

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held on
2 Tuesday, May 23, 2006, at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

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4 **CALL TO ORDER**

5
6 The Meeting was called to order at 7:00 p.m. by Vice Mayor Abell and roll call was taken.

7
8 **ROLL CALL**

9
10 **PRESENT:** Vice Mayor Chuck Abell; Council Members Donald C. Sherrill, Jim Mahoney, Tony Yebba,
11 Joelle R. DeVane, and Jeff H. Allebach (Late – Arrived at 7:04); Acting City Manager Chester
12 Murray; City Attorney William E. Reischmann; City Clerk Deborah Renner.

13
14 **ABSENT:** Mayor Albert T. Erwin; City Manager John McCue

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

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

19
20 **2. CITIZENS COMMENTS:**

21
22 Ron Saylor, 361 Dixson Street, came forward and spoke regarding the City's residential garbage franchise
23 agreement. He spoke in support of once-weekly pickups in an effort to keep costs low. Mr. Saylor noted that it
24 appears that most people are not participating in the recycling program and suggested abandoning it as a cost-
25 saving measure. He stated that businesses are not "forced to recycle" while residents are.

26
27 Harry Dekanchuk, 922 Shadick Drive, came forward and noted that Georgia Avenue had been closed by the
28 City recently. He stated that when he purchased his property it was with the understanding that he would have
29 access from Georgia Avenue in the rear. Mr. Dekanchuk stated that he uses Georgia Avenue for access to
30 avoid obstructing traffic with large trucks going up and down Shadick Drive. He advised that he has
31 maintained the road for the past six years as did the previous owners before him.

32
33 Mr. Reischmann advised that Georgia Avenue is an unimproved street. He referenced correspondence that was
34 sent to Mr. Dekanchuk in 2001 that indicated that if there was to be continued access to his property via
35 Georgia Avenue, he would have to pave that portion of the road.

36
37 In response to a question from Vice Mayor Abell, Mr. Dekanchuk said that he was not aware of the November
38 5, 2001 letter being referred to. Assistant City Planner Jim Kerr provided Mr. Dekanchuk with a copy of the
39 letter. Mr. Dekanchuk said that the portion of the road from Leavitt to his gate is the only portion that gets
40 used, therefore, he would have to pave the entire road at his own expense. He reiterated that the road is very
41 well-maintained, noting that it has adequate drainage on both sides and that the swales are clean.

42
43 Mr. Reischmann advised that this was not an appropriate forum for this discussion. He said that in 2001,
44 pursuant to a request from Mr. Dekanchuk to develop his property on Shadick Drive, he was advised that he
45 would be responsible to pave Georgia Avenue if he wanted to use it to access his property. Mr. Reischmann
46 suggested that Mr. Dekanchuk submit an amended site plan or other development order and he said that staff
47 would explain to Mr. Dekanchuk how the Land Development Regulations would apply to his particular

1 development. Mr. Reischmann advised that the City Council does not provide site plan approval.

2
3 Mr. Dekanchuk asked whether there was a means by which he could obtain temporary use of the road until an
4 agreement could be worked out. He stated, "It's really becoming to be a hazard for Shadick Drive." Vice
5 Mayor Abell responded, "Not as far as I'm concerned from the Council right now." He advised Mr.
6 Dekanchuk to work with the Development Services Department to develop the property in accordance with
7 City Code. Mr. Reischmann concurred stating that it is "not the role of the City Council to provide temporary
8 access permits." He also suggested that Mr. Dekanchuk work with the Development Services Director toward
9 an acceptable solution. Mr. Dekanchuk questioned why this situation has suddenly become an issue.

10
11 Council Member DeVane encouraged Mr. Dekanchuk to go to the Development Services office in the morning,
12 telling him that they would be able to start him down the path he needs to be on. She told Mr. Dekanchuk that
13 there was nothing Council could do for him at this point and that he needs to follow the process which
14 Development Services staff will identify for him tomorrow.

15
16 **3. CONSENT AGENDA:** None at this time

17
18 **4. ORDINANCES – FIRST READING:**

- 19
20 **A. ORDINANCE NO. 272:** An ordinance of the City of Orange City, Florida, amending Section
21 8.3 of the City's Land Development Code, said section being the Official Zoning Map of the
22 City of Orange City, Florida; said amendment changing the zoning classification of the Lecesse
23 Development Property, consisting of approximately 8.17 acres of property generally located
24 within the northeast quadrant of Saxon Boulevard and South Volusia Avenue; from its present
25 zoning classification of MX-2 Mixed Use to (R-PUD) Residential Planned Unit Development;
26 containing a repealer provision, a severability clause and providing for an effective date.

27
28 **Council Member Sherrill moved to adopt Ordinance No. 272 on first**
29 **reading, seconded by Council Member Yebba.**

30
31 Jim Kerr, Assistant City Planner, came forward and provided a power point presentation regarding the details
32 of the rezoning request (a copy of which is attached and becomes a permanent part of these minutes). Mr. Kerr
33 explained that the subject property is being rezoned from MX-2 to R-PUD. He noted that the property is
34 located at the northeast corner of 17-92 and Saxon Boulevard and pointed out the surrounding developments.
35 He indicated that the site plan would be presented for Council's consideration on June 13th.

36
37 Mr. Kerr explained that staff and the Planning Commission have considered the proposed rezoning in regard to
38 the requirements found in Section 3.5.2F of the land development code and found it to be compliant, therefore,
39 they are recommending that Council adopt Ordinance No. 272. He reiterated that the site plan would be
40 considered at the June 13th meeting, however, he was distributing the drawings tonight providing three weeks
41 for review.

42
43 **Motion passed by unanimous 6/0 roll call vote of the Council.**

44
45 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**

- 46
47 **A. ORDINANCE NO. 273:** An ordinance of the City of Orange City, Volusia County, Florida,

1 amending the Orange City Code, Appendix A, Section 9.2.8 J by striking the word “trailer”;
2 containing a repealer provision; severability clause and providing for an effective date.
3

4 **Council Member Allebach moved to adopt Ordinance No. 273 on second**
5 **and final reading, seconded by Council Member Yebba.**
6

7 Vice Mayor Abell opened the public hearing by asking if anyone wished to speak in favor of or in opposition to
8 the proposed Ordinance. No one appeared. Vice Mayor Abell closed the public hearing.
9

10 Mr. Murray advised that the proposed ordinance had been reviewed by the Planning Commission and that they
11 unanimously recommended City Council approval.
12

13 **Motion passed by unanimous 6/0 roll call vote of the Council.**
14

15 **6. RESOLUTIONS:** None at this time
16

17 **7. DISCUSSION AND ACTION:**
18

19 **A. Authorization to Dispose of Surplus Property**
20

21 Charles Hargrove, Public Works Superintendent, came forward and briefly described the type of materials to be
22 declared surplus and be disposed of at auction (a complete list is attached and becomes a permanent part of
23 these minutes). Mr. Hargrove said that the list is mainly vehicles and office material and that the items had all
24 exceeded their useful life for the City and had been replaced. He said that staff is proposing two separate sales,
25 the first being to City employees only and the next to auction the remaining items to the public.
26

27 In response to a question from Council Member Yebba, Mr. Hargrove indicated that the markings had already
28 been removed from the police cars.
29

30 Police Chief Jeff Baskoff came forward and said there was one additional vehicle to be added to the list. He
31 advised that the vehicle is a confiscated Mazda.
32

33 Council Member Mahoney noted that eight laptops were to be destroyed because the hard drives could not be
34 removed. He questioned whether this was necessary. Mr. Hargrove responded that Matthew Place, the City’s
35 IT Manager recommended destruction. Council Member Yebba noted that laptops have a very limited life
36 cycle.
37

38 **Council Member Allebach moved that the City Council declare all items**
39 **on Attachment A (a copy of which is attached and becomes a permanent**
40 **part of these minutes) as surplus and, as such, approved for sale or**
41 **destruction. Motion passed by unanimous 6/0 voice vote of the Council.**
42

43 **B. Discuss City Attorney Representation**
44

45 Mr. Reischmann noted that he was hired to represent the City in 1999, at which time he was with the Stenstrom
46 McIntosh Law Firm. Mr. Reischmann announced that he is leaving the Stenstrom firm at which he has been
47 employed since 1990 and joining the firm of Brown, Garganese, and D’Agresta. Mr. Reischmann stated, “It is

1 my desire, as I have communicated to some of you and to the City Manager, to continue to represent the City of
2 Orange City.” He said that the final decision is up to the Council whether to keep their legal representation
3 with the Stenstrom firm, whether to move with him to the new firm, or whether to seek a new firm. Council
4 Member Mahoney stated that he has worked with Mr. Reischmann for a number of years and feels that he has
5 represented the City very well. He expressed his support for retaining Mr. Reischmann as the City’s Attorney.
6 Council Member Yebba spoke in support of retaining Mr. Reischmann, stating, “Over the years, I’ve found Bill
7 to be an excellent City Attorney. He’s knowledgeable about the law, he’s knowledgeable what’s currently
8 going on in Orange City, he’s got some historic perspective that I don’t want to see us lose and he’s going to a
9 firm that has the back up that we need, that we received from the other firm.” Council Member Allebach
10 expressed his support for Mr. Reischmann, stating, “I believe in the institutional memory that Mr. Reischmann
11 will continue to provide, so I would stay with Bill.” Council Members Sherrill and DeVane also spoke in
12 support of retaining Mr. Reischmann.

13
14 **Council Member Allebach moved to authorize the Mayor respond to the**
15 **correspondence from the Stenstrom McIntosh firm indicating that all**
16 **files and representation shall continue with William E. Reischmann, Jr.,**
17 **and are to be transferred to Brown, Garganese, Weiss and D’Agresta,**
18 **P.A., seconded by Council Member Yebba and passed by unanimous 6/0**
19 **voice vote of the Council.**

20
21 **C. Community Development Block Grant Submittal**

22
23 Mr. Murray stated that approval of the Community Development Block Grant (CDBG) submittal is an annual
24 event. He noted that the recommendations as proposed can be changed at a later time if the need arises. Linda
25 Snyder, Financial Services Supervisor, came forward and stated that the City has participated in the CDBG
26 program for fifteen years. She explained that it is a federal grant for community development. Ms. Snyder said
27 that the geographic area where the funds can be used is relatively small and is mainly located on the west side
28 of 17-92 south of French Avenue based on the latest census tracks.

29
30 Council Member Allebach noted that the proposed new sidewalks would aid in access to the new schools. Ms.
31 Snyder concurred.

32
33 **Council Member Allebach moved to approve the 2006/07 Annual Plan**
34 **and Five-Year CDBG Budget Projections as presented, seconded by**
35 **Council Member Yebba and passed by unanimous 6/0 voice vote of the**
36 **Council.**

37
38 **D. Agreement for Dispatch Services**

39
40 Chief Baskoff came forward and began his presentation by noting that the City has been contracting with the
41 Sheriff’s Office for dispatch services since 2002. The cost for this service has risen from \$74,996 in the
42 original contract to \$92,894 in the proposed contract. The Chief advised it cost the City \$264,000 to run
43 dispatch internally. He noted that 85%-90% of those costs were for personnel. He said that the service from
44 the Sherriff’s office has been improving. He said that the phone for members of the public needing assistance
45 is now located in the lobby of the police department.

46
47 In response to a question from Council Member Yebba, Chief Baskoff stated that the Sherriff’s office is better

1 equipped to meet the increased workload of calls than the City would be. The Chief recalled the difficulty in
2 keeping all dispatch positions staffed and suggested that the Sheriff's Office had greater resources to fill
3 vacancies.
4

5 Council Member DeVane noted that the cost of \$92,894 for dispatch did not include the money that is paid to
6 Deltona for fire dispatch. She asked how much Deltona is paid for that service. Chief Baskoff responded that
7 he did not know. Council Member DeVane suggested that although there is still a savings when this is factored
8 in, it is not as big as it might appear to be. The Chief advised that the training for the dispatch staff is getting
9 better. He said that the Sheriff's Office is rotating road sergeants through the dispatch center which has
10 resulted in improved communication. Council Member DeVane asked whether the City has its own channel for
11 communications. Chief Baskoff responded that the City shares a channel with DeBary and DeLand. He said
12 that in the past, the city shared a channel with Deltona but it got too busy and so, at the request of the City,
13 Orange City was moved to its current channel. Chief Baskoff discussed the logistics of the dispatch center and
14 said that at times when the City is conducting a DUI checkpoint, the Sheriff will locate a dispatcher on site in a
15 trailer.
16

17 Council Member DeVane stated that she "hated to see our dispatch go." She said that although she understood
18 that it is not possible right now, She would be in favor of having Deltona dispatch our police calls as well as
19 our fire calls. Council Member DeVane suggested that the City could one day handle dispatch services again.
20 She speculated that Deltona would be forming its own police department in the near future. Council Member
21 DeVane cited examples of how Orange City and Deltona currently work together and stated, "We're talking
22 about working together...and actually, we are working with Deltona right now and sharing a unit....so if we're
23 talking about that now and sharing one unit, what else are we going to share?" Council Member DeVane
24 expressed her belief that there was a merger in store at some point in the future.
25

26 Chief Baskoff stated, "Well, I'm not opposed to bringing dispatch back, and I don't want anybody to think I
27 am." The Chief advised that it is "not a cheap proposition" to house and operate a dispatch center. Council
28 Member DeVane responded that "Pretty much everybody knew that once dispatch was gone, it wouldn't come
29 back."
30

31 BEGIN TAPE 1-B
32

33 Vice Mayor Abell stated that bringing dispatch back to Orange City is only one of many available options to be
34 explored over the next ten years. He said that he felt very strongly that "regionalization" was on the horizon.
35

36 **Council Member Yebba moved to direct staff to enter into the**
37 **agreement for dispatch services with the Volusia County Sheriff's Office**
38 **for the period October 1, 2006 through September 30, 2009, seconded by**
39 **Council Member Allebach and passed by unanimous 6/0 voice vote of the**
40 **Council.**
41

42 8. REPORTS:

43 A. City Manager

44
45
46 Chester Murray, Acting City Manager, announced that Mr. McCue was attending the annual City/County
47 Manager's Association Conference in North Florida. Mr. Murray said that the quarterly report from the

1 County Economic Development department disclosed that Orange City significantly led the County in the
2 number of new commercial development projects permitted with over \$26 million for the first quarter of this
3 year.
4

5 Council Member DeVane asked what prompted the City to close Georgia Avenue. Mr. Murray responded that
6 it was a combination of things. He said that the City prohibits new developments on dirt roads and that this
7 was clearly explained to Mr. Dekanchuk in his original development order. Mr. Murray noted that Georgia
8 Avenue has never been officially “open” and that it does not have approval or a permit from the St. Johns River
9 Water Management District (SJRWMD). He said that allowing operations on an unimproved road creates
10 liabilities for the City. In response to further questioning from Council Member DeVane, Mr. Murray stated
11 that the lot on the corner of Shadick and Leavitt has only been issued permits for access from Shadick Drive.
12 Council Member DeVane likened the situation on Georgia Avenue to that on Thorpe. Mr. Murray concurred.
13

14 **B. Mayor/City Council**

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16 Vice Mayor Abell had no report.
17

18 **C. City Clerk**

19
20 The City Clerk had no report.
21

22 **D. City Attorney**

23
24 Mr. Reischmann referenced four separate letters that were sent from the DEP to GEL Corporation, two dated
25 May 8th and two dated May 18th (copies of which were distributed previously to Council). Mr. Reischmann
26 stated, “My primary objective was to make sure that this Council is aware of what I perceive and conclude to
27 be progress. Not the final solution, but progress in the administration and the review by the State of Florida
28 over this landfill.” He noted that the correspondence contains stronger language than seen before and imposes
29 specific deadlines and requirements for closure-related issues. Mr. Reischmann stated, “Given these letters,
30 there appears to be a realistic probability that the Department will ensure that those objectives are, indeed,
31 met.”
32

33 Vice Mayor Abell observed that they have been wetting down the dirt roads at the land fill three or four times a
34 day for the past few days in an effort to reduce dust, as well as picking up trash.
35

36 Council Member Mahoney noted that there had been discussions of GEL maintaining the recycling portion of
37 their facility after closure, specifically the C&D recycling. He said that he was told years ago that they had to
38 retain an open face on the landfill in order to make C&D recycling viable. Mr. Reischmann responded that the
39 documents under discussion seem to indicate that DEP is trying to force the removal of that material which is
40 on the southwest portion of the property. He said that the DEP “recognizes and implicitly authorizes the C&D
41 recycling.” Mr. Reischmann noted that there are separate and distinct land use issues within the City’s
42 jurisdiction and these are what he is working on with staff. He expressed his gratitude for the apparent change
43 in tone on the part of the DEP.
44

45 Council Member Allebach commended the City Attorney for his prompt response to a citizen inquiry at the last
46 meeting regarding local legislation to make a City park “smoke-free.”
47

1 **9. APPROVAL OF MINUTES:**

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Council Member Sherrill moved to approve the minutes of the May 9, 2006 Regular Meeting, seconded by Council Member Yebba, and passed by unanimous 6/0 voice vote of the Council.

7 **10. COUNCIL COMMENTS**

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9 Council Member Allebach noted that staff had recently received two letters of commendation for providing
10 citizen assistance.

11

12 **11. ADJOURNMENT**

13

14 There being no further business, Vice Mayor Abell adjourned the meeting at 8:03 p.m.

15

16

17

18

19 **RESPECTFULLY SUBMITTED:**

20

21

22 Deborah J. Renner, CMC
23 City Clerk

APPROVED ON

6/13/06