

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, April 13, 2010 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,  
3 Orange City.

4  
5 **CALL TO ORDER**

6  
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 J. Pupello, Gary A. Blair, O. William (Bill) Crippen; City Attorney William  
13 Reischmann; Interim City Manager Eugene Miller; City Clerk Deborah Renner

14  
15 The Invocation was given by Pastor Glen Stewart, Faith Community Church, followed by the Pledge  
16 of Allegiance.

17  
18 **1. ABSENCES:** None at this time

19  
20 **2. PRESENTATIONS/PROCLAMATIONS:**

21  
22 **3. CITIZEN COMMENTS:**

23  
24 Bob Storke, 1122 E. Wisconsin came forward and advised that the membership on the Sustainable  
25 Water Committee has decreased and suggested that Council consider new members.

26  
27 Michelle Polgar, 585 Montclair came forward asked that Council support teachers by calling the  
28 Governor or emailing him at [charlie.crist@myflorida.com](mailto:charlie.crist@myflorida.com) requesting that he veto Senate Bill 6 as it is  
29 "packed" with unfunded mandates that will negatively impact a teacher's livelihood. Ms. Polgar said  
30 that she objects to the 4:30 p.m. start time for the Council meetings she felt 5:30 or 6 p.m. is a better  
31 time and will give people more time to get to the meetings. Ms. Polgar gave "kudos" to Officer  
32 Sergeant Greg Lariscy for his work at the citizen's watch meeting.

33  
34 Evelyn Robinson, 311 E. Cherokee, came forward and expressed concerns about her street and Oak  
35 Ave. She said the neighbors are trying to beautify the area and asked that the overgrown vacant lots  
36 be cleaned up.

37  
38 **4. CONSENT AGENDA:** None at this time

39  
40 **5. ORDINANCES – FIRST READING:**

- 41  
42 **A. ORDINANCE NO. 420: An ordinance of the City of Orange City,**  
43 **Florida, amending Section 9.9 of the City's Land Development Code,**  
44 **said section being Sign Regulations of the City of Orange City,**  
45 **Florida, said amendment changing the regulation of existing signs**  
46 **and the deadline for conformity, containing a repealer provision, a**  
47 **severability clause and providing for an effective date.**

48  
49 Council Member Allebach read the title of Ordinance No. 420 into the record.

1                   **Vice Mayor Laputka moved to adopt Ordinance No. 420 on first**  
2                   **reading, seconded by Council Member Blair.**

3  
4 Mr. Miller reported that the Interim Director of Development Services attended a meeting with the  
5 business owners along U.S. 17-92 regarding the sign ordinance. He said that he considered delaying  
6 this matter until the new city manager starts, however he felt that it was appropriate to move ahead  
7 with the first reading of this ordinance as the business owners are "anxious."

8  
9 Mr. Miller noted this ordinance takes effect next year and a number of businesses are a long way from  
10 compliance. He said this has been an issue in other cities he has worked in and suggested that as a  
11 compromise, a two year extension be granted while an organization of the business owners works to  
12 develop an overlay district. This organization would provide quarterly reports to the Planning  
13 Commission as to their progress. More details would be provided prior to the second reading at the  
14 next meeting.

15  
16 Roland Simmons, 1081 N. Volusia Avenue came forward and said he owns the Pier 16 restaurant on  
17 U.S. 17-92. Mr. Simmons said that it is impossible for him to pay \$8K for a sign at this time. He  
18 noted that the ordinance includes a beautification component and that it is just cost prohibitive at this  
19 time. Mr. Simmons said the businesses on U.S. 17-92 will never look like Saxon Blvd. He suggested  
20 that the City work with the business owners.

21  
22 Alan James, 1045 E. Graves came forward and said that he is speaking on behalf of the Orange City  
23 Partners for Progress. He noted Partners for Progress is the group of business owners that Mr. Miller  
24 referred to. Mr. James thanked Ms. Wilson for meeting with them. He noted that a Board of  
25 Adjustment (BOA) existed in the past. He suggested that the signs could be considered on a case-by-  
26 case basis with the help of a BOA. He felt the pressure should be on "fixing the rules, not on the  
27 businesses."

28  
29 Jimmy W. Stevens, 910 S Volusia Avenue came forward and said he owns the Fountain View Apts.  
30 He said his sign has been up since 1956. Mr. Stevens said he is opposed to the new sign regulations  
31 noting that since the expansion of U.S. 17-92 to 4 lanes there is no room on the right-of-way to put a  
32 sign.

33  
34 Henry Durica, 1310 E. Lansdowne came forward and recommended a 5-year extension with repair or  
35 replacement as needed until then.

36  
37 Eric Orr, 732 N. Volusia Avenue owner of Blue Springs Animal Clinic expressed his concern that the  
38 egress out of his property is 5 ft. above ground level and will obstruct the sight line if the signs are  
39 lowered. Mr. Orr concurred that Council should address repairs in the meantime.

40  
41 Elaine Wilson, Interim Development Services Director came forward and identified changes related  
42 to maintenance of the signs. She pointed out that currently, repairs trigger compliance with all code  
43 regulations. She read the proposed changes to Section 9.9.3 of the Sign Ordinance noting the  
44 recommended changes would allow business owners to upgrade and make changes that will improve  
45 the overall appearance. Ms. Wilson discussed "overlay districts" stating that it is a long-term  
46 planning process. She noted that the setbacks as existing do not meet code. She outlined a number of  
47 considerations when creating such a district. She advised that there is a mechanism to allow  
48 variances currently.

49

1 The Mayor asked when a consultant should become involved in the process. Ms. Wilson  
2 recommended that the City determine a general direction prior to securing a consultant. She said that  
3 she has read about the importance of beginning with developing a vision.  
4

5 Council Members Allebach and Blair agreed with Ms. Wilson's comments. Council Member Blair  
6 suggested scheduling a workshop and providing immediate relief to the business owners. He  
7 suggested incentives in the form of waived or reduced permit fees for early compliance.  
8

9 Council Member Abraham asked Mr. Miller's opinion on hiring a consultant. Mr. Miller  
10 recommended involving the Planning Commission to determine what it is the business owners want  
11 before bringing in a consultant. Once the goal has been identified (i.e. what the community wants)  
12 then a consultant could help write the comprehensive regulations.  
13

14 Council Member Allebach said that initially, he was opposed to an extension because he wanted staff  
15 to address the problems associated with U.S. 17-92. However, he is now willing to accept the  
16 recommended changes. Council Member Pupello said he agrees with the provisions in the proposed  
17 ordinance. Council Member Crippen agreed with the concept of an overlay district on U.S. 17-92.  
18 Mayor Strickland said that he, too, supports the proposed changes to this ordinance.  
19

20 Mr. Reischmann advised that this ordinance will amend the Land Development Code and the  
21 Planning Commission is required to review and provide a recommendation to Council. He pointed  
22 out the proposed ordinance does not address the concept of an overlay district as it was crafted to  
23 create "breathing room" for further discussion to work on a more permanent solution.  
24

25 Council Member Crippen questioned whether a new owner of an existing business is required to  
26 install a monument sign if one does not exist. Ms. Wilson responded in the affirmation noting that the  
27 new owner could apply for a variance and the Planning & Zoning Department would review the  
28 matter. Council Member Allebach noted the BOA was disbanded due to lack of membership and  
29 those responsibilities were shifted to the Planning & Zoning Department.  
30

31 Ms. Wilson advised Council this Ordinance was presented to Council for first reading, before the  
32 Planning Commission had an opportunity to review it, which is not a normal procedure. She said the  
33 Planning Commission will review the matter at the May 5<sup>th</sup> meeting and provide a recommendation to  
34 Council. Once that is done, the ordinance will be brought forward for a second reading.  
35

36 **Council Member Blair moved to amend Ordinance No. 420 to**  
37 **include a provision waiving the permit fee for anyone who comes into**  
38 **compliance by April, 2011 and reducing the permit fee to half for**  
39 **anyone who comes into compliance by April, 2012, seconded by**  
40 **Council Member Allebach and passed by a 6/1 roll call vote, with**  
41 **Mayor Strickland voting "no."**  
42

43 **Main motion passed by a 7/0 roll call vote.**  
44

## 45 6. PUBLIC HEARINGS:

46

- 47 **A. ORDINANCE NO. 403:** An ordinance of the City of Orange City,  
48 Florida, amending Ordinance No. 90-05-08, said Ordinance being the  
49 Comprehensive Plan; and the Future Land Use Map of the Future Land

1 Use Element of the Comprehensive Plan; changing the future land use  
 2 designation of the Monroe property, consisting of a certain 4.65 acre  
 3 parcel generally located on the north side of Veterans Memorial Parkway,  
 4 said property located approximately 2,600 feet south of its intersection,  
 5 with East Graves Avenue; from its present future land use designation of  
 6 (MX) Mixed Use; containing a repealer provision, a severability clause  
 7 and providing for an effective date.  
 8

9 Council Member Allebach read the title of Ordinance No. 403 into the record.  
 10

11 **Vice Mayor Laputka moved to adopt Ordinance No. 403 on second**  
 12 **and final reading, seconded by Council Member Crippen.**  
 13

14 Jim Kerr, City Planner came forward and stated there were no changes since the first reading of this  
 15 ordinance.  
 16

17 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
 18 proposed ordinance. There being no requests to speak, the Mayor closed the public hearing.  
 19

20 **Motion passed by a 7/0 roll call vote of the Council.**  
 21

22 **B. ORDINANCE NO. 418:** An ordinance of the City of Orange City,  
 23 Florida, amending Section 8.3 of the City’s Land Development Code,  
 24 said section being the Official Zoning Map of the City of Orange City,  
 25 Florida, said amendment changing the zoning classification of Villa  
 26 Tuscany Assisted Living Facility, consisting of approximately 4.65 acres  
 27 generally located north of Veterans Memorial Parkway approximately  
 28 2,300 feet south of Graves Avenue, from its present zoning classification  
 29 of Mixed Use Suburban (MX-2) to Business Planned Unit Development  
 30 (BPUD), containing a repealer provision, a severability clause and  
 31 providing for an effective date.  
 32

33 Council Member Allebach read the title of Ordinance No. 418 into the record.  
 34

35 **Vice Mayor Laputka moved to adopt Ordinance No. 418 on second**  
 36 **and final reading, seconded by Council Member Crippen.**  
 37

38 Mr. Reischmann advised this is the second reading of a quasi-judicial matter and asked whether there  
 39 had been any ex-parte communication since the first reading of this Ordinance. He noted for the  
 40 record that there were no ex-parte disclosures.  
 41

42 Mayor Strickland opened the public hearing by asking if anyone wished to speak for or against the  
 43 proposed ordinance.  
 44

45 Wendy Hickey, Planning & Zoning Analyst came forward. Mr. Miller advised that in order to  
 46 expedite Council meetings, when there are no changes to an ordinance after the first reading, a formal  
 47 presentation is not required. He said staff will come forward and be available to answer any  
 48 questions that Council may have.  
 49

1 Henry Durica, 1310 E. Lansdowne came forward and questioned whether consideration had been  
2 given to the water needs of the Villa Tuscany Assisted Living Facility and whether they would be  
3 charged the commercial rate. Ms. Hickey responded "yes." All developments are reviewed to  
4 determine whether the Utility has the capability for water. She said the rates are at the commercial  
5 rate, which is a higher rate. In response to a question from Mayor Strickland, Ms. Hickey said the  
6 Fire, Police and each of the departments of the City have a representative on the Technical Review  
7 Committee (TRC) who reviews the development and make their comments.

8  
9 Jerry Cutrona, owner of the project came forward and said he wished to clear up some questions. Mr.  
10 Cutrona pointed out the City has an impact fee structure in place that covers developmental fees. He  
11 said for this particular project the assessment for fire related services is about \$140,000. There are  
12 additional impact fees such as water and sewer, among others which indicates these services were  
13 considered. Mr. Cutrona said that in the process of developing this project he has agreed to extend  
14 force main services about a half mile from the existing facilities just to reach this project. He stated,  
15 "We are doing our part for the community along the way."

16  
17 There being no further requests to speak, the mayor closed the public hearing

18  
19 **Motion passed by a 7/0 roll call vote of the Council.**

- 20  
21 **C. ORDINANCE NO. 419:** An ordinance of the City of Orange City,  
22 Florida, transmitting and adopting an administrative amendment to the  
23 City of Orange City Comprehensive Plan for the purpose of amending the  
24 Capital Improvements Element to update and revise the text including the  
25 Five-Year Capital Improvement Program; providing for conflict and  
26 severability and providing for an effective date.

27  
28 Council Member Allebach read the title of Ordinance No. 419 into the record.

29  
30 **Vice Mayor Laputka moved to adopt Ordinance No. 419 on second**  
31 **and final reading, seconded by Council Member Blair.**

32  
33 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the  
34 proposed ordinance.

35  
36 Ms. Wilson noted this is the second reading and there have been no changes since the first reading.  
37 She said staff is available to answer any questions that Council may have.

38  
39 Mayor Strickland questioned how the project cost calculations for the water and sewer projects on the  
40 Five Year Capital Improvement Program Table were derived. Public Works Director, Paul Johnson  
41 advised the projections were based on the City's involvement with the West Volusia Suppliers, such  
42 as the City's proportionate share of beginning construction for reclaimed water retro fit projects.  
43 Mayor Strickland questioned whether the projected funding was adequate if the City were to become  
44 involved in an alternate water source program like the Coquina Coast project. Mr. Johnson said the  
45 projections were based on what the City could reasonably collect and spend at that point in time. It  
46 may be recalculated depending on the projects considered.

47  
48 Mayor Strickland asked Mr. Kerr to come forward. He said he had difficulties understanding the  
49 material. He expressed his concern with approving this ordinance with the legalities that are in place.

1 Mr. Kerr explained the Ordinance refers to exhibit A, which is the Five-Year Capital Improvement  
2 Element. The major changes are in exhibit A with minor changes updating information within the  
3 document, shown as strikeouts and underlines. He said the Capital Improvement Elements have  
4 existed for the last ten years. Mayor Strickland said ultimately the City Manager and Council are  
5 responsible for what is agreed to and he said he still does not feel informed enough. Mr. Reischmann  
6 advised this ordinance is consistent with FL Statute 163 and is required by Senate Bill 360 which  
7 mandated local governments to have capital improvement programs in place that are adequately  
8 funded and which meets growth needs. He classified it as a “reality check.”  
9

10 Mr. Kerr announced that as a State requirement, a “Comprehensive Plan Citizen Courtesy  
11 Information List” is available for citizens that might want to track this document as it continues  
12 through the process. He asked that anyone who wants be kept informed to add their name to it.  
13

14 There being no further requests to speak, the mayor closed the public hearing.  
15

16 **Motion passed by a 7/0 roll call vote of the Council.**  
17

18 **7. RESOLUTIONS:**  
19

- 20 A. **RESOLUTION NO. 605-10:** A resolution of the City Council of the City of  
21 Orange City, Florida, amending the classification and pay plan for the City of  
22 Orange City; containing a repealer provision, a severability clause and  
23 providing for an effective date.  
24

25 Council Member Allebach read the title of Resolution No. 605-10 into the record.  
26

27 **Vice Mayor Laputka moved to approve Resolution No. 605-10, seconded**  
28 **by Council Member Pupello.**  
29

30 Mr. Miller prefaced his presentation by stating this agenda item is “sensitive” in nature. He reminded  
31 Council he agreed to handle many “sensitive” matters before the new City Manager starts, allowing  
32 her an opportunity to fully focus on acclimating herself to the City. Mr. Miller stated this “package”  
33 is his recommendation to Council after carefully reviewing the City's financial reports. He expressed  
34 concerns that the City will have difficulties balancing its budget next year. He said declining revenue  
35 and the assessed valuation decline projected for this year as well as what neighboring communities  
36 are experiencing already lead to his conclusions. As a result Department Heads were urged to  
37 consider ways to “tighten the belt” and prepare for a difficult budget balancing year. Mr. Miller  
38 stressed this package is not related to the job performance of the employees involved, it is related to  
39 the need for the positions as he has been assured the workload could be absorbed by other employees  
40 without sacrificing the level of services provided to citizens. Mr. Miller said the financial situation is  
41 not looking any better. He suggested the City needs to take this action now to avoid a difficult  
42 “budget balancing situation” in the future.  
43

44 Mr. Miller detailed the recommended changes. He suggested removing the Administrative Services  
45 Coordinator title from the Pay Classification Plan and replacing it with the Senior Executive Assistant  
46 position that is already in the City Manager’s Office as the responsibilities of the position have  
47 changed. The employee currently holding the Administrative Services Coordinator position would be  
48 reclassified as the Senior Executive Assistant resulting in a slight salary adjustment. Mr. Miller said  
49 permit applications have dropped dramatically and there is not enough work. He said he is

1 recommending removing the Permit Specialist position in the Development Services Department as  
2 the workload could “easily” be absorbed by other departmental staff. Mr. Miller recommended the  
3 Superintendent of Parks & Recreation and the Leisure Service Coordinator positions be deleted as the  
4 maintenance of the parks could be absorbed by the Public Works Department and special events by  
5 other staff members. Mr. Miller also recommended removing the Superintendent position in the  
6 Public Works Department and adding a crew leader position. He said the current Superintendent  
7 would be moved into the proposed crew leader position. The employee's salary will decrease slightly  
8 as the position is moved into the highest salary classification possible for the position salary range.  
9 Mr. Miller said he does not anticipate a change to the City's special events. The responsibilities and  
10 duties for coordinating these functions will be assigned to the various departments that participate.  
11 He said he feels that it could be “comfortably” done.

12  
13 Next, Mr. Miller said that he is suggesting the addition of an Administration Services Director  
14 position into the Pay Classification Plan and deleting the title of Finance Director. He said an  
15 Administration Services Director would fit better in the organization structure. In addition, he said he  
16 is suggesting shifting the Information Technology and Human Resource Coordinator positions on the  
17 organizational table to be under the proposed Administration Services Director. Mr. Miller noted the  
18 large number of staff positions that report directly to the City Manager position. He said that moving  
19 the two positions discussed above will give the City Manager the time needed to mingle with and  
20 address the citizens concerns and to spend more time with Council. Mr. Miller discussed the budget  
21 impact noting it would reduce the current FY 09/10 budget by \$68,600 with a net reduction of \$34,  
22 820.

23  
24 Mr. Miller said he reviewed the Personnel Procedure manual to determine if a severance package was  
25 included and there was none. He discussed the proposed severance package noting that if this  
26 Resolution is approved tonight, it will set a precedent. He said the employees affected by this action  
27 would be eligible for a two week severance pay if they have been employed with the City for 1-5  
28 years and 1 additional day for each year up to a maximum of 25 days; paid health insurance for 3  
29 months; an Employee Assistance Program to help with employment assistance; and employees will  
30 be encouraged to apply for any vacancies that arise within their specialty. The savings for next year's  
31 budget will be \$160,000, which is significant given the fact that the services will not suffer. He  
32 reiterated that Department Heads have stated this action would not reduce the level of service to  
33 citizens and would produce a cost savings for the City.

34  
35 Mr. Miller concluded by stating this is an emotional issue and he would wanted to take care of this  
36 matter rather than wait for the new City Manager. He predicted that this is only the beginning of  
37 some of the things that will be necessary with the upcoming budget deliberations, unless the City uses  
38 its reserve fund. He restated there will be no reduction in service levels. Mr. Miller urged Council  
39 consider this proposal as a “package” as position by position considerations should be part of the goal  
40 setting and budget process. Mr. Miller noted there may be individuals present that wished to speak  
41 with Council. He said his intent is not to make enemies however he feels obligated to make these  
42 recommendations for Council's consideration before the new City Manager starts.

43  
44 Mayor Strickland noted the City participates in the Manatee Festival and he questioned whether this  
45 action would prevent that. Mr. Miller said he has been assured by the Public Work Director and the  
46 Community Relations Coordinator that would not be an issue.

47

1 Council Member Abraham said that he has discussed this matter with Mr. Miller and he has answered  
2 his questions. He said he wished to hear from other Council Members. Vice Mayor Laputka agreed  
3 with Council Member Abraham's comments.  
4

5 Council Member Allebach said that initially he only disagreed with eliminating the parks positions.  
6 However, after much consideration, he said that he disagrees with the recommended action. He  
7 stated, "Mowing the parks is not a recreation program" the City has been working for years on  
8 increasing the Parks and Recreation programs. He spoke in vehement opposition to the proposal.  
9

10 Council Member Blair said he is not in favor of this recommendation as these are issues the new City  
11 Manager should address if she sees fit. He said that he does not care whether Ms. Croteau has a  
12 "honeymoon" or not. Council Member Blair suggested that Mr. Miller is being a "hatchet man" and  
13 he cannot support this recommendation.  
14

15 Council Member Crippen said that one of the hardest things to do is lay people off. He said he  
16 believes the plan is based on the current budgetary impacts the City is experiencing. While Mr.  
17 Miller has done an extensive job working on the issue, it would be appropriate to let the new Manager  
18 make the decisions.  
19

20 Council Member Pupello spoke in favor of this recommendation. He said he appreciates Mr. Miller's  
21 efforts. He pointed out Council is the steward of the citizens' money. If the service level is  
22 maintained, it is more important to do it in a cost effective manner. Council Member Pupello  
23 acknowledged it not an easy decision. These people have dedicated themselves and done an excellent  
24 job, but that is not the issue, the issue is the redundancies, and inefficiencies.  
25

26 Elaine Hart, Leisure Services Director came forward and said she is one of the people on the list for  
27 termination. She read a letter into the record (a copy of which is attached and becomes a permanent  
28 part of these minutes). Ms. Hart provided a brief history of her work history with the City. She said  
29 she has been with the City in various positions for 17 years. Ms. Hart detailed the improvements to  
30 the Parks Department. She said the Parks Department has been able to secure various grants to equip  
31 and beautify the parks. She said Parks revenue has increased tremendously and now averages \$6,000  
32 a year. Ms. Hart said she was advised last week that she may or may not have job and would not  
33 know until Council considered these recommendations. She suggested that is an unfair way to treat  
34 long term employees. Ms. Hart urged Council to consider what she has said while deliberating this  
35 matter.  
36

37 Mayor Strickland asked the City Attorney for clarification. Mr. Reischmann noted this action will  
38 amend the Classification Pay Plan. He said the City Manager is the Chief Administrative Officer and  
39 pursuant to the Charter has the authority to evaluate, promote and terminate based upon performance  
40 or budget constraints. The Code of Ordinances further provides that the City Manager shall appoint  
41 and remove any employee in the City under his direction and keep the Council advised as to the  
42 financial condition and future needs of the City.  
43

44 Council Member Abraham noted that two years ago, the former city manager provided a list of  
45 employees to be let go to save money. He said Mr. Miller is doing what he feels best as the  
46 professional City Manager. This action will have an effect on the ad valorem rate that the citizens  
47 pay. Council Member Blair responded the revenue projections are not out yet. He stated, "Taking a  
48 17 year employee and putting them on the street is wrong."  
49

1 Council Member Allebach felt Mr. McCue's list had nothing to do with the employees; it was all  
2 about his leaving. He noted that the City has been in a good financial position. He felt that it is  
3 premature to discuss budget cuts at this time. He expressed doubts the same level of service could be  
4 maintained.

5  
6 Mr. Miller reminded Council that he is a professional and that all of his recommendations have been  
7 made to help the new City Manager. Mr. Miller said that the department heads have assured him the  
8 job responsibilities for these employees can be absorbed and still maintain the current level of service  
9 at a cost savings of \$160,000. He said that is the reason he is submitting this recommendation at this  
10 time. If the projections are correct, Council will have to make some difficult decisions in order to  
11 arrive at the same millage rate as this fiscal year. This is a first step in that direction, he predicted  
12 there will be more. Mr. Miller reiterated that he is presenting this matter at this time to help the new  
13 City Manager. He said he did not appreciate the "personal" discussion about him.

14  
15 Vice Mayor Laputka feels that it should be the new City Manager's job to deal with this issue.  
16 Council Member Abraham questioned whether this item could be reversed once Ms. Croteau starts.  
17 Mr. Reischmann said that it could however the employees that were terminated may not be available  
18 at that time.

19  
20 Council Member Allebach said that he is not attacking Mr. Miller's professionalism. He just does not  
21 support the plan at all. He said when you change classifications you are eliminating a job and have to  
22 go through a lot to put that job back. Council Member Allebach said that he does not want to see the  
23 Parks Department go.

24  
25 Council Member Blair said this matter is not personal. He said that he doesn't agree with the plan.  
26 He stated, "We are sort of a family here in Orange City." He suggested that it would be more  
27 appropriate to address this at budget time. Council Member Blair said he does not believe the City is  
28 in dire straits. How Ms. Croteau responds to this challenge would give the Council an opportunity to  
29 see how she would handle this matter.

30  
31 Council Member Crippen said this plan is well thought out and if not approved tonight, could be  
32 provided to the new City Manager as a possible avenue to make some adjustments should the budget  
33 shortfall go "screwy." Council Member Crippen said the City is in great financial shape at this time,  
34 but things are getting tough. Council Member Pupello said it is important to be as efficient as  
35 possible. He said after this discussion, he feels more comfortable with Ms. Croteau handling the  
36 matter instead of making that decision tonight. Council Member Abraham agreed.

37  
38 **Motion failed by a 0/7 unanimous roll call vote of the Council.**

39  
40 *Mayor Strickland recessed the meeting at 9:26 p.m., reconvening at 9:29 p.m.*

- 41  
42 B. **RESOLUTION NO. 606-10:** A resolution of the City Council of the City of  
43 Orange City, Florida, acknowledging and approving a second 12-month  
44 extension of the Development Order for the Sparkman Ridge Preliminary  
45 Subdivision Plat, said plat containing the specifications to divide a 50.72-acre  
46 townhouse residential lots, said parcel located on the northwest corner of  
47 West Rhode Island Avenue and South Sparkman Avenue, Orange City,  
48 Florida; repealing all resolutions or parts of resolutions in conflict herewith;  
49 and providing for an effective date.

1 Council Member Allebach read the title of Resolution No. 606-10 into the record.

2  
3 **Vice Mayor Laputka moved to approve Resolution No. 606-10, seconded**  
4 **by Council Member Crippen.**  
5

6 Mr. Kerr came forward and advised the Sparkman Ridge property is 50 acres and is proposed to be  
7 divided into 202 lots. He displayed a PowerPoint presentation (a copy of which is attached and  
8 becomes a permanent part of these minutes) pointing out the location. Mr. Kerr advised this  
9 resolution is to provide a one year extension for the site plan and the next agenda item would extend  
10 the development order for a year. He said staff recommends that Council approved this Resolution  
11 and extend this project for another year.  
12

13 Council Member Blair questioned whether there were exceptions to the site plan as to the number of  
14 units per acre. Mr. Kerr responded "no." He said the project calls for just fewer than 4 units per acre  
15 and the maximum is 4. Mr. Kerr noted, there are 8 conditions associated with the site plan, which is  
16 the next item. Mr. Reischmann advised this agenda item is not seeking to change the development  
17 order it is just for an extension.  
18

19 **Motion passed by a 7/0 roll call vote of the Council.**  
20

- 21 C. **RESOLUTION NO. 607-10:** A resolution of the City Council of the City of  
22 Orange City, Florida, acknowledging and approving a second 12-month  
23 extension of the Development order for the Sparkman Ridge Site Plan, said  
24 site plan containing the specifications to divide a 50.72-acre parcel into 92  
25 single family residential lots and 108 townhouse residential lots, said parcel  
26 located on the northwest corner of West Rhode Island Avenue and South  
27 Sparkman Avenue, Orange City, Florida; repealing all resolutions or parts of  
28 resolutions in conflict herewith; and providing for an effective date.  
29

30 Council Member Allebach read the title of Resolution No. 607-10 into the record.  
31

32 **Vice Mayor Laputka moved to adopt Resolution No 607-10, seconded by**  
33 **Council Member Crippen.**  
34

35 Mr. Kerr noted there is nothing further to add.  
36

37 Henry Durica, 1310 E. Lansdowne came forward and said the proposed Sparkman Ridge  
38 development is going to have 202 lots and is requesting another extension because of the economy.  
39 He questioned whether consideration was given to future water needs. He noted the cost of finding  
40 an alternative water supply was approximately \$2 million. Mr. Durica said what is voted on today is  
41 going to affect the City's alternative water needs in the future. He stated, "Eventually it becomes  
42 business and before when you (Council) voted in regards to the jobs that Mr. Miller had proposed,  
43 you (Council) let it become personal. Our money is personal too."  
44

45 **Motion passed by a 7/0 roll call vote of the Council.**  
46

- 47 D. **RESOLUTION NO. 608-10:** A resolution of the City of Orange City,  
48 Florida, authorizing the execution of a settlement stipulation between the  
49 G.E.L. Corporation and the City of Orange City, regarding the rezoning of

1 G.E.L.'s property to the GEL Recycling I-PUD; providing for conflicts,  
2 severability, and effective date.

3  
4 Council Member Allebach read the title of Resolution No. 608-10 into the record.

5  
6 **Vice Mayor Laputka moved to approve Resolution No. 608-10, seconded**  
7 **by Council Member Abraham.**

8  
9 Darren Elkind, 505 Deltona Blvd. came forward and asked to address Council regarding G.E.L.  
10 Corporation. He said he was hired last year to handle G.E.L. matters with the City because this has  
11 been a long "festering" issue. Mr. Elkind said the situation has been acrimonious between G.E.L. and  
12 city staff. He said he met with Mr. Reischmann and Mr. Watts and told them G.E.L. would execute  
13 the developer's agreement if an amiable agreement about the pending lawsuits between G.E.L. and  
14 the City was reached and both parties would dismiss their claims. He said he thought that was  
15 accomplished and on February 25<sup>th</sup> he drafted some of the settlement documents, which are before  
16 Council this evening. Mr. Elkind said on April 5<sup>th</sup> he received the City's proposed Release of Claim  
17 which asks G.E.L. to release the City from things that were never a part of the discussion. When he  
18 discussed the matter with Mr. Watts, he was told the City is looking for an "insurance" policy. Mr.  
19 Elkind said G.E.L. is not in the business of issuing insurance policies, they cannot afford to. He said  
20 he had a short timeframe to handle the matter. Mr. Evans, the owner of G.E.L. cannot sign the claim  
21 as presented. He stated, "We negotiated in good faith and good conscience and we had a deal." Mr.  
22 Evans would very much like to have this matter resolved tonight.

23  
24 Mr. Elkind said he made minor modifications to the General Release of Claim included in the agenda  
25 packet. He said is he recommending the following words be stricken. "...whatsoever in law or in  
26 equity, known or unknown, arising from or by any matter, act, omission, cause or thing whatsoever,  
27 whether known or unknown, foreseen or unforeseen, including without limitation the claim..." With  
28 that modification G.E.L. would be releasing any claims that it raised in the current litigation including  
29 the Code Enforcement appeal.

30  
31 In response to question from Vice Mayor Laputka, Mr. Reischmann said he has been involved in this  
32 process for a long time. He said from the very beginning he has heard that the FL Department of  
33 Environmental Protection seeks to determine that the G.E.L. Corporation is a responsible party in the  
34 costs associated with the clean-up of the ground water containments, as well as the City. If and when  
35 the time comes, he said G.E.L. may attempt to bring a claim against the City to share in the extremely  
36 high remediation costs to clean up the ground water contamination underneath the G.E.L. Corporation  
37 property associated with the old Lake Marie Landfill. He said that is a concrete example of what is  
38 being discussed. A lengthy discussion ensued about the Release of Claims.

39  
40 Allan Watts, Special Council, Cobb Cole, advised that when the agenda packets were sent out, the  
41 City had a set of approved documents. He said, apparently we no longer have an approved form of  
42 release. Mr. Watts said he would abide by Council instructions as he cannot recommend last minute  
43 changes of something that was intended to be a very broad in nature. He said that he tried to resolve  
44 the matter. He thought the City had reached an agreement with G.E.L. and submitted it to Council. A  
45 lengthy discussion ensued with each Council Member wanting the attorneys to resolve the matter and  
46 bring it back to the next meeting.

47

1                   **Council Member Blair moved that this matter be postponed to the**  
2                   **April 27<sup>th</sup> City Council Meeting, seconded by Council Member**  
3                   **Crippen, and passed by a unanimous 7/0 voice vote of Council.**  
4

5 Mr. Watts said that he could not be present at the April 27<sup>th</sup> meeting but that he would send a  
6 representative.

7  
8 **8. DISCUSSION AND ACTION:** None at this time.  
9

10 **9. NEW BUSINESS:**  
11

12 Council Member Allebach said he would like an update on the signs announcing lane closures along  
13 Enterprise Road and U.S. 17-92.  
14

15 **10. REPORTS:**  
16

17           **A. City Manager**  
18

19 Mr. Miller announced this is his last meeting as Interim City Manager. He said Ms. Croteau will be at  
20 the next meeting. He thanked Council for giving him the opportunity to serve the City. Council  
21 thanked Mr. Miller for stepping in on such short notice and providing administrative assistance to the  
22 City while a new city manager was sought.  
23

24           **B. Mayor/City Council**  
25

26 Council Member Crippen reported he attended a Health Planning Council of NE FL meeting. He said  
27 the goals of this group are to create a profile of health and related service problems in SW Volusia,  
28 and to develop an inventory of services in the region among various other issues. The meetings are  
29 held the first Wednesday of the month. Council Member Crippen said that Orange City is very  
30 successful in the creation of a “medical hub” compared to the other municipalities in SW Volusia.  
31 Council Member Crippen said a permanent representative needs to be selected. It was the consensus  
32 of Council that Council Member Crippen be the representative for the City.  
33

34 Council Member Crippen reported he attended the River of Lakes meeting. He said the City of  
35 Sanford in Seminole County has asked to be included in the River Of Lakes “loop.” Council Member  
36 Crippen discussed some of the things the City could do, in addition to the Manatee Festival, to  
37 promote the River of Lakes Heritage Corridor.  
38

39           **C. City Clerk**  
40

41 No further report.  
42

43           **D. City Attorney**  
44

45 Mr. Reischmann said he received a report from Kelly Eger today regarding the work the FDEP has  
46 being doing associated with the contamination of the G.E.L. property. He said he sent a copy to Mr.  
47 Miller and asked that he forward it to the Council. Mr. Reischmann said he did not learn that the  
48 agreement with G.E.L. was not acceptable until this evening.  
49

11. APPROVAL OF MINUTES:

March 23, 2010 Regular Meeting

Vice Mayor Laputka moved to approve the minutes of the March 23, 2010 Regular Meeting, seconded by Council Member Crippen and passed by a unanimous 7/0 voice vote of the Council.

12. COUNCIL COMMENTS:

Council Member Blair gave "kudos" to the Police Department for their quick response to a recent call about a rabid raccoon.

Council Member Allebach announced that the Johanna Knox Volunteer Award banquet is scheduled for April 22nd at the DeBary Golf & Country Club. He asked that anyone who is interested in attending contact the City Clerk. Council Member Allebach noted the passing of Mayor Blaine O'Neal of South Daytona. He said the funeral is scheduled for tomorrow and if other Council Members wished to attend to arrive at 4:00 p.m.

Council Member Abraham said he will participate in the Earth Day celebration at Orange City Elementary School on Saturday.

Mayor Strickland said that on April 19th, he will be attending an East Central Florida Regional Planning Group meeting in Deltona. He said he asked the City Clerk to download a copy of their five year plan and it is a lot of information. Mayor Strickland said the Smart Growth meeting scheduled for tomorrow will be rescheduled due to the passing of Mayor O'Neal.

Mayor Strickland reminded Council the citizen goal setting workshop is scheduled for April 29th.

13. ADJOURNMENT:

There being no further business, Mayor Strickland adjourned the meeting at 10:37 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON:

Gloria Williams Thomas, CMC  
Deputy City Clerk

April 17, 2010