

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held on
2 Tuesday, March 28, 2006, 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 Erwin and roll call was taken.
7

8 **ROLL CALL**

9
10 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Chuck Abell; Councilmembers Donald C. Sherrill,
11 Anthony R. Yebba, Jim Mahoney, Jeff H. Allebach (Late arrived at 7:05), City Manager John
12 J. McCue; City Attorney Virginia Cassady; City Clerk Deborah Renner.
13

14 **ABSENT:** Joelle R. DeVane
15

16 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.
17

18 **1. PRESENTATIONS:** None at this time
19

20 **2. CITIZENS COMMENTS:**

21
22 Tom Laputka, 345 N. Oak Avenue, came forward and stated that he was a witness to a “pretty severe” accident
23 at the intersection of S. Leavitt and Rhode Island. He noted that there have been a number of severe accidents
24 there and asked whether anything is being done to address the safety concerns at the intersection. Mr. McCue
25 responded that a traffic study has not been done, but that he would contact the Chief of Police in the morning
26 regarding the matter. He added that the road would become a major thoroughfare and it would be wise to get
27 ahead of the problem at this time. The Mayor concurred that this is a problem area. Mr. McCue said the
28 problem is the people who are running the stop sign on Leavitt Avenue. He said that the City has just initiated
29 the development of a transportation master plan and stated, “This is the kind of stuff we can fold right into
30 that.”
31

32 **3. CONSENT AGENDA:** None at this time
33

34 **4. ORDINANCES – FIRST READING:** None at this time
35

36 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**

- 37
38 **A. ORDINANCE NO. 270:** An Ordinance of the City of Orange City, Florida, amending Section
39 8.3 of the City’s Land Development Code, said Section being the Official Zoning Map of the
40 City of Orange City, Florida; said amendment changing the zoning classification of the Volusia
41 County School Board property, consisting of approximately 105.4 acres of property generally
42 located within the southeast quadrant of West Rhode Island Avenue and the Western Parkway;
43 from its present zoning classification of R-1 Low Density Residential to Residential Planned
44 Unit Development (R-PUD); containing a repealer provision, a severability clause and
45 providing for an effective date.
46

47 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition to the

1 proposed ordinance. No one appeared. The Mayor closed the public hearing.

2
3 **Council Member Sherrill moved to approve Ordinance No. 270 on**
4 **second and final reading, seconded by Vice Mayor Abell, and passed by**
5 **unanimous 6/0 roll call vote of the Council**
6

7 **6. RESOLUTIONS:**
8

- 9 **A. RESOLUTION NO. 346-06:** A Resolution of the City Council of the City of Orange City,
10 Florida, acknowledging and approving the Master Development Plan, Developer Agreement
11 and Site Plan for the High School DDD Residential Planned Unit Development (R-PUD), to be
12 constructed on a 105.4 acre parcel, generally located in the southeast quadrant of West Rhode
13 Island Avenue and the Western Parkway, Orange City, Florida; repealing all resolutions or parts
14 of resolutions in conflict herewith; and providing for an effective date.
15

16 **Council Member Yebba moved to approve Resolution No. 346-06,**
17 **seconded by Vice Mayor Abell.**
18

19 Jim Kerr, Assistant City Planner, came forward and noted that the majority of the PUD and Site Plan have
20 previously been presented to Council. He provided a brief power point presentation noting the location of the
21 school on a 105 acre parcel. Mr. Kerr noted that last year, the Council approved a development called
22 Sparkman Ridge comprised of 100 single family and 100 multi family dwellings for a parcel to the north of the
23 school. The elementary school scheduled to open in the fall of 2006 is located to the north of Sparkman Ridge.
24 A middle school proposed to open in August 2008 will be located in the same area. Mr. Kerr commended the
25 School Board on the architecture of the building. Mr. Kerr advised that staff and the Planning Commission
26 recommend that the City Council adopt Resolution No. 346-06 approving the PUD and Site Plan for the High
27 School.
28

29 Saralee Morrissey, Volusia County Public Schools (VCPS), came forward and stated that this was the first
30 time they had been through the RPUD process. She noted the many complicated infrastructure issues involved
31 with this project. Ms. Morrissey stated that it had been a positive experience working with both Council and
32 staff throughout the entire process. She said that VCPS hoped to begin advertising for bids in three weeks with
33 construction soon to follow. She noted the immense coordination that has been required throughout this
34 process. Ms. Morrissey acknowledged the growing concern regarding overcrowding and advised that "on a
35 good day, this is a two-year construction project." She said that the target date for opening the new high school
36 is August 2008. One of the main concerns is the completion of Rhode Island as that will be primary access for
37 the school. Another concern is the portion of the west side parkway funded by the County which already has
38 an acknowledged delay period. Ms. Morrissey advised that much time and consideration went into the design
39 of the new school to ensure that it would be an aesthetic fit for the area. She stated, "We feel like all of our
40 high schools are cornerstones for the communities that they are in. This one will be no exception. It will be at
41 a major intersection that doesn't exist today, but will, and it will be a focal point." She expressed their
42 anticipation that the school will be used by the entire community. Ms. Morrissey announced that the new
43 elementary school was named tonight and that the name selected is "Manatee Cove" Elementary School. She
44 said that naming a school is a very "community-oriented process" and that the High School would engage in a
45 similar process to determine its name. Ms. Morrissey thanked the Council for all of their assistance.
46

47 Mayor Erwin expressed his appreciation to Ms. Morrissey for all of the efforts on the part of VPCS. In regard

1 to construction of the western beltway, Mayor Erwin stated that the County Council has approved the
2 alignment for the south portion and that it is at the top of their priority list. Ms. Morrissey said that it was her
3 impression that County staff had indicated that the road would not be completed until 2010. Mayor Erwin said
4 that he would speak with the County regarding this matter.
5

6 Council Member Mahoney noted that the resolution under consideration provides for approval of a Developers
7 Agreement and suggested that that reference be removed since the Agreement is not complete, thereby keeping
8 the approval process moving forward. He suggested that the Developers Agreement could be approved by
9 separate action.
10

11 City Attorney Cassady advised that the Developers Agreement which has already been reviewed and approved
12 by her office is the current agreement. She suggested adoption of the Resolution contingent upon the
13 Developers Agreement being approved by the City Attorney.
14

15 **Council Member Mahoney moved to amend the adoption of Resolution**
16 **346-06 to be contingent upon the Developers Agreement meeting the**
17 **approval of the City Attorney, seconded by Council Member Allebach**
18 **and passed by unanimous 6/0 roll call vote of the Council.**
19

20 Council Member Yebba stated that the school already is a focal point in the community.
21

22 **Motion to adopt Resolution No. 346-06 passed by unanimous 6/0 roll call**
23 **vote of the Council.**
24

- 25 **B. RESOLUTION NO. 349-06:** A Resolution of the City Council of the City of Orange City,
26 Florida, amending Resolution No. 92-4-1 by revising Section 5; repealing all resolutions in
27 conflict herewith and providing for an effective date.
28

29 **Vice Mayor Abell moved to approve Resolution No. 349-06, seconded by**
30 **Council Member Allebach.**
31

32 Mr. McCue advised that the Ordinances governing the operation of Orange City Utilities are currently being
33 reviewed and that a rate study could be anticipated in the near future. During this review it was discovered that
34 there is a provision in the current code whereby the City is putting seals on lines and meters for private property
35 owners. He suggested that this practice was put in place to offset a connect/disconnect charge. Mr. McCue
36 stated that it is not good practice for the City to be working on private plumbing because if a problem occurs,
37 the City will be held accountable whether it is at fault or not.
38

39 Paul Johnson, Public Works Director came forward and stated that what is being proposed is an “in-line shut
40 off valve” which allows the homeowner to disconnect the water without having to turn off the meter. He
41 advised that most of the newer homes have this feature. He clarified that the provision was probably instituted
42 in response to seasonal residents who wanted their water turned off at the house, but wanted to leave the
43 irrigation system running. Since then, irrigation meters have become available so the water to the house can be
44 shut off at the meter and irrigation will still function. Mr. Johnson stated, “It just doesn’t make good sense to
45 be on somebody’s private property tampering with their plumbing.”
46

47 Council Member Mahoney noted that the form of the Resolution referenced multiple previous resolutions and

1 he suggested that they be consolidated stating that, as presently written, it is a challenge to follow the trail. Mr.
2 McCue responded that the ordinance was being rewritten and would incorporate all changes, rendering the trail
3 of resolutions obsolete. He stated that a new process would be adopted at that point to avoid this situation in
4 the future.

5
6 **Motion passed by unanimous 6/0 roll call vote of the Council.**

7
8 **7. DISCUSSION AND ACTION:**

9
10 **A. Discuss Procedure for Retaining Auditor for FY 05/06**

11
12 Mayor Erwin noted that the City has contracted with the current auditing firm since he has been a member of
13 the Council. He advised that their contract ended with the completion of the Fiscal Year 04/05 audit and stated
14 that he felt it was time to issue an RFP for this service.

15
16 **Council Member Yebba moved to issue an RFP for auditing services for**
17 **the Fiscal Year Ending September 30, 2006, seconded by Vice Mayor**
18 **Abell and passed by unanimous 6/0 voice vote of the Council.**

19
20 **B. Resolution/Settlement of Hagood Matter**

21
22 Mr. McCue noted that prior to annexing into the City, the subject property on Sparkman Avenue had been
23 granted certain vested rights by the County. Subsequent to the annexation, the City attempted to modify
24 those rights on the grounds that Ms. Hagood's proposed development plans would cut off access to the other
25 properties in the subdivision. After going through the City's appeal process, Ms. Hagood took the City to
26 court on the matter. Since then, meetings have taken place between the City, Ms. Hagood and her attorney.
27 Mr. McCue stated that the Hagoods have agreed to give the City easements and work with the City to
28 provide adequate access for the other properties. Chester Murray, Development Services Director, came
29 forward and stated, "My personal feeling is this is as good an agreement we can come to. Is it perfect? No,
30 but they do have vested development rights." Mr. Murray noted that the Hagoods have been "most
31 cooperative."

32
33 In response to a question from Mayor Erwin, Mr. Murray stated that the easements were on the northern side
34 of the property are 30 feet wide. The ten feet from the Hagoods along with the an additional ten foot from
35 the other side will provide adequate land to complete an access road through the area. Mr. Murray stated,
36 "This guarantees that Sparkman, which will continue south as time goes on, it gives us our full sixty feet of
37 right of way through there."

38
39 Ms. Cassady clarified that both parties will bear their own attorney's fees and that Ms. Hagood will dismiss
40 her petition and a settlement agreement will be entered into.

41
42 **Council Member Allebach moved to adopt staff's recommendation,**
43 **seconded by Council Member Mahoney and passed by unanimous 6/0**
44 **voice vote of the Council.**

45
46 **C. Utilities Main Plant Renovations**

47

1 Mr. McCue stated that the renovations to the utilities plant have begun. He said that the job was originally
2 bid to have a stucco exterior with a faux brick look applied afterwards. The contractor has recommended
3 that the City use pavers instead of the faux brick. The plan, as bid, did not call for the brick exterior on all
4 sides of the building, only on those facing 17-92. Mr. McCue said that he suggested that Mr. Johnson obtain
5 an estimate to brick face the entire building. The cost for this change to the contract will be \$29,856. Mr.
6 McCue advised that the recently completed wells came in under budget and that these extra funds could be
7 reallocated to the utilities building project to cover this extra expense. When completed, the building will
8 have columns in front of it to resemble those at City Hall.

9
10 **Council Member Allebach moved to approve the change order with**
11 **Billo Construction to allow for the brick facing of the Utilities main**
12 **plant building, seconded by Council Member Yebba and passed by**
13 **unanimous 6/0 voice**
14

15 **D. Comprehensive Emergency Management Plan**
16

17 Mr. McCue advised that, prior to 2004, the City was not actively involved in storm management or
18 response. He said that the City did not have a comprehensive approach to disaster response. The proposed
19 plan was funded by Volusia County through a grant. Mr. McCue noted some new FEMA regulations and
20 NIMS requirements will mandate that the City have a written response plan. He advised that some of the
21 City's emergency response personnel will be taking part in an exercise in DeBary which is part of the
22 incident management system. Mr. McCue observed that the proposed plan is a "living document" and will
23 be subject to revision every year. He stated, "Staff is presenting it to you so that you recognize it, give us
24 the official blessing on it, and then that will become our CEMP with the NIMS with the Homeland Security
25 folks." Mr. McCue concluded his presentation by stating, "It's a good thing for Orange City. It's a good
26 thing for ensuring that there's a historical perspective as well as an organizational perspective on the way
27 that things go under the incident management systems being set up by the feds."

28
29 Mayor Erwin said that he was very impressed with the plan and that it is "very well put together." The
30 Mayor suggested that the plan be adopted by resolution so that there would be a permanent record of its
31 adoption. Mr. McCue responded that it was not required to be adopted by resolution. Mayor Erwin
32 suggested that it would be a good idea as people could tend to forget over the years if things are calm and
33 that adopting it by resolution gives it "more permanency." Mr. McCue stated, "This is a living document
34 that I'm going to be changing. I don't want to have to come back to the Council every time we make
35 modifications to it and go through a resolution process every time we make a change in staffing or in
36 organizational structure. It's a management plan."

37
38 Council Member Yebba suggested that the resolution could be written such that the plan is a living
39 document and that the Council is simply endorsing "a plan." Mr. McCue stated, "I do not enjoy the aspect
40 of management being adopted by resolution by the City Council. I look at it and, please don't take this
41 wrong, folks, but I look at it as an infringement on the management arena which this is. So I have a little
42 hesitation, but if I can get with Bill and get him to draft me the right resolution, I'll bring it back here for
43 your consideration with that resolution." Council Member Yebba spoke in favor of having a resolution for
44 this item. Mr. McCue stated, "As long as the way the resolution is drafted does not require me to come back
45 to the City Council, I've got no problem with it, none whatsoever."

46
47 BEGIN TAPE 1-B

1
2 **It was the consensus of Council that the City Manager prepare a**
3 **resolution formally adopting the Comprehensive Emergency**
4 **Management Plan.**
5

6 Council Member Abell noted that there had been some confusion during the hurricanes of 2004 regarding
7 who was required to come to work following a disaster. And asked whether all of the City's employees
8 would be made aware of their role in such an emergency. Mr. McCue responded that a modification to the
9 City's personnel policies requiring staff to be at work was adopted by the City Council. The guidelines in
10 the Emergency Plan are a reiteration of the City's adopted policy. Vice Mayor Abell asked, "When you say
11 staff, that's everybody?" Mr. McCue responded, "Every employee, and then every year they're required to
12 sign the manual which includes that requirement in there so there's no excuses that they didn't know. Vice
13 Mayor Abell said that he was uncomfortable with the situation two years ago and that all employees need to
14 know what their responsibilities are. Mayor Erwin stated that he did not have an objection to every City
15 employee understanding that in the event of emergency, he is subject to be on duty. Mr. McCue stated,
16 "That is a requirement of our City."
17

18 **8. REPORTS:**
19

20 **A. City Manager**
21

22 Mr. McCue read a letter into the record from James Tauber, Director of Fire Services for Volusia County (a
23 copy of which is attached and becomes a permanent part of these minutes), commending the Fire
24 Department for their assistance with a recent structure fire in DeBary. The City responded as part of a
25 request from the County to several different agencies for mutual aid.
26

27 Mr. McCue reported that he and Mayor Erwin and Linda White, Community Relations Manager, will be
28 meeting with the cities of DeBary and Deltona to discuss the Partnership Center. He said that Mayor
29 Mulder has made a commitment that Deltona will make every attempt to approve the operating agreement at
30 their April 5th meeting. Council Member Sherrill asked whether Mr. McCue had received a letter from
31 President Kent Sharples of DBCC. Mr. McCue responded in the affirmative. Council Member Sherrill
32 observed that the letter was "right to the point" and said that it was "very disturbing" that it is taking so long
33 to get everything ratified.
34

35 **B. Mayor/City Council**
36

37 Mayor Erwin reported on the VCOG meeting which took place last night. He said that there will be an item on
38 the May agenda regarding the subject of "regionalization" of fire and emergency services. He advised that the
39 Fire Chiefs and City Managers have been asked to participate in a round table discussion to see if there is
40 support for consolidation. Mr. McCue indicated that he and Chief Hoffman would be in attendance and that
41 they were both "totally in line with what this City Council wants."
42

43 The Mayor said that Bill Scovell, Chair of the County's Charter Review Committee was also present at the
44 meeting to provide an update on the Committee's activities. Mr. Scovell indicated that the proposed charter
45 changes would include an amendment to increase the number of districts from five to six with one at-large
46 position which would be the Chairman of the Council. Mayor Erwin cautioned that it will be important for the
47 City to be involved in discussions regarding an additional district to ensure that its interests are protected.

1 Beyond that, no “drastic” changes are anticipated. There probably will be a number of “management
2 recommendations” which could be implemented by action of the County Council and would not require a
3 Charter change.
4

5 A WAV meeting is scheduled for next Wednesday at 3:00 p.m. at the Daytona Beach Public Works building.
6 The Mayor indicated that there will be a reconsideration of the master facilities plan on the agenda. He said
7 that the Manager’s Advisory Committee met and they are recommending that the plan be adopted with the
8 understanding that some issues in the plan will have to be readdressed.
9

10 Mayor Erwin reported on this year’s Freedom Festival activities, stating that the City’s theme for this year will
11 be to recognize all of the veterans organizations in the area. They will be invited to attend and will each be
12 given a small amount of time to speak about their organization. The keynote speaker has not been determined
13 as yet. Council Member Yebba has agreed to do the flag-folding ceremony again.
14

15 Vice Mayor Abell reported on the MPO meeting held this morning. April 22nd has again been designated as
16 “Safety Awareness Day” with activities to take place at the Port Orange Center at 11:00 a.m. One of the
17 highlights will be a “Wheelchair and White Cane Challenge” for City/County Managers and Planners,
18 Engineers and Public Works Directors. He said that he would provide information on the event to everyone.
19

20 The MPO is moving into their new facility at 2570 W. International Speedway Boulevard, Suite 120. A DVD
21 promoting “The Loop” in Ormond Beach was given to those in attendance at the MPO meeting and the Vice
22 Mayor said that he would get a copy of it for each Council Member.
23

24 Another topic of discussion was the State Road 417 extension. The state is trying to tie State Road 415 in with
25 the 417 to connect to I-95. Vice Mayor Abell said that there is a lot of opposition to the plan. He said that
26 Congressman Mica has expressed opposition to a toll road for such purpose. The suggestion was made to use
27 Maytown Road as an alternate connection. No decisions have been reached on this matter and there will be
28 many discussions and considerations over the coming years.
29

30 C. City Clerk

31
32 The City Clerk had no report.
33

34 D. City Attorney

35
36 The City Attorney had no report.
37

38 9. APPROVAL OF MINUTES:

39
40 **Council Member Sherrill moved to approve the minutes of the March 14, 2006**
41 **Regular Meeting, seconded by Vice Mayor Abell, and passed by unanimous 6/0**
42 **voice vote of the Council.**
43

44 10. COUNCIL COMMENTS

45
46 Council Member Mahoney said that he is “really excited about the schools coming to our area.”
47

1 Council Member Yebba said that he is “disturbed” to hear about the conflict between the VIA and the Library
2 Association. He stated, “It just bothers me that that’s happening and nobody can tell me why it’s happening.
3 We’ve got an organization that’s really helped this City a lot, especially in the last years. It helped a lot back in
4 the 1800’s and it continues to help the community and they’re being told to leave by an organization, and I’m a
5 member of that organization, a lifetime member, that hasn’t done anything, in my opinion. And it just bothers
6 me and I wish somehow or other that could get fixed and maybe some day it will.”
7

8 Council Member Allebach said that he witnessed an accident scene the other evening and the City’s Police
9 Department was on the scene. One of the vehicles involved in the accident had children and when the driver
10 was taken to the hospital, the Orange City Police put the kids and the car seats in their cruisers and took them
11 home. He stated, “I was just thinking, you know, I don’t know what, I mean we talk about a small town
12 feel... according to the liability guru’s out there, I wouldn’t imagine that that’s supposed to be done necessarily.
13 But they took the kids, took the car seats and strapped them all in and I don’t know where they were taking
14 them, I wasn’t there listening, I was just watching the whole operation and I’d have to say that’s part of world
15 class opportunities and small town ambience personified on that operation.” Council Member Allebach said
16 that he is “proud to be part of Orange City.”
17

18 Council Member Sherrill had no comment.

19
20 Mayor Erwin had no comment.

21
22 Vice Mayor Abell apologized for missing the last meeting stating that he was ill.
23

24 11. ADJOURNMENT

25
26 There being no further business, Mayor Erwin adjourned the meeting at 8:15 p.m.
27
28
29
30

31 **RESPECTFULLY SUBMITTED:**

32
33
34 Deborah J. Renner, CMC
35 City Clerk

APPROVED ON
