

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, July 26, 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, Gary A. Blair; City Attorney Bill
12 Reischmann; City Manager Jamie Croteau; City Clerk Deborah Renner

13
14 **INVOCATION**

15
16 The Invocation was given by Pastor Daniel Michaux, Osteen United Methodist Church, followed by the
17 Pledge of Allegiance.

18
19 1. **ABSENCES:** Shall the absence of Council Member Abraham on July 12, 2011 be excused?

20
21 **Council Member Allebach moved to excuse the absence of Council Member**
22 **Abraham at the July 12, 2011 meeting, seconded by Vice Mayor Crippen and**
23 **passed by a unanimous 7/0 voice vote of the Council.**

24
25 2. **PRESENTATIONS/PROCLAMATIONS:** None at this time

26
27 3. **CITIZEN COMMENTS:** None at this time.

28
29 4. **CONSENT AGENDA:** None at this time.

30
31 5. **ORDINANCES - FIRST READING:** None at this time

32
33 6. **PUBLIC HEARINGS:**

34
35 A. **ORDINANCE NO. 464:** An ordinance of the City Council of the City of Orange
36 City, Florida, amending Chapter 2, Administration, Article IV, Code
37 Enforcement, Divisions 1 and 2; relocating and adding definitions; revising the
38 procedure for issuance of code enforcement notices and citations, the process for
39 classification of violations and civil penalties and the procedure to pay or contest
40 violations; adding provisions regarding judgments of the Court; providing for
41 severability, conflicts and effective date.

42
43 Council Member Allebach read the title of Ordinance No. 464 into the record.

44
45 **Council Member Laputka moved to adopt Ordinance No. 464 on second and**
46 **final reading, seconded by Vice Mayor Crippen.**

47
48 Sgt. Greg Lariscy, Code Enforcement Supervisor came forward. Noting that Council Member Abraham
49 was absent at the last meeting he provided a brief discussion of the purpose of this ordinance. He advised

1 that Orange City's Code Enforcement procedures were written decades ago and were never updated. Since
2 then there have been significant changes in state statutes that changed the citation process. This action will
3 update the Code to reflect those changes. He discussed the situations where it is advantageous to use the
4 citation versus the hearing process. He stated the hearing process is used for property violations while a
5 citation is issued to the individual creating the violation. The citation process is beneficial to homeowners
6 who rent their property.

7
8 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the
9 proposed ordinance.

10
11 Council Member Abraham questioned the training provided for code enforcement officers. Sgt. Lariscy
12 advised that the code enforcement officers are members of the Florida Association of Code Enforcement
13 and have received several levels of training. Council Member Abraham noted that specific timeframes to
14 correct a violation was removed from the Code. He asked how long someone has to correct a violation and
15 how it is determined who is to receive the violation. Sgt. Lariscy acknowledged that specific timeframes
16 were removed and replaced with the term "reasonable period of time" which is consistent with state statute.
17 He explained that property ownership can be discerned from the property tax roll.

18
19 Vice Mayor Crippen questioned what happens with vacant houses. Sgt. Lariscy responded that usually
20 banks take ownership of the homes in foreclosure and will provide maintenance of the properties. He said
21 it is challenging at times to always gain compliance, but Code Enforcement works well with the banks.

22
23 There being no further requests to speak, the Mayor closed the public hearing.

24
25 **Motion passed by a 7/0 voice vote of the Council.**

26
27 **7. RESOLUTIONS:**

- 28
29 **A. RESOLUTION NO. 649-11:** A resolution of the City Council of the City of
30 Orange City, Florida, pursuant to Sections 4.04 and 4.05 of the City Charter
31 listing candidates and certifying the form of ballot for the Regular Election to be
32 held on September 13, 2011, repealing all resolutions in conflict herewith and
33 providing for an effective date.

34
35 Council Member Allebach read the title of Resolution No. 649-11 into the record.

36
37 **Council Member Laputka moved to adopt Resolution No. 649-11, seconded by**
38 **Vice Mayor Crippen.**

39
40 Ms. Renner noted a revision to the Resolution, adding the words (if necessary) Elections to the second
41 Whereas, was emailed to Council prior to the meeting. She said there is an additional revision as the
42 names of the mayoral candidates must be listed in alphabetical order and are not. She apologized for the
43 corrections and assured Council it will be correct on the ballot.

44
45 **Council Member Laputka moved to amend Resolution No. 649-11, as**
46 **discussed, seconded by Vice Mayor Crippen and passed by a unanimous 7/0**
47 **roll call vote of the Council. The main motion as amended passed by a 7/0 roll**
48 **call vote of the Council.**
49

1 **8. DISCUSSION AND ACTION:**

2
3 **A. Forms for City Manager's Evaluation**

4
5 Ms. Croteau recalled that at the last meeting Council directed staff to provide a sampling of forms to use
6 for her evaluation. Staff provided three examples from various cities as well as the six month evaluation
7 and the recent form used. She discussed the evaluation forms stating they are similar and provide a rating
8 based on specific categories. Ms. Croteau reminded Council of the provision in her contract that she must
9 agree to the forms being used. She said the forms need "tweaking" to make them specific for Orange City,
10 but she would like to use a blended form. She discussed the portions of the various forms that she would
11 like to use.

12
13 Council Member Laputka stated his understanding that the public discussion of the city manger evaluation
14 was what Council Member Blair spoke about at the last meeting. He said he agrees and does not want that
15 to fall through cracks.

16
17 Council Member Blair voiced his concerns with the evaluation form used stating that it was confusing. He
18 said that after the last meeting he submitted samples of simplified forms to the City Clerk. A lengthy
19 discussion ensued with each Council Member stating their concerns about the evaluation process. Ms.
20 Renner explained that the form used for the evaluation had been used for some time. She discussed the
21 procedures used in the past stating that each council member completed the form and met individually with
22 the city manager to discuss the results. The forms were then submitted to the Mayor who provided them to
23 the City Clerk to compile a numerical tabulation to get an average rating. Ms. Renner said the
24 tabulation/summary sheet was what was discussed at the meetings.

25
26 Council Member Blair said he likes the form from Geneva. He suggested that the Mayor and City
27 Manager work on developing a form for next year and present it for Council's approval. Mayor Strickland
28 stated he would like to see a written policy for handling this matter in the *Council's Rules & Procedures*.
29 Council Member Blair then suggested picking a form from those provided and work on the other issues
30 after the evaluation is completed. Ms. Croteau agreed, remarking that she could support using the Geneva
31 form with slight modifications for this evaluation and then work on developing categories for the next
32 evaluation.

33
34 Council Member Blair commented that he did not intend to put the City Manager "on the spot" when he
35 brought this matter up at the last meeting. He explained he was very unhappy with the evaluation and did
36 not feel that he had a voice. He expressed his hope this action will make the evaluation process more
37 uniform. Council Members Laputka and Pupello agreed the form was confusing. Council Member
38 Pupello said he was able to give a proper evaluation with the form provided. Council Member Allebach
39 stated that he too completed the form and discussed his comments privately with the city manager.
40 However, he said he understands the need to have more transparency. Council Member Abraham said he
41 was not confused and did the evaluation and discussed it with the city manager. He said he will support
42 whatever Council chooses. Vice Mayor Crippen expressed his desire that Council find a form that
43 everyone is comfortable with for future evaluations. Mayor Strickland felt scoring each individual
44 category is too tedious. He said he found the written assessment more helpful.

45
46 Mayor Strickland said he is uncomfortable addressing some of procedural issues of the evaluation without
47 a written policy endorsed by the Council. He asked the City Clerk to consider what procedures would be
48 required for the city manager's evaluation.

49

1 Mr. Reischmann pointed out the City's Manager's contract specifies what the evaluation process should
2 include. It states that once a year Council is to meet with the City Manager to discuss specific performance
3 criteria based on the goals and objectives Council provides.

4
5 **Council Member Blair moved that the City Clerk revise the Geneva, NY**
6 **evaluation form to replace the Employee Supervision category with Long**
7 **Range Goals and to make all the corrections that are appropriate to**
8 **Orange City. He further moved that the revised form be used for this**
9 **year's evaluation, seconded by Council Member Laputka.**

10
11 Council Member Pupello noted the Mayor's request for direction from Council as to the procedures to use
12 for the evaluation. Council Member Laputka suggested that be included in the motion.

13
14 **Both the motion maker and the seconder withdrew their motion and**
15 **second.**

16
17 **Council Member Blair moved that Council use the Geneva, NY evaluation**
18 **form and the City Clerk revise the form to replace the Employee**
19 **Supervision category with Long Range Goals and to make all corrections**
20 **that are appropriate to Orange City. He further moved that the Mayor is**
21 **to collect the forms and, in conjunction with the City Clerk, compile the**
22 **scores and bring it back to the Council, seconded by Vice Mayor Crippen**
23 **and passed by unanimous 7/0 voice vote of the Council.**

24
25 **B. Update on Alleys**

26
27 Jim Kerr, City Planner came forward. He recalled that earlier this year Council directed staff to ascertain
28 the ownership and maintenance responsibilities for the existing alleys in the City. Staff conducted an alley
29 inventory and met with the affected property owners last month. The meeting was well attended and the
30 citizenry had "great comments." He said the attendees expressed concerns that the City improve and
31 maintain alleys that provide primary and secondary access including the alleys used for garbage pick-ups or
32 emergency situations. In addition, stop signs should be installed at alleys that are located in a commercial
33 area or that have a lot of traffic. Mr. Kerr stated the only recommendation that staff wishes to make at this
34 time is to vacate alleys L, O, P, and Q retaining the utility easements.

35
36 Council Member Blair pointed out that a citizen at the meeting suggested the City did not own several of
37 the alleys. He questioned how ownership was determined. Mr. Reischmann detailed the process used
38 noting staff reviewed property records and spoke to the property owners whose property abuts the alleys.
39 The alleys in question are commonly referred to as the original part of the City. Some are on plats from the
40 late 1800's to the early 1900's that were created and recorded prior to modern platting requirements. He
41 said when a local government maintains a piece of property, for a period of time, it is deemed to belong to
42 the local government. Staff is recommending that four alleys be vacated. If that occurs, the title reverts to
43 each of the properties that abut the alley. Any vacation would reserve an easement for existing utilities or
44 for potential future utilities.

45
46 Council Member Blair said he owns two pieces of property that abut an alley and the City has never
47 maintained them which suggest they are not owned by the City. Mr. Reischmann responded all the alleys
48 included in this inventory were evaluated and determined by public records to be owned by the City. The
49 only other way to determine ownership is to do a title search for each of the alleys, which can be costly.

1 The decision was made to have staff do the research and based on that research it was concluded that the
2 City owns these alleys.

3
4 Mayor Strickland said he can agree with vacating two of the four alleyways recommended, however, he
5 had concerns about the others. He asked about the alley at the end of "Antique Alley." Ms. Croteau
6 responded the property owners do not consider that an ally. Trees and brush have grown in the middle and
7 there no longer is a through way. She said staff tried to keep all the alleys in the historical area.

8
9 Mr. Kerr displayed photos of the four alleys being considered for vacation. He said alley L is only 10 ft.
10 wide, with a retention area. Alley "O" exists only on paper and is not visible with the overgrown
11 vegetation. Alleys "P" and "Q" are not visible and do not go from street to street like the other alleys.

12
13 Council Member Blair questioned whether these alleys would be beneficial when the City starts to develop
14 its walkable communities or playgrounds. Ms. Stettner, Development Services Director responded the
15 blocks are short and the alleys will not provide a connection. She explained that in a walkable community
16 it is best that people walk through front yards so that there are eyes on the street. She defined it as "crime
17 prevention through environmental design."

18
19 In response to a question from Mayor Strickland, Mr. Kerr restated that staff is recommending the four
20 alleyways be vacated. If Council agrees, staff will come back with an ordinance. Council Member Blair
21 noted that staff wishes to retain the utility easements and that should be included in the motion.

22
23 **Vice Mayor Crippen moved that the City Council authorize staff to prepare**
24 **an ordinance vacating alleyways identified as L, O, P, Q and to retain the**
25 **easement rights to these alleyways, seconded Council Member Allebach and**
26 **passed by a unanimous 7/0 roll call vote of the Council.**

27
28 **C. Letter of Support – River of Lakes Heritage Corridor**

29
30 Ms. Croteau advised that as directed at the last meeting, staff prepared a Letter of Support for the
31 participation of Sanford/Seminole County in the Heritage Corridor Scenic Highway Program. Vice Mayor
32 Crippen remarked there is no financial obligation. He stated it is a "win-win" situation for the City as it
33 will complete the loop of the River of Lakes Heritage Corridor.

34
35 **Council Member Allebach moved that Council authorize the forwarding of**
36 **the Letter of Support to the Florida Department of Transportation**
37 **supporting the addition of Sanford and Seminole County to the River of**
38 **Lakes Heritage Corridor Scenic Highway, seconded by Council Member**
39 **Blair and passed by unanimous 7/0 voice vote.**

40
41 **9. NEW BUSINESS:**

42
43 Council Member Abraham said he would like a discussion of the Purchasing Code on the next meeting
44 agenda.

45
46 Council Member Pupello said he would like staff to look at the condition of the splash pad and provide a
47 report on how the potential safety issues can be addressed. Ms. Croteau noted the matter will be discussed
48 during the budget discussions.

49

1 Council Member Blair noted the City Clerk and the City Attorney are charter employees. He said he
2 would like the work performance of these employees evaluated, as well as the City Manager.

3
4 **10. REPORTS:**

5
6 **A. City Manager**

7
8 Ms. Croteau said staff is seeking direction regarding the proposed redistricting maps. She recalled that
9 County Council Member Pat Northey did a presentation of the proposed maps at the Summit meeting and
10 suggested an additional map may be forthcoming. Other cities have already sent letters of support for a
11 particular map or have asked for specific criteria. Ms. Croteau questioned whether the City should do a
12 generic letter stating the City's desire to remain in the same district as DeLand and DeBary or wait for the
13 new map.

14
15 Council Member Pupello suggested Council make a decision tonight as there would not be an opportunity
16 to discuss any additional maps before the County Council meets to make its choice. A lengthy discussion
17 ensued with Council Member expressing their preferences and concerns. Mayor Strickland summarized by
18 stating his understanding that Council wishes him to draft a letter supporting a map that would include
19 Orange City and DeBary as one full unit and then moving north, adding other municipalities until the
20 maximum number of population is reached.

21
22 **It was the consensus of Council that the Mayor draft a letter stating that**
23 **Orange City will support a district map that starts at the southern boundary**
24 **of DeBary, includes all of Orange City and DeBary as one unit and that**
25 **continues north until the maximum population number has been met.**
26

27 Ms. Croteau reported the XU grant funding to install the missing sidewalk on Blue Springs Avenue was
28 placed on the unfunded list. She said she spoke with Todd Buckles, Construction Manager for Volusia
29 County, who said the County would install the missing sidewalk on the west side of Scholars Path on Blue
30 Springs Avenue. However, the County is having difficulties with the east side of Blue Springs Avenue
31 because it does not own the rights-of-way. He is working on a possible solution. Mr. Buckles also agreed
32 to look at the sidewalk connectivity for Graves Avenue to Veterans Memorial Parkway as part the City's
33 Complete Streets Program. Ms. Croteau said she anticipates having more information soon.

34
35 Council Member Blair asked about the sidewalks on French Avenue. Ms. Croteau responded Mr. Buckles
36 understands the City's concerns but does not have an answer at this time. She said she would discuss it
37 with him again. The County is planning to install an overpass over the CSX railroad crossing down on
38 Blue Springs Avenue to connect the trail down to Gemini Springs in the very near future.

39
40 Council Member Blair voiced his displeasure with the County Council. He said he contacted the County
41 Council about these issues and has received only one response.

42
43 Ms. Croteau noted that last year was the first time the City allocated funding for community projects. She
44 explained the Community Improvement Fund was designated for projects that Council might want to
45 improve the community. Thus far, the funding was used for the drainage project on Holly Avenue, the dog
46 park and several other projects. All but \$3,000 has been expended. Ms. Croteau said she just wanted
47 Council to be aware of the matter as the budgeting process begins.
48

1 Ms. Croteau commented the next Council meeting is August 9th and there are only two items for the agenda
2 discussing new programs staff would like Council to consider. In addition, a budget workshop is scheduled
3 on August 15th. She stated because there are already three meeting for the month, she asked if Council
4 wished to cancel the August 9th meeting.

5
6 **Council Member Blair moved to cancel the August 9, 2011 Regular City**
7 **Council meeting, seconded by Council Member Pupello, and passed by a**
8 **6/1 roll call vote of Council, with Council Member Abraham voting “no.”**
9

10 Ms. Croteau announced that a “National Night Out” event is scheduled for 5:00 p.m. on August 2nd, in
11 Veterans Memorial Park. There will be games and demonstrations by the Fire Department. On August 5th
12 “Grease” will be shown at the “Movies in the Park” at 8:30 p.m. in Dickinson Park. These events are free
13 and open to the public.

14
15 Ms. Croteau reported the bids for the handicapped playgrounds for Veterans and Valentine Parks are in.
16 Staff has reviewed the bids and wishes to move forward to meet the deadline for using CDBG funding.
17 Ms. Croteau stated that if it is the pleasure of the Council, staff is prepared to discuss the project this
18 evening or the August 15th meeting could be changed to a special meeting and it be placed on that agenda
19 and still meet the deadline.

20
21 **It was the consensus of Council that the matter be added to tonight’s**
22 **agenda.**
23

24 Linda Snyder, Financial Services Supervisor, came forward and passed around samples of the surface that
25 would be used under the playgrounds. She discussed the bids presented. She said last year Council
26 approved the award of CBDG funds of \$64,000 and \$67,000 for each of the parks. The City anticipates
27 making up the difference from parks impact fee within the current budget up to a maximum of \$95,000 for
28 each park. Ms. Snyder said the bids presented were all within a \$200 range difference. The committee
29 chose the highest bidder at \$95,000 because of additional components offered for each park.

30
31 Ms. Snyder answered Council’s questions with regard to the project and plans. Mayor Strickland
32 questioned whether the equipment is for all children, not just the handicapped. Ms. Snyder said that it was.
33 She explained that each park will have 38 different components with game activities such as drums, tic-tac-
34 toe, ladder, swings, and various other activities. Twenty-five or more are at ground level, and are
35 wheelchair or walking accessible. Ms. Snyder stated staff is recommending GameTime as the vendor for
36 the equipment, even though they were the highest bidder, because they have agreed to install 13 more
37 components at each park for an additional \$200. Staff felt that was a real bargain and would like to move
38 forward with the project.

39
40 **Council Member Blair moved that Council authorize staff to move forward**
41 **with the ADA accessible playground equipment project, seconded by**
42 **Council Member Laputka, and passed by a 7/0 roll call vote of the Council.**
43

44 **B. Mayor/City Council**

45

46 Council Member Laputka reported that Senator Allen Hayes requested background information about the
47 City’s issues with the alternative water mandates issued by St. John’s River Water Management District in
48 2004. He said he prepared a letter and emailed a copy to Council yesterday. Council Member Laputka
49 read the letter into the record. He stated Senator Hayes and Kirby Green, Executive Director for SJRWMD

1 will present the letter to the Senate who will be discussing the mandates. Several other cities were asked to
2 do the same thing. Council Member Laputka thanked Paul Johnson, Public Works Director for his help in
3 providing the required information. He said he does not know the outcome but that he is happy the City is
4 now being recognized for its active Sustainable Water Committee.

5
6 Mayor Strickland recalled that some time ago, Council approved a petition supporting the FDEP's position
7 with regard to the USEPA Numeric Nutrient Requirements for Florida. He said Congressman Mica has
8 introduced legislation concerning this matter to the House.

9
10 **C. City Clerk**

11
12 Ms. Renner reported that work on the kitchen and bathroom area in the Clerk's office is complete. She
13 explained that the water heater was replaced, and the kitchen and bathroom areas were painted and retiled.
14 She thanked Public Works for a job well done. Ms. Renner reported that she sent out a pamphlet she
15 received from the Supervisor of Elections regarding new rules for voter registration. Individuals can no
16 transport registration forms to the Supervisor of Elections for someone else. The voter registration forms
17 that are placed in several locations in the County will be numbered and assigned to individuals or locations.
18 Citizens who wish to do voter registration will have to apply to Tallahassee for permission. Ms. Renner
19 stated there are a lot of new rules surrounding this issue that will be looked at over the coming year because
20 they are going to have a negative effect on voter registration.

21
22 **D. City Attorney**

23
24 Referring to Council Member's Laputka's report, Mr. Reischmann advised that the Coquina Coast project
25 has been put on hold. A substantial portion of the funding was to come from the Water Management
26 District and the State cut the funding. Mr. Reischmann said he attended a seminar for city attorneys and
27 learned that statewide regulation of pain clinics is moving forward. The prescription database should go
28 live on October 1st and the Governor has begun to enforce the new regulations. Hopefully, there will be the
29 same type of legislation next year regarding internet cafés. Ms. Croteau agreed she said she emailed an
30 article to Council regarding Attorney General Pam Bondi's rules or views of the internet cafés.

31
32 **11. APPROVAL OF MINUTES: July 12, 2011**

33
34 **Council Member Allebach moved to approve the minutes of the July 12, 2011,**
35 **Regular City Council Meeting seconded by Vice Mayor Crippen and passed by a**
36 **unanimous 7/0 voice vote of the Council.**

37
38 **12. COUNCIL COMMENTS**

39
40 Council Member Abraham said he visited the City of Portland during his vacation. He stated, "It was
41 really a great experience visiting a historic city."

42
43 Vice Mayor Crippen asked the citizens who plan to attend the budget workshop to invite their neighbors. It
44 will be a very interesting meeting and a time for citizens to express their desires to Council. The Vice
45 Mayor commented that after the last meeting he was interested to see how the media handled Council's
46 discussion on the tentative millage rate, but it seems it was ignored by them. He stated, "I look forward to
47 the budget workshop to get input from the citizens."

48
49 Council Member Blair thanked Ms. Croteau for a detailed City Manager Report.

1 Council Member Laputka noted that his son is returning from a tour in Afghanistan. He spoke of the
2 sacrifice our soldiers have made for our freedom. Council Member Laputka stated, "There will be a lot
3 more families sleeping well, better tomorrow, when these people come home."
4

5 Council Member Pupello thanked all the citizens who were present. He reiterated the Vice Mayor's
6 comments about the budget workshop, stating it is "critically important" that Council hear what citizens
7 want to do with the money collected from them. Council Member Pupello thanked Michelle Polgar for the
8 comments her relative made at the last meeting about the July 4th celebrations. Council Member Pupello
9 thanked Sgt. Lariscy and Code Enforcement for the job that they do. He noted there have been several
10 issues brought up throughout the city and even though there are challenges, when Sgt. Lariscy addresses
11 them everyone seems to get on the same page and it works itself out fairly rapidly. He stated, "I do
12 appreciate his approach."
13

14 Council Member Allebach stated the discussion of the handicapped playground equipment for the parks
15 was quick and exciting. He said at times Council is criticized for acting quickly but it was a matter that has
16 been pending for some time and it is an improvement to the parks. Council Member Allebach expressed
17 his appreciation for the job staff does mowing and beautifying the City despite negative comments and
18 publicity. He said their efforts improve the quality of life in the City. Council Member Allebach thanked
19 Council Member Laputka for his work with the Sustainable Water Committee. He stated, "I think that we
20 are moving forward just like we are supposed to."
21

22 Mayor Strickland echoed Councils' comments about the importance of citizen participation. Mayor
23 Strickland noted it is an election year for the City and it is important that people vote. The League of
24 Women Voters of Volusia County is coordinating a forum and is sending a questionnaire to each candidate
25 that will be available on their website. He stated, "I think that it is really important to be aware that kind of
26 information will be out there and we need to encourage everyone to exercise their right to vote and to be
27 involved in this process."
28

29 **13. ADJOURN**

30
31 There being no further business, Mayor Strickland adjourned the meeting at 9:12 p.m.
32
33

34 RESPECTFULLY SUBMITTED:

APPROVED:

35
36
37 Gloria Thomas, CMC
38 Deputy City Clerk

August 24, 2011
Date