

1 **MINUTES OF THE SPECIAL MEETING OF THE ORANGE CITY COUNCIL**, held on Thursday,
2 September 29, 2011 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 O. William (Bill) Crippen; Council Members Jeff
11 Allebach, Tom Laputka, Anthony J. Pupello, Gary A. Blair; City Attorney Bill Reischmann; City
12 Manager Jamie Croteau; City Clerk Deborah Renner

13
14 **ABSENT:** Council Member Tom Abraham
15

16 Mayor Strickland announced this is a special meeting convened to talk about the recent
17 vehicle/pedestrian accidents in the vicinity of Orange City schools. He noted there were several
18 requests to speak, and a short presentation.
19

20 The Mayor noted that the District 1 School Board Representative, Candace Lankford, was to be
21 present at the meeting tonight as well as Volusia County Council Member Andy Kelly. In addition,
22 Karl Welzenbach, Volusia County Transportation Planning Organization (TPO)
23

24 **Citizens Comments**

25
26 Kathie Gennrich, 514 Patlin Avenue, stated she has been an advocate for sidewalks in Orange City for
27 many years. She said that she has been communicating with the County for many years. Ms.
28 Gennrich stated, "It seems now with the accidents that have occurred, it seems like we need to stop the
29 finger pointing and blaming and the City, County and School Board all need to get together to put a
30 sidewalk down that street."
31

32 Jeremy Kashmere, 420 W. Minnesota, Volunteer Coach for Little League Baseball in Orange City
33 came forward. He questioned what it would take to see some action on the issue. Mr. Kashmere said
34 that sidewalks and law enforcement were needed to protect the children.
35

36 Council Member Blair clarified that the schools are in unincorporated Volusia County. The City has
37 no jurisdiction in that area. Orange City is being proactive by calling this meeting to address this
38 problem. He stated the public needs to realize that. Mr. Kashmere restated his concern that
39 jurisdiction should not matter, safety of the children is the issue.
40

41 Kim James, 763 West Blue Springs Avenue, came forward and stated that the child that was struck
42 yesterday was on his way to her home for a play date. She described what occurred and said this
43 should never have happened. Ms. James said she has been concerned about this issue since she moved
44 to Orange City two years ago. She contacted the County, the City and several other agencies to
45 request that sidewalks be constructed. Ms. James advised that people do not observe the 15 mile per
46 hour speed limit in the school zone. She reiterated her feeling that sidewalks should have been

1 constructed when the schools were built. Ms. James observed that one house on the route to school
2 has yellow tape around the yard, forcing the kids to walk on the road.

3
4 Deedra Pickens, 141 Spring Glen Avenue, came forward and said that she brought her daughter with
5 her so that she could witness the process as it unfolds. Ms. Pickens advised that one of her daughter's
6 friends had been struck and killed on Highbanks Road in DeBary two years ago. She noted that no
7 crossing guards are in place beyond the elementary school level. Ms. Pickens urged parents to observe
8 the children leaving school at the end of the day.

9
10 Sheila Rush, 432 Clark Street, came forward and requested busing. She noted that her daughter not
11 only has to deal with the traffic on Blue Springs, but also has to cross 17-92. Ms. Rush said that on the
12 second day of school, her daughter returned home from school on her bike and said that she didn't
13 want to ride it to school anymore because it's dangerous. She said that she was requesting help on
14 behalf of the entire community.

15
16 Jennifer Abler, 1180 4th Street, came forward and said that her daughter is not eligible for bus
17 transportation to school because they live 1.99 miles from the school and she was told you must be 2.0
18 miles away. Ms. Abler said that she is now unable to work because she must transport her daughter
19 back and forth to school. She identified several other busy roads that have no sidewalks. She said that
20 she has observed parents driving on sidewalks and completely disregarding traffic rules. Ms. Abler
21 said that she was told by the School Board that it is her responsibility to keep her children safe on the
22 way to/from school. She said that it is very common for kids to push each other while walking and she
23 suggested that the students be provided with safety education.

24
25 Robin Vallance, 714 W. Blue Springs Avenue, came forward and stated that he has lived on the corner
26 by the school for thirty years and that it has gotten progressively worse. He said the traffic needs to be
27 slowed down.

28
29 Christa Smith, 583 Blue Springs Court, came forward and stated that she walks a group of students in
30 the morning from her street to the crossing guard and she has noted that many drivers are on the phone
31 or texting and the conditions are not safe. She said the traffic only slows down when the police are
32 present. Ms. Smith urged more police patrols.

33
34 Paul Smith, 583 Blue Springs Court, came forward and said that his nine-year old witnessed the
35 accident yesterday. He reported a great deal of speeding in the area.

36
37 John Watts, 1030 Springbank Avenue, came forward and said that if Lawton Avenue was properly
38 graded and maintained it would relieve the traffic around the school by providing an alternate route.
39 He noted that it had not been graded since school started.

40
41 Alan James, 1045 E. Graves Avenue, came forward and referenced the north side of the road, stating
42 his understanding that there are no sidewalks there. He noted that right of way was offered on the
43 large piece of land at 763 Blue Springs. He conceded that the property is on the "wrong" side of the
44 road, but it is what he called a "piece" of the "puzzle." He guaranteed that with permission, the
45 sidewalk could be poured there in two days. He acknowledged that a sidewalk easement is a problem
46 on the south side of the road, and stated, "If we get part of the solution, that's better than none of it."

1 Mr. Jeremy Kashmere, came forward and noted that some of the kids will cross the street whether a
2 sidewalk is there or not.

3
4 Discussion broke out between people in the audience. Someone suggested that a number of homes on
5 the street would never be willing to give up the property needed for an easement. Considerable
6 discussion among members of the audience continued.

7
8 Mr. Reischmann said that what he is hearing is that there must be either an easement or a series of
9 easements or under the statutory methodology for a “prescriptive easement for right of way.” As it
10 stands now, the County can continue to use the pavement as a road and use the private property to a
11 limited fashion for the maintenance of the pavement. If there are underground utilities in the area, that
12 would mean that there is more than just a prescriptive easement either by common law or by statute.
13 Mr. Reischmann advised that a private property owner does not have to allow utilities underneath the
14 ground on their private property. He stated, “At the least, the County has some sort of prescriptive
15 right to have this pavement which is known as Blue Springs Avenue and possibly has more. But the
16 point is for the purpose of placing a sidewalk, we would not be able to place a sidewalk on private
17 property unless they have some sort of legal right to do so and that would be either by having a deed or
18 an easement, or acquiring the same.” He said that the property could be acquired either voluntarily or
19 involuntarily. Under an involuntary acquisition, the County would be the appropriate party to initiate
20 the litigation. In response to a request for clarification from Council Member Blair, Mr. Reischmann
21 said that a “quick taking” is one of the two procedural methodologies that is available to a local
22 government once it establishes public purpose for taking private property.

23
24 Council Member Blair said that he would like to end the meeting with “some kind of solid direction.”

25
26 Mr. Reischmann responded that if a sidewalk is the primary objective of the meeting tonight, it would
27 appear that a sidewalk along the northern boundary of Blue Springs Avenue could be accomplished.
28 A sidewalk on the southern side of the road could also be accomplished, but would be more expensive
29 because of the need to purchase right of way. The sidewalk would have to be built by the County.
30 Mr. Reischmann emphasized that jurisdictionally, those living in that area are not residents of Orange
31 City.

32
33 Mayor Strickland noted that tonight’s proceedings were being tape recorded and would later be
34 transcribed into written minutes. He said that these would be available to the other members of the
35 Volusia County Council. County Council Member Andy Kelly said that he would be discussing this
36 issue with his fellow Council Members. Mr. Kelly said that the matter has not come before them for
37 action as yet.

38
39 There continued to be discussion from unknown persons in the audience.
40 Council Member Crippen noted that all of the potential solutions suggested tonight were very good,
41 but would take considerable time to implement. He suggested that the parents were looking for a more
42 immediate action that could be taken to slow the traffic in the area and asked Council Member Kelly if
43 he knew of anything that could be done immediately. Council Member Kelly suggested that the City
44 contact the County and request a temporary solution.

45

1 Mayor Strickland said that concerned citizens should attend the County Council and School Board
2 meetings, and contact Sheriff Johnson's office. Council Member Kelly noted that all government
3 meetings are open to the public. The Mayor suggested that citizens could also send letters and emails
4 and make phone calls to their elected officials making their feelings known.

5
6 Council Member Allebach suggested that the property that is owned by the school board near
7 Arawanna Estates should be improved. He noted reports that people use it to turn around when
8 picking up their children and were getting stuck in the sand. He suggested that may mitigate some of
9 the "craziness" around the school when people are picking up their children.

10
11 The Mayor called Brandon McCarthy forward to speak. He said that he is a parent of students at both
12 the middle and elementary schools. He said that tonight's meeting helps to dispel the notion that
13 officials are "tied up in a bureaucratic traffic jam." Mr. McCarthy suggested the possibility of
14 involving students from the high school as monitors or patrols along the problem areas.

15
16 Council Member Allebach reiterated the importance of contacting the Sheriff and asking for increased
17 support and patrols. He expressed his confidence that the Department would be responsive.

18
19 Council Member Laputka said that in spite of jurisdictional issues it is important to remember that,
20 "those are our children."

21
22 Council Member Pupello reiterated the importance of personal responsibility in regard to safety. He
23 urged school officials to not allow the children use "a sidewalk that is now a driveway that goes to
24 nowhere" on Ohio Street. He suggested that it is contributing to the current problems. He noted that
25 sidewalks do exist and the children should be using them. Council Member Pupello stated, "Those
26 children don't need to be walking in the road." He conceded that for those living on Scholar's Way
27 and Blue Springs Court, this is not a viable solution, however, the majority of the students walking in
28 the road could be using existing sidewalks. He suggested that the solution is safety education
29 programs to teach the students to be safe on their walk to school. Finally, Council Member Pupello
30 observed that the important thing is "a community coming together."

31
32 Vice Mayor Crippen voiced his support for a resolution to send to the County Council clarifying the
33 issues and requesting an expedited solution.

34
35 Council Member Blair noted that he sent an email to Council Member Andy Kelly last July about
36 West French Avenue. He related his experience that sending emails to the County Council is not very
37 effective. He asked Council Member Kelly to support a sidewalk on the north side of the area in
38 question. Council Member Blair thanked the members of the public who were present, as well as the
39 school board representatives. He expressed his pride that the City Council took the lead in addressing
40 this problem. He expressed his confidence that a sidewalk would be built in the area "very soon."

41
42 Mayor Strickland expressed his hope that the people in attendance would "leave with a lot more
43 information." He noted that many people came with frustration and said that he hoped they felt the
44 Council listened to them. The Mayor stated, "The opportunity for a public forum is one of the most
45 important things that we can provide for our citizens...." He noted the importance of all officials
46 involved from the School Board, the County and the City to work together. The Mayor agreed that a

1 resolution should be drafted and that it should be sent to the County, the School Board and the Sheriff.
2 The resolution should indicate the concerns that the people of greater Orange City have expressed
3 tonight. He suggested that one person should be appointed from the Council to work with the City
4 Manager and City Attorney to draft the resolution.

5
6 **Vice Mayor Crippen moved to draft a resolution outlining everyone's**
7 **awareness or perception of responsibilities including those of our**
8 **citizens to educate themselves and their children, as well as**
9 **delineating some of the potential solutions and responsibilities for**
10 **those solutions that have been identified tonight; and that the**
11 **resolution be sent to the County Council, the School Board, the**
12 **Volusia Transportation Planning Organization and the Sheriff's**
13 **Department; and that Council Member Laputka be assigned to work**
14 **with the Attorney and Manager to draft the resolution, seconded by**
15 **Council Member Blair.**
16

17 Mr. Reischmann clarified that if the resolution passes, it will direct the City Manager and City
18 Attorney to work with Council Member Laputka to prepare a resolution on behalf of the Council for
19 the Mayor to sign to be sent to the County Council, the School District, the Sheriff and the
20 Transportation Planning Organization with the contents as described in the motion. He clarified that it
21 will not come back to the Council for review before it is executed and transmitted.

22
23 **Motion passed by 6/0 roll call vote of the Council.**
24

25 **ADJOURN**

26
27 There being no further business, the meeting adjourned at 8:50 p.m.

28
29 Respectfully Submitted:

Date Approved

30
31
32 _____
33 Deborah J. Renner, CMC
34 City Clerk

November 15, 2011