

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, June 28, 2011 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3
4 **CALL TO ORDER**

5
6 The meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was taken.

7
8 **ROLL CALL**

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

13
14 **INVOCATION**

15
16 The Invocation was given by Council Member Laputka, followed by the Pledge of Allegiance.

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

19
20 **2. PRESENTATIONS/PROCLAMATIONS:** **American Legion presentation for Fire**
21 **Fighter and Police Officer of the Year**

22
23 Representatives from the American Legion came forward and presented a commendation to Orange City
24 Officer Derrick Kovacs in recognition of his selection as “American Legion Officer of the Year”.
25 Officer Kovacs came forward to receive his award. Firefighter Christopher Greenwood was called
26 forward next to receive an award from the Legion naming him as their selection for “Firefighter of the
27 Year”.

28
29 **Proclamation – Orange City Girls**
30 **Softball, District 19 Champions**

31
32 Mayor Strickland called the girls from the Orange City Sr. Girls Softball Team forward to recognize
33 their accomplishment as the winner of this year’s District 19 Tournament of Champions. Council
34 Member Laputka read a proclamation into the record formally recognizing the team. The girls presented
35 the winning game ball to the City.

36
37 **3. CITIZEN COMMENTS:**

38
39 There were no requests to speak.

40
41 **4. CONSENT AGENDA:**

42
43 a) **Resolution No. 641-11:** A resolution of the City Council of the City of Orange City,
44 Florida, acknowledging and approving a fourth 12-month extension to the preliminary
45 subdivision plat for Shadow Ridge subdivision Phase 2, with the intent to divide a 32.7 acre
46 parcel into 77 residential lots, said parcel located immediately north of Shadow Ridge
47 subdivision Phase 1, Orange City Florida, repealing all resolutions or parts of resolutions in
48 conflict herewith; and providing for an effective date.

1 b) **Resolution No. 642-11:** A resolution of the City Council of the City of Orange City,
 2 Florida, acknowledging and approving a fourth 12-month extension to the site plan for
 3 Shadow Ridge subdivision Phase 2, said site plan containing the specifications to develop
 4 77 lots on a 32.7 acre parcel, parcel located immediately north of Shadow Ridge
 5 subdivision Phase 1, Orange City, Florida; repealing all resolutions of parts of resolutions
 6 in conflict herewith; and providing for an effective date.

7
 8 c) June 14, 2011 Regular Meeting Minutes

9
 10 **Council Member Laputka moved to approve the consent agenda,**
 11 **seconded by Council Member Allebach and passed by unanimous 7/0 roll**
 12 **call vote of the Council.**

13
 14 **5. ORDINANCES - FIRST READING:** None at this time.

15
 16 **6. PUBLIC HEARINGS:**

17
 18 **A. ORDINANCE NO. 456:** An Ordinance of the City of Orange City, Florida,
 19 transmitting and adopting an administrative amendment to the City of Orange
 20 City Comprehensive Plan for the purpose of amending the Capital
 21 Improvements Element to the update and revise the text including the five-
 22 year capital improvement program; providing for conflict and severability
 23 and providing for an effective date.

24
 25 Council Member Allebach read the title of Ordinance No. 456 into the record.

26
 27 **Council Member Laputka moved to adopt Ordinance No. 456 on**
 28 **second reading, seconded by Vice Mayor Crippen.**

29
 30 Mayor Strickland asked Jim Kerr, City Planner, to explain the revised page that was handed out at the
 31 meeting (a copy of which is attached and becomes a permanent part of these minutes). Mr. Kerr
 32 provided an explanation of the changes.

33
 34 In response to a question from Mayor Strickland, Ms. Drage said that a motion to adopt the revised
 35 page would not be necessary.

36
 37 Council Member Blair referenced the item "Alternative Water Project" in Year 11/12 and questioned
 38 what it was about. Paul Johnson, Public Works Director, responded that it is regarding work planned
 39 to provide reclaimed water for irrigation. Ms. Croteau noted that Oakhurst and Blue Springs Villas
 40 and possibly the GEL Corp. facility would benefit.

41
 42 Mayor Strickland opened the public hearing. No one appeared. The Mayor closed the public hearing.

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

45
 46 **B. ORDINANCE NO. 462:** An Ordinance of the City Council of the City of
 47 Orange City, Florida, amending Chapter 10, Offenses – Miscellaneous,
 48 Article I, In General, Section 10-4; Chapter 10, Offenses – Miscellaneous,

1 Article II, Noise, Section 10-26 (7); and Chapter 10.5, Leisure Services,
 2 Article II, Use Regulations, Section 10.5-19 (8) to conform with the Joe
 3 Carlucci Uniform Firearms Act; providing for severability, conflicts and
 4 effective date.

5
 6 Council Member Allebach read the title of Ordinance No. 462 into the record.

7
 8 **Council Member Laputka moved to adopt Ordinance No. 462 on**
 9 **second reading, seconded by Council Member Crippen.**

10
 11 Sgt. Greg Lariscy came forward and stated that in 1987, the Legislature adopted measures to provide
 12 for uniform firearm enforcement throughout the State. Penalties for violations to this act were adopted
 13 in 2011. This change also prohibits anyone other than the State from enforcing any rules,
 14 administrative policies or ordinances. Any law enforcement officer inadvertently enforcing a local
 15 ordinance would be fined \$5,000 which cost would have to be borne by the individual making the
 16 violation. Sgt. Lariscy stated that the Governor could also fine an elected official for violating this
 17 provision.

18
 19 Mayor Strickland opened the public hearing. No one appeared. The Mayor closed the public hearing.

20
 21 **Motion passed by 5/2 roll call vote of the Council with Council**
 22 **Member Allebach and Mayor Strickland voting “no.”**

23
 24 C. **ORDINANCE NO. 463:** An ordinance of the City of Orange City, Florida,
 25 annexing the McDonald’s property into the corporate limits of the City of
 26 Orange City, Florida; said property being generally located on the west side of
 27 Enterprise Road, approximately 600 feet south of South Volusia Avenue,
 28 containing approximately 1.38 acres; in accordance with the voluntary
 29 annexation provisions of Florida Statute 171.044; redefining the boundaries of
 30 the City of Orange City by amending the appropriate sections of the code of
 31 ordinances; containing a repealer provision, a severability clause and
 32 providing for an effective date.

33
 34 Council Member Allebach read the title of Ordinance No. 463 into the record.

35
 36 **Council Member Laputka moved to adopt Ordinance No. 463 on**
 37 **second reading, seconded by Vice Mayor Crippen.**

38
 39 Mayor Strickland opened the public hearing. No one appeared. The Mayor closed the public hearing.

40
 41 Jim Kerr came forward and provided a brief presentation on the proposed annexation.

42
 43 Council Member Laputka noted that the annexation agreement had just been distributed at the meeting.
 44 Ms. Croteau advised that the agreement had been in negotiation between the corporation, the franchisee
 45 and the City and was just received by staff. She assured Council that staff has no problems with the
 46 agreement.

47
 48 **Motion passed by unanimous 7/0 roll call vote of the Council.**

1 **7. RESOLUTIONS:** (Consent Agenda)

2
3 **8. DISCUSSION AND ACTION:** None at this time.

4
5 **9. NEW BUSINESS:**

6
7 Council Member Allebach requested an update on Miller Lake, noting a number of unresolved issues.
8 He also requested an update on the repairs on Enterprise Road.

9
10 **10. REPORTS:**

11
12 A. City Manager

13
14 Fire Chief Chris Johnson came forward and noted that it has been an “active” fire season. He said that
15 the recent rains have had a very positive effect on the situation. Chief Johnson reported that Volusia
16 County still has a burn ban and a fireworks ban in effect. He noted that Valentine Park is located in
17 unincorporated Volusia County. He said that since there has been rain, the County is in the process of
18 rescinding the fireworks ban for permitted activities. This means that the City will be able to have
19 fireworks as planned.

20
21 John Davis, Parks & Recreation Superintendent, came forward and talked about the activities planned
22 for the City’s event on Saturday, July 2nd. He advised that the program will be similar to last year’s,
23 however, the stage will be moved from the east side to the west side of the park. There will be local
24 bands which will be performing at no charge. The City received about \$2,800 in sponsorships this year.
25 Mr. Davis said that the event starts at 5:00 p.m.

26
27 Ms. Croteau stated that the City’s investment policy requires that both the City Manager and the Finance
28 Director receive eight hours of investment training each year and that they had both fulfilled that
29 requirement by attending training held during the Florida Government Finance Officers Association
30 annual conference in Boca Raton.

31
32 Ms. Croteau recalled that as of July 1st, employees will be required to contribute 3% of their salary to the
33 Florida Retirement System (FRS) to offset a portion of their pension cost. The new requirement will
34 apply to any salary paid out on or after July 1. She said that she has opted to issue payroll a day early so
35 that the employees are not required to pay the 3% on money that was not earned after the July 1
36 effective date. The 3% deductions will begin with the first payroll in July.

37
38 B. Mayor/City Council

39
40 Council Member Allebach noted that there was a TPO meeting at 6:45 this morning. The Secretary of
41 the Florida Department of Transportation was present. The meeting was to hold a public hearing on
42 SunRail. He said that the majority of those speaking were in support of the SunRail project. Council
43 Member Allebach reported that the City finally has a few projects listed for XU funds. He commended
44 staff on this accomplishment. He said that even though the City’s requests are very low on the priority
45 list, this is the first time we have been listed.

46
47 Mayor Strickland reported on the Volusia Council of Governments (VCOG) meeting stating that he
48 discussed the City’s petition regarding nutrient requirements. A copy of the presentation Dr. Sorenson

1 made at the VCOG meeting has been forwarded to Council. He noted that Volusia County ranked 19th
2 out of the 60+ Counties in Florida regarding the availability of medical care. The Mayor noted that the
3 report showed that the amount of time spent walking directly affected the health of the community.
4

5 C. City Clerk
6

7 Ms. Renner reported that qualifying for the upcoming election begins July 5th. She noted that Thursday
8 is the end of the financial reporting period which means that candidate Treasurer's reports will be due
9 soon.
10

11 Council Member Abraham noted that the petition requirement of 25 signatures is the same for both
12 district and at-large candidates. He suggested that this creates a disparity between the candidates
13 because it is easier for at-large. He asked Ms. Renner to question this with the Supervisor of Elections.
14 Ms. Renner responded that this was a Charter issue that is not related to any State Statute. She agreed
15 that the requirement is the same for both district and at-large seats and validated Council Member
16 Abraham's point that it does not seem fair. Ms. Renner suggested that perhaps the issue be considered
17 during the next Charter review.
18

19 D. City Attorney
20

21 Robin Drage was filling in for Mr. Reischmann this evening. She had no report.
22

23 **11. APPROVAL OF MINUTES:** (Consent Agenda)
24

25
26 **12. COUNCIL COMMENTS**
27

28 Council Member Abraham said that he was also at the SunRail meeting this morning and that it was
29 very interesting. He advised that he did submit written comment on the issue, despite concerns that the
30 local jurisdictions would bear the financial burden for operating costs at the end of seven years.
31

32 Vice Mayor Crippen stated that he just returned from a trip to Colorado. He said that he was very
33 impressed with the "walkability" there. He said that he hopes Orange City continues to move in that
34 direction. He advised that the police vehicles there were of the same color scheme as Orange City. The
35 Vice Mayor thanked those in attendance and encouraged everyone to come to Valentine Park for the
36 fireworks.
37

38 Council Member Allebach advised that at the TPO meeting there was general sentiment regarding
39 keeping grant money available for direct grants rather than providing it as a pass through to the State.
40 Council Member Allebach noted that there will be an event to welcome the new CEO at Florida
41 Hospital tomorrow from 4-6 p.m.
42

43 Council Member Pupello thanked the citizens in attendance and thanked the City Manager stating, "I
44 think you're doing a good job." He urged everyone to participate in the redistricting taking place right
45 now. There will be a meeting this Thursday at the DeLand Library from 6-7 p.m. and he encouraged
46 everyone to attend.
47

1 Council Member Laputka noted that the Mayor hosted an event at the Orange City Library at which the
2 Orange City Orchestra performed. He thanked the Mayor and stated, "It was a good representation of
3 our City."
4

5 Council Member Blair stated that he just returned from vacation as well and that it was "good to be
6 back." He said that he travelled to Oklahoma where there are few parks and that he noticed the obesity
7 rate there is very high. He said that he also noticed the difference in Colorado where people are very
8 active. Council Member Blair noted that his absence had not been on the agenda and said that he
9 assumed that meant it was excused. There were no objections.
10

11 Mayor Strickland said that maps were also discussed at the VCOG meeting last night. He requested that
12 a map be prepared which keeps DeBary and Orange City together. The Mayor discussed the reasoning
13 behind some of the mapping scenarios. The Mayor said that he would be attending a "Trail" meeting on
14 the 30th with Ms. Stettner. Mayor Strickland advised that the County has offered their assistance with
15 drawing district maps for those cities that do not have a GIS department. He thanked everyone for
16 coming.
17

18 **13. ADJOURNMENT**
19

20 There being no further business, Mayor Strickland adjourned the meeting at 7:55 p.m.
21
22

23 RESPECTFULLY SUMMITTED:
24

25 _____
26 Deborah J. Renner, CMC
27 Deputy City Clerk

APPROVED:

July 12, 2011
Date