real property.

1 However, he said there is a State Statute that details the process for local governments. He said that if  
2 the Council directs the City Manager to proceed, he would work with him on the required process.  
3 Council Member Mahoney reiterated that he supports the process but wants to make sure the approach is  
4 proper.

5  
6 Mayor Strickland suggested the Council direct the City Manger to pursue the purchase. Mr. Murray  
7 stated an appraisal would require a bidding process and would not allow the City to comply with the  
8 Chambers timeframe. Mr. Bridgeman agreed that the Chamber would pay for the appraisal if the City  
9 would agree to reimburse at the time of purchase. Mr. Murray suggested the Chamber acquire the  
10 appraisal and present it to the City.

11  
12 **It was the consensus of Council to return this item for approval at the**  
13 **next meeting.**

14  
15 A. City Clerk's Evaluation

16  
17 Mayor Strickland stated he had received responses from each Council Member with regard to the City  
18 Clerk's evaluation.

19  
20 Council Member Sherrill pointed out that the salary history of the City Clerk provided to Council (a  
21 copy of which is attached and becomes a permanent part of these minutes) includes retroactive payments  
22 and Cost of Living Adjustment (COLA). He noted that the former Mayor was late with her evaluation,  
23 which resulted in her raise being retroactive to her anniversary date. He commented that Ms. Renner  
24 has already received a COLA increase for this fiscal year and suggested that a 3% increase retroactive to  
25 her August anniversary date is appropriate.

26  
27 **Council Member Sherrill moved that the City Council award the City**  
28 **Clerk a 3% merit increase retroactive to her anniversary date,**  
29 **seconded by Vice Mayor Allebach.**

30  
31 Council Member Sherrill said that Ms. Renner does an "outstanding" job and deserves recognition for  
32 her efforts. He noted that it had been a busy year especially with the Charter review and referendum.  
33 He stated, "I think she has done a yeoman's job. We should reward her for it."

34  
35 Vice Mayor Allebach said that the overall rating of the City Clerk evaluation is outstanding. He noted  
36 that she often performs beyond the responsibilities of her job. She keeps the Council informed of  
37 upcoming issues that affect local governments. Mayor Strickland agreed adding that he would support a  
38 5% increase based on the Vice Mayor's comments.

39  
40 Council Member Laputka pointed out the consistency with the overall rating of the evaluation. He said  
41 that it is interesting to see and that the entire Council has the same impressions of the City Clerk.  
42 Council Member Mahoney concurred.

43  
44 Council Member Abraham said that he too would support a 5% increase for the City Clerk. He said that  
45 he is "highly impressed" with her performance. She is always cooperative and has a good relationship  
46 with the public and employees. Council Member Abraham remarked that he read Ms. Renner's job  
47 description and noted that her primary role is custodian of city records. He stated, "She tries her level  
48 best to do that despite the obstructions and obstacles that she faces. Her tenacity and her way of taking  
49 the stress is something which I can see, I give her a 5% increase."

1 Mayor Strickland remarked that Mr. Frank Bruno, from the County Council, commended Ms. Renner's  
2 efforts in a newspaper article.

3  
4 Council Member Mahoney commented on the rating of the evaluations. He said a rating of three means  
5 that a person is doing their job to expectation and that is a good thing. Often we are concerned with  
6 "grade deflation" but no one is a five and exceeds the standards in everything.

7  
8 Council Member Sherrill commented that the City might be facing difficult times in the next fiscal year.  
9 He maintained that a 3% COLA increase was already provided and that a 3% merit increase is  
10 appropriate.

11  
12 **Council Member Abraham moved to amend the motion to provide a**  
13 **5% merit increase retroactive to the City Clerk's anniversary date,**  
14 **seconded by Council Member Laputka.**

15  
16 **The amendment to the main motion passed with a 4/2 voice vote of the**  
17 **Council, with Vice Mayor Allebach and Council Member Sherrill voting**  
18 **"no."**

19  
20 **The main motion, as amended passed, with a 6/0 vote of the Council.**

21  
22 B. Miller-Legg Additional Services Agreement

23  
24 Mr. Murray advised this agenda item establishes the annual maximum costs associated with using  
25 Miller-Legg engineering consultants. This is a \$20,000 not to exceed agreement and identifies how  
26 much each of these types of specialist will cost.

27  
28 Vice Mayor Allebach said the money must be available so that the City could utilize it as the need arises  
29 during the year. He spoke in favor of approving this agreement.

30  
31 **Vice Mayor Allebach moved that the City Council authorize the City**  
32 **Manager to accept and sign the Miller-Legg agreement for when the**  
33 **City needs to utilize their services, seconded by Council Member**  
34 **Sherrill, and passed by unanimous 6/0 voice vote of the Council.**

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36 C. Amendments to City Code

37  
38 Mayor Strickland said there are inconsistencies in the City Code. He suggested removing Section 2-3  
39 (d), as it was addressed with the recent amendments to the City Charter. Section 2-3 (k) and Section 2-6  
40 are no longer applicable and should be deleted.

41  
42 Council Member Mahoney questioned the removal of Section 2-3 (d). He said that he agrees with the  
43 concept if the citizen received a response to their issue at the meeting. However, he questioned what  
44 would be an appropriate timeframe that a citizen could expect a response from the City Manager if there  
45 was no such response.

46  
47 Mayor Strickland questioned the reason this section was included in the City Code. Mr. Reischmann  
48 explained it was created in 1989 and subsequently modified in 1993. Mr. Hugh Strickland came  
49 forward and stated this section was included in the Code in 1989 when the City government was

1 converting from a strong mayor to a city manager form of government. At that time, citizens expressed  
2 their concerns that a City Manager would not be responsive to their issues. Mayor Strickland suggested  
3 that the City Manager's contract might be a more appropriate place to require this response. Vice  
4 Mayor Allebach agreed noting this is a job performance item and should not be included in the City  
5 Code. It was the consensus of the Council that the City Attorney review and revise the City Code as  
6 discussed.

7  
8 Mr. Ron Saylor came forward and said the timeframe discussed in Section 2-3 (d) is not realistic.  
9 However, there needs to be something in the Code that requires a response to citizens when they ask for  
10 something. He argued that his citizen comments this evening were a classic example of why that section  
11 should remain in the Code.

12  
13 Vice Mayor Allebach questioned what happens with the background checks that are a requirement of  
14 Section 2.7 of the Code. He said the section details the parameters to do a background check but does  
15 not discuss how that information is to be handled once it is obtained. Mr. Reischmann said that he  
16 would work with the City Clerk on the matter and bring something forward at a future time.

17  
18 **9. NEW BUSINESS:**

19  
20 Council Member Abraham asked that a discussion of open sunshine meetings and public records  
21 requests be included on the next agenda. He said that generally, a public record request is made to the  
22 City Clerk and the City Clerk coordinates the request with the various departments.

23  
24 Vice Mayor Allebach commented that the high school is almost ready to open. He suggested that the  
25 City create a resolution that strongly suggests that the School Board change their policy and name the  
26 new school the Orange City High School.

27  
28 Michelle Polgar came forward and stated that the kids are allowed to choose the name of the school by  
29 survey. She recalled that previous Vice Mayor Yebba might have introduced a resolution urging the  
30 school board to name the school as "Orange City High School."

31  
32 Mr. Hugh Strickland came forward and volunteered to work with Vice Mayor Allebach.

33  
34 **10. REPORTS:**

35  
36 A. City Manager

37  
38 Mr. Murray reported that the extension project for Sparkman Avenue has begun, and should be  
39 completed within the next 90 days. The Rhode Island Avenue construction is completed and the road  
40 will open the first week of April. He noted that would relieve some of the traffic issues in that area. Mr.  
41 Murray asked Mr. Paul Johnson, Public Works Director to come forward.

42  
43 Mayor Strickland recalled that at the last meeting a citizen came forward to discuss traffic problems on  
44 Ohio Avenue. He asked if there was an update. Mr. Murray responded that the next day patrol cars  
45 were on Ohio Avenue to talk to the drivers. He said the problem was that there was construction work  
46 being done on Carpenter and Blue Springs Avenues in that area, and Ohio Avenue was the only way the  
47 drivers could access the sites. The truckers told to stay off Ohio Avenue, to use Blue Springs Avenue,  
48 to access Carpenter Avenue. He said the Police Department would continue to monitor the situation.  
49 Council Member Laputka questioned if the construction on Sparkman Avenue extension would

1 contribute to the traffic problems in that area. Mr. Murray responded there is no access to the road at  
2 this time.

3  
4 Mr. Johnson advised that as part of the stormwater to reuse water program, staff has been negotiating  
5 with the Department of Transportation (DOT) to release their surplus properties in the City. He said that  
6 he has submitted a request for Mill Lake, the borrow pit at the west end of Lansdowne and Volusia  
7 Avenues and the retention ponds in Terrace Hill behind the 7-11 on Saxon and 17-92. The DOT agreed  
8 to release Mill Lake and the Lansdowne properties and they are working on an agreement to assist with  
9 the cleanup of the Mill Lake property and providing assistance with a second outfall for the lake before  
10 releasing the property. He said the DOT has agreed to release these properties in perpetuity for public  
11 purpose. Mr. Murray commented it is no longer a question of if they were to give the property to the  
12 City, it is just a matter of the timing.

13  
14 Council Member Laputka inquired about the status of the traffic lights planned for Threadgill Place and  
15 Harley Strickland Boulevard. Mr. Murray said there is delay with the installation of the traffic light.  
16 The developer feels the matter will be resolved soon. However, it has delayed the opening of the  
17 Staples store.

18  
19 Council Member Mahoney recalled that last year the City was discussing implementing a “no bill, no  
20 service” policy with solid waste for the City. He questioned the status. Mr. Murray said staff has done  
21 research on the matter and is working on the mechanisms to address the issue. The property owner  
22 would still be assessed the fee, however, a credit or rebate would be issued to the property owner if the  
23 home were vacant. Primarily, Emerald Waste must agree with the “no bill, no service policy.” Council  
24 Member Mahoney recalled that Emerald Waste agreed to work with the City if the City were to accept  
25 the sale transfer from Waste Management. He suggested the matter be discussed during the Council’s  
26 upcoming planning sessions so it could be addressed prior to adopting the annual ordinance authorizing  
27 the solid waste assessment. Mr. Reischmann pointed out that the annual legislation that Council  
28 Member Mahoney is referring to is not specific to any one particular special assessment district; it is an  
29 annual ongoing technicality that has to be done so that the City can continue to either implement an  
30 existing or new special assessment district. He noted that the contract with Emerald Waste expires in  
31 2011.

32  
33 Council Member Sherrill stated the roads that were dug up in Country Village still have not been  
34 repaired. He questioned if Code Enforcement could intervene. Mr. Murray said that he would  
35 investigate.

36  
37 B. Mayor/City Council

38  
39 Council Member Sherrill reported that the next meeting of WAV is March 18. Ms. Lindsey Roberts  
40 would be attending a WAV meeting on April 11<sup>th</sup> to discuss interlocal agreements for irrigation and to  
41 provide the committee an update on the Yankee Lake and Coquina Coast projects.

42  
43 Mayor Strickland announced that he plans to attend a free workshop on “Ethics for Elected Officials or  
44 Public Servants” on Tuesday March 31<sup>st</sup>. He asked if any other Council Members wanted to attend.  
45 Vice Mayor Allebach said he would like to attend.

46  
47 C. City Clerk

48

1 Ms. Renner reported that Mr. Murray had assigned Wendy Hickey to assist with developing district  
2 boundaries, by gathering population data and drawing the district maps. Ms. Renner said that she and  
3 Ms. Hickey met with the GIS staff at the Supervisor of Elections office. She said that today they met  
4 with the City Clerk of Altamonte Springs who is required to redraw their district maps every three years,  
5 noting that meeting was very helpful. Ms. Renner said the last Census was quite some time ago, and as  
6 a result, much of the population data must be estimated. She suggested the Council consider utilizing a  
7 citizen's committee to work with staff to bring forward a rough draft of the districts by April 30. The  
8 committee would then have the month of May to review and finalize the map. She said the ordinance to  
9 adopt the map would come forward at the first Council meeting in June and adopted at the second. That  
10 would allow the matter to be completed by the July 1. Vice Mayor Allebach said that he would favor  
11 forming a citizen's committee to assist with the process.

12  
13 Ms. Renner announced that she has received one letter of interest in response to the vacant Council seat.  
14 She said that she had provided copies to the Council.

15  
16 D. City Attorney

17  
18 Mr. Reischmann requested clarification regarding a response to Hugh Strickland's letter on district.  
19 Mayor Strickland noted there was some confusion around this issue. He suggested that Mr. Reischmann  
20 restate his opinion. Mr. Reischmann said the opinion he gave at the last meeting dealt solely with the  
21 selection process to fill vacancies and that Mr. Strickland's letter applies to future vacancies on the  
22 Council between the time that the districts are created by ordinance and the transitional elections in 2009  
23 and 2011 are held. He read from Section 2.01 and Article IV of the Charter noting both sections must  
24 be read together. Mr. Reischmann stated his opinion, that Council is not bound to appoint someone  
25 from a particular district during this transition period. The Council has the discretion to fill the vacancy  
26 whatever way deemed appropriate.

27  
28 Council Member Abraham remarked that the Council received an anonymous complaint letter filed by  
29 employees. He asked if the letter was valid. Mr. Reischmann responded that he had not seen the letter  
30 but that he would check into the matter. Mr. Murray stated, "The letter is solely the purview of the City  
31 Manager" noting the charges are from an anonymous source and could not be verified. He stated, "This  
32 is not an issue to bring forward to the public." Council Member Abraham argued that the letter had  
33 been placed in his box and that he wants the City attorney's opinion on jurisdiction of the investigation.  
34 Mr. Reischmann said the he would review the letter and report to the Council.

35  
36 **11. APPROVAL OF MINUTES:** February 24, 2009 Regular Meeting

37  
38 **Council Member Laputka moved to approve the minutes of the**  
39 **February 24, 2009 Regular Council Meeting, seconded by Council**  
40 **Member Mahoney and passed by a unanimous 6/0 voice vote of the**  
41 **Council.**

42  
43 **12. COUNCIL COMMENTS**

44  
45 Council Member Laputka said that he is happy to hear that the Mill Lake project is moving forward.

46  
47 Vice Mayor Allebach remarked that the stock market went up 379 points. He stated, "I know that  
48 economic times are rough but it can be gotten through."  
49

1 Council Member Abraham said that he was happy to hear that the President removed the stem cell  
2 research ban. He said that it is a great step forward.

3

4 **13. ADJOURN**

5

6 There being no further business, Mayor Strickland adjourned the meeting at 9:17 p.m.

7

8 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

9

10

11

12

13 Gloria Williams

14 Deputy City Clerk

March 24, 2009

15

16

17

18