

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, November 13, 2007 at 6:00 p.m. in Council Chambers, 201 N. Holly  
3 Avenue, Orange City.

4  
5 **CALL TO ORDER**

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

8  
9 **ROLL CALL**

10  
11 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Anthony R. Yebba; Council Members; Donald C.  
12 Sherrill, Joelle DeVane, Jeff H. Allebach; Robert A. Storke; Jim Mahoney (Late:  
13 arrived at 6:15 p.m.); City Attorney William Reischmann; City Manager John McCue,  
14 City Clerk Deborah Renner

15  
16 The Invocation was given by Pastor John Reynolds, Volusia County Baptist Church, followed by the  
17 Pledge of Allegiance.

18  
19 Council Member Elect Tom Abraham came forward and introduced Dana Kuruvila, from The  
20 Chamber of Technology, who performed a violin rendition of the Star Spangled Banner.

21  
22 **I. DECLARING & CERTIFYING THE RESULTS OF THE NOVEMBER 6, 2007 ELECTION**

- 23  
24 **a) RESOLUTION NO. 443-07:** A resolution of the City Council of the City of Orange  
25 City, Florida, canvassing the votes and declaring the results of the 2007 General  
26 Election held in the City of Orange City, Florida on November 6, 2007; repealing all  
27 resolutions or parts of resolutions in conflict herewith and providing for an effective  
28 date.

29  
30 **Vice Mayor Yebba moved to adopt Resolution No. 443-07, seconded by**  
31 **Council Member Storke, and passed by unanimous 6/0 roll call vote of the**  
32 **Council.**

33  
34 Vice Mayor Yebba commented on remarks written in the newspaper that he was "bitter" because of  
35 the election results. He explained that the days before and after the election were difficult and that he  
36 had been emotionally devastated. The Vice Mayor congratulated Mayor-Elect Strickland on his  
37 success with the election. He said that he would be working on public relations with the Volusia  
38 County Baptist Church. Addressing the newly-elected council, Vice Mayor Yebba advised, "Do not  
39 let political differences get in the way of our city and what we want to do in the city."

40  
41 Mr. McCue asked Mayor Erwin to come forward. He presented the Mayor with a plaque thanking  
42 him for his years of service and dedication to the City of Orange City and its citizens. Mayor Erwin  
43 remarked that it has been a long 13 years and thanked everyone for their support. He said that he has  
44 always worked to improve Orange City and stated, "It has been my goal and I hope that we have  
45 moved in that direction. Thank you all, and from now on, it'll be Aloha."

46  
47 Mr. McCue asked Council Member DeVane to come forward and presented her with a plaque

1 thanking her for her service and dedication to the City of Orange City. Council Member DeVane  
2 stated "It has been a wonderful experience." Council Member DeVane addressed the newly-elected  
3 council members and wished them the best of luck. She reiterated Vice Mayor Yebba's comments,  
4 and said, "It's not always about the individual, it's about what's best for Orange City."  
5

6 Council Member Robert Storke came forward and Mr. McCue presented him with a plaque thanking  
7 him for his dedication to Orange City. Mr. McCue remarked, "We also know how you've been doing  
8 on P & Z over these years Mr. Storke, we appreciate it."  
9

10 Mr. McCue asked Vice Mayor Yebba to come forward. He presented the Vice Mayor with a time  
11 piece and read the inscription that said, "Thank you from your friends in Orange City, November  
12 2007."  
13

#### 14 **b) Swearing-In of Newly Elected Council Members**

15  
16 Mayor Erwin asked the newly-elected officials to come forward. City Clerk Debbie Renner  
17 administered the Oath of Office to Mayor Strickland, and Council Members Allebach, Laputka,  
18 Abraham, and Sandford. The outgoing Mayor invited the newly-elected Mayor and Council Members  
19 to take their place on the dais. Mayor Strickland thanked everyone for coming.  
20

#### 21 **c) Election of Vice Mayor**

22  
23 Council Member Laputka nominated Council Member Allebach as Vice Mayor.  
24

25 Mayor Strickland stated that according to the Council Rules & Procedures, a Vice Mayor serves for  
26 one year and that he would like each Council Member to have an opportunity to serve in that capacity.  
27 Council Member Mahoney pointed out that there is an inconsistency between the City Charter and the  
28 Council Rules & Procedures. He said that according to the Charter a Vice Mayor should be appointed  
29 after each election and that elections are held every other year which means the term would be two  
30 years.  
31

32 Mr. Reischmann concurred with Council Member Mahoney's assessment. He said that according to  
33 Section 2.03 of the Charter, election of a Vice Mayor should be done annually at the first regular  
34 council meeting after the City election and that elections are conducted every two years. He explained  
35 that this language was in the Charter prior to its last revision and at that time elections were held every  
36 year. Mr. McCue remarked that the language in the Charter is the issue because it requires a Vice  
37 Mayor to be elected after City elections, therefore, the term must be two years.  
38

39 In response to a question from Mayor Strickland, Mr. Reischmann advised that if the Council would  
40 like to elect a Vice Mayor every year, staff must be directed to investigate the steps required to clarify  
41 the language in Section 2.03.  
42

43 **Council Member Allebach was elected Vice Mayor by a unanimous 7/0 voice**  
44 **vote of the Council.**  
45

46 Mayor Strickland recessed the meeting at 6:25 p.m. for a brief reception for the newly elected Mayor

1 and Council Members, reconvening at 7:00 p.m.

2  
3 City Clerk Debbie Renner administered the oath of office to newly elected Vice Mayor Jeff Allebach.

4  
5 Mr. McCue requested to remove Resolution #447-07 (agenda item 6.B.) from the agenda. He  
6 explained that it pertains to the Green Local Government program and staff wanted to research the  
7 implications of the city's involvement. Mr. McCue advised that the city still supports the program and  
8 that this resolution would be brought back before Council at a later time. There were no objections  
9 from the Council.

10  
11 Mayor Strickland advised anyone wishing to address council to complete a "Speaker Request" form,  
12 located in the back of the room.

13  
14 **1. PRESENTATIONS: Proclamation – American Indian Heritage Month**

15  
16 Mayor Strickland invited Nancy Kittrell, Daughters of the American Revolution (DAR), to come  
17 forward. He read a proclamation into the record declaring November American Indian Heritage  
18 Month in the City of Orange City. Mayor Strickland urged citizens to reflect upon the American  
19 Indians contributions to our history and culture. Ms. Kittrell accepted the proclamation on behalf of  
20 the DAR.

21  
22 **2. CITIZENS COMMENTS:**

23  
24 Joelle DeVane, 721 E. French Avenue, came forward to address Council. She requested that Council  
25 Member Abell's picture remain posted in the Council Chambers out of respect for Mr. Abell and that  
26 Council consider designating a "corner" for Mr. Abell.

27  
28 Ron Saylor, 361 Dixson Street, came forward to advise Council of an "old" problem with the drinking  
29 water in his neighborhood. He said that one of the main reasons that he moved to Orange City was  
30 that it was "the home of good drinking water" and implied that is no longer the case. Mr. Saylor  
31 presented the Mayor with a filter that had become "clogged" with metal sediment after it processed  
32 3,374 gallons of water. He said that other families in his neighborhood have had to installed and pay  
33 for these filters and are still not able to drink the water. Mr. Saylor said that engineers have begun the  
34 preliminary work on Carpenter Avenue and that he wanted to make sure this project continues to be a  
35 priority of the new Council.

36  
37 Mr. McCue agreed with Mr. Saylor's comments. He stated that there has been a long term problem  
38 with the water in that neighborhood due to aging infrastructure. Mr. McCue noted that two years ago  
39 water rates were increased with the additional revenue used to fund the renewal and replacement  
40 program for the water lines in the city. He said that at present, \$350,000 has been designated for that  
41 purpose. Cheryl Bredbenner, Utility Superintendent, came forward and gave an update on this project.  
42 She stated that the surveying for the Carpenter Avenue project began last week and that the  
43 engineering review is being conducted now. She said that upon completion, the quality of water  
44 would improve. Mayor Strickland noted that he has experienced problems with the water as well.

45  
46 Clark Moore, 550 Marilea Court, came forward to advise Council that his mower was stolen out of his

1 yard. Mr. Moore said that he went to the police department to file a report but was unable to contact a  
2 “live person.” Mr. Moore advised that this is the second time that he witnessed this type of activity  
3 and that, previously, he brought it to the attention of Officer Lariscy. Mr. Moore said that many  
4 people are taking trash that is put out for Waste Management and implied that is “stealing.” He  
5 suggested that an ordinance regarding this matter should be considered. Mr. McCue replied that he is  
6 not certain what can be done but that he and Police Chief Baskoff would discuss it and report back to  
7 Council at a later date.

8  
9 **3. CONSENT AGENDA:** None at this time

10  
11 **4. ORDINANCES - FIRST READING:** None at this time

12  
13 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:** None at this  
14 time.

15  
16 **6. RESOLUTIONS:**

- 17  
18 **A. RESOLUTION NO. 422-07:** A resolution of the City Council of the City of Orange  
19 City, Florida, amending the by-laws of the Orange City Planning Commission;  
20 repealing all resolutions in conflict herewith and providing for an effective date.

21  
22 **Council Member Sherrill moved to adopt Resolution No. 422-07,**  
23 **seconded by Vice Mayor Allebach.**

24  
25 Chester Murray, Development Services Director, came forward and advised that the Land  
26 Development Code provides that each City Council Member make their own appointment to the  
27 Planning Commission for a term to coincide with their own term. He said the by-laws of the  
28 Planning Commission require that officers be elected at the first meeting in November which is often  
29 before the City’s General Election and prior to the newly elected Council Members making their  
30 appointments. Mr. Murray explained that the proposed resolution would amend the Planning  
31 Commission By-Laws to change the date for election of officers to the January meeting. He said the  
32 proposed change was reviewed and approved by the Planning Commission.

33  
34 Council Member Laputka commented that he had served on the Planning Commission. He said that  
35 there is a lot of business conducted by the commission this time of year and that changing officers  
36 could be disruptive. Council Member Laputka spoke in favor of Resolution No. 422-07.

37  
38 Council Member Sherrill remarked that this change would facilitate a more orderly transition. He  
39 voiced his support and said that it should have been addressed earlier.

40  
41 Mayor Strickland requested that the available Commission seats be advertised to solicit more citizen  
42 participation. Mr. McCue said that the City Clerk would prepare the advertisement and that Council  
43 Members with corresponding seats must select an appointment by the December 11<sup>th</sup> meeting.  
44 Council Member Sandford clarified that the method of advertisement was the newspaper. Mr.  
45 McCue responded in the affirmative.  
46

1 In response to a question from Council Member Laputka, Mr. McCue said that at the first meeting in  
2 December the Council would review the selected applicants and appoint new commissioners who  
3 would take office in January 2008.

4  
5 **Motion passed with a 7/0 roll call vote of the Council.**  
6

- 7 B. **RESOLUTION NO. 447-07:** A resolution of the City Council of the City of Orange  
8 City, Florida, to pursue measures to become a “Green Local Government” through  
9 improved environmental performance using criteria and standards developed by the  
10 Florida Green Building Coalition, and encouraging the legislature and governor to  
11 support the Green Local Government program.  
12

13 This item was withdrawn at staff’s request.  
14

15 **7. DISCUSSION AND ACTION:**  
16

17 A. Mosquito Control Contract  
18

19 Mr. McCue advised that this agenda item is an annual agreement with Volusia County for mosquito  
20 control and that the city has had this contract for some time. He explained that the service is  
21 provided on demand in response to a neighborhood-wide problem. Mr. McCue said that Orange  
22 City used the service in 2004 after the storms. He that this agreement is with the East Side Mosquito  
23 Control District which is a taxing district established by Volusia County for the residents on the east  
24 side of the county. He said staff is recommending continuing the contract.  
25

26 Mayor Strickland expressed concerns that while the city is moving towards becoming a green local  
27 government, chemicals dosing the area during mosquito flyovers may circumvent that the process.  
28 Vice Mayor Allebach said that at this time the green local government program discusses  
29 governmental approaches to energy conservation versus chemical reactions to the environment. Mr.  
30 McCue said that he would contact the county to determine other methods that could be used to  
31 control the mosquito population and at the same time protect the environment.  
32

33 **Council Member Mahoney moved to authorize staff recommendation,**  
34 **seconded by Vice Mayor Allebach and passed by unanimous 7/0 voice**  
35 **vote of the Council.**  
36

37 **8. REPORTS:**  
38

39 A. City Manager  
40

41 Mr. McCue reported that the City has received notification of a grant for approximately \$39,000 for  
42 the purchase of a new police vehicle.  
43

44 Mr. McCue noted that the second City Council meeting in December falls on Christmas Day and  
45 asked whether the Council wished to cancel that meeting.  
46

1                   **It was the consensus of the Council to cancel the second meeting in**  
2                   **December.**

3  
4 Council Member Sherrill inquired about a white PVC pipe coming out the meter box running across  
5 the yard at the former home of Billy Lowe on Holly Avenue. Mr. McCue said that was a new line that  
6 was put in because the old pipe no longer worked and that he would meet with Code Enforcement to  
7 determine if any codes had been violated. Council Member Sherrill advised that the pipe should be  
8 under ground and said that if there is no ordinance or resolution addressing this type of situation, one  
9 should be drafted.

10  
11 Gary Blair, 233 E. Rose Avenue, came forward and suggested that the pipe was a “blow off” pipe  
12 installed by the City. Ms. Bredbenner advised that it is not the City’s pipe.

13  
14 Council Member Mahoney recommended speaking with the owner prior to involving Code  
15 Enforcement. Mr. McCue restated that he would investigate the matter and report back to Council.

16  
17                   B. Mayor/City Council

18  
19 Mayor Strickland expressed his wish that the Council work together with staff to create an agenda that  
20 addresses the concerns of each Council Member. He encouraged citizens to speak with their elected  
21 officials regarding their concerns.

22  
23 Council Member Mahoney commented that he had the opportunity to participate in the Fiscal  
24 Stewardship Council for the Florida League of Cities (FLC). He said that he enjoyed the Council and  
25 stated, “I just wanted to say thank you for having the opportunity to serve.”

26  
27 Council Member Sherrill commented on the legislative conference held last week in Orlando. He  
28 advised that a resolution will be presented at the next Council meeting regarding affordable housing  
29 and mobile homes. He discussed the provisions contained in the resolution noting that it offered  
30 support for people who live in mobile home communities. He read a policy statement from the FLC to  
31 the legislature regarding statutory provisions that are needed to protect mobile home owners. Council  
32 Member Sherrill stated, “Mobile homes are the only form of affordable housing left.”

33  
34 Council Member Abraham advised that he attended a Sunshine workshop on ethics hosted by the  
35 Attorney General during which an “accountability project” was discussed. He said that the project  
36 encourages maximum utilization of a city’s website for providing information to its citizens. He  
37 remarked that he was the only Orange City citizen attending the conference.

38  
39                   C. City Clerk

40  
41 The City Clerk had no further report this evening.

42  
43 Mayor Strickland thanked Ms. Renner for festivities planned for the newly elected Mayor and Council  
44 Members.

45  
46                   D. City Attorney

1 Mr. Reischmann gave an overview of the sunshine laws. He cautioned that any communication  
2 regarding public business must be done in a public meeting. He discussed the severe consequences for  
3 violating the Sunshine Laws. Mr. Reischmann recommended that all Council Members attend a  
4 Sunshine Workshop sponsored by the FLC. He said that the City Clerk would provide the information  
5 on this workshop. Mr. McCue discussed prohibitions against acting as a conduit for communication  
6 among council members.

7  
8 Council Member Sherrill announced that Mr. Reischmann was a finalist for City Attorney of the Year  
9 at the FLC awards banquet last week. He said that even though he did not win, he was one of four  
10 finalists. Council Member Sherrill congratulated Mr. Reischmann on his success. He commented that  
11 Mr. Reichmann's boss was the winner.

12  
13 9. **APPROVAL OF MINUTES:** October 23, 2007 Regular Meeting

14  
15 **Vice Mayor Allebach moved to approve the minutes of the October**  
16 **23rd City Council Meeting seconded by Council Member Mahoney and**  
17 **passed by unanimous 7/0 voice vote of the Council.**

18  
19 **10. COUNCIL COMMENTS**

20  
21 Council Member Mahoney apologized for being late. He congratulated and welcomed the new  
22 Council Members.

23  
24 Council Member Laputka stated, "I'm glad to be here." He read a letter into the record from a new  
25 citizen praising Orange City and said, "That sort of captures the reasons that we are here."

26  
27 Council Member Sandford thanked the voters for electing him to office. He stated, "We got a good  
28 start."

29  
30 Council Member Sherrill noted that an invitation has been received from Volusia County Baptist  
31 Church to attend their dinner next weekend. He invited the Council Members to attend.

32  
33 Vice Mayor Allebach commented that Orange City's former Public Works Superintendent passed  
34 away last week. He said that his death reminded him of how important it is to put things in  
35 perspective. Addressing the new Council Members, Vice Mayor Allebach said "You have a lot to  
36 learn and we are going to be here to help you."

37  
38 Council Member Abraham read a statement into the record (a copy of which is attached and becomes  
39 a permanent part of these minutes) regarding an article that he read in The Sentinel today regarding  
40 diversity. He thanked the citizens for electing him to office.

41  
42 Mayor Harley Strickland said that he had received calls from parents at the City's elementary school  
43 expressing their concerns about transportation and other issues. He encouraged citizens to be involved  
44 in their city government and to talk with the Council about the issues in their neighborhoods.

45  
46 **11. ADJOURNMENT**

1 There being no further business, Mayor Strickland adjourned the meeting at 8:04 p.m.

2

3 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

4

5

6 Gloria Williams

\_\_\_\_\_

7 Deputy City Clerk