

1 **MINUTES OF THE SPECIAL MEETING** of the City Council of the City of Orange City, Florida,
2 held on Monday, June 16, 2008 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3
4 **CALL TO ORDER** The Meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was
5 taken.

6
7 **ROLL CALL**

8
9 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,
10 Tom Abraham, Jim Mahoney, Don Sherrill; City Attorney William Reischmann; City
11 Manager John McCue, City Clerk Deborah Renner

12
13 **ABSENT:** Donald Sandford

14
15 **1. DISCUSS PROPOSED CHARTER REVISIONS**

16
17 Mayor Strickland thanked the members of the Charter Review Committee for their hard work. He
18 advised that a decision must be made to submit the ballot to the voters in November or at a later date.
19 He requested that the discussion begin with the issue of “timing” for the election.

20
21 Council Member Mahoney spoke in support of the fall [November] ballot. His reasons were “turnout,
22 representation, you get a greater voice....”

23
24 Council Member Laputka concurred with Council Member Mahoney.

25
26 Vice Mayor Allebach said that the issue would probably get more attention in the fall. He said that he
27 did not anticipate a great deal of time needed to educate people about the issues and that the mail ballot
28 could take a long time.

29
30 Council Member Abraham spoke in support of the November ballot.

31
32 Mayor Strickland said that he is against the November election as he felt there would already be too
33 many items on the ballot. He said that he would like it to be in January or February and said that he has
34 spoken with Ann McFall, Supervisor of Elections, and she indicated that would work. The Mayor said
35 that he was afraid the issue would “get lost” on the November ballot and that it would be difficult to get
36 it passed. Council Member Mahoney said that his motivation is not related to an expected outcome for
37 the election, he just felt that the November ballot would get the greatest response from the citizens.

38
39 Mayor Strickland said that he agreed with the Mayor of Holly Hill that “we think sometimes that having
40 the greatest number of people to vote—if they’re not voting intelligently, is not necessarily the best
41 thing for us.”

42
43 Mr. McCue noted that at the last successful charter referendum, the Council went to the public to
44 promote and explain the proposed amendments. He advised that Ms. McFall indicated to him that they
45 are expecting a three-page ballot and that the City’s issues would be at the end of the ballot. Mayor
46 Strickland expressed his understanding that the additional ballot pages would also mean additional
47 expenses. The Mayor stated, “If we do not want it to pass, we can just simply go through this and put it

1 on the ballot and we will have been thru the process.” He said that he just did not feel there was
2 adequate time to inform the citizens prior to the November election.

3
4 Council Member Mahoney said that he was struggling with the fact the Council is equating the fall
5 ballot with “failure.” Mayor Strickland said that unless people understand the changes, they will vote
6 against it. Vice Mayor Allebach agreed and said that there was an editorial comment in the paper urging
7 citizens to vote against issues that they don’t understand. He noted that there is a section in the Charter
8 which prohibits staff or the City from taking a stand on an issue or spending taxpayer money arguing for
9 a particular position. The Vice Mayor alleged that no matter what position is taken, the perception by
10 the people will be that you are promoting one side or another. He said that he could see the merit on
11 both sides of the issue and was not sure which way he would vote.

12
13 The City Clerk noted that much care was taken during the last charter referendum to keep all
14 informational material very neutral on the issue by strictly focusing on the facts. Vice Mayor Allebach
15 maintained that there was still the impression from some citizens that the City was trying to influence
16 their decision toward one side or the other.

17
18 Council Member Mahoney suggested that the most fundamental change proposed to the charter is the
19 issue of districts. Vice Mayor Allebach expressed his opinion that in a number of other Articles, the
20 fundamental change is the “reduction of the structure of the City.” Council Member Mahoney stated
21 that he could not support presenting the revised charter in its current form to the voters.

22
23 Council Member Mahoney expressed his confidence that the voters could fairly easily be educated on
24 the principle of districts. He further expressed his confidence that the deadlines required for the
25 November ballot could be met with a “positive” and/or “informed” response at the polls.

26
27 Mayor Strickland said that he was told that the City would be required to apply to the State ninety days
28 prior to scheduling an election in January. Mr. McCue said that staff would look into it.

29
30 Council Member Abraham suggested receiving public input at this time.

31
32 Hugh Strickland, 420 May Street, came forward and stated that he also was rather torn as to the best
33 timing for the election. He said that he researched the turnout for mail ballot elections and found that
34 they were higher than any other election. He said that he would support holding a mail election on a
35 later date.

36
37 Mayor Strickland questioned what the cost for a mail election would be. Mr. Strickland responded that
38 it would be around \$9,000. Mayor Strickland said that he thought it was \$1.50 per ballot. Mr.
39 Strickland said that Council Member Sandford had requested the information from Ms. McFall and
40 shared it with him. In response to a comment from Council Member Laputka, the City Clerk stated that
41 the return postage for the ballots was not paid by the City.

42
43 Bill DeVane, 459 E. University, came forward and spoke in support of the November ballot for the
44 charter referendum.

45
46 Paul Rasch, 2058 King Richards Court, spoke in support of delaying the election until January. As an
47 alternative, he suggested having one major issue in November with the rest to follow in a separate

1 election in January. He expressed that the election would “get lost” among the other issues on the ballot
2 in November.

3
4 Joelle DeVane, 721 E. French, suggested that the difference between a November and a January election
5 is “perception.” She questioned why the City would wait until January if the majority of voters will be
6 voting in November. Ms. DeVane suggested that if Council delayed the election until January, it could
7 give the impression that they waited so that not as many people would vote and the changes would be
8 more likely to pass.

9
10 Robert Miller, John Knox Village, came forward and said that “one election makes more sense than
11 two” since it would be more economical. Mr. Miller spoke in support of the November ballot.

12
13 Evelyn Robinson, 311 E. Cherokee, came forward expressed her concern as to whether there would be
14 enough time to educate the voters about districts in time for the November ballot. She also suggested
15 having only one major issue at a time on the ballot.

16
17 Mr. Reischmann said that from a procedural standpoint, the referendum could be divided into two
18 elections.

19
20 Vice Mayor Allebach said that he felt people would want to see the district boundaries before casting
21 their vote and that they may have their own ideas about which district they wish to be in. Ms. Robinson
22 said that it would not be possible to satisfy everyone and she felt very strongly that in order to gain the
23 support of the public, it would be necessary to have some district boundary lines drawn so that people
24 could see how the city would be divided.

25
26 John Crowther, 279 E. Graves, came forward and expressed his support for the November election. He
27 said that people have their minds on the holidays between November and December and he felt that not
28 much could be accomplished then. He said “Don’t underestimate the voters” and suggested that the
29 issue would be taken very seriously.

30
31 **Council Member Mahoney moved that the presentation of the charter**
32 **amendment to the voters appear on the November ballot, seconded by**
33 **Vice Mayor Allebach and passed by 5/1 roll call vote with Mayor**
34 **Strickland voting “no.”**

35
36 Mayor Strickland suggested that if districts are to be proposed to the voters, there should be at least
37 three scenarios available to show voters how the proposed districts might be drawn.

38
39 Vice Mayor Allebach said that it is important how the districts are laid out. He said that one possibility
40 would be to create districts according to registered voters. The Vice Mayor suggested that there are
41 many different things to consider in developing the districts, and stressed that the districts should be
42 representative of the voters within the area.

43
44 In order to meet the November deadline, Mr. McCue suggested that Council establish a process for an
45 orderly review of the charter. Regarding districts, he suggested that Ms. McFall be consulted.

46
47 **Section 2.09 (a) Qualifications, Disqualifications and Forfeiture of Office**
48

1 Mayor Strickland asked whether there were any suggested changes that Council could easily decide to
2 either keep or remove from consideration. He said that he would like to remove the language proposed
3 by the Charter Review Committee (CRC) for Section 2.09 (a) requiring a supermajority to excuse a
4 Council Member's absence from a meeting.

5

6 Council Member Mahoney questioned why the CRC recommended this change. Mr. Crowther came
7 forward and noted that it can be very easy to obtain four votes. He said that the rationale for the
8 requirement of a supermajority was to temper the control that a simple majority of four could easily gain
9 on the Council. Council Member Sherrill noted that the current charter regulations for this situation have
10 worked fine in the past and he questioned the need to make any changes. Council Member Laputka
11 spoke in support of leaving this section the same as it currently reads.

12

13 **Council Member Sherrill moved to remove the requirement for a**
14 **“supermajority” in Section 2.09 (a) of the charter, seconded by Vice**
15 **Mayor Allebach and passed by unanimous 6/0 roll call vote of the**
16 **Commission.**

17

18 **Section 6.01 Direction and Supervision of Administration**

19

20 **Council Member Mahoney moved to strike the new language**
21 **referencing an “anonymous evaluation form,” seconded by Vice**
22 **Mayor Allebach.**

23

24 Council Member Mahoney elaborated on the reasons he opposed submission of an anonymous form.
25 Mayor Strickland asked whether this change would have an effect on any other section of the code. Mr.
26 Reischmann said that his only concern would be regarding a possible impact on the code or on the
27 Manager's contract if it was adopted. He noted that neither the current code or charter addresses the
28 Manager's evaluation.

29

30 **Motion passed by unanimous 6/0 roll call vote of the Council.**

31

32 **Section 2.06 Meetings**

33

34 Mayor Strickland suggested that the change requiring the Council to meet twice a month should be
35 stricken. Council Member Mahoney said that he agreed in principle with the change, but did not like the
36 wording. He suggested the language, “Council shall meet at such times as may be prescribed by
37 ordinance or resolution except that it shall meet regularly twice each month unless a regularly scheduled
38 meeting occurs during the week of a City holiday in which case the minimum monthly meeting
39 requirement is reduced to one meeting per month.” Mayor Strickland spoke in support of leaving the
40 language as it is currently written. Council Member Mahoney recalled that before he ran for office for
41 the first time, he attended every meeting and spoke during citizen comments about the GEL landfill. He
42 noted that this is a time for citizens to come forward and voice their concerns to the Council. Council
43 Member Allebach suggested that this issue should be addressed in the Council rules and procedures, not
44 in the Charter.

45

46 Mayor Strickland asked for comments from the public.

47

1 Mr. DeVane came forward and disagreed with Council Member Mahoney noting the importance of
2 keeping the number of changes minimal in order not to confuse the voters. He noted that the Council
3 has been meeting twice per month and questioned why they would not continue to do so. He expressed
4 his confidence that Council would meet as often as necessary to run the City.

5
6 **Council Member Laputka moved to leave Section 2.06 (a) as it is**
7 **written in the current charter, seconded by Council Member Sherrill**
8 **and passed by 5/1 roll call vote with Council Member Mahoney voting**
9 **“no.”**

10
11 Mr. Reischmann noted that in the current charter, this section is not broken down into sections (a)-(d) as
12 it is in the proposed charter.

13
14 Council Member Sherrill spoke in support of leaving Section 2.06 as it is in the current charter. Vice
15 Mayor Allebach agreed.

16
17 Council Member Mahoney discussed his concerns regarding the proposed section (d), suggesting that it
18 could result in Council having to make a decision on an agenda item with no backup documentation
19 being presented. Council Member Laputka said that he would not vote on an item that he was not
20 familiar with. Council Member Mahoney said that if he wants an item on the agenda, he just puts it on
21 there.

22
23 Ms. Robinson came forward and said that what the CRC was attempting to do at the time the suggested
24 language was added was to give the City Manager the time to research a requested agenda item and
25 bring it forward on the agenda at his convenience.

26
27 Mr. McCue said that the charter provides that any recommendations made by Council regarding the
28 operation and resources of the City are to be made by and through the City Manager's office. He said
29 the only way he can present these issues to Council is on the agenda. He said that this is an outgrowth
30 of the City Manager form of government. Mr. McCue said that Council needs staff's input prior to
31 making decisions on important issues. He noted that Council Members can and do currently put items
32 on the agenda and that there is no problem with the process.

33
34 Mr. Reischmann said that some cities put these types of regulations in their code while Orange City has
35 chosen to provide this authority in the Council's rules and procedures as set forth in Section 2.07 of the
36 current charter. He advised that in some cities he represents there is an item on the agenda for any
37 Council Member to bring forward and discuss any items they would like to have on a future agenda. He
38 stated, "There are a lot of different ways to do it."

39
40 Hugh Strickland came forward and said that this item was brought to him by Council Member Sandford
41 who is not present tonight. He said that the members of the CRC came to the conclusion that Council is
42 not required to vote on an item just because it appears on the agenda. He explained that the City
43 Manager would have the liberty to place a requested item anywhere on the agenda that he wishes, but
44 that this would provide a mechanism to ensure that issues would be brought forward for discussion.

45
46 Paul Rasch said that it would be the City Manager's decision as to when an item would be placed on the
47 agenda and would prevent him from tabling an issue at his discretion. Mr. McCue responded that this
48 would never happen because the Council Member requesting the item would not allow it. He noted that

1 the Council's Rules and Procedures have been changed a number of times during his tenure as City
2 Manager. Council Member Mahoney recalled an incident when he wanted an item on the agenda that
3 the City Manager was not in favor of, yet it was placed on the agenda for discussion.

4
5 Ms. DeVane said that she also discussed this issue with Council Member Sandford and she noted that an
6 individual Council Member has "very little say" with the City Manager while issues brought forward for
7 discussion at a public meeting must be addressed. She expressed her opinion that many of the charter
8 changes suggested are really issues which should be addressed as policy and procedure.

9
10 Mr. Rasch said that this suggestion was not meant as an attack on the City Manager or anyone else.

11
12 Mayor Strickland said that one positive outcome of the charter review process was that it raised
13 awareness about the City's charter. He said that just because a suggestion is not acted upon does not
14 mean that the input was not valued.

15
16 **Council Member Sherrill moved to leave Section 2.06 as currently**
17 **written. Motion died for lack of a second.**

18
19 **Council Member Mahoney moved to strike proposed Section 2.06 (d),**
20 **seconded by Council Member Laputka and passed by 4/2 vote with**
21 **Vice Mayor Allebach and Mayor Strickland voting "no."**

22
23 Council Member Laputka spoke in support of the requirement to post information on the City's website.
24 Discussion ensued as to the proper language that should be used to require this. Mr. McCue noted that
25 this information is already posted on the internet. Mr. Reischmann advised that the section currently
26 under discussion applies only to the posting of notices for special meetings and that there is no
27 requirement for posting of notices for regular meetings. He noted that the proposed language expands
28 upon the current charter language to require that notices be posted on the entrance to all city offices and
29 the website.

30
31 Council Member Sherrill agreed that it is important to post information on the website and he
32 maintained that it will be done whether it is in the charter or not. He stated, "Why change the charter if
33 you don't need to." He said that the suggested changes could all be done by resolution rather than as
34 charter changes.

35
36 Council Member Mahoney expressed concern that the requirement for posting in the Orange City Post
37 Office was presented in underline format suggesting that it is new language when it is existing language.
38 Mr. Reischmann stated that it was the result of a typographical error. Council Member Mahoney
39 questioned whether language such as "prominent" and "all city offices" could potentially be
40 problematic. Mr. McCue responded that the more places notices are posted, the better. He did say that
41 the word "office" could present problems in interpretation and suggested that perhaps the word
42 "buildings" was more the intent. Council Member Mahoney responded, "That was my point...you need
43 to use right words."

44
45 Council Member Laputka maintained that this section has merit.

46

1 Mr. DeVane came forward and expressed his position that this issue should be handled procedurally, not
2 as a charter amendment. He stated, "If you want this to get through, don't clutter it up." Council
3 Member Laputka concurred with Mr. DeVane.
4

5 In response to a question from Mr. Reischmann, the City Clerk stated that the ballot language must be
6 provided to the Supervisor of Elections by the end of August in order to make the November ballot. Mr.
7 Reischmann noted that the changes suggested by the CRC were the result of three and a half months of
8 discussion. He advised that about five changes were made this evening and he suggested that Council
9 discuss how they plan to meet the deadline for the November election, noting that only a month and a
10 half remains. Mr. McCue concurred with the City Attorney and suggested that the agenda for the next
11 meeting should identify specific sections to be discussed that night.
12

13 Paul Rasch came forward and said that although the language proposed in Section 2.06 (c) may not be
14 mandatory, it does bring the charter up to date. He concurred with Mr. McCue regarding the necessity
15 of identifying a process. He suggested that Mr. Strickland's itemized list be used as a guide for future
16 review.
17

18 Mr. Strickland came forward and spoke in support of the requirement for posting on the website. He
19 discussed how he had arrived at the proposed language.
20

21 Mayor Strickland returned the discussion to the process for the remainder of the charter review.
22

23 Mr. McCue suggested using Mr. Strickland's outline as a guide. He urged Council to base their
24 decisions on fact and as to the subject of districts, he suggested having Ms. McFall return to a future
25 meeting. He suggested that everyone submit a list to the City Clerk of the items that Council feels
26 should not be part of the proposed amendment, advising that it could eliminate a considerable amount of
27 unnecessary discussion. Other issues may have legal consequences that require advice from the City
28 Attorney. Mr. McCue suggested that the next agenda be more specific about the issues to be discussed.
29

30 Mr. Reischmann reiterated that Council has a minimum of thirty changes to review by August and must
31 stay very focused to complete their task.
32

33 Mr. McCue concurred and said that developing a process will be imperative toward meeting the
34 deadline.
35

36 Vice Mayor Allebach stressed the importance of focusing on the significant changes in order to keep the
37 ballot reasonably small. Mr. Reischmann noted that it will be up to Council at the end of their review to
38 come up with ballot language.
39

40 Mr. Rasch came forward and said that using Mr. Strickland's list as a guide, all of the proposed changes
41 could be presented in seven ballot questions.
42

43 Mr. Reischmann recommended that Council address the changes related to districts as a group and then
44 proceed with a sequential review such as the Charter Review Committee did.
45

46 Ms. DeVane suggested dispensing with the smaller items first and then focusing on districts last. She
47 also suggested that Ms. McFall be provided with a map from which to work as the one presented
48 initially was not correct as to the city limits.

1 Mr. Reischmann and Mr. McCue both advised that the issue of elections must be addressed as well.

2
3 Council Member Sherrill suggested that Orange City is too small for districts. Mayor Strickland said
4 that he would put the discussion regarding districts as the first item on the next agenda.

5
6 Council Member Mahoney noted that there is some language in the Charter which everyone could agree
7 should be stricken. He suggested addressing that at the next meeting as well.

8
9 Council Member Sherrill noted that citizens will either have a choice to vote for seven people for
10 Council, or if districts are implemented, they will vote for three. He questioned why anyone would want
11 to vote for three when they could vote for seven.

12
13 Michelle Polgar came forward and thanked the CRC for their work and said that she looked forward to
14 attending the final meetings with Council.

15
16 Mr. Strickland noted that Bob Storke was absent tonight.

17
18 **It was the consensus of Council to meet every Monday night**
19 **beginning at 7:00 p.m. for two hours with a maximum of two and a**
20 **half hours.**

21
22 **It was the consensus of Council to submit a list of the issues they wish**
23 **to remove from consideration or have added for discussion to the City**
24 **Clerk to compile for the next meeting.**

25
26 Mr. McCue suggested that Council next decide if they want to address districts first. Council Member
27 Mahoney suggested that no change be proposed on a section that has not been discussed by Council.

28
29 Mr. Strickland suggested an issue-oriented approach to the review as opposed to section by section.

30
31 Mr. Reischmann advised that the CRC discussed the concept of districting and suggested that this may
32 be helpful to the Council. He said that there is an "excellent" discussion of districting in the Model City
33 Charter.

34
35 Mayor Strickland spoke in support of addressing the list of items first and then districts later.

36
37 Mr. Rasch again noted that all of the changes suggested by the CRC can be found on Mr. Strickland's
38 list and that it would be a helpful guide to speed up the process.

39
40 Ms. Robinson noted that there is an election in August and that Ms. McFall's schedule will be booked
41 up soon.

42
43 Mr. Rasch stated that having Ms. McFall come to the meeting is "a waste of your time."

44
45 Mr. McCue recapped the procedural decisions as follows: (1) The Council will meet to discuss the
46 Charter every Monday night, (2) the meetings will run for two hours with a half-hour extension (by
47 majority vote) if necessary, (3) keep/don't keep lists will be submitted to the City Clerk for compilation

1 for the next meeting, and (4) the agenda for the next meeting will begin with wants/don't wants and
2 districts will be considered as a separate item.

3

4 **ADJOURN**

5

6 The meeting was adjourned at 9:08 p.m.

7

8

9 Respectfully Submitted:

Approved on:

10

11

12 Deborah J. Renner, CMC

13 City Clerk
