

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, June 23, 2009 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 Jeff Allebach; Council Members Tom Laputka, Tom  
11 Abraham, Don Sherrill, Paul Rasch, Jim Mahoney; Acting City Attorney Robin Drage; Interim City  
12 Manager Chester Murray; City Clerk Deborah Renner

13

14 **INVOCATION**

15

16 The Invocation was given by Pastor James Hilton, First Baptist Church, followed by the Pledge of  
17 Allegiance.

18

19 **1. ABSENCES:** None at this time.

20

21 **2. PRESENTATIONS:** Proclamation – Operation Safety 91

22

23 Council Member Laputka read a proclamation into the record proclaiming September 8, 2009 as “A Day  
24 to Honor America’s 1<sup>st</sup> Responders” and their respective veterans and retirees.

25

26 Presentation – *Smart Growth*, Rafael Montalvo

27

28 Mary Swiderski, Executive Director, Volusia Council of Governments (VCOG) came forward and  
29 advised Council she is the Executive Director for VCOG and the Volusia League of Cities. Both  
30 organizations provide assistance to local governments within Volusia County. She began her  
31 presentation by defining smart growth as a set of principles for managing growth and sustainability.  
32 Referring to a power point presentation (a copy of which is attached and becomes a permanent part of  
33 these minutes) she said the most important principle is to preserve open spaces, farmland, natural beauty  
34 and critical environmental areas. Others include utilizing compact development, mixed land uses, and  
35 encouraging community and business collaboration. These principles help strengthen communities by  
36 attracting development, providing transportation and housing options with as few ecological footprints  
37 as possible.

38

39 Ms. Swiderski provided a brief history of the development of the smart growth principles. She said  
40 Volusia County has grown at such a rapid rate that it has been difficult to preserve the environment  
41 while dealing with development. In 2003, the County made smart growth a priority and formed the  
42 Volusia County Association for Responsible Development (VCARD). The VCARD Smart Growth  
43 Implementation Committee met to evaluate growth issues and published its final report in 2005,  
44 however, these recommendations were not considered when the County amended its charter. Ms.  
45 Swiderski noted that a copy of the report had been provided for Council review (a copy of which is  
46 attached and becomes a permanent part of these minutes.) In 2006 VCOG members formed a  
47 committee to begin implementation. Endorsing “Map A”, now known as the Environmental Core

1 Overlay (ECO) map, was the first task accomplished. VCOG hosted a smart growth summit to share the  
2 proposed recommendations with citizens, governments and business leaders. Subsequently, a technical  
3 review committee was formed and Mr. Montalvo was the facilitator.  
4

5 Rafael Montalvo, Facilitator Smart Growth Implementation Committee came forward and said he works  
6 for the Florida Conflict Consortium which was created by the State legislature to mediate controversial  
7 public policy issues. He continued the presentation noting that the VCOG Smart Growth Committee  
8 asked the Technical Committee (TC) to develop tools to implement a smart growth program. The TC  
9 authored conservation development recommendations that included a model conservation ordinance, a  
10 Joint Partnership Agreement (JPA) and a model which provides a vehicle for smart growth planning.  
11 The conservation ordinance illustrated the difference between the County and TC approach to  
12 conservation and as a result the County amended its smart growth plan to reflect the TC's concepts. The  
13 TC also developed a JPA resolution and a model process for developing the JPA. The JPA was  
14 designed so that neighboring jurisdictions talk to each other about their plans for smart growth. It is not  
15 intended to be formally adopted but will provide a mechanism for neighbors to discuss their joint visions  
16 for the area. The TC also explored a Transfer of Development Rights program to protect land for  
17 environmental reasons but found that these programs were too complex and deferred the program. Mr.  
18 Montavlo concluded by stating the TC completed its task and presented the Smart Growth  
19 Implementation Program to VCOG.  
20

21 Ms. Swiderski said she provided Council with a copy of VCOG Resolution No. 09-03 (a copy of which  
22 is attached and becomes a permanent part of these minutes), which the County Council unanimously  
23 passed at its last meeting. The resolution requests that jurisdictions schedule an introductory smart  
24 growth workshop, amend their comprehensive plan to acknowledge the ECO map and adopt a resolution  
25 indicating areas of interest for a smart growth JPA. Ms. Swiderski remarked that looking at sustainable  
26 smart growth is the way to protect our environment.  
27

28 Mayor Strickland pointed out that Orange City has limited ability for growth. He questioned what  
29 impact this program would have on a clearly defined area. Ms. Swiderski agreed there might be  
30 limitations for growth. She suggested that the City could consider redevelopment and mixed uses. She  
31 noted that "out-of-the-box" thinking may be required. A lengthy discussion about the City's  
32 possibilities for smart growth ensued.  
33

### 34 **3. CITIZEN COMMENTS:** 35

36 Al Blue, 447 N. Oak Ave came forward and commended the Police Department for its speed control  
37 efforts. He said it is good to see police on the street doing their jobs. Mr. Blue said he attended the Blue  
38 Springs Working Group meeting and found it educational. Mr. Blue remarked it takes four months for  
39 rainwater to be absorbed into the ground and flow to Blue Springs. The City had 14" of rain in May,  
40 which is enough water to last the City at its present pumping rate for two years however only 20%  
41 would be absorbed. He proposed that if the City was able to increase the ground water absorption rate  
42 that could provide an alternate water source. Mr. Blue said that he still has nine unoccupied houses  
43 within a block and a half of his house whose owners are still paying a garbage bill on the empty home.  
44 Mr. Blue suggested that this issue should be studied rather than the sign ordinance.  
45

46 Ron Saylor, 361 Dixson Street came forward and recalled that Council recently passed Resolution 540-  
47 09 regarding funding for the Yankee Lake Project. Now that the City has withdrawn from the project,

1 he feels the resolution is not warranted. Mr. Saylor stated, "I believe that this needs to be rescinded and  
2 the fees put on hold" until a plan is developed to take the place of Yankee Lake.

3  
4 **4. CONSENT AGENDA:** None at this time

5  
6 **5. ORDINANCES – FIRST READING:**

7  
8 **A. ORDINANCE NO. 393:** An ordinance of the City of Orange City, Florida, amending  
9 sections of Chapter 17.3, Utilities of the Code of Ordinances of the City of Orange City,  
10 Florida; providing for conflicts, severability and effective date

11  
12 Vice Mayor Allebach read the title of Ordinance No. 393 into the record.

13  
14 **Council Member Laputka moved to adopt Ordinance No. 393 on first**  
15 **reading, seconded by Council Member Sherrill.**

16  
17 Paul Johnson, Public Works Director came forward and told Council the St. Johns River Water  
18 Management District (SJRWMD) recently created new conservation provisions for landscape irrigation.  
19 The County has modified its conservation program to be consistent with SJRWMD and as a result, the  
20 City must update its code with the language SJRWMD and WAV recommended. This ordinance will  
21 update that language and unify conservation measures throughout the County.

22  
23 Mayor Strickland questioned whether this was a mandate. Mr. Johnson said that it was. Vice Mayor  
24 Allebach spoke in favor of this action, noting that WAV would provide enforcement of this ordinance at  
25 no charge. Without uniform regulations, it would be impossible for WAV to do that job. In response to  
26 a question from Council Member Mahoney, Mr. Johnson said SJRWMD provided the language so that it  
27 is consistent with their regulations.

28  
29 Mayor Strickland referenced Senate Bill 2080 and noted that it discusses the issue of homeowner  
30 associations requiring St. Augustine grass. He asked whether there are plans to address this  
31 requirement. Mr. Johnson responded homeowner associations are no longer allowed to mandate the  
32 type of grass a homeowner uses. Council Member Sherrill noted that Country Village has relaxed its  
33 requirement for St. Augustine grass and residents are planting the more drought tolerant Bahia grass.

34  
35 **Motion passed by a 7/0 roll call vote of the Council.**

36  
37 **B. ORDINANCE NO. 395:** An ordinance of the City of Orange City, Florida, creating  
38 Chapter 12.5, Maintenance of Rights-of-Way in the Code of Ordinances of the City of  
39 Orange City, Florida; providing for conflicts, severability and effective date.

40  
41 Vice Mayor Allebach read the title of Ordinance No. 395 into the record.

42  
43 **Council Member Mahoney moved to adopt Ordinance No. 395 on first**  
44 **reading, seconded by Council Member Laputka.**

45  
46 Mr. Johnson came forward and advised the purpose of this ordinance is to improve neighborhoods and  
47 make the City look good. Ninety-eight of the property owners in the City take pride in their property

1 and maintain it by mowing their grass including the right-of-ways (ROW) however 2% do not.  
2 Typically, staff spend 20% of their time mowing ROW, vacant lots and residential homes. This  
3 ordinance will allow the City to recoup its cost for providing this service. Mayor Strickland questioned  
4 whether staff would be reassigned if they are no longer mowing ROW. Mr. Johnson said he anticipates  
5 reassigning staff to mow various other locations in the City. Referring to a PowerPoint presentation (a  
6 copy of which is attached and becomes a permanent part of these minutes) Mr. Johnson showed Council  
7 examples of some of the ROWs that are not being maintained.  
8

9 Council Member Abraham spoke against this ordinance noting it could be a burden on senior citizens.  
10 Mr. Johnson argued that it would affect a small amount of residents who habitually do not maintain the  
11 ROW. Mr. Murray concurred this ordinance would only affect 2% of the population. He said it is not  
12 appropriate for the City to provide this service for a few and not all property owners. This policy would  
13 mean that either a citizen maintain their own ROW or the City will do it and send them a bill. Vice  
14 Mayor Allebach spoke in favor of this ordinance, he said the ROW is a legal description for a portion of  
15 an owner's property dedicated for utility lines. It is a property owner's responsibility to maintain their  
16 property.  
17

18 **Motion passed by a 5/2 roll call vote of the Council with Council**  
19 **Member Abraham and Mayor Strickland voting "no".**  
20

21 **6. PUBLIC HEARING/ORDINANCES – SECOND & FINAL READING:**  
22

- 23 **A. ORDINANCE NO. 390:** An ordinance of the City of Orange City, Florida, annexing the  
24 Monroe Investments property into the corporate limits of the City of Orange City, Florida;  
25 said property being generally located on the north side of Veterans Memorial Parkway,  
26 approximately 2,250 feet south of East Graves Avenue, containing approximately 4.65  
27 acres; in accordance with the voluntary annexation provisions of Florida Statute 171.044;  
28 redefining the boundaries of the City of Orange City by amending the appropriate sections  
29 of the code of ordinances; containing a repealer provision, a severability clause and  
30 providing for an effective date.  
31

32 Vice Mayor Allebach read the title of Ordinance No. 390 into the record.  
33

34 **Council Member Laputka moved to adopt Ordinance No. 390 on**  
35 **second and final reading, seconded by Council Member Mahoney.**  
36

37 Wendy Hickey, Planning & Zoning Analyst came forward and provided a power point presentation, (a  
38 copy of which is attached and becomes a permanent part of these minutes). Noting this is the second  
39 reading for Ordinance No. 390, she said this annexation is consistent with State Statutes.  
40

41 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
42 proposed ordinance, no one appeared. The mayor closed the public hearing.  
43

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

- 46 **B. ORDINANCE NO. 391:** An ordinance of The City Council of the City of Orange City,  
47 Florida, establishing districts for election of Members to the City Council in accordance

1 with the provisions of the revised City Charter adopted February 26, 2009; providing for  
2 notice to the Supervisor of Elections; containing a repealer provision, and providing for  
3 an effective date.  
4

5 Vice Mayor Allebach read the title of Ordinance No. 391 into the record.  
6

7 **Council Member Mahoney moved to adopt Ordinance No. 391 on**  
8 **second and final reading, seconded by Council Member Laputka.**  
9

10 Ms. Hickey advised there have been no changes to this ordinance. Ms. Renner said that if adopted this  
11 ordinance and the map would be hand delivered to the Supervisor of Elections office. The Elections  
12 Office anticipates mailing new voter registration cards indicating the district each registered voter lives  
13 in sometime in July. Ms. Hickey said she plans to email the legal descriptions of the districts to the  
14 Elections office in the morning so that work on the districts map can begin immediately.  
15

16 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
17 proposed ordinance, no one appeared. The mayor closed the public hearing.  
18

19 **Motion passed by a 6/1 roll call vote of the Council, with Council**  
20 **Member Sherrill voting “no”.**  
21

22 **C. ORDINANCE NO. 392:** An ordinance of the City of Orange City, Florida, amending  
23 Section 8.3 of the City's Land Development Code, said section being the Official Zoning  
24 Map of the City of Orange City, Florida; said amendment changing the zoning  
25 classification of the GEL Corporation property, consisting of approximately 33.8 acres of  
26 property generally located within the northeast quadrant of Rhode Island Avenue and  
27 Leavitt Avenue; from its present zoning classification of (I-2) Heavy Industrial to (I-  
28 PUD) Industrial Planned Unit Development; containing a repealer provision, a  
29 severability clause and providing for an effective date.  
30

31 Vice Mayor Allebach read the title of Ordinance No. 392 into the record.  
32

33 **Council Member Mahoney moved to adopt Ordinance No. 392 on**  
34 **second and final reading, seconded by Council Member Laputka.**  
35

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

39 Mr. Murray said this ordinance passed on first reading with the stipulation a developer's agreement  
40 agreeable to all parties is signed prior to the second and final reading. After numerous negotiations the  
41 developer agreement still has not been resolved. Mr. Murray advised that Allen Watts, Special Council  
42 was present and would like to address Council regarding the matter.  
43

44 Mr. Watts, Special Council, Cobb, Cole came forward. He advised that the developer agreement is  
45 required for of the granting of an I-PUD along with compliance of all State permits. Mr. Watts  
46 distributed a draft copy of the developer agreement (a copy of which is attached and becomes a  
47 permanent part of these minutes). He noted that the language the owner wants added is in bold typeface

1 and double underlined. Mr. Watts said that Council could approve this ordinance and the proposed  
2 developer agreement or amend the zoning code removing the requirement that the owner must remain in  
3 compliance with State regulations. He advised against adopting this ordinance because it is contrary to  
4 City code.

5  
6 Dorothy Pomeroy, 667 N. Leavitt Avenue came forward. Ms. Pomeroy expressed her concerns with  
7 GEL Corporation trucks driving down her street. She said they are noisy and often drive down her street  
8 all the way to the school.

9  
10 Robert Miller, 7 A Azela Drive came forward and noted that he has seen trucks carrying land clearing  
11 debris entering the GEL facility and questioned whether activity is still taking place at the site. He  
12 asked about the status of the leakage under the mound and any subsequent contamination from the  
13 closed landfill. Mr. Miller expressed his concerns that it is not wise to revise the land development  
14 regulations. He advised against adopting this ordinance.

15  
16 Milton Evans Jr., GEL Corporation 1200 S. Leavitt came forward. He said that he provided staff with a  
17 copy of the language he proposed be added to the developer agreement and asked whether Council  
18 received a copy. Mayor Strickland responded "yes."

19  
20 Dennis Wells, Attorney for GEL Corporation, came forward. Mr. Wells stated his client's unwillingness  
21 to enter into the proposed developer agreement was because he feels he would be serving two masters  
22 and would be subject to prosecution by both the City and the Department of Environmental Protection  
23 (DEP). Mr. Wells said he could not advise his client to agree to those terms. He distributed copies of  
24 acceptable provisions previously emailed to staff (a copy of which is attached and becomes a permanent  
25 part of these minutes). He said this language would allow the City to monitor GEL compliance with  
26 DEP regulations through its code enforcement process however, State regulations would override local  
27 code requirements in the event of a conflict. He discussed the statutory procedures for resolving code  
28 enforcement issues noting that if Council were to approve the proposed language, a change in the code  
29 would be required. Mr. Wells stated GEL is still ready, willing and able to work out a developer  
30 agreement that is amenable to all parties.

31  
32 Mr. Watts came forward and provided some follow-up points. He said staff has been sensitive to Mr.  
33 Evan's concerns about serving two masters. That is why a provision was added to the most recent draft  
34 which says "in the event of any conflict, between the requirements of the City's code and the  
35 requirements of any State or Federal statute or regulation, the requirements of the statute or regulation  
36 shall prevail over the requirements of the City's code." This language makes it clear GEL is not being  
37 required to comply with two separate regulatory bodies. In addition, Mr. Evans must remain in  
38 compliance with the State closure plan for the landfill. Mr. Wells pointed out that the developer  
39 agreement requires the owner to obtain a modification to the developer agreement before changing land  
40 uses at the C & D Recycling site. Mr. Wells said this agreement will secure the City's right to  
41 administer its land use code and allow the DEP to administer the environmental regulations. Mr. Wells  
42 concluded by stating code enforcement proceedings are governed by Chapter 162 F.S. and requires  
43 notification and time to fix the infraction before the magistrate will convene proceedings. The  
44 magistrate is an attorney who has no obligation or bias regarding these code enforcement proceedings.  
45 The same rules apply for everyone in the City. Mr. Wells restated his opinion that Council not adopt  
46 this ordinance.

47

1 In response to a question from Council Member Abraham, Mr. Watts noted this is a standard agreement  
2 and a requirement of obtaining a conditional use permit is that the entity remain in compliance with all  
3 regulations of the industry.

4  
5 Council Member Mahoney remarked that Council gets updates from the City Manager and is aware that  
6 GEL is in compliance with its closure order. He expressed his believe that Mr. Wells views this matter  
7 as onerous. He stated, "I view this as two parties that have had a great distance between them and are  
8 coming to terms. It is not our desire to be onerous."

9  
10 Mr. Evans came forward and stated Mr. Watts is not telling the whole story. He stated that Mr. Watts  
11 has included the old Lake Marie landfill and not just the GEL landfill in this matter and has forgotten  
12 about the recycling operation. Mr. Evans said Council approved the C & D Recycling operation last  
13 year and he does not need the I-PUD rezoning. However, he wanted to work with staff to resolve all  
14 these issues and not go to litigation. That is why he submitted acceptable language for the developer  
15 agreement. Mr. Evans said that he has been in business in the City for 20 years. His company provides  
16 curbside recycling services for Orange City residents within a 75-mile radius. He suggested that if the  
17 rezoning were not approved the recycling business would be lost.

18  
19 The mayor closed the public hearing.

20  
21 As a point of order, Mr. Murray suggested that Council consult with Mr. Watts on the appropriate  
22 motion required. Mr. Watts said that if Council wished to make the change that Mr. Evans has  
23 requested, it would require a change to the zoning code. Because this is the second reading and the  
24 change could not be made prior to adoption, a new ordinance would be required. Mr. Murray noted that  
25 if Council desires to take no action this ordinance would die. Mr. Watts suggested that Council could  
26 formally withhold the motion to deny or deny without prejudice or vote not to approve, whatever is  
27 decided this ordinance will die. Ms. Drage concurred. A lengthy discussion ensued about the best way  
28 to proceed.

29  
30 As a point of order, Mayor Strickland noted there is a motion on the floor he asked what is the next step.  
31 Ms. Drage advised that Council could vote to deny the approval of this request or vote to postpone  
32 indefinitely.

33  
34 **Council Member Sherrill moved to postpone Ordinance No. 392,**  
35 **indefinitely, seconded by Council Member Rasch.**

36  
37 Council Member Mahoney questioned the benefit of voting to postpone indefinitely as opposed to the  
38 original motion to adopt this ordinance. Mayor Strickland responded that it is a different way of  
39 denying the ordinance without having to say "no". He expressed his disappointment that the matter  
40 could not be resolved because the recycling facility is very important to the community. He stated, "...I  
41 would personally feel better handling it this way." Council Member Mahoney said that he too is  
42 disappointed. In response to a question from Council Member Laputka, Mr. Murray said that this  
43 ordinance was an attempt to bring GEL Corporation into compliance with City code. If it is denied, the  
44 ordinance dies and the City and Gel may have to go back to court.

45  
46 Mr. Watts noted that according to Robert's Rules of Order, a motion to table could be brought back from  
47 the table at any time, but a motion to postpone indefinitely means that the matter cannot be recalled.

1  
2 **Motion passed by a 4/3 roll call vote of the Council with Council**  
3 **Members Laputka, Mahoney and Vice Mayor Allebach voting “no”.**  
4

5 **7. RESOLUTIONS:**  
6

- 7 **A. RESOLUTION NO. 547-09:** A resolution of the City Council of the City of Orange  
8 City, Florida, amending the annual operating budget for fiscal year 2008-2009 by  
9 adjusting revenue and expenses; repealing all resolutions or parts of resolutions in  
10 conflict herewith; and providing for an effective date.  
11

12 Vice Mayor Allebach read the title of Resolution No.547-09 into the record.  
13

14 **Council Member Laputka moved to adopt Resolution No. 547-09,**  
15 **seconded by Council Member Mahoney.**  
16

17 Christine Davis, Finance Director, came forward and said Resolution No. 547-09 is the first budget  
18 amendment for the FY 2008-2009 budget. The proposed appropriations are required due to items that  
19 Council approved after the budget was adopted, and items that staff indentified.  
20

21 Within the revenue category in the General Fund, five revenue sources are being increased and six items  
22 are being decreased. In addition, an adjustment entry to the Fund balance is required. The expenditures  
23 being increased include \$12,000 in the City Clerk budget; a \$203,140 transfer to the CIP Fund; and the  
24 Sparkman Special Assessment District, a new fund that was not part of the original budget. Ms. Davis  
25 said the General Fund expenditures are not being decreased with this amendment because the City  
26 Manager has requested a moratorium on certain capital expenditures until the fourth quarter. In addition,  
27 there is a “soft” hiring freeze which means once a position is vacated the position is frozen. In addition,  
28 department heads were asked to decrease spending by 10% of the overall department budget. The CIP  
29 fund is being increased by \$269,000. The revenue in that fund is from transfers from the General Fund  
30 and qualified transfers from the Impact Fund. The qualified expenditures from the CIP Fund include  
31 animal control, fire rescue, and the ECHO grant.  
32

33 With regards to the Utility, Ms. Davis said the funds allocated for Phase I of the storage tanks will be  
34 carried forward because the project did not get under way until after October and, therefore, there were  
35 no expenditures at this time. A separate fund for the alternate water fee was set up and water and  
36 wastewater fees have been moved to that account. Mayor Strickland clarified that the fees collected for  
37 alternate water are to be utilized to fund an alternate water source, not specifically the Yankee Lake  
38 Project. Ms. Davis responded that is her understanding as well. Council Member Mahoney recalled a  
39 discussion about alternate water noting the resolution was not limited to Yankee Lake and regardless of  
40 what the City does there will be costs associated with alternate water.  
41

42 Ms. Davis continued noting the Construction Fee Fund was decreased due to the water impact fees being  
43 transferred to the Alternate Water Fee Fund which was created to track these fees. Ms. Davis said she  
44 anticipates there will be an additional budget amendment because it was not possible to capture  
45 everything pertaining to the animal control program and the rescue change. Mr. Murray said it also did  
46 not capture the real reductions in expenditures. Funding was kept in the line item and will be adjusted in  
47 the last quarter.

1 Council Member Mahoney pointed out that in order to have a balanced budget, an amendment for the  
2 overages is required. That has not been done and is the reason why it is not correct to say that the Fund  
3 balance is being increased by \$597. It is the transfer from the fund balance that is being increased. Ms.  
4 Davis said that would only apply if expenditures were 100% of appropriations which they are not.  
5 Council Member Mahoney said if the budget was amended for those reductions, a transfer would not  
6 been required. Ms. Davis said that is an option, it could have been handled in the manner.

7  
8 Council Member Laputka noted that the fire and rescue program is getting more efficient relative to the  
9 types of vehicles that are sent out and that is starting to show up. He noted that the big train of cars and  
10 trucks going out is not happening anymore.

11  
12 Vice Mayor Allebach noted that the City is in a good position financially compared to some other cities.  
13 Mr. Murray said the City is better off than the initial projections. Those projections were based a 16%  
14 reduction in assessment rates and it has turned out to be 12.8% which is a significant amount of money.  
15 The City is close to balancing at the 16% rate. He expressed his opinion that the City is doing well. He  
16 advised that staff expects to have hard numbers within the upcoming weeks.

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

- 19  
20 **B. RESOLUTION NO.: 548-09:** A resolution of the City of Orange City, Florida,  
21 recognizing the “Building Citizenship in the Community: Back to Basics” initiative of the  
22 Florida League of Cities, Inc., and pledging support for this statewide effort; and  
23 providing for an effective date.

24  
25 Vice Mayor Allebach read the title of Resolution No. 548-09 into the record.

26  
27 **Council Member Mahoney moved to adopt Resolution No. 548-09,**  
28 **seconded by Council Member Laputka.**

29  
30 Vice Mayor Allebach said the “Building Citizenship in the Community: Back to Basics” program is an  
31 online educational program to teach civics to Florida residents. Civics and social studies were removed  
32 from school curriculums, and as a result, many people do not have a sense of community or how  
33 government works. The Florida Leagues of Cities feels that these are important issues and is sponsoring  
34 this program.

35  
36 **Motion passed by a 7/0 roll call vote of the Council.**

37  
38 **8. DISCUSSION AND ACTION:**

- 39  
40 **A. Recommendations & Direction from the Citizen Alternative Water Committee**

41  
42 Mr. Murray advised that Council directed him to place this item on the Agenda for discussion. Council  
43 Member Laputka began by stating that he wished to frame the discussion in terms of a “sustainable  
44 water plan.” He suggested that a citizens committee be formed, and he discussed his perception of how  
45 the Committee would function, noting that several people such as Robert Miller and Al Blue had  
46 expressed interest in participating. Council Member Laputka stressed that there should be no cost to the  
47 City, therefore, no staff support would be provided. He emphasized his belief that there is enough

1 support in the community and on Council to support this type of movement. In response to a question  
2 from Mr. Murray, Council Member Laputka advised that he would attend the meetings to keep apprised  
3 of progress.

4  
5 Mayor Strickland expressed his concern that the committee be given a mission and that he was not clear  
6 on that mission at this point. Vice Mayor Allebach agreed that the formation of the committee is quite  
7 feasible. He discussed reasons why the City needs to be active in this effort, citing the Water  
8 Management District's (WMD) recent projections for flows at Blue Springs. Council Member Mahoney  
9 expressed his belief that the flows at the Spring are not being affected by urban development. He  
10 stressed that it is important to have the Committee's mission in mind before it is formed.

11  
12 Mayor Strickland commended Mr. Blue and Mr. Mike Polgar for their activism toward the WMD. He  
13 noted the importance of having citizen representatives at the meetings of groups such as the Blue  
14 Springs Basin group. The Mayor suggested that members of the Committee could attend these meetings  
15 and report back to Council since it is not feasible for a member of Council to attend each meeting. He  
16 said that he would like for one of the City's representatives attend meetings on the east side of the  
17 County to stay abreast of what they are planning.

18  
19 Council Member Rasch expressed his opinion that a citizens group is necessary and that they should  
20 share and discuss the information they have received from attending these meetings.

21  
22 Vice Mayor Allebach discussed several ways the Committee could be appointed. He noted that a  
23 facilitator for the meetings would be necessary. Council Member Sherrill suggested that a committee  
24 be formed at the next meeting consisting of an appointee from each Council Member as is done for other  
25 City boards.

26  
27 Council Member Abraham questioned whether the sunshine laws would apply if two or more Council  
28 Members attended a meeting of the committee. The City Attorney responded in the affirmative. Mr.  
29 Abraham stated "So, if two or more Council Members attend, then it has to be advertised."

30  
31 Mr. Murray urged Council to "pay very close attention" to the Blue Springs Basin Study Group. He said  
32 that he has seen them "take over thousands of acres of land in the name of protecting a spring head."

33  
34 **It was the consensus of Council to bring names for appointment to the**  
35 **committee to the next meeting.**

36  
37 **B. Review and Direction Regarding Sign Ordinance**

38  
39 Council Member Laputka noted that he asked for this agenda item in order to discuss the City's policy  
40 on temporary signs, specifically the use of banners. He questioned why banners are not permitted under  
41 the current sign ordinance. Mr. Murray responded that the use of banners was eliminated in 2004 due to  
42 the costs to put up and remove them. A banner permit cost \$200, however it costs double that amount to  
43 post and remove the banners. The Police Department is required to stop traffic and a bucket truck must  
44 be used to post and remove the banner. Mr. Murray stated that if Council wishes to allow banners in  
45 certain areas throughout the City, staff would not have a problem as long as the City could recoup the  
46 actual cost. Vice Mayor Allebach commented that he has attempted to get banners posted for the  
47 Manatee Festival. However, the banners are not made long enough to extend across the five lanes of

1 U.S. 17-92 in Orange City and can be dangerous because strong winds could cause it to fall and create a  
2 nuisance. Council Member Laputka said that he was aware of the hazards of putting the banners on  
3 Volusia Avenue, however he was asking about the smaller narrow streets. He suggested that the  
4 ordinance be amended to include alternate locations that banners could be safely used.

5  
6 Hugh Strickland, 420 May Street can forward and said that he agrees that the banners are not strong  
7 enough. He pointed out that this sign ordinance restricts the use of temporary banners to four times a  
8 year and is too restrictive in allowing advertising for churches and other non-profit organizations. He  
9 stated, "This ordinance has provisions that need revision in order to aid the community."

10  
11 Council Member Rasch noted that most churches already have banners displayed. A lengthy discussion  
12 ensued. Mr. Murray said that staff would research and see if they could find a creative way to amend  
13 this ordinance.

14  
15 **8. NEW BUSINESS:** None at this time.

16  
17 **9. REPORTS:**

18  
19 **A. City Manager**

20  
21 Mr. Murray said that he distributed a Memorandum of Understanding and a letter from the County  
22 regarding Votran using the City's old trash site as a fueling depot. Votran has requested a MOU so that  
23 it could conduct environmental impact studies. Mr. Murray said he did not need authorization to  
24 proceed, but he wanted to make Council aware. He said Votran is building a \$7 million dollar facility  
25 that will be a real enhancement to the area. Mayor Strickland noted that it is also part of the strategic  
26 plan.

27  
28 Mr. Murray announced that Officer Sherif El-Shami has been cleared to come back to work. Officer El-  
29 Shami is currently in Egypt visiting his parents, but he should be back on duty soon. Mr. Murray said  
30 that pumping has begun again at the Laurel Oaks retention pond. The property owner is paying for the  
31 water to be transferred to Mill Lake and subsequently to the river. Mr. Murray said he attended an  
32 alternate water resource meeting last week. It was a very productive strategy meeting. The four  
33 participating municipalities have different expiration dates for their consumptive use permits. Each  
34 municipality will approach the St. Johns WMD individually and request an extension so that all the  
35 expiration dates are the same.

36  
37 In response to a question from Council Member Laputka, Mr. Murray advised that staff met with DeBary  
38 regarding Orange City providing fire services for DeBary. He said that he feels confident that staff is  
39 close to finalizing an agreement, however, DeBary is still waiting for a proposal from Deltona. The  
40 County has issued a letter of intent to discontinue providing fire rescue services for DeBary. The letter  
41 of intent listed equipment that the County would leave with DeBary. As a result, DeBary has asked for  
42 a revised proposal that includes the equipment from the County.

43  
44 Council Member Laputka noted that he saw dirt being removed from Mill Lake. Mr. Murray said the  
45 Department of Transportation dredged the area. Council Member Laputka clarified that the City is still  
46 moving towards ownership of Mill Lake as city property. Council Member Rasch asked whether there  
47 was further discussion with Pat Northey about County fire services in other areas. Mr. Murray said he

1 spoke with Ms. Northey about the City assuming some of their fire service responsibilities and that he  
2 told her that the City would be interested.

3  
4 Council Member Sherrill asked that a discussion item regarding the WAV conservation enforcement  
5 measures be added to the next agenda. Mr. Murray said that he would include it on an upcoming  
6 meeting in the near future.

7  
8 **C. Mayor/City Council**  
9

10 Mayor Strickland acknowledged a letter that he received from Deltona regarding the use of ECHO  
11 funds. He said he distributed copies to Council. Deltona was very clear that the use of ECHO funds to  
12 purchase parking lots is inappropriate. At a VGMC meeting regarding the matter, people who tried to  
13 speak were dealt with very rudely. Mayor Strickland expressed his opinion that the County has already  
14 spent millions of dollars over its original budget to build a center and now are proposing to take ECHO  
15 money and buy land instead of continuing that project. He stated, "I am not against parking and getting  
16 people off the beach, what I am against is how they are going about how trying fund it." Mayor  
17 Strickland said that also at the VGMC meeting VGMC requested municipalities to support a  
18 recommendation that citizens have a standing with the VGMC, which is contrary to its original stated  
19 purpose.

20  
21 Mayor Strickland said the County still has not done anything about efforts to look at economy of scale.  
22 The plan is still in its infancy stage. Some communities have done some things along that line. Mayor  
23 Strickland said that Steve Kirk, from a veterans group did a presentation addressing the issue of the  
24 handicapped parking not being enforced. In addition, Mr. Kirk said that there is a FL Statute that asks  
25 that part of the money collected for violation of the handicapped laws be utilized in services to people  
26 with disabilities.

27  
28 **C. City Clerk**  
29

30 No further report.

31  
32 **D. City Attorney**  
33

34 No further report.  
35

36 **10. APPROVAL OF MINTUES**

June 09, 2009

37  
38 **Council Member Mahoney moved to approve the minutes of the June**  
39 **09, 2009 Regular Meeting, seconded by Council Member Laputka.**  
40

41 Council Member Sherrill noted a correction on page 7, line 15 – he said the sentence should read, "...the  
42 Vice Mayor of Deltona said Deltona" instead of "...the Vice Mayor of DeLand said DeLand."  
43

44 **The minutes were approved as amended by a unanimous 7/0 voice vote**  
45 **of the Council.**  
46

47 **11. COUNCIL COMMENTS:**

1  
2 Vice Mayor Allebach announced that the annual July 4<sup>th</sup> Celebration would be held at Veterans  
3 Memorial Park on July 4<sup>th</sup>. He said that he attended the celebration last year and had a great time. The  
4 Vice Mayor said that he will be out of town this year, but encouraged everyone to attend.

5  
6 Council Member Sherrill asked that everyone keep in mind that Orange City is a small town with small  
7 town ambiance. He said a fireworks celebration is a great way to relieve the pressures that people are  
8 under now with mortgage problems and losing their jobs and suggested that “this is something the City  
9 needs to do.”

10  
11 Council Member Laputka said he attended the fireworks display last year and it was a great experience.  
12 He announced that he is collecting names of anyone who wants to help start an Orange City Water  
13 Council.

14  
15 Council Member Rasch said recently his neighbor down the street had an emergency and it took about  
16 15 minutes before EVAC showed up. He stated, “That to me is disgraceful and I guess we have no  
17 control over that right now. However, why we can’t take somebody who is in an emergency situation to  
18 the hospital does not make any sense. If you look into the bucks that EVAC gets, something is wrong  
19 there.”

20  
21 Mayor Strickland said that the City received recognition from the United Way for our continued  
22 involvement. Mayor Strickland said that he provided Council with copy of an ordinance from  
23 Brooksville about being sure that city employees wear underwear. He said it is funny and worth  
24 reading. He stated, “I am not recommending that we go that way at this point.”

25  
26 **12. ADJOURN:**

27  
28 There being no further business, Mayor Strickland adjourned the meeting at 10:13 p.m.

29  
30 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

31  
32  
33  
34  
35 Gloria Williams, CMC  
36 Deputy City Clerk

July 14, 2009