

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, August 24, 2010 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,  
3 Orange City.

4  
5 **CALL TO ORDER**

6  
7 The meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was taken.

8  
9 **PRESENT:** Mayor Harley Strickland; Vice Mayor Tom Laputka; Council Members Jeff Allebach,  
10 Tom Abraham, Anthony J. Pupello, Gary A. Blair, O. William (Bill) Crippen; City Attorney William  
11 Reischmann; City Manager Jamie Croteau; City Clerk Deborah Renner

12  
13 The Invocation was given by Pastor Joy Marmur, Living Water Free Methodist Church, followed by  
14 the Pledge of Allegiance.

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

17  
18 **2. PRESENTATIONS/PROCLAMATIONS:** Team Volusia

19  
20 Rick Karl, Director of Aviation and Economic Resources, Volusia County and Larry McKinney,  
21 Daytona Regional Chamber of Commerce came forward and provided a PowerPoint presentation on  
22 Team Volusia. Mr. McKinney noted the Volusia County Council has endorsed the Team Volusia  
23 concept and that he is seeking Council's support. He discussed the advantages of participating in the  
24 program noting it would allow the private and public sector to collaborate to improve economic  
25 conditions. A lengthy question and answering session commenced.

26  
27 **3. CITIZENS COMMENTS:**

28  
29 Henry Durica, 1310 E. Lansdowne Ave. came forward and thanked staff for lowering the trash bill.  
30 He asked that the City continue to try lower expenses. Mr. Durica asked what happened to the trees on  
31 the Race Trac property. He noted that Council Members Crippen and Pupello questioned the status of  
32 the trees at a previous meeting and asked if there was a permit to take the trees down. Mr. Durica  
33 suggested that the Council Members look into the matter.

34  
35 **4. CONSENT AGENDA:**

36  
37 **a. RESOLUTION NO. 616-10:** A resolution of the City Council of the City  
38 of Orange City, Florida, declaring certain property surplus; authorizing  
39 disposal of the property; and providing for an effective date.

40  
41 **b.** August 10, 2010 Regular Meeting Minutes

42  
43 **Councilmember Allebach moved to adopt the Consent Agenda,**  
44 **seconded by Council Member Blair and passed by 7/0 roll call vote of**  
45 **the Council.**

46  
47 **5. ORDINANCES – FIRST READING:**

48

1           **A.     ORDINANCE NO 428:** An Ordinance of the City of Orange City, Florida,  
 2 annexing the Mazzola property into the corporate limits of the City of  
 3 Orange City, Florida; said property being generally located on the east side  
 4 of North Volusia Avenue, approximately 200 feet north of East New York  
 5 Avenue, containing approximately 19.69 acres; in accordance with the  
 6 voluntary annexation provisions of Florida Statute 171.044; redefining the  
 7 boundaries of the City of Orange City by amending the appropriate sections  
 8 of the code of ordinances; containing a repealer provision, a severability  
 9 clause and providing for an effective date.

10  
 11 Council Member Allebach read the title of Ordinance No. 428 into the record.

12  
 13                   **Vice Mayor Laputka moved to adopt Ordinance No. 428 on first**  
 14 **reading, seconded by Council Member Blair.**

15  
 16 Jim Kerr, City Planner came forward and advised the property under consideration is the Candlelight  
 17 Mobile Home Park located on the northeast corner of S. Volusia and New York Avenues. The  
 18 property is approximately 20 acres consisting of 108 mobile homes and a small restaurant. He  
 19 displayed the location from a PowerPoint presentation (a copy of which is attached and becomes a  
 20 permanent part of these minutes). Mr. Kerr said the property is contiguous to the city limits and meets  
 21 all the criteria of State statutes for annexation.

22  
 23 In response to questions from the Council Mr. Kerr responded Candlelight Mobile Home Park is in  
 24 voting District #4, has 175 residents and the Orange City Utility supplies their water needs.

25  
 26                   **Motion passed by a 7/0 roll call vote of the Council.**

27  
 28 **6.     PUBIC HEARINGS:**

29  
 30           **A.     ORDINANCE NO. 426:** An Ordinance of the City of Orange City, Florida,  
 31 annexing the Laderman property into the corporate limits of the City of  
 32 Orange City, Florida; said property being generally located on the north side  
 33 of West fern Drive, approximately 250 feet west of South Volusia Avenue,  
 34 containing approximately 0.50 acres; in accordance with the voluntary  
 35 annexation provisions of Florida Statute 171.044; redefining the boundaries  
 36 of the City of Orange City by amending the appropriate sections of the Code  
 37 of Ordinances; containing a repealer provision, a severability clause and  
 38 providing for an effective date.

39  
 40 Council Member Allebach read the title of Ordinance No. 426 into the record.

41  
 42                   **Vice Mayor Laputka moved to adopt Ordinance No. 426 on second**  
 43 **and final reading, seconded by Council Member Crippen.**

44  
 45 Mr. Kerr advised there have been no changes since the first reading of this ordinance. He noted the  
 46 owners were present. The property is located in voting District #2.

47

1 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
2 proposed ordinance.

3  
4 Mr. Durica came forward and said his comments were regarding the previous annexation of the  
5 Candlelight Mobile Home Park. He asked what were the ramifications of annexing the property.  
6 Noting it is near a gas station, he asked about potential gas leaks and flooding of the property due to  
7 the “hardscape” runoff.

8  
9 As a point of order, Mr. Reischmann advised this is a public hearing for agenda Item 6-A. The citizen  
10 comments referred to the previous item that will come before Council for second reading. He said Mr.  
11 Durica could make his comments at that time.

12  
13 There being no further requests to speak, the Mayor closed the public hearing.

14  
15 **Motion passed by a 7/0 roll call vote of the Council.**

- 16  
17 **B. ORDINANCE NO. 427:** An Ordinance of the City of Orange City, Florida,  
18 amending the exclusive franchise contract with Emerald Waste Services LLC  
19 of Florida, a private corporation (EWS LLC), for the collection and disposal  
20 of residential solid waste, yard waste and curbside recyclable materials  
21 within the City limits; providing for extension of term, and amending rate;  
22 containing a severability clause, a repealer provision, and providing for an  
23 effective date.

24  
25 Council Member Allebach read the title of Ordinance No. 427 into the record.

26  
27 **Vice Mayor Laputka moved to adopt Ordinance No. 427 on second**  
28 **and final reading, seconded by Council Member Blair.**

29  
30 Christine Davis, Finance Director advised this is the second and final reading for Ordinance No. 427  
31 which amends the existing EWS Solid Waste contract to reduce the garbage fee and to extend the  
32 contract for three years. She noted there have been no changes since the first reading and staff is  
33 recommending Council adopt this ordinance.

34  
35 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
36 proposed ordinance.

37  
38 Al Blue, 447 N. Oak Ave came forward and thanked staff for negotiating a lower garbage fee. He  
39 talked about the requirement for bundling tree limbs. He said the franchise agreement is not in  
40 agreement with the City ordinance. Mr. Blue maintained that the City is not better off under the terms  
41 of the agreement. He stated, “Homeowners should not be required to pay for services not performed”  
42 and suggested that a credit be provided to a house that does not have an active water connection.

43  
44 Ron Saylor 361 Dixson Street came forward. He agreed with Mr. Blue’s comments about the  
45 negotiations for a lower garbage fee and thanked staff for their efforts. Mr. Saylor said he had  
46 problems with the contract, as many items do not apply. He cited discrepancies with items required to  
47 be recycled and suggested the obsolete items are removed before the contract is signed as it would  
48 provide clarity for everyone.

1 Council Member Blair requested an answer to Mr. Blue's comments about bundling yard waste. Mr.  
2 Reischmann advised the Code of Ordinances mandates that the City is responsible for trash/garbage  
3 removal and the City accomplishes that task by contracting with EWS. While there is no requirement  
4 to bundle trash in the Code, it is a requirement of the EWS contract and a citizen must comply if they  
5 want their trash picked up. Mr. Reischmann expressed his opinion that there is no inconsistency  
6 between the contract and the Code. He stated the Code could be amended to make sure there is a  
7 direct relationship between the Code and the contract, if Council desires.

8  
9 Council Member Crippen observed numerous typographical errors in the contract. Ms. Croteau  
10 acknowledged the typographical errors. She said the only changes made were the fee and the term of  
11 the contact, which was done as an amendment. Mr. Reischmann noted the scrivener errors are in the  
12 existing contract, not the amendment.

13  
14 There were no further requests to speak. The Mayor closed the public hearing.

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

- 18  
19 **C. RESOLUTION NO. 617-10:** A resolution of the City of Orange City,  
20 Florida, relating to the collection and disposal of solid waste in the City of  
21 Orange City, Florida; reimposing solid waste service assessments against  
22 assessed property located within the City of Orange City, Florida, for the  
23 fiscal year beginning October 1, 2010; approving the rate of assessment;  
24 approving the solid waste assessment roll; and providing an effective date.

25  
26 Council Member Allebach read the title of Resolution No. 617-10 into the record.

27  
28 **Vice Mayor Laputka moved to approve Resolution No. 617-10,**  
29 **seconded by Council Member Blair.**

30  
31 Mayor Strickland opened the public hearing.

32  
33 Christine Davis, Finance Director came forward and stated Resolution No. 617-10 is the final step in  
34 implementing the solid waste assessment program for the coming year. Notices were mailed at the  
35 \$259 rate, however, the actual bill will be \$207.50.

36  
37 Mr. Blue came forward and said he was told he would have a copy of the Final Tax Roll today but he  
38 did not receive it. He noted the requirement to make the Final Tax Roll available to the public prior to  
39 adopting this resolution. Mr. Blue said he would make his comments based on the Preliminary Tax  
40 Roll. He pointed out discrepancies in the assessment roll, where one property owner is paying over  
41 \$2,000 a year and a commercial business is paying the residential rate for trash removal.

42  
43 Ms. Davis advised she received the Final Tax Roll late today and emailed a copy to Mr. Blue. She  
44 said copies are available tonight for anyone who wished to see. Ms. Davis reported notices were sent  
45 to sixteen properties that were added to the assessment roll this year. Mr. Blue questioned whether the  
46 discrepancies he discussed were still on the tax roll. Ms. Davis responded "yes." She advised it is a  
47 lengthy process, but the tax roll could be amended. Mr. Blue confirmed the tax roll could be changed  
48 after Council has adopted the resolution, Ms. Davis responded in the affirmative.

1 In response to a question from Council Member Crippen, Ms. Croteau explained the garbage rate is  
2 based on the number of units on the property. The information comes from the Property Appraiser’s  
3 office. Once staff discovers an error there is a lengthy process to correct the matter. Any changes  
4 made before the end of September will be on the current tax roll mailed in October. Any errors found  
5 after September will be changed during the year.

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

8  
9 **Motion passed by a 6/1 roll call vote of the Council, with Council**  
10 **Member Pupello voting “no.”**

11  
12 **D. RESOLUTION NO. 618-10:** A resolution of the City of Orange City,  
13 Florida, relating to the construction and funding of the Sparkman Avenue  
14 Extension project; providing authority and definitions; establishing annual  
15 assessments for the fiscal year beginning October 1, 2010; approving an  
16 assessment roll for the fiscal year beginning October 1, 2010; establishing the  
17 lien associated therewith; directing that the assessment roll be certified to the  
18 Volusia County Tax Collector; providing for collection of the assessments  
19 pursuant to the uniform assessment collection act; providing severability and  
20 an effective date.

21  
22 Council Member Allebach read the title of Resolution No. 618-10 into the record.

23  
24 **Vice Mayor Laputka moved to approve Resolution No. 618-10,**  
25 **seconded by Council Member Crippen.**

26  
27 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
28 proposed ordinance.

29  
30 Ms. Davis advised this is the second year of the Sparkman Ridge Annual Assessment Program. It  
31 affects one parcel and was advertised in the newspaper on August 3<sup>rd</sup>. Ms. Davis noted there are  
32 thirteen years remaining for the assessment program. She said staff recommends Council approve this  
33 resolution.

34  
35 Council Member Allebach pointed out the ad valorem taxes collected from the Sparkman Ridge  
36 Assessment program is not revenue. It is used to pay the annual debt payment on the monies the City  
37 borrowed on behalf of Sparkman Ridge. Mr. Reischmann noted that the City borrowed the money to  
38 work with Volusia County on the construction of roadways down to University High.

39  
40 There being no further requests to speak, the mayor closed the public hearing.

41  
42 **Motion passed by a 7/0 roll call vote of the Council.**

43  
44 **7. RESOLUTIONS:** Nothing further

45  
46 **8. DISCUSSION AND ACTION:** None at this time

47  
48 **9. NEW BUSINESS**

1 Council Member Abraham requested a discussion item regarding the Personnel Policy Manual. He  
2 noted several instances when Council was told the revisions to the manual were to be brought forward,  
3 but that has never happened.

4  
5 Council Member Abraham said he would like a discussion about the following question: "Is the  
6 Council addressing sustainable fiscal policies?"

7  
8 **10. REPORTS:**

9  
10 **A. City Manager**

11  
12 Ms. Croteau reported the City is working with the Four Townes Family YMCA - Deltona to  
13 implement a soccer program. She said Patty Stevens from the YMCA is coordinating the program and  
14 has asked for permission to put out "snipe" signs for soccer registration. Ms. Croteau said she wanted  
15 to bring it Council's attention because these types of signs are usually prohibited.

16  
17 Ms. Croteau asked for permission to cancel the budget workshop tentatively scheduled for August 30<sup>th</sup>  
18 as all budget issues were resolved at the last budget workshop.

19  
20 **It was the consensus of the Council that the Budget Workshop**  
21 **scheduled for Monday, August 30<sup>th</sup> be cancelled.**

22  
23 Council Member Allebach asked for an update on the bus shelters. Ms. Croteau advised the City just  
24 received additional shelters from Votran. She noted the locations of the four bus shelters already  
25 installed at various locations. In response to a question from Council Member Pupello, Ms. Croteau  
26 said the garbage receptacles would be ordered soon.

27  
28 **B. Mayor/City Council**

29  
30 Council Member Allebach said the Metropolitan Planning Organization has changed its name, it is  
31 now known as the Volusia Transportation Planning Organization (TPO). He said the TPO is hosting  
32 public review meetings regarding the "2035 Transportation Plan." Two meetings are planned for  
33 September 1<sup>st</sup> in DeLand and September 9<sup>th</sup> in Deltona. Meeting participants will learn about the  
34 details of the various aspects of the transportation plan. Council Member Allebach said the  
35 Department of Transportation is applying for additional grants to fund the various transportation  
36 projects. He said that it is still possible that a train station will be located in Orange City.

37  
38 *Mayor Strickland recessed the meeting at 8:50 p.m., reconvening at 8:55 p.m.*

39  
40 Vice Mayor Laputka reported on the Florida League of Cities Conference that he and Council Member  
41 Allebach attended. He said it was an intense experience. A lot of material was collected that will be  
42 shared with Council. Vice Mayor Laputka said it was a very productive conference. Council Member  
43 Allebach agreed it was a productive conference, despite the way it has been portrayed by the media in  
44 the past. He said the Florida League of Cities assists local governments with their lobbying efforts and  
45 the information it provides to its members. Council Member Allebach discussed some of the issues  
46 talked about at the conference. He said these conferences are a great economic development tool  
47 because it trains young people to be leaders.

48

1 Council Member Crippen reported on a meeting that he and Mayor Strickland had with members of  
2 the Enterprise Cove neighborhood. He said it is a big community with its own recycling program and  
3 citizen patrols. Residents expressed an interest in participating in Orange City's Community Watch  
4 program. Council Member Crippen said he spoke with one family who did research on the internet to  
5 decide where they wanted to live and they chose Orange City because of the opportunities.

6  
7 Mayor Strickland said he read a News Journal article regarding the Community Watch program  
8 Orange City is coordinating. He thanked Interim Police Chief Ross for his comments.

9  
10 **C. City Clerk**

11  
12 Nothing further to report.

13  
14 **D. City Attorney**

15  
16 Mr. Reischmann noted the City Clerk has been working very hard to complete the process of recording  
17 the GEL Development agreement. He said all documents have been compiled and it will be recorded  
18 soon.

19  
20 **11. APPROVAL OF MINUTES:** (See consent agenda)

21  
22 **12. COUNCIL COMMENTS**

23  
24 Council Member Abraham said in two days the 100<sup>th</sup> birthday of Mother Theresa will be celebrated.  
25 He said Time magazine did a special edition just for Mother Theresa. He said it is very educational  
26 and suggested that everyone read it if they have the time.

27  
28 Vice Mayor Laputka congratulated Council Member Abraham on his daughter-in-law coming to this  
29 country. He expressed his happiness for Council Member Abraham and his family.

30  
31 Council Member Pupello reflected that one year ago today three of the Council Members were  
32 studying the election results. He stated, "Look where we are today." Council Member Pupello  
33 thanked staff for their efforts with negotiating a better garbage contract. He said he voted against it  
34 because he feels there is always room for improvement and expressed his hope that the changes will be  
35 "spectacular" the next time the contract is negotiated. Council Member Pupello asked staff to do a  
36 better job keeping the political signs out of the right-of-ways. Council Member Pupello said that he  
37 was surprised when he saw how many trees were removed for the Race Trac location. He expressed  
38 his hope that trees would be installed around the perimeter of the gas station similar to the location in  
39 DeLand.

40  
41 Council Member Allebach thanked everyone who voted today.

42  
43 Mayor Strickland announced that he would be speaking about being a Mayor at a student government  
44 class at University High School on Thursday. It is a program designed to help students understand  
45 how government and leadership work together.

46  
47 **13. ADJOURN:**

48

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

2

3 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

4

5

September 14, 2010

6 \_\_\_\_\_  
6 Gloria W. Thomas, CMC

Date

7 Deputy City Clerk