

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held
2 on Tuesday, May 25, 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 **PRESENT:** Mayor Harley Strickland; Vice Mayor Tom Laputka; Council Members Jeff Allebach, Tom
9 Abraham, Anthony J. Pupello, Gary A. Blair, O. William (Bill) Crippen; City Attorney William
10 Reischmann; City Manager Jamie Croteau; City Clerk Deborah Renner

11
12 The Invocation was given by Ann Marie Bays, Mosaic Unitarian Universalist Church, followed by the
13 Pledge of Allegiance.

14
15 **1. ABSENCES:** None at this time

16
17 **2. PRESENTATIONS/PROCLAMATIONS** Manatee Festival Scholarship

18
19 Council Member Allebach came forward and introduced members of the Manatee Festival Committee who
20 were in attendance. He explained that the Manatee Festival Committee reviewed scholarship applications
21 submitted from high schools in the area. He announced the names of the students who were being provided
22 with scholarships and asked them to come forward. Council Member Allebach stated, "There is an example
23 of students doing the right thing and working hard."

24
25 **State of the City Report**

26
27 Ms. Croteau began the State of the City Report by stating the City is in a "~~good~~" good financial position.
28 She said due to the state of the economy the City has experienced a reduction in its revenues sources, most
29 notably the ad valorem tax, and that trend is expected to continue through 2011. However, the City has
30 followed a very sound fiscal policy and approached budget decisions very conservatively. This has resulted
31 in a good fund balance and very low debt level. (*Amended 06/08/10*)

32
33 Ms. Croteau noted the revenue from building permits is down considerably. She detailed some of the
34 accomplishments over the past year. She said fourteen properties were annexed into the City limits which
35 add to the City's growth. The extension of Rhode Island Avenue and approximately 10 miles of road
36 resurfacing throughout the City were completed. Animal Control was brought in-house, City staff now
37 handles animal captures and the SPCA takes care of and works towards placement of the animals. In
38 November, the City contracted with the City of DeBary to provide fire and public works services for them.
39 The City was able to purchase 10 in-car video cameras, tasers and a taser training suite as a result of two
40 grants that were received. Renovations were made at Valentine Park as a result of ECHO grants from
41 Volusia County. Other accomplishments included upgrading the phone server; water storage tanks; a new
42 water well; and the utility customers now have the ability to pay their bills online.

43
44 Ms. Croteau said some of the notable community events were the Christmas parade and village; Mother's
45 Day and Father's Day music concerts; July 4th celebrations with fireworks and the Halloween block party.
46 Ms. Croteau thanked staff for all their efforts this past year. She concluded by stating, "We are looking
47 forward to a very good 2010."
48

1 **3. CITIZEN COMMENTS:**

2
3 Paul Rasch, 2058 Kings Richards Court came forward and commented on a blog called "Birds Sleep with
4 One Eye Open." He encouraged everyone to read a posting by Daisy Rivera. Mr. Rasch said that while
5 listening to the State of City Report he was reminded of the former Interim City Manager Chester Murray's
6 accomplishments and thanked everyone on his behalf.

7
8 **4. CONSENT AGENDA:** None at this time

9
10 **5. ORDINANCES – FIRST READING:** None at this time

11
12 **6. PUBLIC HEARINGS:**

13
14 **A. Ordinance No. 420:** An ordinance of the City of Orange City, Florida, amending
15 Section 9.9 of the City’s Land Development Code, said section being Sign
16 Regulations of the City of Orange City Florida, said amendment changing the
17 regulation of existing signs and the deadline for conformity, containing a repealer
18 provision, a severability clause and providing for an effective date. *(Continued on*
19 *May 11, 2010)*

20
21 Council Member Allebach read the title of Ordinance No. 420 into the record.

22
23 **Vice Mayor Allebach moved to adopt Ordinance No. 420 on second and final**
24 **reading, seconded by Council Member Crippen**

25
26 Mayor Strickland noted this is a continuation of the Public Hearing from the May 11th meeting.

27
28 Elaine Wilson, Interim Development Services Director, came forward and advised that staff had made the
29 change directed by Council at the last meeting. She directed Council to Section 9.9.3 b of the ordinance
30 noting it includes a provision that if a non-conforming sign is damaged it can be repaired or replaced
31 without losing its non-conforming status. She said this would be effective until either the 2013 deadline or
32 until such time as an overlay district is adopted.

33
34 Mr. Reischmann suggested that it would be appropriate to make sure that the change that staff is proposing
35 is consistent with Council’s directions. It was the consensus of Council that the recommended change was
36 consistent. Mayor Strickland closed the public hearing.

37
38 **Motion passed by a 7/0 roll call vote of the Council.**

39
40 **7. RESOLUTIONS:** None at this time

41
42 **8. DISCUSSION AND ACTION:**

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44 **A. Orange City Utilities Automatic Rate Increase**

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46 Ms. Croteau advised that last year, the Interim City Manager notified Council that the Utility would not be
47 raising its rates due to the alternative water supply fee that was imposed. However, there was never a

1 formal vote on the matter. She classified this matter as a “clean up” item and asked that a motion be made
2 as per the resolution.

3
4 **Council Member Allebach moved that the City Council not increase the**
5 **water rates for October 1, 2009 through September 30, 2010 due to the**
6 **impact of the alternative water fee that was imposed, seconded by**
7 **Council Member Blair. Motion passed by a 6/1 voice vote of the**
8 **Council with Council Member Allebach voting “no.”**
9

10 **9. NEW BUSINESS:** None at this time

11
12 **10. REPORTS:**

13
14 **A. City Manager**
15

16 Ms. Croteau reported that the installation of the bus shelter on Harley Strickland Boulevard and Enterprise
17 Road is complete and a second one is being installed on U.S. 17-92 and French Avenue. The rest will be
18 installed soon. Votran is working on getting the City additional bus shelters for future use. Ms. Croteau
19 reported on the progress of the Miller Lake project. She said the County has accepted a \$2.5 million grant
20 and plans to use it to acquire and excavate the properties around Miller Lake. The plan is to enlarge the lake
21 and to elevate a portion of Miller Road. When completed this will resolve some of the flooding issues at the
22 Royal Oaks Business Center and will provide the City additional stormwater capacity. Ms. Croteau
23 reported the monthly financial report from April will be available at end of the week. She noted that the
24 quarterly reports were already provided.
25

26 In response to a question from Council Member Blair, Ms. Croteau said the lawsuit with the Beacon has
27 been settled. The insurance company handling the case recommended the City settle for a nominal amount.
28 Council Member Blair questioned whether the City assumed fault by settling. Mr. Reichmann advised the
29 amount of the settlement was enough to cover attorney fees for the Beacon’s attorney. He explained the
30 City incurred no expenses to secure the attorney who defended this lawsuit because it was covered by the
31 liability insurance. He advised that it was a business decision to settle the case as litigating the matter would
32 be costly. The decision was reached because there had been no violations of the Statutes. Both parties
33 signed a statement that there was no recognition or statement of liability of any wrong doing. From a
34 practical standpoint the lawsuit had been rendered moot because once the investigation concluded the
35 documents in dispute were immediately turned over. The Beacon was fully satisfied and no longer had an
36 interest in pursuing the litigation other than seeking reimbursement of the attorney’s fees incurred.
37

38 Council Member Abraham said he reviewed the quarterly report and requested that the DeBary Fire and
39 Public Works expenses are separated. He said that would provide better clarity and less confusion. Ms.
40 Croteau said it would be done for the next report.

41
42 **B. Mayor/City Council**
43

44 Council Member Allebach reported that he and the City Manager attended a Smart Growth Workshop in
45 Deland. It was an update on the County’s Smart Growth plan which started in 2003, with an emphasis on
46 implementing the plan and educating the public. There was a lengthy discussion about the need for more
47 density and to cluster houses to save green space. A lot of the discussion did not affect Orange City.

1 Vice Mayor Laputka reported on a community meeting that he and Council Member Abraham attended in
2 Daytona Beach. He said he was very “unimpressed” with how the meeting was conducted. A total of 45
3 citizens were present and only 8 people out of that group had any real comments. The Vice Mayor said that
4 he attended another community meeting, also in Daytona, the week before. Two hundred people were
5 present and nobody wanted to participate as they had already done their own thing and wanted to submit
6 that. He said it was interesting to see how other communities handle these types of meeting. He said he
7 went hoping to pick up ideas but found that Orange City was “way ahead of the curve.”
8

9 Mayor Strickland reported on the VCOG meeting. He said the issue of water and the relationship the
10 municipalities on the west side of the County have with the Saint John’s Water Management District was
11 briefly discussed. He remarked that many of the people on the east side had “no clue” as to what was being
12 discussed. Several people asked questions and raised issues while others acknowledged the east side wells
13 are no longer productive and that they are now drawing water from the same place as the west side of the
14 County. Smart growth was another topic discussed, specifically the lack of public participation at the smart
15 growth informational meetings. The East Central Florida Planning Council has said that in many ways
16 Volusia County is “way ahead” when it comes to issues around smart growth. A video describing the types
17 of things that are being planned with regard to smart growth in Volusia County is available at their web site
18 and Orange City is one the cities that has a project in that video.
19

20 C. City Clerk

21
22 The City Clerk reminded Council about the Budget Workshop scheduled for Thursday May 27th at 6 p.m.
23

24 D. City Attorney

25
26 No further report.
27

28 **11. APPROVAL OF MINUTES:**

May 11, 2010

29
30 **Vice Mayor Laputka moved to approve the minutes of the May 11, 2010**
31 **Regular Meeting, seconded by Council Member Crippen passed by a**
32 **unanimous 7/0 voice vote of the Council.**
33

34 **12. COUNCIL COMMENTS:**

35
36 Council Member Crippen said he and several Council Members participated in the young authors reading
37 program at the Orange City Elementary school. The students read stories they wrote to the participants and
38 there was a question and answer period. He said it was “fascinating” and “interesting” to see these young
39 people reading their own stories. A program encouraging students to write was good to see. Council
40 Member Crippen said Michael Wright the Chairman of the Sustainable Water Committee had a guest
41 editorial in the News Journal on Saturday. He said that it is very, very interesting and raises a lot of
42 questions about the believability of the water shortage that is predicated for Florida. He stated, “It is well
43 worth reading.”
44

45 Council Member Abraham said he wished to respond to Mr. Rasch’s comment about Mr. Strickland’s blog.
46 He said freedom of speech belongs to all the citizens in the United States. Council has nothing to do with
47 Mr. Strickland’s blog or his opinions. Council Member Abraham commended Mr. Strickland for taking an

1 active role in Orange City’s government. Council Member Abraham said he recently went to Jacksonville
2 and completed a survey about his experiences while visiting the city. He said he was very impressed.

3
4 Council Member Blair noted there were a number of citizens from John Knox Village present tonight. He
5 said one of the purposes of having an afternoon meeting was to get retirees to come to the meetings. He
6 stated, “I applaud their efforts for being here.”

7
8 Council Member Allebach said that he will not be able to attend the Budget Workshop on Thursday due to a
9 conflict with the Florida League of Cities Awards dinner.

10
11 Vice Mayor Laputka said that he too read Mr. Wright’s editorial. He asked Council for their continued
12 support for the water committee.

13
14 Mayor Strickland commented on actress Betty White’s appearance on Saturday Night Live. He said while
15 she was on the show, they were trying to teach her about the internet and blogging and she just could not
16 understand why anybody would spend all of their time on the internet. He thanked Mr. Rasch for sharing
17 his concerns regarding the blog. He said he is not a blog reader but that civility is important whether in
18 writing on the internet or in Council Chambers.

19
20 **13. ADJOURNMENT:**

21
22 There being no further business to discuss, Mayor Strickland adjourned the meeting at 5:13 p.m.

23
24
25 **REPECTFULLY SUBMITTED:**

APPROVED

As amended on

26
27
28
29
30
31 Gloria Williams Thomas, CMC
32 Deputy City Clerk

June 08, 2010