

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, May 10, 2011 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 **ROLL CALL**

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

13  
14 **ABSENCES:** Council Member Gary A. Blair

15  
16 The Invocation was given by Pastor Josue Rodriguez, Family of the King International Church, followed  
17 by the Pledge of Allegiance.

18  
19 **1. ABSENCES:** (None at this time)

20  
21 **2. PRESENTATIONS/PROCLAMATIONS:**

22  
23 **3. CITIZEN COMMENTS:**

24  
25 Raj Patel, 150 N. Volusia Avenue came forward and said he is a newcomer to the City and wished to  
26 share his observations regarding the community workshop scheduled for tomorrow. He asked if this  
27 meeting was in compliance with the Charter which requires citizens input into the budget. Ms. Croteau  
28 advised this meeting is to discuss community redevelopment; a citizen budget workshop has been  
29 scheduled for May 24<sup>th</sup>. Mr. Patel stated he heard a consultant was hired to conduct the meeting at a  
30 cost of \$23,000. He expressed his opinion that was a lot of money and that he felt that staff would be  
31 better equipped to make these decisions. Mr. Patel noted that the ad valorem tax went up and suggested  
32 that the money would be used for the consultant. He commented that not enough notice for the meeting  
33 was provided. Mr. Patel asked, "Is this your way of visioning and planning for 2011? Only 300  
34 invitations were sent out...Do you want only a few of your cronies coming?"

35  
36 Roger Schultz, Sr., 318 W. Blue Springs Ave came forward and said that Council granted a conditional  
37 use for a "gambling house" across the street from him. He noted the condition that the place is to be  
38 closed at 9 p.m. and asked if that meant all activity stops and the doors are locked for the day. Mr.  
39 Schultz stated, "Of all the things you could put in that neighborhood that is probably the worst thing you  
40 could have done." Mr. Reischmann responded that only the gaming portion of the operation must be  
41 stopped at 9:00 p.m. He advised Mr. Schultz to contact the City if he believes there is a violation of the  
42 conditional use.

43  
44 **4. CONSENT AGENDA:** None at this time

45  
46 **5. ORDINANCES - FIRST READING:**

47

- 1           **A.    ORDINANCE NO. 454:** An ordinance of the City of Orange City, Florida,  
2           amending Orange City Code Appendix A, the City’s Land Development  
3           Code, as adopted by Ordinance No. 157; amending Chapter 8, Section 8.3  
4           Establishment of Zoning Districts, Section 8.6.1 8.7.1 Schedule of Zoning  
5           Districts; and Section 8.6.14 providing for the establishment of the  
6           Commercial Recreation Zoning District; providing for conflicting provisions;  
7           providing for severability; providing an effective date.  
8

9    Council Member Allebach read the title of Ordinance No. 454 into the record.

10                           **Council Member Laputka moved to adopt Ordinance No. 454 on first**  
11                           **reading, seconded by Vice Mayor Crippen.**  
12

13  
14    Wendy Hickey, Planning & Zoning Analyst, came forward and stated that Ordinance No. 454 corrects a  
15    scrivener error in the Land Development Code. She explained the zoning map shows a commercial  
16    recreation district, however the definition and description were omitted from the Code. She pointed out  
17    the location of the commercial recreation district on a PowerPoint slide noting it is currently the only  
18    area in the city with that classification.  
19

20    Council Member Allebach noted this is the area that the partnership center was to be located. In  
21    response to a question from Council Member Abraham, Ms. Hickey advised the signage regulations to  
22    be considered in Ordinance No. 455 apply to all zoning districts in the city.  
23

24                           **Motion passed by a 6/0 voice vote of the Council.**  
25

- 26           **B.    ORDINANCE NO. 455:** An ordinance of the City of Orange City, Florida,  
27           amending Orange City Code Appendix A, the city’s Land Development  
28           Code, as adopted by Ordinance No. 157; amending Chapter 9 Sign  
29           Regulations of the City of Orange City, Florida; Section 9.2.3 being Sign  
30           Permits Required and Exemptions; and Section 9.2.8 being Signs Prohibited  
31           in all zoning districts; providing for conflicting provisions; providing for  
32           severability; providing an effective date.  
33

34    Council Member Allebach read the title of Ordinance No. 455 into the record.  
35

36                           **Council Member Laputka moved to adopt Ordinance No. 455 on first**  
37                           **reading, seconded by Vice Mayor Crippen.**  
38

39    Ms. Hickey noted that staff identified verbiage in the Land Development Code (LDC) that, with  
40    modification, would allow the use of sidewalk signage for restaurants with outdoor seating. She said  
41    Ordinance No. 455 amends Chapter 9 of the LDC adding sandwich board signs. The signs must be  
42    located within five feet of the seating area, must not impede pedestrian traffic and would require  
43    submission of a site plan to obtain a permit.  
44

45    Mayor Strickland clarified this matter is regarding restaurants and not mobile food carts vendors. Ms.  
46    Hickey advised the Planning Commission suggested that the definition of food and beverage  
47    establishments include “a closed building” which would exclude food carts. Council Member Laputka

1 spoke in support of this action. Council Member Abraham asked whether this regulation is applicable  
2 for vendors at the Farmer's Market. Ms. Hickey responded in the negative noting the Farmers Market is  
3 a special city sponsored event and the vendors are not required to have a sign permit. She provided  
4 examples of businesses in the City that could benefit from this change.  
5

6 In response to a question from Council Member Pupello, Ms. Hickey, said this change would affect only  
7 those restaurants that have outside seating at this time. Council Member Pupello noted there are several  
8 restaurants that do not have outside seating that could benefit from having outside signage. He asked  
9 why that was not considered. Ms. Hickey responded that originally, the LDC permitted sandwich board  
10 signs for "sidewalk cafés" however the Planning Commission suggested that wording be changed to  
11 Food and Beverage Establishments which is more inclusive.  
12

13 Council Member Allebach pointed out the signs would be used to attract people who are walking and  
14 may not be viewable from the road. He spoke in support of the change noting it would solve some the  
15 problems that businesses are having attracting customers.  
16

17 Mayor Strickland said he has the same concerns as Council Member Pupello. He questioned whether  
18 the intent of this ordinance is to encourage people to establish outside seating. Ms. Stettner,  
19 Development Services Director came forward and explained the code was re-written, it no longer says  
20 "outdoor seating." As long the business has an approved site plan, and it is a food and/or beverage  
21 establishment then it could have a sandwich board sign as long as it does not impede pedestrian access.  
22

23 **Motion passed by a 6/0 voice vote of the Council.**  
24

- 25 C. **ORDINANCE NO. 458:** An ordinance of the City of Orange City, Florida,  
26 imposing and extending a temporary moratorium through December 31,  
27 2011, on the issuance of any business tax license, permit, conditional use  
28 approval, site plan approval, and any other official action of the City of  
29 Orange City having the effect of permitting or allowing construction and/or  
30 operation of certain businesses within the City of Orange City, related to pain  
31 management clinics, excluding approvals and permits for the continuance of  
32 an existing business; the temporary moratorium shall apply to all real  
33 property located within the corporate limits of the city of orange city;  
34 providing for conflicting provisions; providing for severability, conflicts and  
35 an effective date.  
36

37 Council Member Allebach read the title of Ordinance No. 458 into the record.  
38

39 **Council Member Laputka moved to adopt Ordinance No. 458 on first**  
40 **reading, seconded by Vice Mayor Crippen.**  
41

42 Mr. Reischmann advised the purpose of this ordinance is to extend the temporary moratorium on pain  
43 management clinics. He noted that the legislature recently committed to pursue legislation against pain  
44 management clinics. He suggested that extending the moratorium will give the City an opportunity to  
45 monitor recent legislative actions taken and to monitor what neighboring municipalities are doing. In  
46 addition, he suggested that Council may wish to consider some land use regulations associated with  
47 these operations.

1 Council Member Pupello said he read an article that listed the City as one of the few municipalities  
2 taking a leadership role by enacting a moratorium on pain management clinics. He said he is “proud”  
3 the City took the action that it did then and now. Mr. Reischmann reaffirmed this action will give the  
4 city “breathing room” to make sure the legislative actions are enough to protect the citizens of Orange  
5 City.

6  
7 Mayor Strickland noted he read there are several loopholes in the new legislation, he expressed his  
8 concern that staff look into the matter.

9  
10 **Motion passed by a 6/0 roll call vote of the Council.**

- 11  
12 **D. ORDINANCE NO. 459:** An ordinance of the City of Orange City, Florida,  
13 repealing Chapter 10.7, Peddlers and Solicitors, and replacing repealed  
14 Chapter 10.7 by adoption of a new Chapter 10.7, Solicitors and Soliciting,  
15 conflicts, severability, codification and an effective date.

16  
17 Council Member Allebach read the title of Ordinance No. 459 into the record.

18  
19 **Council Member Laputka moved to adopt Ordinance No. 459 on first**  
20 **reading, seconded by Vice Mayor Crippen.**

21  
22 Sgt. Greg Lariscy, Code Enforcement Officer, came forward. Mr. Reischmann noted there were two  
23 revisions to the ordinance provided in the agenda packet. He said two sentences from Section 10.7.2 (b)  
24 were stricken because the definition is covered by other portions of the ordinance. For the record, he  
25 read the sentences as follows: ~~The terms “solicit,” “solicitation,” “soliciting” and “panhandling” shall~~  
26 ~~not be applicable to those activities the proceeds from which are for the exclusive use of a charitable,~~  
27 ~~religious, political or other nonprofit purpose. An organization is deemed to be nonprofit if it has~~  
28 ~~achieved such status under the Internal Revenue Service Code.~~ In addition, Mr. Reischmann noted a  
29 scrivener error in the title of Section 10.7.11.

30  
31 Sgt Lariscy advised this ordinance would replace this entire section in the code that deals with soliciting.  
32 It addresses all types of soliciting including general, door-to-door, roadside and panhandling. He  
33 explained that staff has been dealing with an increase in panhandling issues and are bound by the current  
34 code which was written in 1986. He provided the details noting that it regulates the means, and times in  
35 which someone is allowed to solicit and requires general liability insurance for certain situations. Sgt.  
36 Lariscy concluded by stating this was a group effort involving various departments of the City.

37  
38 Mr. Reischmann discussed the changes that were made. He said staff tried to make the code more  
39 consistent with Florida statutes, specifically the home solicitation sales section. Various changes were  
40 made to right-of-way solicitations, because these matters are public safety issues. A new definition and  
41 regulations for aggressive panhandling were also incorporated. Mr. Reischmann pointed out that a list  
42 of unlawful soliciting activities and areas in the City where soliciting is forbidden was also included in  
43 the ordinance.

44  
45 Noting he has received several calls in the past about people soliciting in the medians, Mayor Strickland  
46 spoke in support of this action. Council Member Laputka suggested that many business owners do not  
47 know that they have the right to ask people who are panhandling to leave their property. Sgt. Lariscy

1 agreed. He said the City can be more proactive. Business owners do not have the time to run their  
2 business and deal with panhandlers.

3  
4 Council Member Pupello said he appreciates the efforts to put together this ordinance. He expressed his  
5 opinion it is a good tool for the City. Council Member Allebach agreed. He stated his hope that this  
6 action helps to make everybody feel safe. Vice Mayor Crippen and Council Member Abraham also  
7 spoke in support of this action. Council Member Abraham asked if warnings will be provided for first  
8 time offenders. Sgt. Lariscy responded "yes."

9  
10 **Council Member Allebach moved that the City Council amend the**  
11 **definition of "solicitors", as read into the record by Mr. Reichmann and**  
12 **to correct the scrivener's error, seconded by Vice Mayor Crippen and**  
13 **passed by a 6/0 roll call vote of the Council.**

14  
15 **The main motion passed, as amended, by at 6/0 roll call vote of the**  
16 **Council.**

17  
18 **6. PUBLIC HEARINGS:**

- 19  
20 **A. ORDINANCE NO. 457:** An ordinance of the City of Orange City, Florida,  
21 annexing the Coggin Ford Property into the corporate limits of the City of  
22 Orange City, Florida; said property being generally located on the west side  
23 of North Volusia Avenue, approximately 50 feet north of West Minnesota  
24 Avenue, containing approximately 19.46 acres in accordance with the  
25 provisions of Florida Statute 171.044; redefining the boundaries of the City  
26 of Orange City by amending the appropriate sections of the Code of  
27 Ordinances; containing a repealer provision, a severability clause and  
28 providing for an effective date.

29  
30 Council Member Allebach read the title of Ordinance No. 457 into the record.

31  
32 **Council Member Laputka moved to adopt Ordinance No. 457 on second**  
33 **and final reading, seconded by Vice Mayor Crippen.**

34  
35 Jim Kerr, City Planner came forward and said there have been no changes. Mayor Strickland opened  
36 the public hearing by asking if anyone wanted to speak for or against the proposed ordinance, no one  
37 appeared. The mayor closed the public hearing.

38  
39 **Motion passed by a 6/0 roll call vote of the Council.**

40  
41 **7. RESOLUTIONS:** None at this time

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

44  
45 **9. NEW BUSINESS:** None at this time

46  
47 **10. REPORTS:**

1           **A. City Manager**

2  
3 Ms. Croteau reminded everyone of the citizens' community workshop tomorrow at the Dickinson  
4 Library Hall at 6:30 p.m. for the purpose of visioning for the downtown area.

5  
6 Council Member Allebach asked for an update on the work the County is doing on Enterprise Road. He  
7 said he has not seen anyone working on the road. Ms. Croteau responded the County is still trying to  
8 determine what the water seepage problems are. Originally, the work was to shore up the retaining wall  
9 which is behind the restaurant and is not visible from the road. Ms. Croteau said she would check to see  
10 what the status is. Council Member Allebach said it is a public safety issue and if the road collapses or  
11 something else goes wrong it will be perceived as the City's not the County's problem. Council  
12 Member Laputka agreed it is a dangerous situation. He said he observed a driver suddenly swerve into  
13 another lane to avoid the area.

14  
15 In response to a question from Mayor Strickland, Ms. Croteau said the two city sponsored events held in  
16 honor of Mother's day were well attended. Approximately 300 people were at both events. Ms. Croteau  
17 thanked staff for their efforts.

18  
19 Mayor Strickland noted that the Orange City Orchestra will perform on June 24th at the library hall. He  
20 suggested that the City sponsor the event by assisting with publicity. Ms. Croteau said staff will help  
21 publicize the event.

22  
23 Ms. Croteau advised the Citizen Budget Workshop is scheduled for May 24, 2011 at 6 p.m., before the  
24 regularly scheduled council meeting.

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

27  
28 Vice Mayor Crippen reported on a meeting he attended regarding economic development in the County.  
29 He said he learned that the unemployment rate in Volusia County is decreasing but is still higher than  
30 the State and Federal averages. The Vice Mayor remarked that the group does not seem to be doing  
31 much for the west side of the County.

32  
33 Vice Mayor Crippen reported on a River of Lakes Heritage Corridor Scenic Highway (the Corridor)  
34 meeting. He said the Corridor received approval for their logo. A draft brochure highlighting the  
35 heritage corridor highway was distributed. The Vice Mayor stated Orange City attributes have been  
36 "underreported" in the brochure. Vice Mayor Crippen said in his discussions with Ms. Stettner she  
37 suggested that the City's efforts at redevelopment on U.S. 17-92 could be part of the Corridor. He said  
38 Ms. Stettner is checking into the matter.

39  
40 Council Member Laputka reported on a meeting of the Community Foundation. He said it was the first  
41 time this group met in this area. It is a way to build a legacy as participants contribute to a fund that will  
42 be used in the community and that will grow over time. Council Member Laputka said it is a program  
43 worth discussing. He suggested the information be shared with Council and that the word gets out to the  
44 citizenry. Vice Mayor Crippen said he saw an article in the Beacon that scholarship awards were given  
45 to the seniors at the DeLand High School by this foundation.

46

1 Council Member Allebach reported that he attended a workshop called "Culture Builds Communities" at  
2 the Daytona Museum of Art, sponsored by the Florida League of Cities. He discussed ways the arts can  
3 benefit cities. Council Member Allebach said he also attended a "shadowing" day at the hospital and  
4 discussed some of the "cutting edge" work taking place at the hospital.

5  
6 Mayor Strickland announced that tomorrow he will be on the radio with FM 107.7 at the Orange City  
7 Perkins at 8:30 a.m.

8  
9 **C. City Clerk**

10  
11 Nothing further to report.

12  
13 **D. City Attorney**

14  
15 Mr. Reischmann discussed some of the changes made by the legislature that affects the City. He said  
16 the legislature passed a huge sweeping set of changes to the Department of Community Affairs. It will  
17 affect the State's oversight of local governments and land development. Mr. Reischmann said the  
18 legislature did not reverse course on red light cameras. Nor was the legislature able to clarify the laws  
19 on internet cafés. Mr. Reischmann reported that a Federal court entered a ruling last week that upheld  
20 Seminole County's ban on internet cafés. He explained that immediately after passing the ordinance the  
21 groups that run these types of establishments alleged it was unconstitutional and sued. Mr. Reischmann  
22 said this is good news because depending on how the matter is resolved it is a model for other  
23 municipalities to follow.

24  
25 **11. APPROVAL OF MINUTES:** Minutes of April 26, 2011 Regular Council Meeting

26  
27 A revised page 9 of the April 26, 2011 meeting minutes was distributed to Council before the meeting  
28 began.

29 **Council Member Laputka moved to approve the minutes of the April 26,**  
30 **2011 Regular City Council as revised, seconded by Vice Mayor Crippen**  
31 **and passed by a unanimous 6/0 roll call vote of the Council.**

32  
33 **12. COUNCIL COMMENTS**

34  
35 Vice Mayor Crippen said he appreciates the new telephone cards. In response to a question about Miller  
36 Lake, Paul Johnson, Public Works Director, came forward and said he does not have an update at this  
37 time.

38  
39 Council Member Allebach said he read a newspaper article that the Office of Program Policy Analysis  
40 and Government Accountability lost its funding recently. He noted this is an independent group that  
41 keeps tabs on taxpayer money and whether government programs work. He said one of the reasons  
42 cited in the article was that this group said the Florida Retirement System is fiscally sound which is  
43 contrary to what the Governor is saying and now they do not have jobs. He said public employees, who  
44 have not gotten cost of living or pay rate increases for the last 5 years now have to pay into their  
45 retirement. Council Member Allebach noted that \$30 million has been set aside to fight the  
46 constitutional amendments that passed in November. He suggested that was so the legislature could

1 gerrymander and create districts for themselves, similar to what happen in 2000. He stated, "It's just  
2 mindboggling."  
3

4 Council Member Pupello thanked everyone for coming to the meeting. Referencing to Mr. Patel's  
5 comments, he said there was an article in the newspaper about the community workshop, "it was not a  
6 select few people." The newspaper is widely distributed and everyone was encouraged to participate.  
7 Council Member Pupello said this meeting is a continuation of last year's community input session,  
8 where citizens who attended had concerns with U.S. 17-92. Council Member Pupello stated, "I do  
9 appreciate your concerns. Please come back and discuss other concerns you may have. That is why we  
10 are here."  
11

12 Council Member Pupello spoke about an abandoned building on U.S. 17-92 and French Avenue. He  
13 stated, "I know the City faces the challenge of that place, but can you visualize the corner...without the  
14 abandoned building no longer being there and how that would affect coming into this town." Ms.  
15 Croteau said this issue has come up before and that she wished to address it. She explained the building  
16 has been under code enforcement some time and now appears to be in the middle of a foreclosure. It is  
17 listed on a Department of Environmental Protection list because the ground underneath is contaminated.  
18 The City does not want to buy it because of the liability and expense to clean it up. Ms. Croteau said  
19 staff is monitoring to see when the ownership changes and to see if the new owners will clean it up. She  
20 stated, "At the moment, it's just kind of in limbo."  
21

22 Council Member Laputka also thanked everyone for coming. He said he is looking forward to the  
23 community workshop tomorrow and that he hopes there is a good turnout.  
24

25 **13. ADJOURNMENT**  
26

27 There being no further business, Mayor Strickland adjourned the meeting at 8:20 p.m.  
28

29 RESPECTFULLY SUBMITTED:

APPROVED ON:

30  
31  
32 \_\_\_\_\_  
33 Gloria Thomas, CMC  
34 Deputy City Clerk  
35

\_\_\_\_\_  
32 May 24, 2011  
33 Date