

1 **MINUTES OF THE SPECIAL MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, May 12, 2009 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

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4 **CALL TO ORDER**

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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 Jeff Allebach; Council Members: Tom Laputka, Tom  
11 Abraham, Don Sherrill, Paul Rasch, Jim Mahoney; City Attorney William Reischmann; Interim City  
12 Manager Chester Murray, City Clerk Deborah Renner

13

14 **1. Begin discussion on formation of Council Districts**

15

16 Mayor Strickland announced this is a workshop to discuss the formation of Council districts. He asked  
17 that the discussion be limited to 90 minutes noting that additional workshops have been scheduled if it is  
18 required. The Mayor asked that staff presentations begin with Mr. Reischmann and Ms. Renner.

19

20 Mr. Reischmann began by stating that Section 4.02, subsection (b) of the City Charter provides Council  
21 guidance with regard to this task. He read from the section. "The City of Orange City shall be divided  
22 into five Council Districts by an ordinance of the City. This ordinance shall comply with the general  
23 laws governing district boundaries. Following each decennial census, the City Council shall by  
24 ordinance adjust the boundaries of the City Council districts according to general law. In addition, the  
25 City Council may, at its discretion, adjust the districts provided that any such adjustment will not take  
26 place less than one year before an election. The Council may appoint a special commission to develop  
27 the district boundaries, use consulting firms specializing in the process and/or use such other public  
28 governmental resources as are available to develop a plan for districts and to adjust the district  
29 boundaries when required."

30

31 Mr. Reischmann said the City Clerk has provided copies of Attorney General Opinion (AGO) 75-143  
32 (copies of which are attached and become a permanent part of these minutes), which talks about the  
33 criteria for establishing districts for local municipalities. The AGO states that district plans must meet  
34 constitutional standards that require each district contain an equal number of people. He stressed that  
35 while the number of registered voters is a consideration, the equality of the population is paramount  
36 when forming districts. Each district must be "substantially equivalent" and must not minimize the  
37 voting strength of a particular group of voters. The standard of calculating population is plus or minus  
38 5% between district populations which is the standard staff used to prepare the sample map provided to  
39 Council. Mr. Reischmann advised the AGO recommends contiguous districts, as non-contiguous  
40 districts are open to challenge on equal protection grounds. The mathematical exactness or precision in  
41 population equality is not required however, estimations based on previous census data are important.  
42 The AGO defines "political gerrymandering" as discriminatory districting which operates to inflate  
43 unduly the political strength of one group or ground and deflate that of another." In conclusion, Mr.  
44 Reischmann read from the AGO, "It is advised that your redistricting plan does not appear to minimize or  
45 cancel out the voting strength or racial or identifiable political elements of the voting population.  
46 Problems of contiguity or compactness come into play only when evidence that the district lines drawn

1 by a city council operate to dilute the vote or voting strength of a group.” He stated, “I think that this  
2 AGO provides a lot of guidance for what we are about to do.”

3  
4 Council Member Rasch asked if the AGO addressed the issue of the current Council and whether the  
5 current council members would still have a seat once the districts are drawn. Mr. Reischmann responded  
6 there is no legal obligation with regard to the matter. Council could work towards that objective as long  
7 as the primary obligation to create districts that are “substantially equivalent” in population, contiguity  
8 and compactness is maintained. He explained that “compactness” refers to the smallest perimeter  
9 containing the same amount of volume. The most compact shape is a circle, which is not practical for the  
10 City but could be used as a guide when drawing the district boundaries.

11  
12 Council Member Abraham pointed out the AGO does not address the uneven boundaries and enclaves of  
13 Orange City. Mr. Reischmann agreed noting that the AGO does provide guidelines on how to create  
14 contiguous districts that are compact and substantially equal in population.

15  
16 In response to a question from Mayor Strickland, Mr. Reischmann said that the article provided about the  
17 redistricting of Gainesville (a copy of which is attached and becomes a permanent part of these minutes)  
18 was written by a consultant and provides information regarding the use of the census and other tools  
19 available to determine the location of populations. It imparts information about what another local  
20 government is experiencing as it is going through a redistricting process.

21  
22 Ms. Renner reminded Council that at the last meeting staff presented a draft map that was drawn as an  
23 example of how the districts might look once formed. It is a compact population-based map and the  
24 population is balanced within each district. Each district has a different color. Ms. Renner said a blank  
25 city map with the TAZ districts used to estimate the population was available for Council’s  
26 consideration.

27  
28 In response to a question from Mayor Strickland, Ms. Renner said a TAZ district is a transportation  
29 analysis zone developed by the Metropolitan Planning Organization (MPO). The MPO uses population  
30 data from cities, and a combination of various sources, and put it into blocks that can be sectioned off to  
31 get population estimates for blocks of area. Staff used the TAZ data to form the districts on the sample  
32 map provided. Mr. Murray noted staff calculated the population from new subdivisions and  
33 developments and incorporated it into the latest TAZ examples. Ms. Renner explained the TAZ data is  
34 based on 2005 statistics. To get a more accurate count, staff incorporated the population from the  
35 developments built in the City since that time. She noted it has affected the population significantly in  
36 certain areas.

37  
38 Ms. Renner pointed out the map contains the TAZ block and population numbers within each block as  
39 well as an indication of where each council member lives. She noted there are a few instances where  
40 council members live in close proximity to one another and that may be an obstacle to consider and  
41 overcome.

42  
43 In response to a question from Mayor Strickland, Ms. Renner said that staff started sectioning off the  
44 map in the north and worked towards the south. Staff tried to section off the areas as compactly as  
45 possible while maintaining the population ratio. There are an infinite number of ways to do it. Several  
46 versions of the map are available, one that staff prepared, one provided by Ann McFall, Supervisor of  
47 Elections during the Charter Review process, and two variations submitted by Hugh Strickland. Ms.  
48 Renner said no particular way is the right way. Whatever method Council chooses it is important to

1 consider the factors that Mr. Reischmann discussed. A lengthy discussion ensued about the maps  
2 presented.

3

4 In response to a question from Mayor Strickland, Ms. Renner said the map prepared by Ms. McFall was  
5 based on census-by-population data. Mayor Strickland expressed his concern the map may not be  
6 accurate. Ms. Renner agreed noting the data is old and would require adjustments. She said that Ms.  
7 McFall provided a map that shows the location of registered voters.

8

9 Council Member Rasch stated his belief the Supervisor of Elections should be able to provide maps with  
10 data about where the registered voters live. In response to a question from Council Member Mahoney  
11 Council Member Rasch said that information could be used as a secondary consideration when forming  
12 the districts. Mr. Reischmann reminded Council that each district must have equivalent populations. He  
13 stated, "You can't sacrifice equivalent population in order to get equivalent voters."

14

15 Ms. Renner suggested that Council consider the criteria to use, envision the district as it is formed, and  
16 give staff direction. She said staff will translate Council's desires into a map and bring it back to be  
17 refined.

18

19 Mayor Strickland asked Mr. Strickland to come forward and explain how Maps A and B were drafted.

20

21 Hugh Strickland, 420 May Street came forward and stated that staff was very helpful in providing him  
22 with the data. He said he constructed the maps based on the TAZ planning zone maps and the population  
23 distribution analysis provided by staff. He explained the TAZ data was published in 2005. Staff adjusted  
24 the population to reflect increases up to December 2008. Mr. Strickland said he had concerns with the  
25 population map drafted by staff because four council members live in one single district. As a result, he  
26 constructed two maps using a total population estimate of 10,078 and a 5% average of the total  
27 population for each district. Based on the calculation, the population range of each district must be 1,900  
28 - 2,100 people. The district boundaries were drawn to include five council members in the five districts,  
29 and by removing the residence of the Mayor and at large member from the equation. He detailed the  
30 steps taken to create the maps noting that roads and streets were used to connect the TAZ blocks of  
31 population.

32

33 Mr. Strickland said that he tried to place one council member in each district because that is what the  
34 voters wanted. He detailed some of the complexities involved noting some of the district blocks are  
35 denser than others with less population and that made it difficult to provide compactness. Map A  
36 provides that council seats 1, 2, and 3 are in single member districts. However, council seats 4 and 5 are  
37 in the same district and as a result, separation into single members districts was not possible. He said  
38 Map A includes corridors, for example Veteran Memorial Parkway in district 4 abuts with district 5 at  
39 U.S. 17-92. He suggested that would avoid an "isolationist" point of view and might account for the way  
40 the map looks.

41

42 Referring to Map B, Council Member Mahoney said the boundaries of the green district appear to isolate  
43 citizens of that district and conflict with the citizen's desire to have a representative in their district. Mr.  
44 Strickland agreed, he said he had some concerns with the green district. However, he drafted it in  
45 response to a request from Vice Mayor Allebach during the Charter Review meetings that at least one  
46 district be "broken down" along the east/west side of the City. He said he used a map that came from the  
47 Supervisor of Elections and spoke with the GIS representative who stated he drew the map strictly on the  
48 voter count, not on population. Mr. Strickland noted that a printout indicating the street on which a voter

1 lives on is available from the Supervisor of Elections. In response to a question from Ms. Renner, Mr.  
2 Strickland said the information is available in a map or data page format.

3  
4 Council Member Mahoney pointed out that without having the corresponding population data it is not  
5 possible to determine the districts. Mr. Strickland agreed stating that he did not bring the data because it  
6 is very complicated and difficult to go through. He thanked Ms. Hickey and Ms. Renner for the  
7 assistance they provided.

8  
9 Mayor Strickland asked if anyone else in the audience wished to address the Council.

10  
11 Paul Crippen came forward and stated that Map A appears to be the map that would accomplish the  
12 stated goal of having geographical representation for citizens. He said Map B appears to have a long  
13 district from the southwest to east end of the City. Mr. Crippen pointed out that having geographic  
14 representation might change the number of people who vote as they may have more confidence that they  
15 are going to be represented by someone that is from their area.

16  
17 Ron Saylor came forward and questioned whether the racial balance of a district had been considered to  
18 draw the maps. Mr. Strickland responded it was not. He said he had no data about the racial makeup of  
19 the TAZ blocks. Mayor Strickland remarked that is an issue that Gainesville is struggling with now. Mr.  
20 Reischmann detailed the problems Gainesville is experiencing. The Mayor stated he did not see that as a  
21 major issue at this point. Mr. Murray pointed out that according to the last census 3% of the City's  
22 population was African-American. Mr. Strickland recalled the matter had been discussed at the Charter  
23 Review meetings. He said Mr. Reischmann researched the matter and found the Department of Justice  
24 did not have to approve the redistricting of the City because the minority population was not large  
25 enough in any one area of the City. Mr. Reischmann concurred and stated there are certain jurisdictions  
26 in Florida have to abide by additional criteria pertaining to racial makeup, however, that does not apply  
27 to Orange City.

28  
29 Joe Rudolph, John Knox Village, came forward and asked Vice Mayor Allebach to clarify his earlier  
30 comment about the Charter amendments and council members in particular districts. Vice Mayor  
31 Allebach said the voters voted for districts with council representation within that district and not districts  
32 created because a particular council member lives there. He expressed his opinion that should not be a  
33 consideration when drafting the maps. Council Member Mahoney said the existing Council should be a  
34 consideration when drawing the districts. Council Member Sherrill stated he is more concerned with  
35 drawing boundaries irrespective of what council member lives in the district. Mr. Rudolph remarked that  
36 would mean council members would be grandfathered in and if they happen to be in the same district, it  
37 makes no difference. That would take care of itself after the next few elections. Mr. Reischmann noted a  
38 transition period for the 2009 and 2011 elections is specified in Section 2.02 of the Charter. Mr. Rudolph  
39 thanked Council for the opportunity to be part of this process.

40  
41 Council Member Laputka said that he agreed that the "higher priority criteria" should be the population,  
42 and not the registered voter population. He spoke in favor of the map provided by Ms. McFall. Council  
43 Member Mahoney pointed out that when you look at the legend of the map provided by Ms. McFall and  
44 add up the population that is associated with each district it sums to about 8,000. He stated it has to be  
45 population data.

46  
47 Mayor Strickland suggested that staff look at the Supervisor of Elections map and incorporate the TAZ  
48 data and present it to Council at tomorrow's meeting. In response to a request from Mayor Strickland,

1 Mr. Murray said the he met with the County Planning and Growth Management departments. The  
2 County is proposing an interlocal agreement that allow the City to provide governmental services to  
3 unincorporated areas of the City. That would include planning, development review, traffic, etc. He  
4 noted that could lead to a substantial population increase. Vice Mayor Allebach clarified that the  
5 districting Council is presently considering is relative to the Fall election and that redistricting must be  
6 done again before the 2011 election if there is a population increase. Mayor Strickland said that was  
7 correct. Mr. Murray suggested that staff could use the maximum TAZ figures when drawing the map. A  
8 lengthy discussion ensued. In response to a comment from Council Member Mahoney, Mr. Reischmann  
9 said that the City has a narrow window of opportunity between the publishing of the 2010 census and the  
10 2011 elections. He noted that with growth, the districts must be reviewed to make certain the  
11 "substantially equivalent" criteria still applies. Council Member Mahoney expressed his concern that  
12 demographic changes in population after the districts are established may change the representation  
13 requirements. Council Member Rasch said that until the districts are redrawn the at-large council  
14 members could represent the additional population. Mr. Reischmann said there is no plan for that in the  
15 charter. He agreed with Council Member Rasch that people who are not in a district would be part of the  
16 group that would vote for the at-large members.

17

18 Ron Saylor came forward and recalled there is a law that governs the State and mandates that districts be  
19 reviewed periodically. He suggested that should apply to Orange City. Mr. Reischmann said that  
20 requirement is not in the Charter, he noted there are federal requirements imposed upon state redistricting  
21 that do not apply to the City.

22

23 In response to a question from Council Member Laputka, Mr. Murray said staff would review the map  
24 the Supervisor of Elections provided, include the TAZ data and draft a map to bring back to Council.  
25 Council Member Mahoney asked that the map prepared by staff be color-coded. Vice Mayor Allebach  
26 spoke in favor of Map A he said he had problems with the green district in Map B. Council Member  
27 Mahoney asked that the population data in the three maps being considered be consistent.

28

## 29 **2. ADJOURN**

30

31 There being no further business, Mayor Strickland adjourned the meeting at 8:19 p.m.

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33

34 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

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38

39 Gloria Williams

40 Deputy City Clerk

May 26, 2009

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