

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, January 12, 2010 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,
3 Orange City.

4
5 **CALL TO ORDER**

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7 The Meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was taken.
8

9 **ROLL CALL**

10
11 **PRESENT:** Mayor Harley Strickland; Vice Mayor Tom Laputka; Council Members; Jeff Allebach,
12 Tom Abraham, Anthony Pupello, Gary Blair, Bill Crippen; City Attorney William Reischmann;
13 Interim City Manager Chester Murray, City Clerk Deborah Renner
14

15 **INVOCATION**

16
17 The Invocation was given by Assistant Pastor Mark Siers, Volusia County Baptist Church, followed
18 by the Pledge of Allegiance.
19

20 **1. ABSENCES:** None at this time
21

22 **2. PRESENTATIONS:** Orange City Counts 2010
23

24 Wendy Hickey, Planning & Zoning Analyst came forward and provided a PowerPoint presentation
25 (a copy of which is attached and becomes a permanent part of these minutes), detailing Volusia
26 County's efforts to inform its citizenry of the importance of the upcoming 2010 census. Ms. Hickey
27 began by stating that every household in Volusia County will receive a census questionnaire in
28 March and are required to complete and return it by April 1st. Replacement questionnaires will be
29 sent to households that do not respond in April and census takers will visit households that still have
30 not complied in May, June and July. Ms. Hickey cautioned that census workers will not visit
31 residents before May. She said the census questionnaire takes 10 minutes to complete. The data
32 collected is used to establish state legislative districts and to determine the number of seats a state
33 has in the House of Representatives. Completing the census is the law, all responses are confidential
34 and any census worker that discloses confidential information can be fined, jailed or both. The data
35 collected is released as public information after 72 years. The Federal government allocates \$400
36 million dollars each year to states based on the census data. Orange City's response to the last
37 census was below that of its sister cities. Ms. Hickey suggested that was because "snowbirds" were
38 not counted, however, if someone resides in Orange City six months or more, their response to the
39 census should include their Orange City address.
40

41 Ms. Hickey said she represents Orange City on the Complete Count Committee Volusia County
42 formed last summer to help implement a countywide awareness campaign. Eight sub committees
43 which include faith-based organizations, colleges or universities, community and social
44 organizations, etc. have formed and are committed to educating the public and increasing the overall
45 response rate. Ms. Hickey detailed the City's plan to inform its citizens noting special efforts will be
46 made to reach the populations that historically have a low response rate. Staff is working with
47 mobile homeowners and will provide flyers that explain the six month requirement to respond.

1 Posters will be posted on the web site and advertising banners will be placed on Votran buses. In
2 addition, the County will have flyers for distribution at libraries and colleges and is hosting two web
3 sites specifically for the census which will have a link to the City's website. Movie theaters will run
4 public service announcements before every movie for the next two months. A public service
5 announcement has been attached to every email sent from the City, a section of the City newsletter
6 will be devoted to the census and an announcement will be on all water bills in February and March.
7 Ms. Hickey said that she will be manning a table at the Manatee Festival and will be distributing
8 coloring books and crayons about the census. She concluded by asking Council to share this
9 information with everyone that they can. She stated, "We need to be counted."

10
11 Mayor Strickland asked Linda Snyder, Financial Services Supervisor to come forward. Ms. Snyder
12 said she is the Community Development Block Grant representative (CDBG) for the City. CDBG
13 are annual grants that are passed down from the Federal government. Currently, the City gets
14 approximately \$64,000 a year that can only be used in areas designated by the block grant maps.
15 The map distinguishes the low income areas from data gathered by the census. The 2010 census will
16 be completed in 2013 and the City will be provided a new block grant map. As a result of the
17 response to the 2000 census, the area south of Rotary Park no longer qualifies for block grants. Mr.
18 Murray noted most of the areas eligible for CDBG are in the industrial areas. He stated, "The results
19 of the census will affect the City for a decade, "So it is very important that information gets out."

20 21 **3. CITIZEN COMMENTS:**

22
23 Evelyn Robinson and Sharon Stafford came forward, Ms. Robinson distributed flyers for the 1st.
24 Annual African Heritage Month program (a copy of which is attached and becomes a permanent part
25 of these minutes). She said she wanted to promote Black History month by having an annual
26 program that would include everyone, not just the African American community. Ms. Robinson
27 noted there are many "unsung heroes" in the community that have contributed to history and that she
28 would like to recognize their accomplishments. She said individuals with talent and judges are
29 needed for the talent show as well as volunteers and sponsors. Auditions are scheduled for January
30 16th and 21st. Ms. Robinson stated, "We are trying to solicit help from every source, whether it is
31 talent or whether you want to just come to see the performances." Ms. Stafford agreed with Ms.
32 Robinson's comments. She said there will be a display and skits about African Americans that
33 helped Orange City grow to what it is today. In response to a question from Vice Mayor Laputka,
34 Ms. Robinson said people can help spread the word by telling their children about the auditions,
35 talking to church groups or any organizations that they belong to and inviting them to come on
36 January 16th. Mr. Murray advised the information could be placed on the web site. Council Member
37 Crippen said he has been involved in a historical program with the DeLand Historical Society. He
38 spoke in favor of the program and stated, "I think that it is a great thing to start and I want to see it
39 continue to happen every year."

40
41 Jeff Candage, 126 N. Kirkman Road, Orlando came forward and said that he is a representative of
42 the Teamsters Local 385 Union. He said the Public Employee Relations Commission notified the
43 City Manager today that the Teamsters Union filed a petition to conduct an election to represent the
44 law enforcement officers in Orange City. Mr. Candage discussed the complaint received regarding
45 an Orange City police officer and the internal investigation that is being conducted using a private
46 investigator. He expressed his opinion that it is unprecedented as there are many agencies willing to
47 perform this investigation as a professional courtesy at no cost to the citizens. Mr. Candage said that

1 he made a public records request for any contract or written agreement between the City and Gil
2 Chapel (the private investigator) or Video Verification (his firm) and has not received a response.

3
4 Gina Holmes, 670 Placid Run Road, Blue Springs Villa Homeowner Association came forward and
5 said the security fence around the subdivision has been destroyed since the police camera was
6 removed and there is no more money to make repairs. Ms. Holmes was advised to call the City
7 Manager regarding the problem. Ms. Holmes volunteered to help plan a run for charity.

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

10
11 **5. ORDINANCES – FIRST READING:** None at this time

12
13 **6. PUBLIC HEARING/ORDINANCES – SECOND & FINAL READING:** None at this time

14
15 **7. RESOLUTIONS:**

- 16
17 **A. RESOLUTION NO. 587-10:** A resolution of the City Council of the City of
18 Orange City, Florida, formalizing the appointment of Council Member Bill
19 Crippen to the River of Lakes Heritage Corridor Scenic Highway Corridor
20 Advisory Group; repealing all resolutions in conflict herewith and providing
21 an effective date.

22
23 Council Member Allebach read the title of Resolution No. 587-10 into the record.

24
25 **Vice Mayor Laputka moved to approve Resolution No. 587-10,**
26 **seconded by Council Member Abraham.**

27
28 Council Member Blair expressed his concern that this matter had not been discussed with Council
29 prior to the creation of the Resolution. He spoke in support of the appointment of Mr. Crippen
30 however he felt that all Council Members should have been given the opportunity. Mayor Strickland
31 said that originally, Allen James was the City representative on the River of Lakes Heritage Corridor
32 Scenic Highway Advisory Group however the group is requesting that an elected official be
33 appointed. The Mayor stated that Council Member Crippen was the logical choice as he lives along
34 the Corridor and is available to attend the meetings. Mayor Strickland asked whether any other
35 Council Member wished to represent the City at these meetings. No one replied in the affirmative.

36
37 **Motion passed by a 7/0 roll call vote of the Council.**

- 38
39 **B. RESOLUTION NO. 588-10:** A resolution of the City Council of the City of
40 Orange City, Florida, authorizing the purchase of a fire engine for the Orange
41 City Fire Department; repealing all resolutions in conflict herewith and
42 providing an effective date.

43
44 Council Member Allebach read the title of Resolution No. 588-10 into the record.

45
46 **Vice Mayor Laputka moved to approve Resolution No. 588-10,**
47 **seconded by Council Member Blair.**

1 Fire Chief Herb Hoffman came forward and advised that the Fire Department needs a new fire
2 engine as the current vehicle is 16 years old and is unreliable. It has been refurbished to extend its
3 life however the maintenance costs have become too costly. He said a reliable fire engine will help
4 reduce maintenance costs and improve the department's response time. Mr. Murray suggested that
5 growth and the anticipated opening of the high school in August dictate that the City adds another
6 unit. If the purchase is authorized tonight, the City could have the additional unit in full service by
7 mid-July. He clarified that staff is requesting an additional unit, not a replacement unit. He said the
8 Fire Department is using the ladder truck to respond to calls which is costly. Staff is proposing to
9 use impact fees to purchase the fire engine and to pay the remaining balance from the unencumbered
10 Fund balance. Originally staff considered a lease-purchase option but feels that is not necessary at
11 this time. Mr. Murray said revenues are improving, and he anticipates City revenues will level off at
12 the end the fiscal year.

13
14 Council Member Abraham questioned whether this expenditure was anticipated during the budget
15 preparation. Chief Hoffman responded that the matter was placed on hold. He stressed that any
16 further delay would ultimately cost the City more money. Mr. Murray concurred, noting that staff
17 discussed the matter at length but felt that due to revenue uncertainty at the time it was prudent to
18 delay the purchase. The lifetime use of an apparatus is 10 years and the current unit has been in
19 service for 16 years.

20
21 Council Member Allebach spoke in favor of the purchase noting that it would provide the Fire
22 Department with reliable equipment that does not break down. In response to a question from
23 Council Member Pupello, Mr. Murray said staff considered a 3 or 4 year lease-purchase option with
24 a 5% interest rate, however since the City has adequate cash, it is not necessary to incur debt at this
25 time. Council Member Crippen questioned whether it is more costly to run the ladder truck or the fire
26 engine. Mr. Murray said the ladder truck costs approximately \$6-7 per mile versus \$2 for the other
27 trucks. The ladder truck is not designed to make day-to-day runs. Council Member Blair spoke in
28 support of the Resolution.

29
30 **Motion passed by a 7/0 roll call vote of the Council.**

31
32 **8. DISCUSSION AND ACTION:**

33
34 **A. Discussion on Alternate times for Council meetings**

35
36 Council Member Blair said that many people support an earlier meeting time. He suggested having
37 one early meeting per month. Council Member Pupello suggested a trial period to see the response
38 before formally adopting the change. Mayor Strickland suggested a four month trial period when
39 daylight savings begins for the first meeting of the month. Council Member Abraham expressed
40 concerns about adequate parking. Mr. Murray noted that staff could be required to park across the
41 street on that day which would provide adequate parking. Mr. Reischmann advised that a resolution
42 to amend the time as noted in the *Council Rules & Procedures* handbook is required. It was the
43 consensus of Council to have one early meeting per month on a four month trial basis. Staff was
44 directed to prepare the resolution and to bring it forward at the next meeting.

45
46 **B. Discuss MOU for Water Resource Management in West Volusia County**

1 Paul Johnson, Public Works Director, came forward to discuss the Memorandum of Understanding
2 between the Water Resource Management in West Volusia County. He said the Orange City Utility
3 has been working with the other water providers in Volusia County. It is a good working
4 relationship and the MOU formalizes the group. The MOU does not commit any money and it
5 provides a good basis to continue to work as a group. Mr. Johnson noted this matter will be
6 discussed at the Summit meeting on January 23rd.

7
8 In response to a question from Vice Mayor Laputka, Mr. Johnson explained that, Section V.
9 FUNDING indicates members are individually responsible for any expenses incurred as a result of
10 participating in the group. Council Member Allebach spoke in favor of the MOU noting this would
11 formalize the partnership already created when the municipal water utilities banded together to
12 challenge the science the St. Johns River Water Management District (SJRWMD) uses to monitor
13 ground water. Mr. Johnson noted that as a result of the study conducted SJRWMD has shifted their
14 views in some areas to concur with the utilities. Mr. Murray said none of the municipalities could
15 singularly afford the capital expenses associated with the demands of a diminishing water supply or
16 the alternative water requirements. This is the beginning of a long-term relationship and it is vital
17 for the cities to continue to work together.

18
19 Mayor Strickland spoke in support of the MOU noting the alliance has been very effective and
20 provides the City an entity to fill the void created when the Water Authority of Volusia (WAV)
21 disbanded. He noted the MOU does not include Lake Helen, DeBary, and Pierson and felt that issue
22 needs to be addressed, as it may be necessary to involve them as cross jurisdictional projects are
23 considered. Mr. Reischmann advised that on page 4, Section VII. AMENDMENT, b) allows
24 amendments to include other West Volusia governments. Mayor Strickland suggested the inclusion
25 of "reclaimed water" after treatment on page 2, Section I. PURPOSE d). Alternative Water Supply.
26 In response to a question from Council Member Pupello, Mr. Johnson noted that the SJRWMD has
27 not yet recognized reclaimed water as an alternative water source and, therefore, it is not included as
28 an alternative water supply. Mayor Strickland suggested that Section I. PURPOSE g)
29 Environmental Protection – should include the following statement, "to see development of
30 beneficial/commercial uses of waste products generated."

31
32 Mayor Strickland summarized noting that once the recommended changes have been made, the
33 MOU will be brought forward again for final approval.

34 35 C. Discussion on Historic Preservation Board

36
37 Council Member Blair opened the discussion stating that he wants the Historic Preservation Board to
38 continue but that it needs direction and perhaps some funding. Mayor Strickland suggested
39 scheduling a workshop to discuss the matter further. A long discussion about the direction for the
40 Historic Preservation Board ensued.

41
42 **It was the consensus of Council to schedule a joint meeting of the**
43 **Historical Preservation Board and the Council for March 18th at 7:00**
44 **p.m.**

45 46 9. NEW BUSINESS:

47

1 Council Member Laputka noted that he had requested an agenda discussion item about pocket parks
2 some time ago but it has not yet been put on the agenda. He restated his original request.
3

4 **10. REPORTS**

5 A. City Manager

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7
8 Mr. Murray reported that the Florida Department of Transportation (FDOT) is ready to transfer
9 ownership of Mill Lake to the City. The FDOT has agreed to the City's request for joint
10 participation in the installation of an alternate outfall line and for the FDOT to clean out the lake.
11 The clean out will delay the transfer of the property as the FDOT has additional lakes to be cleaned
12 and they want to bundle all in one bid package. He said the transfer should be completed by June.
13 Once the City takes possession of the lake, the fencing will be removed to make it more attractive
14 and accessible for residents. Council Member Blair clarified that the clean out refers to the removal
15 of aquatic weeds as opposed to the vegetation around the lake. Mr. Murray said that it did. Council
16 Member Blair questioned the method used, Mr. Johnson said that he did not know, however he
17 spoke with FDOT and they agreed to dredge and clean out the vegetation inside the lake. He said
18 the clean out should increase the capacity of the lake. Council Member Blair noted that he received
19 an email stating there is approximately \$4 million dollars available for water conservation cost share
20 projects. He asked whether the City plans to participate. Mr. Murray said that while Mill Lake
21 could qualify for the funding, it is not engineered and ready go.
22

23 Vice Mayor Laputka asked whether the City contributes financially to the Orange City Little
24 League. He noted that the registration fees were excessive and some residents may not be able to
25 afford the cost. Council Member Allebach advised that the Little League is obligated to accept
26 individuals who cannot pay the registration fees. Mr. Murray said the Little League has done a good
27 job with the concession stands in the park. He stated his understanding that no one has ever been
28 turned away. Vice Mayor Laputka said he wanted to make sure the price is not prohibitive.
29

30 B. Mayor/City Council

31
32 Council Member Allebach reported that the nomination forms for the "Distinguished Service
33 Awards were distributed at the last Volusia League of Cities (VLC) meeting. He asked that staff
34 coordinate a response on behalf of Orange City. Council Member Allebach said there are "plenty of
35 people in Orange City that deserve some kind of recognition." The nominations are due January
36 29th. Council Member Allebach said the VLC is hosting a workshop on March 18th for elected
37 officials and board members. He said the VLC is trying to improve the quality of the services it
38 provides to its members by offering more educational programs. Mr. Murray noted that Orange City
39 is considering hosting a "Strings & Ribbons" session in March. He said he would bring the formal
40 plan forward at the next Council meeting.
41

42 Council Member Pupello reported that he and Council Member Crippen attended a mini IEMO
43 conducted by Mary Swiderski, Executive Director of the Volusia Council of Governments (VCOG).
44 It was an all day event. He classified it is as "prep" for how a city works and stated, "I thought it
45 was time well served." Council Member Crippen agreed noting there were a lot of networking
46 opportunities. He said that he is looking forward to going to the IEMO in Gainesville next month.
47

1 Council Member Crippen said he attended the River of Lakes Heritage Corridor Scenic Highway
2 Advisory Group meeting. He said it was a good experience and that there are a lot of tools that the
3 City could use to market itself. He said the City of Sanford joined the group. Including Sanford in
4 the Corridor creates a “wonderful” loop going from Seville across Lake Monroe and connecting to
5 SR 415. The group is seeking grant funding.

6
7 C. City Clerk

8
9 Ms. Renner reported that she forwarded an email from Colin Baenziger that had several documents
10 attached with important information about the next phase of the City Manager search. Ms. Renner
11 said the Manatee Festival is coming up next weekend. It is a very busy weekend as a Summit
12 meeting is scheduled and three council members will be attending the IEMO. She said she will be
13 manning a table all weekend and while Saturday is not a good day she asked that any Council
14 Member who is available on Sunday to show up. Ms. Renner said she received an update about the
15 annexation ballot referendum going on now. She said 106 ballots were mailed out and the Elections
16 Office has received back 54 for acceptance and one for review due to a question on the signature.
17 Ms. Renner said that she has been working on scheduling activities around the City Manager search
18 process. On March 1st the City will hold a special meeting to select a City Manager. She asked
19 Council to set a time for the meetings. It was the consensus of Council that the meeting be
20 scheduled for 7:00 p.m. Ms. Renner said that Mr. Baenziger will send a list of the top twelve
21 candidates during the first week of February and then he plans to meet with each Council Member to
22 go over the list on February 8th. Ms. Renner distributed a preliminary schedule (a copy of which is
23 attached and becomes a permanent part of these minutes). She advised Council to call if there is a
24 problem with their appointed time.

25
26 D. City Attorney

27
28 Mr. Reischmann commented on the situation with the Police Department. He noted there is an
29 internal matter involving the Police Department that is being investigated pursuant to the process set
30 forth in the Chapter 112 (The Police Officer’s Bill of Rights) of the Florida Statutes and the Orange
31 City Police Department Standard Operating Procedures. The City’s role is to take a “hands” off
32 approach and let the process proceed. There should be no discussion until the process is complete.
33 At that time the investigator will provide a full report to the police chief who under State law will
34 review the report and make a decision as to whether there is merit in the complaint. In response to
35 the comments made by Mr. Candage, Mr. Reischmann noted that immediately upon receipt of the
36 complaint, efforts were made to find another police department or law enforcement agency to act as
37 an investigator to no avail. Orange City does not have anyone on staff with the capacity to conduct
38 an internal investigation. Initially an investigator was hired, however, he recently said he could not
39 proceed. As a result, the Police Department has retained the services of a board certified municipal
40 attorney who has experience working with cities and police departments. Mr. Reischmann said the
41 preference would have been to find someone who could have provided the service at no cost but that
42 option was not available at the time and due process requires a prompt response. Mr. Reischmann
43 said that he has not received formal notification of the police officers seeking collective bargaining
44 representation. He assured Council that the matter will be addressed fairly and according to the law.
45 He concluded by stating that upon completion of the process, the statutory “gag order” will end and
46 everyone will be entitled to see the results of the investigation. He stated, “The statute exists and we
47 need to follow it.”

1 A police officer asked permission to address a question to Mr. Reischmann. Mr. Reischmann
2 responded that he has already made his report. If additional information is needed, a public records
3 request could be made. The City has already received a number of public record requests and is in
4 the process of responding to them. Mr. Reischmann noted that some of the information requested is
5 privileged until the completion of the investigation. Mr. Reischmann stated, "We need to protect the
6 rights of all the parties. It is the only fair thing and it is the process we have to follow."
7

8 Mr. Reischmann said he is aware that a number of council members have been invited to attend the
9 meeting of the County Village Homeowners Association. He said Council Member Abraham had
10 concerns that attending the meeting could be a violation of the Sunshine laws. Mr. Reischmann
11 expressed his opinion that the meeting is not a public meeting pursuant to Chapter 286 and therefore
12 council members can attend and participate. However, he cautioned council members to refrain from
13 discourse with any other council members present about city business either directly or through a
14 third party. In addition, he asked council members to refrain from discussing quasi-judicial matters,
15 and how they would vote or feel about a specific issue.
16

17 Council Member Blair asked for an update on GEL Corp. Mr. Reischmann said that Mr. Allen
18 Watts, the City's Special Counsel, filed a motion seeking finality on the code enforcement matter
19 and is waiting for a court's ruling. He said that Mr. Watts has had additional communication with
20 GEL's legal representatives as GEL would like to move forward with trying to resolve the remaining
21 issues pertaining to the developer's agreement. The process is still ongoing.
22

23 **11. APPROVAL OF MINTUES: December 8, 2009 Tree Board**

24
25 **Vice Mayor Laputka moved to approve the minutes of the December 8, 2009**
26 **Tree Board meeting, seconded by Council Member Allebach and passed by a**
27 **unanimous 7/0 voice vote of the Council.**
28

29 **December 8, 2009 Regular Meeting Minutes**

30
31 **Vice Mayor Laputka moved to approve the minutes of the December 8, 2009**
32 **Regular Meeting, seconded by Council Member Blair and passed by a**
33 **unanimous 7/0 voice vote of the Council.**
34

35 **12. COUNCIL COMMENTS:**

36
37 Vice Mayor Laputka said that he has recruited two council members to participate in a reading at
38 Orange City Elementary School on January 26th. He said that any other council members that would
39 like to participate should show up promptly at 8:00 am. Council Member Laputka said the Manatee
40 Cove Middle School is hosting a Social Studies Fair on January 27th and they are looking for judges
41 to participate.
42

43 Council Member Allebach stated, "The City of Orange City should not be like the Jerry Springer
44 Show and I am embarrassed now because of that." He said that whatever personnel issues have
45 arisen should have been dealt with before it got to the level that it has. Council Member Allebach
46 said that the Council has worked hard to provide all benefits to the city employees including the fire
47 and police, without a bargaining entity. He said "it just irks me" that somebody got a letter and took

1 it to the press to air “dirty laundry.” Council Member Allebach said that he hopes the matter is
2 resolved quickly so that the police officers are “fighting crime and not fighting amongst
3 themselves.”
4

5 Council Member Allebach announced that the Manatee Festival is scheduled for January 23th and
6 24th. He said Animal Ambassadors from The Central Florida Zoo will do educational presentations
7 over the two days. A schedule will be posted on the Manatee Festival website, as well as the Orange
8 City website. Council Member Allebach thanked Matthew Place, Information Technology Manager,
9 for volunteering to help the Manatee Festival with its website. He also thanked Ms. Elaine Hart,
10 Leisure Service Coordinator for her help. Council Member Allebach invited everyone to attend.
11

12 Council Member Crippen said that he will be at the IEMO and would not able to attend the Manatee
13 Festival but that he will try to make it next year.
14

15 Council Member Blair concurred with Council Member Allebach’s statements. He said that council
16 members have to be very careful when it comes to dealing with the media. It is a “slippery slope”
17 situation as the media will try to pull everything out of you, any little thing that they can make a
18 story out of. He stated, “I just would like to caution my fellow members that when you speak with
19 the media to be cognizant of what is real and the ramifications of what can come out of what you
20 might say.” Council Member Blair said he feels that the situation was made worse because of
21 someone’s lack of consideration or lack of thinking the situation through before they went to the
22 media.
23

24 Mayor Strickland questioned whether there will be a second council meeting this month. Mr.
25 Murray said there is a lot of business to be dealt with in February. He said that he will consider
26 moving some of the business forward so that a second meeting of the month can be conducted and
27 possibly waive the meeting in February.
28

29 **13. ADJOURN:**
30

31 There being no further business, Mayor Strickland adjourned the meeting at 9:15 p.m.
32

33 **RESPECTFULLY SUBMITTED:**
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35
36
37
38

APPROVED ON:

39 Gloria Williams, CMC
40 Deputy City Clerk

February 09, 2010