

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held  
2 on Tuesday, March 23, 2010 at 4:30 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3  
4 **CALL TO ORDER**

5  
6 The meeting was called to order at 4:30 p.m. by Mayor Strickland and roll call was taken.

7  
8 **ROLL CALL**

9  
10 **PRESENT:** Mayor Harley Strickland; Vice Mayor Tom Laputka; Council Members; Jeff Allebach, Tom  
11 Abraham, Anthony J. Pupello, Gary A. Blair, O. William (Bill) Crippen; City Attorney William  
12 Reischmann; Interim City Manager V. Eugene Miller, City Clerk Deborah Renner

13  
14 The Invocation was given by Pastor Ron Holmes, Faith Life International Church, followed by the Pledge of  
15 Allegiance.

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

18  
19 **2. PRESENTATIONS/PROCLAMATIONS:** Proclamation – Women’s History Month

20  
21 Vice Mayor Laputka read a proclamation into the record proclaiming the month of March as Women’s  
22 History Month in the City of Orange City. Donna Hicks, Gemini Springs Chapter of the Daughters of the  
23 American Revolution came forward to accept the proclamation.

24  
25 Proclamation – Water Conservation Month

26  
27 Vice Mayor Laputka read a proclamation into the record proclaiming April 2010 as Water Conservation  
28 Month in the City of Orange City.

29  
30 Mayor Strickland presented a certificate of completion for the 2010 Institute for Elected Municipal Officials  
31 to Council Members Crippen and Pupello.

32  
33 **3. CITIZEN COMMENTS:**

34  
35 Allan James, 1045 E. Graves Avenue came forward to discuss revisions to the sign ordinance. He noted that  
36 businesses have a little over a year to comply and requested that the “Orange City Partners for Progress” be  
37 allowed to participate in the revisions to the sign code.

38  
39 Gina Holmes, 670 Placid Run Road came forward and said she is representing the Water Committee and  
40 wished to talk to Council about agenda item 7-B, Water Fees. She said the Water Committee requests that  
41 Council consider inviting someone from the Saint Johns River Water Management District to meet with  
42 their committee. Ms. Holmes spoke in support of the water surcharge since it encourages conservation.  
43 However, she suggested using a “tiered rate.” Ms. Holmes said the Water Committee feels that a  
44 conservation festival, similar to the Manatee Festival may be helpful in educating the public she said the  
45 Committee is willing to assist in coordinating the event. She noted the Water Committee meets every other  
46 week at the Dickinson Library Hall and asked anyone who is interested in participating to come to the next  
47 meeting.

1 Ron Saylor, 361 Dixson, came forward to talk about the alternative water fees. Mr. Saylor suggested that  
2 "water education" is the number one issue. He said that Orange City has some of the lowest rates around  
3 due to its large commercial base. Mr. Saylor spoke in strong opposition to changing the rate at this time.  
4 He said that most of the retirees agree.

5  
6 **4. CONSENT AGENDA:** None at this time

7  
8 **5. ORDINANCES – FIRST READING:**

- 9  
10 **A. ORDINANCE NO. 403:** An Ordinance of the City of Orange City, Florida  
11 amending Ordinance 90-05-08, said Ordinance being the Comprehensive Plan; and  
12 the Future Land Use Map of the Future Land Use Element of the Comprehensive  
13 Plan; changing the future land use designation of the Monroe property, consisting  
14 of a certain 4.65 acre parcel generally located on the north side of Veterans  
15 Memorial Parkway, said property located approximately 2,600 feet south of its  
16 intersection with East Graves Avenue; from its present future land use designation  
17 of Volusia County (ULI) Urban Low Intensity to future land use designation of  
18 (MX) Mixed Use; containing a repealer provision, a severability clause and  
19 providing for an effective date.

20  
21 Council Member Allebach read the title of Ordinance No. 403 into the record.

22  
23 **Vice Mayor Laputka moved to adopt Ordinance No. 403 on first reading,**  
24 **seconded by Council Member Blair.**

25  
26 Jim Kerr, City Planner came forward and advised the purpose of Ordinance No. 403 is to rezone property  
27 located on Veterans Memorial Parkway from its Volusia County land use designation of urban low intensity  
28 (ULI) to Orange City's mixed use (MX) land use classification. He said the property owner and project  
29 engineer are present this evening however the land use change is the only matter under consideration at this  
30 time. Mr. Kerr displayed the location of the property on a PowerPoint presentation (a copy of which is  
31 attached and becomes a permanent part of these minutes) noting it is across the street from the "Monastery"  
32 property.

33  
34 Mr. Kerr explained that as required by the Comp Plan, staff and the Planning Commission reviewed the  
35 proposed development to determine potential impacts associated with an assisted living facility land use to  
36 the surrounding area and there were none. He detailed the potential impacts noting there would be an  
37 increase in the need for water and wastewater however the Orange City Utility has the capacity to meet the  
38 need. In addition, the proposed land use change received a "Certificate of Consistency" from the Volusia  
39 Growth Management Commission. Mr. Kerr said the proposed land use meets the objectives of the Comp  
40 Plan to promote orderly growth, to minimize adverse impacts and to minimize any disruption. Mr. Kerr said  
41 the Planning Commission is recommending that Council adopt Ordinance No. 403, thereby approving the  
42 land use change from Volusia County ULI to Orange City MX.

43  
44 In response to a question from Vice Mayor Laputka, Mr. Kerr advised that three traffic analyses were  
45 conducted, as opposed to a traffic study. He explained the difference between a traffic study and a traffic  
46 analysis noting that a traffic study physically counts the number of trips on a road.

47

1 Council Member Crippen questioned whether the neighboring property owner's issue with sound buffer was  
2 addressed. Mr. Reischmann advised that matter would be discussed when the proposed site plan is  
3 considered later on the agenda, as this discussion is for an amendment to the future land use map.  
4

5 **Motion passed by a 7/0 roll call vote of the Council.**  
6

- 7 **B. ORDINANCE NO. 418:** An Ordinance of the City of Orange City, Florida,  
8 amending Section 8.3 of the City's Land Development Code, said section being the  
9 Official Zoning Map of the City of Orange City, Florida, said amendment changing  
10 the zoning classification of Villa Tuscany assisted living facility, consisting of  
11 approximately 4.65 acres generally located north of Veterans Memorial Parkway  
12 approximately 2,300 feet south of Graves Avenue, from its present zoning  
13 classification of Mixed Use, Suburban (MX-2) to Business Planned Unit  
14 Development (BPUD), containing a repealer provision, a severability clause and  
15 providing for an effective date.  
16

17 Council Member Allebach read the title of Ordinance No. 418 into the record.  
18

19 **Vice Mayor Laputka moved to adopt Ordinance No. 418 on first reading,**  
20 **seconded by Council Member Crippen.**  
21

22 Mr. Reischmann advised this is a quasi-judicial matter and any ex-parte communications must be disclosed.  
23 He noted for the record that there were no ex-parte disclosures.  
24

25 Wendy Hickey, Planning & Zoning Analyst came forward and advised it is now necessary to rezone the  
26 Villa Tuscany Assisted Living property from its mixed use (MX) land use designation (previous agenda  
27 item) to a business planned unit development (BPUD). Ms. Hickey said the application is consistent with  
28 the City's Comp Plan, is compatible with the surrounding zoning classifications and will benefit the City  
29 and its citizenry. The proposed project is an assisted living facility with an Alzheimer's unit which is unique  
30 as most assisted living facilities do not have the capability to care for Alzheimer's residents. With the  
31 proposed facility there will be few impacts on the environment and no adverse affects on infrastructure and  
32 the facility will have a positive effect on the area. Referring to a PowerPoint presentation, (a copy of which  
33 is attached and becomes a permanent part of these minutes), Ms. Hickey said the proposed project would  
34 consist of one building with recreational areas outside for the residents. She concluded by stating the site  
35 plan would be considered further on the agenda however rezoning the property to BPUD is required before  
36 the project could move forward.  
37

38 Council Member Blair questioned whether there were problems submitting this project to the VGMC. Ms.  
39 Hickey responded in the affirmative, noting some of the problems experienced. Council Member Allebach  
40 expressed his concerns with the way the VGMC handles these types of requests. He suggested the process  
41 is too lengthy and causes a delay in getting "quality businesses" in the City.  
42

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

- 45 **C. ORDINANCE NO. 419:** An Ordinance of the City of Orange City, Florida  
46 transmitting and adopting an administrative amendment to the City of Orange City  
47 Comprehensive Plan for the purpose of amending the Capital Improvements  
48 Element to update and revise the text including the Five-Year Capital Improvement

1 Program; providing for conflict and severability and providing for an effective  
2 date.

3  
4 Council Member Allebach read the title of Ordinance No. 419 into the record.  
5

6 **Vice Mayor Allebach moved to adopt Ordinance No. 419 on first reading,**  
7 **seconded by Council Member Allebach.**  
8

9 Jim Kerr, City Planner came forward and distributed a revision to Exhibit A of Ordinance No. 419 (a copy  
10 of which is attached and becomes a permanent part of these minutes). He advised the purpose of this  
11 ordinance is to amend the Five Year Capital Improvement Program which is a part of the Comp Plan. Mr.  
12 Kerr said the Comp Plan has two parts, consisting of a text document and the Future Land Use Map that was  
13 adopted in 1990. He explained that Council would be considering the Capital Improvements Elements of  
14 the Comp Plan this evening.  
15

16 Mr. Kerr defined the Capital Improvement Element as involving physical assets constructed or purchased  
17 that will provide, improve or replace a public facility or infrastructure and that costs a minimum of \$50,000  
18 with a 5 year physical life. The purpose of this element is to identify the capital improvement projects that  
19 are needed to implement the Comp Plan and ensure that the adopted level of service is maintained.  
20 Referring to a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these  
21 minutes) Mr. Kerr displayed a table of the Five-Year Capital Improvement Program. He discussed the  
22 project types and the associated funding sources. He advised Council the Alternative Water Supply  
23 Construction project would be discussed later on the agenda this evening. Mr. Kerr said staff recommends  
24 that Council adopt Ordinance No. 419 thereby adopting the Capital Improvement Elements as well as the  
25 Five-Year Capital Improvement Program.  
26

27 Council Member Allebach spoke in support of this action. In response to a question from Mayor Strickland,  
28 Ms. Wilson said that if Amendment 4 – Hometown Democracy passes in November, this type of action  
29 would require a voter's referendum.  
30

31 **Motion passed by a 7/0 roll call vote of the Council.**  
32

33 **6. PUBLIC HEARINGS:** None at this time  
34

35 **7. RESOLUTIONS:**  
36

37 **A. RESOLUTION NO. 597-10:** A Resolution of the City Council of the City of  
38 Orange City, Florida, to approve a Final Master Plan and Site Plan for Villa  
39 Tuscany assisted living facility Business Planned Unit Development; repealing all  
40 resolutions or parts of resolutions in conflict herewith and providing for an  
41 effective date.  
42

43 Council Member Allebach read the title of Resolution No. 597-10 into the record.  
44

45 **Vice Mayor Laputka moved to adopt Resolution No. 597-10 seconded by**  
46 **Council Member Blair.**  
47

1 Mr. Reischmann advised this is a quasi-judicial matter and any ex-parte communications must be disclosed.  
2 He noted for the record that there were no ex-parte disclosures.

3

4 Ms. Hickey said the proposed Villa Tuscany Assisted Living Facility is a two-story, 71,866 sq foot building  
5 that will be a 100 unit assisted living facility. The owner proposes two sections, a standard assisted living  
6 facility and a memory unit for Alzheimer's and related diseases. She said the owner is present to answer  
7 any questions. Ms. Hickey displayed a PowerPoint presentation of the proposed development (a copy of  
8 which is attached and becomes a permanent part of these minutes). She advised that staff is recommending  
9 Council adopt Resolution No. 597-10 with the following three conditions, 1) a development agreement  
10 approved by the City Attorney and signed by the developer; 2) all outstanding items from the City  
11 engineer's report must be resolved; 3) and the continued collaboration with the City in providing a master  
12 lift station on the site.

13

14 Vice Mayor Laputka said he read in the Planning Commission minutes that Commissioner Durica had  
15 questions regarding the traffic going into the project. He noted Commissioner Durica was present and asked  
16 whether he received an adequate answer. Mr. Durica came forward and explained he was concerned that a  
17 turn lane be installed to facilitate a left turn into the project site and whether it would be operational before  
18 construction begins. Ms. Hickey responded in the affirmative noting that the turn lane is already there and  
19 will be operational before the construction begins.

20

21 Council Member Blair spoke in support of the project. He commented that this is a "good quality" project  
22 that is aesthetically pleasing and it is well thought out. He noted that an Alzheimer's unit is a "plus."

23

24 Council Member Crippen asked what an Alzheimer's Memory Unit is. Jerry Cutrona, owner of the property  
25 came forward and said there are various stages of dementia that may or may not lead to Alzheimer's disease,  
26 such as forgetfulness and loss of cognitive functioning. These stages are classified as related dementia  
27 illnesses. Assigning residents with special needs to a Memory Unit differentiates them from the residents  
28 that do not require the same amount of care. It is a much more secure environment. Council Member  
29 Crippen questioned at what stage these individuals would be transferred to a skilled nursing facility. Mr.  
30 Curtona said residents could live their lives at this facility by arranging for a managed care plan with a third  
31 party, including home health care. In response to a question from Mayor Strickland, Mr. Cutrona said the  
32 facility capacity is 100 units, 60 units reserved for assisted living residents and 40 units reserved for  
33 residents with special needs.

34

35 Ms. Hickey noted that Council Member Crippen had a question earlier about landscaping in the rear of the  
36 property and that she wished to address the matter at this time. She said a neighbor whose property abuts  
37 the Villa Tuscany property had concerns with privacy and as a result Mr. Cutrona had spoken with him and  
38 agreed to install landscaping in the rear of the property to alleviate the issue.

39

40 Council Member Allebach spoke in support of the project. He characterized it as "local corporate America"  
41 but it is not somebody swooping down trying to take advantage of our area. Mr. Cutrona pointed out Villa  
42 Tuscany will employ 50 and 60 people.

43

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

46

47 In response to a question from Mayor Strickland, Ms. Hickey said that pursuant to VGMC mandates, the  
48 developer's agreement stipulates the facility's capacity be a maximum of 100 units. She noted the property

1 owner's attorney has not had an opportunity to review it. Mr. Reischmann advised the Land Development  
2 Code requires an executed developer's agreement when rezoning to a BPUD.

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

- 5  
6 **B. RESOLUTION NO. 598-10:** A Resolution of the City Council of the City of  
7 Orange City, Florida, adopting a revised Miscellaneous Fee Schedule for water and  
8 wastewater services provided by Orange City Utilities; providing for conflicts;  
9 providing for severability; and providing an effective date.

10  
11 Council Member Allebach read the title of Resolution No. 598-10 into the record.

12  
13 **Vice Mayor Laputka moved to adopt Resolution No. 598-10 seconded by**  
14 **Council Member Blair.**

15  
16 Paul Johnson, Public Works Director, came forward and noted that as directed by Council at the February  
17 23<sup>rd</sup> City Council meeting, staff was directed to revise the Utilities Miscellaneous Fee Schedule to remove  
18 the alternative water "flat fee" and to reduce the percentage fee from 25% to the 15% originally  
19 recommended by staff.

20  
21 Mr. Johnson began by stating the City is faced with having to do something with regard to alternative water.  
22 He noted the Saint John's River Water Management District (SJRWMD) mandate and detailed some of the  
23 potential reuse and reclaim projects the Water Supply Partners are working on. He said, however, it appears  
24 that SJRWMD is only concerned with participation in the Yankee Lake or Coquina Coast projects, which  
25 will mean the City would be required to enter into a long term agreement and put up large sums of money  
26 with no guarantees. Mr. Johnson stated, "It is not a pretty picture, but it is the reality of it at this point."

27  
28 Referring to the Five-Year Capital Improvement Program discussed by Mr. Kerr earlier, Mr. Johnson said  
29 staff estimates alternative water source planning expenditures at \$60,000 for this fiscal year and do not  
30 anticipate additional expenditures until 2013 when the mandates take effect. He reminded Council the City  
31 recently entered into an agreement with the Water Supply Partners for continued research and modeling for  
32 potential projects that would cost the City about \$28,000. Mr. Johnson said when the SJRWMD mandate  
33 becomes effective the City is required by its Consumptive Use Permit (CUP) to apply for a separate CUP for  
34 alternative water supply. Whatever is decided, the City is looking at investing "serious" money and the  
35 alternative water fee helps the City prepare for that event. The alternative water fee has collected a little  
36 over a half million dollars, which puts the City in a "pretty good position" to financially handle the  
37 SJRWMD mandate. Mr. Johnson expressed his belief the alternative water fee not be discontinued and that  
38 City continue to build a reserve and be ready to deal with the SJRWMD mandate.

39  
40 Mayor Strickland said that when the alternative water fee was approved, Council suggested it be monitored  
41 as to its effectiveness. He noted the report provided with the agenda packet could suffice and expressed  
42 concerns about the City's ability to continue to monitor and provide the reports. Mayor Strickland  
43 suggested that even though the price increase resulted in decreased use, there could be a returning to the  
44 same behaviors over a period of time if the fees are reduced. Mr. Johnson advised he has discussed the  
45 matter with the Finance Director and she has agreed to include a report in the monthly financial reports as a  
46 separate item. He said the report would also provide information about "pumpage" and include a  
47 comparison as to the usage then and now.

48

1 Council Member Blair commented he wanted this matter revisited to provide some financial relief to people.  
2 He noted that originally he wanted the \$4 flat fee to be waived across the board, but after speaking with  
3 staff, he would be willing to consider doing away with \$4 flat fee for people that use 6,000 gallons or less of  
4 water a month. Vice Mayor Laputka agreed with dropping the flat fee for people who use 3,000 gallons.  
5 Mayor Strickland said that in another city in Volusia County the average use is less than 100 gallons per  
6 person a day due to the high water rates. Council Member Abraham agreed there should be an incentive for  
7 low consumption users. He suggested eliminating the flat fee for customers who use 6,000 gallons or less  
8 and reducing the usage percentage calculation to 15%. Vice Mayor Laputka said that he agrees with  
9 dropping the flat fee but he could not support reducing the 25%.

10  
11 Council Member Allebach spoke in support of leaving the flat fee and percentage calculation in place. He  
12 noted that reducing the fees would provide relief now, but it would also cut the City's funding for alternative  
13 water sources and it will be more costly to find funding in the future. He said the SJRWMD mandates are  
14 unfortunate, no matter how much "arguing" the City does SJRWMD will still require the City to find an  
15 alternative water source by 2013. At a cost of \$1-2 million the City would have to borrow the money and  
16 incur additional debt as a result. Council Member Allebach said he read an article that discusses replacing  
17 old water systems that are 100 years old throughout the country and it is costly. Whatever conservation or  
18 alternative water source chosen, the Utility is going to need this fund. Council Member Allebach said the  
19 Utility is a company owned by the citizens and the City Council is the Board of Directors who has a  
20 fiduciary responsibility not to lose sight of the future and the viability of the Utility. He said he is ready to  
21 support dropping the \$4 fee for people that use 3,000 gallons or less, but maintaining the 25% calculation  
22 formula which creates the alternative water fee.

23  
24 Mayor Strickland agreed with Council Member Allebach's comments. He said his usage dropped 1,000  
25 gallons a month when he installed energy wise appliances. He said he is willing to support dropping the \$4  
26 flat fee for customers that use 3,000 gallons or less, as well.

27  
28 Council Member Pupello said he too agrees with Council Member Allebach's comments. He said he could  
29 support eliminating the flat fee for users of up to 6,000 gallons as that would capture more families. The  
30 commercial community is the biggest user and should be paying a greater percentage as they are in a  
31 position to distribute the increased costs to a greater group or to conserve. Council Member Pupello said he  
32 is in favor of saving money for the residents as these are "tough times" and every little bit matters.

33  
34 Mr. Miller questioned how many customers would be affected and what the impact to the alternative fee  
35 fund would be if the flat fee was eliminated for customers using 6,000 gallons or less. Ms Davis responded  
36 that 78% of the water customers fall into the 0-7,000 gallons tier. There would be a reduction in projected  
37 revenues from \$50,000 to \$90,000. She said if the fee was removed from customers using 3,000 gallons or  
38 less, the projected revenue reduction would be roughly \$52,000 up to \$100,000.

39  
40 Mr. Miller said he was not present when the alternative water fee schedule was adopted but he understood  
41 that it was to "build up" an alternative water fee fund to address the impending SJRWMD mandates. He  
42 expressed concerns that Council is now discussing modifying that action. Mayor Strickland advised the  
43 matter is being revisited because the council membership has changed. Mr. Miller cautioned Council to  
44 consider that the SJRWMD mandates are still eminent and the City needs to be prepared. He suggested that  
45 whatever is chosen, the change is minimal. He urged Council to reach a compromise and make a final decision  
46 on this matter tonight. Mr. Miller concluded by stating his opinion that considering users up to 6,000  
47 gallons is "too generous."

48

1 Council Member Crippen said that he could support the elimination of the \$4 flat fee for the lowest users as  
2 those are the people that are the “absolutely hardest hit.” He observed that taking everything else into  
3 consideration, it is similar to the commercial that says “pay me now or pay me later.” It is a little  
4 uncomfortable, but it does not even begin to describe would happen if the City did not prepare by setting  
5 aside funding for the impending projects. Council Member Crippen felt that even though the Partners are  
6 challenging the SJRWMD mandates there may not be a significant impact, but we need to “fight the good  
7 battle.” Council Member Crippen said he too read the article about water systems disintegrating. Water  
8 delivery isn’t free and the Utility needs to be in a position to fix the problems as they occur. Having a  
9 savings account to draw from would put the Utility in a better position to address the matter. He restated  
10 that he would support dropping the \$4 flat fee for the 3,000 gallons or less users. A lengthy discussion  
11 ensued about an appropriate alternative water fee.

12  
13 Council Member Blair expressed his opinion that dropping the flat fee for people who use 6,000 gallons or  
14 less would provide relief to the people who have the least amount of money in the community and it would  
15 have a minimal impact on the alternative water fee fund. Council Member Abraham agreed noting that  
16 when the matter first came before Council, it was a Council Member who suggested 25% and staff was only  
17 asking for a 15% calculation for the alternative water fee.

18  
19 **Council Member Allebach moved to amend Exhibit “A” of Resolution No.**  
20 **598-10 to eliminate the \$4 flat fee for users that use 3,000 gallons or less of**  
21 **water and to leave percentage calculation of water usage at 25%, seconded**  
22 **by Vice Mayor Laputka.**

23  
24 Council Member Blair reiterated that he does not agree with this action. He said it is minimal to bump it up  
25 to 6,000 gallons and will help the people on fixed incomes and the businesses in the community.

26  
27 Hugh Strickland, 420 May Street came forward and said that he supports a tiered structure. He said he  
28 appreciates Mr. Blair’s position in advocating for people who have low incomes and may be in a situation  
29 where they might use up to 6,000 gallons. He asked Council to consider waiving the \$4 on the first 3,000  
30 gallons of water used, and charging 15% on usage between 3,000 and 6,000 gallons. He said that while that  
31 will reduce the revenue, it would be less of a reduction than simply cutting it all back. Council Member  
32 Blair clarified that the discussion is about dropping the \$4 flat rate, not the percentage calculation.

33  
34 Michele Polgar, 585 Montclair came forward and commended Council Member Blair for bringing this  
35 matter up. Ms. Polgar said she is against any type of increases or keeping it at the extra \$4 because at the  
36 present it is a dying economy. Ms. Polgar said if the fee is charged she suggested the flat fee be removed  
37 and the percentage is assessed for people that use 6,000 gallons or more.

38  
39 Vice Mayor Laputka said that he would agree to increase the usage to 6,000 gallons however the flat fee  
40 must remain. Council Member Pupello reiterated his concerns noting that if people are not being  
41 conservative, everyone is paying the price.

42  
43 **Motion to amend Exhibit “A” of Resolution No. 598-10 failed by a 3/4 roll**  
44 **call vote with Council Members Laputka, Blair, Abraham, and Pupello**  
45 **voting “no.”**

46  
47 **Council Member Blair moved to amend Exhibit “A” of Resolution No. 598-**  
48 **10 to waive the \$4.00 flat fee for water users that use up to 6,000 gallons or**

1           **less of water and to leave the water usage calculation at 25%, seconded by**  
2           **Vice Mayor Laputka.**

3  
4 Council Member Crippen questioned what the financial impact would be. Ms. Davis said that she did not  
5 have the exact figures at this time but that she would provide the information to Council. Mayor Strickland  
6 expressed his concerns with voting on a motion without knowing its full implications. He questioned  
7 whether a statement could be added that the matter would be subject to Council's review once the final  
8 figures are available. Council Member Blair felt that would delay this action and pointed out there is a ball  
9 park figure of \$90,000. Council Member Allebach agreed it would delay the process.

10  
11           **Motion to amend Exhibit "A" of Resolution No. 598-10 passed by a 7/0 roll**  
12           **call vote of the Council.**

13  
14           **Main Motion passed by a 6/1 roll call vote of the Council, with Mayor**  
15           **Strickland voting "no."**

- 16  
17           **C. RESOLUTION NO. 599-10:** A Resolution of the City Council of the City of  
18           Orange City, Florida, adopting the Volusia County Multi-Jurisdictional Local  
19           Mitigation Strategy; providing for conflicts; providing for an effective date.

20  
21 Council Member Allebach read the title of Resolution No. 599-10 into the record.

22  
23           **Vice Mayor Laputka moved to adopt Resolution No. 599-10 seconded by**  
24           **Council Member Blair.**

25  
26 Mr. Johnson came forward and said that approval of the Volusia County Local Mitigation Strategy is  
27 required for all agencies that wish to apply for FEMA funding after declared disasters such as hurricanes,  
28 and tropical storms. A Mitigation Strategy Group that consists of municipalities in Volusia County, and non-  
29 profits agencies meets locally to discuss different ideas and projects related to storm mitigation. Orange  
30 City has two highly ranked projects one of them being mitigation for the flooding at the Royal Oaks Plaza  
31 and for the Fawn Ridge Subdivision which had the ground bubble up during Tropical Storm Faye. Mr.  
32 Johnson said staff is asking Council to approve this resolution so that it could be forwarded to DCA which is  
33 the coordinating agency for this group.

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

- 36  
37           **D. RESOLUTION NO. 600-10:** A Resolution of the City Council of the City of  
38           Orange City, Florida, amending the annual operating budget for Fiscal Year 2009-  
39           2010 by adjusting revenue and expenses; repealing all resolutions or parts of  
40           resolutions in conflict herewith; and providing for an effective date.

41  
42 Council Member Allebach read the title of Resolution No. 600-10 into the record.

43  
44           **Vice Mayor Laputka moved to adopt Resolution No. 600-10 seconded by**  
45           **Council Member Blair.**

46  
47 Christine Davis, Finance Director came forward and said Resolution No. 600-10 is the first amendment to  
48 the 2009/10 FY budget. She displayed a PowerPoint presentation (a copy of which is attached and becomes a

1 permanent part of these minutes) and began her discussion by noting the various events that occurred and that  
2 require a budget amendment, such as the Fire and Public Works contracts with DeBary; the purchase of a fire  
3 engine; and four items carried over from last year's budget. Ms. Davis said the City encountered several  
4 unanticipated expenditures such as, replacement of the citywide phone server, the costs associated with Chief  
5 Baskoff's retirement, the cost for the City Manager search and two grants that have been awarded. The General  
6 Fund is being increased \$1,809, 517 with \$443,989 from grant proceeds. She detailed the grants received and  
7 noted that historically Volusia County has managed the expenditure of the CDBG grant funds however the  
8 County has changed the way these grant funds are expensed. The City was notified after the budget was adopted  
9 that the City is required to pay the expenses associated with the CDBG grants and than seek reimbursement from  
10 the County.

11  
12 Ms. Davis noted expenditures increased \$818,000. She provided a detailed breakdown of the various line  
13 items noting the increase was necessary in order to fund a Joint Participation Agreement Traffic Study with  
14 the County; the search for a city manager; the retirement payout for the former Police Chief and attorney  
15 fees for police department matters. A line item was added to manage funding for the DeBary Fire  
16 Department. Funding for Phase II of the Streetcape Project on E. Rhode Island, was added and will be  
17 offset with CDBG grant proceeds. The DeBary Public Works Department budget is being established by  
18 this amendment to account for the contract between Orange City and DeBary.

19  
20 Ms. Davis said the proposed budget amendment reflects a transfer of \$818,251 to the General Fund due to  
21 various grant proceeds, new appropriations and several items carried forward from the FY 2009/10 budget.

22  
23 Ms. Davis summarized by stating that General Fund revenue is being increased \$1,809,571 and expenditure  
24 projections are being increased by \$1,809,571, thus maintaining a balanced budget. The Capital  
25 Improvement Fund revenue projections are being increased by \$818,251 and expenditure projections are  
26 being increased \$818,251. Staff recommends Council approve Resolution No. 600-10, adopting the first  
27 budget amendment for FY 2009/10.

28  
29 **Motion passed by a 7/0 roll call vote of the Council.**

- 30  
31  
32 **E. RESOLUTION NO. 601-10:** A Resolution of the City Council of the City of  
33 Orange City, Florida, amending the Classification and Pay Plan for the City of  
34 Orange City by adding the position of Mechanic Assistant to the Public Works  
35 department; containing a repealer provision, a severability clause and providing for  
36 an effective date.

37  
38 Council Member Allebach read the title of Resolution No. 601-10 into the record.

39  
40 **Vice Mayor Laputka moved to adopt Resolution No. 601-10 seconded by**  
41 **Council Member Crippen.**

42  
43 Pennie Traber, Human Resources/Risk Manager explained that Resolution No. 601-10 will amend the City's  
44 Classification and Pay Plan by adding a Mechanic Assistant position. The City contracted with DeBary in  
45 December 2009 to provide public work services for DeBary. At that time staff informed Council that the  
46 budget would need to be amended and that they anticipated adding 1.5 positions to the public works budget.

47  
48 When Council approved the DeBary Public Works, contract staff proposed the need to add 1.5 (maintenance  
49 specialist) positions to the FY 2009/10 Budget. However, after the Public Works Director analyzed the

1 current staffing and department needs, he determined and now recommends that the City create a mechanic  
2 assistant position to the Classification and Pay Plan.

3  
4 As reported in Exhibit "B" of this agenda item, various work load considerations were reviewed, such as;  
5 outsourcing routine maintenance (i.e. oil changes, brakes services, and tire rotation, and other routine  
6 inspections). However, based on the analysis, the finding proved that this option was not cost effective.

7  
8 Further, the Public Works Director contends by hiring a mechanic assistant; the City will retain the ability to  
9 maintain our high quality of standards, by ensuring the personnel assigned to perform fleet maintenance are  
10 either certified to do so, or are supervised by a certified mechanic.

11  
12 Resolution No. 600-10 (which was presented just before this item) funded 1.5 positions. The recommended  
13 hire rate for the Mechanic Assistant is the same as a Maintenance Specialist and therefore does not have a  
14 monetary impact on the FY 2009/10 budget.

15  
16 Staff recommends Council adopt Resolution No. 601-10, which will amend the City's Classification and Pay  
17 Plan by adding a Mechanic Assistant position.

18  
19 **Motion passed by a 7/0 roll call vote of the Council.**

20  
21  
22 **F. RESOLUTION NO. 602-10:** A Resolution of the City Council of the City of  
23 Orange City, Florida, appointing Jamie Croteau as City Manager and authorizing  
24 the appropriate city officials to execute an employment agreement between the  
25 City of Orange City and Jamie Croteau for the position of City Manager; repealing  
26 all resolutions in conflict herewith and providing for an effective date.

27  
28 Council Member Allebach read the title of Resolution No. 602-10 into the record.

29  
30 **Vice Mayor Laputka moved to adopt Resolution No. 602-10 seconded by**  
31 **Council Member Crippen.**

32  
33 Mr. Miller advised the negotiations of the City Manager Agreement with Jamie Croteau were completed.  
34 The negotiations were finalized after distribution of the agenda packets and copies of the executed  
35 agreement were distributed to Council for their review prior to this meeting. The agreement was negotiated  
36 by Mayor Strickland and City Attorney Bill Reischmann, as appointed by Council. Staff recommends  
37 approving Resolution No. 602-10 formally appointing Jamie Croteau as City Manager for the City.

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

40  
41 **8. DISCUSSION AND ACTION:** None at this time

42  
43 Mayor Strickland discussed a workshop holding a workshop in April regarding the sign ordinance. Mayor  
44 Strickland suggested getting ordinance from other cities.

45  
46 **9. NEW BUSINESS:** None at this time

47  
48 **10. REPORTS:**

**A. City Manager**

Mr. Miller reported that he discussed the Goal Setting sessions with Marilyn Crotty. Ms. Crotty can be available April 29<sup>th</sup>, 6-9 p.m. for a session with the citizens, May 5<sup>th</sup> noon-3 p.m. to meet with senior staff; and May 15<sup>th</sup> 8:30 a.m. to 4:30 p.m. with Council.

Mr. Miller advised the City has incurred \$32,672 in attorney fees, to date, with reference to the Police Department issues.

**B. Mayor/City Council**

Council Member Allebach reported on the recent Metropolitan Planning Organization meeting.

Mayor Strickland reported that a joint workshop was held with members of the Historic Preservation Board. Many good ideas regarding a future path for the Board were discussed. Another workshop will be scheduled soon. Council Members Blair and Crippen were appointed as liaisons to the board.

Mayor Strickland reported on the Volusia County of Governments meeting. He said Morgan Gilreath the County Tax Collector provided a presentation regarding projected revenues for next year. Mr. Gilreath said Orange City will need to increase the millage rate to 6 mills to generate the same revenue as now. The Mayor noted that a Smart Growth meeting is scheduled for April 14<sup>th</sup> 5:30-8:00 p.m.

**C. City Clerk**

No report.

**D. City Attorney**

Mr. Reischmann provided an update on the Police Department matter. He said the GEL Development agreement will be on the next agenda.

**11. APPROVAL OF MINUTES:**

March 9, 2010 – Regular Meeting

**Vice Mayor Laputka moved to approve the minutes of the March 9, 2010 Regular Meeting, seconded by Council Member Pupello and passed by a unanimous 7/0 voice vote of the Council.**

**12. COUNCIL COMMENTS**

Council Member Abraham commended Angel Smith, Community Relations Coordinator, for her trip to Korea.

Vice Mayor Laputka thanked the Mayor for handling the contract negotiations with the new city manager.

Council Member Allebach agreed with the Vice Mayor’s comments.

Council Member Abraham thanked the Mayor for his work on contract negotiations and thanked Mr. Ross and Mr. Miller for their diligence.

1 Council Member Pupello thanked the Mayor for his work on the contract negotiations and thanked Mr. Ross  
2 and Mr. Miller for their diligence.

3  
4 Council Member Crippen thanked Mr. Miller for his Friday Letter. He concurred with the previous  
5 comments.

6  
7 Council Member Blair said "ditto". He said that he feels good about the future.

8  
9 **13. ADJOURNMENT**

10  
11 There being no further business, Mayor Strickland adjourned the meeting at 7:10 p.m.

12  
13  
14 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

15  
16  
17  
18  
19 Gloria Williams, CMC  
20 Deputy City Clerk

April 13, 2010

21