

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held  
2 on Tuesday, December 13, 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 Laputka and roll call was taken.

7  
8 **ROLL CALL**

9  
10 **PRESENT:** Mayor Tom Laputka; Vice Mayor O. William (Bill) Crippen; Council Members Ron Saylor,  
11 Michael G. Wright, Tom Abraham, Anthony J. Pupello, Gary A. Blair; City Attorney Bill Reischmann; City  
12 Manager Jamie Croteau; City Clerk Deborah Renner.

13  
14 **INVOCATION**

15  
16 The Invocation was given by Rabbi Faulk, Ariel Ministries, followed by the Pledge of Allegiance.

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

19  
20 2. **PRESENTATIONS/PROCLAMATIONS:** Parade Plaques

21  
22 John Davis, Parks & Recreation Superintendent came forward and stated the Christmas Parade was a  
23 success. He thanked everyone who participated and said he wished to present plaques to parade entrants. He  
24 listed the categories and winners as, Best Overall Float, Orange City Elementary School; Most Christmas  
25 Spirit, West Volusia Runner's Club; Best Light Display, All Terrain Tractor; Best Band, University High  
26 School; Most Creative, Cub Scouts Pack 420. Mayor Laputka presented the winners plaques.

27  
28 3. **CITIZEN COMMENTS:**

29  
30 Carolyn Benton, 710 W. Wisconsin Ave came forward and said she is representing the VIA Orange City  
31 Woman's Club. She presented Council Member Wright with an Orange City History book from the VIA.

32  
33 Dale Atchley, 1825 Monastery Road, came forward to thank the Fire Department for their response to  
34 damage to the sign at his store. He congratulated the newly elected Council Members and commended staff  
35 for the light displays on City property.

36  
37 Alan James, 1045 E. Graves Avenue came forward and congratulated the newly elected council members.  
38 Mr. James asked Council to consider removing a prohibition in the Code against using metal detectors on  
39 City property.

40  
41 Virginia Cooper, 333 S. Oak Avenue came forward and commended Orange City for not contracting with a  
42 "kill shelter" for stray animals. She urged the adoption of a "Trap and Release" program to control the cat  
43 population.

44  
45 Mark Carsten, 2772 N. Thorpe Avenue came forward and said he was representing the "Rails to Trails"  
46 project. He discussed the importance of maintaining the City's "intangible history" and asked Council to  
47 support a "Rails to Trails" program in the City.

48

1 Amy DiVittorio, 300 S. Volusia Avenue said she is representing the business and historic property owners.  
2 She also spoke in support of the "Rails to Trails" program.

3  
4 Dallas Wittgenfeld, 2421 Pine Hill Place said he is trying to raise awareness of the "Rails to Trails" program.  
5 He said he brought the original map and pictures of the railroad bed. He asked that the City adopt a  
6 resolution in support of the "Rails to Trails" program.

7  
8 **4. CONSENT AGENDA:**

- 9  
10 a) November 15, 2011 Special Meeting Minutes  
11 b) November 15, 2011 Regular Meeting Minutes

12  
13 **Vice Mayor Crippen moved to approve the Consent Agenda, seconded by**  
14 **Council Member Blair and passed by a unanimous 7/0 roll call vote of the**  
15 **Council.**

16  
17 **5. ORDINANCES - FIRST READING:**

- 18  
19 **A. ORDINANCE NO. 477:** An ordinance of the City of Orange City, Florida;  
20 annexing the Orange City Villas property into the corporate limits of the City of  
21 Orange City, Florida; said property being generally located on the east side of  
22 Enterprise Road, approximately 1000 feet south of Grand Plaza Drive, containing  
23 approximately 10.25 acres; in accordance with the voluntary annexation provisions  
24 of Florida Statute 171.044; redefining the boundaries of the City of Orange City by  
25 amending the appropriate sections of the Code of Ordinances; containing a  
26 repealer provision, a severability clause and providing for an effective date.

27  
28 Vice Mayor Crippen read the title of Ordinance No. 477 into the record.

29  
30 Ms. Croteau noted an error on the agenda for this item. She explained the property being considered is  
31 approximately 10.25 acres, not the 101.25 acres listed on the agenda. She observed the ordinance is correct.

32  
33 **Council Member Blair moved to adopt Ordinance No. 477 on first reading,**  
34 **seconded by Council Member Saylor.**

35  
36 Jim Kerr, City Planner came forward to provide a report. He advised that the property under consideration is  
37 located on Enterprise Road. It consists of 19 residential buildings with 96 dwelling units. He displayed a  
38 PowerPoint presentation of the property (a copy of which is attached and becomes a permanent part of these  
39 minutes) and stated that staff recommends that Council annex the property into the City limits as it meets the  
40 Florida Statutes criteria for voluntary annexation.

41  
42 Ken Shaw, Regional Property Manager for American Apartment Management came forward. He said his  
43 company was the managing agent for the property and recently purchased it. Mr. Shaw said he looks  
44 forward to a long fruitful relationship with the City.

45  
46 **Motion passed by a 7/0 roll call vote of the Council.**

47  
48 **6. PUBLIC HEARINGS:**

1           **A. RESOLUTION NO. 659-11:** A resolution of the City of Orange City, Florida  
2           electing to use the uniform method of collecting non-ad valorem special  
3           assessments levied within the incorporated area of the City; stating a need for such  
4           levy; providing for the mailing of this resolution; and providing for an effective  
5           date.

6  
7           Vice Mayor Crippen read the title of Resolution No. 659-11 into the record.

8  
9           Christine Davis, Finance Director came forward and advised enactment of this resolution is a “standard  
10          annual procedure.” It is a resolution of intent to enact a non ad-valorem special assessment district. Noting  
11          that the City currently has two special assessment districts, she said this resolution must be adopted by  
12          January 1<sup>st</sup> every year if the City wished to consider additional special assessment districts in the future. It  
13          does not bind or obligate the City. She explained the statutory requirements stating that once adopted it is  
14          sent to the Property Appraiser, Tax Collector and the Department of Revenue.

15  
16          In response to a question from Council Member Wright, Ms. Davis explained that the City currently has a  
17          special assessment for solid waste removal and a public-private partnership for the development of Sparkman  
18          Ridge. In response to a further question from Council Member Wright, Ms. Croteau advised the City is  
19          considering a Community Redevelopment Area (CRA) that follows similar procedures as a special  
20          assessment. She noted that a CRA is tax increment funding that does not add a new tax or fee to any resident  
21          or business. The City will continue to collect the two non-ad valorem assessments already in place.

22  
23          Council Member Pupello acknowledged previous discussions with Blue Springs Villas about a special taxing  
24          district and asked if that assessment would be moving forward. Ms. Davis responded that Blue Springs  
25          Villas does not want to pursue the matter at this time, but this resolution would allow the City to assist them  
26          with their concerns.

27  
28          Mayor Laputka opened the public hearing by asking if anyone wanted to speak for or against the proposed  
29          ordinance, no one appeared. The mayor closed the public hearing.

30  
31                   **Motion passed by a 7/0 roll call vote of the Council.**

32  
33           **B. ORDINANCE NO. 469:** An ordinance of the City of Orange City, Florida,  
34           amending Orange City Code Appendix A, the City’s Land Development Code, as  
35           adopted by Ordinance No. 157; amending Chapter 2 Definitions, Chapter 8 Zoning  
36           Regulations and Section 8.6.1 Schedule of Zoning Districts Permitted and  
37           Conditional Uses; providing for an additional permitted principal use in the I-1 and  
38           I-2 Industrial Zoning District; providing for conflicting provisions; providing for  
39           severability; providing an effective date.

40  
41          Vice Mayor Crippen read the title of Ordinance No. 469 into the record.

42  
43          Alison Stettner, Development Service Director, came forward and advised this is second reading of  
44          Ordinance No. 469. If adopted, it will change the Land Development Code regarding how and where pain  
45          management clinics may operate within the City. Reminding Council why these types of businesses are a  
46          threat to public safety, she said Florida has the highest availability and abuse of prescription drugs  
47          nationwide. Florida’s recent legislative changes have come a long way to help control this problem however  
48          there is still a lot that can be done at the local level to protect citizens. Ms. Stettner discussed “prescription  
49          drug tourism” and the problems associated with it. She discussed the definition of a “pill mill” or “pain

1 management clinic” and the types of drugs prescribed. She talked about some of the local regulations  
2 included in the ordinance such as allowing these businesses only in the I-1 and I-2 zoning districts,  
3 prohibition of the sale and distribution of controlled substances on-site, hours of operations etc. In addition  
4 language was incorporated that will allow landlords to evict tenants if they are found to not be in compliance  
5 with this ordinance and State regulations.

6  
7 At the request of Mayor Laputka, Ms. Stettner explained where the I-1 and I-2 zoning districts are located in  
8 the City. She said the I-1 zone is confined to Rhode Island and Leavitt Avenues and the I-2 district is right  
9 next to it. Council Member Wright asked what is the difference between a “pill mill” and a pain  
10 management clinic. Ms. Croteau noted the major difference is that a “pill mill” will only dispense drugs,  
11 while a pain management clinic is registered with the State of Florida and will provide additional services to  
12 its patients. Council Member Wright remarked that a pain management clinic can be a legitimate business.

13  
14 Council Member Saylor spoke in support of this action. He asked whether there are statistics showing that  
15 passing these types of ordinances reduces crime. Mr. Reischmann recalled that at first reading Council  
16 questioned why these businesses are allowed to operate. He said the State of Florida has allowed these  
17 establishments and has recently passed legislation to monitor their activities. A local government cannot  
18 forbid what the legislature has expressed be licensed, authorized or regulated. Most local governments are  
19 instituting land use regulations, similar to this ordinance, that compliment the State regulations. The DBPR  
20 and Department of Health are now tasked with monitoring the matter on a statewide basis.

21  
22 **Council Member Blair moved to adopt Ordinance No. 469 on second and final**  
23 **reading, seconded by Vice Mayor Crippen.**

24  
25 Mayor Laputka opened the public hearing by asking if anyone wanted to speak for or against the proposed  
26 ordinance, no one appeared. The mayor closed the public hearing.

27  
28 **The motion passed by a unanimous 7/0 roll call vote of the Council.**

- 29  
30 **C. ORDINANCE NO. 470:** An ordinance of the City Council of the City of Orange  
31 City, Florida, providing for a non-exclusive franchise to Container Rental  
32 Company (CFC), Inc. for the collection and disposal of commercial trash, garbage,  
33 recyclable materials and other refuse within the city limits; providing for  
34 definitions, terms condition, rates, compliance with laws, arbitration, standards of  
35 performance, collection, regulation operations, hours, routes, penalties, accounting,  
36 complaint resolutions; containing a repealer provision; a severability clause and  
37 providing for an effective date.

38  
39 Vice Mayor Crippen read the title of Ordinance No. 470 into the record.

40  
41 **Council Member Blair moved to adopt Ordinance No. 470 on second and final**  
42 **reading, seconded by Council Member Saylor.**

43  
44 Christine Davis, Finance Director, came forward and advised this is second reading for the non-exclusive  
45 commercial franchise agreements. It is a one year agreement that will run from January to December 2012.  
46 Mayor Laputka noted that this report applies to the next seven agenda items.

47  
48 Mayor Laputka opened the public hearing by asking if anyone wanted to speak for or against the proposed  
49 ordinance, no one appeared. The mayor closed the public hearing.

1 Council Member Blair pointed out that Ordinance No. 471 was missing from second reading. Ms. Croteau  
2 explained that one agreement was removed because the company was non-responsive.  
3

4 **Motion passed by a unanimous 7/0 roll call vote of the Council.**  
5

- 6 **D. ORDINANCE NO. 472:** An ordinance of the City Council of the City of Orange  
7 City, Florida, providing for a non-exclusive franchise to WCA Waste Corporation,  
8 Inc. for the collection and disposal of commercial trash, garbage, recyclable  
9 materials and other refuse within the city limits; providing for definitions, terms  
10 condition, rates, compliance with laws, arbitration, standards of performance,  
11 collection, regulation operations, hours, routes, penalties, accounting, complaint  
12 resolutions; containing a repealer provision; a severability clause and providing for  
13 an effective date.  
14

15 Vice Mayor Crippen read the title of Ordinance No. 472 into the record.  
16

17 **Council Member Blair moved to adopt Ordinance No. 472 on second and final**  
18 **reading, seconded by Council Member Saylor.**  
19

20 Mayor Laputka opened the public hearing by asking if anyone wanted to speak for or against the proposed  
21 ordinance, no one appeared. The mayor closed the public hearing.  
22

23 **Motion passed by a unanimous 7/0 roll call vote of the Council.**  
24

- 25 **E. ORDINANCE NO. 473:** An ordinance of the City Council of the City of Orange  
26 City, Florida, providing for a non-exclusive franchise to Waste Pro for the  
27 collection and disposal of commercial trash, garbage, recyclable materials and  
28 other refuse within the city limits; providing for definitions, terms condition, rates,  
29 compliance with laws, arbitration, standards of performance, collection, regulation  
30 operations, hours, routes, penalties, accounting, complaint resolutions; containing a  
31 repealer provision; a severability clause and providing for an effective date.  
32

33 Vice Mayor Crippen read the title of Ordinance No. 473 into the record.  
34

35 **Council Member Blair moved to adopt Ordinance No. 473 on second and final**  
36 **reading, seconded by Council Member Saylor.**  
37

38 Mayor Laputka opened the public hearing by asking if anyone wanted to speak for or against the proposed  
39 ordinance, no one appeared. The mayor closed the public hearing.  
40

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

- 43 **F. ORDINANCE NO. 474:** An ordinance of the City Council of the City of Orange  
44 City, Florida, providing for a non-exclusive franchise to Waste Services of Florida,  
45 Inc. for the collection and disposal of commercial trash, garbage, recyclable  
46 materials and other refuse within the city limits; providing for definitions, terms  
47 condition, rates, compliance with laws, arbitration, standards of performance,  
48 collection, regulation operations, hours, routes, penalties, accounting, complaint

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

3  
4 Vice Mayor Crippen read the title of Ordinance No. 474 into the record.

5  
6 **Council Member Blair moved to adopt Ordinance No. 474 on second and final**  
7 **reading, seconded by Council Member Saylor.**  
8

9 Mayor Laputka opened the public hearing by asking if anyone wanted to speak for or against the proposed  
10 ordinance, no one appeared. The mayor closed the public hearing.

11  
12 **Motion passed by a unanimous 7/0 roll call vote of the Council.**  
13

14 **G. ORDINANCE NO. 475:** An ordinance of the City Council of the City of Orange  
15 City, Florida, providing for a non-exclusive franchise to Orlando Waste Paper Co.,  
16 Inc. for the collection and disposal of commercial trash, garbage, recyclable  
17 materials and other refuse within the city limits; providing for definitions, terms  
18 condition, rates, compliance with laws, arbitration, standards of performance,  
19 collection, regulation operations, hours, routes, penalties, accounting, complaint  
20 resolutions; containing a repealer provision; a severability clause and providing for  
21 an effective date.

22  
23 Vice Mayor Crippen read the title of Ordinance No. 475 into the record.

24  
25 **Council Member Blair moved to adopt Ordinance No. 475 on second and final**  
26 **reading, seconded by Council Member Saylor.**  
27

28 Mayor Laputka opened the public hearing by asking if anyone wanted to speak for or against the proposed  
29 ordinance, no one appeared. The mayor closed the public hearing.

30  
31 **Motion passed by a unanimous 7/0 roll call vote of the Council.**  
32

33 **H. ORDINANCE NO. 476:** An ordinance of the City Council of the City of Orange  
34 City, Florida, providing for a non-exclusive franchise to Disposall for the  
35 collection and disposal of commercial trash, garbage, recyclable materials and  
36 other refuse within the city limits; providing for definitions, terms condition, rates,  
37 compliance with laws, arbitration, standards of performance, collection, regulation  
38 operations, hours, routes, penalties, accounting, complaint resolutions; containing a  
39 repealer provision; a severability clause and providing for an effective date.

40  
41 Vice Mayor Crippen read the title of Ordinance No. 476 into the record.

42  
43 **Council Member Blair moved to adopt Ordinance No. 476 on second and final**  
44 **reading, seconded by Council Member Saylor.**  
45

46 Mayor Laputka opened the public hearing by asking if anyone wanted to speak for or against the proposed  
47 ordinance, no one appeared. The mayor closed the public hearing.

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

1 **7. RESOLUTIONS:**

2  
3 **A. RESOLUTION NO. 660-11:** A resolution of the City Council of the City of  
4 Orange City, Florida, appointing Paul DeSilva to Seat #01 on the Orange City  
5 Planning Commission; repealing all resolutions in conflict herewith and providing  
6 for an effective date.  
7

8 Vice Mayor Crippen read the title of Resolution No. 660-11 into the record.  
9

10 **Council Member Blair moved to approve Resolution No. 660-11, seconded by**  
11 **Council Member Saylor.**  
12

13 Council Member Wright discussed the reasons why he chose to re-appoint Paul DeSilva to the Planning  
14 Commission. He said while he is not familiar with Mr. DeSilva’s contributions to the City, he spoke with a  
15 number of people who felt that he has done a very good job. He stated it was an easy decision.  
16

17 **Motion passed by a unanimous 7/0 roll call vote of the Council.**  
18

19 **B. RESOLUTION NO. 661-11:** A resolution of the City Council of the City of  
20 Orange City, Florida, appointing George Stone to Seat #02 on the Orange City  
21 Planning Commission; repealing all resolutions in conflict herewith and providing  
22 for an effective date.  
23

24 **Council Member Blair moved to approve Resolution No. 661-11, seconded by**  
25 **Council Member Saylor.**  
26

27 Council Member Saylor pointed that Mr. Stone has been a Council Member and Chair on the Planning  
28 Commission several times. He said he spoke with Mr. Stone and he is really looking forward to serving  
29 another term on the Planning Commission.  
30

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

33 **C. RESOLUTION NO. 662-11:** A resolution of the City Council of the City of  
34 Orange City, Florida, appointing Raj Patel to Seat #03 on the Orange City  
35 Planning Commission; repealing all resolutions in conflict herewith and providing  
36 for an effective date.  
37

38 **Council Member Blair moved to approve Resolution No. 662-11, seconded by**  
39 **Council Member Wright.**  
40

41 Council Member Abraham said his last appointee to the Planning Commission recently had a baby and that  
42 he is giving her a two year leave of absence. He has asked Raj Patel to represent her during that time period.  
43 Mayor Laputka noted that Mr. Patel was present and asked him to stand. Mr. Patel thanked the Council for  
44 their consideration.  
45

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

48 **D. RESOLUTION NO. 663-11:** A resolution of the City Council of the City of  
49 Orange City, Florida, appointing Ben Franklin to Seat #07 on the Orange City

1 Planning Commission; repealing all resolutions in conflict herewith and providing  
2 for an effective date.

3  
4 **Council Member Blair moved to approve Resolution No. 663-11, seconded by**  
5 **Council Member Saylor.**  
6

7 Mayor Laputka said he chose to reappoint Ben Franklin to the Planning Commission because he has served  
8 on the Commission for the last four years and has always been a good contributor. He strongly urged the  
9 Council to appointment Mr. Franklin to the Planning Commission.

10  
11 **Motion passed by a unanimous 7/0 roll call vote of the Council.**  
12

13 **8. DISCUSSION AND ACTION:**  
14

15 **A. Discuss the need for a charter review (requested by Council Member Blair)**  
16

17 Council Member Blair observed that there are several discrepancies and items in the Charter that need to be  
18 reviewed and possibly revised. He suggested that Council identify areas of the Charter they would like to see  
19 changed and to discuss convening a citizen Charter Review Committee.  
20

21 Mr. Reischmann discussed the processes and methods used to amend the Charter. Noting that it does not  
22 require a Charter Review Committee, he explained that recommended changes can be identified, put in the  
23 form of an ordinance for Council's review and ultimately the recommendations would be submitted to the  
24 voters. Whatever method is chosen, he reminded Council that the Charter is a legal document and that  
25 changes could invoke the "law of unintended circumstances." He noted the issues that occurred after the last  
26 Charter amendments to the election process. Elections went from a Primary and a General Election to a  
27 General and a Run-off. The General Election is in September and swearing in now takes place in November.  
28 Another section of the Charter provides that there can be no new obligation or policies until the new Council  
29 is sworn in. This has created a problem on several occasions because the budget and other important matters  
30 must be completed by September 30<sup>th</sup> according to State Statute. He advised that this is an example where  
31 Council could do a little bit of cleanup.  
32

33 Vice Mayor Crippen commented that citizen involvement is "critical" and Council Member Blair agreed.  
34 Ms. Croteau noted there are several "house cleaning" items that also need to be reviewed. She suggested that  
35 staff provide input on the operational matters.  
36

37 Council Member Wright questioned whether there are model Charters available for review. Mr. Reichmann  
38 responded there is no unique format that must be followed. Reviewing sample charters from similar sized  
39 cities can be helpful. The last Charter Review Committee was organized with the assistance of the City  
40 Clerk and a legal representative who were present at each meeting. He agreed with the City Manager that  
41 staff from the Administration, Planning, and Code Enforcement departments should be present when dealing  
42 with certain sections of the Charter. Expert guests such as the Supervisor of Elections may be invited to  
43 provide technical information if needed. A Charter Review Committee usually works over a span of months.  
44 Mr. Reischmann reiterated there are several different ways to approach the matter and no right or wrong way  
45 to do it.  
46

47 Council Member Pupello expressed his opinion the Charter should be a "living and breathing" document  
48 similar to the U.S. Constitution and that it should be updated periodically. He said he would support changes

1 to the portions of the Charter that have come up as an issue, not amending the entire Charter. He said he  
2 likes that City staff will be working with the committee.

3  
4 Mayor Laputka asked if a Charter Review Committee would be subject to the Sunshine laws, Mr.  
5 Reischmann responded in the affirmative. The meetings are to be held in a public location, noticed and  
6 minutes kept. There can be no ex-parte communications which means committee members cannot talk  
7 amongst themselves outside of the sunshine.

8  
9 Council Member Saylor questioned whether anyone is keeping a list of the items that need to be looked at.  
10 Council Member Blair responded in the negative stating that everyone has their own ideas about what needs  
11 to be changed. Council could share their concerns with their committee nominee.

12  
13 Mr. Reichmann pointed out a Charter Review Committee serves at Council's discretion. Council could  
14 authorize a review from beginning to end or give direction to look at specific sections of the Charter. He  
15 noted the difficulties in getting the language of several amendments on the ballot. He explained that the  
16 entire proposed Charter would be submitted to the voters to either accept or reject as a whole or it can be  
17 voted on issue by issue.

18  
19 In response to a question from Council Member Abraham, Mr. Reischmann responded there is no limit on  
20 how often a Charter should be amended. Generally it is reviewed every 5 or 6 years, but it depends on the  
21 need. Orange City has amended its Charter 4 times since 1999.

22  
23 Jeff Allebach, 482 West Holly Drive came forward and said the Charter was reviewed several times while he  
24 was on Council. He talked about his experiences with Charter reviews and stated that Council should be  
25 deciding a process that includes citizen participation. He stated his opinion that telling a committee what to  
26 do loses the effectiveness of the process.

27  
28 Al Clapp, 364 Dixson Street came forward and spoke in support of convening a Charter Review Committee.

29  
30 Michele Polgar, 585 Montclair Avenue came forward and stated it has only been two years since the last  
31 Charter amendments. She said she participated in the last Charter review. The Committee spent four to five  
32 months reviewing the Charter and then submitted the changes to the Council and the voters. She said that  
33 she could see the need for changes to some portions of the Charter but not the entire Charter. It will be a  
34 costly investment. Council Member Blair noted that Council is talking about the process, not the individual  
35 issues involved at this point.

36  
37 A lengthy discussion about the best way to proceed with Charter amendments ensued. Council Member  
38 Pupello suggested focusing on the problematic areas and concerns that have come up since the last changes.  
39 Council Members Wright and Saylor agreed. Council Member Wright noted that the issue of encumbrances  
40 may require clarification as well. Council Member Saylor said the Charter needs a couple of "band-aids" but  
41 that is it.

42  
43 Council Member Blair stressed the importance of a citizen committee to review the Charter. He said that  
44 when it comes back Council can cut and trim it. He expressed concerns that specific directions maybe too  
45 rigid. The committee members may want to recommend additional changes but they cannot because Council  
46 did not specify it. Council Member Abraham pointed out the last Charter amendment cost about \$15,000  
47 with attorney and election expenses. He felt that the City could not afford to change the Charter every time  
48 the Council changes. Vice Mayor Crippen suggested that the problematic issues be identified before  
49 convening a Charter Review Committee.

1 Mayor Laputka agreed with Council Member Blair's comments. He stated he could support convening a  
2 Charter Review Committee to look at the Charter, without a "set of directions" from the Council. He felt that  
3 a Charter review is "healthy" and should be done periodically.  
4

5 Council Member Pupello suggested that Council bring the specific changes they would like to see to the next  
6 meeting for discussion. If the revisions are too much for Council to handle a Charter Review Committee  
7 could be convened at that time. Mr. Reichmann suggested that as a preliminary step, Council conduct a  
8 workshop meeting, where the citizens and staff would have an opportunity to provide input.  
9

10 It was the consensus of the Council to hold a Workshop to discuss the Charter amendments. Ms. Croteau  
11 noted that the agenda for the first meeting in January is light. She suggested the workshop could be  
12 convened after the regular meeting on January 10<sup>th</sup>. Mr. Reischmann explained the Workshop portion of the  
13 meeting will be noticed like any other public meeting. He discussed the options Council would have  
14 available at the meeting. In response to a question from Vice Mayor Crippen, Ms. Croteau said this matter  
15 will be added to the agenda and will begin once the regular meeting has been adjourned.  
16

17 **Council Member Wright moved that the City Council schedule a workshop**  
18 **for the 10<sup>th</sup> of January to discuss Charter Review amendments, seconded by**  
19 **Council Member Pupello, motion passed with a 7/0 unanimous voice vote of**  
20 **the Council.**  
21

#### 22 **B. Regulation of Second Hand Dealers & Metals Recyclers**

23

24 Sgt. Lariscy came forward and noted staff investigated the "Cash 4 Gold" second hand and metal recycling  
25 dealers operating in the City after receiving several requests for more information from the Council and the  
26 public. He provided a PowerPoint Presentation (a copy of which is attached and becomes a permanent part  
27 of these minutes). He defined "second hand dealers" as anyone or entity that purchases, or trades previously  
28 owned or used personal property citing "Cash 4 Gold" businesses as an example. Metal recyclers gather or  
29 obtain metals and convert them into a raw material product. Sgt. Lariscy stated there are 6 businesses in the  
30 City that fall within these categories. He discussed the reasons these businesses are regulated stating they are  
31 highly regulated by both criminal and civil enforcement agencies including the Florida Department of  
32 Revenue. Audits, as well as annual and complaint-generated inspections, are conducted on a regular basis.  
33 He talked about situations where Code Enforcement assisted other law enforcement agencies monitoring  
34 these businesses and the extensive reporting requirements. Sgt. Lariscy concluded by stating there are local  
35 and state ordinances based on the State Statute in place which provides a uniform and standard method of  
36 regulating second hand dealers and metal recyclers. Additional regulations would be redundant. If there is a  
37 situation unique to Orange City, the County would be happy to address it in their ordinance.  
38

#### 39 **C. St. Johns River Water Management District Cost Share Program**

40

41 Paul Johnson, Director of Public Works came forward and noted that the City was awarded a conservation  
42 cost share grant from the St. John's River Water Management District (the District). The funding is for a  
43 targeted conservation program. Staff wishes to use the funding to replace and upgrade the water meters in  
44 the Utility with automated radio-read type meters. The estimated cost of the project is between \$991,000 and  
45 \$1.5 million dollars. Originally, it was to be a 50% cost sharing grant, but due to budget cuts, the District  
46 froze all cost share awards until further notice. Recently, staff was informed the District has funding  
47 available but the maximum award is only \$200,000 for the program. Even though the grant award was  
48 reduced, staff feels that is a nice "chunk of money" for a project of this type. He discussed the eligible  
49 projects for the grant funding and requirements that must be met if the City accepted the funding.

1 Mr. Johnson advised the program will require replacement or retrofitting of all water meters in the system.  
2 Approximately 1,515 water meters have already been replaced or retrofitted. With over 3,500 more still to  
3 be replaced it will take about 10 years to complete the changeover. A cost share grant is an opportunity for  
4 the Utility to have all the meters replaced and updated to “smart” technology, this budget year. An  
5 automated meter-read system will provide real-time information to Utility customers and accurate meter leak  
6 detection. In addition, the Utility will be required to report real-time account level information and historical  
7 water consumption. This data shall be evaluated for seasonal use and benchmarks and analyzed with parcel  
8 and land use information to identify regional demographic use patterns that may provide opportunities for  
9 water conservations strategies. Smart read water meters are fully automated and can be read from the Utility  
10 office saving approximately 3,000 man hours that can be utilized to enhance replacement of water lines.  
11 Customers can access their account anytime, day or night and get a reading on their meters or set goals of  
12 usage.

13  
14 Mr. Johnson stated automated meters are a time saver and with the grant award will save the City money.  
15 The City’s current supplier of water meters quoted roughly \$1-1.5 million dollars to replace all the meters. It  
16 would cost approximately \$1.5 to complete the current meter replacement program over the next ten years if  
17 staff completes the work. Mr. Johnson suggested that all the meters could be replaced at one time for  
18 approximately the same cost and have the District cover 20% of the costs. The man power that the City is  
19 currently using to replace meters could be used for line replacement. Staff is requesting that Council  
20 authorize the City Manager to execute an agreement with the District.

21  
22 Council Member Blair spoke in support of this program. In response to a question from Vice Mayor  
23 Crippen, Mr. Johnson said the average life span of the automated meters is about 15 years. Mayor Laputka  
24 questioned how much of the old lines need to be replaced. Mr. Johnson responded well over 10 thousand  
25 feet of pipe needs to be replaced. It is labor intensive, in-house crews save a lot of money.

26  
27 Ms. Croteau thanked Mr. Johnson for coming forward. She said staff was hoping for a higher award, but is  
28 “thrilled” to get the \$200,000. It is one of the largest cost sharing awards issued. Meter replacement was  
29 planned to occur over the next few years, this grant allows the Utility to do it a little bit faster with a better  
30 product in the end.

31  
32 Council Member Saylor noted automated water meters would give the Utility the ability to detect leakage in  
33 the water lines. Ms. Croteau advised that there are several interesting capabilities for the meters, but not all  
34 are available at this time.

35  
36 Council Member Pupello spoke in support of the program. He stated it is important to move this forward.

37  
38 Council Member Wright questioned how the City’s share would be funded. Ms. Croteau noted the \$70,000  
39 currently budgeted for the replacements could go to pay a debt service if the money was borrowed.

40  
41 **Vice Mayor Crippen moved to recommend Council approve the Cost**  
42 **Sharing Agreement and to authorize the City Manger to execute the**  
43 **agreement, seconded by Council Member Blair and passed with a unanimous**  
44 **voice vote of the Council.**

45  
46 **C. Blue Springs Minimum Flow and St. Johns River Water Management**  
47 **District Update**  
48

1 Mr. Johnson provided an update on the recent activities of the Saint Johns River Water Management District  
2 (the District). He recalled that in 1998 the District started looking at minimum flows out of the Blue Spring.  
3 Shortly after that, the District issued mandates that municipalities were to find alternative water sources. He  
4 talked about the alternative water projects that were being considered, noting that they would have been  
5 costly. Mr. Johnson said the District introduced the concept of incremental flow increases in 2006 and set  
6 specific flow levels for everyone. Orange City is currently on the first tier and is still well below the  
7 maximum flow level. The District came out with another assessment in 2009 suggesting that only a 50%  
8 reduction in pumping might be necessary.

9  
10 Mr. Johnson advised the West Volusia Supply Group (the Group) was formed when the Water Authority of  
11 Volusia (WAV) folded. Local municipal water companies got together to challenge the District's mandates  
12 and to find more cost friendly alternative water resources. The Group developed a transient water model  
13 which helped identify possible alternative water sources and put together a comprehensive conservation  
14 program. Mr. Johnson discussed the various projects being considered by the Group noting that it included  
15 looking at well fields outside of the Blue Spring Water shed so there would be no impact to the Spring flow.  
16 Increased reclaimed water with augmentation from storm or river water for irrigation, recharge basins,  
17 surface treatment plants and regional reservoir system are several of the ideas being contemplated.

18  
19 Mr. Johnson noted the attitude of the District has changed. He said a new director was hired recently. The  
20 Group has met several times with the local district representative Ms. Maryam Ghyabi who is very  
21 supportive. At this point the Group is moving forward with its projects and the District is listening to things  
22 that were untouchable. He stated, "It is getting to be a very functional group." At the last meeting, Ms.  
23 Ghyabi requested to see the projects being considered. Mr. Johnson advised that the Group has put together  
24 a dozen projects for consideration. The first one involves reclaimed water interconnects in Orange City. The  
25 plan will connect the Rhode Island line down Veteran's Memorial Parkway to Saxon Blvd., which will then  
26 connect to Deltona. It is a County-wide interconnect project. The County will run line north to DeLand  
27 resulting in a four way interconnect for reclaimed water. Mr. Johnson discussed other potential projects and  
28 stated they are going to happen soon. He advised that the District has changed direction. Previously they  
29 mandated everyone to reduce their pumping and find an alternative water supply. They now agree there may  
30 not be a need to reduce pumping, but to augment it for future growth. Mr. Johnson stated the City is in very,  
31 very good shape because water usage is well below the CUP maximum.

32  
33 Mayor Laputka questioned whether the recent flow studies funded by the Group had an impact on the  
34 District. Mr. Johnson responded that it did. He said the District has been working with the Group to plug  
35 different criteria into the model to test results. Deltona has presented it in their CUP application as a model.

36  
37 Vice Mayor Crippen pointed out the District would never admit their calculations were off, but they have  
38 backed away from the mandates. Mr. Johnson agreed, noting it is an opportunity to review the flow level  
39 itself. He explained that the District was under a tremendous amount of pressure from several different  
40 groups when they issued the mandates. Vice Mayor Crippen thanked Mr. Johnson for his review and study  
41 of this matter.

42  
43 Council Member Blair asked if the Alternative Water Fee would be reduced now that the District has relaxed  
44 its mandates. Mr. Johnson responded in the negative, stating the projects being contemplated are very  
45 expensive, and will require a significant amount of funding.

46  
47 In response to a question from Vice Mayor Crippen, Mr. Johnson advised that the District has acknowledged  
48 that municipalities on the east side of the County are going to have to deal with their own water issues.  
49

1 **9. NEW BUSINESS:**

2  
3 Council Member Blair requested that Council recognize the West Volusia Titans at a future meeting. He  
4 stated the Titans are a local football team that has just won the Regionals and will be playing in the Nationals  
5 in Orlando in January.

6  
7 Council Member Saylor said he would like to see an ordinance regarding the use of metal detectors on City  
8 property on a future agenda. He felt that Mr. James had a very valid point that Council should discuss.

9  
10 Council Member Pupello said he would like more information on the "Trap and Release" program and  
11 whether it could be incorporated into the City's stray animals program.

12  
13 Council Member Pupello said he understands there is a discrepancy with the right of way and the "Rails to  
14 Trails" program. He asked staff to provide more information about the program and its viability.

15  
16 Council Member Wright suggested an agenda item about disbanding the Sustainable Water Committee. He  
17 pointed out the Committee was more aggressive and successful in its efforts to conserve water than any of  
18 the surrounding cities.

19  
20 Vice Mayor Crippen requested that staff conduct a survey of ancient archival trees to identify appropriate  
21 species for Orange City.

22  
23 **10. REPORTS:**

24  
25 **A. City Manager**

26  
27 Ms. Croteau recognized John Davis, Parks & Recreation Superintendent for his work on the holiday events.  
28 Ms. Croteau thanked everyone who attended the opening of the new playground at Valentine Park. She  
29 announced the opening of the Waggin' Trail Dog Park on S. Leavitt and Rhode Island Avenues will be held  
30 4:00 p.m. on December 15<sup>th</sup> and she invited everyone to attend. Ms. Croteau advised Council the  
31 renovations taking place in the Water & Development Services Departments should be finished next week.  
32 Ms. Croteau announced an ornament decoration activity for children will be held at the Farmer's Market on  
33 Friday. Ms. Croteau passed around a market piece about Orange City done by Team Volusia. She said she  
34 will have additional copies soon. The information will be available for distribution at special events.

35  
36 Council Member Blair said that some time ago, a conduit for some type of cable was installed on Holly  
37 Avenue and the contractor left big orange boxes sticking out of the ground. He stated these boxes are  
38 unsightly and he would like them removed. Council Member Blair said several of the historic district flags  
39 in the City need to be replaced. Council Member Blair asked that whenever possible, special events be  
40 scheduled at 4:30 p.m. so that he can attend. Ms. Croteau agreed. She said future events will be scheduled  
41 later in the day to accommodate everybody's schedule.

42  
43 Mayor Laputka suggested that the City explore using the school board to do printing as a cost saving  
44 measure. Ms. Croteau said she would look into it.

45  
46 **B. Mayor/City Council**

47

1 Mayor Laputka advised that Orange County is surplusng an old historic surplus engine. He suggested the  
2 City consider getting the engine. The Mayor said he would like to submit an email expressing the City's  
3 interest and wished to have the Council's comments.

4  
5 **It was the consensus of the Council to apply for the surplus steam engine**  
6 **from Orange County.**  
7

8 Mayor Laputka said he does not have a report. The December VCOG meeting was cancelled the next  
9 meeting is in January.

10  
11 Council Member Saylor reported the TPO is having a retreat January 20<sup>th</sup> in Port Orange and he will be the  
12 attending IEMO in Gainesville. He suggested that someone else attend the retreat. Vice Mayor Crippen  
13 agreed to attend.

14  
15 Vice Mayor Crippen reported that he attended an ethics seminar in Lake Mary. He said it was a very good  
16 statewide conference. The Vice Mayor said he thinks everyone should become more educated about all these  
17 issues. Council Members must be very careful and become educated so that we do not invoke the "laws of  
18 unintended consequences." It does not matter if an ethics violation was committed accidentally or on purpose,  
19 you are still going to be disciplined. He stated, "I think we need to have some more education on ethics."  
20

21 **C. City Clerk**

22  
23 Ms. Renner said she wished to schedule replacement pictures for the Council she suggested, December 20<sup>th</sup>  
24 at 4:30 p.m. in Council Chambers.

25  
26 Ms. Renner asked Council to leave their iPad this evening as the Information Manager would like to update  
27 them.

28  
29 **D. City Attorney**

30  
31 No further report.

32  
33 **11. APPROVAL OF MINUTES:** (See Consent Agenda)

34  
35 **12. COUNCIL COMMENTS**

36  
37 Council Member Blair said he is wearing black in support of the unwillingness of the Volusia County School  
38 Board to negotiate a fair wage for teachers. He asked everyone to call the School Board about the teachers'  
39 pay issue. Council Member Blair said the Christmas parade was "wonderful." He wished everyone a "Merry  
40 Christmas" and a "Happy New Year."

41  
42 Council Member Saylor thanked the City Manager for her help with understanding what a CRA is. He gave  
43 "kudos" to staff for all their hard work this past month. He said the Christmas parade was fantastic.

44  
45 Council Member Pupello echoed Council Member Saylor's comments. He thanked everyone for coming.  
46 Council Member Pupello said several people have commented that they have enjoyed the "whirlwind" of  
47 activities that the City has been providing to the community. He stated it is really "impressive" and  
48 important because it is really nice that we can share these things together. Council Member Pupello wished  
49 everyone a "Merry Christmas" and a "Happy New Year."

1 Council Member Wright said he has been talking to the businesses in the City and a common theme that  
 2 occurred was the issue of more flexibility with respect to temporary signs. Council Member Wright said he  
 3 just wanted to mention that and perhaps staff can look into the matter in the future. Council Member Wright  
 4 wished everyone a blessed "Merry Christmas" and a prosperous and "Happy New Year."  
 5

6 Council Member Abraham said that at the beginning of this meeting, the Mayor asked him to pray, but the  
 7 Rabbi showed up. He stated, "I would prefer to give thanks to God for leading us through this year."  
 8

9 Vice Mayor Crippen agreed with previous comments, it has been an exciting month in the City. He stated, "I  
 10 am more proud right now to be a citizen of Orange City and a member of this City Council that I have ever  
 11 been." We have done a lot of exciting things. The new Christmas decorations are very worthwhile. The  
 12 Vice Mayor wished everyone a "Merry Christmas" and a "Happy New Year."  
 13

14 Mayor Laputka noted that this is the last meeting for 2011. He stated, "May God Bless this City."  
 15

16 **13. ADJOURN**

17  
 18 There being no further business, Mayor Laputka adjourned the meeting at 9:48 p.m.  
 19

20 RESPECTFULLY SUBMITTED:

APPROVED:

21  
 22 \_\_\_\_\_  
 23 Gloria Thomas, CMC  
 24 Deputy City Clerk  
 25

January 10, 2012  
 Date