

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held on
2 Tuesday, June 13, 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; Council Members Jim Mahoney, Tony
11 Yebba, Joelle R. DeVane, and Jeff H. Allebach; City Manager John McCue; City Attorney
12 William E. Reischmann; City Clerk Deborah Renner.
13

14 **ABSENT:** Council Member Donald C. Sherrill
15

16 The Invocation was given by Vice Mayor Abell, followed by the Pledge of Allegiance.
17

18 Mayor Erwin noted that Vice Mayor David Santiago from the city of Deltona was in attendance.
19

20 **1. PRESENTATIONS:** EVAC Presentation to Officer Mike Johnson
21

22 Lt. Linda Mickenburg, EVAC, came forward and presented Officer Johnson with a "Good Samaritan" award
23 for his life-saving assistance in three separate, unrelated incidents.
24

25 Hometown Hero Award
26

27 Pat Sentell, Riverside Bank, came forward and presented Officer Johnson with their "Hometown Hero" award
28 which consists of a certificate and a watch. Ms. Sentell said that the bank was going to provide the Police and
29 Fire Departments with a barbecue to show their gratitude for all that they do for the community.
30

31 **2. CITIZENS COMMENTS:**
32

33 Frances Peterson, 364 May Street, came forward and stated that there was a problem with speeding on N.
34 Carpenter Avenue where the posted speed is 25 miles per hour. In addition, people have been driving on the
35 lawn and the right of way. She asked for assistance with this issue. Ms. Peterson said that there is some
36 suspicious illegal activity in the neighborhood as well. She offered to provide Council with an address. Mr.
37 McCue directed Ms. Peterson to Chief Baskoff. He also asked Paul Johnson, Public Works Superintendent to
38 look into the issue of driving on the lawn.
39

40 Bonnie Brita, 480 E. Wisconsin Avenue, came forward and discussed her experiences since moving to the City
41 last December. She said that even though she lives on a dead end street, there is heavy traffic created by kids
42 speeding on the road. She advised that her husband is disabled and asked that a caution sign be installed on the
43 street as she feared for his safety. Ms. Brita said that she moved here from South Florida and urged caution
44 with the rampant growth taking place in the state.
45

46 **3. CONSENT AGENDA:** None at this time
47

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

2
3
4 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**

5
6 **A. ORDINANCE NO. 272:** An ordinance of the City of Orange City, Florida, amending Section
7 8.3 of the City's Land Development Code, said section being the Official Zoning Map of the
8 City of Orange City, Florida; said amendment changing the zoning classification of the LeCesse
9 Development Property, consisting of approximately 8.17 acres of property generally located
10 within the northeast quadrant of Saxon Boulevard and South Volusia Avenue; from its present
11 zoning classification of MX-2 Mixed Use to (R-PUD) Residential Planned Unit Development;
12 containing a repealer provision, a severability clause and providing for an effective date.

13
14 Mayor Erwin read the title of Ordinance No. 272 into the record and opened the public hearing by asking if
15 anyone wished to speak in favor of or in opposition to this Ordinance. No one appeared. The Mayor closed the
16 public hearing.

17
18 **Vice Mayor Abell moved to adopt Ordinance No. 272 on second and**
19 **final reading, seconded by Council Member Mahoney.**

20
21 Jim Kerr, Assistant City Planner, came forward and noted that representatives from LeCesse Development
22 were in the audience and available to address questions. Mr. Kerr provided a power point presentation to the
23 Council (a copy of which is attached and becomes a permanent part of these minutes). Mr. Kerr advised that
24 the purpose of Ordinance No. 272 is to change the zoning on the subject property from MX-2 to R-PUD. He
25 said that adoption of Resolution No. 354-06 will approve the Master Plan for the development. Mr. Kerr stated
26 that the development is located at the northeast corner of Saxon Blvd. and 17-92.

27
28 Mr. Kerr advised that the Planning Commission is recommending approval of the rezoning subject to the
29 following stipulations: (1) The applicant will provide additional lighting between the five condominium
30 buildings, (2) the applicant providing size and location of the street addresses on the side of the building, (3)
31 the applicant will submit the location for the electrical transformer for approval prior to installation, (4) the
32 applicant will provide an approved "easement agreement" from FP&L, (5) the applicant will provide visual
33 screening in the form of vines on the western wall, (6) the applicant will provide PVC fencing and show the
34 specifications on the site plan, (7) The applicant will provide a sidewalk easement along Saxon Blvd., (8) the
35 applicant will provide an emergency electrical backup system to the lift station, and (9) developers agreement
36 and declaration of covenants, etc. meets with the approval of the City Attorney.

37
38 In addition to the stipulations, two departures from the code are required for this project: (1) building height
39 and (2) tree preservation. In order to minimize the impact of the increased building height on the nearby
40 Terrace Hill Condominiums, the developer has agreed to plant a visual screen with trees. Mr. Kerr advised that
41 the residents of those condominiums have not objected to this plan.

42
43 Mr. Kerr concluded his presentation by stating that the recommendation of staff and the Planning Commission
44 is for the Council to adopt Ordinance No. 272 and Resolution No. 354-06 subject to the nine conditions and
45 two departures, thereby approving the Villa Grande condominium project.

46
47 **Motion passed by unanimous 6/0 roll call vote of the Council.**

1 **6. RESOLUTIONS:**

- 2
- 3 **A. RESOLUTION NO. 354-06:** A resolution of the City Council of the City of Orange City,
4 Florida, acknowledging and approving the Master Development Plan, Developer Agreement
5 and Site Plan for the Villa Grande Residential Planned Unit Development (R-PUD), to be
6 constructed on an 8.17 acre parcel, generally located in the northeast quadrant of Saxon
7 Boulevard and South Volusia Avenue, Orange City, Florida; repealing all resolutions or parts of
8 resolutions in conflict herewith; and providing for an effective date.

9

10 **Vice Mayor Abell moved to approve Resolution No. 354-06,**
11 **seconded by Council Member Yebba.**

12

13 Council Member Yebba asked how the Fire Department felt about the building height. Captain Rick
14 Beauregard came forward and stated that representatives from the Department had toured a similar structure in
15 Metro West which resulted in several requested changes to enhance fire prevention. In addition, sprinklers
16 were added to the garage areas and attic spaces. He said that the Fire Department is satisfied with the current
17 configuration of the plans.

18

19 In response to a question from Mayor Erwin, Mr. Kerr advised that there would be parking underneath the
20 building, as well as exterior parking in a lot.

21

22 Curtis Burkitt, Zev Cohen and Assoc., stated that each unit has one parking space under cover and lots are
23 provided for any additional parking.

24

25 Mayor Erwin noted that the buildings are actually three-story with a basement garage.

26

27 Mr. Reischmann noted that the Developers Agreement language is in the final stage and is subject to Council's
28 approval this evening. In response to a question from Mayor Erwin, Mr. Kerr confirmed that the developer has
29 agreed to all of the stipulations.

30

31 Council Member DeVane asked what the maximum allowed building height is currently. Mr. Kerr responded
32 that although the limit used to be 100 feet, there is no maximum height listed at the present time.

33

34 Council Member Allebach asked whether the Resolution needs to be amended to include the stipulations. Mr.
35 Reischmann responded, "The Developer's Agreement does not specifically contain those. If I'm
36 understanding, those are part of the record for the Resolution itself." Mr. Kerr concurred.

37

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

39

40 **7. DISCUSSION AND ACTION:**

- 41
- 42 **A. Appeal of Staff Decision – Alling House Bed & Breakfast**

43

44 Chester Murray, Development Services Director came forward and stated that the "Alling House" Bed &
45 Breakfast is located in the OT zoning district. He characterized the facility as "an attribute to the community."
46 Mr. Murray stated that Mr. and Mrs. Hill, the owners of the Alling House, approached him about adding
47 additional period cottages on the property. He advised that although it appeared not to be a problem, further

1 investigation revealed that the City's code does not allow such structures, therefore, the request was denied.
2 The Hill's decided to appeal that decision.

3
4 Mr. Murray explained one of the options available to staff would be to try to modify the code so that it would
5 be allowed, and bring it to the Council. Mr. Reischmann stated that between the existing structures there is a
6 total of five guest rooms. He explained that the Hill's request for an additional two to four cottages has been
7 denied. Mr. Reischmann stated, "Here's the situation, Bed & Breakfasts are permitted as a supplemental use in
8 its zoning district. But the definition of a Bed & Breakfast is limited to an owner-occupied building used as a
9 single-family residential dwelling that provides overnight lodging and breakfast. So that's contemplating one
10 building." He said that the Hill's proposal actually meets the definition of a "hotel" as written in the City's
11 code. Mr. Reischmann stated, "It includes a building or group of buildings in which sleeping accommodations
12 are offered to the public and intended primarily for rental and daily charge. And that's where the problem
13 occurred." He reiterated that the situation is that the proposed expansion creates a "tourist court" which falls
14 under the definition of hotel as written in the code. He advised that this was the reason the application had to
15 be denied.

16
17 Mr. McCue noted that hotels and motels are not permitted uses in the OT (Office Transitional) zoning district.
18 He suggested that granting the Hill's request could create unintended consequences which could not be
19 defended in the event of a lawsuit. Mayor Erwin said that while he has no objection to the project as proposed,
20 it contradicts the Code as currently written. He suggested amending the Land Development Code to allow a
21 project such as the Hill's. Mr. Murray noted that even in the OT zoning, a Bed & Breakfast requires a
22 conditional use which must be heard by the Planning Commission. He explained that in order to protect the
23 residential neighborhood, the revised definition would still require that the primary function be a single-family
24 residential unit. Mr. Murray said that he has discussed this matter with the City Attorney and that they are
25 confident that this amendment to the code could be done if that is the desire of the Council.

26
27 Mr. McCue cautioned that if this amendment to the code were made, it most likely could not be confined to a
28 Bed & Breakfast. He gave the example of a doctor who may want to build an office on his residential property
29 and advised that this could be contrary to Council's original goal for the OT zoning district. He stated,
30 "Remember, we can try and carve out every unintended consequence we know today, but until you put it in
31 place and let the property owners try and figure out a way around it, we'll not know what doors that opens."
32 Mayor Erwin shared Mr. McCue's concerns.

33
34 Mr. Reischmann clarified that the item under consideration this evening is simply regarding the appeal of
35 staff's denial of the Hill's expansion request. He said that staff is looking for direction on whether or not to
36 initiate pursuit of an amendment to the Land Development Regulations to try to address this issue.

37
38 Mr. McCue questioned whether there were any provisions in the code that would prevent the Hills from
39 reapplying if the Council denies the appeal at this time, but directs staff to pursue an amendment to the code to
40 allow such a development. He stated, "If the Council's decision is to go forward and say fix the code to allow
41 this to happen but deny it tonight, a lot of times our code says you can't reapply for a year." Mr. Murray
42 suggested continuing this matter until the next meeting in order to avoid such repercussions. Mayor Erwin
43 concurred.

44
45 Mr. Reischmann suggested that the best resolution to the problem would be if the applicant withdraws their
46 conditional use request at this time.

47

1 Gerald Hill, owner of the Alling House Bed & Breakfast, 215 E. French Avenue, came forward.

2
3 BEGIN TAPE 1-B

4
5 He said that the request for the proposed cottages was in response to requests from their guests. Mr. Hill said
6 that the addition of the six units would generate enough income to support him and his wife. He advised that
7 they didn't want to expand to the point where they could not operate the Bed & Breakfast without outside help.
8 He stated, "We want it to be a traditional Bed & Breakfast where we are the hosts, it's family run, and we have
9 interaction with our guests on a personal level."

10
11 Mr. McCue suggested that the Hills withdraw their appeal request at this time, it will give staff a chance to
12 review the code and present the Council with an alternative recommendation. In response to a question from
13 Mr. Hill, Mr. McCue stated that the only way Council could grant their request is if the code is modified. Mr.
14 Reischmann clarified that it is necessary for the Hills to withdraw not only their appeal request, but their
15 request to amend their supplemental use application as well. He explained that Council could not overturn
16 staff's interpretation of the code unless they thought that it was wrong. He told Mr. Hill that there was a good
17 chance that he would not win the appeal. Mr. Reischmann advised that if Council denies Mr. Hill's appeal, it
18 would delay his ability to apply again for one year, even if the code was changed. However, if the original
19 application is withdrawn, it would be like it never existed. The Hills could then submit an application after the
20 changes to the code are made, allowing staff approve it. Mr. McCue explained that if Mr. Hill withdraws his
21 proposal, Council will direct staff and the City Attorney to write an amendment to the code to allow the project.
22 Mr. Hill said that they would be agreeable to withdrawing their request with this understanding.

23
24 Council Member Yebba thanked the Hills for their choice of name for their establishment, stating that it is "in
25 keeping with the history of the community". He said that he was glad that the Hills decided to wait as he did
26 not want to deny their request.

27
28 Mayor Erwin requested that this be moved forward as soon as possible.

29
30 **B. I-4/Saxon Boulevard Interchange Maintenance**

31
32 Vice Mayor Abell advised that a few weeks ago, he talked with David Santiago, Vice Mayor, City of Deltona,
33 regarding the Saxon Blvd./I-4 interchange. He said they were both in agreement that much work needs to be
34 done there and agreed to pursue an agreement whereby each city's Public Works department would provide
35 maintenance. The Vice Mayor expressed his opinion that the area could be well-maintained in this manner. He
36 clarified that he was not suggesting the installation of additional landscaping, just maintenance of what exists
37 now.

38
39 Vice Mayor Santiago came forward and noted that the cities had made great strides with their neighbors, as
40 well as with the County. He characterized the interchange as a major gateway into the two cities and called it
41 "an embarrassment." Vice Mayor Santiago noted that it is also the major gateway to attracting new
42 corporations to the area. He said that the Deltona City Commission is in support of the partnership and that
43 with a favorable action by the Council tonight, he would bring it to his Commission at their next meeting on
44 Monday, June 19th.

45
46 Mayor Erwin advised that it is a state road and that the County has the present maintenance contract. He said
47 that as a State Road, the agreement would have to also include the County or DOT. Mr. McCue suggested a

1 contract between Orange City and DOT for the interchanges on the west side and Deltona and DOT for the east
2 side. He said that DOT can commit funds for landscaping, but suggested waiting until work on the interchange
3 was completed. Mr. McCue said that he would have Paul Johnson, Public Works Director, call DOT and that
4 he would call the County Manager and ask them if they would cancel their contract.
5

6 Vice Mayor Abell said that he was told at an MPO meeting that “there are a lot of shoeboxes sitting around in
7 the DOT with lots of money in them.” He said that some of that money is dedicated to maintenance of that
8 bridge, however, no one has asked for it. He suggested that the City request funding from DOT for this
9 purpose.
10

11 Vice Mayor Santiago suggested that if the DOT sees the two cities working together it will be beneficial toward
12 receiving funding.
13

14 **Vice Mayor Abell moved to direct the City Manager to get this project in**
15 **motion, seconded by Council Member Yebba.**
16

17 Council Member Allebach stated, “I was riding with someone who made a comment about how atrocious it
18 looked and I had to sulk down in my seat for the first time in a long, long time in Orange City when he pointed
19 it out and I really looked at that intersection and just felt kind of embarrassed.”
20

21 Mayor Erwin stated that six years ago Orange City was approached by the County to partner with them to
22 beautify and maintain those intersections. The agreement was that the County would do the work, and the
23 cities would commit funding toward the landscaping and upkeep. The County did not maintain the areas
24 properly and the cities dropped out of the program. He spoke in support of the proposed partnership. He
25 expressed his confidence that the two cities could make the intersection much more appealing.
26

27 **Motion passed by unanimous 6/0 voice vote of the Council.**
28

29 **C. Interlocal Agreement with Volusia County** 30

31 Mr. McCue stated that this is the last commitment the City has made in resolution of the dispute over the 180
32 service area. He said that the agreement involves interconnects with the County and DeLand in the 472 area.
33 As part of the agreement, the City agreed to sell the County excess water from its CUP (Consumptive Use
34 Permit). Mr. McCue said that the County received a temporary, one-year, increase in their CUP for the Deltona
35 North plant where the interconnect would be. Mayor Erwin clarified that the County did not receive a CUP,
36 rather they were allowed to pump additional water for one year while their CUP application is being reviewed
37 by St. Johns. Mr. McCue said that the City has excess capacity that they are not pumping right now and rather
38 than doubling the draws from the aquifer, they can sell some of that capacity to the County. Mr. McCue
39 advised that the interconnect projects have been funded and are under construction. Once approved by the
40 County Council, the agreement will dictate the relationship between the County and the City regarding sale of
41 water once the interconnects are completed. WAV also has an Interlocal Agreement governing interconnects
42 throughout the County. Mr. McCue stated that the Interlocal Agreement under consideration this evening is in
43 keeping with the agreement made regarding the 180 service area and the WAV agreement as well.
44

45 Mayor Erwin clarified that the proposed agreement does not apply to the interconnect itself, it only applies to
46 how the water will be distributed between Orange City and the County and how the interconnects will be
47 maintained.

1
2 Mr. Reischmann referenced paragraph 8 on page 4 which reads, "At no time shall the quantity transferred
3 adversely impact the distributing interconnecting utility." He advised that the City has the right to limit the
4 amount of water transferred based on the City's need.
5

6 Paul Johnson, Public Works Director, stated, "You've got a very diligent staff running your Utility. We're very
7 cognizant of our limits. To be honest with you, it's a very dry summer we've had or spring so far, and the
8 month of May was the first time we've exceeded two million gallons per day for the entire month. We will be
9 watching it closely. We are not going to sell water we don't have."
10

11 Council Member Mahoney asked under what circumstances Mr. Johnson could envision the City being the
12 purchaser, not the supplier. Mr. Johnson responded perhaps in the event of an emergency such as a major line
13 break which required that the flow had to be supplemented to maintain pressure. In that event, the water would
14 likely be purchased from DeLand as opposed to the County. Mayor Erwin noted that Ormond Beach had
15 recently experienced something like this and they had no interconnects.
16

17 In response to a further question from Council Member Mahoney, Mr. Johnson said that the City's CUP will
18 handle the projected growth at this point in time. This could change when the provisions of WAV take full
19 effect, but the proposed agreement only applies to the operation of this particular interconnect. Mr. McCue
20 advised that the City's CUP is for up to three million gallons and stated, "The County's CUP was extended for
21 a year to draw more than their current CUP allows them to draw while St. Johns is reviewing everybody's
22 future CUP and the allocation of draws for each CUP." He said that unless the County receives permission
23 from St. Johns to add additional draw from their permitted wells, the City will always be on the selling side of
24 the relationship with the County. Mr. McCue stated, "Right now, I don't see any way that we will be buying
25 water from Volusia County in the next three to five years. No way. And the only way that we will is if Volusia
26 County gets out of St. Johns an increased capacity to draw out of their well fields than they are currently
27 allowed to."
28

29 Mr. Reischmann noted that the proposed agreement is for a five-year term with automatic five year renewals
30 unless a six-month written notice is provided. Mr. McCue added that St. Johns is looking to issue all CUPS for
31 a five-year term. He said that this is all a result of the minimum flows and levels issues that St. Johns is trying
32 to implement District-wide.
33

34 **Council Member Allebach moved that the City Manager enter into the**
35 **Interlocal Agreement for the operation, administration and maintenance**
36 **of finished water interconnects, seconded by Council Member Abell and**
37 **passed by unanimous 6/0 voice vote of the Council.**
38

39 **8. REPORTS:**
40

41 **A. City Manager**
42

43 Mr. McCue provided an update on a number of projects currently under way as follows: (1) Town Hall
44 restoration has begun. The work will begin with the cupola and the bell tower (2) The Utilities Building is
45 progressing and Mr. McCue said that he is very pleased with the transformation. Vice Mayor Abell asked
46 whether all of the plants in front of the building are to be taken out. Mr. McCue responded that a new
47 landscaping plan has already been developed. (3) The new roofs on the pavilion and restrooms at Rotary Park

1 have been completed and that the pump house should be completed within the next week (4) Guard rails will
2 be installed along Leavitt within the next thirty days. The work must be completed by the end of July. Vice
3 Mayor Abell noted that there has been a large collection of water on Leavitt following the recent rains. Mr.
4 McCue said that he would send someone out to see if the drain is clogged. (5) The fountains will arrive
5 sometime in August and the new walkway is being planned.
6

7 In response to a question from Mayor Erwin, Mr. McCue said that he will be looking at splash pads at Gator
8 Land next week with Mr. Johnson so see how they look. Mr. Johnson advised that the pads at Gator Land use
9 recycled rubber as a base.
10

11 Mr. McCue said that he and Chief Hoffman met with Chief Plummer of the Volusia County Fire Department
12 and have initiated negotiations for implementation of the EMS ordinance. He said that it appears that everyone
13 is going with Fire and EMS on the Interlocal Agreement even though the County ordinance only requires EMS
14 response to the unincorporated area. Mr. McCue said that it is difficult to separate EMS and Fire services in
15 the Agreement, therefore, he and Chief Hoffman would probably be proposing a Fire and EMS Interlocal
16 Agreement for first response. He said that the City would provide service only to First Street in the
17 unincorporated area. Mr. McCue stated that as part of the negotiations, he would insist that City would take
18 over Station 31 in the implementation of the agreement. In response to a question from Mayor Erwin, Mr.
19 McCue said that the City taking over Station 31 supports consolidation of services and that the County is aware
20 that regionalization is an issue that they are going to have to deal with. Mr. McCue stated, "My preference
21 would be to take over 31 and put another apparatus down there and then what happens is, the first response
22 circumferences, the timeframes that it takes for that station to go out, is going to change all over Orange City
23 and in my opinion, will keep us predominately in our City and not out in the County whereas right now, we're
24 going to be only serving about the center of town north and somebody else will be serving the southern portions
25 of the County and I don't want to give that up." Mayor Erwin noted that the County has conceded that the
26 situation in and around Orange City is unique and they are willing to work with the City. Mr. McCue
27 concurred.
28

29 Council Member Yebba asked for an update on the Village Improvement Association (VIA). Mr. McCue
30 responded that he had assured Ms. Pomeroy that the City would continue to make storage space available as
31 long as necessary. Negotiations for them to remain at the library did not work out, however, the VIA has
32 retained the services of an attorney. Mr. McCue said there have been discussions about allowing the VIA to
33 occupy Albertus Cottage until they can find a permanent location. Council Member Yebba expressed that he is
34 in favor of doing anything possible to help them out. Mr. McCue said that he would bring a proposal back to
35 the Council soon. Council Member Yebba suggested that when Dickinson Park is rededicated, Council should
36 consider renaming it with something that includes the VIA in the name.
37

38 Mr. McCue noted that the Police Department has done a good job of renovating the Annex to create a
39 professional looking facility. The Fire Department has begun work on their renovations. The rest of the
40 projects will be completed in a close timeframe. He suggested having an "open house dedication weekend" in
41 the fall when all the projects are completed.
42

43 Council Member Mahoney asked for an update on the status of discussions with Waste Management. Mr.
44 McCue responded that if they did not get him a proposal soon, his recommendation will be to go out for bids.
45

46 **B. Mayor/City Council**
47

1 Mayor Erwin reported on his trip to Washington DC, stating that it was a nineteen-hour day. He said that he
2 felt some things were accomplished. Congressman Mica spent a good portion of the day with the team from
3 Volusia County. The Mayor said that the local contingent was lobbying for funds for the Partnership Center
4 and information regarding the commuter rail project.
5

6 BEGIN TAPE 2-A
7

8 The Mayor reported that there may be other connections besides Congressman Mica to help secure funding for
9 the Partnership Center.
10

11 Mayor Erwin reported on the Charter Review Committee Meeting in DeLand held last night. He said that he
12 did not see many changes to the Charter, but the majority of the work will be in the form of a Management
13 Report to the County Council with recommendations for action. A lot of discussion was held on the topic of
14 reducing the number of Council Members to six and giving the Chair the prevailing vote in the case of a tie
15 vote. Mayor Erwin expressed his opinion that the best solution would be to keep a seven-member Council with
16 six districts. Another item that was discussed was a pay increase for the Chairman and Council.
17

18 Council Member Yebba reported that he attended a meeting of the Operating Committee for the Partnership
19 Center along with Chester Murray. The Committee does not officially function until the last Interlocal
20 Agreement is approved, probably at the end of June. Mr. Reischmann said that the agreement will appear on
21 the next agenda. Mr. McCue advised that DeBary has not paid the second \$500,000 of their initial \$1,000,000
22 pledge to the Center. Council Member Yebba said that discussions took place regarding the exterior
23 architecture of the building and that the current design includes a flat roof which is not allowed in Orange City.
24 Mayor Erwin said that he told DBCC that if they insist on pursuing a flat roof design, it would jeopardize the
25 City's participation in the project even though they have been the main supporter to this point. Mr. McCue
26 concurred, noting that on a per capita basis, Orange City is the biggest contributor to the project. Council
27 Member Yebba said that discussions took place on reducing the building to compensate for the \$2.3 million
28 shortfall. They have been looking at reducing the kitchen area and parking options to reduce costs. The
29 Committee will not meet again until the Agreement has been approved by all parties. Mayor Erwin said that
30 the official fundraising goal of the Chamber is \$3 million, however, their actual goal is \$5 million. They are
31 still pursuing a major Corporate donor for naming rights.
32

33 C. City Clerk

34
35 The City Clerk had no report.
36

37 D. City Attorney

38
39 Mr. Reischmann reported that one of the major recommendations of the Charter Review Committee was to
40 abolish the Volusia Growth Management Commission (VGMC).
41

42 9. APPROVAL OF MINUTES:

43
44 **Vice Mayor Abell moved to approve the minutes of the May 23, 2006**
45 **Regular Meeting, seconded by Council Member Allebach, and passed by**
46 **unanimous 6/0 voice vote of the Council.**
47

1 **10. COUNCIL COMMENTS**

2 Council Member Yebba stated, "I noticed tonight that the capability of our new attorney is so much better than
3 it was before with the old one."
4

5 Council Member Mahoney stated, "I hope the Council is more receptive than it has been in the past to
6 dividends from the Enterprise Fund."
7

8 **11. ADJOURNMENT**

9
10 There being no further business, Mayor Erwin adjourned the meeting at 8:55 p.m.
11
12
13
14

15 **RESPECTFULLY SUBMITTED:**

APPROVED ON

16
17
18 Deborah J. Renner, CMC
19 City Clerk
