

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, May 11, 2010 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 Tom Laputka; Council Members; Jeff Allebach, Tom
11 Abraham, Anthony J. Pupello, Gary A. Blair, O. William (Bill) Crippen; City Attorney William
12 Reischmann; City Manager Jamie Croteau, City Clerk Deborah Renner

13
14 The Invocation was given by Pastor Josue Rodriquez Family of Kings Ministry Church, followed by the
15 Pledge of Allegiance.

16
17 **1. ABSENCES** None at this time

18
19 **2. PRESENTATIONS/PROCLAMATIONS:** **Presentation – J. Murphy, American Legion**

20
21 Paul Sari, American Legion Post #59 came forward and said that he is substituting for Mr. Murphy. He
22 presented the American Fire Fighter Certificate of Commendation for Outstanding Public Service to Fire
23 Fighter Michael Kyp. He asked Chief Hoffman and Fire Fighter Kyp to come forward. Chief Hoffman
24 read a letter of recommendation into the record. Mr. Sari noted it would be submitted to the American
25 Legion for the Fire Fighter of the Year award for Florida. He presented Mr. Kyp with an American
26 Legion medal.

27
28 **Proclamation National Police Week**

29
30 Vice Mayor Laputka read a proclamation into the record proclaiming the week of May 9-15, 2010 as
31 National Police Week.

32
33 **Commendation by Interim Police Chief Ross**

34
35 Interim Police Chief Ross came forward and remarked that National Memorial Week for Police,
36 specifically May 15th Police Memorial Day is a very special day in the life of a police officer. He spoke
37 about the commitment and sacrifices law enforcement officers make. This week Congress announced a
38 special ceremony for the family members of those law enforcement officers that lost their lives this past
39 year. Chief Ross provided a brief history of his background and spoke about the issues that face law
40 enforcement today. He stated the average citizen seldom has the opportunity to meet real heroes in
41 person. He asked Police Officers Jason Sampsell, Kenneth Jones, Brian Pilarski, Sherif El-Shami and
42 Derrick Kovacs to come forward and presented a Certificate of Commendation to each officer for their
43 heroism.

44
45 **3. CITIZEN COMMENTS:**

46
47 Ron Saylor, 361 Dixson Street came forward. He spoke about problems with water in his neighborhood
48 noting that when he has brought dirty filters to the Council, it was blamed on the household pipes. Mr.
49 Saylor said this could not be possible since the filter was placed directly from the water source to the

1 house and every house there has been “replumbed” with PVC pipe. He recalled that that when the City
2 purchased the water company they were warned the pipes would have to be replaced in 4 years. Mr.
3 Saylor insisted that despite what he is being told, the water supply is not coming from the new pipe on
4 Carpenter. He provided Ms. Croteau with a sample of a filter and asked that when considering the budget
5 to consider using Capital Improvement funds to replace the water pipes.
6

7 Hugh Strickland, 420 May Street, came forward to discuss Ordinance No. 420. He pointed out the
8 number of non-conforming signs on U.S. 17-92 noting there is no room to install a monument sign for
9 many of the locations. He said with the current language the costs to repair a damaged sign are a
10 judgment call for the property owner, based on the estimates provided by the Florida Building Code. Mr.
11 Strickland asked that Council amend the purposed ordinance to let the business owner "make the
12 judgment" and to create a public understanding that any sign could be replaced at the owner’s discretion if
13 it was damaged. He said that Council worked last November to find a way to let businesses put up
14 banners. Currently, an overlay district is being contemplated and will allow for more variations of signs
15 that will provide an urban environment along U.S. 17-92. He stated, I would urge this Council to bring
16 forth a remedy that will give Council the authority to waive the 30 day limit.
17

18 **4. CONSENT AGENDA:** None at this time

19
20 **5. ORDINANCES – FIRST READING:** None at this time

21
22 **6. PUBLIC HEARINGS:**

- 23
24 **A. ORDINANCE NO. 420:** An ordinance of the City of Orange City,
25 Florida, amending Section 9.9 of the City’s Land Development Code, said
26 section being Sign Regulations of the City of Orange City, Florida, said
27 amendment changing the regulation of existing signs and the deadline for
28 conformity, containing a repealer provision, a severability clause and
29 providing for an effective date.
30

31 Council Member Allebach read the title of Ordinance No. 420 into the record.
32

33 **Vice Mayor Laputka moved to adopt Ordinance No. 420 on second and**
34 **final reading, seconded by Council Member Crippen.**
35

36 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the
37 proposed ordinance.
38

39 Elaine Wilson, Interim Development Services Director came forward and noted that as directed at the first
40 reading, the ordinance it was amended to include a waiver of permit fees. She it was reviewed by the
41 Planning Commission who unanimously voted to recommend Council approval.
42

43 Vice Mayor Laputka agreed with Mr. Strickland’s comments with regard to the cost to repair. He
44 questioned whether that has been considered. Ms. Wilson responded the ordinance under consideration is
45 basically the same ordinance as the current one. The estimates are based on the estimates from the Florida
46 Building Code.
47

48 Council Member Crippen remarked this seems like a “catch 22” for some property owners. He said he
49 read an article in the newspaper about the sign issues. The owner of a local restaurant stated that his sign

1 was destroyed and he planned to replace the sign and come into compliance with the new sign regulations,
2 however he cannot afford to replace it at this time. He said the restaurant owner was looking forward to
3 the prospect of an extension. The destroyed sign was over 8 feet. The owner cannot replace the sign as it
4 existed because it exceeds the height requirements and he cannot afford to put up a monument sign that
5 meets the code requirements. Mr. Reischmann noted that the owner would not lose his non-conforming
6 status unless the cost to repair the sign exceeded 50% of the value of the sign. If that were the case, he
7 could seek a variance but under the current code a height variance would not be granted.

8
9 Council Member Allebach suggested that insurance money could assist the business owner. He noted the
10 aesthetic changes the City has been able to accomplish with its sign regulations. He cautioned that
11 altering these regulations will affect the entire City, not just the businesses along U.S. 17-92, and undo the
12 City's stated goal of making Orange City a "very attractive place to shop." He said it is important to get
13 the overlay district done to alleviate the issues these business owners are having.

14
15 Council Member Crippen said he understands that, however he was concerned with those business owners
16 that are caught in the "in-between" period while the overlay district is being contemplated. He stated,
17 "Let's just pray that nothing happens to anybody's sign that doesn't meet the height requirements."

18
19 Council Member Abraham spoke in support of this action. He said he attended the Planning Commission
20 meeting and the Commission voted unanimously for this Ordinance.

21
22 Council Member Allebach suggested providing an option that if a legal non-conforming sign was
23 damaged or destroyed, the business owner could put up a temporary sign until the overlay district has been
24 formed. He felt that would prevent owners from incurring costs to comply with the regulation and then
25 having to replace the sign with the type recommended for the overlay district. He questioned whether that
26 was possible.

27
28 Mr. Reischmann stated his understanding of the issues. He said the intent of this Ordinance was to extend
29 the deadline for compliance with the new height requirements and to provide financial incentives to bring
30 signs into compliance before the extended deadline. In addition, it clarifies what maintenance is under
31 Section 9.9.3 b. He said he understands Council Member Allebach's concerns that making additional
32 changes may be going beyond the original intent of this ordinance as it was contemplated at first reading.
33 He said that making additional changes during second reading would not be a violation of Chapter 166,
34 however, he advised that he could not address whether making those changes would cause problems in the
35 future with regard to the overlay district.

36
37 Council Member Pupello agreed with Council Member Allebach's suggestion to allow business owners to
38 repair or replace their damaged signs to the original status, as long as it is within the definition of
39 maintenance, during the three year extension. Ms. Wilson recalled that there were only three signs that
40 this issue would have applied to that were destroyed during the 2004 hurricane season and there were no
41 complaints from the property owners. She noted the 50% threshold discussed in this ordinance would
42 require "serious" structural damage, not just damage to the panels.

43
44 Mr. Reischmann noted these regulations are part of a larger scheme of regulations that were adopted in
45 2004. Specifically, this section was a policy directive that the Council, at that time, wanted to work
46 towards bringing signs along U.S. 17-92 into greater compliance with restrictions on signage, from an
47 aesthetic standpoint. It was never intended to be punitive to the property owners.

1 Mayor Strickland asked anyone who wished to speak on this matter to raise their hands, seeing no hands
2 up, he addressed Ms. Croteau. Ms. Croteau advised that if Council desires, additional wording could be
3 added that if a non-conforming sign were destroyed it could be repaired or replaced to its original
4 condition. This would alleviate some of the concerns of the business owners. She asked the attorney if
5 the public hearing could be continued to the May 25th Regular Council meeting. Mr. Reischmann
6 responded in the affirmative. He said a motion to continue to a date certain is required and specific
7 directions from Council as to the best way to proceed.

8
9 In response to a question from Mayor Strickland, Ms. Croteau stated her understanding of what Council is
10 directing staff to do. She said that during the extended three-year period, if a sign is totally damaged
11 Council wants property owners to have some leeway so that they do not have to conform to the new
12 standards and replace it with a monument sign. She noted that it is important to make sure that the
13 property owners are aware that the standard may change at the end of those three years and that they may
14 be required to conform at that time.

15
16 Council Member Blair asked what the criteria for temporary signs are. Ms. Croteau responded temporary
17 signs are defined in the Land Development Code. Mr. Reischmann agreed, however, he noted it was a
18 different section of the sign code. He clarified the changes being discussed now would not allow for the
19 reconstruction of a damaged sign with a temporary sign. Currently, the destroyed sign must be
20 constructed exactly as it was before it was destroyed or be brought into compliance with the Code. The
21 necessary permits and inspections are required before the reconstruction of the sign.

22
23 Council Member Blair spoke against postponing the matter. He said he did not feel it was necessary and
24 could be costly due to re-advertising the public hearing and attorney fees. Mr. Reischmann noted the
25 matter will be continued to a date certain and re-advertising will not be necessary. Council Member Blair
26 felt further delay was not necessary. He stated, "I just think we are pushing something off that we can just
27 take care of tonight and be done with it."

28
29 **Council Member Crippen moved to continue the public hearing to the**
30 **May 25, 2010 Regular City Council meeting, seconded by Vice Mayor**
31 **Laputka.**

32
33 Council Member Allebach agreed with Council Member Blair's comments. He said he understands the
34 concept, but from a practical standpoint there have only been four signs in ten years that would have been
35 affected by this provision. He said the overlay district needs to be planned and financed in the upcoming
36 months. Council has spent a considerable amount of time deliberating this matter tonight and it will be
37 continued to the next meeting and will add additional expenses due to "lawyer time." He said it is a
38 complicated matter. It would be cheaper for a property owner to replace a 20 foot sign with an 8 foot sign.
39 He said the question is whether the leadership of the City is concerned with eliminating obtrusive signs.
40 Council Member Allebach said he was on the Council in 2004 and these regulations were designed to
41 beautify U.S. 17-92. He stated, "So, I'm going to vote against extending it because it is too iffy."

42
43 **Motion passed by a 5/2 roll call vote of the Council, with Council**
44 **Members Allebach and Blair voting "no."**

45
46 **7. RESOLUTIONS:** None at this time

47
48 **8. DISCUSSION AND ACTION:** None at this time
49

1 **9. NEW BUSINESS:**

2
3 Council Member Crippen asked that a discussion on banners and being able to extend the length of time
4 they can be up during the holiday season be brought forward for the next meeting. He noted the matter
5 was discussed last November and there was not enough time to address the business owners concerns
6 before the holiday season.

7
8 Mr. Reischmann pointed out the New Business section of the agenda is time for Council Members to ask
9 for a particular item to be placed on the agenda. He read from the *Council's Rules and Procedures* and
10 noted he has observed that a number of requests were made without a specific timeframe. He
11 recommended that Council consider a timeframe of when they want the matter discussed and if it is
12 possible, the City Manager will accommodate by placing the item on a future agenda.

13
14 Ms. Croteau clarified what Council Member Crippen was requesting. She said it would require a little
15 more research and would not be on the next agenda but that it would come forward shortly.

16
17 Mayor Strickland said he would like a discussion on the use of golf carts in the City for the next meeting.
18 Ms. Croteau responded she was familiar with the issue and that it, too, would require extensive research.
19 She assured the Mayor the item would come forward.

20
21 Council Member Crippen asked for an update on the bequeath of the Seth French house to the City.

22
23 **10. REPORTS:**

24
25 **A. City Manager**

26
27 Ms. Croteau gave a report on bus stop shelters in the City. She advised that five potential locations have
28 been identified and noted the locations. Work has already been started at the corner of Harley Strickland
29 Blvd. and Enterprise Road and should be completed by the next meeting. However, permission must be
30 sought from the property owners to put the bus shelters at the remaining locations. Staff has already
31 started that process. In response to a question from Council Member Blair, Ms. Croteau said the bus
32 shelters were obtained from Votran some time ago. The costs to install the shelters would include the
33 required materials and staff labor.

34
35 Ms. Croteau noted the advertising benches installed at bus stops in the City are not legal. Staff has sent a
36 letter to the company that is providing them asking them to stop putting them in. Staff is not asking that
37 the benches be removed as that is a much larger issue and a workshop to explore the matter is necessary.
38 Ms. Croteau suggested the second meeting in June for a workshop.

39
40 Ms. Croteau reported the City received a letter from the City of Lake Helen asking for a donation to their
41 Independence Day festivities. The City has budgeted to do its own festivities on July 3rd and staff is
42 proposing the City continue with its plans instead of donating to another City. It was the consensus of
43 Council not to contribute to Lake Helen at this time. Ms. Croteau said she will respond accordingly.

44
45 Ms. Croteau reminded Council of the Workshop for Citizen Input on the budget on May 27th at 6 p.m.
46 She said Council will hold its goal setting workshop on Saturday May 15th with Marilyn Crotty. She said
47 Ms. Crotty has provided a report on the Citizen Goal Setting Workshop. Copies will be placed in
48 Council's mailboxes in the morning.

1 Council Member Blair asked for a status report on the Albertus Cottage lease. Ms. Croteau said the lease
2 expires at the end of the month. She said she spoke with Joan LaFleur and would get back with her in
3 July. Council Member Blair suggested it is not prudent to let a contract lapse, that it would be better to
4 either renew or not before the end of the month. Ms. Croteau responded she had not had an opportunity to
5 thoroughly review the matter. Mr. Reischmann pointed out that when a lease term ends that lease then
6 becomes a tenancy at will and the parties continue with the arrangement until a new agreement is reached.

7
8 Council Member Blair said the gutters that were installed on the front porch of Albertus Cottage need to
9 be painted. He said gutters are needed across the roofline on the top because that is where water is coming
10 down and damaging the windows and the porch. He said it appears as if the gutter project was only
11 partially done. Ms. Croteau said she would look into the matter.

12
13 Vice Mayor Laputka talked about the July 4th event. He said he would like to see some patriotic music.
14 Ms. Croteau advised she would talk with staff and have some ideas at the next meeting.

15
16 **B. Mayor/City Council**

17
18 Council Member Allebach said the online MPO transportation survey he spoke about at the last meeting is
19 ready. He said the Council should have gotten an emailed copy, if not the City Clerk will forward a copy.
20 He said Council is requested to ask 10 people sign up and take the survey. The Rhode Island extension
21 project is listed. He said the survey is called "[Long Range Transportation Plan 2035](#)" and could be found
22 on the web. He suggested that a link be provided on the City web page.

23
24 Vice Mayor Laputka announced there will be a meeting with the Saint John's Water Management District
25 on Thursday to discuss the "Transient Ground Water Model." The meeting will be in the training rooms
26 at the Kelly Building and all are welcome. Vice Mayor Laputka noted that many of the Council members
27 have participated in the "Reading to the Kids" program in the past. He said also on Thursday a new
28 program called "Listening to the Kids" will start however he would not be able to participate as he will be
29 at the Saint John's Water Management District meeting.

30
31 Mayor Strickland reported that he and the City Manager attended a meeting with Representative John
32 Mica and the local municipalities in his jurisdiction this morning to talk about employment and jobs. He
33 said it was well attended. Representative Mica encouraged municipalities to determine what their needs
34 are and he spoke about the assistance he could provide with getting grants, etc. It was clear that a big
35 "pitch" is not the best approach, a one page letter is more appropriate. Mayor Strickland said
36 Representative Mica discussed a train station in Orange City and it was on the agenda. Ms. Croteau
37 concurred with the Mayor's comments. She said it was very interesting however, she observed that most
38 of the economic development activity is taking place the east side of the County and not the west side.
39 Mayor Strickland said he spoke at the meeting regarding the need to provide employment and transition
40 assistance for veterans, particularly those just coming back from Afghanistan and Iraq. Mayor Strickland
41 noted that Representative Mica cautioned against sending anything to anybody in Congress as it may take
42 four to six months for it to be received. He suggested sending correspondence to the local offices.

43
44 Council Member Crippen reported that he and Mayor Strickland attended the opening ceremonies for the
45 Florida State Women's Bowling Tournament on Saturday. Council Member Crippen said he attended the
46 Southwest Volusia Health Alliance meeting last week. He said they are still working on surveys and
47 focus groups to determine people's health needs. He remarked the Chamber of Commerce would have
48 been an excellent venue to provide people with information and to do the survey if it were still
49 operational.

1 C. City Clerk

2
3 Ms. Renner reminded everyone about the Goal Setting Workshop for Saturday.

4
5 D. City Attorney

6
7 No further report.

8
9 **11. APPROVAL OF MINUTES:** April 27, 2010 Regular Meeting

10
11 **Vice Mayor Laputka moved to approve the minutes of the April 27,**
12 **2010 Regular Meeting, seconded by Council Member Crippen and**
13 **passed by a unanimous 7/0 voice vote of the Council.**

14
15 **12. COUNCIL COMMENTS:**

16
17 Council Member Abraham said he attended the fourth annual UCF Public Administration Research
18 Conference. He said he participated in a discussion about consolidation of governments. It was very
19 interesting. There were no clear answers with regard to the increase or decrease of crime when services
20 are consolidated, however there was a discussion about some parts of the United States that consolidated
21 their services and after some years reversed it. Council Member Abraham noted the City Manager of
22 Casselberry presented a speech about the proposed Amendment 4, suggesting that it is not a good idea. At
23 the same time, she acknowledged there should be a balance and municipalities need to look at the both
24 sides of the issue and figure ways to protect the environment. Council Member Abraham said all the
25 speeches and lectures were “enlightening.” Several city and county employees were present. The most
26 interesting thing was an interactive discussion, where participants were provided with a keypad to answer
27 questions on a big screen and the results were displayed immediately.

28
29 Mayor Strickland congratulated Council Member Abraham on his wife becoming an American citizen.
30 Vice Mayor Laputka concurred with the Mayor’s comment.

31
32 Council Member Allebach talked about a recent incident involving law enforcement where someone got
33 shot. He said a citizen called 911 because her husband had trashed the house and threatened her and then
34 called back later horrified that the police shot her husband. Addressing the police officers present,
35 Council Member Allebach stated “If somebody is holding a gun on you guys shoot ‘um.”

36
37 **13. ADJOURNMENT:**

38
39 There being no further business, Mayor Strickland adjourned the meeting at 8:25 p.m.

40
41 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

42
43
44
45 Gloria Williams Thomas, CMC
46 Deputy City Clerk

May 25, 2010