

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, January 24, 2012 at 7:00 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 7:00 p.m. by Mayor Laputka and roll call was taken.

7
8 **ROLL CALL**

9
10 PRESENT: Mayor Tom Laputka; Vice Mayor O. William (Bill) Crippen; Council Members Ron Saylor,
11 Michael Wright, Anthony J. Pupello, Gary A. Blair; City Attorney Bill Reischmann; City Manager Jamie
12 Croteau; City Clerk Deborah Renner.

13
14 ABSENT: Council Member Tom Abraham

15
16 The Invocation was given by Council Member Wright, followed by the Pledge of Allegiance.

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

19
20 2. **PRESENTATIONS/PROCLAMATIONS:** **Proclamation – West Volusia Titans**

21
22 Mayor Laputka read a proclamation into the record honoring the West Volusia Titans football team on their
23 national championship. Coach Shawn Willis, 2727 Deltona Blvd., came forward and displayed the Titan's
24 trophy. He thanked the citizens of Orange City for their support and commitment to the West Volusia
25 Titans. All of the team members present came forward for pictures with the Council.

26
27 *Mayor Laputka recessed the meeting at 7:12 p.m., reconvening at 7:17 p.m.*

28
29 **Florida Planning & Zoning Association**

30
31 John Thompson, Immediate Past President of the Florida Planning & Zoning Association (FPZA),
32 presented the 2011 "Focus Award" to Robert Storke. Mr. Thompson discussed Mr. Storke's
33 accomplishments and provided some background information on the FPZA.

34
35 **Presentation from the Sorosis Club**

36
37 Julie Bertrand, President of the Sorosis Club, came forward to present the City with a Certificate of
38 Appreciation for its participation in "Operation Santa" and for donating over 700 pounds of food.

39
40 3. **CITIZEN COMMENTS:**

41
42 Dale Atchley, Monastery Road, came forward to discuss his concerns regarding a vacant building next to
43 his property which he claims does not meet the City's setback requirements. He requested that this issue
44 be placed on a future agenda for further discussion. Mr. Atchley stated that he has not discussed this issue
45 with any member of the Council. Ms. Croteau explained that Mr. Atchley is concerned that the property in
46 question sits very close to the boundary of a piece of vacant property which he owns. Ms. Croteau stated
47 that the original building was built in 1970. The property was then annexed into the City sometime
48 between 2000 and 2003. The building on the subject property does not meet the City's current setback
49 requirements. Ms. Croteau explained that the building on the property was not required to conform to the

1 City's codes at the time it was built because it was located in unincorporated Volusia County. She advised
2 that the City cannot do anything about the setback at this point. She explained that this is a civil matter
3 between the two property owners. Mr. Atchley maintained that the expansion to the original building was
4 built illegally and without permitting. Mr. Reischmann advised that the Code Enforcement Special Master
5 has jurisdiction to make a determination on code violations, not the Council. He said staff will work with
6 Mr. Atchley to ensure that if there is a code violation, it will be processed by Sgt. Lariscy, however, it
7 would be improper for the City Council to render a finding on a code enforcement issue since they do not
8 have jurisdiction. He noted that appeals of findings in code enforcement matters are appealed to the circuit
9 court, not to the City Council. Mr. Atchley noted that he has filed a complaint with Sgt. Lariscy. In
10 conclusion, Mr. Atchley stated, "If you're not going to enforce your code, you don't need a code. you don't
11 need code enforcement officials. That's my position."
12

13 Sharon Stafford, 461 South Clark Street came forward to provide an update on the third annual African
14 American Heritage Festival. She said the event is scheduled for February 24th and 25th. The committee has
15 obtained several sponsorships from local businesses and corporations. Ms. Stafford thanked the City for
16 their support.
17

18 Henry Durica, 1310 East Lansdowne came forward and thanked Public Works for the fire hydrant that was
19 installed on his street. Mr. Durica noted the Manatee Festival begins this weekend. He observed that
20 Valentine Park is a "beautifully maintained asset." Mr. Durica noted the "eyesore" of an abandoned gas
21 station on U.S. 17-92 and implored Council to demolish the building. Mr. Durica applauded staff for the
22 institution of the beautification award. He questioned why one "inconsiderate individual" is allowed to
23 "spoil the quality of life" for his neighbors. He suggested that along with the beautification award, the City
24 should issue an award for inconsiderate property owners.
25

26 Evelyn Robinson, 311 E. Cherokee Avenue came forward to ask for an update on Mill Lake. Ms.
27 Robinson recalled the issue of sidewalks on Blue Springs Ave. last fall. Noting there are still problems,
28 she said she is still afraid for the children who walk to school. She asked what is currently being done.
29 Ms. Robinson reminded Council that a citizen review committee was convened for the last charter review.
30 She said she was on the last Charter Review Committee and spoke in support of another citizen committee
31 to take part in the process and suggested that the appointments be made from "new blood."
32

33 Dan Hunt, 115 Columba Road, DeBary came forward and said he is a Council Member for the City of
34 DeBary and that his child is a member of the West Volusia Titans. Mr. Hunt said he appreciated the
35 celebration. He recalled that when he was growing up, Valentine Park was his little league team's home
36 field. Mr. Hunt said he is just a parent that wished to thank the City for its support and to thank the
37 Council for acknowledging the Titans. He stated, "We hope to do it again this year."
38

39 **4. CONSENT AGENDA:** None at this time
40

41 **5. ORDINANCES - FIRST READING:** None at this time
42

43 **6. PUBLIC HEARINGS:** None at this time
44

45 **7. RESOLUTIONS:**
46

47 **A. Resolution No. 664-12:** A resolution of the City Council of the City of
48 Orange City, Florida, acknowledging and approving a fourth 12-month
49 extension to the preliminary subdivision plat for the Lansdowne Oaks

1 subdivision, with the intent to divide a 5.0 acre parcel and a 10.0 acre parcel
2 into 35 proposed residential lots, said parcels located on East Lansdowne
3 Avenue, Orange City, Florida; repealing all resolutions or parts of resolutions
4 in conflict herewith; and providing for an effective date.

5
6 Mayor Laputka read the title of Resolution No. 664-12 into the record.

7
8 **Council Member Blair moved to approve Resolution No. 664-12, seconded**
9 **by Vice Mayor Crippen.**

10
11 Alison Stettner, Development Services Director came forward and noted this discussion is for both
12 Resolution No. 664-12 and 665-12. The developer has requested another 12-month extension of the
13 preliminary subdivision plat and site plan. It is the fourth of the seven one-year extensions allowed by the
14 Land Development Code. The development was originally approved in 2008 and is now under new
15 ownership. Referring to a PowerPoint presentation (a copy of which is attached and becomes a permanent
16 part of this minutes) Ms. Stettner pointed out the location of the development and discussed the conditions
17 of approval that must be met before approval of the final plat and site plan. Staff is recommending
18 approval of the extensions of the preliminary subdivision plat and site plan.

19
20 Council Member Blair noted that this matter has come before Council for the last several years and
21 questioned if a blanket approval for a longer period of time could be granted. Ms. Stettner said staff would
22 look into extending the timeframe.

23
24 Mayor Laputka noted that the homes in Lansdowne Oaks are being approved on an individual basis. Ms.
25 Stettner explained the development has been platted and the developer can sell a lot at a time.

26
27 Council Members Pupello and Saylor agreed with Council Member Blair's comments suggesting that it is a
28 good way to handle these matters as the real estate market has not yet improved. Council Member Saylor
29 noted there are several other projects in the same situation and suggested these projects could be looked at
30 together.

31
32 Mr. Reischmann discussed the provisions in the Land Development Code for this process noting that
33 changes were made in 2009 to include a defined life for development orders such as preliminary plats and
34 site plans. He said staff would review the policy to see if there is a more efficient policy for applicants.

35
36 **Motion passed by a 6/0 voice vote of the Council.**

37
38 **B. Resolution No. 665-12:** A resolution of the City Council of the City of
39 Orange City, Florida, acknowledging and approving a fourth 12-month
40 extension to the site plan for the Lansdowne Oaks subdivision, said site plan
41 containing the specifications to divide a 5.0 acre parcel and a 10.0 acre parcel
42 into 35 proposed residential lots, said parcels located on East Lansdowne
43 Avenue, Orange City, Florida; repealing all resolutions or parts of resolutions
44 in conflict herewith; and providing for an effective date.

45
46 Mayor Laputka read the title of Resolution No. 665-12 into the record

47
48 Council Member Blair moved to approve Resolution No. 665-12, seconded by Vice Mayor Crippen.

49

1 **Motion passed by a 6/0 voice vote of the Council.**
2

- 3 **C. Resolution No. 666-12:** A resolution of the City Council of the City of
4 Orange City, Florida, disbanding the Citizens Alternative Water Advisory
5 Committee formed by Resolution No. 556-09 and clarified by Resolution No.
6 570-09; repealing all resolutions in conflict herewith and providing for an
7 effective date.
8

9 Mayor Laputka read the title of Resolution No. 666-12 into the record.
10

11 **Council Member Blair moved to approve Resolution No. 666-12, seconded**
12 **by Council Member Saylor.**
13

14 Council Member Wright advised that he asked this matter to be brought forward because the Citizen
15 Alternative Water Advisory Committee has met its obligations. The Council tasked the committee to
16 address the issue of water conservation. Orange City is doing exceedingly well in that area when compared
17 to the cities in the surrounding area. Several committee members have already left the group, only two
18 remain. Council Member Wright said the he stepped down as well when he was elected to office.
19

20 Council Member Saylor noted that Council Member Wright mentioned the water committee during the
21 IEMO training last weekend. He said that during the breaks he observed several municipalities discussing
22 Mr. Wright's comments.
23

24 Mayor Laputka recalled what prompted Council to appoint a Citizen Water Committee. It was formed as a
25 result of the mandates issued by the St. John's River Water Management District. The Committee did a
26 great job in helping everybody understand what the problems are. In addition, the Committee was able to
27 give testimony to a Senate Subcommittee on Budgeting about water nutrients. Addressing Council
28 Member Wright, he stated, "I commend the work that you did there and the committee in general."
29

30 Council Member Pupello suggested that Council officially recognize the citizens who served on the
31 committee.
32

33 Council Member Wright noted that the "threat" to Florida water is not just local or national, it is
34 worldwide. He said he will continue to monitor water issues and suggested that everyone see the
35 documentary "Blue Gold" about privatizing water in La Paz, Bolivia. It is against the law in Bolivia to
36 collect rain water because of private interests. He cautioned that while free enterprise is important, people
37 do not need monopolies interrupting their quality of life and making it more expensive to live.
38

39 Vice Mayor Crippen agreed with previous comments about the Water Committee. He thanked the
40 committee members for participating and Council Member Wright for the "outstanding" reports that he
41 provided Council about the water issues. The Vice Mayor recalled a map in the newspaper that showed
42 how much water was being drawn from the ground in Florida, bottled and sent out of the State. He said
43 Florida is losing water on a daily basis. The Vice Mayor noted that he recently bought water from a local
44 store that was bottled in Silver Springs, FL. He asked Council Member Wright to do due diligence and
45 keep everyone informed.
46

47 Council Member Wright thanked the Council on behalf of the Committee. He said he would pass their
48 comments on to the committee members.
49

1 **Motion passed by a 6/0 voice vote of the Council.**

2
3 **8. DISCUSSION AND ACTION:**

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5 **A. National Incident Management System (NIMS)**

6
7 Fire Chief Chris Johnson came forward and noted that the National Incident Management System (NIMS)
8 is the national response system used to manage emergency or national disasters and special events. NIMS
9 replaced the ICS management system that Forestry used to manage wildfires. It allows coordination of
10 assets from all over the United States into one event. After September 11th, Homeland Security was tasked
11 with merging all incident management systems into one national template and NIMS is the result. Once a
12 year a NIMS report is filed through the Volusia County Emergency Management Department letting the
13 federal government know how municipalities are doing. Overall, the City is in good shape. All employees
14 have completed NIMS training. However, NIMS has never been adopted as the official incident
15 management system for the City. Grant funding can be withheld unless that is done. Staff is requesting
16 that Council adopt NIMS as Orange City's official incident management system.

17
18 **Vice Mayor Crippen moved that the City of Orange City adopt the**
19 **National Incident Management System (NIMS) as the official incident**
20 **management system for the City, seconded by Council Member Blair.**

21
22 **Motion passed by a 6/0 roll call vote of the Council.**

23
24 **B. Historic District Banners**

25
26 Paul Johnson, Public Works Director came forward to provide an update on historic district banners in the
27 City. He displayed a PowerPoint presentation (a copy of which is attached and becomes a permanent part
28 of these minutes) depicting the condition and locations of the banners and stated the banners were
29 purchased in 2002 and are now showing signs of aging or are missing altogether. Mr. Johnson advised
30 staff is recommending replacing all the banners and mounting brackets at a cost not to exceed \$4,200. The
31 funding could come from the Community Improvement line item in the budget. Ms. Croteau said staff
32 would bring designs back to Council for approval.

33
34 **Council Member Blair moved that the City Council authorize the**
35 **purchase of new Historic District Banners and mounting brackets at a**
36 **cost not to exceed \$4,200, seconded by Vice Mayor Crippen.**

37
38 Council Member Blair noted for the record that the Historic Preservation Board originally researched the
39 historical banners and could have dealt with this matter if was still a functioning group. He expressed his
40 hope that plans to reinstitute the Board are ongoing. Ms. Croteau noted revisions to the Code that would
41 address Council Member Blair's concerns would be brought forward sometime in February.

42
43 Vice Mayor Crippen advised he would see if grant funding is available through the River of Lakes Scenic
44 Highway group to offset the cost of the banners. Council Members Pupello and Saylor agreed with
45 previous comments. Council Member Pupello said he spoke with a former member of the Historic Board
46 who felt the cost of replacing the banners was "worth every penny." He suggested that there are several
47 citizens wanting to serve on the Historic Board and he urged staff to move forward to re-activate the Board.
48 Council Member Saylor said the banners added "flavor" to the town. He noted that not all the banners are
49 within City limits.

1

2 Mayor Laputka questioned how long it will take to get the banners up once it has been approved. Mr.
3 Johnson responded about 30 days. Council Member Pupello discussed the method used to choose the color
4 for the banners noting they were chosen to match the banners at the Albertus Cottage.

5

6

Motion passed by a 6/0 roll call vote of the Council.

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8 **9. NEW BUSINESS:** None at this time

9

10 **10. REPORTS:**

11

12 **A. City Manager**

13

14 Ms. Croteau reported that a police patrol car was rear ended and totaled. Insurance will reimburse one half
15 the cost of a new vehicle. Staff wishes to purchase a replacement car, piggybacking on the Florida
16 Sheriff's Association contract to save money. The total cost is \$23,791. The balance after the insurance is
17 paid is \$12,355. Ms. Croteau advised that the money can come from the fund balance. Staff is seeking
18 Council's authorization to move forward.

19

20

**Council Member Blair moved that the City Council authorize the City
21 Manager to purchase a replacement police patrol car funded by the
22 fund balance, seconded by Vice Mayor Crippen.**

23

24 Vice Mayor Crippen inquired about additional costs. Ms. Croteau explained the equipment in the damaged
25 car would be removed and installed in the new vehicle. She stressed that the police officer's car was rear
26 ended, he was not at fault. In response to a further question from Council Member Crippen, Ms. Croteau
27 said the insurance company will seek reimbursement for damages from the at fault driver's insurance
28 company.

29

30

Motion passed by a 6/0 roll call vote of the Council.

31

32 Ms. Croteau reported that a group has approached her about leasing or selling the old Chamber of
33 Commerce building on U.S. 17-92. Recently, the facility has been used for community and staff meetings.
34 If the property is sold it will require an appraisal. Ms. Croteau said staff is seeking Council's authorization
35 to negotiate a lease or to sell the property.

36

37

**It was the consensus of the Council to move forward with the sale or
38 lease of the former Chamber of Commerce Building.**

39

40 Ms. Croteau advised that a discussion of a Charter Review will take place at the next meeting. Staff will
41 bring back changes regarding operational issues, possible changes affecting a General and Primary
42 Election, and an option to move to even year voting.

43

44 Ms. Croteau reported the quarterly financial statements will be published next week. She noted that a
45 "Budget in Brief," a monthly variance report, is posted monthly to the web site. The report details the
46 revenues and expenditures for a 30 day period and gives the Council a "snapshot" of how the City is doing.
47 These reports are usually two months behind because the books must be closed before the report can be
48 generated. Ms. Croteau said a paper copy of the report could be placed in the mailboxes if Council would
49 prefer. Council Member Wright requested a copy to his iPad. Mayor Laputka requested a paper copy.

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Ms. Croteau reported that the Manatee Festival will be held on January 28th and 29th. She announced the grand reopening of Veteran's Memorial Park on February 2nd at 4:30 p.m., refreshments will be served. Movies in the Park will feature "The Smurfs" on February 3rd at 6:00 p.m. in Dickinson Park.

Ms. Croteau recalled that the Department of Transportation (DOT) has agreed to deed two properties to the City, Mill Lake and Terrace Hills. DOT prefers to work on one property at a time and asked the City to choose which property to begin with. Staff chose the Terrace Hills property on 17-92 and Saxon where the City hopes to build a fire station. She noted that while the property is being deeded to the City for free, maintenance and other costs are associated with it. Staff anticipates bringing forward more information within the next month or two.

B. Mayor/City Council

Vice Mayor Crippen reported that he attended the Volusia Transportation Planning Organization (VTPO) retreat with Ms. Stettner. An overview of how a TPO works was presented. The group participated in an exercise with mock municipalities under a TPO system and had to determine methods to divide representation so that all parties got a vote. He said that it was a very difficult job to do. The Vice Mayor explained that the Volusia Transportation Planning Organization (VTPO) is a transportation planning group comprised of all the municipalities in Volusia County and includes Beverly Beach and Flagler Beach in Flagler County.

Council Member Saylor reported that he attended the monthly VTPO meeting today. Council Member Saylor advised that due a population increase, Flagler County must decide to either join the VTPO or the TPO out of Jacksonville. If the Volusia TPO is chosen, the TPO will become a MPO because of its increased population status. Council Member Saylor noted that the County has secured the land necessary to install sidewalks on Blue Springs Avenue. He said that Ms. Matusick, the VTPO Chair will be visiting Orange City with signs for the schools and plans to spend a little more time in the City. Council Member Saylor thanked staff for their input before the meeting. He stated it was a very worthwhile meeting.

Mayor Laputka read a letter to the editor of the DeLand Beacon from a DeLeon Springs resident about Orange City fire fighters who assisted her when she had a flat tire after attending a dance class at the DeBary Community Center. She thanked the fire fighters for their assistance. Mayor Laputka reported that he and several other Council Members attended a "Homeless Collation" meeting at Stetson University. The meeting brought awareness of the homeless problem in Volusia County. Several people came forward to tell their stories. He observed that it will be an ongoing effort to correct this problem.

Mayor Laputka reported on the VCOG meeting. He said it was a lengthy meeting with several long presentations. The new image of the St. John's River Water Management District was discussed. The Mayor said that the District appears to be a much more friendly group than in the past and the new attitude is "mitigate rather than litigate". Dr. Margaret Smith, Superintendent of the Volusia County School Board went over several of the funding issues facing the Board. The Mayor reported that the State is considering enacting an internet sales tax (Mainstreet Fairness Act). Twenty million dollars has been budgeted to study the best way to address this issue. The State anticipates collecting \$198 million dollars in internet sales taxes if the bill passes. The Mayor noted that currently there are two legislative bills being considered that will rescind the right of municipalities to collect local business taxes. VCOG is resolved to defeat these bills as they are an affront to local home rule. If these bills pass, there are financial implications to the City because of the number of businesses here.

1 Mayor Laputka reminded Council that the Social Studies Fair at River Springs Middle School is tomorrow
2 9 a.m. to 3 p.m. Council members have been judging the contest for several years. Council Membres can
3 stop in anytime between 9 and 3 to cast a vote. Mayor Laputka said five council members will be
4 attending the Volusia League of Cities dinner next Thursday at Stetson University. The Mayor noted the
5 Manatee Festival is scheduled this weekend and that Council has agreed to work in the booth with the City
6 Clerk.

7
8 **C. City Clerk**

9
10 Ms. Renner advised that she is passing around a sign-up sheet for the Manatee Festival. She asked that any
11 Council Member who wished to help pick a time slot and return the schedule to her.

12
13 **D. City Attorney**

14
15 Mr. Reischmann provided a brief update on some the issues being discussed in Tallahassee. He noted that
16 as mentioned by the Mayor, the State wants to repeal Chapter 205 which allows municipalities to assess
17 local business taxes. Another bill that will cause the preemption of local vendor preferences is being
18 considered and if passed it would prevent local governments from having the ability to consider a local
19 preference when selecting vendors. Mr. Reischmann noted there are several conflicting bills being
20 considered that deal with internet cafés. Some are consistent with local government preferences to outlaw
21 these establishments while others would permit them to operate despite what local governments want. He
22 said he would keep Council informed.

23
24 Mr. Reischmann reported that as directed by Council the Charter Officers met to work on revisions to the
25 Charter, specifically the conflict between *Section 2.06* and *Section 4.03*, the timing of elections and several
26 other administrative matters. Language for the recommended revisions will be included in the agenda
27 packet for the next meeting. In addition, a draft ordinance with language to change the timing of the
28 elections to even years will be included. He noted that if Council desires to move the elections to even
29 years, an ordinance must be adopted prior to March 1st opting out of the provisions of the special Act of the
30 Legislature known as 95-462. This means that the ordinance must be considered during the month of
31 February. Staff will be providing such an ordinance for Council's consideration at the February 14th
32 meeting.

33
34 **11. APPROVAL OF MINUTES:**

35
36 **Vice Mayor Crippen moved to approve the minutes of the January 10,**
37 **2011 Regular City Council meeting, seconded by Council Member Saylor**
38 **and passed by a 6/0 voice vote of the Council.**

39
40 **12. COUNCIL COMMENTS**

41
42 Council Member Saylor said he had a "great time" at the Institute for Elected Municipal Officials (IEMO)
43 in Gainesville. He said he learned a lot from the other elected officials about what was going on in their
44 cities. He observed that Orange City does not have any problems at all compared to some of the other
45 municipalities around the State. He thanked the City for sending him.

46
47 Council Member Pupello thanked everyone who came out and participated in the meeting. He noted the
48 number of people who came to support the Titans and said that represents the greater West Volusia
49 community that we all live in. Council Member Pupello said the comments made by Debary Council

1 Member Hunt shows how integral Orange City is to the entire west side of the County, he stated, "It makes
2 me proud."
3

4 Council Member Wright said he also attended the IEMO and concurs with Council Member Saylor's
5 comments. It was a great opportunity to meet other newly elected officials. Council Member Wright said
6 that he and Council Member Saylor sat on opposite sides of the room so there was no opportunity to violate
7 sunshine laws. He concluded by observing that it was a good meeting and stated, "Thank you for the
8 opportunity to go."
9

10 Vice Mayor Crippen stated, "I am proud to be a citizen of the City of Orange City." He talked about the
11 winning West Volusia Titans and the upcoming Manatee Festival and new businesses opening in the City.
12 The Vice Mayor said he appreciates the opportunity to serve as a member of this Council. He thanked
13 everybody for coming and stated, "A special thank you to Mr. Storke for being a 'gem' from Orange City
14 for us, we appreciate it very much."
15

16 Mayor Laputka said he hopes the weather stays "a little crisp" so that it is a spectacular weekend for the
17 Manatee Festival. He thanked Jeff Allebach for organizing the Manatee Festival.
18

19 **ADJOURN**
20

21 There being no further business, Mayor Laputka adjourned the meeting at 8:51 p.m.
22

23 RESPECTFULLY SUBMITTED:

APPROVED:

24 _____
25
26 Gloria Thomas, CMC
27 Deputy City Clerk

Date