

**MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held on Tuesday, July 13, 2010 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

**CALL TO ORDER**

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

**PRESENT:** Mayor Harley Strickland; Vice Mayor Tom Laputka; Council Members Jeff Allebach, Tom Abraham, Anthony J. Pupello, Gary A. Blair, O. William (Bill) Crippen; City Attorney William Reischmann; City Manager Jamie Croteau; City Clerk Deborah Renner

The Invocation was given by John DuPree, Member Mosaic Unitarian Universalist Church, followed by the Pledge of Allegiance.

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

**2. PRESENTATIONS/PROCLAMATIONS:** Presentation of IEMO Certificates

Mayor Strickland presented a certificate to Council Members Crippen and Pupello for completing the Advanced Institute of Elected Municipal Officials (IEMO). He explained the program and its benefits to newly elected officials.

**3. CITIZEN COMMENTS:**

An unidentified citizen came forward and spoke in opposition to a requirement for a stockade fence at the DAV facility.

**4. CONSENT AGENDA:**

- a) June 22, 2010 Regular Meeting Minutes
- b) Resolution No. 610-10 Shadow Ridge Plat Extension
- c) Resolution No. 611-10 Shadow Ridge Site Plan Extension

**Council Member Blair moved to approve the consent agenda, seconded by Council Member Allebach and passed by a unanimous 7/0 roll call vote of the Council.**

**5. ORDINANCES – FIRST READING:**

**A. ORDINANCE NO. 422:** An ordinance of the City of Orange City, Florida, amending Section 8.3 of the city’s Land Development Code, said Section being the Official Zoning Map of the City of Orange City, Florida; said amendment changing the zoning classification of the GEL Corporation property, consisting of approximately 33.8 acres of property generally located within the northeast quadrant of Rhode Island Avenue and Leavitt Avenue; from its present zoning classification of (I-2) Heavy Industrial to (I-PUD) Industrial Planned Unit Development; containing a repealer provision, a severability clause and providing for an effective date.

1 Council Member Allebach read the title of Ordinance No. 422 into the record.

2  
3 **Vice Mayor Laputka moved to adopt Ordinance No. 422 on first**  
4 **reading, seconded by Council Member Crippen.**  
5

6 Jim Kerr, City Planner came forward and advised this is the first reading of Ordinance No. 422 which  
7 proposes to rezone the GEL property from an I-2 to an I-PUD classification. Mr. Kerr displayed a  
8 PowerPoint presentation of the property (a copy of which is attached and becomes a permanent part of  
9 these minutes) and noted it is 33.8 acres on the northeast corner of Leavitt and Rhode Island Avenues.  
10 Staff and the Planning Commission reviewed the application and no adverse impacts were found. The  
11 Planning Commission recommends that Council approve Ordinance No. 422 on first reading, subject to  
12 the approval of Ordinance No. 421 which amends Section 8.6.1 of the Land Development Code to allow  
13 recycling. Mr. Kerr said staff and the applicant are present to answer any questions or concerns.  
14

15 **Motion passed by a 6/1 roll call vote of the Council, with Council**  
16 **Member Blair voting “no”.**  
17

18 **6. PUBLIC HEARINGS:**  
19

- 20 **A. ORDINANCE NO. 425:** An ordinance of the City of Orange City, Florida,  
21 imposing a temporary moratorium for 180 days on the issuance of any business  
22 tax license, permit, conditional use approval, site plan approval and any other  
23 official action of the City of Orange City having the effect of permitting or  
24 allowing the construction and/or operation of certain businesses within the City  
25 of Orange City, related to game rooms, arcades, internet cafes, sweepstakes  
26 redemption centers and similar indoor entertainment and amusement activities  
27 as more specifically described in this ordinance, excluding approvals and  
28 permits for the continuance of an existing business; the temporary moratorium  
29 shall apply to all real property located within the corporate limits of the City of  
30 Orange City; providing a procedure for extraordinary hardship; providing for  
31 severability, conflicts, and an effective date.  
32

33 Council Member Allebach read the title of Ordinance No. 425 into the record.  
34

35 **Vice Mayor Laputka moved to adopt Ordinance No. 425 on second and**  
36 **final reading, seconded by Council Member Allebach.**  
37

38 Mr. Reischmann noted this ordinance was brought forward because of staff's concerns with the legality of  
39 "games of chance" businesses opening in the City. Efforts are being taken by the State Attorney's Office  
40 to initiate enforcement under State Statutes to ban or limit these establishments. In the meantime,  
41 Ordinance No. 425 was initiated to provide staff time to investigate various options for regulating these  
42 businesses. Staff is requesting Council's favorable consideration of this moratorium.  
43

44 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
45 proposed ordinance.  
46

47 Council Member Allebach noted he read a newspaper article about a similar problem in North Carolina  
48 and the elected officials voted to ban these types of businesses.

1 Vice Mayor Laputka and Council Member Abraham spoke in support of this action. Vice Mayor Laputka  
2 suggested a similar type of action regarding pain clinics. Ms. Croteau advised that the City Attorney will  
3 provide an update about pain clinics in his report.  
4

5 Council Member Abraham stated, "As I said in the last meeting, I still think that we should give the  
6 benefit of the doubt to the City and the citizens and wait for the State to tell us what to do." He expressed  
7 his support for the moratorium.  
8

9 There being no further requests to speak, the mayor closed the public hearing.  
10

11 **Motion passed by a 7/0 roll call vote of the Council.**  
12

13 **7. RESOLUTIONS:**  
14

- 15 **A. RESOLUTION NO. 609-10:** A resolution of the City Council of the City of  
16 Orange City, Florida, adopting a proposed millage rate for the 2010-2011  
17 Fiscal Year; establishing the date, time, and place for a public hearing on the  
18 proposed millage rate and the tentative budget; directing communication;  
19 expressing legislative intent; repealing all resolutions in conflict herewith and  
20 providing for an effective date.  
21

22 Council Member Allebach read the title of Resolution No. 609-10 into the record.  
23

24 **Vice Mayor Laputka moved to approve Resolution No. 609-10, seconded**  
25 **by Council Member Crippen.**  
26

27 **Council Member Abraham moved to amend the motion to adopt a**  
28 **tentative millage rate of 5.69, seconded by Council Member Pupello.**  
29

30 Mr. Reischmann clarified his understanding of the motion as to "fill in the blank" in the Resolution with a  
31 rate of 5.69. In response to a question from Mayor Strickland, Mr. Reischmann advised that it would be  
32 proper to defer action on the amendment to after discussion.  
33

34 **Council Member Allebach moved to defer action on the amendment**  
35 **to Resolution No. 609-10 until after the discussion, seconded by Vice**  
36 **Mayor Laputka and passed by 7/0 roll call vote of the Council.**  
37

38 Christine Davis, Finance Director came forward and stated that the purpose of Resolution No. 609-10 is  
39 for Council to set the proposed millage rate for FY 2010/2011. She advised that the law requires that this  
40 rate be set in time for inclusion in the TRIM notices which are mailed in August. She confirmed that the  
41 taxable value of property in the City has decreased. Ms. Davis explain that when property values decrease,  
42 an increase in the millage rate is required in order to generate a "revenue neutral" amount, or the same  
43 amount of revenue as the previous year.  
44

45 Ms. Davis advised that last year's millage rate was 5.1953 mills. This year, staff is proposing that Council  
46 set the tentative millage rate at the rollback rate of 6.5487 mils. The tentative millage rate is the maximum  
47 rate that could be assessed. She noted that the rate can be lowered prior to final adoption of the budget if  
48 Council so desires. Ms. Davis noted that budget workshops are scheduled for August 23<sup>rd</sup> and August 30<sup>th</sup>.

1 As required by the City Charter, the budget will be delivered on August 1. Two public hearings on the  
2 budget are scheduled for September 15<sup>th</sup> and September 28<sup>th</sup>.

3  
4 Ms. Croteau reported that the proposed budget will be distributed by August 1<sup>st</sup>, which will provide  
5 Council an opportunity to review it prior to setting the millage rate. She reiterated that the tentative  
6 millage rate set tonight can be lowered, but cannot be increased. She discussed the various options noting  
7 the proposed tentative millage rate would provide a “revenue neutral” budget and will generate the same  
8 amount of revenue as the previous year. She said revenue and revenue sharing were down this year  
9 approximately \$600,000 each which will result in a \$1.1 million deficit for the next budget year. Ms.  
10 Croteau advised that by setting the tentative millage rate at the higher rollback rate it provides some  
11 flexibility while going through the budget process.

12  
13 Council Members Blair and Allebach spoke in support of adopting the proposed tentative millage rate.  
14 Council Member Blair pointed out that it is a tentative rate and suggested that it would be prudent at this  
15 time. Council Member Allebach said that setting a lower tentative rate without proper data as to the  
16 ramifications would “handicap” staff. He classified this action as “locking in” the property tax rate and  
17 stated it is appropriate to stay at the roll back rate at this time. Vice Mayor Laputka agreed.

18  
19 Council Member Abraham said that he cannot support a 6.5487 tentative millage rate. He stated the  
20 citizens at the goal setting workshops did not want their taxes to go up because they cannot afford it. He  
21 expressed his concerns with the way the property appraiser values property and said he does not rely on  
22 that information. He suggested a more “reasonable” increase of 5.69 mills and questioned how that would  
23 affect the budget. He said that he was suggesting this amount so that staff can inform Council what the  
24 deficit will be at this rate contrasted by what could be accomplished by the higher rate of 6.5487. Council  
25 Member Abraham said every year the ad valorem is set too high and the City is “wasting money.” He  
26 recalled that last year the City purchased the Chamber of Commerce building and the Chamber of  
27 Commerce has closed. He suggested there are other matters in which the City has wasted money. He  
28 stated, “When there is more money there is a tendency to travel more, spend more. We need to cut our  
29 budget and tighten our belts.” Council Member Abraham said that he could support a reasonable increase  
30 in the ad valorem rate and a tentative millage rate of 5.69 mils.

31  
32 Council Member Pupello said that he too has concerns with the constraints that the economy has put on  
33 the citizens. He agreed with Council Member Abraham’s comments about spending conservatively. He  
34 asked Ms. Croteau what would be the consequences if the tentative millage rate was set at 5.69.

35  
36 Ms. Croteau cautioned against setting a lower tentative millage rate. She reiterated that Council is  
37 considering a tentative millage rate, the maximum that could be assessed and that it could be lowered  
38 during the budget process. She stated that each 1/10<sup>th</sup> of a mill amounts to slightly under \$50,000. She  
39 discussed the various factors that must be considered such as incorporating the priorities established by the  
40 Council. Ms. Croteau explained that a .5 mills millage rate would only generate \$250,000 and would not  
41 cover the anticipated \$1.1 million deficit. Setting the maximum tentative millage rate provides flexibility  
42 going into the budget process. It does not increase the tax, and instead will provide the same amount of  
43 revenue as last year.

44  
45 Ms. Croteau said most citizens will see a decrease in their overall ad valorem taxes, because the property  
46 values have decreased and will be required to pay the same amount of taxes as last year if a 6.5 millage  
47 rate was set. The exceptions would be those property owners who have benefitted by the Save Our Homes  
48 program. Ms. Croteau stated, “I think we need to be very careful when we say that it is a tax increase or

1 that we are raising people's taxes." She reiterated that the roll back rate is not considered a tax increase.  
2 Ms. Croteau noted this is an election year, there are a lot of unknowns coming in the future. She discussed  
3 the potential impact if TABOR passes. Ms. Croteau concluded by stating her belief that it is important to  
4 be "ultra careful" when considering a millage rate and that it is not appropriate to set a tentative millage  
5 rate less than the roll back rate at this time.

6  
7 Mayor Strickland commented this issue is very confusing because the property values vary from city. He  
8 asked the City Manger to provide an example. Ms. Croteau said the average taxable value in Ormond  
9 Beach is \$143,000 and in Orange City it is \$64,000. The average property owner in the City pays \$334  
10 annually. If the roll back rate was assessed and the average property value went down to \$52,000 as is  
11 anticipated, property owners would still be paying \$334 in taxes. The reason the millage changes so much  
12 from city to city is the varying property values. Orange City has a much lower home value on average.  
13 While there is a large commercial tax base, most commercial property values were reduced by 26% this  
14 year. Ms. Croteau said the county property appraiser decreased Wal-Mart's land value about 40%, which  
15 resulted in a \$215 decrease for Orange City while Ormond Beach experienced a \$4 decrease. She  
16 remarked there is no "rhyme or reason" to it. Staff discussed the matter with the property appraiser to no  
17 avail, property values still declined by 26% along with a corresponding 26% increase in millage rate.

18  
19 Council Member Crippen said that originally he had difficulty understanding the concept of roll back,  
20 because it seems like it is a tax increase. He said it took a long time to understand what a "revenue  
21 neutral" state is. Council Member Crippen noted that the ad valorem millage rate is the only rate the City  
22 has control over. He suggested that the tentative millage rate is a "target" and spoke in support of setting  
23 the tentative millage at the roll back rate. He stated, "I really think we need to keep that high target to  
24 start with and can come down from there."

25  
26 Mayor Strickland said that he could support setting the tentative millage rate at the roll back rate. He  
27 suggested that it was important to set an appropriate millage rate once all the options have been  
28 considered. He stated there will be some difficult decisions to make. Ms. Croteau said staff anticipates  
29 presenting a balanced budget with room for deletions or additions that the Council may want.

30  
31 David Seaman, Planning Commissioner, came forward and said setting the millage rate is one of the most  
32 important actions that Council will undertake. He noted that it is especially hard this year. He expressed  
33 his confidence that Council will do everything they can to keep the rate as low as possible, acknowledging  
34 Council's mandate to keep the City solvent. He recognized Council's efforts to keep taxes as low as  
35 possible.

36  
37 **Motion to amend by setting the tentative millage rate at 5.69 failed with a**  
38 **1/6 roll call vote of Council with Council Members Crippen, Pupello,**  
39 **Allebach, Blair, Vice Mayor Laputka and Mayor Strickland voting "no."**  
40

41 Mr. Reischmann advised it is now necessary to vote on the main motion, to adopt a tentative millage rate  
42 of 6.5487 which is the roll back rate.

43  
44 Council Member Allebach said setting the tentative millage at the roll back rate would cost the average  
45 citizen \$26 a month. He noted that this amount must pay for police and fire protection, and public works  
46 services. Adopting a millage below roll back would save the property owner only \$4 a month but a large  
47 commercial property like Wal-Mart would save \$400,000. He discussed the various services the City  
48 provides to its residents noting that many business owners and residents along U.S. 17-92 want the speed

1 limit on that road enforced but there are not enough police officers to monitor the activity and there is no  
2 money to hire additional police officers. He restated that he would support setting the millage at the roll  
3 back rate at this time.

4  
5 Council Member Abraham said the City Manager has promised to work on the budget to lower the millage  
6 rate. He noted the Interim City Manager was prepared to make some staffing adjustments and questioned  
7 what happened to that plan. Council Member Abraham said that he does not understand the process  
8 because of the "changing situations." He said that he has heard varying numbers regarding the forecasted  
9 deficit. He asked Ms. Croteau for clarification. Ms. Croteau responded that the City will lose \$600,000 in  
10 ad valorem revenue and an equal amount in revenue sharing. The City would experience a total revenue  
11 shortfall of about \$1.4 million at a millage rate of 5.1 mills and the loss of revenue sharing funds. She  
12 advised that even at the roll back rate, there will still be a deficit of \$500-\$600,000 because of the decrease  
13 in revenue sharing money.

14  
15 Council Member Abraham concluded by stating that other cities are looking forward and preparing budget  
16 projections for three or four years. He said this situation is not going to improve and suggested that staff  
17 "tighten the belt" and prepare for the next three years. He stated, "All these years, we raise the ad valorem  
18 and still we cannot control our speed, sorry to hear it. Our traffic problems are responded to by stating  
19 that we don't have the money, where did all the money go?"

20  
21 Council Member Allebach disagreed with Council Member Abraham's comments. He pointed out that  
22 during the years when property values were being inflated, the millage rate went down. Now that the  
23 property values are down, the millage rate must go up. The tentative millage rate as proposed by staff  
24 generates the same dollar amount as last year. Council Member Allebach said that he took offense to the  
25 constant berating of himself and staff and accusations of misuse of funds.

26  
27 Mayor Strickland observed that Volusia County is also looking at a serious decrease in property taxes and  
28 is looking at budget cuts in excess of \$25 million. He suggested that would result in a decrease in County  
29 taxes and noted the Saint John's River Water Management District is also considering a decrease. Ms.  
30 Croteau said the County is trying to stay a little bit below their current rate, however, it may not have a  
31 substantial impact. She said everyone is doing exactly what the City is doing now.

32  
33 **Main motion passed with a 6/1 roll call vote of the Council, with Council**  
34 **Member Abraham voting "no."**

- 35  
36 **B. RESOLUTION NO. 612-10:** A resolution of the City of Orange City,  
37 Florida, relating to the collection and disposal of solid waste in the  
38 incorporated area of Orange City, Florida; establishing the estimated  
39 assessment rate for solid waste service assessments against assessed property  
40 located within the incorporated area of Orange City, Florida, for the Fiscal  
41 Year beginning October 1, 2010; directing the preparation of an updated  
42 assessment roll; authorizing a public hearing and directing the provision of  
43 notice thereof; and providing an effective date.

44  
45 Council Member Allebach read the title of Resolution No. 612-10 into the record.

46  
47 **Vice Mayor Laputka moved to approve Resolution No. 612-10, seconded**  
48 **by Council Member Crippen.**

1 Christine Davis, Finance Director, came forward and stated that a preliminary rate resolution is required  
2 annually by State statute to update the solid waste tax roll. The purpose of the resolution is to set the maximum  
3 rate for the Solid Waste Assessment for the 2010 tax bill. The City is currently under a five year contract with  
4 Emerald Waste Services (EWS), who was assigned the contract in 2008. The current assessment is \$259. Ms.  
5 Davis advised that EWS notified the City in May that they did not wish to invoke a rate increase as is allowable  
6 by their contract. The rate has not been increased in the last four years. The contract ends in December 2011  
7 and staff is negotiating with EWS and anticipates bringing forward a lower rate at the next Council meeting.  
8 The final rate resolution will reflect the reduced negotiated rate.

9  
10 Vice Mayor Laputka noted that the agenda cover memorandum mentioned an “item” will be brought at the  
11 next meeting. He questioned what that would be. Ms. Croteau responded staff is negotiating with EWS and  
12 has secured a rate that is substantially lower than the current rate, however, staff is seeking an even slightly  
13 lower rate. She said it would be a four year extension rate that will incorporate the residential and commercial  
14 in one exclusive contract at the end of that period. This should result in a much lower residential rate going  
15 forward in the future.

16  
17 In response to a question from Council Member Crippen, Ms. Croteau said that currently the City is under  
18 contract with EWS for \$259 annually. This resolution sets the maximum rate that could be charged,  
19 however, staff anticipates negotiating a rate that is substantially lower. Mr. Reischmann clarified that a  
20 final rate, which cannot be higher than \$259, will be decided on August 24<sup>th</sup>.

21  
22 Council Member Crippen noted that EWS could have requested an increase to the current rate, however,  
23 they informed the City that they would not do so.

24  
25 Council Member Abraham said that he read a letter from EWS that they were giving the City a lower rate  
26 of \$15.85 in recognition of their second anniversary celebration of working with the City. Ms. Davis  
27 clarified that such a letter does exist, however, it was a result of discussions regarding the rate which were  
28 initiated by staff. Ms. Croteau explained that Council Member Abraham made a public records request for  
29 all documentation between staff and EWS and got a copy of the letter discussing the negotiations. She  
30 said that subsequently, staff is attempting to negotiate an even lower rate than was quoted.

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

33  
34 **8. DISCUSSION AND ACTION:**

35  
36 **A. Discuss Seth French House Bequest**

37  
38 Ms. Croteau advised Harriet French Boyd has bequeathed the property know as “the Seth French House”  
39 to the City to be used as a museum honoring Dr. Seth French. She said that she was seeking direction  
40 from Council as to whether they wish to accept this donation. Ms. Croteau requested an “open  
41 discussion” with Council to discern their thoughts on the situation.

42  
43 Mr. Reischmann noted that Council has six months from the date of Ms. Boyd’s death to decide whether  
44 the City is willing to accept this bequest. The six months date is sometime in the middle of August. If it  
45 is the desire of the City to accept the house, it is necessary to formalize that in a Resolution and to provide  
46 notice to the estate and its attorneys.

47  
48 Mr. Reischmann noted that the bequest is accompanied by conditions as follows: (1) The house must be  
49 used for historical purposes and it must be used as a museum in honor of Dr. Seth French and (2) The

1 City must agree to maintain the yard and property in good conditions at all times. Mr. Reischmann  
2 advised that if the City does not agree to the conditions, there is a “reverter clause” in the will that would  
3 allow the City’s title to be challenged by the descendents of Harriet Boyd.

4  
5 Vice Mayor Laputka noted that there is no specific time in the will as to when the City must have the  
6 property ready to open as a museum. Mr. Reischmann said that time would have to be allowed for the  
7 City to make the house safe to be open to the public. He said that this could take “a period of time” before  
8 the property could be available for public use.

9  
10 Council Member Allebach expressed his concern that many of the terms used in the will are open to  
11 interpretation. He questioned what would happen if the City invested a significant amount of money into  
12 the house and Ms. Boyd’s heirs claimed that it was not being maintained satisfactorily to them. Council  
13 Member Allebach questioned how the reverter clause would work. Mr. Reischmann responded that there  
14 would have to be litigation in order to invoke the clause. Council Member Allebach asked whether it  
15 would be possible to meet with representatives of the estate to gain clarification on some of these issues.  
16 Mr. Reischmann responded that it could be a possibility. He suggested that the option of a quit-claim  
17 deed could be addressed. Mr. Reischmann stated, “It’s just impossible for me to do two things...one is to  
18 read the mind of Harriet Boyd as to what she intended when she used the term “museum” and I certainly  
19 cannot hazard a guess as to how litigious some people might be in the future in interpreting this language.”

20  
21 Mayor Strickland asked whether it was necessary to reveal ex parte communications regarding this matter.  
22 Mr. Reischmann responded that it is not. He explained how ex parte differs from conflict of interest and  
23 personal gain.

24  
25 Council Member Abraham stated that he received an inspection report on the property shortly before the  
26 start of the meeting. He noted that the report was prepared by Allen James. Council Member Abraham  
27 advised that the house is old and has maintenance requirements. He reiterated that it must be used as a  
28 museum which will be open to the public and which will present a concern over the health, safety and  
29 welfare of those citizens.

30  
31 Al Blue, 447 N. Oak, came forward and discussed his history with Orange City. Mr. Blue advised that he  
32 is the personal representative of Harriet Boyd. He noted that he lives across the street from the Seth  
33 French House. He discussed the significance of the property to the City’s history. Mr. Blue suggested  
34 that the donation of the Seth French property would provide the opportunity for individuals and  
35 corporations to come together to donate their time and talent in maintaining and improving the property.  
36 In addition, it would provide a repository for artifacts and records pertaining to the establishment of  
37 Orange City. Mr. Blue stated, “Acceptance of the site by you folks tonight will recognize the inherent  
38 value of the property and its importance as a cornerstone in our historic past. It will bring together and  
39 draw contributions from residents and will inform future residents, visitors and students why the folks  
40 from Eau Claire settled here and how they coped with the challenges of the frontier and provided the  
41 foundation of a proud city.” Mr. Blue noted that the six-month deadline for the City to accept the property  
42 ends on August 15<sup>th</sup>. He requested that Council accept the property and allow others to work out the  
43 details of its use and its maintenance. He suggested that the only timeline in the will is on the acceptance  
44 of the property.

45  
46 Council Member Crippen noted the use of the terms “historical purposes” and “a museum in honor of Dr.  
47 Seth French” and questioned the meaning of those terms.

48

1 Council Member Blair questioned how much the repairs to the building will cost. He thanked Mr. James  
2 for performing the inspection free of charge. He said that there needs to be a planned use for the building  
3 and a clear understanding of the expectations of the heirs in regard to the maintenance of the property. He  
4 suggested that management of the use of the building would be better suited to a non-profit organization.  
5 He suggested that grant funding is “drying up” in Tallahassee. Council Member Blair questioned how  
6 much it will cost to restore the French House and said that he would have a hard time accepting the  
7 donation without that information.

8  
9 Council Member Crippen said that he was “torn” about the property. He noted some of the historical  
10 aspects of the property that have remained in place since the house was built. He thanked Mr. James for  
11 his report, however, he recommended that a licensed professional home inspector be retained to determine  
12 exactly what is wrong with the house and to compare it against Mr. James’ findings. Council Member  
13 Crippen questioned whether the house would have to be restored completely to its original state.

14  
15 Council Member Blair noted that Mr. James is a certified building inspector and a contractor.

16  
17 Council Member Allebach observed that it will take longer than August 15<sup>th</sup> to gather the information  
18 desired by Council. He thanked Mr. Blue for all of the information he provided on the house. Council  
19 Member Allebach said that the real issue is whether or not Council wants the house badly enough to do  
20 whatever it takes to make it work. He said that if it is done, it must be done right. Council Member  
21 Allebach noted that there are no wealthy benefactors or groups in the area to help the City with securing  
22 the funding.

23  
24 Council Member Pupello thanked Mr. Blue and Allen James. He stated that as a concept, the house could  
25 be “a keystone” to many things. He said that Council needs to know how much the entire project would  
26 cost. Council Member Pupello expressed his support for the involvement of an outside group. He said  
27 that he likes the concept, however, cost must be determined and a purpose identified. He suggested  
28 accepting the property and proceeding from there to determine feasibility. If it appears that it will not be  
29 feasible, the property can be given back to the estate.

30  
31 Vice Mayor Laputka noted that during the goal setting activities, acceptance of historic properties was the  
32 top priority and that the French House was at the top of the list for all of the participants. He discussed the  
33 findings of the inspection report stating that, structurally, the building is very sound. He stated, “My  
34 opinion....we move forward and we find a way to make it happen.”

35  
36 Mayor Strickland said that he would speak first as a citizen who grew up in Orange City and as a founder  
37 of the Historical Society. He recalled that Ms. Boyd had tried to give the building away for many years  
38 with a variety of stipulations attached. He said that Ms. Boyd was approached by the Historical Society to  
39 see if she would convey the property to them. Mr. Reischmann advised that if the City accepted the  
40 donation and a deed was provided to the City which was later transferred to the Historic Society, the  
41 reverter clause would trigger and legal action could begin to return the house to the heirs of the estate.  
42 An option, if this were to occur, would be to enter into a lease agreement with the Historical Society for a  
43 limited period of time. The lease would have to contain the same requirements as the will.

44  
45 Mayor Strickland acknowledged that the work to place the property on the Historic Register is very  
46 important. However, the Society is not at a point currently where it could manage the donation. He  
47 suggested that perhaps the VIA or the Fire Association may want to become involved. In closing, the  
48 Mayor said that it is clear that the house is a part of the City’s history.

1 Speaking next as the Mayor, Mayor Strickland suggested that the house is a \$500,000 project. He noted  
2 that it will have to be maintained during a time when grant funds are drying up. Because of the current  
3 economic conditions, he stated that the financial obligations that accompany the bequest make it feel like  
4 it would not be a wise decision at this time. He suggested that if the heirs to the estate were willing to  
5 renounce all future claims on the property it might be possible. The Mayor expressed his understanding  
6 that if the City declines the bequest, Ms. Boyd's daughter has expressed an interest in living in the house.  
7 Mayor Strickland noted the pressing needs in the water system and the large expense looming ahead there.  
8 He stated, "If we were in different economic times, if we were in times where we knew we could get some  
9 grants and a way of moving forward realistically....." The Mayor discussed the complexity of meeting  
10 museum standards and expressed his fear that the heirs could come back against the City if it did not. In  
11 conclusion, the Mayor stated, "I don't know how you make something work when everything to me seems  
12 so totally against it." The Mayor stated that he was "pained" to have to make this decision.

13  
14 Don Sherrill, 2223 Hollowridge Dr., suggested that a feasibility study be ordered and an extension of time  
15 be requested. Mr. Reischmann responded that the attorney for the estate would likely have to get  
16 permission from the court for an extension.

17  
18 Council Member Crippen said that if the house was accepted, that would provide the time to investigate it  
19 thoroughly to determine how much the restoration would cost. If it turned out to be too costly, the house  
20 could be given back. He noted that the house is 134 years old and is an integral part of the City's history.

21  
22 Council Member Blair spoke in support of seeking an extension on the terms of the will. He said that  
23 "you can't just want things at any cost." He suggested that the City would look "foolish" if it accepted the  
24 building and then turned around and gave it back. Council Member Blair stated, "I don't want to see the  
25 City bite off more than we can chew."

26  
27 Council Member Allebach noted that six months would not have been enough time to determine the scope  
28 of the project. He said that historic preservation sounds good until the financial commitment comes.  
29 Council Member Allebach recalled that when WAVA's Hall was built people questioned how the City  
30 would afford to operate it, yet somehow, it all worked out. He stated, "I think we take it today and when it  
31 comes up on new business, we say we would like a report from the City Manager in two or three meetings  
32 that clarifies the ownership of the French House."

33  
34 Council Member Blair noted that he supports historic preservation, but it takes a lot of money.

35  
36 Amy DiVittorio, owner of the 1876 Heritage Inn, came forward and related her recent experience raising  
37 funds to repair her property. She said that the citizens are concerned about historic preservation and that is  
38 where they want the City to spend the money. Ms. DeVittorio urged Council to accept the house in "a  
39 leap of faith" as she did when she bought the Inn. She suggested that the citizens would band together to  
40 restore the property and stated that grant money is available.

41  
42 Dick Darling, owner of Blue Springs Realty, came forward and suggested that the City submit a "Letter of  
43 Intent" and then commence a feasibility study.

44  
45 Ms. Croteau noted that much more review needs to be done on the building. She advised that if a  
46 feasibility study is to be done, it will cost money. She suggested that the paint must be tested for lead.  
47 She explained that the issue with this property is that the City would not have outright ownership of the  
48 property because of the reverter clause. She reiterated Mr. Reischmann's previous statement that in order

1 to get an extension, it would be necessary to go to court to request it. She suggested that if Council is  
2 truly interested, it would be worthwhile for staff to investigate further. Ms. Croteau reiterated her concern  
3 that the house is not being given to the City without strings. She stated, "You are asking us at a time when  
4 we are going to be laying off to put money into a building that is going to be a reoccurring cost for some  
5 time." She urged Council to be cautious about accepting the property and to allow staff to spend some  
6 money on a feasibility study if they want to accept it.

7  
8 Council Member Pupello asked whether it would be possible in the time it has, to "cut any of the strings"  
9 associated with acceptance of the property.

10  
11 Mr. Reischmann stated that the will requires the City to acknowledge acceptance of the property within  
12 six months of Ms. Boyd's death. He advised that a resolution would be required to accept the house. In  
13 the meantime, nothing prevents representatives of the City from meeting with the attorney for the estate to  
14 discuss some of the issues raised tonight. He said that if it is Council's desire to meet with representatives  
15 of the estate, then it would be essential to have the direction of the Council.

16  
17 **Council Member Allebach moved to authorize, ask for, get, Mr.**  
18 **Reischmann to speak to the Attorney and Executor of the estate of**  
19 **Harriet French Boyd to work out pending issues and to bring back a**  
20 **resolution to accept the bequest of the Seth French House in August,**  
21 **seconded by Council Member Blair.**

22  
23 **Council Member Blair moved to amend the motion to include Ms.**  
24 **Croteau in the discussions, seconded by Council Member Crippen.**

25  
26 Mr. Reischmann said that what he is hearing from the Council is concern over the potential cost of  
27 accepting the bequest. He suggested that Council decide at this time whether they want to authorize funds  
28 to ascertain the expenses of accepting the house.

29  
30 In response to a question from Mayor Strickland, Ms. Croteau suggested that Council authorize up to  
31 \$10,000 to investigate the feasibility of accepting the house.

32  
33 **Council Member Blair withdrew his amendment to the motion**  
34 **following discussion that it would be a "given" that Ms. Croteau**  
35 **would attend the meetings.**

36  
37 Regarding the feasibility study, Ms. Croteau noted that there is a big difference between returning the  
38 building to "great shape" and making it "historical." She noted that the costs for the two are very  
39 different.

40  
41 Mr. Reischmann stated that prior to August 8<sup>th</sup>, he could draft a resolution to comply with the terms of the  
42 will for acceptance. He said that discussions could also be held with representatives of the estate to  
43 address the issues raised tonight and a report could be made to Council at the August meeting.

44  
45 Council Member Allebach suggested that it would cost \$500,000 or more to restore the house with  
46 operating costs of \$50,000 minimum annually.

47

1 Mayor Strickland said that if the meeting with representatives from the estate is successful, he would call  
2 a special meeting to appropriate funds to investigate further.

3  
4 **Motion passed by 6/1 roll call vote of the Council with Mayor**  
5 **Strickland voting “no.”**

6  
7 **B. Discussion on Impact of University High School**  
8

9 Mayor Strickland called Principal Dennis Neal of University High School forward. Mr. Neal presented  
10 each Council Member with a school t-shirt. He said that things are “going great” at the school and they  
11 will be ready to open on time.

12  
13 Commander Thomas of the Orange City Police Department came forward and stated that staff from the  
14 City’s Police and Fire Departments along with representatives from the Sheriff’s office met with staff  
15 from the High School to try to identify the impacts the school would have on Public Safety. He said that  
16 the school will have a School Resource Officer from the Sheriff’s Office on duty at all times and the  
17 majority of the law enforcement needs will be handled by the Sheriff’s Office. Commander Thomas said  
18 that the main concern for the Orange City PD will be traffic. Additionally, traffic will be somewhat less  
19 the first year because there is no senior class at the school which will provide an opportunity for the City  
20 to prepare for the full impact. The Commander noted that Rhode Island from 17-92 to Sparkman is not in  
21 the City’s jurisdiction although a mutual aid agreement exists for traffic enforcement there. He said that  
22 the City will use its message board, the website and the Nixle service to let people know that the Police  
23 will be strictly enforcing traffic laws when the school year begins. The Commander suggested that the  
24 school will not have that great an impact the first year. He said that the design of the building creates a  
25 structure that helps to control the students. The Sheriff’s Office also handles extra-curricular activities,  
26 however, the City’s Officers are available to assist on a contractual basis. He said that Deland and  
27 Deltona High Schools average about 38 fire/rescue calls a year so that impact should be minimal.

28  
29 **Council Member Crippen moved for a five-minute recess, seconded**  
30 **by Council Member Pupello and passed by unanimous voice vote.**  
31

32 Mayor Strickland said that he had been asked by a School Board Representative to strictly enforce all  
33 traffic laws going to and from the school. Commander Thomas responded, “That is our plan.” He advised  
34 that for the first two weeks of school, there would be dedicated officers on the route to the school at all  
35 times.

36  
37 Vice Mayor Laputka questioned what the predictions were regarding the number of cars traveling to the  
38 school daily. Commander Thomas responded that the number of students is estimated at 1,700 and faculty  
39 at about 110 during the first year. This number would grow to about 2,700 students the second year.

40  
41 In response to a question from Council Member Pupello, Commander Thomas said that the City would  
42 probably take the lead in enforcement on Rhode Island. While the main focus will be on Rhode Island,  
43 patrols will also keep an eye on the surrounding neighborhoods. Mayor Strickland questioned whether  
44 there would be any adjustments made to the timing of the traffic lights on 17-92. Commander Thomas  
45 said that it has been discussed, but no changes are being made at this time. They want a chance to see  
46 what the traffic flow will be.

47

1 Council Member Allebach said that Mr. Neal informed him that the campus is closed for lunch, meaning  
2 that the students must remain at the school.

3  
4 Council Member Blair said that Mr. Neal told him that the school would be an emergency shelter.  
5 Council Member Crippen asked whether the Middle School was designated as a special needs shelter.  
6 Commander Thomas said that he didn't know, but that he would find out.

7  
8 **C. Designation of Voting Delegate for FLC Conference**

9  
10 **Council Member Allebach moved to appoint Vice Mayor Laputka as**  
11 **the voting delegate for the Florida League of Cities annual meeting to**  
12 **be held during the upcoming conference, seconded by Council**  
13 **Member Crippen and passed by unanimous voice vote.**

14  
15 Council Member Allebach said that, as President of the Volusia League of Cities, he would be voting on  
16 behalf of the League.

17  
18 **D. Authorizing Contract with RMS**

19  
20 Commander Thomas came forward and advised that currently, the Police Department is using an  
21 electronic report writing program that is self-contained along with an in-house records management  
22 program. He said that the programs are not compatible with each other which results in dual work. In  
23 addition, the software does not integrate with any other law enforcement agency. Commander Thomas  
24 said that staff's recommendation is to join the county-wide records management system.

25  
26 **Council Member Allebach moved to approve an agreement with RMS**  
27 **Services, seconded by Council Member Crippen and passed by**  
28 **unanimous 7/0 voice vote.**

29  
30 **E. Child Safety Awareness Program**

31  
32 Commander Thomas said that several Council Members had voiced concern over child safety and the use  
33 of bicycle helmets. This grew into the establishment of a "child safety awareness" program which  
34 incorporates general bicycle safety and child car seat installation. The program will be conducted by the  
35 Police and Fire Departments along with support from Leisure Services. The Police Department will  
36 supply officers certified in bicycle safety. The Fire Department will supply staff certified in installation of  
37 child car seats and Leisure Services will coordinate to obtain free helmets. They plan to attend events  
38 during the year to promote this program.

39  
40 Mayor Strickland said that the program was a "good move in the right direction" and a "great idea."  
41 Council Member Blair asked how many students participate in the DARE program. Commander Thomas  
42 said that 5<sup>th</sup> graders participate in DARE. Council Member Blair asked whether there would be any  
43 programs where the police department would present information regarding bicycle safety to the entire  
44 student body during an assembly. Commander Thomas responded that it was being looked into.

45  
46 Ms. Croteau thanked staff for their work on this program. Council Member Blair concurred.

47  
48 **9. NEW BUSINESS:**

1 Council Member Pupello asked staff to report back on the designation and location of all emergency  
2 shelters in the City. Ms. Croteau said that information was available and that she would be sure that it is  
3 published.

4  
5 Council Member Crippen said that he was contacted by a resident who lives on S. Park Avenue between  
6 Blue Springs and Virginia Avenue who requested a study as to whether Park Avenue could be made one-  
7 way from Virginia to Blue Springs. He said that the road is travelled by 60-75 cars between 6-9 a.m.  
8 when drivers try to avoid the traffic light at Blue Springs. Council Member Crippen observed that the  
9 road is very narrow and has seven houses and an exit from a day care on it.

10  
11 Council Member Allebach requested an update on the Miller Lake project. He noted that a number of  
12 people in the area are concerned as hurricane season approaches. He said that he wants to provide  
13 reassurance to these people. Ms. Croteau said that she would look into it.

14  
15 Council Member Allebach asked that staff look into installing red light cameras.

16  
17 Council Member Allebach suggested that staff investigate a recycling program.

18  
19 Vice Mayor Laputka requested a discussion on the establishment of a Neighborhood Watch program. Ms.  
20 Croteau advised that EWS would be interested in being a partner in such a program.

21  
22 **10. REPORTS:**

23  
24 **A. City Manager**

25  
26 Ms. Croteau announced that Interim Police Chief Ross has agreed to stay through January 14, 2011.

27  
28 Ms. Croteau said that she has negotiated a price of \$29,000 for the lot located at 201 Oak Avenue and  
29 asked whether Council was interested in purchasing the property at that price.

30  
31 **Council Member Allebach moved to purchase the property at 201**  
32 **Oak Avenue, seconded by Council Member Crippen.**

33  
34 Council Member Crippen spoke in support of the purchase as the land is located adjacent to existing City  
35 property.

36  
37 Council Member Blair asked what plans for the property entail. Ms. Croteau said that currently, there is  
38 no plan. She said that it was being purchased for future expansion. She advised that staff would like to  
39 acquire several more properties within the block. Council Member Blair said that he could not support the  
40 purchase because of the impending budget issues.

41  
42 Council Member Pupello said that he supports the purchase, but expressed his desire that the lot be left in  
43 its current natural state. Ms. Croteau responded that she did receive an email from an adjacent neighbor  
44 who asked whether the City plans to use the lot for parking. Council Member Pupello stated, "I think that  
45 if we don't have a specific plan then we can leave it pretty much as it is minus the liability of the house."

46  
47 Vice Mayor Laputka concurred and said that he would like for the lot to be kept "green" and not cleared  
48 for parking in the future.

1 Council Member Abraham recalled that he had heard the City Manager say she would not go above  
2 \$21,000 for the purchase. Ms. Croteau responded that the City's original offer was for \$20,000. Council  
3 Member Abraham reiterated that there is no identified purpose for the land at this time.

4  
5 **Motion passed by 4/3 roll call vote of the Council with Council**  
6 **Members Abraham and Blair and Vice Mayor Laputka voting "no."**  
7

8 Vice Mayor Laputka asked Ms. Croteau to elaborate on the TCEA. Ms. Croteau explained that the  
9 acronym stands for Transportation Concurrency Exception Area. She said that the City is required to add  
10 a section to the Comp Plan by March of next year dealing with this issue. She explained that the issue has  
11 surfaced because the City of DeBary is engaging in TOD or Transportation Oriented Design which  
12 involves creating areas of mixed-use zoning. She said that she did not feel that DeBary's creation of a  
13 TCEA around the planned train station would have an impact on Orange City. She noted that Orange  
14 City has been adding mixed-use areas whenever possible. The City will be bringing Council an  
15 amendment to identify TCEAs and a mobility component to the Comp Plan prior to March 2011.  
16

17 Council Member Blair asked for a status report on the train station. Ms. Croteau said that she did not have  
18 an answer at the present time. She said that currently, Orange City is not in the plans for any of the  
19 stations. Various locations have been discussed, however, no commitment has been made for a station in  
20 the City. Mayor Strickland advised that DOT is planning to take the land in DeBary under eminent  
21 domain.  
22

23 Council Member Blair mentioned that a Blog by J. Hugh Strickland is published in the DeLand Beacon.  
24 He read the Blog into the record. The Blog contained allegations of harassment and a hostile work  
25 environment against a former unnamed Department Head. Council Member Blair asked Ms. Croteau if  
26 she was aware of any of these allegations prior to her tenure. Ms. Croteau said that she was not aware of  
27 any claim that was brought regarding a "hostile work environment" prior to her tenure. Council Member  
28 Blair questioned whether the City is currently a "hostile work environment." Ms. Croteau responded that  
29 she hoped it was not. Council Member Blair suggested that these are "serious allegations that should not  
30 be taken very lightly." Council Member Blair questioned where this information is coming from.  
31 Council Member Blair questioned whether the City has any legal exposure in this matter.  
32

33 Mr. Reischmann responded that the issues raised in the Blog are allegations and as such, could be false.  
34 He suggested that it would be inappropriate for the City to comment given that the allegations could be  
35 false. He advised that the general rule is that when a local government is made aware of the potential for a  
36 hostile work environment, there is an obligation to investigate. Mr. Reischmann noted that the allegations  
37 are against a former employee. He said that the City's labor attorney has been apprised of the situation so  
38 as to properly advise the City Manager. He said that he did not see a need for further investigation as it  
39 appears to have happened in the past. Council Member Blair expressed concerns over the potential  
40 ramifications of the Blog and said that he did not feel it is right for someone to say these things.  
41

42 Council Member Allebach questioned whether the allegation that there were reports by four individuals  
43 was true. Mr. Reischmann responded, "What I'm aware of is that the City has not received any  
44 complaints from any employees that would be at this point actionable for the City to investigate."  
45

46 **B. Mayor/City Council**  
47

1 Council Member Allebach announced that Pierson is hosting the next Volusia League of Cities dinner on  
2 July 22<sup>nd</sup>.

3  
4 Mayor Strickland reported that at the last VCOG meeting, there was discussion of pain clinics. He said  
5 that one of the sources of pain medication that is often abused is family members. He said that he  
6 discussed the issue with Dr. Roger Accardi who said that he would be interested in working on addressing  
7 the issue with the City. The Mayor asked Council Member Crippen if he would be interested in exploring  
8 the possibility of an area-wide program to address this by providing for a means to dispose of old  
9 medication. Council Member Crippen said that he would bring the matter up at the next Southwest  
10 Volusia Health Alliance meeting. Council Member Allebach noted that these clinics are required to  
11 register with the Department of Health. He suggested that perhaps they could notify the City when an  
12 application is filed.

13  
14 Mr. Reischmann noted that this has become a severe problem in south Florida, causing many jurisdictions  
15 to enact moratoriums and/or zoning regulations to regulate the clinics. He said that prescriptions for large  
16 quantities are dispensed on-site and are then sold on the black market in other states. The state registration  
17 requirement begins October 1<sup>st</sup> and includes strict regulations and penalties for violations.

18  
19 Mayor Strickland announced that the State of Florida has \$110 million in the state retirement fund. He  
20 advised that he wrote a letter to Tallahassee denouncing their decision to invest one-third of the monies in  
21 hedge funds and stating that it would not increase the risk to the fund. He noted that the State is planning  
22 to raise the contribution rates for participants. He said that he wanted to inform Council of his purpose for  
23 this letter.

24  
25 **C. City Clerk**

26  
27 The City Clerk had no report.

28  
29 **D. City Attorney**

30  
31 Vice Mayor Laputka asked the City Attorney whether there were any pending issues regarding GEL. Mr.  
32 Reischmann responded that there will be several more issues on the next agenda.

33  
34 **11. APPROVAL OF MINUTES:** (*Consent Agenda*)

35  
36 **12. COUNCIL COMMENTS**

37  
38 Council Member Abraham noted that the time is 10:35 p.m. and he thanked the six citizens who remained  
39 in the audience for their patience, along with the six staff members present.

40  
41 Council Member Pupello reiterated his thanks to staff for the 4<sup>th</sup> of July festival. He stated that it was  
42 “well done” and well attended. He said that he heard nothing but “good news” about it.

43  
44 Council Member Crippen concurred with Council Member Pupello. He questioned the status of Mill Lake  
45 noting that Council had been told it would start in July. He stated, “It’s July.”

46  
47 Council Member Blair stated that the 4<sup>th</sup> of July celebration was great. He thanked the City Manager for  
48 going to John Knox Village with him. He stated, “I think we were well-received out there.”

1 Mayor Strickland commended Council for attending the 4<sup>th</sup> of July event. He said that he thought the  
2 event was “great.” Attendance estimates ranged from 700 to 2,000. He said that many positive comments  
3 were received on the children’s activities and the glow sticks. He thanked the Vice Mayor for helping to  
4 arrange the music. The Mayor said that it was “a great event.”  
5

6

**13. ADJOURNMENT**

7

8 There being no further business, Mayor Strickland adjourned the meeting at 10:41 p.m.  
9

10

11

Respectfully Submitted,

12

13

14

\_\_\_\_\_  
Deborah J. Renner, CMC

15

City Clerk

16

July 23, 2010

Date