

1 **MINUTES OF THE WORKSHOP MEETING OF THE ORANGE CITY COUNCIL**, held on
2 Monday, August 2, 2010 at 6:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3
4 **CALL TO ORDER**

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6 The Meeting was called to order at 6:00 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
11 (Arrived late at 6:07 p.m.), Tom Abraham, Anthony Pupello, Gary A. Blair, William
12 Crippen; City Attorney William Reischmann; City Manager Jamie Croteau, City Clerk
13 Deborah Renner
14

15 **1. City Attorney's Report**

16
17 Mr. Reischmann discussed the terms of the bequest of Harriet French Hayman Boyd, noting that Ms.
18 Boyd left property located at 319 E. French Avenue and known as the "Seth French House" to the City
19 of Orange City. The City is legally required to formally accept the property within six months of Ms.
20 Boyd's death. One of the provisions of the will was that the City must use the property as a museum
21 in honor of Dr. Seth French. If the City were to accept the property, but not use it as specified in the
22 will, ownership would revert back to Ms. Boyd's estate.
23

24 Mr. Reischmann noted that the deed the City would receive for the property would have this condition
25 on it. He opined that because of the nuances not specifically described in the language of the will, it
26 could be easy for the court to find that the language is ambiguous.
27

28 Mr. Reischmann offered the following obligations on the part of the City as set forth in the will: (1)
29 to use the property for historical purposes, (2) to use the home as a museum in honor of Dr. Seth
30 French, and (3) to maintain the home and surrounding property in a good and clean condition. He said
31 failure to do any one of these three things could be construed as cause for the estate to invoke the
32 "reverter" clause.
33

34 Mr. Reischmann said that a number of different legal arguments could arise over the coming years
35 regarding the house that would likely have to be resolved in court. He said that he could not foresee
36 the future to determine how a court would act on any of these matters, therefore, he could not
37 guarantee an outcome.
38

39 Mr. Reischmann stated that the most important thing for the City to do, in the event the matter was
40 ever brought to the court, is to try to comply with the requirements of the will. He reiterated that the
41 three key points are "historical purposes," "museum in honor of Dr. Seth French," and "maintenance
42 of the property." He noted that the property has previously been used as a residence and the question
43 was raised as to whether the house could be moved from its present location. He expressed his
44 opinion that moving it would trigger the reverter clause causing the City to lose ownership of the
45 property.
46

1 Vice Mayor Laputka asked for clarification of the definition of a “museum” as used in the will. Mr.
2 Reischmann responded that the will is not clear, therefore, he would recommend using the definition
3 in “Black’s Law Dictionary.” Mr. Reischmann suggested that the terms of the will do not require that
4 the City use the entire structure as a museum and that the remainder of the building could be used for
5 other municipal purposes. He said that the term “historical purposes” would be harder to define. Mr.
6 Reischmann concluded that while the bequest of the home to the City is “a wonderful thing,” it does
7 create “potential legal issues” for the City in the future. He clarified that he was speaking as the City’s
8 counselor, not necessarily as an advocate for the City in this matter.
9

10 Mayor Strickland asked Mr. Reischmann to discuss “continuous and active usage.” Mr. Reischmann
11 responded that is not defined by the Courts, but rather is determined on a case by case basis. He
12 noted the difference between having a museum in the home which is open to the public every day, as
13 opposed to having it open on a limited basis such as once a quarter. Mayor Strickland questioned
14 whether the City would be required to use the second floor of the residence as part of the museum.
15 Mr. Reischmann responded that the will does not provide guidance as to that level of specificity.
16 Mayor Strickland expressed his concern regarding staffing when the building is open to the public.
17 Mr. Reischmann described a scenario where the home was furnished in historical pieces and City staff
18 had offices there where City business was conducted, but the home was open to the public. He
19 suggested that this created a strong argument that the home was being used for historical purposes and
20 as a museum honoring Dr. Seth French.
21

22 Council Member Crippen questioned how much it would cost to bring the house “up to standards” and
23 how long the City would have to be able to accomplish that. Mr. Reischmann expressed his belief that
24 the reverter would not be triggered if the property was maintained in a way that was not totally
25 consistent with the standards of the National Register. He said that the will only requires that the
26 home be kept in a “good and clean manner.” Council Member Crippen asked whether the DeLand
27 House is on the National Register. An unknown person speaking from the audience confirmed that it
28 was. Council Member Crippen noted that the DeLand House has a wheelchair ramp.
29

30 Ms. Croteau stated that Paul Johnson, Public Works Director, was going to make a presentation
31 addressing some of the issues related to physical rehab of the building. She said that cost estimates
32 are directly related to the level of restoration Council chooses to do, and that they would be obtained
33 in the future if Council chooses to accept the home.
34

35 2. Staff Report – Paul Johnson

36

37 Mr. Johnson came forward and provided a power point presentation (a copy of which is attached and
38 becomes a permanent part of these minutes) on the Seth French House. He noted the location of the
39 property on a map. Council Member Blair noted that there is a lot adjacent to the house and asked
40 whether it was part of the Boyd property. Mr. Johnson responded in the negative.
41

42 Mr. Johnson advised that because the house is on the historic register, special considerations regarding
43 any renovations do come into play. He explained that there are three different choices in regard to
44 work done on the house; preservation, rehabilitation, and restoration. He said that he has extensive
45 information on each option if Council would like to review it.
46

1 Mr. Johnson explained that preservation assumes that the character of the home is essentially intact.
2 The property is protected as it is and maintained. Problem areas are addressed by repair, not
3 replacement. Rehabilitation allows for more replacement and allows substitution of newer materials
4 for repairs. Mr. Johnson advised that rehabilitation was the method used for work on the exterior of
5 Town Hall. A total restoration would return the building to its original state. It would involve
6 removing any additions that may have been added. He said that it is up to Council to decide which
7 method they wish for staff to use.

8
9 Mr. Johnson said that because of the age of the home, lead paint concerns exist. If more than six
10 square feet of the interior surfaces, or more than twenty square feet of the exterior surface are
11 disturbed, all precautions up to and including containment and disposal must be followed.

12
13 Mr. Johnson discussed the process and many considerations in setting up a museum. He noted that the
14 initial costs are unknown at this time and that the next step is to determine which method Council
15 wishes to use in the refurbishment process. A space utilization plan must be developed. If lead paint
16 is involved, painting becomes a major process which could cost four times as much as a normal paint
17 job. Providing for accessibility and parking could be another costly consideration. Operationally,
18 insurance costs will run \$1,660 per year. Electric service is estimated at \$4,000 per year, water at
19 \$900-\$1,500 per year. Grounds maintenance and custodial services will run about \$2,000 per year
20 using existing staff labor. Building maintenance will be about \$2,000 per year. Mr. Johnson
21 estimated total annual costs to be around \$13,000 plus staffing costs.

22
23 Mr. Johnson said that Council must choose one of the following options: (1) to decline the house, (2)
24 accept the house with the understanding that it will take 90-120 days to develop cost estimates for
25 renovations, or (3) accept the house as it is and move forward with the repairs. If it is Council's desire
26 to accept the house, a decision must be made as to the level of restoration to be performed. A master
27 plan must be developed. Architectural services will have to be retained and an operational plan will
28 have to be developed.

29
30 Mayor Strickland said that he confirmed with the Planning Department that there would be no zoning
31 issues if the City were to utilize the house as a museum. He said that he spoke with a number of
32 people who live near the house and sent letters to those he could not reach to let them know of
33 tonight's meeting. He said that there does not appear to be opposition to using the house as a museum.

34 35 3. Council Discussion

36
37 Council Member Crippen questioned what the cost would be to find out how much the City would
38 have to invest to bring the house up to standards. Ms. Croteau responded that a lot will depend on
39 Council's decisions regarding what level of restoration they wish to see. She expressed her confidence
40 that a fairly sound estimate could be provided in 90 to 120 days at a minimal cost once Council has
41 decided how they wish to have the restoration proceed.

42
43 Council Member Blair asked whether the terms of the will would allow the City to pass ownership of
44 the property to someone else. Mr. Reischmann expressed that if the City were to pass ownership to
45 another entity, it would trigger the opportunity for the estate to challenge the transfer and to exercise
46 the reverter clause. He suggested that transfer by lease which included a provision for the terms as set

1 forth in the will would be a possible alternative solution. Council Member Blair said that he does not
2 like the appearance that the City hasn't "done its homework." He suggested that the City has had a
3 long period of time to prepare and that Council should be "sitting here looking at a master plan right
4 now." Addressing the level of the restoration that should be done, Council Member Blair stated that
5 the most important consideration is to make the building safe. Next, the parking issue should be
6 addressed and some sort of cost estimate should be developed.

7
8 Council Member Crippen said that he would support accepting the house with the understanding that
9 staff will take the next 90 to 120 days to report back with some concrete information. He suggested
10 that Council should be able to determine the level of restoration to be done during that time frame.

11
12 Mr. Reischmann noted that the City is required by the terms of the will to accept the house by August
13 15th. If it is Council's desire to take this action, a resolution must be adopted indicating such. Mr.
14 Reischmann indicated that the actual transfer of title for the property could take between 90 to 120
15 days. During that interim time, the City does not legally have ownership of the property. If the City
16 chose not to adhere to the terms of the will, the estate's personal representative could transfer the deed
17 to the alternative beneficiary, Francis Boyd Weier.

18
19 Discussion ensued regarding what level of restoration Council desires to be done on the property.

20
21 Council Member Pupello said that of the options presented, the only prudent choice at this time is to
22 proceed with leeway to obtain more information. He expressed his concern over the possibility of the
23 estate fighting to get possession of the house at some time in the future. He said that "ambiguous,
24 vague direction" is provided in the will. He stated, "If we accept it, it will always be that way."
25 Council Member Pupello suggested that the City purchase the house warning that "if we do not, there
26 will always be a third party outside of the City that will control what we do." He said that he found
27 this "troubling."

28
29 Council Member Allebach noted that it appears that there are a number of creative ways that the
30 facility could be operated in order to minimize costs. He said that he did not believe the
31 establishment of the museum would create a destination for the City, however, it could be an
32 improvement for the neighbors in the area. Council Member Allebach suggested that the building is
33 "dysfunctional" for use as anything other than a museum. He expressed his concern that over the next
34 three to six months ongoing discussions will complicate the process and escalate the City's expenses.

35
36 Vice Mayor Laputka said that he lives near the house and that he supports accepting the donation. He
37 said that ninety days will probably not be long enough for a thorough evaluation and suggested that
38 the City may need fifteen months to establish a plan for the museum and general use of the house, as
39 well as to determine what repairs will be needed and what the restoration will cost. Mr. Reischmann
40 said that the decision to accept the house or not is Council's to make now. However, he expressed
41 that he did not believe the courts would delay transfer of the title for eighteen months. He said that if
42 Council directs the preparation of a resolution accepting the house, there can be no conditions attached
43 other than those specified in the will.

44
45 Mayor Strickland clarified that what Vice Mayor Laputka was saying is that there is a fourth choice
46 which is to accept the house with the understanding that it will take longer than 120 days to do what

1 needs to be done with the house.

3 Council Member Abraham said that he visited the Brevard Historical and Science Museum in Cocoa
4 last Friday. He said that he has heard everyone's concerns about the house. Council Member
5 Abraham expressed his doubt that this is a good time to begin to establish a museum in the City due to
6 the lagging economy. He said that unless the museum offers a significant look into all aspects of the
7 City's past, there will not be much opportunity for learning. Council Member Abraham said that for
8 this reason coupled with the financial concerns, he is in favor of declining the house.

10 Council Member Blair noted that the Albertus Cottage was deeded to the City with stipulations. He
11 conceded that while a museum in the Seth French House may not be a complete draw for people to
12 come to the City, it would be one more reason for them to visit. He said that he believes six months is
13 ample time to get direction as to the feasibility of accepting the house. Council Member Allebach
14 noted that as long as a process is underway concerning the house, there is no pressing time issue.

16 Mayor Strickland said that his concerns have decreased based on the City Attorney's comments this
17 evening. He said that his main concerns are cost and staffing for the museum. The Mayor noted
18 other ongoing issues in the City which are requiring resources at this time such as the restoration of the
19 fire truck.

21 4. Citizen Comments

23 Al Blue, 447 N. Oak, came forward and stated that he bought property in the City in 1967 after having
25 visited Blue Spring for a number of years. He discussed the City's early history and the first settlers
26 here. Mr. Blue said that he would like to see the original one square mile area of the City identified as
27 a historic area. He said that he spoke with a number of people about the house and everyone was in
28 support of accepting it as long as the City maintains it.

29 Council Member Abraham advised that some time ago, Mr. Blue had discussed the need for a museum
30 in Albertus Cottage. He noted that the Council was divided at that time as to whether the house should
31 be renovated. Council Member Abraham noted that ten years have passed and still no group has come
32 forward to start a museum there.

34 Mr. Blue advised that he has a number of artifacts that he wants to donate to the City, but they need a
35 place to be shown. He suggested that the City should contact descendents of the City's early settlers
36 in Eau Claire, Wisconsin and invite them to come for a visit. He recommended accepting the house
37 with the understanding that it can always be returned if it doesn't work out. Mr. Blue suggested that
38 the planning could take place over the course of a year and the work could be done incrementally so
39 that it does not create a drain on the City's budget.

41 Council Member Blair noted that Seth French started the first school in Volusia County.

43 Dallas Wittgenfeld, 2421 Pine Hill Place, came forward and stated that he was the on the original
44 Historic Preservation Board under Mayor Chumley. Mr. Wittgenfeld discussed the life of Dr. Seth
45 French. He said that he has a number of important artifacts to donate to the museum. He related that
46 the students at Orange City Elementary School had a play about Dr. French many years ago. Mr.

1 Wittgenfeld said that he has developed a facebook page "Save the Seth French National Historic
2 Preservation." He stated, "I'm proud to say I'm from Orange City and my city cares about historic
3 preservation." In response to a question from Vice Mayor Laputka, Mr. Wittgenfeld stated that
4 Orange City is situated on 17-92 which is a historic heritage corridor.
5

6 Council Member Abraham noted that Dr. French was a military surgeon and an investor. Mr.
7 Wittgenfeld advised that the same people settled both Eau Clair, WI and Orange City. He said that
8 there is information on the internet in a publication called "A Tale of Two Cities."
9

10 Paul Rasch, 2058 King Richards Court, came forward and said that he has served on the Board of a
11 number of museums. He said that he is "familiar with museums and their struggles." He said that all
12 museums struggle, noting all of the work that will be involved in setting the museum up. He agreed
13 with Mr. Abraham that this is not wise in the current economy. Mr. Rasch predicted that no one
14 would go to the museum and called it "a waste of money."
15

16 Gina Holmes, 670 Placid Run Road, came forward and discussed the benefits her children have
17 received from attending museums. She spoke in support of the creation of a museum in the French
18 House and suggested that it would not be difficult to find volunteers to staff the facility. Ms. Holmes
19 talked about people's love for history and expressed her confidence that the community would support
20 the museum with donations. Ms. Holmes suggested that if the heirs were interested in taking the
21 house back, they would have done so by now. Mr. Reischmann responded that they did not have the
22 legal ability to do so at this point. Ms. Croteau noted that the Attorney for the estate was unable to get
23 the heir to work with the City to change anything in the reverter clause.
24

25 Bob Reid, 527 E. Graves, came forward and said that he has been involved in the Historic Preservation
26 Board since he moved to the City ten years ago. He said that the Board has tried to preserve the city's
27 historical assets. Mr. Reid stated that there is a museum at the Heritage Inn, noting that it doesn't have
28 to be large. As far as the renovations, Mr. Reid said that rehabilitation is the most cost effective
29 method of preserving the building. He said that all of the artifacts that are in City Hall were found in
30 the storage area at Orange City Utilities.
31

32 Don Sherrill, 2223 Hollowridge Rd., concurred with Al Blue. He said that the City has a good
33 beginning toward historic preservation, citing the Heritage Inn as one example. Mr. Sherrill suggested
34 giving a tax credit to owners of historic homes to help them rehab their properties. He discussed the
35 importance of the history of Orange City Utilities. Mr. Sherrill talked about the importance of
36 reestablishing the Historic Preservation Board.
37

38 5. Direction to City Manager
39

40 **Council Member Allebach moved to draft a resolution for**
41 **presentation to the Council on August 10, 2010 indicating the City's**
42 **acceptance of the Seth French House, seconded by Council Member**
43 **Crippen and passed by unanimous 7/0 voice vote of the Council.**
44

45 6. Adjourn
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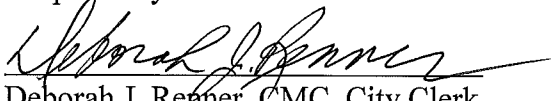
1 There being no further business, the meeting was adjourned at 8:11 p.m.

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3 Respectfully Submitted

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6 
Deborah J. Renner, CMC, City Clerk

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Approved on
