

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, April 27, 2010 at 4:30 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

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4 **CALL TO ORDER**

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6 The meeting was called to order at 4:30 p.m. by Mayor Strickland and roll call was taken.

7  
8 **ROLL CALL**

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10 **PRESENT:** Mayor Harley Strickland; Vice Mayor Tom Laputka; Council Members; Jeff Allebach,  
11 Tom Abraham, Anthony J. Pupello, Gary A. Blair, O. William Crippen; City Attorney William  
12 Reischmann; City Manager Jamie Croteau, City Clerk Deborah Renner

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14 The Invocation was given by Ann Marie Bays, Universalist Church, followed by the Pledge of  
15 Allegiance.

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17 **ABSENCES** None at time

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19 **2. PRESENTATIONS/PROCLAMATIONS: Presentation by Joan LaFleur**

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21 Joan LaFleur, 20 Azalea Drive, President of the Village Improvement Association (VIA) came forward  
22 and presented Ms. Croteau with a copy of the Orange City History book. She also presented a book to  
23 Council Member Pupello.

24  
25 **3. CITIZEN COMMENTS:**

26  
27 Evelyn Robinson, 311 E. Cherokee Ave. came forward to discuss the mowing of the right of way near  
28 her house. She said it is overgrown and looks "horrible." In response to a question from Vice Mayor  
29 Laputka, Ms. Robinson said if the Police Department determines that it is a health/safety hazard, the  
30 City can cut the grass.

31  
32 Ms. LaFleur came forward and distributed a year-end-report of the VIA/Orange City Women's Club  
33 activities to Council (a copy of which is attached and becomes a permanent part of these minutes). She  
34 read the report into the record detailing the activities of the VIA over the past year. Ms. LaFleur said the  
35 members of VIA are very appreciative of the 4:30 meeting time for Council meetings.

36  
37 Henry Durica, 1310 E. Lansdowne Ave came forward and welcomed the new City Manager. He said  
38 that when the council members ran for office, the citizens were told Council would do what was best for  
39 the citizens of the City. Referring to the last meeting, he said it appears that Council is more concerned  
40 with the finances and moral of the employees rather than the citizens. Mr. Durica said citizens whose  
41 finances are frozen have seen city employees get a 3% pay raise and an additional 3% merit increase for  
42 some. The City reserves have decreased \$1 million in 9 months. He noted that housing foreclosure in  
43 the City have increased. While Council has no control over foreclosures, he suggested that an awareness  
44 of what is happening to the citizens of the City should be of paramount importance to Council, not just  
45 the employees. Mr. Durica said in these economic times we must learn to live within our means. He  
46 noted that department heads recommended the City provide Fire and Public Works services to the City  
47 of Debary, with no loss of services and it was approved. However, when department heads

1 recommended termination of certain staff positions to save money, and still maintain the current level of  
2 services to the citizens, Council did not approve it. Mr. Durica said in this economy, layoffs and wage  
3 freezes are a viable option.” He expressed his opinion that the legal fees incurred as a result of the “Lt.  
4 Melvin fiasco” should be paid by the former police chief and interim city manager not the citizens. Mr.  
5 Durica asked whether the report was available. Mr. Reischmann responded it was made a public record  
6 several weeks ago. It was provided to the City Clerk in order to fulfill numerous public record requests.  
7 Mr. Durica concluded by stating, “Gentlemen in the future can we try some serious negotiating and not  
8 always litigating.”  
9

10 Council Member Allebach noted the Fire Dept. added staff to cover fire services for Debary and the  
11 Public Works Dept. plans to add 1.5 employees to handle public works services. He said the City has a  
12 revenue generating contract with Debary and will be reimbursed for the staff provided. It is not the  
13 same thing as getting rid of people. Council Member Allebach said it was inappropriate to terminate  
14 staff before the new City Manager started and that is why it was delayed.  
15

16 As a point of order, Mr. Reischmann advised that it is not allowable for citizens to respond to Council  
17 Members during Council Comments. He said it would be appropriate to address additional concerns at  
18 the next meeting during Citizen Comments.  
19

20 **4. CONSENT AGENDA:** None at this time  
21

22 **5. ORDINANCES - FIRST READING:** None at this time  
23

24 **6. PUBLIC HEARINGS:** None at this time  
25

26 **7. RESOLUTIONS:** None at this time  
27

28 **8. DISCUSSION AND ACTION:**  
29

30 **A. Community Development Block Grant 2008 & 2009 Re-allocation**  
31

32 Linda Snyder, Financial Services Supervisor, came forward and noted this agenda item is for the  
33 reallocation of CDBG funds left over from FY 2008/2009. She said reallocation of these funds must be  
34 brought before the County Council and staff is seeking Council’s approval to proceed. In response to a  
35 request from Council Member Abraham, Ms. Snyder provided a brief history of the CDBG program.  
36 She showed a map of the eligible areas of the City noting it is determined by the census. The City is  
37 able to use a portion of the grant allocation citywide for Americans with Disabilities Act (ADA)  
38 improvements such as enlarging sidewalks. This year staff is proposing to install ADA accessible  
39 playground equipment at Veterans Memorial Park which will be an addition to the existing units and  
40 will be handicap accessible. The anticipated cost for the playground is \$90,000. She said a portion of  
41 the proposed addition does not meet the guidelines for ADA use and staff is proposing to use Parks  
42 Impact fees to fund the balance of the project. Ms. Snyder said that staff will bring a budget amendment  
43 forward at a later time. At this time staff is requesting a consensus of the Council to proceed as  
44 discussed.  
45

46 **It was the consensus of Council to proceed as discussed.**

**B. Community Development Block Grant 2010 Submittal**

Ms. Snyder said it is the time of year when staff must present its annual plan to the County Council as to how the City will use its 2010 CDBG allocation. It is anticipated the City will receive \$67,210. Staff is proposing to use this grant allocation to fund a project similar to the one proposed for Veteran's Memorial Park (previous agenda item) in Valentine Park or possibly on a larger scale. At the CDBG meeting, citizens present asked for additional community services and staff felt this project would provide that. If required, additional funding could come from Parks Impact fees but that would be decided during the budget process. Ms. Snyder advised that Council's approval of the annual plan is required before staff can proceed.

In response to a question from Council Member Blair, Ms. Snyder said that all children can use the playground. The only difference is that the ramps are wider to provide wheelchair access. The proposed location would be on the east side of Valentine Park near the basketball courts. Council Member Blair asked whether a survey had been conducted to determine who primarily uses the parks. Ms. Snyder responded "no." Ms. Snyder noted that formal action is required on this agenda item as it will be provided to the County Council.

Council Member Allebach moved to approve the 2010-2011 annual plan and five-year CDBG budget projections, seconded by Council Member Crippen.

Council Member Crippen questioned whether the proposed playground is the same equipment that is in Veterans Memorial park. Ms. Snyder said there is no "concrete" plan at this time however, she anticipates those items that are popular will be duplicated, one on the east and one on the west side of the City.

**Motion passed with a 7/0 roll call vote of Council.**

**C. GEL Corporation Settlement Stipulation** (*Postponed to this date on 4/13/10*)

Mr. Reischmann said this matter was postponed at the last Council meeting. He noted that Attorney Michael Sznajstajler is filling in for Attorney Allen Watts, the City's Special Counsel.

Mr. Reischmann began by stating the Settlement Agreement is the document that sets forth the path for the parties to try to reach a resolution of their disputes. The Agreement, which is inclusive of various documents, discusses the history of the disputes, specifically the Code Enforcement proceedings and the subsequent lawsuit. He noted the issues had to do with the appropriateness of the zoning of the GEL property and whether recycling is a permitted use. Council considered the matter last year and amended the Land Development Code to allow the rezoning of the GEL property to an I-PUD contingent upon a fully executed Developer Agreement. Mr. Reischmann said GEL had concerns with the release documents provided at the last meeting. However, after much deliberation GEL has signed the Developer Agreement and it will be held in escrow until some "predicate" steps are completed. Mr. Reischmann explained that the pending disputes will be terminated once the release documents are signed. The Code Enforcement fines levied against GEL and the subsequent lawsuit by GEL will be dismissed as well. All the documents that are held in escrow will be released to be recorded and the matter will be finalized.

1 In response to a question from Vice Mayor Laputka, Mr. Reischmann said he was “comfortable” with  
2 the rewording of the language in the release.

3  
4 Mr. Reischmann said the Development Agreement and Site Plans are not required for the execution of  
5 the Settlement Agreement however they are included as exhibits or by reference. He highlighted the  
6 salient points of Development Agreement noting each party’s obligations; allowable uses and storage of  
7 materials; location of the recycling equipment; and the City’s right to inspect the property as it does with  
8 all businesses in the City. Mr. Reischmann advised that the Planning Commission must review the  
9 Development Agreement and make a recommendation to Council whether to rezone the property.

10  
11 Mr. Reischmann said the release from GEL was the document that was problematic to GEL at the last  
12 meeting. Mr. Watts and his office have worked on it since that time and an agreement has been reached.  
13 The modification that Mr. Watts is recommending still does the same things to protect the City, and at  
14 the same time it satisfies GEL’s concerns. In response to a question from Council Member Laputka, Mr.  
15 Reischmann noted that a revised release was provided in the agenda packet. He said the revised  
16 language is highlighted in boldface type. When executed, this document will dismiss the claim brought  
17 by the City against GEL and the counterclaim brought by GEL against the City. In addition, the Code  
18 violations and the fines assessed will be eliminated. He noted this would not prevent the City from  
19 proceeding with Code Enforcement in the future if necessary but it does completely resolve this dispute.

20  
21 Mr. Reichmann said a Site Plan is also a requirement of the Code. It outlines how GEL is going to  
22 develop the land and operate its business. Provisions have been made so that the City could inspect the  
23 property if there are health, safety and welfare concerns. In addition, the City will be notified and given  
24 an opportunity to witness when the Florida Department of Environmental Protection (FDEP) and the  
25 Saint John’s River Water Management District (SJRWMD) conduct their routine inspections. He said  
26 this document details the allowable uses on the property including those uses permitted by the FDEP and  
27 SJRWMD, and provides the location of all of the recycling equipment on the property. Mr. Reischmann  
28 noted that the storage of recyclable materials is listed as well as how long these items can be stored. He  
29 recalled that some time ago there was a fire at the GEL location and the City had difficulty responding.  
30 The Site Plan will require that GEL provide the City with an emergency plan should that ever occur  
31 again.

32  
33 Council Member Blair questioned whether a structure to enclose the mulching/chipping equipment is  
34 being considered. He noted that residents in the surrounding area have complained about debris  
35 originating from GEL. Mr. Elkind said the he was not aware there were complaints. GEL wants a good  
36 working relationship with the City. He asked that when there are complaints that GEL is contacted to  
37 try to alleviate the problem. Mr. Reischmann noted the matter before Council this evening is the  
38 Settlement Agreement and this issue could be discussed when the Site Plan is considered at a future  
39 time.

40  
41 Mr. Reischmann summarized by stating that he has pointed out the pertinent issues based on the City’s  
42 history with GEL. He restated that this action will release the City and GEL from any claims with  
43 regard to this matter by either party. Staff needs Council’s approval to execute the Settlement  
44 Agreement and to move forward. He said it could be done by a motion or a resolution.

45

1           **Council Member Allebach moved that Council authorize the Mayor to**  
2           **execute the Settlement Agreement with GEL Corporation as presented,**  
3           **seconded by Vice Mayor Laputka.**  
4

5 Mr. Reischmann pointed out a reference in the Settlement Agreement that says it is to be approved by  
6 resolution, however, he felt that was not necessary. He suggested that reference in the Settlement  
7 Agreement be eliminated.  
8

9           **Council Member Allebach moved to amend the motion to**  
10          **include a statement that the reference in the Settlement**  
11          **Agreement that this matter be approved by Resolution be**  
12          **stricken, seconded by Vice Mayor Laputka and passed by a 7/0**  
13          **voice vote of Council.**  
14

15          **Main motion passed by a 7/0 voice vote of Council.**  
16

17 **9. NEW BUSINESS:**  
18

19 Council Member Allebach asked that a discussion of covers for the bus stops in the City be placed on  
20 the next agenda.  
21

22 Vice Mayor Laputka said that he wanted a discussion of the fire services within the County on the next  
23 agenda. He noted there seems to be some redundancy on the services provided in Orange City.  
24

25 Mayor Strickland asked for an update on the two pending lawsuits against the City with the hospital and  
26 the newspaper. Mr. Reischmann noted the City is being represented by its insurance carrier, he said he  
27 will work with staff and the insurance carrier to provide an update.  
28

29 **10. REPORTS:**  
30

31       **A. City Manager**  
32

33 Ms. Croteau advised this is her second day and that she does not have an update.  
34

35       **B. Mayor/City Council**  
36

37 Council Member Crippen reported that he attended the East Central Florida Regional Planning Council  
38 meeting. He displayed a report concerning future planning for this region through 2060. He said copies  
39 are available on compact disc. The report predicts there will be many problems with urban sprawl and  
40 “incredible” traffic congestion in the future. The report has a lot of recommendations based on  
41 extensive research into the types of projects the City is considering such as revitalization of the  
42 downtown area, creating walking developments, etc. The overall recommendation was that urban  
43 sprawl cannot continue. The report depicted greater Orlando as an example of the worst traffic  
44 congestion of any of the big cities in the United States. He stated, “As Orange City gets closer to being  
45 the “bedroom” for Orange County, we must increase the densities rather than keeping low density  
46 because it is just going to eat us up.” Council Member Crippen suggested this report could be very  
47 helpful with the upcoming goal setting workshop and strategic planning for the City in general.

1 Council Member Allebach reported that he attended a MPO meeting and one of the projects discussed,  
2 was mentioned at the Make Your Mark session the City hosted earlier this year – extending Rhode  
3 Island from the Western Beltway to the train station. Council Member Allebach said that while there  
4 seems to be no plans for a train station in the City, he suggested it may still be considered. Council  
5 Member Allebach said there was a discussion of funding for transportation. He said Federal funds  
6 cannot be used to pay for operations. The MPO conducted a survey and most residents voted to have a  
7 tax and some kind of dedicated funding to pay for transportation operations, while the politicians voted  
8 against a tax. He said the MPO is planning an online survey that will include this project. Once it is up  
9 and running, he said he will ask everyone to go online and complete the survey. Council Member  
10 Allebach said there will be a workshop on May 10<sup>th</sup> at the Daytona Beach airport to discuss funding  
11 sources for mass transit.  
12

13 Mayor Strickland said he has been at a number of meetings where the theme seems to be citizen  
14 participation and the difficulties getting citizens involved. He said it is an ongoing problem. The Mayor  
15 noted the Make Your Mark experience is the clearest demonstration of the power of the people. There  
16 were a total of 200 people that participated and Orange City had 28 residents attend. He said Orange  
17 City is really doing well getting its citizens involved. He said this morning only 14 people said they  
18 planned to attend the Goal Setting Workshop and this evening 32 will attend. Mayor Strickland asked  
19 everyone to talk to people about the workshop as it is an important event for the City. This year the  
20 facilitator is Marilyn Crotty. He said anyone who plans to attend to contact the City Clerk.  
21

### 22 C. City Clerk

23  
24 Ms. Renner announced the County will be holding a public meeting regarding road access management  
25 on Saxon Boulevard. It is tentatively scheduled for Tuesday June 15<sup>th</sup> at 5:30 p.m. at the hospital.  
26

### 27 D. City Attorney

28  
29 No further report.  
30

## 31 11. APPROVAL OF MINUTES: February 20<sup>th</sup> Special Meeting

32  
33 **Vice Mayor Laputka moved to approve the minutes of the February**  
34 **20, 2010 Special Meeting, seconded by Council Member Crippen and**  
35 **passed by a unanimous 7/0 voice vote of the Council.**  
36

37 March 18, 2010 Workshop Meeting

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39 **Vice Mayor Laputka moved to approve the minutes of the March 18,**  
40 **2010 Workshop Meeting, seconded by Council Member Crippen and**  
41 **passed by a unanimous 7/0 voice vote of the Council.**  
42

43 April 13, 2010, Regular Meeting

44  
45 **Vice Mayor Laputka moved to approve the minutes of the April 13,**  
46 **2010 Regular Meeting, seconded by Council Member Crippen and**  
47 **passed by a unanimous 7/0 voice vote of the Council.**

**12. COUNCIL COMMENTS**

Council Member Abraham addressed Mr. Durica's comments. He said the City Manager is very eager to address the budget issues and it will be soon. He stated, "It is not that Council is not going to do anything, we are going to address those issues."

Vice Mayor Laputka welcomed the new City Manager. He invited everyone to attend the Goal Setting Workshop on Thursday.

Council Member Allebach said he had a matter he wanted to address before it turned into an issue. He said in January he left his job due to the failing construction industry. He said he applied for unemployment and the State erroneously billed the City for his compensation, as council members are exempt. Council Member Allebach said that staff was advised to pay his benefits and the City would be reimbursed. He stated, "It is a mistake from another agency that caused the problem." Staff has spent numerous hours clearing it up and there is now a letter in my employment file that says there are no expenses by the City of Orange City related to unemployment compensation. Council Member Allebach welcomed Ms. Croteau. He stated, "Folks, we are going to be alright."

Council Member Pupello also welcomed Ms. Croteau. He said that on April 16 - 17<sup>th</sup>, he and Council Member Crippen attended the Advanced Institute for Elected Municipal Officials. He said it was a great experience.

Council Member Crippen said that the Partners for Progress group have been gathering momentum. The business owners are eager to listen and are looking forward to a workshop about the sign ordinance. He said he sensed a little more optimism in the group. He said at the meeting he attended there was a first time attendee who said business owners move to Orange City because of its "small town atmosphere." Council Member Crippen remarked, "I think that is where part of our future lies."

Council Member Blair also welcomed Ms. Croteau. He said he had a nice conversation with her and feels that she has great ideas. He stated, "She thinks outside the box. I think things are going to be ok." Council Member Blair said he also attended the Partners for Progress meeting and it was a very positive meeting. He said his neighbors are excited to see things like that going on. Council Member Blair said he will bring flyers to his neighbors asking them to attend the goal setting workshop. He stated, "I feel a new spirit in Orange City, it is like a rebirth." Council Member Blair said there seems to be a problem with microphone at the podium. He asked the City Clerk to address the matter.

Mayor Strickland officially welcomed Ms. Croteau. He said he welcomes the new energy. Mayor Strickland acknowledged the importance of everyone getting out and talking with their neighbors about the Goal Setting Workshop. He noted that one individual that he invited could not attend because he is going to Georgia to talk with a business about relocating in Orange City. He said he thought that it was very helpful to know people in our community are out working to bring businesses into the city

**13. ADJOURN**

There being no further business, Mayor Strickland adjourned the meeting at 6:00 p.m.

1 **RESPECTFULLY SUBMITTED:**

2

3

4

5 Gloria Williams Thomas, CMC

6 Deputy City Clerk

**APPROVED ON:**

May 11, 2010