

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, October 12, 2010 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3

4 **CALL TO ORDER**

5

6 The meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was taken.

7

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

11

12 The Invocation was given by Chaplin James Patterson, John Knox Village, followed by the Pledge of
13 Allegiance.

14

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

16

17 **2. PRESENTATIONS/PROCLAMATIONS:** Proclamation-Fire Prevention Week

18

19 Vice Mayor Laputka read a proclamation into the record declaring the week of October 3-9 as Fire
20 Prevention Week in the City of Orange City and urging all citizens to heed the important safety messages
21 of Fire Prevention Week 2010.

22

23 Proclamation-Florida City Government Week

24

25 Vice Mayor Laputka read a proclamation into the record declaring the week of October 17-23 as Florida
26 City Government Week.

27

28 **3. CITIZEN COMMENTS:**

29

30 **4. CONSENT AGENDA:**

31

32 a) September 28, 2010 Regular Meeting Minutes

33

34 b) September 28, 2010 Special Meeting Minutes

35

36 c) **Resolution No. 624-10:** A resolution of the City of Orange City, Florida amending the salary

37

38 **Council Member Allebach moved to approve the consent agenda, seconded**
39 **by Council Member Blair and passed by a unanimous 7/0 roll call vote of**
40 **the Council.**

41

42 **5. ORDINANCES – FIRST READING:**

43

44 **A. ORDINANCE NO. 424:** An Ordinance of the City of Orange City, Florida amending
45 Section 9.7.4 of the City’s Land Development Code; said section being Temporary Sign
46 Regulations of the City of Orange City, Florida; said amendment changing certain time
47 limits for display of temporary signs and containing a repealer provision, a severability
48 clause and providing for an effective date.

1 Council Member Allebach read the title of Ordinance No. 424 into the record.

2
3 **Vice Mayor Laputka moved to adopt Ordinance No. 424 on first**
4 **reading, seconded by Council Member Crippen.**
5

6 Wendy Hickey, Planning & Zoning Analyst, came forward and recalled that a number of local business
7 owners had approached Council requesting relief on the City's banner regulations during the holiday
8 season. The proposed ordinance will allow banners to be displayed throughout the period from November
9 16 through December 31 with a proper banner permit. This does not affect the permitted time during the
10 remainder of the year and the three additional banner permits allowed would be for a 30-day period only.
11 She advised that if adopted, this ordinance will sunset in two years.

12
13 **Motion passed by unanimous 7/0 roll call vote of the Council.**
14

- 15 **B. ORDINANCE NO. 434:** An Ordinance of the City of Orange City, Florida,
16 annexing the Rocco/Murphy property into the corporate limits of the City of
17 Orange City, Florida; said property being generally located on the West Side of
18 North Volusia Avenue, approximately 250 feet north of St. Lawrence Avenue,
19 containing approximately 1.42 acres; in accordance with the voluntary annexation
20 provisions of Florida Statute 171.044 redefining the boundaries of the City of
21 Orange City by amending the appropriate sections of the code of ordinances;
22 containing a repealer provision, a severability clause and providing for an
23 effective date.
24

25 **Vice Mayor Laputka moved to adopt Ordinance No. 434 on first reading,**
26 **seconded by Council Member Crippen.**
27

28 Jim Kerr, City Planner, came forward and noted that annexation signifies that the property owner had
29 enough confidence in the Council to enter a new jurisdiction.
30

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

33 **6. PUBLIC HEARINGS:**
34

- 35 **A. ORDINANCE NO. 431:** An Ordinance of the City of Orange City, Florida, amending
36 sections of Chapter 17.3 Utilities of the Code of Ordinances of the City of Orange City,
37 Florida; providing for conflicts, severability and effective date.
38

39 **Vice Mayor Laputka moved to adopt Ordinance No. 431 on second and final**
40 **reading, seconded by Council Member Blair.**
41

42 Paul Johnson, Public Works Director, noted that the purpose of this ordinance is to bring the language of
43 the City's conservation rules up to the Water Management District's current standards. This ensures that
44 the City is eligible for grant funding should the opportunity arise.
45

46 Mayor Strickland opened the public hearing. No one appeared. The Mayor closed the public hearing.
47

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

- 1 **B. ORDINANCE NO. 432:** An Ordinance of the City of Orange City, Florida;
2 amending Policy #01-01, Human Resources Policies and Procedures, of the City's
3 "Personnel Policies and Procedures Manual;" containing a severability clause and
4 providing for an effective date.

5
6 **Vice Mayor Laputka moved to adopt Ordinance No. 432 on second reading,**
7 **seconded by Council Member Crippen.**
8

9 Ms. Croteau advised that this is a change to the City's Personnel Policies and Procedures which are
10 adopted by Ordinance. This revisions allows that if a certain benefit is not funded, it does not have to be
11 paid.

12
13 Mayor Strickland opened the public hearing. No one appeared. The Mayor closed the public hearing.
14

15 **Motion passed by 6/1 roll call vote of the Council with Council Member Blair**
16 **voting "no."**
17

- 18 **C. ORDINANCE NO. 433:** An Ordinance of the City of Orange City, Volusia County
19 Florida, approving and authorizing the Memorandum of Understanding/Lease between the
20 City of Orange City and the Village Improvement Association/Orange City Woman's Club,
21 Inc., of the premises located at 200 East Rose Avenue, Orange City, Florida; providing for
22 purpose, description, term, and consideration; providing for conflicting provisions;
23 providing for severability; providing an effective date.

24
25 **Vice Mayor Laputka moved to adopt Ordinance No. 433 on second reading,**
26 **seconded by Council Member Blair.**
27

28 Ms. Croteau noted that this item is for the lease of Albertus Cottage to the Village Improvement
29 Association (VIA). She said that the proposed ordinance would extend the lease through December 31,
30 2017 which coincides with the City's lease with the VIA for Dickinson Park.
31

32 Joan LaFleur, came forward and thanked Council for their approval of this lease on first reading. She
33 asked Council for an affirmative vote on second reading. Ms. LaFleur stated that the VIA has supported
34 many cultural and civic activities in the City continuously for the past 116 years. She said that the VIA
35 looks forward to similar activities at the Cottage, as well as historical tours and displays. Ms. LaFleur
36 announced that she met with the Mayor to discuss an upcoming "Meet the Candidates" session for
37 residents of John Knox Village (JKV). She stated that she documented the meeting in a letter which she
38 submitted to the City Attorney at the last City Council meeting. She advised that at the end of the
39 meeting, the conversation turned to the VIA. Ms. LaFleur expressed her hope that the VIA and the Mayor
40 might have "a smoother relationship" in the future.
41

42 Council Member Blair expressed his concern that Albertus Cottage does not have a fire sprinkler system.
43 He asked Ms. LaFleur if she would have any objections if one were installed. Mayor Strickland suggested
44 that Ms. LaFleur discuss it with the City Manager. Ms. Croteau agreed with the need for sprinklers in the
45 building and said that she would work with Mr. Johnson to get quotes.
46

1 Vice Mayor Laputka noted that the VIA holds a yard sale in November for which they use banner
2 advertising. He spoke in support of the VIA being allowed to display a banner. Mayor Strickland
3 suggested that this discussion should take place under "New Business."
4

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

7 **Motion to adopt Ordinance No. 433 on second reading passed by 6/1 roll call**
8 **vote with Mayor Strickland voting "no."**
9

10 **7. RESOLUTIONS:**
11

- 12 **A. RESOLUTION NO. 620-10:** A resolution of the City Council of the City of Orange
13 City, Florida, in opposition to the Federal Environmental Protection Agency's (EPA)
14 proposal to enact new stringent numeric nutrient water quality standards to be
15 applicable for all lakes, flowing waters, Class III waters, and coastal waters throughout
16 and adjacent to the state of Florida as an amendment to 40 CFR, Part 131.43 and the
17 clean water act, at Sec. 303(c); providing an effective date; and for other purposes.
18

19 **Vice Mayor Laputka moved to adopt Resolution No. 620-10, seconded by**
20 **Council Member Crippen.**
21

22 Paul Johnson, Public Works Director, came forward and stated that the State of Florida has spent millions
23 of dollars to develop standards that are equitable and fair for the respective water bodies they affect. He
24 said that the EPA is trying to force a generic program that applies the same standards for all similar bodies
25 of water. This measure is being opposed across the state and this resolution will formally express the
26 City's opposition.
27

28 Mayor Strickland noted that the Department of Transportation (DOT) is also very concerned about this
29 issue. He noted that Florida, unlike other states, has been keeping records on water quality. He called the
30 proposed mandates "clearly unobtainable."
31

32 Council Member Abraham asked the City Attorney whether he was aware of any lawsuits between the
33 Federal and State governments as a result of this issue. Mr. Reischmann responded that the action appears
34 to be in response to a number of federal lawsuits filed by environmental special interests against the
35 Federal government. He advised that the proposed measures will cost every local government that treats
36 stormwater or wastewater millions of dollars and that there is a great deal of concern from Florida's
37 municipalities on the issue.
38

39 **Motion to adopt Resolution No. 620-10 passed by unanimous 7/0 roll call vote**
40 **of the Council.**
41

42 **8. DISCUSSION AND ACTION:** None at this time
43

44 **9. NEW BUSINESS:**
45

46 Vice Mayor Laputka reintroduced the subject of the display of a banner for the upcoming VIA yard sale.
47 He said that Ms. LaFleur is requesting to hang the banner on the fence in Veterans Park. Ms. Hickey
48 came forward and stated that the problem is that the code requirement regarding banners is that they must

1 be contained on-site. She advised that there is a provision whereby the City Manager can approve an
2 off-site display. Ms. Croteau indicated that she would “be happy to approve it.”

3
4 **10. REPORTS:**

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6 **A. City Manager**

7
8 Ms. Croteau noted that Paul Johnson, Public Works Director, would be serving as Acting City Manager
9 during her upcoming absence.

10
11 Mr. Johnson came forward to discuss the “Right of Way Awareness Program.” He recalled that last year
12 an ordinance was adopted requiring property owners to maintain right of ways abutting their property to
13 the curb. When violations occur, the Police Department passes out a flyer which discusses the regulations.
14 If there is not compliance, the flyer is followed by a courtesy letter. Continued non-compliance results in
15 code enforcement action against the property owners. Mr. Johnson advised that to-date, 125 letters have
16 been sent to occupied premises, of which fourteen have escalated to code enforcement action. Of these
17 cases, Public Works has had to mow the property four times. Mr. Johnson noted that vacant properties or
18 land are more difficult to deal with. He said that the goal is to have all non-compliant properties notified
19 and cited if necessary by the end of January.

20
21 Council Member Blair questioned whether the regulations apply to grass growing over the sidewalks. Mr.
22 Johnson responded in the affirmative. Council Member Blair stated, “So they should keep it edged.” Mr.
23 Johnson responded, “That’s correct.”

24
25 Council Member Pupello questioned who paid in the four instances where the City had to do the mowing.
26 Mr. Johnson responded that in the past, the City was forced to mow all non-compliant properties, so
27 having only for, the cost was absorbed into the budget.

28
29 **B. Mayor/City Council**

30
31 Council Member Crippen reported that the Southwest Volusia Health Leadership group has completed
32 their mission. The three deliverables the Committee was tasked with were (1) to develop a data snapshot
33 of the area, (2) develop an inventory of health services in the area, and (3) garner constituents perceptions
34 regarding the availability of health services in southwest Volusia County. The services inventory has
35 been added to the City’s website.

36
37 Council Member Crippen reported on the River of Lakes Heritage Corridor Scenic Highway Corridor
38 Management Entity, stating that they have been “spinning their wheels” due to lack of funding. Sanford
39 and Seminole County have applied to be included in the Corridor. It appears that the group will be
40 receiving funding for advertising from DOT. It was suggested that some of the funding could be used to
41 promote the Manatee Festival. Council Member Crippen said that he has been invited to come to the
42 tourism meeting on November 16 to talk about the Festival. He asked that Council Member Allebach
43 attend because of his involvement in the Manatee Festival. Council Member Crippen said that an
44 economic impact report was produced for DeLand following the recent “Bike Florida” event. He
45 expressed his optimism that things may have turned the corner in efforts to promote tourism in West
46 Volusia.

47
48 Ms. Croteau noted that a bike rack has been ordered.

1 C. City Clerk

2
3 The City Clerk reported that the Florida League of Cities annual Legislative Conference is coming up
4 November 18 and 19. She asked that anyone who wishes to attend let her know so that she can complete
5 the registration process.

6
7 D. City Attorney

8
9 The City Attorney had no report.

10
11 **11. APPROVAL OF MINUTES:** *(Consent Agenda)*

12
13 **12. COUNCIL COMMENTS**

14
15 Vice Mayor Laputka said that he noticed a bus stop shelter being installed by McDonalds. He stated,
16 "That's a good thing."

17
18 Council Member Allebach noted that there was a "good turnout" for the inaugural Orange City University
19 High School Homecoming Parade. He said that the students were very enthusiastic. He noted that the
20 School won their homecoming game. Council Member Allebach noted that the City's right of ways and
21 medians have been "greatly improved" under the new City Manager and Public Works Department.
22 Finally, Council Member Allebach announced that there will be a candidate forum for all state-level
23 candidates at Pelican Bay tomorrow. Council Member Allebach advised that he would be the moderator
24 and he urged everyone to attend.

25
26 **13. ADJOURN**

27
28 There being no further business, Mayor Strickland adjourned the meeting at 7:46 p.m.

29
30
31 Respectfully Submitted,

32
33 _____
34 Deborah J. Renner, CMC
35 City Clerk

October 26, 2010
Date

36