

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, October 28, 2008 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 Jeff Allebach; Council Members; Tom Laputka,  
12 Tom Abraham, Don Sherrill, Jim Mahoney; City Attorney William Reischmann; Interim  
13 City Manager Chester Murray, City Clerk Deborah Renner  
14

15 **ABSENT:** Council Member Donald Sandford  
16

17 The Invocation was given by Chaplain Tom Samuel, followed by the Pledge of Allegiance.  
18

19 **1. PRESENTATIONS:** None at this time  
20

21 **2. CITIZENS COMMENTS:** None at this time  
22

23 **3. CONSENT AGENDA:** None at this time  
24

25 **4. ORDINANCES – FIRST READING:** None at this time  
26

27 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**  
28

29 **A. ORDINANCE NO. 360:** An ordinance of the City of Orange City, Florida, submitting to  
30 the electors of Orange City proposed amendments to the Charter of the City of Orange  
31 City which shall be considered by mail-in ballot; providing ballot titles and summaries  
32 for the proposed charter amendments; providing for direction to the City Clerk; providing  
33 for conflicts, severability, and an effective date for the ordinance and for the approved  
34 amendments.  
35

36 **Council Member Laputka moved to adopt Ordinance No. 360 on**  
37 **second and final reading, seconded by Council Member Sherrill.**  
38

39 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in  
40 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.  
41

42 Ms. Renner advised Council of a 90 day notice requirement to the Supervisor of Elections of the  
43 election date noting that the election date is the date the mail-out ballots are due back to the Elections  
44 office. Mayor Strickland suggested that the election date be later than originally planned to provide  
45 time for citizens to review the proposed Charter amendments. Mr. Reichmann explained the statutory  
46 requirements noting that an election date must be set this evening to comply with the requirements if  
47 Council wishes to hold the election on January 27<sup>th</sup>. As requested by Mayor Strickland, Mr.

1 Reischmann discussed the requirements for the creation of districts. He read from Section 4.02 (b) of  
2 the proposed Charter.

3  
4 **It was the consensus of the Council that the ballots are mailed out**  
5 **by January 28, 2009 and returned by February 17, 2009.**

6  
7 **Motion passed by a 6/0 roll call vote of the Council**

8  
9 **6. RESOLUTIONS:**

- 10  
11 **A. RESOLUTION NO. 507-08:** A resolution of the City Council of the City of Orange  
12 City, Florida, authorizing the Interim City Manager to enter into an agreement with the  
13 city of Deland, the city of Deltona, and the County of Volusia for a transient groundwater  
14 model revision, reclaimed water retrofit analysis, water conservation analysis and related  
15 groundwater optimization activities; and providing for an effective date.

16  
17 **Council Member Mahoney moved to approve Resolution No. 507-08,**  
18 **seconded by Council Member Laputka.**

19  
20 Paul Johnson, Public Works Director came forward and advised Council of a last minute change to the  
21 agreement. He distributed a revised copy of the agreement (a copy of which is attached and becomes a  
22 permanent part of these minutes). Mr. Johnson said DeLand has approved the agreement and the  
23 Volusia County Council will consider it at their next meeting and that Quentin Hampton & Associates  
24 have been selected as the project engineers.

25  
26 Council Member Laputka questioned the purpose of the agreement. Mr. Johnson explained that the  
27 Utilities in Southwest Volusia are challenging the findings of the economic study done by the St. John's  
28 Water Management District (SJWMD) to determine the need and costs for alternative water sources. He  
29 said the Utilities felt that the ground water model used in the study is not 100% accurate and does not  
30 consider all factors such as ground water recharge. If the Utilities are successful, it is hoped that the  
31 quantity of water required and ultimately the cost for alternative sources would be reduced. He  
32 remarked there are other alternatives that could be considered that would be less costly than a  
33 desalination plant. Mr. Murray concurred noting that the City's shared cost of a desalination plant  
34 would be about \$35 million dollars. The Utilities affected feel the SJWMD numbers are "arbitrary and  
35 capricious" and agreed to seek an out of state consultant who was willing to challenge their findings. If  
36 the costs were reduced by 10% the City's cost would be significantly reduced.

37  
38 In response to a question from Council Member Mahoney, Mr. Johnson said there are no guarantees that  
39 SJWMD would acknowledge the results from the multi-party model, however, the Utilities feel it is  
40 worth the risk. Mr. Reischmann remarked that if the SJWMD chooses not to acknowledge the results of  
41 the study, it could be useful in potential litigation such as the dispute already being litigated by Seminole  
42 County.

43  
44 Hugh Strickland, 420 May Street came forward and stated his support of this resolution. He said that  
45 the SJWMD is an appointed body that imposes taxes and regulations on "vast numbers of bodies." He  
46 encouraged the Council to consider drafting a resolution and sending it to the governor requesting that  
47 water management districts become elected offices. Mr. Strickland felt that citizens should have the  
48 right to vote on how water is managed in their district.

1  
2 **Motion passed by a 6/0 roll call vote of the Council**  
3

- 4 **B. RESOLUTION NO. 508-08:** A resolution of the City Council of the City of Orange  
5 City, Florida, rescheduling the regularly scheduled City Council meeting of November  
6 11, 2008 to November 18, 2008; and cancelling the second City Council meetings in  
7 November and December 2008; repealing all resolutions in conflict herewith and  
8 providing for an effective date.  
9

10 **Council Member Sherrill moved to approve Resolution No. 508-08,**  
11 **seconded by Council Member Mahoney.**  
12

13 **Motion passed by a 6/0 roll call vote of the Council**  
14

- 15 **C. RESOLUTION NO. 509-08:** A resolution of the City Council of the City of Orange  
16 City, Florida, adoption of Identity Theft Detection and Prevention Program; repealing all  
17 resolutions in conflict herewith and providing for an effective date.  
18

19 **Council Member Mahoney moved to approve Resolution No. 509-08,**  
20 **seconded by Council Member Laputka.**  
21

22 **Motion passed by a 6/0 roll call vote of the Council**  
23

- 24 **D. RESOLUTION NO. 511-08:** A resolution of the City Council of the City of Orange  
25 City, Florida, authorizing the Interim City Manager to execute an agreement with  
26 Davidson Fixed Income Management to serve as the City's Investment Advisor.  
27

28 **Council Member Mahoney moved to approve Resolution No. 511-08,**  
29 **seconded by Council Member Laputka.**  
30

31 Mr. Murray advised that the purpose of this Resolution is to authorize execution of an agreement with  
32 Davidson Fixed Income Management as investment advisors for the City. He said that the cover  
33 memorandum in the agenda packet contains the salient points of the agreement. If approved a  
34 representative from Davidson would be present at the next Council meeting to discuss the details of the  
35 proposed investment plan. He described the steps taken by Davidson to develop a fund that is  
36 conservative and that provides liquidity noting the other governments are ready to move their monies  
37 into the fund. The City would be working with the trust division of a bank and the City's name would  
38 be on all treasury certificates as the investor. The overall cost of the plan is minimal and it offers a high  
39 level of security.  
40

41 Council Member Mahoney and Vice Mayor Allebach questioned the annual cost and monthly agent fee,  
42 Mr. Murray advised that that information was misstated in the agenda backup but that Mr. Scott would  
43 explain the matter in detail at the next Council meeting.  
44

45 **Motion passed by a 6/0 roll call vote of the Council**  
46  
47

1 **7. DISCUSSION AND ACTION:**

- 2  
3 **A.** Approving revised “River of Lakes Heritage Corridor Scenic Highway Corridor  
4 Management Entity Agreement  
5

6 Jessi Smith, Program & Partnership Director, River of Lakes Heritage Corridor (RLHC) came forward  
7 and explained that Volusia County has requested revisions to the agreement signed in June. She  
8 detailed the changes and asked that the City Council authorize the Mayor to sign the revised agreement.  
9 In response to a request from Council Member Laputka, Ms. Smith explained that the River Quest  
10 Program is a series of educational treasure hunts that guides participants along the historic scenic  
11 highway with clues to a hidden treasure box. Ms. Smith said that recently a River Quest program was  
12 concluded in DeLand and that she is currently working with Mr. Allen James to coordinate such a  
13 program for the historic district of Orange City.  
14

15 **Vice Mayor Allebach moved that the City Council authorize the Mayor**  
16 **to sign the revised “River of Lakes Heritage Corridor Scenic Highway**  
17 **Management Entity Agreement”, seconded by Council Member**  
18 **Mahoney and passed by a 6/0 voice vote of the Council.**  
19

20 **8. REPORTS:**

- 21  
22 **A.** City Manager  
23

24 Mr. Murray reported that the Alternative Water Supply and GEL Issues Workshop meeting has been  
25 rescheduled for November 8<sup>th</sup>, 8:00 a.m. to 12:00 p.m. The final deadline for filing for FEMA and SBA  
26 assistance related to Tropical Storm Fay is November 10<sup>th</sup>. He said that information will be posted to  
27 the web site. Mr. Murray reminded Council of the Halloween Block Party on Friday, October 31<sup>st</sup>. He  
28 invited everyone to attend.  
29

30 Mr. Murray reported that he attended the kickoff meeting for the Southwest Regional Transportation  
31 Study with the VGMC and the cities of DeLand and Deltona. The purpose of the study is to identify  
32 and prioritize traffic concurrency issues. He said the cities expressed to the VGMC that any funds  
33 collected through proportional fair share must go to the projects identified and that no development  
34 would be stopped due to a lack of funding.  
35

- 36 **B.** Mayor/City Council  
37

38 Mayor Strickland reported that he attended a Volusia Growth Management Commission (VGMC)  
39 meeting last night noting there was a “lively” discussion about the VGMC. Many municipalities  
40 expressed their dissatisfaction with the VGMC and discussed the need for change. Mr. Murray agreed  
41 noting that at the city managers’ meeting last week, many voiced strong opinions that the VGMC makes  
42 arbitrary decisions. He recalled Orange City’s two year struggle with the VGMC over a comp plan  
43 amendment. The overall feeling is that the VGMC has exceeded its authority and they treat every  
44 application in an adversarial manner. The cities plan to work together to try to get some “meaningful  
45 change.” The Mayor cautioned that it will be a long process and it may get “bloody.” He cautioned  
46 everyone to pay very close attention.  
47

1 Mr. Reischmann discussed the purpose of the VGMC noting that the Volusia County Charter created the  
2 VGMC to provide a forum for the local governments in Volusia County to resolve their disputes  
3 between each other over comp plan amendments. He explained that Volusia County and Daytona Beach  
4 Shores had a dispute over a comp plan amendment and reached a settlement. However the VGMC  
5 allowed a citizen to challenge the agreement and ultimately dissolved the agreement. He remarked this  
6 is just a way that this additional layer of governmental review has gotten a little lost.

7  
8 Mayor Strickland said several cities have defined issues and are considering challenging the VGMC in  
9 court. He stated all the cities in Volusia County need to be supportive because it is a battle we are all  
10 facing or could be facing in the future.

11  
12 **C. City Clerk**

13  
14 No further report.

15  
16 **D. City Attorney**

17  
18 Mr. Reischmann reported that the Charter Officers met to work through the revisions to the *Council*  
19 *Rules and Procedures*. He said a Resolution would be brought forward at next meeting for review and  
20 approval.

21  
22 **9. APPROVAL OF MINUTES:**

October 7, 2008 Workshop Meeting  
October 14, 2008 Regular Meeting

23  
24  
25 **Council Member Laputka moved to approve the minutes of the October**  
26 **7, 2008 Workshop, seconded by Vice Mayor Allebach and passed by a**  
27 **unanimous 6/0 voice vote of the Council.**

28  
29 **Vice Mayor Allebach moved to approve the minutes of the October 14,**  
30 **2008 Regular Council Meeting, seconded by Council Member Sherrill**  
31 **and passed by a unanimous 6/0 voice vote of the Council.**

32  
33 **10. COUNCIL COMMENTS**

34  
35 Vice Mayor Allebach said that the Fire Department open house was great and well attended. He  
36 encouraged everyone to attend the Halloween party.

37  
38 Council Member Sherrill remarked that the splash pad looks great.

39  
40 Council Member Laputka commended Mr. Murray for mitigation on Orange Avenue. He said it is clear  
41 and there is no traffic down there. He said that he has spoken with the residents and noted that they are  
42 satisfied with how the neighborhood is coming back.

43  
44 Council Member Mahoney encouraged everyone to get out and vote.

45  
46 Mayor Strickland said that he visited with sixty children at the Orange City Head Start Program this  
47 week. He stated they were a "lively" and diverse group who presented him with a welcome card. He  
48 said he read them a book that challenged the children's ideas about healthy foods. Mayor Strickland

1 said that he also went to the Orange City Elementary School and talked with the third graders. He said  
2 they asked a number of really good questions. One student expressed an interest in attending the Citizen  
3 Summit because he wants to know what the City is doing for kids such as a skate park, swimming pools,  
4 etc.

5  
6 The Mayor said that he and three Council Members attended the Advanced Institute for Elected  
7 Municipal Officials in Deerfield Beach. He said it was an informative, intense two days and that he  
8 learned a lot.

9

10 **11. ADJOURNMENT**

11

12 There being no further business, Mayor Strickland adjourned the meeting at 8:09 p.m.

13

14

15 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

16

17

18

19 Gloria Williams

November 18, 2008

20 Deputy City Clerk

21