

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, October 26, 2010 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange  
3 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 Jeff Allebach, Tom  
12 Abraham, Anthony J. Pupello, Gary A. Blair, O. William (Bill) Crippen; City Attorney William  
13 Reischmann; City Manager Jamie Croteau; City Clerk Deborah Renner

14  
15 **INVOCATION**

16  
17 The Invocation was given by Pastor Howard Fish, Florida Hospital Fish Memorial, followed by the  
18 Pledge of Allegiance.

19  
20 Mayor Strickland noted an addition to Item 2 - Presentations regarding the upcoming African American  
21 Heritage Festival scheduled during Black History Month.

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

24  
25 **2. PRESENTATIONS/PROCLAMATIONS:** Black History Month

26  
27 Alisa Stafford, Evelyn Robinson and Sharon Stafford came forward to talk about the activities planned  
28 for the African Heritage History Month Festival. Ms. Robinson recalled last year's program noting it  
29 was a success. She advised the committee is seeking support from everyone, not just the African  
30 American community. Alisa Stafford provided a PowerPoint presentation outlining the proposed event.  
31 She said it is planned for February 2011 and would include the entire community. The purpose is to  
32 celebrate unity and to appreciate the struggles, achievements and contributions of African Americans in  
33 Orange City. Sharon Stafford advised the group wishes to host an event on February 26, 2011 in  
34 Veteran's Memorial Park and that it would require closure of several streets in the area. In addition, the  
35 group is planning to have food vendors, arts & crafts and a health and job fair. The event is scheduled  
36 for 9 a.m. to 5 p.m. In conclusion, the group restated its intent and asked for Council's support. Sharon  
37 Stafford stated, "It is not our thing, it's an Orange City community thing, and we want everyone to come  
38 aboard and be a part of it."

39  
40 **3. CITIZEN COMMENTS:** None at this time.

41  
42 **4. CONSENT AGENDA:**

43  
44 a) October 12, 2010 Regular Meeting Minutes

45  
46 **Council Member Allebach moved to approve the Consent Agenda,**  
47 **seconded by Council Member Blair, and passed by a unanimous 7/0**  
48 **roll call vote of the Council.**  
49

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

2  
3 **6. PUBLIC HEARINGS:**

4  
5 **A. ORDINANCE NO. 424:** An Ordinance of the City of Orange City, Florida  
6 amending Section 9.7.4 of the City’s Land Development Code; said section  
7 being Temporary Sign Regulations of the City of Orange City, Florida; said  
8 amendment changing certain time limits for display of temporary signs and  
9 containing a repealer provision, a severability clause and providing for an  
10 effective date.

11  
12 Council Member Allebach read the title of Ordinance No. 424 into the record.

13  
14 **Vice Mayor Laputka moved to adopt Ordinance No. 424 on second and**  
15 **final reading, seconded by Council Member Crippen.**

16  
17 Wendy Hickey, Planning & Zoning Analyst, came forward and noted that there have been no changes  
18 since first reading of this ordinance.

19  
20 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
21 proposed ordinance. No one appeared. The Mayor closed the public hearing.

22  
23 Council Member Crippen spoke in support of this action. He said he was glad to see the City could  
24 accommodate the business owners in the City.

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

27  
28 **B. ORDINANCE NO. 434:** An Ordinance of the City of Orange City, Florida,  
29 annexing the Rocco/Murphy property into the corporate limits of the City of  
30 Orange City, Florida; said property being generally located on the west side of  
31 North Volusia Avenue, approximately 250 feet north of St. Lawrence Avenue,  
32 containing approximately 1.42 acres; in accordance with the voluntary  
33 provisions of Florida Statute 171.044 redefining the boundaries of the City of  
34 Orange City by amending the appropriate sections of the code of ordinances;  
35 containing a repealer provision, a severability clause and providing for an  
36 effective date.

37  
38 Council Member Allebach read the title of Ordinance No. 434 into the record.

39  
40 **Vice Mayor Laputka moved to adopt Ordinance No. 434 on second and**  
41 **final reading, seconded by Council Member Crippen.**

42  
43 Jim Kerr, City Planner, came forward and noted there have been no changes since the first reading of  
44 Ordinance No. 434.

45  
46 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
47 proposed ordinance. No one appeared. The Mayor closed the public hearing.

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

1 **7. RESOLUTIONS:**

- 2
- 3 **A. RESOLUTION NO. 625-10:** A resolution of the City Council of the City of Orange  
4 City, Florida, authorizing the City Manager to enter into an agreement with the City of  
5 DeLand and the City of Deltona for retention of a water resources attorney/law firm to  
6 assist in the development and implementation of a recovery and prevention strategy  
7 relative to the Blue Spring MFL and providing for an effective date.  
8

9 Council Member Allebach read the title of Resolution No. 625-10 into the record.

10

11 **Vice Mayor Laputka moved to approve Resolution No. 625-10, seconded**  
12 **by Council Member Crippen.**  
13

14 Paul Johnson, Director of Public Works, advised this is the next step for the West Volusia Partners  
15 (Partners). He said the Partners have been working the Saint John's River Water Management District  
16 (District) to get their compliance strategy included in the District's Water Supply Plan, but the District  
17 has "abruptly" reversed their position and intend to enforce their mandates. Mr. Johnson said inclusion  
18 of the Partners' compliance strategy would reduce the cost to municipalities. Retaining a water  
19 resources attorney or law firm would put the Partners in a position to challenge the District's mandates.  
20 DeLand has already approved the plan and Deltona is considering it at their next meeting. Mr. Johnson  
21 concluded by stating staff is seeking Council's authorization for the City Manager to enter into an  
22 agreement to retain a law firm to represent the Partners.  
23

24 Mayor Strickland spoke in support of this action noting it is part of the City's ongoing efforts to work  
25 with the municipal water companies in West Volusia to deal with the District mandates as a unified  
26 group.  
27

28 In response to a question from Vice Mayor Laputka, Mr. Johnson advised the attorney fees are based on  
29 a contingency. The City's contribution for Phase I and II would not exceed \$10,333, including possible  
30 litigation costs.  
31

32 Council Member Pupello pointed out the County is not a part of this interlocal agreement. Mr. Johnson  
33 advised the County has a staff of attorneys and did not want to hire outside counsel. He said the County  
34 is a part of the group and is on board with the process.  
35

36 Council Member Abraham said he is unclear about why the County is not a partner. He stated that is a  
37 "concern" for him and suggested the City Attorney could handle this matter on behalf of the City. Mr.  
38 Johnson said the Partners issued a standard request for qualifications from law firms with expertise in  
39 the water field. Holland & Knight, LLP was chosen based on a ranking system. Staff would seek Mr.  
40 Reischmann's opinion if the legal issues were to escalate. Council Member Abraham expressed his  
41 concern that either party can withdraw at anytime. Mr. Johnson noted there is a standard withdrawal  
42 clause for all parties. Mr. Reischmann advised the agreement requires the appointment of a  
43 representative from each entity to oversee the administration and enforcement of the agreement. It  
44 allows for a majority vote to move forward, if there is a disagreement.  
45

46 Council Member Allebach expressed his opinion that it is necessary for the Partners' to have legal  
47 representation to get the District to consider their compliance plan. The Utility is being threatened by  
48 the District's mandates. He noted that the money to pay for the City's portion of this effort is coming  
49 from the Enterprise Fund. Executing this agreement is an investment in the future of that business.

1 Council Member Pupello mentioned DeLand would be the project director for this project and  
2 questioned whether staff was comfortable with that. Mr. Johnson responded in the affirmative.

3  
4 Council Member Abraham spoke against this action, he expressed his opinion the City Attorney should  
5 represent the City. He stated the alternative water fee was collected specifically for the purpose of  
6 finding an alternate water source and not for litigation. Vice Mayor Laputka disagreed, he said Council  
7 talked about the possibly of using the alternate water fee to pay legal fees that might incur in the process.  
8 He stated, "That is why I agreed with it." Council Member Abraham said he was not aware of that  
9 discussion and asked for someone to show it to him. Mayor Strickland noted a request for more  
10 information from a council member and questioned whether Council wished to proceed or delay this  
11 agenda item to a later date. It was the consensus of Council to proceed.

12  
13 Council Member Allebach said the City decided not to participate in the Yankee Lake project but still  
14 needs to figure out an alternative water source. Council felt an alternative water source could come  
15 through conservation efforts, but the District does not agree. He noted that the Water Supply Plan was  
16 based on growth patterns from 2002-2006 and did not include the current state of the economy. He  
17 suggested the District conduct another study to reevaluate growth patterns through 2030.

18  
19 **Motion passed by a 6/1 roll call vote of the Council, with Council Member**  
20 **Abraham voting "no."**

21  
22 **8. DISCUSSION AND ACTION:**

23  
24 **A. Report on Golf Carts**

25  
26 Sgt. Frank Ubinski came forward to provide a report on the use of golf carts in the City. He said golf  
27 carts are useful in subdivisions, private RV resorts, college campuses, and gated communities as these  
28 are generally enclosed areas with easy access to adjacent businesses and facilities. Staff observed the  
29 use of golf carts at the Orange City RV resort and found that the usage is heavy during the winter  
30 months when the "snowbirds" arrive. Florida Statute 316.212 authorizes municipalities to regulate the  
31 use of golf carts on certain roads once the entity has determined these vehicles can travel safely on and  
32 across major roadways. Factors to be considered are speed, volume and the character of the motor  
33 vehicle traffic. In addition, an ordinance regarding the use of golf carts in the City must be enacted and  
34 signs strategically posted. Sgt. Ubinski said many of the roadways in the City are collector or arterial in  
35 nature and may be unsafe for golf cart traffic. He said staff recommends that no action is taken on this  
36 matter at this time.

37  
38 Council Member Abraham asked whether the City should consider mandating insurance for these  
39 vehicles. Sgt. Ubinski responded "yes."

40  
41 In response to a question from Council Member Blair, Sgt. Ubinski said motor cycles are required to  
42 carry bodily injury insurance if the vehicle is not paid for. Motor cycle owners are required to wear a  
43 helmet if they are not insured. Sgt. Ubinski said golf carts would not be allowed to cross any county-  
44 owned roads without permission. Only designated crossing areas can be achieved with permission from  
45 the Department of Transportation.

46  
47 Mayor Strickland said DeLand and Lake Helen are working on this issue, he asked what other  
48 communities staff considered during the evaluation. Sgt. Ubinski said he looked at Flagler Beach and

1 South Daytona. It cost South Daytona \$36,239 to get the project off the ground and only eight residents  
2 are participating in the program.

3  
4 Council Member Abraham asked for the City Manager's opinion on the matter. Ms. Croteau said she  
5 agrees with staff's recommendation. It is a safety issue, these types of vehicles are more appropriate in  
6 an enclosed environment such as a subdivision.

7  
8 Council Member Allebach announced that employees in the Police Department have lost a total of 110  
9 pounds in a departmental "super healthy" contest. Ms. Croteau said Chief Ross introduced the program  
10 in the Police Department. Overall, the department lost a total of 62% of body fat.

11  
12 **B. Report on Bus Benches**

13  
14 Ms. Croteau withdrew this item from the agenda, stating that it would return at a later date.

15  
16 **9. NEW BUSINESS:**

17  
18 Council Member Pupello expressed concerns regarding smoking in the park during soccer games. He  
19 said there is no signage and asked if the City has a policy prohibiting smoking in the parks. Ms. Croteau  
20 said staff would look into the matter and report back.

21  
22 **10. REPORTS:**

23  
24 **A. City Manager**

25  
26 Ms. Croteau reported that originally the City decided to postpone enacting a moratorium prohibiting  
27 "pain clinics" from opening because the state was implementing legislation to regulate these types of  
28 businesses. The legislation was passed effective October 1<sup>st</sup>, but there is no funding to enforce the new  
29 regulations. Staff is seeking Council authorization to bring forward a moratorium at this time.

30  
31 Mr. Reischmann recalled that recently a pain clinic was closed in Orange City. He provided details on  
32 how these pain clinics operate. He suggested the problem is mostly due to people coming into the state  
33 via the interstate highways to purchase narcotic pain medications. The prescriptions are filled right at  
34 the doctor's office. He said the new law requires pain clinics to register with the state and stipulates  
35 these clinics must be owned and operated by a medical doctor rather than a physician's assistant. In  
36 addition, the clinics are now subject to inspection and licensing by the state. Mr. Reischmann said there  
37 are fines for violations, but not enough employees to monitor the operations. A nationwide method to  
38 deal with this type of problem is the formation of "prescription tracking networks" but that has not yet  
39 been implemented in Florida. Currently, the City has nothing in the Code to prohibit one of these clinics  
40 from opening in the City and staff wishes to bring forward a moratorium.

41  
42 Mayor Strickland said this issue was discussed at the VCOG meeting. He said the County is taking no  
43 action on this issue which creates difficulties in the unincorporated pockets and could force  
44 concentration of the clinics in certain areas. He urged everyone to contact the County Council to urge  
45 them to address this. Mr. Reischmann agreed. He suggested that a regional approach is most effective  
46 means of dealing with this issue. The Mayor suggested the City Attorney bring a moratorium ordinance  
47 back at the next meeting.

48

1                   **It was the consensus of Council to direct the City Attorney to develop a**  
2                   **moratorium ordinance on pain clinics.**  
3

4 Vice Mayor Laputka discussed a letter from Graphic Services that each of the Council Members  
5 received. He said that the letter discussed the plight of a woman trying to relocate her business to  
6 Orange City and suggested the City should be more receptive to these types of situations. Ms. Croteau  
7 said that she would be meeting with the business owner soon. She said that the City does want new  
8 businesses however there are a number of issues with this particular business regarding compliance with  
9 the Code. In response to a question from Vice Mayor Laputka, Ms. Croteau explained the Planning  
10 Review process noting it is the Planning & Zoning Commission that reviews and approves applications  
11 for variances. If an applicant is not approved, they may file an appeal and the matter would be brought  
12 before Council. Mr. Reischmann pointed out the distinction between the duties and responsibilities of  
13 the City Council and the Planning & Zoning Commission. He said Council does not have a substantive  
14 role in the approval of variances as it is responsibility of the Planning Commission. He suggested  
15 Council's involvement should come when there is a problem with the application of the Land  
16 Development code or when Council feels that the Code is not working for the benefit of the people. Mr.  
17 Reischmann discussed the differences between a variance and a zoning request. Ms. Croteau reminded  
18 Council staff is looking into revamping some portions of the code which are no longer applicable, but it  
19 is a long process. Council Member Abraham thanked Mr. Reischmann for explaining the rules and  
20 responsibilities for Council. He said he researched the letter and was advised this business had not  
21 submitted any development applications. He stated, "On that basis, this Council should not be  
22 discussing this matter, it should be with the staff and the City Manger."  
23

24                   **B. Mayor/City Council**  
25

26 Mayor Strickland reported on the Mayor's Luncheon meeting. He said Jim Sellen from VHB Miller  
27 Sellen provided a PowerPoint presentation summarizing the "Central Florida Regional Water Strategy  
28 Progress Report" a report about a regional approach to alternative water issues. The Mayor said he was  
29 pleased that three Water Management District Directors were present and acknowledged the rules are  
30 different in all three districts. They understood the importance of looking at these issues as regional  
31 concerns and asked for support from city councils to move ahead with a regional approach. The report  
32 is lengthy. Copies are available in the City Manager office, Public Works, and at the [myregion.org](http://myregion.org) web  
33 site. He urged Council to review the report.  
34

35 Mayor Strickland advised the City is a member of Tree City USA and once year must conduct a Tree  
36 Board meeting. He said the Council acts as Tree Board and must schedule a meeting in November or  
37 December. He asked the City Clerk to work with the Council to schedule the meeting.  
38

39 Mayor Strickland advised the election for a vice mayor will be held at the next meeting. He said it is a  
40 requirement of the Charter. A council member could be elected for two consecutive terms.  
41

42 Council Member Allebach reported on the TPO meeting. One item discussed was the planned trail  
43 enhancements for Volusia County. He noted the federal government has provided some funding for the  
44 Sun Rail and the TPO will begin discussing how to get the high speed rail to the east side of the county.  
45 Volusia County has received over \$3 million over the past five years to promote safe pedestrian routes  
46 to school.  
47

48                   **C. City Clerk**  
49

1 No further report.

2  
3 **D. City Attorney**

4  
5 No further report.

6  
7 **11. APPROVAL OF MINUTES:** *(See Consent Agenda)*

8  
9 **12. COUNCIL COMMENTS:**

10  
11 Council Member Abraham commended staff on the Municipal Government Week activities. He said it  
12 was a great success. Five council members were present and the students learned a lot about local  
13 government. Council Member Abraham said he spoke before the County Council last week and  
14 requested a commuter rail station for Orange City.

15  
16 Vice Mayor Laputka asked for an update on how Commander Thomas was doing in his training. Police  
17 Chief Ross came forward and said that Commander Thomas is doing well and will graduate on  
18 November 4<sup>th</sup>. He said the Southern Police Institute is one of the most prestigious command colleges in  
19 the USA. Commander Thomas will be the first graduate from Orange City.

20  
21 Council Member Allebach stated, "The other day it was interesting...I was leaving, to go to a football  
22 game and was driving down West Holly Drive and low and behold, I see two fire trucks. One from  
23 DeBary and one from Orange City, which was kinda cool. The interesting thing is...I drove by...to see  
24 somebody standing in the front yard that I knew on the Orange City Fire Department, and rolled my  
25 window down and said what are you doing up here? I know he is one of the guys that work for our  
26 DeBary division. I didn't see any smoke, so I could assume that it is a medical call and that the two  
27 trucks that went were improperly sent. Except, I talked to Mr. Marshall and he told me the lady set her  
28 grill on fire and it's underneath an awning on her house...it could have taken the whole house out, but  
29 two fire departments, DeBary and us went out there and stopped it before it was a big problem. And so  
30 unless you know what the call is dispatched as, it is hard to determine what truck should be sent. So,  
31 I'm going to leave that to my professional fire department that I am very proud of and they operate in a  
32 very effective manner and I am going to say 'thank you' for that because that house did not burn down  
33 and guess what, it is not even in the City. We protected our County neighbors because Station 31 which  
34 is less than 100 yards from the house is over in Daytona doing a hazmat program or something. So, you  
35 know maybe we ought to just figure out how to get rid of Station 31 and take over all that area and cover  
36 it ourselves so everybody is safe like we are. But that's as far as the situation with the Fire Department,  
37 I am happy with the situation, until you know what the calls are or listen to dispatch it is hard to make  
38 judgments. I thank the Fire department for that."

39  
40 Council Member Allebach said he is looking forward to the African American Heritage Month Festival.  
41 He stated, "I hope you fill up the street, good luck."

42  
43 Council Member Pupello concurred that the school event was very successful. He stated, "It was neat to  
44 see the fifth graders that were there and their excitement about civic responsibility and activity. They  
45 are the future. At some point they are going to sit here, if not higher up and it was a really exciting time  
46 and real fun, one the highlights that I have been involved in as a Council Member." Council Member  
47 Pupello thanked Mr. Blue for his "vigilance against blight" in the City. Council Member Pupello said he  
48 is looking forward to the Tree Board meeting as that would afford an opportunity for the citizens to get  
49 involved with the City. He stated a Tree Board staffed by citizens would be a benefit to the Council.

1 Council Member Crippen said that as he listened to the discussions this evening he felt gratified the city  
2 administration is really getting hold on the issues that affect the City. He said the City is moving  
3 forward to help citizens and businesses that want to come into the city to grow in the right direction. He  
4 stated, "I am just very proud of everybody."

5  
6 Mayor Strickland agreed with the comments about the Government Week activities. He said it was  
7 "true team work," all council members participated and the kids picked up on that. Mayor Strickland  
8 said he followed up with one of the students and his favorite part of the program was seeing the jail, but  
9 he also could list at least five new things that he learned. He stated, "It was a good experience."

10  
11 **13. ADJOURNMENT**

12  
13 There being no further business, the meeting was adjourned at 8:38 p.m.

14  
15  
16 Respectfully Submitted,

Approved on:

17  
18  
19 \_\_\_\_\_  
20 Gloria Thomas, CMC  
21 Deputy City Clerk

November 09, 2010