

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, August 25, 2009 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,
3 Orange 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 Don Sherrill, Paul Rasch; Jim Mahoney; City Attorney William Reischmann; Interim City Manager
13 Chester Murray, City Clerk Deborah Renner

14
15 **ABSENT:** Council Member Tom Abraham

16
17 **INVOCATION**

18
19 The Invocation was given by Chaplain James Patterson, John Knox Village, followed by the Pledge
20 of Allegiance.

21
22 **1. ABSENCES:** None at this time

23
24 **2. PRESENTATIONS:**

25
26 **3. CITIZEN COMMENTS:**

27
28 Janice Webber, 405 W. Blue Springs Ave. came forward said that she recently moved to Orange
29 City and decided to come to the Council Meetings to find out more information about where she
30 lives. Ms. Webber said that she understands the need to raise taxes, but she does not understand the
31 attitudes displayed toward citizens and toward the Council. She stated, "I am appalled that these
32 attitudes are allowed to continue. It makes this beautiful City very ugly." Ms. Webber noted that
33 Council has a responsibility to make the best decisions for the City and its residents. In conclusion,
34 Ms. Webber stated, "I believe together we can make Orange City the most beautiful, well-respected
35 City there is."

36
37 **4. CONSENT AGENDA:** None at this time

38
39 **5. ORDINANCES – FIRST READING:**

- 40
41 A. **ORDINANCE NO. 397:** An ordinance of the City of Orange City, Volusia
42 County Florida; adopting the 2009 International Property Maintenance Code
43 with the exception of certain amendments thereto; providing for conflicts,
44 severability, codification and effective date.

45
46 Vice Mayor Allebach read the title of Ordinance No. 397 into the record.
47

1 **Council Member Laputka moved to adopt Ordinance No. 397 on first**
2 **reading, seconded by Council Member Mahoney.**
3

4 Sgt. Greg Lariscy came forward and stated that the International Property Maintenance Code
5 (IPMC) is a fundamental life saving code encompassing all buildings and structures in the City. He
6 noted that the previously adopted Standard Housing Code applies only to housing while this code
7 contains similar language applying to both residential and commercial structures.
8

9 Sgt. Lariscy noted that some changes to the language are proposed. The City is proposing to opt out
10 of the Fire Code. He noted that this ordinance has been adopted by nearby cities such as Deltona
11 and DeLand, and as far away as Tallahassee. Sgt. Lariscy advised that the code was written by the
12 "Code Council" which is comprised of representatives from state, county and municipal code
13 officers, fire officers, architects, engineers, builders and contractors, elected officials and others in
14 the construction industry.
15

16 In response to a question from Council Member Laputka, Sgt. Lariscy said that adoption of the code
17 applies certain minimum maintenance standards. He gave the example of a building with broken
18 windows or a leaking roof. Mr. Murray clarified that currently, the City does not have enforcement
19 authority on these issues for commercial properties, only for residential properties. He explained
20 that this would help the City to cope with "the broken window syndrome" which leads to
21 deterioration of areas of town where there are empty buildings.
22

23 Mayor Strickland questioned whether any sections of the City's existing code will be in conflict with
24 the property maintenance code. Mr. Reischmann responded that this code would supplement the
25 recent changes to Chapter 5 of the code and would "fill in the blanks." Mayor Strickland cited the
26 example of overgrown weeds in a yard. Mr. Reischmann responded that those issues are dealt with
27 in other areas of the code. Mayor Strickland asked for additional specific examples that the code
28 would address. Sgt. Lariscy explained that the previous code did not allow inoperable or
29 unregistered vehicles on private property. The new code was amended to allow thirty days storage
30 making it a more "reasonable" requirement. He discussed commercial properties in the City which
31 are slowly deteriorating explaining that once these establishments become "blighted" and the
32 property maintenance is at a minimum standard, that building will tend to remain vacant and
33 continue to deteriorate. Ultimately, this becomes a burden for the City.
34

35 Mr. Murray said the proposed IPMC would allow the City to enforce its Codes on the older
36 buildings in the City where a site plan and development order do not exist. Sgt. Lariscy agreed,
37 noting that some time ago, the Fire Safety Inspector asked for assistance with the "Physical Place", a
38 vacant building in the City. Unfortunately, Code Enforcement was not able to assist because it is a
39 commercial building. The Fire Inspector is doing his best to keep the building as safe and secure as
40 possible until the City could move forward with this code which would require that the owners board
41 up the building and make sure it is safe.
42

43 Council Member Mahoney said the he thought the existing code was more specific. He questioned
44 the swimming pools enclosures in Section 303.2. Sgt. Lariscy said that section was removed
45 because it was in conflict with the building code. Council Member Mahoney noted that Section
46 602.4 Occupiable work spaces contains a space for a date but none is provided. Sgt Lariscy said that
47 January to December would be inserted. Referring to Section 404.6 Efficiency unit Council Member

1 Mahoney said that he read an article about a movement to get away from building big houses and
2 that people are moving into very small homes. He asked whether the City is concerned with any
3 incompatibility between this code and that new trend. Mr. Murray responded “no”. The City has a
4 minimum requirement of 1200 square feet, with the exception of CDBG HUD homes. He recalled
5 that recently the Council approved an ordinance that deviated from that requirement to allow a 1000
6 square foot HUD home to be built.

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

9
10 **6. PUBLIC HEARING/ORDINANCES – SECOND & FINAL READING:**

11
12 **7. RESOLUTIONS:**

- 13
14 **A. RESOLUTION NO. 560-09:** A resolution of the City Council of the City of Orange
15 City, Florida, authorizing the City Manager to executive a contract with Official
16 Payments (OPC) to provide an internet credit card and other payment options for
17 Orange City Utilities water customers; repealing all resolutions or parts of resolutions
18 in conflict herewith and providing for an effective date.

19
20 Vice Mayor Allebach read the title of Resolution No. 560-09 into the record.

21
22 **Council Member Sherrill moved to approve Resolution No. 560-09,**
23 **seconded by Council Member Rasch.**

24
25 Linda Snyder, Financial Services Supervisor, came forward and said staff is requesting Council
26 authorization for the City Manager to enter an agreement with Official Payments Corporation (OPC)
27 to provide utility customers the opportunity to pay their utility bills by credit card or check on-line or
28 by phone, at a of \$4.45 per transaction. Council Member Laputka recalled that this matter was
29 before Council previously and was not approved because Council felt a fee for every utility customer
30 was not warranted.

31
32 Mayor Strickland questioned what happens now if a customer were to call and say they cannot pay
33 their water bill. Ms. Snyder noted that at the 25th day of non-payment, the customer would get a
34 \$15.00 penalty, at the 30th day a \$40 delinquency fee would be assessed and service would be
35 terminated. Full payment would be required to have the water service restored. Mr. Murray said
36 many customers call and want to pay with a credit card because they are not able to make it to the
37 office to pay the bill. He said it is a service to the customers.

38
39 Mayor Strickland noted this contract is specific to the Utility and he questioned whether other
40 departments in the City would find this service beneficial. He asked Ms. Renner if there is a need
41 for this type of service in the Clerk’s Office, Ms. Renner responded yes. She noted that recently a
42 customer wanted to buy several t-shirts and pay by credit card and we were not able to accommodate
43 that. Mayor Strickland questioned whether the \$4.45 fee would apply in that situation. Ms. Snyder
44 responded “no.” She said this contract deals with Utility customers, she said there are other
45 companies the City could contract with for other types of payments. If the Council directs, staff
46 could negotiate for another service for other City departments. Mr. Murray said that this type of
47 service is also needed in the Building and Permitting department. Many customers prefer to pay by

1 credit card. Chief Baskoff said that it would be beneficial for the Police Department as well. Ms.
2 Snyder advised that a statewide clerk's organization also provides this service and charges 3% for
3 each transaction. In addition, this organization will provide all the necessary equipment, which
4 could be placed at several locations throughout the City.

5
6 Mr. Murray noted that Council could vote affirmatively on this Resolution and authorize the City
7 Manager to add other City business as available. Mayor Strickland said he would like to propose
8 that and asked Mr. Reischmann if there would be any conflict. Mr. Reischmann said that he did not
9 prepare this agreement, however, he noted this contract is specific to Utility billing. If OPC is able
10 to provide the same type of services for other City departments, he does not see a conflict. Mr.
11 Murray noted a motion would be required to allow the City Manager to enter into a contract with
12 companies that would provide those services. Mr. Reischmann pointed out that the language in
13 paragraph 11 is not consistent with Florida Statutes regarding sovereign immunity. Mr. Reischmann
14 said Council could move to allow the city manager to expand the scope of these negotiations subject
15 to the Indemnification Clause in paragraph 11 of the contract.

16
17 **Council Member Mahoney move to amend to expand the scope of**
18 **negotiations to include other City services as needed and subject to the**
19 **revised language of the Indemnification Clause in paragraph 11 of the**
20 **Contract, seconded by Council Member Laputka.**
21

22 Council Member Mahoney noted that staff indicated that the quote given was 3% however this
23 contract required a \$4.45 transaction fee. Ms. Snyder responded that the 3% flat fee was quoted by
24 the county clerk organization. Mr. Murray said the \$4.45 fee is exclusive to the utility department to
25 make the system compatible with existing accounting software. Council Member Mahoney stated,
26 "When the expansion of the scope of services is negotiated, let's not put convenience on our part
27 ahead of the costs that the user will incur."
28

29 Council Member Mahoney questioned how a "representment" would work if the check does not
30 clear. Ms. Snyder responded that currently the City's policy is that returned checks go through one
31 cycle and then it is dead. By using this service, the Utility is going to save money because the bank
32 currently charges \$10 for each returned check and OPC would charge only \$4.00. Ms. Snyder noted
33 that the program would save the City money on other bank fees as well.
34

35 In response to a question from Vice Mayor Allebach, Mr. Reischmann said that term of the contract
36 is for two years with an automatic renewal. He noted there is also a Termination for Convenience
37 provision prior to written notice of the other party.
38

39 Vice Mayor Allebach confirmed his understanding that the city attorney would correct the
40 Indemnification clause and that Council is authorizing the city manager to expand the scope of
41 electronic payments into other City services.
42

43 **Amendment passed by a 6/0 voice vote of the Council.**
44

45 **Main motion, as amended, passed by a 6/0 roll call vote of the Council.**
46

- 1 **B. RESOLUTION NO. 561-09:** A resolution of the City Council of the City of Orange
2 City Florida, pursuant to Sections 4.04 and 4.05 of the City Charter listing candidates
3 and certifying the form of ballot for the General Elections to be held on September 22,
4 2009, repealing all resolutions in conflict herewith and providing for an effective date.
5

6 Vice Mayor Allebach read the title of Resolution No. 561-09 into the record.
7

8 **Council Member Mahoney moved to approve Resolution No. 561-09,**
9 **seconded by Council Member Laputka.**

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

11 **8. DISCUSSION AND ACTION:**

12 **A. Auditor RFP**

13 Ms. Renner noted that according to Section 12.3-27 of the City Code of Ordinances, the City
14 Council serves as the city's auditor selection committee. The City contract with the Certified Public
15 Accounting firm of Greene Dycus & Co ended September 2008, and as directed by Council, a RFP
16 solicitation was prepared for the fiscal year ending September 30, 2009. Ms. Renner discussed the
17 process noting that the RFP must go out to potential bidders this week. Mayor Strickland questioned
18 how the RFP would be distributed. Ms. Renner said that invitation to bid would be sent out and if a
19 CPA firm were interested they would contact the City. The RFP will be available on the City web
20 site, and ads will be placed in the newspapers. In addition, staff prepared a list of firms that have a
21 background in public accounting for government agencies and plan to send a direct solicitation to
22 them. Ms. Renner said that Council has expressed its desire that CPA firms in Volusia County be
23 given preference.
24

25 Council Member Mahoney said that requirement might be in conflict with the criteria detailed on
26 pages 15 and 16. He asked whether a statement about a local preference should be included and
27 given a points scale. Mr. Reischmann agreed that it needs to be included. Council Member Laputka
28 suggested Council might be limited by having that requirement. Mayor Strickland there are plenty
29 of firms available to do the job locally. A lengthy discussion about the best way to proceed ensued.
30 Council Member Mahoney noted there is a scoring system for qualifications and suggested that a
31 local county preference be included. Council Member Rasch agreed stating that is the only
32 reasonable and fair way to do it. Vice Mayor Allebach disagreed because that would give extra
33 points to CPA firms in Volusia County. He felt that Council could make that judgment without
34 including it as criteria. He said a firm could have local address and its base of operations is out of
35 state. Mayor Strickland suggested using criteria depicting a 20-35 mile radius to determine the
36 proximity of the location of the firm to City Hall. Mr. Reischmann advised there is already some
37 flexibility in the Technical Qualifications that would address the issue of location. The Vice Mayor
38 pointed out the criteria could be challenged if someone did not get the job because they did not live
39 within the defined number of miles. Mr. Reischmann said the best way to address the matter would
40 be to redo the points system to include the additional criteria. The firms would either get the points
41 or not and no one would have an advantage because the firm is closer in proximity to the City.
42
43
44
45
46

1 In response to a question from Mayor Strickland, Ms. Renner said that this RFP was developed
2 based upon copies of RFP's from several other cities. Mayor Strickland summarized by stating that
3 Council's concerns about local criteria were addressed and it is not necessary to add additional
4 language.

5
6 **It was the consensus of the Council that the City proceed with the RFP**
7 **for solicitation of independent auditing services.**

8
9 **B. Cost Share Bid with Volusia County Utilities**

10
11 Paul Johnson, Public Works Director, came forward and said there is a lift station located between
12 Lowe's and Half Off Books on Saxon Boulevard that used to belong to the City but was swapped to
13 the County for some consideration of money and guaranteed future flows through that system. Mr.
14 Threadgrill installed the lift station sometime ago and gave the City rights to lay pipes, however, that
15 arrangement was never legally recorded. The City has no easement for the water and waste water
16 lines that serve the station. Although the lift station belongs to the County, the City has a waste
17 water line that services the shopping center and the hospital. So there is joint responsibility for the
18 lines and the City is obligated to help pay for the relocation of the lines.

19
20 **Vice Mayor Allebach moved that the Council authorize City staff to work**
21 **with Volusia County Utilities for the purpose of replacing and relocating**
22 **the water and wastewater lines at Saxon Crossings, passed with a 6/0**
23 **voice vote.**

24
25 **C. "Notice of Termination" to WAV**

26
27 Mr. Murray said that this agenda item represents the formal dissolution of the Water Authority of
28 Volusia (WAV). He said that he is requesting Council approval to sign the termination notice.
29 Council Member Sherrill noted that due to the interlocal agreement that formed WAV a "Notice of
30 Termination" is required to opt out.

31
32 **Vice Mayor Allebach moved that the City Council authorize the City**
33 **Manager to sign the letter terminating the City's involvement in WAV,**
34 **passed with a 6/0 voice vote.**

35
36 **9. NEW BUSINESS:**

37
38 Council Member Rasch said that he would like staff to investigate having an ordinance prohibiting
39 driving while talking on a cell phone in Orange City.

40
41 **10. REPORTS**

42
43 **A. City Manager**

44
45 Mr. Murray said that Nixle is a new free community information service that is available for the City
46 to use and share information with its residents. He asked Sgt. Lariscy to come forward to discuss the
47 details of the program. Mr. Murray explained how the program works. He said that anyone who

1 wants to receive alerts from City departments would subscribe online. Announcements are posted to
2 the Nixle web site by City departments and then email or text message alerts are broadcast to
3 subscribers' phones. Chief Baskoff stated this is a "fantastic" free program. He said members of the
4 community sign up to choose the alerts they wish to receive. Mayor Strickland noted that he had
5 received alerts in the past about missing children but never received a follow-up. He asked if follow-
6 up would be provided for the alerts issued. Chief Baskoff noted that with this program the City has
7 the capability to provide feedback when a situation is resolved. He said it is a one-way
8 communication but the City has the capability.

9
10 Sgt. Lariscy said that Nixle.com is a national web based communication platform that allows the
11 City to communicate neighborhood information directly to the resident who subscribes. He said that
12 business cards are available in the back for anyone who wants to sign up. It is a secure, free service
13 and there are no advertisements. People can sign up for text message or email alerts. Subscribers
14 can also choose to receive fire alerts only for their neighborhood. If the person has a cell phone with
15 GPS capability and it is activated, this program has the ability to send fire and traffic alerts to that
16 phone. In response to a question from Council Member Mahoney, Sgt. Lariscy said that Nixle
17 collaborated with various different justice departments to develop this program. Mayor Strickland
18 asked whether a report would be provided as to how well the program is doing. Sgt. Lariscy
19 responded that Nixle could provide the number of people who signed up which could be used to
20 determine the status of the program. Chief Baskoff stated the biggest challenge is getting people to
21 sign up. Information will be on the City web site, in the newsletter and various other locations.
22 Mayor Strickland questioned whether Nixle had the capability to alert residents of this service by
23 phone. Sgt. Lariscy responded the City is responsible for promoting the program.

24
25 Mr. Murray noted that the election is next month he invited the candidates to call his office and to
26 ask any questions they may have.

27
28 Mr. Murray displayed information about the tentative census figures that will be certified in
29 November. He said Orange City had the largest growth out of all the cities in Volusia County.

30
31 Council Member Rasch asked that the water bills be printed on perforated paper to make it easier to
32 tear off and return with the payment.

33
34 Council Member Laputka noted that Independent Inspectors Limited (IIL) recently made some
35 staffing changes and questioned whether that would affect the City. Mr. Murray said the City
36 contracts its building inspection services and permitting with IIL and no employees are involved.
37 Mark Nolton, who was assigned to the City for the last three years was let go and the area supervisor
38 Tom Forbes was assigned to that position. He said that Mr. Forbes is very competent. Mr. Murray
39 said that right now activity has been minor relative to what it has been in the past, so the risk to the
40 City is minor in the unlikely event that IIL goes out of business. He said that he is not overly
41 concerned at this time.

42
43 Vice Mayor Allebach noted that the work on Sparkman Avenue appears to moving slowing, he
44 questioned if the project had stopped. Mr. Murray said that the project is nearing completion. The
45 last layer of asphalt is being installed on Rhode Island Avenue today. In response to a question from
46 Council Member Laputka, Mr. Murray said the barriers would be removed after September 1st. An
47 official ribbon cutting ceremony would be held when the project is completed.

1
2 **B. Mayor/City Council**
3

4 Mayor Strickland reported that he attended a Volusia Council of Governments (VCOG) meeting.
5 There was a discussion about the student population in Volusia County. He said that originally
6 VCOG anticipated that the student population would decrease by 1,500 students but the actual
7 number is around 700 students. Mayor Strickland said that VCOG decided to delay the start of the
8 senior year program at the new high school opening in Orange City. The junior class would be the
9 first graduating class of the high school. Mayor Strickland said that VCOG passed a resolution in
10 support of the State legislature being required to adhere to the Sunshine laws. VCOG sent out
11 solicitation for bids for an accounting firm. There were a number of responses. A Daytona Beach
12 firm was chosen at half the cost of the others firms considered. Mayor Strickland said that he was
13 encouraged that Orange City may also be able to find a local accounting firm.
14

15 **C. City Clerk**
16

17 Ms. Renner announced qualifying has ended and two candidates qualified for each district and the
18 at-large seat. The election will be on September 22nd. Ms. Renner reminded Council that the
19 Canvassing Board training was scheduled for September 16th in the Council Chambers. Ms. Renner
20 said that the Sustainable Water Committee had its first meeting last week. The Committee decided
21 to meet on the first and third Tuesday of every month at 6:30 p.m.in the Council Chambers.
22

23 **D. City Attorney**
24

25 Mr. Reischmann provided an update on sweepstakes operations and efforts to shut them down. He
26 said that Longwood collaborated with Seminole County and conducted a raid on an establishment
27 arguing that it is illegal gambling. He said Volusia County was not in agreement that the matter is
28 prosecutable and chose not to participate. Whether or not these establishments are legal is a decision
29 that only the State Attorney's office in Volusia County could determine. Mr. Reischmann said that
30 he received a newspaper article from the Mayor that said the authorities in Seminole County had
31 been compiling information that led them to believe that these businesses were illegal gambling
32 establishments. He said that he would contact the city attorney for Longwood and obtain the
33 information that was compiled to see if there is anything the City could use to prompt Volusia
34 County to move forward or keep an open mind about this matter. Mr. Reischmann reminded
35 Council that several citizens have come forward to express complaints that this is illegal gambling.
36 The City has no authority to take any further action other than enforce its Codes, it is up to the State
37 Attorney's office to enforce State gambling laws. In response to a question from Council Member
38 Sherrill, Mr. Reischmann said that the City could make arrests but it is up to the State Attorney's
39 office to prosecute otherwise it is an "exercise in futility." Mr. Murray pointed out that the City still
40 has a pending Code enforcement case with Tel-Connect that has not been settled. Council recently
41 granted them a 30-day extension. Mr. Murray said the fines are in excess of \$50,000 and he
42 anticipates the City will succeed with the case. Mr. Reischmann pointed out that the case with Tel-
43 Connect is a code enforcement issue and that he is discussing criminal enforcement of the State
44 gambling law for these types of establishments. In response to a question from Council Member
45 Mahoney, Mr. Reischmann said that Seminole County closed down the establishment and
46 confiscated their equipment. He said there might be charges brought against the owners.
47

11. APPROVAL OF MINTUES

August 10, 2009 Budget Workshop
August 11, 2009 Regular Meeting

Council Member Laputka moved to approve the minutes of the August 10, 2009 Budget Workshop, seconded by Council Member Rasch and passed by a unanimous 6/0 voice vote of the Council.

Council Member Laputka moved to approve the minutes of the August 11, 2009 Regular Meeting, seconded by Vice Mayor Allebach and passed by a unanimous 6/0 voice vote of the Council.

12. COUNCIL COMMENTS:

Vice Mayor Allebach congratulated all who qualified for the upcoming election. He stated, "Keep it clean and issue based and not personally attacking anyone and we will have a good election cycle."

Council Member Sherrill said that he understands that Orange City was selected to take over the fire services for DeBary. He said that Orange City firefighters were first on the scene to fight the church fire that DeBary recently had and that makes the City look even better. Council Member Laputka said that he went out to the site of the fire. The Church was fully engulfed when the fire fighters got there and the fire was contained. He stated, "They did one heck of a good job."

Council Member Laputka thanked the citizens that came forward and got involved with the Sustainable Water Committee. He said that it is off to a very good start. There are still a couple of seats available if anyone is interested.

13. ADJOURN:

There being no further business, Mayor Strickland adjourned the meeting at 8:19 p.m.

RESPECTFULLY SUBMITTED:**APPROVED ON:**

Gloria Williams, CMC
Deputy City Clerk

September 9, 2009