

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, July 14, 2009 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 Jeff Allebach; Council Members Tom Laputka,  
11 Tom Abraham, Don Sherrill, Paul Rasch; City Attorney William Reischmann; Interim City Manager  
12 Chester Murray; City Clerk Deborah Renner  
13

14 **ABSENT:** Council Member Jim Mahoney  
15

16 **INVOCATION**

17  
18 The Invocation was given by Rabbi Paul Faulk, Ariel Congregation, followed by the Pledge of  
19 Allegiance.  
20

21 **1. ABSENCES:**

22  
23 Mayor Strickland said that Council Member Mahoney is on vacation and his absence would be  
24 addressed at the next meeting.  
25

26 **2. PRESENTATIONS:**

Proclamation – Affirming Partnership with  
the U.S. Census Bureau in Support of the  
2010 Census  
27  
28  
29

30 Mayor Strickland advised this agenda item has been postponed. He noted that Volusia County is  
31 forming a census committee and is looking for citizen participation. Applications are available on the  
32 County web site <http://www.volusia.org/census/default.htm>.  
33

34 **3. CITIZEN COMMENTS:**

35  
36 Al Blue, 447 N. Oak Avenue, came forward. He referenced a May 2008 memo from the former City  
37 Manager John McCue in which he advised that Florida Public Utilities was obligated to put the right-of-  
38 ways (ROW) back in "good repair". He maintained that the ROW should always be restored after work  
39 is done. Mr. Blue discussed the issue with vacant homes being assessed a non-ad valorem garbage  
40 assessment on the tax roll. He said the City is giving \$259 to the garbage company.  
41

42 Alan James, 1045 E. Graves Ave. came forward and distributed a drawing of a Manatee to the Council  
43 (A copy of which is attached and becomes a permanent part of these minutes). Mr. James said he met  
44 with a group to discuss ideas to improve the economy in Orange City. One of the ideas was to paint a  
45 mural of a Manatee on the Embarq building. When the mural is done, there will be an "unveiling"  
46 event. In response to a question from Mayor Strickland, Mr. Murray advised that the mural was  
47 compliant with City code. Council Member Sherrill felt it was a good idea and asked how the Council

1 could support this event. Mayor Strickland suggested that the City could help with the publicity of the  
2 event.

3  
4 William Crippen, 325 N. Volusia Avenue came forward and commended Council for the 4th of July  
5 celebration. He said that it was "fantastic" and stated, "I think it was a tremendous success and I  
6 applaud you."

7  
8 Council Member Rasch asked that Agenda Item 8-D be brought forward on the agenda for consideration  
9 at this time.

10

11 **It was the consensus of the Council to move Agenda Item 8D forward at**  
12 **this time.**

13

14 *(moved forward on the agenda)*

15

16 D. Appointing Members to the Sustainable Water Plan Committee

17

18 Council Member Laputka said that he provided Council a list of nominees for the Sustainable Water  
19 Committee (a copy of which is attached and becomes a permanent part of these minutes). Council  
20 Member Rasch expressed his understanding that each Council Member would appoint one  
21 representative to the Committee. Council Member Laputka concurred and stated that his list was just  
22 suggestions.

23

24 Mayor Strickland questioned whether the committee would be subject to the Sunshine Laws. Mr.  
25 Reischmann responded that if Council determined that they were solely a "fact-finding" group, then the  
26 laws would "not necessarily" apply. However, if they would be providing any information beyond  
27 fact-finding, then the Sunshine Laws would apply. In that case, the meetings would have to be noticed  
28 and minutes kept. Mr. Reischmann recommended that just to be safe, the meetings should be noticed  
29 and minutes kept so there would be no concerns regarding compliance with Chapter 286. Mayor  
30 Strickland expressed his concern that there is not "a clear mission" for the Committee. Mr. Reischmann  
31 noted that Article III of the Charter provides Council with the authority to form Committees and requires  
32 that it be done by ordinance or resolution.

33

34 Mayor Strickland suggested that each Council Member make their appointment to the Committee and he  
35 asked Council Member Rasch to be first. Council Member Rasch said that he wished to appoint Ken  
36 Reinlie, 2057 King Richard's Court. Council Member Laputka noted that he spoke to many people who  
37 wanted to be involved in this endeavor. He said that he did not think the group would be limited to  
38 seven people and asked whether everyone on the list could be included. The Mayor suggested that the  
39 Committee be no larger than twelve members.

40

41 Council Member Abraham said that he wished to appoint Mr. Al Blue.

42

43 Vice Mayor Allebach suggested that the City Attorney write a resolution for consideration at the next  
44 meeting formally creating the committee. Council Member Laputka advised that the Library  
45 Association has agreed to provide space for the meetings. Mr. Reischmann said he would craft language  
46 in the resolution that would also authorize potential additional members.

47

1                   **It was the consensus of Council to appoint the individuals on Council**  
2                   **Member Laputka's list with the addition of Ken Reinlie.**  
3

4 In response to a question from Mayor Strickland, Mr. Reischmann said that it was up to Council to  
5 decide how appointments to the Committee would be made. Vice Mayor Allebach suggested that  
6 interested parties can attend a meeting of the Committee and if interested in an appointment, let the  
7 Council know.  
8

9                   **4. CONSENT AGENDA:**  
10

11                   **a. RESOLUTION NO. 549-09:** A resolution of the City of Orange City, Florida,  
12 acknowledging and approving a second 12-month extension to the preliminary  
13 subdivision plat for Shadow Ridge Subdivision Phase 2, with the intent to divide a  
14 32.7 acre parcel into 77 residential lots, said parcel located immediately north of  
15 Shadow Ridge Subdivision Phase 1, Orange City, Florida; repealing all  
16 resolutions or parts of resolutions in conflict herewith; and providing for an  
17 effective date.  
18

19                   **b. RESOLUTION NO. 550-09:** A resolution of the City Council of the City of  
20 Orange City, Florida, acknowledging and approving a second 12-month extension  
21 to the site plan for Shadow Ridge Subdivision Phase 2, said site plan containing  
22 the specifications to develop 77 lots on a 32.7 acre parcel, located immediately  
23 north of Shadow Ridge Subdivision Phase 1, Orange City, Florida; repealing all  
24 resolutions or parts of resolutions in conflict herewith; and providing for an  
25 effective date.  
26

27                   **Vice Mayor Allebach moved to approve the Consent Agenda,**  
28 **seconded by Council Member Sherrill and passed by 6/0 a unanimous**  
29 **roll call vote of the Council.**  
30

31                   **5. ORDINANCES – FIRST READING:**  
32

33                   **A. ORDINANCE NO. 394:** An ordinance of the City of Orange City, Florida, amending  
34 Chapter 5 — Building, Housing and Structural Requirements — of the Code of  
35 Ordinances of the City of Orange City, containing a severability clause, a repealer  
36 provision, and providing for an effective date.  
37

38 Vice Mayor Allebach read the title of Ordinance No. 394 into the record.  
39

40                   **Vice Mayor Allebach moved to adopt Ordinance No. 394 on first**  
41 **reading, seconded by Council Member Sherrill.**  
42

43 Elaine Wilson, Planning & Zoning Analyst came forward and advised this ordinance would bring the  
44 City Code of Ordinances into compliance with the Florida Building Code. She advised that Mark  
45 Knowlton, Building Official was present to answer questions. Mayor Strickland asked Mr. Knowlton, to  
46 come forward. In response to a question from the Mayor, Mr. Knowlton advised the proposed code was  
47 thoroughly reviewed. Mr. Reischmann pointed out this ordinance is a requirement under the Florida

1 Statutes.

2  
3 **Motion passed by a 6/0 roll call vote of the Council.**

- 4  
5 **B. ORDINANCE NO. 396:** An ordinance of the City Council of the City of Orange City,  
6 Florida authorizing the granting to Florida Public Utilities Company, its successors and  
7 assigns, a non-exclusive artificial, natural, and/or mixed gas franchise to use the public  
8 rights of way of the City of Orange City, Florida, and prescribing the terms and  
9 conditions under which said franchise may be exercised; making findings; providing for  
10 non-codification, conflicts, severability and effective date; and repealing prior ordinance.

11  
12 Vice Mayor Allebach read the title of Ordinance No. 396 into the record.

13  
14 **Council Member Laputka moved to adopt Ordinance No. 396 on first**  
15 **reading, seconded by Council Member Rasch.**

16  
17 Mr. Reischmann discussed the purpose of the ordinance stating it allows Florida Public Utilities (FPU)  
18 to use City right-of-ways (ROW) to provide gas connections to its customers. He explained FPU's  
19 franchise agreement with the City expired some time ago. Mr. Murray noted FPU is currently paying a  
20 3% franchise fee which would increase to the standard 6% rate. He noted that in addition to this  
21 ordinance, a "Most Favored Nation Agreement" is required and would be coming forth at the next  
22 meeting. Therefore, second reading of this ordinance would be delayed until August so that both  
23 ordinances would adopted at the same time.

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

26  
27 **6. PUBLIC HEARING/ORDINANCES – SECOND & FINAL READING:**

- 28  
29 **A. ORDINANCE NO. 393:** An ordinance of the City of Orange City, Florida, amending  
30 sections of Chapter 17.3, Utilities of the Code of Ordinances of the City of Orange City,  
31 Florida; providing for conflicts, severability and effective date

32  
33 Vice Mayor Allebach read the title of Ordinance No. 393 into the record.

34  
35 **Council Member Laputka moved to adopt Ordinance No. 393 on**  
36 **second and final reading, seconded by Council Member Rasch.**

37  
38 Paul Johnson, Public Works Director came forward and stated this is the second reading of Ordinance  
39 No. 393 and there have been no changes. This ordinance would bring the City into compliance with the  
40 Water Management District's request for a standardized ordinance for irrigation conservation.

41  
42 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
43 proposed ordinance, no one appeared. The mayor closed the public hearing.

44  
45 **Motion passed by a 5/1 roll call vote of the Council, with Council**  
46 **Member Rasch voting "no".**

47

1           **B.     ORDINANCE NO. 395:** An ordinance of the City of Orange City, Florida, creating  
2 Chapter 12.5, Maintenance of Rights-of-Way in the Code of Ordinances of the City of  
3 Orange City, Florida; providing for the definition of Right-of-Way; providing for  
4 maintenance requirements; providing for enforcement authority; providing for correction  
5 by City, reimbursement, liens and release of lien; providing for conflicts, severability and  
6 effective date.

7  
8 Vice Mayor Allebach read the title of Ordinance No. 395 into the record.

9  
10           **Council Member Sherrill moved to adopt Ordinance No. 395 on**  
11 **second and final reading, seconded by Vice Mayor Allebach.**

12  
13 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
14 proposed ordinance.

15  
16 Mr. Johnson said this is the second reading of this ordinance. It is regarding maintenance of right-of-  
17 ways. The City Attorney recommended revisions, which were provided in the agenda packet. Mr.  
18 Reischmann advised that according to case law this type of regulation is legal and constitutional long as  
19 there is substantial need and public purpose is established. He discussed the changes noting the  
20 language in Exhibit A was revised to explain the consequences of a property owner's failure to comply  
21 with this regulation and includes steps necessary to dispute the matter. These revisions do not change  
22 the purpose of the ordinance and can be adopted on second reading.

23  
24 Council Member Laputka questioned the addition of "reasonable costs" vs. "costs" discussed in Section  
25 12.5-3. He asked whether it could be disputed. Mr. Reischmann said it clarifies the compensation and  
26 requires the City to seek reasonable costs.

27  
28 Council Member Abraham questioned the timing. He asked whether the City already had something in  
29 place to address this issue. Mr. Reischmann responded "no" there was not, and that is the reason this  
30 ordinance is coming forward tonight. Mr. Murray said the City is spending 20% of its mowing  
31 operations on ROW that are not being maintained by property owners and this ordinance is an attempt to  
32 seek reimbursement. In addition, adopting this ordinance would provide Council's authorization to  
33 continue this process.

34  
35 Council Member Rasch stated that he has always maintained the ROW in front of his house and does not  
36 know anybody else who has not. According to the plat map of a property, the property owner owns the  
37 ROW, but there is an easement for local government use. He stated, "It seems like a "no brainer" that  
38 we have wasted as much time as we have."

39  
40 Robert Gregory 314 W. Ohio Avenue came forward and spoke against this ordinance. He felt that  
41 homeowners are being singled out and this ordinance should apply to all property owners including  
42 vacant lots and commercial properties.

43  
44 Ruth Blue, 447 N. Oak Avenue came forward and spoke in favor of this ordinance. Noting that it would  
45 save the City money and make it look good, she stated, "Please don't come down as a hammer on  
46 people's head, the threat of a property lien makes people leery." Ms. Blue suggested that the City have a  
47 "Spruce Up Orange City" day and involve the schools in the campaign. She noted that vines and plants

1 are growing over the sidewalks and suggested that sidewalks be included in the clean-up campaign.

2  
3 Al Blue, 447 N. Oak, said that he agrees with previous comments. He said he looked up the definition  
4 of a ROW and found it was the graded portion of a public street adjacent to the property. He questioned  
5 whether the language "public street" refers to City streets and if it includes commercial properties. Mr.  
6 Reischmann said the ordinance refers to every property owner in the City. Mr. Blue suggested replacing  
7 "city streets" for "public streets" in the ordinance. Vice Mayor Allebach noted "public" is more  
8 inclusive. Vice Mayor Allebach expressed concerns that there is a misunderstanding about the purpose  
9 of this ordinance. He explained that adopting this ordinance would provide the City compensation for  
10 providing a service, as well as provide an explanation of why City staff may be mowing a citizen's  
11 ROW. Mr. Blue said that he agrees with the action, but does not like the manner in which it is being  
12 done. Rather than forcing people to maintain their ROW, he suggested a "citizen beautification  
13 committee" be formed that would provide recommendations to improve the appearance of the entire  
14 City. Lastly, Mr. Blue suggested that the City would be liable if a worker is injured while mowing the  
15 City's ROW. Vice Mayor Allebach reiterated that the property owner and not the City own the ROW.  
16 Mr. Blue disagreed.

17  
18 Mike Polgar, 585 Montclair Avenue came forward and stated, "Orange City is acting as a homeowner  
19 association and a dictatorship by putting a lien on our homes." Mr. Polgar strongly objected to the  
20 proposed ordinance and asked the Council to consider removing references to a lien. He said the ROW  
21 in front of his house is his property and he always maintains his lawn. He stated, "If it ever comes down  
22 to me that you tried to put a lien on my property, you will have a fight on your hands." Mr. Polgar  
23 thanked the Council for their time and consideration.

24  
25 Referring to a previous comment, Council Member Abraham said he heard the words from Council, this  
26 is a "no brainer" however, he disagrees this is a "brainer." Council Member Abraham said he read the  
27 research provided by the City Attorney and it clearly states in case law that ROW are City property.  
28 Council Member Abraham stated, "I have researched it more than anyone of you has here the on the  
29 Council, it is a brainer."

30  
31 Vice Mayor Allebach spoke in support of this ordinance. He said the purpose is not to penalize people  
32 by putting a lien on their homes. Instead, it would provide incentive for property owners to maintain  
33 their ROW. Public Works staff cannot continue to mow private ROW unless additional staff is hired  
34 which would increase taxes. Vice Mayor Allebach said it is very difficult to encourage everybody to  
35 maintain his or her ROW without this type of law. If there were a problem with unkempt ROW, the  
36 City would be able to seek reimbursement for providing that service. He maintained that it is not fair to  
37 make the taxpayers pay for mowing certain citizen's yards and reiterated his support for the Ordinance.  
38 Mr. Polgar strongly objected to the Vice Mayor's comments.

39  
40 Council Member Rasch said he agreed with Vice Mayor Allebach. He said that he and Mr. Blue drove  
41 around Mr. Blue's neighborhood and found fourteen vacant homes that were not maintained. Council  
42 Member Rasch advised that there are a lot of unkempt yards in the area and the City needs a way to  
43 enforce that property owners take care of their property.

44  
45 Romane Casteel, 760 Oak Terrace expressed her concerns that the value of her property could go down  
46 if her neighbors do not take care of their property. She stated, "I work hard on my property."  
47

1 Mr. Gregory asked if this ordinance applies to every property owner in the City. Mr. Reischmann  
2 responded that it does. It applies to every owner of real property that abuts a public road. He read from  
3 Section 12.5-2 of the ordinance which states, "It shall be the duty and responsibility of every owner of  
4 real property within the City to at all times maintain the right-of-way most nearly abutting their  
5 property." He said ROW is defined as "the space between the private property line or survey line of the  
6 property owner and the paved or graded portion of the public street adjacent thereto, including the area  
7 between the sidewalk and the street."  
8

9 Mayor Strickland said he had concerns with the original ordinance, specifically the proposed fees for  
10 non-compliance. The changes Mr. Reischmann recommended were helpful. This version explains that  
11 the fee is designed so that the City could recoup its costs for the use of staff time and City equipment  
12 and not as another revenue stream. Mayor Strickland confirmed that the charges are based on the cost of  
13 employee time and the use of City equipment. Mr. Johnson said that is correct. Mr. Reischmann  
14 pointed out that the City already has a regulation in its Code that requires private property owners to  
15 maintain their lots and when they do not, Public Works mows the lawns and bills the property owner.  
16 This ordinance includes ROW in that process. Mr. Reischmann noted that most other cities have a  
17 similar type of regulation.  
18

19 The mayor closed the public hearing.  
20

21 **Motion passed by a 5/1 roll call vote of the Council, with Council**  
22 **Member Abraham voting "no".**  
23

24 **7. RESOLUTIONS:**  
25

- 26 **A. RESOLUTION NO. 551-09:** A resolution of the City Council of the City of  
27 Orange City, Florida, calling for a General Election for Districts 4, 5 and At-  
28 Large Council Member Position (formerly Seat 6), and a run-off election if  
29 necessary to be held September 22, 2009 and November 3, 2009 respectively;  
30 listing the qualifying period during which persons may file for said elections;  
31 officially notifying the supervisor of elections of said dates; repealing all  
32 resolutions or parts of resolutions in conflict herewith and providing for an  
33 effective date.  
34

35 Vice Mayor Allebach read the title of Resolution No.551-09 into the record.  
36

37 **Council Member Laputka moved to adopt Resolution No. 551-09,**  
38 **seconded by Council Member Rasch.**  
39

40 Referring to the title of this ordinance, Mayor Strickland questioned whether the dates provided were  
41 correct. Ms. Renner confirmed that the dates provided are correct. Mr. Reischmann agreed the dates  
42 were correct however, the wording is not clear. He suggested the language be changed to state, "...a  
43 General Election to be held September 22, 2009 and a Run-off Election, if necessary, to be held  
44 November 3, 2009."  
45

46 **It was the consensus of the Council to change the wording as stated.**  
47

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

2  
3   **8.     DISCUSSION AND ACTION:**

4  
5       **A.     Awarding Bid for Hydropneumatic Tank Replacement**

6  
7 Paul Johnson, Public Works Director, came forward and stated that the Health Department advised the  
8 City that the hydropneumatic tank at Crossridge Road in County Village is old and needs to be replaced.  
9 The City conducted a bid and received four responses. The lowest bidder, C&S Companies, did not  
10 include the exterior paint system as specified in the bid package, therefore, staff recommends that bid be  
11 rejected and the contract awarded to Locke Well and Pump Company, the next lowest bidder. He noted  
12 the Locke bid is \$150 more and includes the exterior paint system.

13  
14 Council Member Laputka noted there is a huge difference between the highest and lowest bidder, he  
15 questioned why. Mr. Johnson said the Masci Corporation bid includes subcontracting the project out,  
16 therefore, the costs are significantly higher.

17  
18 In response to a question from Council Member Abraham about the life expectancy of a hydropneumatic  
19 tank, Mr. Johnson said the current tank was installed 20 years ago. Council Member Abraham asked  
20 whether there were other tanks that need to be replaced. Mr. Johnson responded not at this time. He  
21 said the City's Renewal and Replacement program is ongoing and items are replaced as necessary. In  
22 addition, the Utility also upgrades and maintains its equipment as required by Department of  
23 Environmental Protection (DEP) standards.

24  
25 Mayor Strickland confirmed that this project would be paid from the Enterprise Fund. Mr. Johnson said  
26 that was correct, it is part of the Renewal and Replacement Program. Mr. Murray stated this expense is  
27 a scheduled item which was budgeted for this fiscal year.

28  
29                   **Vice Mayor Allebach moved to authorize the City Manager to enter**  
30 **into an agreement with Locke Well and Pump Company for the**  
31 **replacement of the Hydropneumatic Tank as stipulated, seconded by**  
32 **Council Member Laputka and passed by 6/0 voice vote of the Council.**

33  
34       **B.     Approving Contracts for Hurricane Debris Removal**

35  
36 Mr. Johnson advised this is an annual process and a requirement to obtain FEMA reimbursement for tree  
37 removal and clean-up after a disaster. The City intends to retain the same companies it has contracted  
38 with over the last several years. These contracts are identical to the contracts approved last year.

39  
40                   **Vice Mayor Allebach moved to authorize the City Manager to enter**  
41 **into an agreement with Harty Tractor Service, Inc. and extend existing**  
42 **agreements with Arbor Tree and Land, Inc. and AshBritt**  
43 **Environmental for the purpose of post hurricane debris removal and**  
44 **disposal, seconded by Council Member Laputka and passed by 6/0**  
45 **voice vote of the Council.**

46  
47       **C.     Setting Dates for Budget Workshops/Hearings**

1 Christine Davis, Finance Director came forward and stated the purpose of this agenda item is to set the  
2 dates for workshops and public hearings required for adoption of the FY 09/10 budget. Ms. Davis  
3 recommended that the first budget workshop be held on Monday, August 10<sup>th</sup> at 6:30 p.m. and, if  
4 necessary, the second workshop on Tuesday, August 25<sup>th</sup> prior to the regularly scheduled meeting. Ms.  
5 Davis recommended that the dates for the two statutorily-required public hearings be held during the  
6 regular meetings of September 8<sup>th</sup> and September 22<sup>nd</sup>.

7  
8 In response to a question from Council Member Sherrill, Ms. Davis noted that the public hearings would  
9 be the first order of business during the regular meeting. Mayor Strickland asked whether these dates  
10 were agreeable to Council. Council Member Abraham noted that he would not be available for the  
11 August 25<sup>th</sup> Budget Workshop.

12  
13 **It was the consensus of the Council to accept the Budget Schedule as**  
14 **presented.**

15  
16 **D.** Appointing Members to the Sustainable Water Plan Committee

17  
18 *Moved forward on the agenda.*

19  
20 **8. NEW BUSINESS:**

21  
22 Council Member Abraham said he would like to review the garbage franchise contract. He said he is  
23 not requesting an item for discussion, that he just wants to review the contract.

24  
25 Council Member Laputka said that he previously asked that pocket parks be included on the agenda.  
26 Mr. Murray said that he would put it on the next agenda.

27  
28 Council Member Rasch asked about the status of the light at Threadgill Avenue and Harley Strickland  
29 Boulevard. Mr. Murray responded that a meeting regarding the matter is scheduled for next week.

30  
31 **9. REPORTS:**

32  
33 **A.** City Manager

34  
35 Mr. Murray said that he has received calls and emails thanking the City for the July 4<sup>th</sup> celebration. He  
36 congratulated and thanked staff for their efforts. Mr. Murray stated, "Shows what a little town can do  
37 when it puts its mind to it." Officer Sherif El-Shami will report for duty on Monday. The City is in  
38 possession of four bus stop shelters. Staff is working towards obtaining the easements from the County  
39 and the Department of Transportation in order to install them.

40  
41 Mr. Murray noted that he had distributed a map (a copy of which is attached and becomes a permanent  
42 part of these minutes) and began a discussion on the ongoing flooding issues on Treemonte Avenue.  
43 The flooding primarily affects the Royal Oaks Professional Center. Last year the flood damage was  
44 about \$1.8 million. The water flows from several locations into the pond located across from the Olive  
45 Garden. Mr. Murray said that the best way to resolve the problem is to allow water to continue its  
46 natural flow into Miller Lake. Miller Lake is located on the west side of U.S. 17-92, outside the City  
47 limits. Mr. Murray said staff is considering working with the various agencies and a private developer

1 to begin to assemble and purchase all the property in that location. The map identifies all of the  
2 involved parcels and their value. Mr. Murray advised that it would probably be a \$4 million dollar  
3 project and Orange City's contribution would be around \$750,000 to \$1 million. Staff is proposing that  
4 if this project moves forward, the City annex the property around Miller Lake and make it a regional  
5 park. The park would then be eligible for FRDAP and ECHO grant funds and the money spent to  
6 purchase the land would be used to match the grants. Mr. Murray expressed that the park would be "a  
7 beautiful amenity to this entire community" and that everyone would share in the cost. Mr. Murray said  
8 that he and Mr. Johnson have been promoting this project for the past four or five years. He clarified  
9 that he is not asking for action on this matter, but wanted Council to be aware of the status. He urged  
10 Council to take a look at the area and noted that the stormwater pond is threatening to flood Royal Oaks  
11 now. He said the property owner had run the pipes on 17-92 at an expense of about \$100,000. The  
12 water is being pumped to Mill Lake and then to the River. Mr. Murray noted that after a recent one-inch  
13 rainfall, the pond rose four inches. Mayor Strickland asked whether the project would tie in with the  
14 City's alternative water supply plans. Mr. Murray responded that as the water in Mill Lake can be sent  
15 to the reuse water system, Miller Lake can be done as well. In response to a question from Council  
16 Member Rasch, Mr. Murray said that the project has the support of the St. Johns River Water  
17 Management District and would likely receive grant funding. Mr. Murray stated that there are three  
18 properties which have been vacated due to flooding which can be purchased immediately which would  
19 add a great deal to the capacity of the Lake. He said that the Developer is committed to a \$250,000  
20 contribution toward the purchase of the property. Mr. Murray said he would keep Council advised as  
21 things develop and again urged them to look at the property.

22  
23 Mayor Strickland asked if the City was ready for the hurricane season. Mr. Murray responded that  
24 equipment used on Industrial Drive to replace an outfall line and the emergency bypass lines used during  
25 the last flooding episode were left in place in case they are needed. The same situation applies at Pooser  
26 Park, which is a County park but floods City property.

27  
28 Mayor Strickland asked for an update on the City's proposal to provide fire services to the city of  
29 DeBary. Mr. Murray responded that he submitted a proposal to the DeBary Interim City Manager and  
30 suggested that a workshop be held to discuss it. Mr. Murray said the proposal submitted includes a line  
31 item budget for supplies and equipment needed from which they can "pick and choose" and it includes a  
32 15% administrative fee. The City would prefer a 10-year but would accept a six year contract since that  
33 is the amount of time required to be vested in the Florida Retirement System. Mr. Murray said that he  
34 felt very confident that DeBary will "give great consideration to our proposal." The County has agreed  
35 to continue providing fire services until January instead of withdrawing on October 1<sup>st</sup>. DeBary is in the  
36 process of hiring a City Manager and Mr. Murray suggested that they may wait to make a decision until  
37 that process is complete.

38  
39 **B. Mayor/City Council**

40  
41 Council Member Sherrill said that due to the resignation of the executive director of WAV an  
42 emergency meeting has been scheduled. He predicted it would be the "demise of the organization as we  
43 know it now." He recommended that Orange City vote in that direction if given the opportunity.  
44 Council Member Sherrill said the issue has returned to an East vs. West conflict. He said the fees paid  
45 would be refunded back to the cities. Council Member Sherrill stated "Just let WAV go on and die a  
46 real quiet death and then put our efforts towards doing something for West Volusia and I think that we  
47 would be a lot better off."

1 Mayor Strickland noted that one of the ongoing issues at the meetings that he has attended is about  
2 EVAC and the consolidation of fire services. He said that one of the east side cities is considering a  
3 pilot program in which the City Fire Department would provide emergency transport services. In  
4 addition, there has been a lot of discussion about revising the Fire Fighter work schedules to an  
5 eight-hour shift similar to that of police officers.

6  
7 C. City Clerk  
8

9 Ms. Renner noted that the candidate packets for the upcoming election are ready. Qualifying starts  
10 August 10 one packet has already been picked up.

11  
12 D. City Attorney  
13

14 Mr. Reischmann provided an update on the Tel-Connect matter. He said Tel-Connect has finally  
15 applied for and received a conditional use permit. As a result, Tel-Connect dismissed its lawsuit against  
16 the City. However, the fines amassed by Tel-Connect are still pending and total approximately \$50,000.  
17 Mr. Reischmann advised that the City would begin the process of collecting the outstanding fines and  
18 suggested that someone from Tel-Connect may appear before the Council at some point to request a  
19 reduction in the fine.

20  
21 Mr. Reischmann advised the issue over the Volusia Growth Management Commission (VGMC) rules  
22 and procedures is still ongoing. The main issue is VGMC jurisdiction and whether it supersedes a  
23 municipalities' home rule authority. He explained that VGMC was created by the County to make sure  
24 municipal comp plan amendments are appropriate. Mr. Reischmann advised that there has been  
25 "substantial dispute" between the members of the VGMC and the cities that have been asking them to  
26 limit the scope of their challenges to comp plan amendments. Efforts to amend the rules have been  
27 ongoing for several years. Mr. Reischmann recalled that Orange City, along with several other cities,  
28 had previously passed a resolution urging the VGMC to allow the cities to use the authority granted to  
29 them in their home rule rights. A meeting is scheduled for next month with the VGMC to discuss these  
30 issues. He encouraged everyone to attend and share their concerns. Mr. Murray said that several "out of  
31 control activists" have been placed on the VGMC. He warned that the VGMC has "jumped outside the  
32 lines of their responsibilities" and has become a "mega-planning agency that wants to control everything  
33 and every government in this County." He suggested that the conflict is primarily driven by the  
34 VGMC's paid consultants. Mr. Murray stated, "I urge citizens to get involved and watch what is going  
35 on ...it is very dangerous." Mayor Strickland agreed, noting the City's representatives on the County  
36 Council are not supportive of the City's position on this issue. Mr. Reischmann noted that most of the  
37 cities in Volusia County have sent resolutions to the VGMC such as the one adopted by Orange City.  
38 Mr. Murray said that an imaging center which was a \$7 million project moved to another city because of  
39 requirements with the VGMC regarding roads. Council Member Rasch suggested that County Council  
40 Member Kelley be invited to a Council meeting.

41  
42 Mr. Reischmann reported that the "Florida Home Town Democracy" initiative has obtained the required  
43 signatures to be placed on the 2010 ballot. This initiative will require all future municipal or county  
44 comp plan amendments to be approved by referendum. Mr. Reischmann noted there are several local  
45 governments in Florida that have already begun to use this process and found that it is very costly. Mr.  
46 Murray noted that if this passes, an election would be required for each annexation and PUD that the  
47 City does and that would be costly. Vice Mayor Allebach said the Volusia League of Cities would be

1 hosting an instructional luncheon in September with a presentation on both sides of this issue. Mr.  
2 Reischmann said that Council will be hearing much more on this issue.

3  
4 Mr. Reischmann said that Senate Bill 2080 has been passed and it is now a requirement that all  
5 consumptive use permits and environmental resource permits will be determined and issued by the  
6 Water Management District Managers rather than the entire Board. Mr. Reischmann advised that there  
7 was an add-on to the bill called "Florida Friendly Landscaping" and that further information on that  
8 would be forthcoming.

9  
10 **10. APPROVAL OF MINTUES:** June 23, 2009

11  
12 **Vice Mayor Allebach moved to approve the minutes of the June 23,**  
13 **2009 Regular Meeting, seconded by Council Member Laputka, and**  
14 **passed by a unanimous 6/0 voice vote of the Council.**

15  
16 **11. COUNCIL COMMENTS:**

17  
18 Council Member Abraham commended the Beacon on a recent article that he read about Orange City's  
19 recently adopted ordinance on right of way maintenance. He also referenced an article on July 3<sup>rd</sup> about  
20 the war of independence. Council Member Abraham noted that a Beacon reporter was in the audience  
21 and he expressed his appreciation of that article to her.

22  
23 Vice Mayor Allebach said he missed the 4th of July celebrations because he was out of town. He heard  
24 good comments and congratulated Mr. Davis and staff for a well put on event. The Vice Mayor said  
25 that he is happy the City is getting involved with resolving the flooding issues at Royal Oaks.

26  
27 Council Member Laputka said that on June 11<sup>th</sup> he attended a luncheon sponsored by a beachfront  
28 neighborhood watch in Daytona Beach. Officer El-Shami was being honored and was presented with a  
29 check for \$1,000 raised from a car wash. Council Member Laputka said that he wanted to point that out  
30 because "it is not always about an East/West side conflict."

31  
32 Mayor Strickland expressed his displeasure with the report resulting from the strategic planning sessions  
33 this year and suggested that some of the information is not correct. He stated, "So I just want  
34 everybody to be clear that when we're looking at this we need to look at making a few corrections of  
35 things that happened to be missed in all of this."

36  
37 **10. ADJOURN:**

38  
39 There being no further business, Mayor Strickland adjourned the meeting at 9:08 p.m.

40  
41 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

42  
43  
44 Gloria Williams, CMC  
45 Deputy City Clerk

July 28, 2009