

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, December 14, 2010 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange
3 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 **ROLL CALL**

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

14
15 **INVOCATION**

16
17 The Invocation was given by Rabbi Paul Faulk, Ariel Ministries, followed by the Pledge of Allegiance.

18
19 Mayor Strickland advised that there were several changes to the agenda. He noted the Florida Planning
20 and Zoning Association was present to present an award to a local business man. Ms. Croteau advised
21 agenda items 7B and 7C will be continued until the next meeting. As a point of order, Mr. Reischmann
22 advised a motion to amend the agenda is required.

23
24 **Council Member Laputka moved that agenda Items 7B-Resolution No. 628-10**
25 **and 7C-Resolution No. 629-10 be continued to the January 11, 2011 City**
26 **Council Meeting, seconded by Vice Mayor Crippen and passed by a**
27 **unanimous 7/0 voice vote of the Council.**

28
29 1. **ABSENCES:** None at this time

30
31 2. **PRESENTATIONS/PROCLAMATIONS:** Florida Planning & Zoning Association

32
33 John Thompson, President, Florida Planning & Zoning Association came forward with Wendy Hickey,
34 Planning Analyst to present the Outstanding Development of 2010 award to John Wanamaker for the
35 Mid-Florida Hematology and Oncology Center on Enterprise Road. Ms. Hickey provided a PowerPoint
36 presentation showing the transformation of the building (a copy of which is attached and becomes a
37 permanent part of these minutes). John Wanamaker, Coldwell Banker Commercial, came forward and
38 noted that the property was for sale for several years before the physicians purchased it. Mr. Thompson
39 congratulated and welcomed Alison Stettner as the new Development Services Director for Orange City.

40
41 3. **CITIZEN COMMENTS:**

42
43 Horst P. Carstens, Sustainable Water Committee, came forward to discuss the use and maintenance of
44 water sensors.

45
46 Henry Durica, 1310 E. Lansdowne, came forward 1310 E. Lansdowne, came forward and talked about
47 "a permanent reminder of a temporary feeling." He spoke about the "illegal" businesses opening in the

1 City such as internet gambling and pain clinics. He questioned why the City cannot write laws to outlaw
2 certain activities.

3
4 **4. CONSENT AGENDA:**

- 5
6 a) November 9, 2010 Regular Meeting Minutes
7 b) Easement Agreement with Progress Energy
8 c) Declaring Property as Surplus
9

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

12
13 **5. ORDINANCES – FIRST READING:**

- 14
15 **A. ORDINANCE NO. 444:** An ordinance of the City of Orange City, Volusia
16 County, Florida; amending Orange City Code Appendix A, Zoning Ordinance,
17 as adopted by Ordinance No. 157, amending Section 8.6.1 Schedule of Zoning
18 Districts Permitted and Conditional Uses; containing a repealer provision,
19 severability clause, and providing for an effective date.
20

21 Council Member Allebach read the title of Ordinance No. 444 into the record.
22

23 **Council Member Laputka moved to adopt Ordinance No. 444 on first**
24 **reading, seconded by Vice Mayor Crippen.**
25

26 Ms. Hickey advised this matter is a text change to Section 8.6.1 of the Land Development Code. It
27 removes references to "automobile oriented uses" as it applies to drive-up windows for financial
28 institutions. She noted this issue became apparent due to the massive turnover of banks. Each time there
29 is a change of ownership the financial institution must apply for a conditional use permit. Removing the
30 reference to "automobile oriented uses" would correct this issue for existing banking institutions. Newly
31 constructed financial institutions and fast food restaurants would still be required to apply for a
32 conditional use permit for a drive-up window.
33

34 In response to a question from Council Member Allebach, Ms. Hickey advised there is a \$500 fee for a
35 conditional use application. Mayor Strickland observed that the City is trying to be "business friendly"
36 by not penalizing banks for changing ownership. Council Member Blair questioned whether credit
37 unions were considered in the definition of financial institutions. Ms. Hickey responded in the
38 affirmative.
39

40 Council Member Pupello said that he understands the intent but felt this action would favor one type of
41 business over another. Ms. Croteau said banks are a "preferred" business in the City. The Code
42 requires all businesses to apply for a conditional use when the ownership changes. She reminded
43 Council staff is working on reviewing and rewriting the Code and will look at all the requirements that
44 would trigger the need for a conditional use. She acknowledged that recently, a local fast food
45 restaurant had to apply for a conditional use when their holding company changed because that is the
46 way it is written in the Code. The Planning and Zoning Commission already reviewed and approved
47 this matter at their last meeting.

1 Council Member Allebach said that he could not support this action at this time. He said he read that
2 banks get credit for homestead exemption when they foreclose on homes because the laws are slow to
3 change. He stated, "As soon as the banks start paying their fair share, I will give them a break."
4

5 **Motion passed by a 5/2 voice vote of the Council, with Council Members**
6 **Pupello and Allebach voting "no."**
7

- 8 **B. ORDINANCE NO. 445:** An ordinance of the City of Orange City, Florida,
9 annexing the Pantry property into the Corporate Limits of the City of Orange
10 City, Florida; said property being generally located 0.0 feet north of West New
11 York Avenue, containing approximately 1.55 acres; in accordance with the
12 voluntary annexation provisions of Florida Statute 171-044; redefining the
13 boundaries of the City of Orange City by amending the appropriate sections of
14 the Code of Ordinances; containing a repealer provision, a severability clause,
15 and providing for an effective date.
16

17 Council Member Allebach read the title of Ordinance No. 445 into the record.
18

19 **Council Member Laputka moved to adopt Ordinance No. 445 on first**
20 **reading, seconded by Vice Mayor Crippen.**
21

22 Jim Kerr, City Planner came forward. Referring to a PowerPoint presentation (a copy of which is
23 attached and becomes a permanent part of these minutes) he pointed out the location of the property
24 noting it is on the northwest corner of New York Avenue and U.S. 17-92. It is immediately contiguous
25 to the Racetrack property. Mr. Kerr said this annexation meets the requirements of Florida Statutes.
26 Staff recommends that Council annex the property into the City limits.
27

28 **Motion passed by a unanimous 7/0 voice vote of the Council.**
29

- 30 **C. ORDINANCE NO. 446:** An ordinance of the City Council of the City of
31 Orange City, Florida, amending Chapter 10.5 Leisure Services, Article II Use
32 Restrictions, Section 10-5-19 Rules and Regulations, of the Code of
33 Ordinances of the City of Orange City, by revising sub-sections (1), and (11),
34 and adding sub-sections (19) and (20); containing a repealer provisions, a
35 severability clause and providing for an effective date.
36

37 Council Member Allebach read the title of Ordinance No. 446 into the record.
38

39 **Council Member Laputka moved to adopt Ordinance No. 446 on first**
40 **reading, seconded by Council Member Allebach.**
41

42 Christine Davis, Finance Director, came forward. She recalled that at the last meeting Council Member
43 Pupello expressed his concerns regarding smoking in Valentine Park. She said staff reviewed the
44 Leisure Services Code and was able to identify various areas that needed revising, including the use of
45 tobacco, alcohol and the allowance of animals in City parks and facilities. As a result, staff recommends
46 that smoking and animals be allowed only in designated areas in the parks or that a park is designated
47 specifically for animals. In addition, staff is recommending that special event sponsors obtain a permit
48 to sell or consume alcohol for special events. Currently, there is one annual event in the City that sells

1 alcohol. Amending the Code will provide continuity and memorialize what the City is already doing.
2 Ms. Davis concluded by stating that language has been added to the Code that would address when
3 somebody is in violation.

4
5 In response to a question from Vice Mayor Crippen, Ms. Croteau said that permits to sell alcohol would
6 be issued only in permitted events. Council Member Abraham questioned whether this ordinance would
7 conflict with any State or Federal laws. Mr. Reischmann said it does not.

8
9 Council Member Pupello observed there was no dollar amount for the permits. Ms. Croteau advised
10 standardized procedures, including the cost of the permits, would be developed if the ordinance is
11 adopted. Council Member Pupello suggested it could be an opportunity to generate additional revenue
12 for the City.

13
14 Vice Mayor Crippen questioned whether police services would be required once an alcohol permit is
15 issued. Mr. Reischmann noted other cities pass fee resolutions that include a checklist to anticipate the
16 cost for city services. Ms. Croteau agreed noting the only event in the City that sells alcohol beverages
17 is the Manatee Festival and she does not anticipate that will increase. In the past, the City charged fees
18 for the use of the parks to cover these items, but Council often waived it. A fee resolution will come
19 forward if the ordinance is passed. She restated the intent of this ordinance is to formalize the City's
20 past practice with regard to the Leisure Services Code.

21
22 **Motion passed by a 7/0 roll call vote of the Council.**

23
24 **6. PUBLIC HEARINGS:**

- 25
26 **A. RESOLUTION NO. 626-10:** A resolution of the City of Orange City, Florida,
27 electing to use the uniform method of collecting non-ad valorem special
28 assessments levied within the incorporated area of the City; stating a need for
29 such levy; providing for the mailing of this resolution; and providing for an
30 effective date.

31
32 Council Member Allebach read the title of Resolution No.626-10 into the record.

33
34 **Council Member Laputka moved to approve Resolution No. 626-10,**
35 **seconded by Vice Mayor Crippen.**

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

39
40 Ms. Davis explained adoption of this resolution is an "annual event." It provides a mechanism for
41 Council to implement a special assessment during the coming year, should it choose to. Currently, the
42 City has two non ad-valorem assessments. When adopted, this resolution will be sent to the tax
43 collector. This the tenth consecutive year the City has adopted this Notice of Intent. Council Member
44 Laputka emphasized this resolution is a formality and does not bind Council to any action.

45
46 There being no further requests to speak, Mayor Strickland closed the public hearing.

47
48 **Motion passed by a 7/0 voice vote of the Council.**

1 **B. ORDINANCE NO. 435:** An ordinance of the City of Orange City, Florida,
2 declaring a moratorium as to the filing and/or receiving of any application or
3 the issuance of business tax receipts for the operation of “Pain Clinics” and
4 “Pain Management Clinics” for one hundred and eighty (180) days; providing
5 for severability and an effective date.
6

7 Council Member Allebach read the title of Ordinance No. 435 into the record.
8

9 **Council Member Laputka moved to adopt Ordinance No. 435 on second**
10 **and final reading, seconded by Vice Mayor Crippen.**
11

12 Mayor Strickland opened the public hearing by asking if anyone wished to speak for or against the
13 proposed ordinance.
14

15 Mr. Reischmann advised this is the second reading of this ordinance. It is a 180-day moratorium on the
16 issuance of business tax receipts for the operation of “pain management” clinics in the City. He
17 discussed the issues involved noting this is a statewide problem and that many cities are responding in
18 this manner. The moratorium is not designed to prevent legitimate medical providers from opening in
19 the City and will allow the City time to develop regulations similar to the ones the State is crafting.
20

21 Mr. Durica came forward and questioned the type of restrictions that may be enacted. Mr. Reischmann
22 discussed the various types of regulations noting it would be a land use regulation similar to the adult
23 entertainment ordinance.
24

25 There being no further requests to speak, the Mayor closed the public hearing.
26

27 Council Member Allebach noted that Orange County has recently adopted a similar moratorium.
28 However, Volusia County was advised not to. He suggested that may be a problem as there are a
29 number of enclaves within the Orange City corporate limits in which these types of businesses could
30 open. He suggested that everyone who is really passionate about this matter contact the County Council
31 and let them know of your concerns.
32

33 In response to a question from Vice Mayor Crippen, Mr. Reischmann said he does not know of any
34 business that has applied for the appropriate licenses, statewide. Usually these businesses open without
35 the proper documents and are shut down by law enforcement once they become aware of the activity.
36 Mayor Strickland expressed his displeasure the County is not willing to get involved. He echoed
37 Council Member Allebach’s comments and suggested that people contact the County Council to let
38 them know Orange City residents are very concerned about this issue.
39

40 **Motion passed by a 7/0 voice vote of the Council.**
41

42 **C. ORDINANCE NO. 436:** An ordinance of the City of Orange City, Florida,
43 annexing the Smith property into the corporate limits of the City of Orange
44 City, Florida; said property being generally located on the west side of North
45 Volusia Avenue, approximately 800 feet north of St. Lawrence Avenue,
46 containing approximately 4.40 acres; in accordance with the voluntary
47 annexation provisions of Florida Statute 171.044; redefining the boundaries of
48 the City of Orange City by amending the appropriate sections of the Code of

1 Ordinances; containing a repealer provision, a severability clause and
2 providing for an effective date.

3
4 Council Member Allebach read the title of Ordinance No. 436 into the record.

5
6 **Vice Mayor Crippen moved to adopt Ordinance No. 436 on second and**
7 **final reading, seconded by Council Member Pupello.**

8
9 Mr. Kerr came forward and said there have been no changes to this ordinance since the first reading.

10
11 Mayor Strickland opened the public hearing by asking if anyone wished to speak for or against this
12 ordinance.

13
14 Vice Mayor Crippen questioned if this annexation would create an enclave. Mr. Kerr said that it will not.
15 Council Member Allebach thanked Mr. Kerr for all his efforts in annexing property into the City's
16 corporate limits. Mayor Strickland agreed, noting the City's boundaries increased an additional 7 square
17 miles.

18
19 There being no further requests to speak, Mayor Strickland closed the public hearing.

20
21 **Motion passed by a 7/0 voice vote of the Council.**

- 22
23 **D. ORDINANCE NO. 437:** An ordinance of the City Council of the City of
24 Orange City, Florida, providing for a non-exclusive franchise to Container
25 Rental Company, Inc. (CRC) for the collection and disposal of commercial
26 trash, garbage, recyclable materials and other refuse within the City Limits;
27 providing for Definitions, Terms Condition, Rates, Compliance With Laws,
28 Arbitration, Standards of Performance, Collection, Regulation Operations,
29 Hours, Routes, Penalties, Accounting, Complaint Resolutions; containing a
30 repealer provision; a severability clause and providing for an effective date.

31
32 Council Member Allebach read the title of Ordinance No. 437 into the record.

33
34 **Vice Mayor Crippen moved to adopt Ordinance No. 437 on second and**
35 **final reading, seconded by Council Member Blair.**

36
37 Ms. Davis said there have been no changes since the first reading of this ordinance. Mayor Strickland
38 opened the public hearing by asking if anyone wished to speak for or against this ordinance, no one
39 appeared. The Mayor closed the public hearing.

40
41 **Motion passed by a 7/0 voice vote of the Council.**

- 42
43 **E. ORDINANCE NO. 438:** An ordinance of the City Council of the City of
44 Orange City, Florida, providing for a non-exclusive franchise to Emerald
45 Waste Services, LLC (EWS) for the collection and disposal of commercial
46 trash, garbage, recyclable materials and other refuse within the City Limits;
47 providing for Definitions, Terms Condition, Rates, Compliance With Laws,
48 Arbitration, Standards of Performance, Collection, Regulation Operations,

1 Hours, Routes, Penalties, Accounting, Complaint Resolutions; containing a
2 repealer provision; a severability clause and providing for an effective date.

3
4 Council Member Allebach read the title of Ordinance No. 438 into the record.

5
6 **Vice Mayor Crippen moved to adopt Ordinance No. 438 on second and**
7 **final reading, seconded by Council Member Blair.**

8
9 Ms. Davis said there have been no changes since the first reading of this ordinance. Mayor Strickland
10 opened the public hearing by asking if anyone wished to speak for or against this ordinance, no one
11 appeared. The Mayor closed the public hearing.

12
13 **Motion passed by a 7/0 voice vote of the Council.**

- 14
15 F. **ORDINANCE NO. 439:** An ordinance of the City Council of the City of
16 Orange City, Florida, providing for a non-exclusive franchise to Waste Pro for
17 the collection and disposal of commercial trash, garbage, recyclable materials
18 and other refuse within the City Limits; providing for Definitions, Terms
19 Condition, Rates, Compliance With Laws, Arbitration, Standards of
20 Performance, Collection, Regulation Operations, Hours, Routes, Penalties,
21 Accounting, Complaint Resolutions; containing a repealer provision; a
22 severability clause and providing for an effective date.

23
24 Council Member Allebach read the title of Ordinance No. 439 into the record.

25
26 **Vice Mayor Crippen moved to adopt Ordinance No. 439 on second and**
27 **final reading, seconded by Council Member Laputka.**

28
29 Ms. Davis said there have been no changes since the first reading of this ordinance. Mayor Strickland
30 opened the public hearing by asking if anyone wished to speak for or against this ordinance, no one
31 appeared. The Mayor closed the public hearing.

32
33 **Motion passed by a 7/0 voice vote of the Council.**

- 34
35 G. **ORDINANCE NO. 440:** An ordinance of the City Council of the City of
36 Orange City, Florida, providing for a non-exclusive franchise to Waste
37 Services of Florida, Inc. for the collection and disposal of commercial trash,
38 garbage, recyclable materials and other refuse within the City Limits;
39 providing for Definitions, Terms Condition, Rates, Compliance With Laws,
40 Arbitration, Standards of Performance, Collection, Regulation Operations,
41 Hours, Routes, Penalties, Accounting, Complaint Resolutions; containing a
42 repealer provision; a severability clause and providing for an effective date.

43 Council Member Allebach read the title of Ordinance No. 440 into the record.

44
45 **Vice Mayor Crippen moved to adopt Ordinance No. 440 on second and**
46 **final reading, seconded by Council Member Blair.**

47

1 Ms. Davis said there have been no changes since the first reading of this ordinance. Mayor Strickland
2 opened the public hearing by asking if anyone wished to speak for or against this ordinance, no one
3 appeared. The Mayor closed the public hearing.

4
5 **Motion passed by a 7/0 voice vote of the Council.**

- 6
7 **H. ORDINANCE NO. 441:** An ordinance of the City Council of the City of
8 Orange City, Florida, providing for a non-exclusive franchise to Orlando
9 Waste Paper Company, Inc. for the collection and disposal of commercial
10 trash, garbage, recyclable materials and other refuse within the City Limits;
11 providing for Definitions, Terms Condition, Rates, Compliance With Laws,
12 Arbitration, Standards of Performance, Collection, Regulation Operations,
13 Hours, Routes, Penalties, Accounting, Complaint Resolutions; containing a
14 repealer provision; a severability clause and providing for an effective date.

15
16 Council Member Allebach read the title of Ordinance No. 441 into the record.

17
18 **Vice Mayor Crippen moved to adopt Ordinance No. 441 on second and**
19 **final reading, seconded by Council Member Blair.**

20
21 Ms. Davis said there have been no changes since the first reading of this ordinance. Mayor Strickland
22 opened the public hearing by asking if anyone wished to speak for or against this ordinance, no one
23 appeared. The Mayor closed the public hearing.

24
25 **Motion passed by a 7/0 voice vote of the Council.**

- 26
27 **I. ORDINANCE NO. 442:** An ordinance of the City Council of the City of
28 Orange City, Florida, providing for a non-exclusive franchise to DisposAll for
29 the collection and disposal of commercial trash, garbage, recyclable materials
30 and other refuse within the City Limits; providing for Definitions, Terms
31 Condition, Rates, Compliance With Laws, Arbitration, Standards of
32 Performance, Collection, Regulation Operations, Hours, Routes, Penalties,
33 Accounting, Complaint Resolutions; containing a repealer provision; a
34 severability clause and providing for an effective date.

35
36 Council Member Allebach read the title of Ordinance No. 442 into the record.

37
38 **Vice Mayor Crippen moved to adopt Ordinance No. 442 on second and**
39 **final reading, seconded by Council Member Blair.**

40
41 Ms. Davis said there have been no changes since the first reading of this ordinance. Mayor Strickland
42 opened the public hearing by asking if anyone wished to speak for or against this ordinance, no one
43 appeared. The Mayor closed the public hearing.

44
45 **Motion passed by a 6/1 voice vote of the Council, with Mayor Strickland**
46 **voting "no."**
47

1 **J. ORDINANCE NO. 443:** An ordinance of the City Council of the City of
2 Orange City, Florida, providing for a non-exclusive franchise to Sunshine
3 Recycling, Inc. for the collection and disposal of commercial trash, garbage,
4 recyclable materials and other refuse within the City Limits; providing for
5 Definitions, Terms Condition, Rates, Compliance With Laws, Arbitration,
6 Standards of Performance, Collection, Regulation Operations, Hours, Routes,
7 Penalties, Accounting, Complaint Resolutions; containing a repealer
8 provision; a severability clause and providing for an effective date.
9

10 Council Member Allebach read the title of Ordinance No. 443 into the record.

11
12 **Vice Mayor Crippen moved to adopt Ordinance No. 443 on second and**
13 **final reading, seconded by Council Member Blair.**
14

15 Ms. Davis said there have been no changes since the first reading of this ordinance. Mayor Strickland
16 opened the public hearing by asking if anyone wished to speak for or against this ordinance, no one
17 appeared. The Mayor closed the public hearing.
18

19 **Motion passed by a 7/0 voice vote of the Council.**
20

21 **7. RESOLUTIONS:**
22

23 **A. RESOLUTION NO. 627-10:** A resolution of the City Council of the City of
24 Orange City, Florida, rescinding Resolution No. 615-10; thereby declining the
25 devise or real and personal property, pursuant to Item IV in the last will and
26 testament of Harriett French Hayman Boyd; repealing all resolutions or parts
27 of resolutions in conflict herewith and providing for an effective date.
28

29 Council Member Allebach read the title of Resolution No. 627-10 into the record.
30

31 **Council Member Laputka moved to approve Resolution No. 627-10,**
32 **seconded by Council Member Blair.**
33

34 Mr. Reischmann noted a brief history about this matter. He recalled that at the last meeting Council
35 agreed that accepting and repairing the Seth French House would not be in the best interest of the City at
36 this time. He said Resolution No. 627-10 formally rescinds Resolution No. 615-10 and declines the gift
37 of the Seth French House.
38

39 **Motion passed by a 5/2 voice vote of the Council, with Council Member**
40 **Allebach and Vice Mayor Crippen voting “no.”**
41

42 **B. RESOLUTION NO. 628-10:** A resolution of the City Council of the City of
43 Orange City, Florida acknowledging and approving a third 12-month
44 extension to the preliminary subdivision plat for the Lansdowne Oaks
45 Subdivision, with the intent to divide a 5.0 acre parcel and a 10.0 acre parcel
46 into 35 proposed lots, said parcels located on East Lansdowne Avenue,
47 Orange City, Florida; repealing all resolutions or part of resolutions in conflict
48 herewith; and providing for an effective date.

1 *Continued until January 11, 2011*

- 2
- 3 C. **RESOLUTION NO. 629-10:** A resolution of the City Council of the City of
4 Orange City, Florida acknowledging and approving a third 12-month
5 extension to the site plan for the Lansdowne Oaks subdivision, said site plan
6 containing the specifications to divide a 5.0 acre parcel and a 10.0 acre parcel
7 into 35 proposed residential lots, said parcels located on East Lansdowne
8 Avenue, Orange City, Florida; repealing all resolutions or parts of resolutions
9 in conflict herewith; and providing for an effective date.

10

11 *Continued until January 11, 2011*

12

13 **8. DISCUSSION AND ACTION:**

- 14
- 15 A. Central Florida Water Supply Strategy

16

17 Paul Johnson, Public Works Director, came forward and said the Congress of Regional Leaders wants to
18 regionalize water issues and has asked municipalities to sign a Problem Statement and Letter of
19 Commitment endorsing their efforts. He said supporting this program will help The Partners as they
20 continue to challenge the Saint John's River Water Management District mandates. The City of DeLand
21 has already submitted the statement with a minor modification to the second paragraph which addresses
22 the economic factors involved. Mr. Johnson said staff is seeking Council's approval of this process and
23 authorization for the Mayor and Vice Mayor to execute the Letter of Commitment.

24

25 **Council Member Allebach moved that Council authorize the Mayor and**
26 **the Vice Mayor to sign the Letter of Commitment and for the Mayor to**
27 **forward the Letter of Commitment and the Revised Problem Statement**
28 **to Chairman Bruno as requested, seconded by Council Member Blair.**

29

30 Mayor Strickland spoke in support of this action. He said the Letter of Commitment is an effort to
31 approach water issues on a regional basis. It would require three different water management districts to
32 work together and to have uniformity in their rules and regulations.

33

34 Council Member Allebach said he attended the Myregion.org meetings, when this issue was discussed.
35 He explained that to be economically viable, Myregion.org is trying to create a "super region" of Central
36 Florida and Tampa. The problem is the three water management districts in the "super region" all
37 measure water differently. He said they are working on these issues and once resolved we will have a
38 better idea of what is required to provide enough water for the region.

39

40 **Motion passed by a 7/0 voice vote of the Council.**

- 41
- 42 **9. NEW BUSINESS:** None at this time

43

44 **10. REPORTS:**

- 45
- 46 A. City Manager
- 47

1 Ms. Croteau said she distributed a "Budget In Brief" report prepared by the Finance Department (a copy
2 of which is attached and becomes a permanent part of these minutes). She said the report is a snapshot
3 of expenditures and revenues and will be distributed to Council on a monthly basis. In addition, a copy
4 will be posted to the web site. Ms. Croteau thanked staff for their help with the various special events
5 sponsored by the City. She said it has been a tough year for staff as merit increases and cost of living
6 adjustments were not included in the budget this year. Based on that, she requested that Council give
7 staff an additional day off (Monday after Christmas) and a \$50 Publix gift certificate. She said it does
8 not take the place of a COLA but would be a nice gesture. The cost for the gift cards would be around
9 \$5,000. She said she thinks that it shows support from the Council for the staff.

10
11 **Council Member Allebach moved to authorize the City Manager to give**
12 **City employees Monday, December 27th off and distribute \$50 gift cards**
13 **to each employee, seconded by Vice Mayor Crippen and passed by a 7/0**
14 **roll call vote of the Council.**
15

16 Ms. Croteau advised she received an email from Mary Swiderski requesting the names of the City's
17 VCOG representative and alternate for 2011. Council Member Allebach pointed out the Mayor is the
18 VCOG representative and that the Vice Mayor is the alternate. Ms. Croteau said she would advise Ms.
19 Swiderski's accordingly.
20

21 Ms. Croteau said the alleyways and bus bench discussions will be on the January 11, 2011 agenda.
22

23 Council Member Blair said he received a complaint about the \$25 registration fee for the Christmas
24 Village parade. He asked whether this fee could be waived for non-profit companies in the future. Ms.
25 Croteau advised staff will consider the matter.
26

27 Council Member Laputka said he and the City Manager went to the City of Winter Garden. He said it
28 was a very "eye opening" trip. Winter Garden is a "thriving little town" that made it on their own.
29 Twelve years ago the businesses in Winter Garden were failing at an exceptional rate. The City
30 instituted a program that has really worked and now the businesses are "thriving." Council Member
31 Laputka said that he wanted to discuss what he learned with the Council at a later time.
32

33 B. Mayor/City Council

34

35 Council Member Allebach reported on the Volusia Delegation of Legislative Leaders meeting that he,
36 Council Member Abraham, and Mayor Strickland attended. He said the local elected officials present
37 told the ten legislators from the Senate and the House of Representatives "no" on TABOR. Mayor
38 Strickland spoke about the City's problems with enclaves and asked for a swift resolution and Council
39 Member Abraham spoke about the Century Commission. Mayor Strickland said the turnout for the
40 meeting was pretty amazing. Nobody spoke about the passing of Amendment 5 and 6 which is the
41 redrawing of boundaries. Representative Hayes talked about impending cuts but the manner in which he
42 spoke was bothersome. Representative Fred Costello, 26th District, had a list of bills ready to go that he
43 developed while he was Mayor of Ormond Beach. He said, the matter of "pain clinics" was discussed,
44 however, he felt the State will not fund the effort to regulate these businesses and it may result in
45 another unfunded mandate. Mayor Strickland expressed his concern the State is in for rough times and
46 that budget cuts are imminent. He predicted it will impact the City in big ways.
47

1 C. City Clerk

2
3 The City Clerk had nothing further to report.

4
5 D. City Attorney

6
7 Mr. Reischmann advised that a report and an ordinance would be brought forward in January regarding
8 internet cafes. He said that while some people feel that these businesses are gambling, the State has
9 passed laws that say it is not. The only thing that local municipalities can do at this time is to regulate
10 these businesses by limiting the location and hours of operation. Mr. Reischmann said that he wanted
11 the public to be aware that sometimes the City's "hands are tied" by virtue of the actions of the State.

12
13 **11. APPROVAL OF MINUTES: (Consent Agenda)**

14
15 **12. COUNCIL COMMENTS**

16
17 Council Member Abraham said he attended a Century Commission meeting regarding the development
18 of the first state-wide comprehensive strategic plan for Florida. The Century Commission plans to ask
19 legislators for \$500,000 to fund its efforts. Council Member Abraham said he voiced his concerns this
20 matter does not result in unfunded mandates for local governments.

21
22 Vice Mayor Crippen commented on the efforts of City staff for the events coordinated these last few
23 months. He said he was happy with the number of community residents that attended and said he is
24 looking forward to the next one. Council Member Crippen thanked Council for approving the City
25 Manager's request to provide an additional day off and the Publix gift cards for City employees. Vice
26 Mayor Crippen wished everyone a Merry Christmas and a Happy New Year.

27
28 Council Member Blair wished everyone a happy holiday season.

29
30 Council Member Laputka agreed with the Mayor's comments regarding impending budget cuts. He said
31 Senator Lee Constantine addressed the Florida League of Cities two weeks ago and stated the Florida
32 League of Cities consensus last as long it takes for legislative officials to literally pick it up, crumble it
33 and throw it in the trash can. Council Member Laputka stated, "We have to be vocal folks...you have to
34 show up, you have to make phone calls, you have to be the squeaky wheel and that's the only thing
35 that's going to get them aware of our concerns.

36
37 Council Member Pupello thanked staff for the recent events in the City, noting that they were well-
38 attended. He thanked the Council and the City staff for their dedication and service to the community.
39 He stated, "I believe that we all are trying to make our community the best that it can be." Council
40 Member Pupello wished everyone a good holiday season and a great new year.

41
42 Council Member Allebach said as the President of the Volusia League of Cities, he was "proud" the City
43 hosted the League of Cities dinner this month, noting that it was a joint effort with the Culinary Program
44 at University High School. The location was perfect, food was delicious and Mary Swiderski, the
45 Executive Director of the League received several comments praising the dinner. Council Member
46 Allebach said he missed the movie in the park, sponsored by the Manatee Festival as he was at a football
47 game but that he heard very positive things about it. Council Member Allebach said he was at the
48 Christmas parade sponsored by the City. He commended staff for putting together a great program and

1 stated whoever built the float for Council did a great job. Council Member Allebach said he was
 2 interviewed by the West Volusia Tourism Authority. The interview can be found at
 3 visitwestVolusia.com. Council Member Allebach said that he and Vice Mayor Crippen went to a
 4 developer’s luncheon to talk about development possibilities in Orange City. In conclusion, Council
 5 Member Allebach wished everyone a Merry Christmas and a Happy New Year.

6
 7 Mayor Strickland said the last thing Senator Lee Constantine did before he left Tallahassee was to talk
 8 about the recent legislation about septic systems. The Mayor said the effort was to reduce nitrates and
 9 other types of chemicals from getting into water sources. The solution was to require all septic systems
 10 to be cleaned every five years at a cost of about \$600 for the pumping and possibly additional costs of
 11 \$2000 to \$6000 if repairs are required. The implementation date has been delayed for six months to
 12 allow the legislature to revisit the issue. Mayor Strickland expressed his belief the problem is not with
 13 septic systems, but is with businesses that deal with nitrates such as fertilizer.

14
 15 Mayor Strickland said the City has not recognized city staff and/or citizens for the work that they do in
 16 the community. He said that he would like to see someone from Orange City win an award from the
 17 Volusia Council of Governments this year. He asked the City Manager to help in identifying and
 18 nominating anyone who has done an outstanding job for the City. Mayor Strickland concluded by
 19 wishing everyone a great holiday, a Merry Christmas and a Happy New Year.

20
 21
 22 **13. ADJOURNMENT:**

23
 24 There being no further business, Mayor Strickland adjourned the meeting at 8:52 p.m.

25
 26
 27 Respectfully Submitted:

Approved on:

28
 29
 30 _____
 31 Gloria Thomas, CMC
 32 Deputy City Clerk

January 11, 2011

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