

1 **MINUTES OF THE MEETING OF THE ORANGE CITY CHARTER REVIEW**
2 **COMMITTEE**, held on Monday, March 31, 2008 at 6:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, Orange City.

4
5 **CALL TO ORDER**

6
7 The Meeting was called to order at 6:00 p.m. by Chairman Rasch and roll call was taken.

8
9 **ROLL CALL**

10
11 **PRESENT:** John Crowther; Joelle DeVane; Bill DeVane; Paul Rasch, Chair; Evelyn Robinson; Bob
12 Storke, Vice Chair; Hugh Strickland; City Attorney William Reischmann; City Clerk
13 Deborah Renner

14
15 **1. Approval of March 24, 2008 Minutes**

16
17 **Mr. Strickland moved to accept the minutes as presented, seconded by Mr.**
18 **Storke and passed by unanimous voice vote.**

19
20 **2. Presentation/Discussion w/Ann McFall, Supervisor of Elections**

21
22 Ms. McFall came forward and stated that she had drafted a map of proposed district boundaries after
23 meeting with the Mayor last month. She explained that the Department of Elections does not
24 determine boundaries as that is a function of state and local governments. She said that she developed
25 this map as a courtesy. In developing the map, it was discovered that it was not possible to divide the
26 City into six districts. Ms. McFall advised that the County Council districts are redrawn every ten
27 years following the census. She said that each district must be within 5% of the population of the
28 other districts. Ms. McFall distributed a handout listing how elections are conducted in other cities in
29 the County and she said that only Deltona, Daytona Beach and Ormond Beach have their elections by
30 zone. She said that her role in the elections process requires that she maintain a neutral position on
31 local elections.

32
33 Ms. McFall discussed the advantages and disadvantages of holding district elections rather than
34 at-large. She advised that very few voters pick the winner in zone races. She pointed out that in many
35 cases, voters will not have a candidate on the ballot in district elections. Some cities, such as
36 Edgewater, elect their representatives by district, however votes are cast city-wide. Ms. McFall noted
37 that as of March 29th, Orange City had 5,508 registered voters. Ms. McFall said that when developing
38 her map, she had to use the population figures from the 2000 census.

39
40 Mr. Strickland said that it appeared to him the number of voters shown on Ms. McFall's map was
41 drawn from the 2005 census estimate. Ms. McFall said that she uses the 2000 census figures from the
42 property appraiser's office. She noted that on the map her Department had prepared, three of the
43 current Council Members come from one district. She advised that John Knox Village had a heavy
44 concentration of voters, but no elected representatives.

45
46 Ms. McFall discussed the requirements of Chapter 95-462 which require local elections to be in

1 odd-numbered years, twenty-eight days apart. She said that beginning in 2009, it would be impossible
2 for her department to meet the new State requirements with elections that close together. She said that
3 Volusia County cities have been discussing how to address this and that some cities are leaning toward
4 eliminating elections in odd-numbered years. She advised that there would be no cost to the City to
5 hold elections in even years as they would be sharing ballot space with State and Federal elections.
6 Ms. McFall did say that Ormond Beach has chosen to keep their elections in odd-years, but with an
7 increased time between elections.

8
9 Mr. Strickland advised that some Charter Review Committee members have proposed having a
10 general election and a run-off if needed. He asked how many days would be needed between the
11 elections in that case. Ms. McFall responded that she needs at least 45 days for odd-year elections.
12 She said this lengthened time is partially due to a new requirement for an audit which must be
13 completed by the canvassing board by the seventh day after the election.

14
15 Mr. DeVane expressed his opposition to districts in light of the poor voter turnouts exhibited recently.
16 Ms. McFall said that the presidential and gubernatorial elections draw a 50%-80% turnout, while local
17 elections can run only 8%. Chairman Rasch disagreed and expressed his feeling that districts would
18 encourage voter participation rather than discourage it. Ms. McFall also mentioned the issue of people
19 coming to vote and being turned away because it was not their district on the ballot.

20
21 Mr. Strickland asked in which order issues appear on the ballot. Ms. McFall responded with a
22 summary stating that City elections are last on the ballot. She said that the ballot for November is
23 expected to be 18 inches, front and back. She said they have not run into a situation where a third
24 page was needed as yet, but if that occurred, the City would be required to pay for the additional page.

25
26 Mr. Storke asked whether the time required between elections would be the same in even years as in
27 odd. Ms. McFall responded that it would be in accordance with State law. She said the upcoming
28 election cycle will encompass about six months.

29
30 Mr. Strickland asked whether the time is the same for both even and odd years. Ms. McFall responded
31 that the qualifying period could be shortened. She said that the City of Ponce Inlet has only one
32 election where the winner takes all in November. In response to a further question from Mr.
33 Strickland, Ms. McFall said that the minimum time needed between elections is six weeks.

34
35 Mr. DeVane posed the question of what would happen if no one wanted to run for Council in a
36 specific district. Ms. McFall responded that it would probably be filled by appointment. She
37 responded negatively to a previous question as to whether a non-resident could be eligible to vote in
38 City elections. Ms. Robinson said that she had posed that question as she had been a poll worker and
39 had experienced a number of people who lived in the unincorporated area, but had an Orange City
40 mailing address and they could not understand why they were not allowed to vote in City elections.
41 Ms. McFall said that is a common issue. She discussed the effect of enclaves on the elections process.

42
43 Mr. Storke clarified that if the City is on an even-year schedule, it will save the City money since the
44 county will pay for the bulk of the costs. The City Clerk stated that the cost of an election is about
45 \$4,000. Ms. McFall said that the City of DeLand is planning to ask for a charter amendment to hold
46 their general election in August of even years and a run-off, if needed, in November. She said that

1 way, the election will not be “lost on a huge ballot.” Ms. McFall said there are four cities in Volusia
2 County that have their general election first.

3

4 **3. Continued Discussion Regarding Districts**

5

6 **a. Commission Discussion**

7

8 Mr. DeVane asked Chairman Rasch why he felt that districting would create a greater turnout.
9 Chairman Rasch said that work will be needed to boost turnout, but that people would see that they
10 “have a voice in the City where they may not have one now.” Mr. DeVane responded that the
11 Supervisor of Elections is saying that is not the case. Chairman Rasch said that Orange City can not
12 be compared to Deltona and that Deltona has historically had poor voter turnout. He expressed that
13 most people there leave and go to Orlando to work every day and are not that interested in how the
14 City is run. Mr. DeVane stated, “I just don’t see it.”

15

16 Mr. Crowther expressed his concern that as the City continues to grow and more gated communities
17 are formed, there is a concentration of voters located in those communities that the candidates at-large
18 can not reach. He said these areas have the power to sway an election, yet the candidates from outside
19 the area can not get in to talk to the residents. He reiterated that it has a “chilling effect” on a
20 candidate. He said that districts are “a way of leveling the playing field.”

21

22 Ms. McFall said that she has considered this in regard to moving the polling place from John Knox.
23 She suggested that once the election is over, these communities will open their doors to the elected
24 officials.

25

26 Ms. DeVane advised that John Knox does sponsor a candidate forum and that all the candidates are
27 invited. She noted that the average age of residents at John Knox is 85 and their policy regarding no
28 solicitation is for the protection of the people who live there. She said the people who live in gated
29 neighborhoods do so by choice. Ms. DeVane said that she feels that Districts will create a larger
30 division within the City. She noted that Orange City has historically had a low voter turnout and that
31 the people who are politically active are that way by choice. She further noted that John Knox,
32 Orange Tree Village and County Village had no new candidates from their communities in the last
33 election. Chairman Rasch agreed that the turnout in Orange City is fairly low, citing the election a
34 couple of years ago during which Mr. Abraham was defeated in which the turnout was only 10-11%.
35 He said that at the last election the turnout was twice as high as usual. He attributed that to a “very
36 active slate of candidates that went out and worked the area and got these people out to vote.”
37 Chairman Rasch maintained that there is a great difference between going to a candidate forum and a
38 one-on-one meeting with someone at their home. Mr. Crowther interjected that the decision not to
39 allow candidates access to a community is made by the owner of the community, not by the residents.
40 Chairman Rasch stated that John Knox has selectively allowed candidates to campaign door-to-door in
41 John Knox Village.

42

43 Mr. DeVane expressed that the closed communities aim their policies at salesmen, not politicians.

44

45 **b. Public Comment**

46

1 Mayor Strickland, 315 W. University Avenue, came forward and said that part of the “ongoing
2 comment” when he was campaigning for Mayor was the issue of Districts, particularly on the west
3 side of the City. He said that people in that area favored Districts. The Mayor said that about 200
4 residents of John Knox Village voted in the last election. He noted that the City has done a great deal
5 of annexing in the past few years, mainly voluntary annexations in the commercial district. He said
6 that he has been speaking with people about the issue of enclaves and how they would be addressed.
7 The Mayor explained that an enclave is an area which is completely surrounded by the City, but lies in
8 the unincorporated area. He said that past efforts to annex enclaves had been stopped at the County
9 level. Recently, the state has adopted new laws which allow cities to annex enclaves via interlocal
10 agreement between the County and the City. The Mayor said that he has met with the County
11 Chairman on this matter and that Chairman Bruno said that the County wants to work with Orange
12 City to eliminate as many enclaves as possible. He said that the City Manager met with the County
13 Manager on this issue today and that Mr. Reischmann would be meeting with the County Attorney.
14 Mayor Strickland said that these annexations would significantly increase the population of the City.
15 He said that annexation of enclaves would eliminate some of the confusion at the polls on election
16 day. The Mayor noted that the City is geographically limited in regard to expansion.
17

18 Mr. Crowther questioned how the enclaves were established to begin with, as they are illegal. Mayor
19 Strickland responded that the law was enacted after many enclaves had already been established. Mr.
20 DeVane said that he was happy to see the City addressing this issue, noting that there are a number of
21 problems in the area around Hamilton Street. Mr. DeVane noted that there are less than two districts
22 on the west side of 17-92. The Mayor brought up the issue of the recent election regarding
23 Amendment 1 and noted that the people on the west side of the City voted for it while the people on
24 the east side were against it. He said this is an illustration of the difference in the way things are seen
25 in different areas of town. Mayor Strickland said that Orange City is no longer “the little town that I
26 grew up in.” He expressed that voter turnout can be increased with work. The Mayor said he felt
27 more candidates would run under the district system as they would not have to raise so much money or
28 campaign in such a large area.
29

30 Donald Sandford, 455 W. Lansdowne, came forward and said that he agreed with Mr. DeVane that the
31 intent of the “no solicitation” rules in gated communities was to prohibit door-to-door sales, but
32 unfortunately, it has been extended to political campaigns as well. He said that he was in support of
33 districts.
34

35 In response to a question from Mr. DeVane, Ms. McFall stated that the Department of Elections does
36 not have a role in drawing district maps. In regard to redrawing district boundaries, Ms. McFall stated
37 that it must be done at least every ten years, but could be done more frequently if desired.
38

39 Mr. Strickland reported that in his research he found a variety of requirements regarding redistricting
40 in other cities. This provides cities which do have large annexations to factor those in as needed.
41

42 Mr. Storke asked whether a different voting precinct was needed for each district. Ms. McFall
43 responded in the negative stating that there could be a “split precinct” that services a number of
44 districts. She said that because of the new laws, the number of precincts must be reduced after 2008.
45 She said it appears the wave of the future is to have “supercenters” which would be open for fourteen
46 days prior to any election. There would be 35 supercenters as opposed to having to operate 179

1 precincts on election day. Ms. McFall said that the three cities currently utilizing districts redraw their
2 boundaries every ten years. She said that making the transition to districts can also pose problems as
3 there are usually multiple Council Members living in one district at the time the decision is made.

4
5 Ms. DeVane suggested including a time requirement for redistricting in the Charter.

6
7 Mr. Strickland asked whether the census bureau publishes five-year data. Ms. McFall responded that
8 they have estimates. She said that she does not like to use the mid-year estimates because Volusia
9 County is getting very close to crossing the 5% threshold for "English as a second language" which
10 will trigger a requirement to print ballots in multiple languages. She said that Miami-Dade County
11 must print ballots in five languages.

12
13 Ms. DeVane asked whether there would be a cost savings to the City by having elections in
14 even-numbered years and switching to general and runoff elections. Ms. McFall responded that four
15 Volusia cities currently have their general election first and then a runoff if necessary.

16
17 Tom Laputka, 345 N. Oak Avenue, came forward and asked how district elections would actually be
18 conducted. Ms. McFall responded that the requirement on precincts is that there must be a polling
19 place either within the precinct boundaries or contiguous to it. A super center would have to be
20 contiguous to all the districts. Different ballot styles for each district would be available within a
21 precinct. Mr. Laputka said that he has had neighbors who could not find their polling place, noting
22 that the polling places have moved over the years. He said that it is confusing to him. He said that he
23 has had neighbors who could not get in to the polling place at John Knox because they went in the
24 wrong entrance and had to go through a security check. Mr. Laputka said that he was present to hear
25 the technicalities associated with the conduct of the elections under a district system.

26
27 Chairman Rasch advised that the City Clerk had compiled a list of Charter areas which would be
28 affected by a switch to districts and the Committee Member's comments for each of those areas.

29 30 **ARTICLE II. CITY COUNCIL**

31 32 **Section 2.01 Powers and Composition**

33
34 Mr. Storke advised that he did some research over the weekend regarding the composition of the
35 Council in other cities in Volusia County and the surrounding area. He said that the vast majority of
36 cities had a five-member elected body, a Mayor and four Council Members. The City of Winter
37 Springs in Seminole County has a five-member Council and a Mayor, while Flagler Beach has a
38 six-member Council which includes a non-voting Mayor who has veto powers. Mr. Storke stated that
39 the prevailing structure for the elected body appears to be a four-member Council and a Mayor. He
40 noted that the only other two cities in Volusia having a seven-member Council are Daytona Beach and
41 Deltona which have populations of 80,000 to 100,000 people. He proposed that reducing the Council
42 to five members would reduce the districts to four, would provide a larger population from which to
43 draw candidates in each district, and would increase the size of each district to encourage more people
44 to get involved and would also save the City money on elections and salaries.

45
46 Ms. DeVane noted that in the example of districts provided in the map drawn by Ms. McFall, Country

1 Village and Fawn Ridge are in the same district, even though the makeup of the two communities is
2 very different. She observed that a five-member Council would “break things down a little better.”
3 She said that she would not be opposed to considering a change to five Council Members. In regard to
4 the “east/west” controversy, Ms. DeVane said that until more annexation on the west side occurs, the
5 east side of 17-92 will always appear to have more “power” because that’s where most of the
6 population lives.

7
8 Mr. DeVane suggested that four equal districts could be created by drawing a line down Leavitt
9 Avenue and another across Blue Springs, the City populous would be divided into four fairly equal
10 districts.

11
12 Mr. Strickland said that his information is that Breezewood is an enclave as well as the residential area
13 on the west side of 17-92 that is surrounded by purple on the draft map. He said that the City is
14 looking at adding “a substantially large number of voters to this relatively quickly.” He suggested that
15 it is necessary to have five districts with a Mayor and one Council Member at-large in order to be able
16 to respond to the rapid growth that will result from the annexations and new construction. Mr.
17 Strickland stated his understanding that it is the Council’s responsibility to determine and approve the
18 district lines or that they could create a Commission for that purpose.

19
20 Ms. DeVane suggested basing the boundaries on how the City is currently developed, stating that it
21 could be changed later if necessary. Mr. Storke reiterated that many cities much larger than Orange
22 City have only five elected officials. He once again expressed the advantages of having five people as
23 there will be a greater chance of having people run for office, and more people to vote in the district.
24 He said that with too many, the situation could become disjointed.

25
26 Mr. Crowther said that he felt the City was spending “way too much money” on salaries and benefits
27 for people who are elected to public office. He observed that could be decreased by reducing the
28 number of elected officials to five. He said that he is torn because the smaller the number of districts,
29 the more the power concentrates into the communities that are closed off to candidates. He said that
30 he would favor having more districts than fewer for the sake of “diluting the strength” of the gated,
31 private communities.

32
33 Ms. DeVane said that it might be possible to put John Knox, Country Village and Orange Tree Village
34 all in the same district. She said that it wouldn’t matter then if you were in the district or not since the
35 people only get to vote on one representative for their area.

36
37 Mr. Strickland noted that districts are not established by the number of registered voters, but rather by
38 the total population of an area.

39
40 Mr. Rasch agreed with Mr. Strickland that the enclaves must be considered when dividing the districts.

41
42 Ms. Robinson said that people are angry and that there is a general feeling that the residents of John
43 Knox Village and the parks enjoy privileges people in the other parts of town do not have. She said
44 that people are angry and feel John Knox Village has an unfair advantage because there is a polling
45 place located there. She said that people are angry because John Knox was annexed into the City and
46 the residents there are not paying what everyone else is paying. Ms. DeVane said that the only benefit

1 to John Knox residents is in the garbage bill. She noted that John Knox is one of the top taxpayers in
2 the City. Ms. Robinson said that residents don't understand that. Ms. DeVane noted that people in
3 these communities are paying taxes as part of their fees to the community. She voiced her objection to
4 the east versus west controversy. Ms. DeVane advised that Council makes their decisions based on
5 what is best for the City as a whole, not just their particular neighborhood.

6
7 Mr. Strickland said that he favors five districts with one at-large seat and the Mayor at-large because it
8 addresses the problem of having an election during which some people in town get to vote and some
9 don't. He said that bothered him because it is confusing to residents. He said that in reading about the
10 philosophy behind both the at-large and district systems what he has seen is that the more recent
11 charters have attempted to create a system which utilizes both district and at-large systems. Mr.
12 Strickland said that the transition to a system of five districts with two at-large would be easy to make
13 and would not dilute the present representational level and places the City in a position to
14 "accommodate increases in voters for years to come."

15
16 Chairman Rasch said that he also has mixed emotions, but that he agrees with a seven-member
17 Council because he prefers to see "as varied a Council as possible." He conceded that most of the
18 other cities do have a five-member Council, but noted that they are elected at-large. He stated, "We're
19 not really comparing apples and oranges here." He said that five at-large seats is a very different
20 picture from a district environment.

21
22 Mr. DeVane expressed his wish that people would focus on the City as a whole and not be so divided.

23
24 Ms. DeVane discussed potential issues with the phase-in of districts when multiple officials currently
25 live within the same district. She said that this could result in some officials who were just elected
26 having to go on the ballot again. Ms. DeVane said that there will still be confusion at the polls on
27 election day when districts are implemented.

28
29 Mr. Strickland suggested looking at the City of Daytona. He said that they just transitioned from a
30 city-wide to a district system. He said that they did it by phasing it in over four years and stated, "It
31 could be done here the same way." He said that it could be accomplished without affecting any of the
32 last election results. Mr. Strickland said that an Attorney General opinion was issued which stated that
33 there is not a conflict in having a district system with an elected official not residing in their elected
34 district during the transitional period.

35
36 Ms. DeVane said that she was not sure how the effective date of a new charter is determined. She
37 stated her understanding that the City Council wished to have the charter referendum on the November
38 ballot. Mr. Strickland said that there are two ways to determine the effective date. He said it could be
39 set by the City Council or that it could also be worded to become effective upon the date filed with the
40 Secretary of State after it is passed by the voters.

41
42 Ms. Robinson suggested that once the charter is passed, workshops be held in the individual districts
43 to inform the citizens of the change.

44
45 Mr. Strickland said that the Council will also have to determine a method for developing the districts
46 once the new charter has been adopted by voters. He noted that in six or eight months, the City could

1 be larger because of “the enclave issue” and could be facing an election with a group of new citizens.
2 He said that Council could appoint a committee to draw the district boundaries.

3
4 Mr. Crowther noted that there are three towns that use districting, and that two of those three, Deltona
5 and Daytona Beach also have seven elected officials. He said that Orange City would be in line with
6 them.

7
8 Ms. DeVane advised that when she was on the City Council, she received a lot of complaints from
9 people, but not a lot of suggested solutions. She asked that the Committee provide Council with
10 alternatives to consider such as proposing a five-member and a seven-member elected body.

11
12 Mr. Storke suggested a configuration of four districts with two at-large representatives and a Mayor.

13
14 **3. Items for Next Agenda**

15
16 Continue review of Article II.

17
18 **4. Closing Comments**

19
20 Mr. DeVane noted that only three citizens were present at the meeting and asked, “Where is
21 everybody?”

22
23 Mr. Crowther cautioned against recommending a configuration of four districts, two at-large and a
24 Mayor because a group could elect their own district representative, plus two council members and a
25 Mayor which would set up the 4/3 voting scenario that everyone is opposed to. Mr. Crowther noted
26 the June deadline for completion of the charter review and stated, “We haven’t gotten past the first
27 article.”

28
29 **7. Adjourn**

30
31 There being no further business, the meeting was adjourned at 7:38 p.m.

32
33 Respectfully Submitted

Approved on

34
35
36
37 _____
Deborah J. Renner, CMC, City Clerk
