

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, December 8, 2009 at 7:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, 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 Tom Laputka; Council Members; Bill Crippen,
12 Gary Blair, Anthony Pupello, Tom Abraham, Jeff Allebach; City Attorney William Reischmann;
13 Interim City Manager Chester Murray; City Clerk Deborah Renner

14

15 **INVOCATION**

16

17 The Invocation was given by Pastor Drew Parsons, Orange City United Methodist Church, followed
18 by the Pledge of Allegiance.

19

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

21

22 **2. PRESENTATIONS:** None at this time

23

24 **3. CITIZEN COMMENTS:**

25

26 Henry Durica, 1310 E. Lansdowne, came forward and spoke about signs. He said that while
27 government can't create jobs, it can create "a climate, a landscape, for businesses to succeed." He
28 asked Council not to "turn your backs" on the 17-92 corridor, noting that it will never be the same as
29 Saxon or Veterans Memorial Parkway, or downtown DeLand. He cautioned that if Council is not
30 careful, it can become an area of "blight" on the way to the new high school. Mr. Durica asked that
31 Council come to a "meeting of the minds" to help the businesses on 17-92. He noted that the
32 Manatee Festival will be held in January which will bring lots of visitors to the area. He stated, "We
33 need them to stop and support our businesses." Mr. Durica urged Council to do something about this
34 situation.

35

36 Al Blue, 447 N. Oak, came forward and wished everyone a Merry Christmas notwithstanding the
37 issues regarding garbage collection and protecting city right of ways. He stated, "The citizens of
38 Orange City hope for a better new year in more ways than one."

39

40 Hugh Strickland, 420 May Street, came forward and noted that in today's paper, the principal of the
41 new high school advised that he will be taking emailed suggestions for a name for the high school.
42 Council Member Blair noted that the email address is: Dneal@volusia.k12.fl.us .

43

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

45

46 **5. ORDINANCES – FIRST READING:** None at this time

1 **6. PUBLIC HEARINGS:**

- 2
- 3 **A. RESOLUTION NO. 577-09:** A resolution of the City of Orange City, Florida
4 electing to use the uniform method of collecting non-ad valorem special assessments
5 levied within the incorporated area of the City; stating a need for such levy; providing
6 for the mailing of this resolution; and providing for an effective date.

7

8 **Council Member Allebach read the title of Resolution No. 577-09 into the**
9 **record. Vice Mayor Laputka moved to adopt Resolution No. 577-09,**
10 **seconded by Council Member Blair.**

11

12 Mayor Strickland opened the public hearing. Mr. Murray noted that adoption of this resolution is an
13 “annual event.” He explained that it provides a mechanism for Council, should it so choose, to
14 implement a special assessment during the coming year. He emphasized that this resolution does
15 not bind Council to any action, that it is just a formality that must be completed in order to notify the
16 tax collector that there is the possibility of the implementation of a special assessment. He noted that
17 this is the sixth or seventh year that Council has adopted such a resolution. In response to a
18 question from Mayor Strickland, Mr. Murray said that the City has implemented a special assessment
19 on two occasions: once to implement the garbage fee; and most recently, for Sparkman Ridge. He
20 clarified that this is one step in the process in case Council wishes to implement a special assessment
21 at some time in the future.

22

23 There being no further requests to speak, Mayor Strickland closed the public hearing.

24

25 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 26
- 27 **B. ORDINANCE NO. 407:** An ordinance of the City of Orange City, Florida, annexing
28 the Mighty T Realty, Inc. Property into the corporate limits of the City of Orange City,
29 Florida; said property being generally located on the west side of South Volusia
30 Avenue, approximately 245 feet south of Miller Road, containing approximately 5.80
31 acres; in accordance with the voluntary annexation provisions of Florida Statute
32 171.044; redefining the boundaries of the City of Orange City by amending the
33 appropriate sections of the code of ordinances; containing a repealer provision, a
34 severability clause and providing for an effective date.

35

36 **Council Member Allebach read the title of Ordinance No. 407 into the**
37 **record. Vice Mayor Laputka moved to adopt Ordinance No. 407 on**
38 **second and final reading, seconded by Council Member Blair.**

39

40 Mayor Strickland opened the public hearing.

41

42 Wendy Hickey, Planning & Zoning Analyst, came forward. Ms. Hickey noted the location of the
43 subject property and advised that it is currently developed as a fitness center. She noted that the
44 property is contiguous to the City boundaries and will not create an enclave. She said that the
45 annexation continues with Council’s intent to square off and fill in the areas within the City’s
46 “designated planning area.” Ms. Hickey stated that based on the 2008 tax roll, the taxable value of

1 the property is \$539,084 creating the potential of ad valorem revenue in the amount of \$2,415.
2 Additional revenue will also be realized from utility taxes.

3
4 There being no further requests to speak, the Mayor closed the public hearing.

5
6 **Motion passed by 7/0 roll call vote of the Council.**

- 7
8 **C. ORDINANCE NO. 408** An Ordinance of the City of Orange City, Florida, annexing
9 the Breezewood Village Condominium property into the corporate limits of the City of
10 Orange City, Florida; said property being located at 101 Grand Plaza Drive, containing
11 approximately 11.5 acres; pending a referendum vote of the registered electors of said
12 area, directing a referendum on said proposed annexation pursuant to section
13 171.0413, Florida Statutes, establishing the date of said referendum; redefining the
14 boundaries of the City of Orange City by amending the appropriate sections of the
15 code of ordinances; containing a repealer provision, a severability clause and
16 providing for an effective date.

17
18 **Council Member Allebach read the title of Ordinance No. 408 into the**
19 **record. Vice Mayor Laputka moved to adopt Ordinance No. 408 on**
20 **second and final reading, seconded by Council Member Blair.**

21
22 Mayor Strickland opened the public hearing.

23
24 Jim Kerr, City Planner, came forward and recalled that this ordinance was considered on first reading
25 on November 8, 2009. He advised that the intent of the ordinance is to annex the Breezewood
26 Village Condominium property. Mr. Kerr noted that there are 42 days before the referendum on the
27 involuntary annexation. Deadline for the mail ballot election is January 19, 2010.

28
29 Mayor Strickland recognized residents of the Breezewood Village Condominiums who were present
30 in the audience.

31
32 Council Member Blair spoke in support of the annexation stating, "I hope they pass this and become
33 part of the City because I think that'll be a great part of our City to have these folks on board."

34
35 There being no further requests to speak, the Mayor closed the public hearing.

36
37 **Motion passed by 7/0 roll call vote.**

- 38
39 **D. ORDINANCE NO. 409:** An ordinance of the City Council of the City of Orange
40 City, Florida, providing for a non-exclusive franchise to Container Rental Company,
41 Inc. (CRC) for the collection and disposal of commercial trash, garbage, recyclable
42 materials and other refuse within the City limits; providing for definitions, terms
43 condition, rates, compliance with laws, arbitration, standards of performance,
44 collection, regulation operations, hours, routes, penalties, accounting, complaint
45 resolutions; containing a repealer provision; a severability clause and providing for an
46 effective date.

1 **Council Member Allebach read the title of Ordinance No. 409 into the**
2 **record. Vice Mayor Laputka moved to adopt Ordinance No. 409 on**
3 **second and final reading, seconded by Council Member Crippen.**
4

5 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
6 public hearing.
7

8 **Motion passed by unanimous 7/0 roll call vote of the Council.**
9

- 10 **E. ORDINANCE NO. 410:** An ordinance of the City Council of the City of Orange
11 City, Florida, providing for a non-exclusive franchise to Sunshine Recycling, Inc. for
12 the collection and disposal of commercial trash, garbage, recyclable materials and
13 other refuse within the City limits; providing for definitions, terms condition, rates,
14 compliance with laws, arbitration, standards of performance, collection, regulation
15 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
16 repealer provision; a severability clause and providing for an effective date.
17

18 **Council Member Allebach read the title of Ordinance No. 410 into the**
19 **record. Vice Mayor Laputka moved to approve Ordinance No. 410 on**
20 **second and final reading, seconded by Council Member Crippen.**
21

22 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
23 public hearing.
24

25 **Motion passed by unanimous 7/0 roll call vote of the Council.**
26

- 27 **F. ORDINANCE NO. 411:** An ordinance of the City Council of the City of Orange
28 City, Florida, providing for a non-exclusive franchise to Emerald Waste Services LLC
29 (EWS) for the collection and disposal of commercial trash, garbage, recyclable
30 materials and other refuse within the City limits; providing for definitions, terms
31 condition, rates, compliance with laws, arbitration, standards of performance,
32 collection, regulation operations, hours, routes, penalties, accounting, complaint
33 resolutions; containing a repealer provision; a severability clause and providing for an
34 effective date.
35

36 **Council Member Allebach read the title of Ordinance No. 411 into the**
37 **record. Vice Mayor Laputka moved to approve Ordinance No. 411 on**
38 **second and final reading, seconded by Council Member Crippen.**
39

40 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
41 public hearing.
42

43 **Motion passed by unanimous 7/0 roll call vote of the Council.**
44

- 45 **G. ORDINANCE NO. 412:** An ordinance of the City Council of the City of Orange
46 City, Florida, providing for a non-exclusive franchise to Waste Pro for the collection
47 and disposal of commercial trash, garbage, recyclable materials and other refuse

1 within the City limits; providing for definitions, terms condition, rates, compliance
2 with laws, arbitration, standards of performance, collection, regulation operations,
3 hours, routes, penalties, accounting, complaint resolutions; containing a repealer
4 provision; a severability clause and providing for an effective date.
5

6 **Council Member Allebach read the title of Ordinance No. 412 into the**
7 **record. Vice Mayor Laputka moved to approve Ordinance No. 412 on**
8 **second and final reading, seconded by Council Member Crippen.**
9

10 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
11 public hearing.
12

13 **Motion passed by unanimous 7/0 roll call vote of the Council.**
14

- 15 **H. ORDINANCE NO. 413:** An ordinance of the City Council of the City of Orange
16 City, Florida, providing for a non-exclusive franchise to Waste Services of Florida,
17 Inc. for the collection and disposal of commercial trash, garbage, recyclable materials
18 and other refuse within the City limits; providing for definitions, terms condition,
19 rates, compliance with laws, arbitration, standards of performance, collection,
20 regulation operations, hours, routes, penalties, accounting, complaint resolutions;
21 containing a repealer provision; a severability clause and providing for an effective
22 date.
23

24 **Council Member Allebach read the title of Ordinance No. 413 into the**
25 **record. Vice Mayor Laputka moved to approve Ordinance No. 413**
26 **on second and final reading, seconded by Council Member Crippen.**
27

28 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
29 public hearing.
30

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

- 33 **I. ORDINANCE NO. 414:** An ordinance of the City Council of the City of Orange
34 City, Florida, providing for a non-exclusive franchise to 4 Jays Management, Inc. for
35 the collection and disposal of commercial trash, garbage, recyclable materials and
36 other refuse within the City limits; providing for definitions, terms condition, rates,
37 compliance with laws, arbitration, standards of performance, collection, regulation
38 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
39 repealer provision; a severability clause and providing for an effective date.
40

41 **Council Member Allebach read the title of Ordinance No. 414 into the**
42 **record. Vice Mayor Laputka moved to approve Ordinance No. 414 on**
43 **second and final reading, seconded by Council Member Crippen.**
44

45 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
46 public hearing.

1 Council Member Blair questioned why these second readings were not placed on the consent agenda.
2 Mr. Reischmann responded that they are required by the Charter to be adopted by Ordinance,
3 therefore, they cannot be considered on the consent agenda.
4

5 **Motion passed by unanimous 7/0 roll call vote of the Council.**
6

- 7 **J. ORDINANCE NO. 415:** An ordinance of the City Council of the City of Orange
8 City, Florida, providing for a non-exclusive franchise to Orlando Waste Paper Co. Inc.
9 for the collection and disposal of commercial trash, garbage, recyclable materials and
10 other refuse within the City limits; providing for definitions, terms condition, rates,
11 compliance with laws, arbitration, standards of performance, collection, regulation
12 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
13 repealer provision; a severability clause and providing for an effective date.
14

15 **Council Member Allebach read the title of Ordinance No. 415 into the**
16 **record. Vice Mayor Laputka moved to approve Ordinance No. 415 on**
17 **second and final reading, seconded by Council Member Crippen.**
18

19 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
20 public hearing.
21

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

- 24 **K. ORDINANCE NO. 416:** An ordinance of the City Council of the City of Orange
25 City, Florida, providing for a non-exclusive franchise to Disposall for the collection
26 and disposal of commercial trash, garbage, recyclable materials and other refuse
27 within the City Limits; providing for definitions, terms condition, rates, compliance
28 with laws, arbitration, standards of performance, collection, regulation operations,
29 hours, routes, penalties, accounting complaint resolutions, containing a repealer
30 provision, a severability clause and providing for an effective date.
31

32 **Council Member Allebach read the title of Ordinance No. 416 into the**
33 **record. Vice Mayor Laputka moved to approve Ordinance No. 416 on**
34 **second and final reading, seconded by Council Member Crippen.**
35

36 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
37 public hearing.
38

39 **Motion passed by unanimous 7/0 roll call vote of the Council.**
40

- 41 **L. ORDINANCE NO. 417:** An ordinance of the City Council of the City of Orange
42 City, Florida, providing for a non-exclusive franchise to Disposall for the collection
43 and disposal of commercial trash, garbage, recyclable materials and other refuse
44 within the City Limits; providing for definitions, terms condition, rates, compliance
45 with laws, arbitration, standards of performance, collection, regulation operations,

1 hours, routes, penalties, accounting complaint resolutions, containing a repealer
2 provision, a severability clause and providing for an effective date.
3

4 **Council Member Allebach read the title of Ordinance No. 417 into the**
5 **record. Vice Mayor Laputka moved to approve Ordinance No. 417 on**
6 **second and final reading, seconded by Council Member Crippen.**
7

8 Mayor Strickland opened the public hearing. There being no requests to speak, the Mayor closed the
9 public hearing.
10

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

13 **7. RESOLUTIONS:**
14

- 15 A. **RESOLUTION NO. 576-09:** A resolution of the City Council of the City of Orange
16 City, Florida, pursuant to sections 4.04 and 4.05 of the City Charter certifying the form
17 of ballot for the referendum election to be held on January 19, 2010, repealing all
18 resolutions in conflict herewith and providing for an effective date.
19

20 **Council Member Allebach read the title of Resolution No. 576-09 into the**
21 **record. Vice Mayor Laputka moved to adopt Resolution No. 576-09,**
22 **seconded by Council Member Crippen.**
23

24 City Clerk Debbie Renner stated that this resolution fulfills the Charter requirement to certify the
25 language that will appear on the ballot for the referendum election on January 19th regarding the
26 Breezewood annexation. In response to a question from Mayor Strickland, Mr. Reischmann
27 indicated that he had reviewed the Resolution and found no problems with it.
28

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

- 31 B. **RESOLUTION NO. 578-09:** A resolution of the City Council of the City of Orange
32 City, Florida, acknowledging and approving a second 12-month extension to the
33 preliminary subdivision plat for the Lansdowne Oaks subdivision, with the intent to
34 divide a 5.0 acre parcel and a 10.0 acre parcel into 35 proposed residential lots, said
35 parcels located on East Lansdowne Avenue, Orange City, Florida; repealing all
36 resolutions or parts of resolutions in conflict herewith; and providing for an effective
37 date.
38

39 **Council Member Allebach read the title of Resolution No. 578-09 into the**
40 **record. Vice Mayor Laputka moved to approve Resolution No. 578-09,**
41 **seconded by Council Member Crippen.**
42

43 Jim Kerr, City Planner, came forward and stated that the next two resolutions are for Council to
44 consider granting a 12-month extension to the preliminary subdivision plat and the site plan for the
45 Lansdowne Oaks subdivision. He noted the location of the property on a map. Mr. Kerr advised that
46 there is a total of 35 lots. The project provides all of the amenities required by the code, including

1 underground utilities. Mr. Kerr recalled that this project was originally approved on January 8, 2008
2 and expired on January 8, 2009. An extension was granted at that time and a second extension is
3 being requested now. The code allows up to seven extensions at the discretion of the City Council.
4 Staff recommends that this extension be granted subject to the six conditions originally imposed.
5 Condition 6 addresses new ordinances which have been adopted since the original approval was
6 granted.

7
8 Council Member Blair questioned whether the lots met the minimum size requirements when the
9 development was originally approved. Mr. Murray responded that this project originally received all
10 necessary approvals, however, that approval was only good for a year. The project is now in the
11 extension process. Mr. Kerr noted that no waivers were associated with the subdivision. He advised
12 that the minimum house size is 1200 square feet (SF) and that the homes would range between 1200
13 and 1400 SF.

14
15 Council Member Pupello questioned how taxes were currently being assessed on this land. Mr. Kerr
16 responded that the property has not been subdivided as yet so it is taxed as “raw land.”

17
18 Henry Durica, 1310 E. Lansdowne, came forward. He advised that he lives five homes away from
19 the proposed development. Mr. Durica noted that most of the homes in that area are on acreage and
20 are larger than 1200 square feet. He suggested that the streetlights included in the plans would
21 “impact the quality of life” for the current residents. Mr. Durica suggested that 1200 square foot
22 homes would depreciate the value of the existing homes in the area.

23
24 **Motion passed by 5/2 roll call vote of the Council with Council Member**
25 **Crippen and Mayor Strickland voting “no.”**

- 26
27 **C. RESOLUTION NO. 579-09:** A resolution of the City Council of the City of Orange
28 City, Florida, acknowledging and approving a second 12-month extension to the site
29 plan for the Lansdowne Oaks subdivision, said site plan containing the specifications
30 to divide a 5.0 acre parcel and a 10.0 acre parcel into 35 proposed residential lots, said
31 parcels located on East Lansdowne Avenue, Orange City, Florida; repealing all
32 resolutions or parts of resolutions in conflict herewith; and providing for an effective
33 date.

34
35 **Council Member Allebach read the title of Resolution No. 579-09 into the**
36 **record. Vice Mayor Laputka moved to approve Resolution No. 579-09,**
37 **seconded by Council Member Blair.**

38
39 Mr. Kerr noted that all of the lighting in the development will be “full cutoff” lighting which means
40 that the illumination only appears on the ground.

41
42 **Motion passed by 6/1 roll call vote with Council Member Crippen voting,**
43 **“no.”**

- 44
45 **D. RESOLUTION NO. 580-09:** A resolution of the City of Orange City, Florida,
46 endorsing employer support for the National Guard and Reserve, in furtherance of our

1 country's service members and their families during time of need; further instructing
2 the City Clerk to transmit same to the Chairman of the National Committee for
3 employee support of the Guard and Reserve.
4

5 **Council Member Allebach read the title of Resolution No. 580-09 into the**
6 **record. Vice Mayor Laputka moved to approve Resolution No. 580-09,**
7 **seconded by Council Member Allebach.**
8

9 Mr. Murray said that this resolution was requested as a way of showing support for those serving in
10 the National Guard and Reserve.
11

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

- 14 **E. RESOLUTION NO. 581-09:** A resolution of the City of Orange City, Florida,
15 appointing Paul DeSilva to Seat #01 on the Orange City Planning Commission;
16 repealing all resolutions in conflict herewith and providing for an effective date.
17

18 **Council Member Allebach read the title of Resolution No. 581-09 into the**
19 **record. Vice Mayor Laputka moved to approve Resolution No. 581-09,**
20 **seconded by Council Member Allebach and passed by unanimous 7/0 roll**
21 **call vote of the Council.**
22

- 23 **F. RESOLUTION NO. 582-09:** A resolution of the City of Orange City, Florida,
24 appointing Henry Durica to Seat #04 on the Orange City Planning Commission;
25 repealing all resolutions in conflict herewith and providing for an effective date.
26

27 **Council Member Allebach read the title of Resolution No. 582-09 into the**
28 **record. Vice Mayor Laputka moved to approve Resolution No. 582-09,**
29 **seconded by Council Member Blair and passed by unanimous 7/0 roll call**
30 **vote of the Council.**
31

- 32 **G. RESOLUTION NO. 583-09:** A resolution of the City of Orange City, Florida,
33 appointing Frank Wilson to Seat #05 on the Orange City Planning Commission;
34 repealing all resolutions in conflict herewith and providing for an effective date.
35

36 **Council Member Allebach read the title of Resolution No. 583-09 into the**
37 **record. Vice Mayor Laputka moved to approve Resolution No. 583-09,**
38 **seconded by Council Member Blair and passed by unanimous 7/0 roll call**
39 **vote of the Council.**
40

- 41 **H. RESOLUTION NO. 584-09:** A resolution of the City of Orange City, Florida,
42 appointing Christopher Weldon to Seat #06 on the Orange City Planning Commission;
43 repealing all resolutions in conflict herewith and providing for an effective date.
44

45 **Council Member Allebach read the title of Resolution No. 584-09 into the**
46 **record. Vice Mayor Laputka moved to approve Resolution No. 584-09,**

1 **seconded by Council Member Crippen and passed by unanimous 7/0 roll**
2 **call vote of the Council.**

- 3
4 **I. RESOLUTION NO. 585-09:** A resolution of the City of Orange City, Florida,
5 appointing Robert Storke to the Volusia Growth Management Commission (VGMC);
6 repealing all resolutions in conflict herewith and providing for an effective date.

7
8 **Council Member Allebach read the title of Resolution No. 585-09 into the record.**
9 **Vice Mayor Laputka moved to approve Resolution No. 585-09, seconded by**
10 **Council Member Crippen.**

11
12 Jim Kerr stated that he was formerly the City's representative on the VGMC. New rules have
13 recently been adopted which address concerns over staff members serving as a delegate to the
14 Volusia Growth Management Commission (VGMC). The Commission voted that no one serving on
15 the VGMC can be a staff member from either the County or one of the municipalities. VGMC
16 members who are employees would be grandfathered in. Mr. Kerr advised that he has been serving
17 on the VGMC for the past seventeen years. He said that he would work with his successor until they
18 become oriented.

19
20 Mr. Murray noted how fortunate the City is to have "someone of Mr. Storke's caliber" to represent
21 the City on the VGMC. He thanked Mr. Storke for his years of service to the City both on the
22 Planning Commission and the City Council.

23
24 Mr. Kerr expressed his support for Mr. Storke's appointment to the VGMC. In response to a question
25 from Mayor Strickland, Mr. Kerr advised that the appointments are for three years.

26
27 Mr. Reischmann pointed out that the changes discussed this evening are proposed and must be
28 approved by the Volusia County Council to take effect.

29 Council Member Abraham questioned whether members of the VGMC are required to file a "Form
30 1." Mr. Reischmann responded in the affirmative.

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

- 33
34 **J. RESOLUTION NO. 586-09:** A resolution of the City of Orange City, Florida,
35 appointing David Seaman to Seat #07 on the Orange City Planning Commission;
36 repealing all resolutions in conflict herewith and providing for an effective date.

37
38 **Council Member Allebach read the title of Resolution No. 586-09 into the**
39 **record. Vice Mayor Laputka moved to approve Resolution No. 586-09,**
40 **seconded by Council Member Blair and passed by unanimous 7/0 roll call**
41 **vote of the Council.**

42
43 **8. DISCUSSION AND ACTION:**

- 44
45 A. Historic Preservation Board

46

1 City Clerk Debbie Renner noted that meetings of the Historic Preservation Board have been
2 cancelled for the last few months. In addition, every board member is due for reappointment at this
3 time. Ms. Renner said that she did not know whether all of the current members wish to be
4 reappointed. She suggested that this may be a good time to reevaluate the Board's role and provide
5 some direction from Council as to goals over the coming year. Mayor Strickland suggested that it
6 would also be a good time to solicit new members for the Board. Ms. Renner suggested that perhaps
7 Council would want to wait to make the appointments until the new City Manager is hired, perhaps
8 six months down the road. In the meantime, Council can schedule a workshop to discuss the Board's
9 direction.

10
11 Council Member Blair said that he does not agree with suspending the Board's duties for the next six
12 months. He stated, "I think it's something that needs to continue, it's something we need to
13 strengthen." He said that he has spoken to several people who have expressed an interest in serving
14 on the Board. He agreed that the Board is in need of direction and suggested that they could be
15 involved in decorating the City during holidays. Council Member Blair suggested that suspending
16 meetings would "send the wrong signal" to the Board.

17
18 Council Member Crippen concurred with Council Member Blair. Council Member Pupello
19 concurred, but noted that it doesn't seem to be too productive at this time. He suggested that Council
20 actively seek new members for the Board. He asked what the purpose of the Board is. Council
21 Member Allebach responded that their purpose had been to develop the historic preservation
22 ordinance.

23
24 Vice Mayor Laputka suggested that a workshop be held to discuss these issues. Mr. Murray stated
25 that the Board had done as they were charged and that was to develop a historic preservation
26 ordinance. At this time, they are in need of direction from Council as to what their next tasks should
27 be. Mayor Strickland noted that the ordinance does contemplate a broad variety of activities the
28 Board could undertake, however, direction, reorganization and new memberships are needed.

29
30 Mr. Murray noted that Bob Reid, Chairman of the Board, was present in the audience.

31
32 Bob Reid, 557 E. Graves, came forward. Mr. Reid reported that after the ordinance was adopted,
33 attendance at the meetings waned. He noted that the historic banners are in bad shape and some are
34 in the wrong place. Mr. Reid suggested that steps must be taken to draw visitors into the historic
35 district. He said that he felt the Board's hands were tied because they can't raise money. He noted
36 that there are certain qualifications that the board members are supposed to have. He said that he
37 would not consider a hiatus for the Board as "shutting down," but rather as "regrouping." He asked
38 that the new Council Members become familiar with the new historic preservation ordinance. Mr.
39 Reid noted that there is a need to clearly identify the historic district. He said the only places
40 currently listed on the Register are Town Hall, Dickinson Library, a couple of schools, Albertus
41 Cottage, and the Seth French house. Mr. Reid reiterated that money is needed for anything to be
42 accomplished. He noted that it costs the City money in staff time and electricity for use of the
43 Council Chambers to have the meetings, however, no one ever attends. Council Member Allebach
44 concurred with Mr. Reid and observed that a "driving force" is needed from the Council and there
45 has not been one since Mr. Blair left. Mayor Strickland asked Mr. Reid if he had a recommendation.

1 Mr. Reid responded that it is necessary to get information out to people. He stressed the importance
2 of a commitment from Board members.

3
4 Ms. Ann Lindsay, Historic Board Member, spoke from the audience. She suggested that there is
5 much that the Board could do. Ms. Lindsay noted that the Board has operated for the past year and a
6 half with only six members instead of seven. She admitted that nothing had been done since Gerry
7 Morin, the previous President, left the Board. She listed some of the projects the Board considered
8 such as a marker where the old railroad was located and placing markers on older buildings in the
9 City. Ms. Lindsay stated, "So here we are...we need a shot in the arm, but we're not dead yet."

10
11 The Mayor called Joan LaFleur, 20 Azalea Drive, forward. Ms. LaFleur said that history is "her
12 passion." She said that there are a number of organizations in town that should be working together
13 and she pledged the cooperation of the Orange City Women's Club. The Mayor asked Ms. LaFleur
14 to ask some of the residents of John Knox Village if they are interested in participating on the
15 Historic Board. Mayor Strickland noted that one of the things he has heard is that the residents there
16 prefer daytime meetings. Ms. LaFleur said that she would really like to have perhaps one Council
17 meeting per month during the day.

18
19 Council Member Blair said that he will be meeting with residents of John Knox Village in January
20 and would try to recruit some members for the Historic Board. Mayor Strickland responded that the
21 folks in John Knox had indicated that they were looking for work that would "make a difference," in
22 the community, not just "busy work." Council Member Blair expressed his support for a workshop
23 meeting.

24
25 Council Member Allebach asked whether the Board is scheduled to meet in January. Mayor
26 Strickland responded that although the Board meets monthly, it is only required to meet quarterly.
27 Council Member Allebach said that means that they are not required to meet until March and that
28 Council could schedule a workshop before then. The Mayor concurred, stating that the ordinance
29 could be reviewed for possible revisions at that time, as well as a discussion to provide direction to
30 the Board.

31
32 Mr. Murray said that he would provide a recommendation at the first meeting in January.

33
34 Council Member Abraham concurred with Council Members Blair and Crippen that the Board should
35 continue to function.

36
37 B. Public Works Contract with the City of DeBary

38
39 Mr. Murray advised that Orange City had submitted a proposal to the City of DeBary to provide
40 public works services. Paul Johnson, Public Works Director, distributed a revised contract to
41 Council. He explained that this version has been approved by the City Attorney and by DeBary's
42 Interim City Manager. Mr. Murray explained that staff is requesting authorization for him to sign the
43 contract. He said that DeBary would like for the City to start work next Monday. In response to a
44 question from Council Member Allebach, Mr. Murray said that staff believes that the work for
45 DeBary will require 1.5 additional persons on staff at the present time with perhaps some additional
46 in the spring.

1 Mayor Strickland noted that he has not had an opportunity to review the final contract and said that
2 he felt uncomfortable acting on the agreement without having a chance to thoroughly read it. He said
3 that it appears the contract is a "menu" from which DeBary can choose services. Mr. Murray
4 responded that it is a "unit price" contract. The Mayor questioned how staff can be hired to respond
5 to requests when it is not known exactly what will be needed.
6

7 Mr. Johnson said that he also submitted a flat rate amount as an alternate in the bid package. He said
8 that he anticipated about \$300,000 worth of expenditures by DeBary which would require about 2.5
9 additional dedicated staff to respond. The City would receive a 15-20% administrative fee. He said
10 that DeBary had previously been spending over \$700,000 per year for Volusia County to provide the
11 services. He expressed his confidence that the ala carte pricing would provide a far greater return to
12 the City. Mr. Johnson said that some of the items would be subcontracted by Orange City.
13

14 In response to a question from Mayor Strickland, Mr. Reischmann said that he reviewed the initial
15 draft agreement and provided comments and revisions which were then negotiated with DeBary. Mr.
16 Reischmann said that he also was provided with the revised agreement this evening.
17

18 Council Member Blair said that he was not ready to move on the agreement tonight since he has not
19 had time to review it thoroughly. Council Member Crippen concurred, noting that the City Attorney
20 has not had time to review it thoroughly. Mayor Strickland asked whether Council would like to call
21 a special meeting to finalize the agreement. Mr. Murray assured everyone that the changes
22 incorporated into the revised draft had been made by the City Attorney.
23

24 Council Member Pupello suggested that more time was needed. Mr. Johnson clarified that the City
25 of DeBary is very anxious for Orange City to start. He said that the ala carte format for the services
26 will not change.
27

28 Council Member Allebach observed that Orange City's Public Works Department is as efficient as
29 any in the County. He expressed his confidence in Mr. Johnson and Mr. Murray and said that he was
30 certain this would be a mutually beneficial relationship for the cities.
31

32 Discussion ensued regarding the ramifications of delaying execution of the contract. Mr. Murray
33 said that DeBary is requesting that the service begin as soon as possible.
34

35 Council Member Abraham concurred with Council Member Blair and said that he needs time to read
36 the revised contract because there are "so many unknowns."
37

38 Vice Mayor Laputka asked how much time was needed. Council Member Blair said that he would be
39 ready next week. Council Member Pupello asked what the percentage of profit is per line item.
40 Mayor Strickland suggested taking a brief recess to allow an opportunity to review the changes to the
41 agreement. He asked Council if that would work or if they would like to schedule a special meeting.
42 Council Member Blair said that he would prefer a special meeting. Council Member Crippen said
43 that he would be satisfied with a recess so that he could read the agreement now. Vice Mayor
44 Laputka concurred. Mayor Strickland clarified that the choices are to have a brief recess and review
45 the revised agreement tonight or to schedule a special meeting to consider the agreement.
46

1 Mr. Reischmann asked when the City of DeBary would be considering the agreement for their
2 approval. Mr. Murray responded that it was already approved by them. He noted that the changes to
3 the contract as requested by the City Attorney are indentified in strike-thru/underline in the revised
4 copy provided to Council. Mr. Johnson said that he did have one copy of the revision available that
5 has the changes highlighted.

6
7 **Vice Mayor Laputka moved for a twenty minute recess, seconded by**
8 **Council Member Allebach and passed by 5/2 vote with Council Members**
9 **Blair and Abraham voting “no.”**

10
11 Mayor Strickland recessed the meeting at 8:35 p.m., reconvening at 8:54 p.m.

12
13 Discussion on the contract with the City of DeBary for Public Works services resumed. Mr. Johnson
14 referred to Page 11, second sentence of the first paragraph and said that staff is requesting to change
15 that sentence to read, “The Contractor shall not be compensated for uncompleted work in progress
16 and the Contractor shall be liable to the City for expenses incurred by the City in finishing the work
17 as established and determined by actual reasonable costs.”

18
19 Mr. Johnson requested an additional change on Page 15, Item XI 4. to amend the last sentence of that
20 section by striking everything after the word “assign” so that the sentence shall read, “The City shall
21 have the right to assign.”

22
23 Because of the “ala carte” nature of the contract, Council Member Crippen asked how resources
24 would be allocated to complete the work and still meet all of Orange City’s needs. Mr. Johnson
25 responded that Orange City’s needs would receive priority. He said that he could anticipate that 2-3
26 Public Works employees could stay busy in DeBary “almost on a full-time basis.” Mr. Johns advised
27 that work orders are issued on the EnerGov system. DeBary will have their own section and will be
28 able to issue their own work orders. Public Works staff maintain a daily work log and document
29 where their time is spent. In response to a question from Council Member Crippen, Mr. Johnson
30 advised that his time is accounted for in the administrative add on.

31
32 Vice Mayor Laputka questioned how revenues from the fees would be recognized. Mr. Murray
33 responded that a system for tracking the money is being set up. Mr. Johnson explained that Finance
34 will issue payments based on work orders. The system will be similar to the system in place for fire
35 services. Both Mr. Murray and Mr. Johnson suggested that in the near future, some level of staffing
36 would be on duty in DeBary forty hours per week.

37
38 In response to a question from the Mayor, Mr. Reischmann advised that he is comfortable with the
39 draft contract that was distributed to Council this evening.

40
41 **Vice Mayor Laputka moved that the City execute the contract with the**
42 **recommendations made tonight, seconded by Council Member Crippen.**

43
44 Council Member Abraham said that he is not comfortable with any of the projects with the City of
45 DeBary. He said that he has been asked by his constituents why the City does not take care of them
46 first.

1 **Motion passed by 6/1 roll call vote of the Council with Council Member**
2 **Abraham voting, “no.”**

3
4 **9. NEW BUSINESS:**

5
6 Vice Mayor Laputka said that he had previously asked what the speed control would be on Rhode
7 Island toward the new school. Mr. Murray responded that he would address that in his report.

8
9 Council Member Crippen said that he had requested further information regarding the “40-day” water
10 bills discussed at the last meeting. Mr. Murray said that he would respond in his report.

11
12 Mayor Strickland said that he would like to explore alternative times for Council meetings as
13 suggested by Joan LaFleur. Mr. Murray said that he would bring this item back for discussion in
14 January.

15
16 Council Member Abraham asked whether the citizens would be involved in the City Manager
17 selection process and how that will work. Mr. Murray responded that the advertisement has been
18 published with a closing date of early January. He said that Mr. Baenziger’s staff will narrow the list
19 to five people. Mr. Murray suggested holding a workshop to discuss the selection process. He said
20 that he would speak with Council individually about the best time to do that.

21
22 Council Member Crippen said that he would like to have a summary of the comments Mr. Baenziger
23 received when he met with Council Members both past and current a few weeks ago. Mayor
24 Strickland expressed that this could be part of the workshop. The Mayor also said that he would
25 like for the applications to be available in the Clerk’s office for Council and the public to review if
26 desired.

27
28 **10. REPORTS**

29
30 **A. City Manager**

31
32 Mr. Murray advised that when the police car is parked on the side of the road with the sign that shows
33 people’s speed, it is done via a computer which also compiles the information into a speed study. He
34 said that one was placed on Holly and the maximum speed recorded was 28 miles per hour. He
35 concurred that the speed on Rhode Island would become an issue, especially when the high school
36 opens.

37
38 Mr. Murray next addressed the issue of 40-day meter reads. He said that staff has been reviewing
39 about 200 water bills and has not seen evidence of a bill being pushed into the next pricing level due
40 to the extra days in the billing cycle. Mr. Murray said that from now on, meter reads will be done
41 within three days of the end of the billing cycle. He assured Council Member Crippen that if an error
42 was discovered due to the extra time between reads, the customer would be reimbursed. Mr. Murray
43 noted that sewer charges cap out at 14,000 gallons so it does not have such an impact on the water
44 bill.

45

1 Mr. Murray announced that 2,311 lineal feet of sidewalk has been completed this fiscal year. As for
2 street resurfacing, 16,500 feet (3.2 miles) has been completed on part or all of Tappan Circle, Heather
3 Lane, Silva, Aspen, Birch, Cedar, Dogwood, Fern, W. Gardenia, W. Holly, E. Pine Avenue, W.
4 Oakwood Avenue, Beau Court, Columbus Avenue, First Avenue, Lynn Avenue, and Plum Avenue.
5 Central Avenue is the only street remaining on the CDBG project list for resurfacing.

6
7 Mr. Murray advised that an RFP had been issued for Albertus Cottage to which Lamphier & Co.
8 responded. They are the same company that did the interior renovations to Town Hall. He said that
9 the project was budgeted at \$20,000 and the bid was submitted at \$14,187.40. The scope of work is
10 to restore the entire exterior of the building including roof repair. Mr. Murray said that the building
11 was damaged in the hurricanes and has been patched since. In response to a question from the
12 Mayor, Mr. Murray said that the price includes gutters.

13
14 Vice Mayor Laputka noted that work was needed on Hillside Ave. and that there was already a
15 “serious injury” due to road conditions. Mr. Johnson said that the small section in question is
16 partially owned by the City and partially owned by the County. He noted a number of other streets
17 where this situation exists. He advised that if there is a bad problem in that area, usually the City
18 fixes it. Mr. Murray said that staff would look at the road.

19
20 Council Member Abraham asked, “How is the police department doing during this Christmas season,
21 how is the morale?” Mr. Murray responded that the overall morale is fine. He said that as within any
22 organization, there are “bumps in the road.” He said that some issues have surfaced which need to
23 remain as personnel issues. He assured Council that the issues are being looked into very thoroughly.
24 Mr. Reischmann said that all complaints received about a police officer in the City are investigated.
25 He noted that police officers also have certain rights under the Florida Statutes in “the police officer’s
26 bill of rights.” He said that it is important for the City to establish an independent investigation as
27 quickly as possible. Mr. Murray urged Council to use caution in dealing with this matter as it could
28 find itself “embroiled in something it doesn’t necessarily need to be.”

29
30 Mayor Strickland noted that the Light Up event was postponed due to weather and asked what the
31 plans are. John Davis, Parks & Recreation Superintendent, came forward and said that he has
32 provided Mr. Murray with an updated schedule and with Mr. Murray’s permission, he can let Council
33 know what that is. He said that the pictures with Santa are on schedule.

34
35 Mr. Murray noted that he had distributed a draft “Memorandum of Understanding” regarding the
36 organization that is being discussed by the Western Volusia utilities organizations. He said that the
37 group is asking for Council’s comments on the draft before the process moves any further. Mr.
38 Murray said that the draft would be discussed among the local governments in January with a goal of
39 final adoption of the agreement in February 2010. He asked that Council be prepared with their
40 comments by early January.

41
42 Mr. Murray said that Volusia County was awarded \$4.1 million additional CDBG as a result of
43 damage from tropical storm Faye. The money is earmarked for the unincorporated areas in West
44 Volusia, Orange City, DeBary and Deltona. He said that they are urging the County to pool their
45 funding with the West Volusia cities to purchase land along Miller Lake. Mr. Murray said that the
46 Developer is prepared to purchase property to donate to the City.

1 Mill Lake is presently awaiting a signature from the Department of Transportation. Council Member
2 Blair asked whether the plan is to clean Mill Lake out completely. Mr. Murray responded that it
3 would be cleaned out as much as possible. He said that the plan is that once the City has ownership
4 of the property, the chain link fence will be removed.

5
6 Council Member Blair asked whether the gutters on Albertus Cottage will be of a historic nature. Mr.
7 Murray responded that it will look better than what is up there now. Council Member Blair noted
8 that the light on the east side is quite bright and illuminates beyond the property boundaries. He
9 requested that a shade of some sort be put on the light.

10
11 Mr. Murray wished everyone a “Merry Christmas,” noting that this will be the last meeting of the
12 year.

13
14 **B. Mayor/City Council**

15
16 Mayor Strickland said that the draft Interlocal Agreement was prepared for comment from all
17 interested parties. He stated, “This is bare bones on purpose.” The Mayor advised that it appears
18 Deltona is not interested in participating in this project.

19
20 Mayor Strickland reported that he met with Andy Kelly and a representative from Library Services
21 and cuts to services were discussed. The Orange City Library is not proposed for closure, however,
22 one full-time position is being cut. There was a proposal to close the Library on Saturdays and to
23 close during lunch. The Mayor questioned whether Saturday was the best day to close. He said that
24 a \$1.4-\$1.6 Million deficit is being projected for next year with increases to follow for the next
25 several years. Vice Mayor Laputka said that he expressed his opposition to a Saturday closing to
26 County Council Member Pat Northey. The Mayor discussed a potential new economic development
27 effort being proposed by the County. He said that he expressed to Council Member Kelly his belief
28 that the City’s biggest hindrance to economic development is the VGMC and County staff. The
29 Mayor said that he felt Orange City would have “little to gain” through this effort.

30
31 Council Member Allebach advised that Mary Swiderski is hosting a workshop for newly-elected
32 Council Members. There is also an IEMO being offered in January. Ms. Renner responded that the
33 City’s new Council Members are registered for both sessions.

34
35 Council Member Abraham reported that he attended a meeting at Florida Atlantic University at
36 which eight speakers discussed issues with elected officials in Palm Beach County. Action has been
37 taken against what is being called “corruption in government” and discussion focused on what other
38 steps can be taken to stop it and to enforce ethics rules. He gave an article to the City Clerk (a copy
39 of which is attached and becomes a permanent part of these minutes) to make available for review by
40 other Council Members.

41
42 **C. City Clerk**

43
44 The City Clerk had no further report.

45
46 **D. City Attorney**

1 Mr. Reischmann thanked the Council for allowing him to work with them this past year and stated, "I
2 always enjoy working with the City of Orange City and I wish you the best of New Years."
3

4 **4. APPROVAL OF MINTUES:** November 2, 2009 Special Meeting
5

6 **Vice Mayor Laputka moved to approve the minutes of the November 2,**
7 **2009 Special Meeting, seconded by Council Member Crippen and passed**
8 **by unanimous 7/0 voice vote of the Council.**
9

10 November 10, 2009
11

12 **Vice Mayor Laputka moved to approve the minutes of the November 10,**
13 **2009 Regular Meeting, seconded by Council Member Crippen and passed**
14 **by unanimous 7/0 voice vote of the Council.**
15

16 **5. COUNCIL COMMENTS:**
17

18 Council Member Blair said that he attended the Volusia League of Cities dinner and was quite proud
19 that Council Member Allebach is now Vice Chair of the League. Council Member Blair said that he
20 did not like the "blow-up things" in front of City Hall suggesting that it could have been done a little
21 bit more tastefully. He wished "Happy Holidays" to everyone.
22

23 Council Member Crippen wished everyone a Merry Christmas and Happy New Year. He said that he
24 has been reading more about water issues recently. Council Member Crippen requested a monthly
25 summary report from the Water Committee.
26

27 Council Member Pupello wished everyone a Happy Holiday and the best for the New Year.
28

29 Council Member Allebach noted that DeLand High School's football team are the Region 1
30 champions. He congratulated them on their accomplishment. Council Member Allebach wished
31 everyone a Merry Christmas and Happy New Year. He noted that there is a lot of need in the
32 community right now.
33

34 Vice Mayor Laputka wished everyone a good Holiday.
35

36 Council Member Abraham said that for him, Christmas is a season for "peace upon earth." He stated,
37 "For that we need to pray." Council Member Abraham said that he is reading a book titled, "The
38 Unknown Christ in Hinduism." He suggested that dialog between the religions will bring peace on
39 earth.
40

41 Mayor Strickland said that he was reminded this past week of how much the citizens like to hear
42 from their elected officials. He thanked each of the Council Members for working together with him.
43 The Mayor asked that prayers be with former Council Member Sherrill's wife during her "period of
44 transition." He said that he is looking forward to the parade and all of the associated activities. He
45 noted that the DeLand High band would be in the parade.
46

1 **6. ADJOURN:**

2

3 There being no further business, Mayor Strickland adjourned the meeting at 9:55 p.m.

4

5

6

7 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

8

9

10 Deborah J. Renner, CMC

11 Deputy City Clerk

January 12, 2010