

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, September 12, 2006, at 7:00 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 7:00 p.m. by Mayor Erwin and roll call was taken.

8
9 **ROLL CALL**

10
11 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Chuck Abell, Council Members Anthony R.
12 Yebba, Jeff H. Allebach, Donald C. Sherrill, Joelle R. DeVane, Jim Mahoney; City
13 Manager John. J. McCue; City Attorney William Reischmann; City Clerk Deborah
14 Renner

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

17
18 Mayor Erwin announced that Item 6-E (Resolution No. 370-06) was being moved forward on the
19 agenda to be heard as Item 6-A.

20
21 **1. PRESENTATIONS: DeBary Art League**

22
23 Sandra Wilson, DeBary Art League, came forward and invited Council to participate with her
24 organization in the Gateway Center for the Arts. Ms. Wilson stated that the DeBary Art League was
25 formed in 1998 to construct a Center for the Arts in Southwest Volusia. She said that many
26 programs have been created and that the Art League has participated with the City on many
27 programs such as the Black Bear Festival as well as working on special events with a number of
28 other organizations in the area. She said that the Art League has helped to bring an awareness of
29 the arts to the community. Ms. Wilson stated, "We would like you to be a part of that. It's going to
30 happen whether you join with us or not, but how much greater it would be to have us working
31 together." Ms. Wilson presented an original painting which was the design for the first Black Bear
32 Festival.

33 She reminded Council that the Gateway Center is located at Saxon Boulevard and 17-92.

34
35 Mayor Erwin stated that he would like to schedule an agenda item for discussion and possible action
36 regarding support for the Gateway Center for the Arts. He acknowledged the contributions of the
37 Art League and thanked Ms. Wilson.

38
39 **2. CITIZENS COMMENTS:**

40
41 George Stone, 107 W. Highland, came forward and expressed his concern over the lack of
42 maintenance on the City's dirt roads. He recalled that several years ago, the City contracted with
43 Volusia County for maintenance on these roads. However, since that service was discontinued
44 nothing has been done for the past two years. Mr. Stone said that his road becomes impassable
45 following a rain. He said that he has been told that Highland would be paved along with Rhode
46 Island, but something needs to be done now. He asked when something would be done.

47

1 Paul Johnson, Public Works Director, came forward and stated that there is an ongoing stabilization
2 program for all dirt roads in the City which should be completed over the next couple of months.
3 Mayor Erwin asked whether there is a schedule for the roads. Mr. Johnson responded that he didn't
4 recall the exact schedule, but could make Highland a priority. Mayor Erwin maintained that there
5 should be a schedule so that people could be given a date. Mr. Johnson said that he did not have the
6 schedule with him. Mayor Erwin asked that he call Mr. Stone tomorrow and let him know when the
7 work would be done. Mr. McCue noted that the road would be stabilized, not just graded.

8
9 Thomas Abraham, 1065 S. Volusia Avenue, B-5, came forward and stated that he spoke with Mr.
10 Reischmann this morning for about twenty minutes and obtained the case number for the pending
11 litigation between Orange City and GEL Corporation. Mr. Abraham said that he went to the
12 courthouse to review the documents associated with the case and he came upon an occupational
13 license for the period October 1, 2006 to September 30, 2007. He expressed his surprise at this
14 discovery. Mr. Abraham submitted that GEL's license should not have been renewed and that they
15 should have been placed on probation. He said that he hoped the City's attorneys have seen the
16 license. Mr. Abraham stated, "Today is only 9/12, I repeat, you already renew his license from
17 10/1/2006 to 9/30 and you have collected \$137.20." He reiterated that the City should have a policy
18 to place businesses on probation.

19
20 **3. CONSENT AGENDA:** None at this time.

21
22 **4. ORDINANCES – FIRST READING:** None at this time

23
24 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**

- 25
26 **A. ORDINANCE NO. 274:** An ordinance of the City of Orange City, Florida,
27 amending section 8.3 of the City's land development code, said section being the
28 Official Zoning Map of the City of Orange City, Florida; said amendment changing
29 the zoning classification of certain properties located within the city limits of the
30 City of Orange City, Florida; providing a conflicts clause and severability clause and
31 providing for an effective date.

32
33 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
34 opposition to Ordinance No. 274. No one appeared. The Mayor closed the public hearing.

35
36 **Council Member Sherrill moved to adopt Ordinance No. 274**
37 **on second reading, seconded by Vice Mayor Abell and passed**
38 **by unanimous 7/0 roll call vote of the Council.**

39
40 **6. RESOLUTIONS:**

41
42 Item 6-E was moved forward for consideration at this time.

- 43
44 **E. RESOLUTION NO. 370-06:** A resolution of the City Council of the City of Orange
45 City, Florida, authorizing the license agreement with the Council on Aging of
46 Volusia County, Inc. to utilize the Orange City Senior Citizens' Center known as
47 Wava's Hall for provision of senior citizen activities/programming services;

1 repealing all resolutions in conflict herewith and providing for an effective date.

2
3 **Vice Mayor Abell moved to approve Resolution No. 370-06,**
4 **seconded by Council Member Mahoney.**
5

6 Mr. McCue noted a correction in the agenda item cover memo advising that the term of the proposed
7 license agreement is for two years, not one year as stated in the memo. Mr. McCue said that staff is
8 recommending renewal of the agreement. He said that there has been an active group of seniors
9 participating in the programming at Wava's Hall. Mr. McCue said that the program has become so
10 successful that issues have emerged regarding parking and lack of space at the facility. He said that
11 the City placed signs in the main lot reserving the first row of parking for City business which leaves
12 the majority of the lot for the center. A new lot was built for employees at the top of the hill. Mr.
13 McCue said that staff has tried to meet the needs of all concerned regarding parking.

14
15 Mr. McCue suggested that staff work with the Council on Aging (COA) over the next two years to
16 find an alternative location for the senior center that is more suited to their growing needs. He
17 stressed that there is no more land available for parking at the current site. Mr. McCue stated, "My
18 recommendation is that we renew the license for two years and staff works with Cherry from the
19 Volusia Council on Aging and we start looking to find an alternative spot for them that would
20 provide them adequate space inside and also adequate parking availability. Right now, this facility
21 is not meeting the expanded needs of their programs."
22

23 Vice Mayor Abell asked if the City has any suitable locations. Mr. McCue responded that without
24 building a new facility, there is nothing available. Vice Mayor Abell clarified that he meant did the
25 City have any vacant land. Mr. McCue responded that the only land the City has is the Farmer's
26 Market property or the land the City owns on Harley Strickland. Vice Mayor Abell said that he was
27 speaking of the Farmer's Market property. Mr. McCue suggested that the Four Townes area may be
28 more suited to the needs of this program as it is more centrally located. He noted that the Food Lion
29 building is currently vacant and suggested that this may be a possibility. Mr. McCue said that the
30 City can work on this issue over the next two years of the contract with the Council on Aging.

31
32 Council Member Yebba recalled that there had been discussions at one time of using the Sorosis
33 Club lot for parking. Mr. McCue said that the distance from the Sorosis Club building to Wava's
34 Hall was a concern.

35
36 Council Member Sherrill said that there had been some discussion regarding moving the
37 shuffleboard courts to the Farmer's Market area as a possible solution. He also suggested that City
38 employees could park at the Sorosis Club. Mr. McCue responded by stating that his first obligation
39 is to have adequate space for City customers. He said that he created a "one-stop shop" to provide
40 easy access for customers and that staff does not park in the lower lot. He said that the senior
41 program has become so successful that it has outgrown the original location.

42
43 Cherry Smith, Volusia Council on Aging, came forward and said that the number of participants at
44 the Orange City Senior Center is about twice the national average.

45
46 Council Member Sherrill suggested that moving the shuffleboard courts could at least solve the
47 parking problems. Mr. McCue responded, "It could if the facilities plans that we just decided we

1 were going to move ahead with in the strategic planning session didn't create a campus effect here."
2 Mr. McCue stressed that moving the shuffleboard courts would not solve the need for more physical
3 space at the center.
4

5 Ms. Smith agreed that a larger facility is needed, however, the COA does not have any funding for
6 construction or lease obligations.
7

8 Council Member Sherrill asked whether any grant funds would be available for this type of project.
9 Mr. McCue responded that if any grant funds were available, the COA would secure them.
10

11 Vice Mayor Abell asked what role the County has in funding programs for seniors. Ms. Smith
12 responded that Volusia County recently increased their funding to \$1 per senior per capita
13 throughout the County. That funding is earmarked for direct service such as personal care or food.
14 Ms. Smith advised that the COA currently runs four senior centers throughout the County in
15 locations that are in partnership with cities.
16

17 Mr. McCue said that he would meet with the City Managers from Deltona and DeBary to find a
18 solution to this issue since their citizens also participate in the program. He said that it will take a
19 "significant amount of money" to run an expanded program. He advised that when the new
20 agreement expires in two years, it does not mean the program will be discontinued.
21

22 Patricia Williams, 881 Tappen Circle, came forward and reminded Council that the VIA/Orange
23 City Women's Club donated the property on which Wava's Hall is located to the City with the
24 understanding that it would be used for a senior center. In addition, the original funding for the
25 center was a donation from Wava Lindstrom with the condition that it be used for a senior center.
26 Ms. Williams maintained that the City would have an obligation to provide another facility if the
27 current location is used for other purposes.
28

29 Ms. Smith said that the COA worked with another municipality to construct a senior center using
30 Community Development Block Grant (CDBG) funds, however, it is up to the City to secure those
31 funds. She cautioned that when CDBG funds were used for this purpose, the program can only be
32 used by seniors over the age of 62 and that this can be problematic. Mayor Erwin noted that since
33 Orange City is small, it does not receive CDBG funds directly. They are provided by the County as
34 a pass-thru and the amount is not substantial. Both Mr. McCue and Ms. Smith agreed that CDBG
35 was not a good source of funding for this type of program.
36

37 Mr. McCue acknowledged that the funding for the senior center came from Wava Lindstrom,
38 however, that amount was matched by the City. In addition, the City contributes about \$15,000 per
39 year toward the salary of the COA staff working there. The City also pays for all of the maintenance
40 and expenses at the center. He stated, "I want to make sure that the picture is clear that Orange City
41 is not ignoring its role and responsibility, financially, for this program." Mr. McCue stressed that
42 there is no quick resolution for this issue, but that he is committed to finding a solution over the next
43 two years.
44

45 Mayor Erwin said that he thought there was an agreement with the Sorosis Club to use their facility
46 for parking when they were not using it. Mr. McCue responded that there is nothing stopping the
47 City from using the Sorosis Club stating, "They've been very benevolent in that regard." He said

1 the problem is the distance from that parking area to the center. Ms. Smith agreed that many of the
2 more frail seniors can't make that walk. Mayor Erwin recalled that when the center was being built,
3 the average attendance expected was thirty-five people.

4
5 Mayor Erwin cautioned that he did not want to wait until three months before the contract expires to
6 begin addressing the situation. He said, "I want to see it started now. I want to see it worked on
7 continuously. I don't want to wait until two months before the contract comes up so that we're in a
8 crisis situation again." He expressed his confidence that two years is long enough to find a solution.

9
10 Ms. Smith asked whether she could find a golf cart and volunteer driver to shuttle seniors to and
11 from the Sorosis Club to the center. Mr. McCue said that would be fine. He assured the Mayor that
12 he would begin talks with the other Managers at a planned meeting tomorrow morning.

13
14 **Motion passed by unanimous 7/0 roll call vote of the Council.**

15
16 Mayor Erwin recessed the meeting at 7:35 p.m., reconvening at 7:45 p.m.

- 17
18 **A. RESOLUTION NO. 350-06:** A resolution of the City Council of the City of Orange
19 City, Florida, amending the employment agreement between the City of Orange City
20 and John McCue previously entered into by the parties on or about March 25, 2003,
21 and further amending resolution No. 201-03, a resolution of the City Council of the
22 City of Orange City appointing John McCue as City Manager, and authorizing the
23 execution of the aforescribed employment agreement; repealing all resolutions or
24 parts of resolutions in conflict herewith; and providing for an effective date.

25
26 **Vice Mayor Abell moved to approve Resolution No. 350-06,**
27 **seconded by Council Member Sherrill.**

28
29 Mayor Erwin stated that Mr. McCue's auto allowance was discussed at the April 25th Council
30 Meeting. At that time, Council also directed the Mayor, City Manager and City Attorney to review
31 the City Manager's contract for conflicts with the revised Charter. Those amendments are included
32 in the 1st Amendment to Mr. McCue's employment contract and are being presented for formal
33 approval through Resolution No. 350-06.

34
35 BEGIN TAPE 1-B

36
37 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 38
39 **B. RESOLUTION NO. 366-06:** A resolution of the City of Orange City, Florida,
40 amending the Classification and Pay Plan for the City of Orange City; containing a
41 repealer provision, a severability clause and providing for an effective date.

42
43 **Council Member DeVane moved to approve Resolution No.**
44 **366-06, seconded by Council Member Mahoney.**

45
46 Police Chief Jeff Baskoff came forward and stated that this resolution reflects the two staffing
47 changes being requested in the FY 06/07 budget for the police department. If these requests are

1 approved in the budget, a Lieutenant position will be added, and the title of Code Enforcement
2 Supervisor will be changed to Code Enforcement Sergeant.

3
4 **Motion passed by unanimous 7/0 roll vote of the Council.**

5
6 Mr. McCue said that he received official notification that the Police Department voted to sever their
7 affiliation with the PBA.

- 8
9 C. **RESOLUTION NO. 367-06:** A resolution of the City Council of Orange City,
10 Florida, to decline the Historic Preservation Grant from the State of Florida for Town
11 Hall, repealing all resolutions or parts of resolutions in conflict herewith; and
12 providing for an effective date.

13
14 **Council Member Mahoney moved to approve Resolution No.**
15 **367-06, seconded by Vice Mayor Abell.**

16
17 Mr. McCue provided an update as to the status of the Town Hall restoration project. He said some
18 of the main issues in the renovation are regarding the intrusion of moisture into the building. The
19 moisture is coming in through the brick, the doorways and the windows. He said that staff
20 concluded that the windows needed to be replaced with more modern "double-pane" windows. Mr.
21 McCue noted that the building was designed to allow air to flow through it as it was built in the time
22 before air conditioning was used on a wide basis. He advised that the new windows would look just
23 like the old ones, but would be made from modern materials and would be airtight. Mr. McCue said
24 that the City's architect, Tom Cunningham, and Paul Johnson, Public Works Director, have been in
25 contact with the State regarding the grant requirements. Mr. McCue advised that the grant requires
26 that the City hire a consultant to determine if the windows need to be replaced and which ones could
27 be repaired. In addition, the consultant would have to verify that the brick on the building needs to
28 be tuck-pointed. Mr. McCue said that the cost to hire a consultant for these services would be
29 \$20,000, effectively reducing the grant amount to \$80,000.

30
31 The contract for the restoration work was awarded to Western Waterproofing. Mr. McCue advised
32 that the State reluctantly accepted Western Waterproofing's recommendation that the entire building
33 be tuck-pointed. Mr. Johnson came forward and advised that he spoke with Jenny Nash at the State
34 Department today and received many "non-committal answers". He said that when asked whether
35 the City would be allowed to replace all of the windows, the response was "probably not." Mr.
36 Johnson said that he explained the issues regarding water intrusion and was told, "if you need to
37 modernize the atmosphere of the building, you might want to consider rejecting the grant and
38 moving forward in that direction."

39
40 Mr. Cunningham stated that the moisture problems in the building must be addressed. He explained
41 the issues with sealing an old building that was not originally built for air conditioning. He said that
42 he was recommending replacement of the windows for this reason, noting that they would look just
43 like the original windows. Mr. Cunningham said that the new windows would last for the life of the
44 building. He advised that even if the existing windows are repaired, they would still leak air. He
45 further advised that all of the tuck-pointing on the building should be redone. Mr. Cunningham
46 advised that the original roof on the building was slate and that the existing roof is in poor condition.
47 He recommended that the roof be replaced with the original slate material. Mr. Cunningham stated

1 that his goal is to “come up with solutions that help us maintain a modern indoor environment and
2 help solve indoor air quality problems.” Mr. McCue reiterated that the State would require the City
3 to hire an outside consultant rather than to accept the determination of the City’s architect or
4 contractor.

5
6 Mr. McCue explained that even if the State agreed to allow the City to make the changes it sought,
7 there would be conditions imposed in the future. Mr. Reischmann said that as a condition of the
8 grant, restrictive covenants were placed on the public records which affect the City’s title for
9 ownership of City Hall. These restrictive covenants would require the City to perform any
10 modifications or maintenance in accordance with the “Secretary of Interior Standards for
11 Rehabilitation.” Mr. Reischmann explained that the restrictive covenants would apply to any work
12 done on the building over the next ten years (until 2014). If the State felt that the restrictions were
13 violated during the first five years of the grant, they could demand that the City repay the full
14 amount. Mr. Reischmann advised that if the City declines the grant, it will be necessary to ensure
15 that the restrictive covenants are removed.

16
17 Mr. McCue stated that the demands of the State for the \$100,000 grant amount were disproportionate
18 to the total cost of the renovation. He said that the City has not received any of the grant money as
19 yet.

20
21 In response to a question from Council Member Yebba, Mr. McCue said that the City would be
22 obligated to obtain advance approval from the State on any future work done to the building.
23 Council Member Yebba said that based on Mr. McCue’s assessment of the grant, he would support
24 declining the money, stating, “The grant sounds better than it really is when you get into it.”

25
26 Vice Mayor Abell noted that even if the State objected to some of the work performed on the
27 building over time and demanded that the City return the money, the City still will have had the use
28 of that money for a period of years. He asked, “What would be the difference?” Mr. McCue
29 responded that the City can’t get approval from the State for the scope of work that is currently being
30 undertaken. He stressed again that the State would require the City to obtain an outside consultant to
31 approve any work to be done on the building and that further advance approval would be required
32 from the State. Vice Mayor Abell said that he thought Mr. McCue had advised that the State had
33 “reluctantly agreed” to allow the City to replace the windows and mortar. Mr. McCue responded
34 that they reluctantly agreed to the replacement of the mortar, however, they wanted the City to hire a
35 consultant to perform a survey. He said that he did not want to spend an additional \$10 - \$15,000 to
36 hire a consultant since an architect had already been secured. Mayor Erwin stated, “Our consultant
37 is our architect.” Mr. McCue responded, “Yes, sir, but they did not accept that.” Mayor Erwin
38 asked if that meant the State could determine who the architect would be. Mr. McCue responded
39 that the State does not have the right to say who the consultant must be, but that Mr. Cunningham
40 had extensive contact with them and they refused to accept his recommendations.

41
42 Mr. Cunningham advised that Western Waterproofing, the City’s contractor, has national experience
43 in these types of restorations and that they had written a letter to the State regarding the repointing of
44 the brick.

45
46 Mayor Erwin said that, initially, he had some reluctance about declining the grant because he felt the
47 State was just asking for more information. The Mayor asked, “Apparently, it’s beyond that?” Mr.

1 Johnson responded, "Correct." Mayor Erwin suggested that the City would have been better off
2 applying for an ECHO grant.

3
4 Mr. McCue noted that at the time the City applied for the grant, there were no funds available in the
5 budget for the renovations and that has changed now. He said that if the City declines the grant, the
6 State could reappropriate the funds to a community that has a greater need.

7
8 Council Member Mahoney noted that continued moisture in the building could result in health issues
9 and stated, "It's a question of whether you prioritize health issues over the rehabilitation of the
10 building." Mr. McCue concurred and said that is why the building must be sealed. Mayor Erwin
11 asked whether sealing the outside of the building would eliminate concerns about mold. Mr.
12 Cunningham responded that it would not eliminate the problem, but would mitigate it to every extent
13 possible.

14
15 Mayor Erwin said that the important thing to him is that the architectural style is maintained and that
16 he felt that the current plans will not only maintain that style, but will enhance it. He said that he
17 anticipated that the interior renovations will be equal in cost to the exterior, if not more. He said that
18 he is convinced declining this grant is appropriate at this time, however, he suggested that other
19 grant opportunities be explored. Mayor Erwin noted that Town Hall is not being restored merely for
20 preservation purposes. He said that it must be a functional building as it will be used on a day-to-
21 day basis.

22
23 Council Member Sherrill noted that mold has become a major issue today and spoke in support of
24 doing everything to make it safe inside.

25
26 Gary Blair, 240 S. Holly Avenue, came forward and stated that he went to Tallahassee to lobby for
27 the Historic Preservation Grant. He said that he also spoke with Jenny Nash today and she told him
28 that the City has not submitted a proposal for window replacement as yet. She said that if the
29 windows do need to be replaced, thermo-pane windows can be used as long as they look like the
30 original windows. Mr. Blair stated, "\$110,000 is a lot of money to turn your head at." He expressed
31 his concern that declining this grant would reflect unfavorably on the City in the event another grant
32 is pursued. Mr. Blair said that Ms. Nash told him the City just needed the certification of a historical
33 architect, not a consultant, and that she would check to see if Mr. Cunningham's certification would
34 be adequate. Mr. Blair said that buildings can be modernized while preserving their historical
35 integrity. He questioned why the City was not aware of the restrictive covenants before the grant
36 was applied for or accepted. Mr. McCue said that he became aware of them about six or seven
37 months ago. Mr. Blair suggested that Council delay their decision on the grant and ask someone
38 from the State to come and look at the building. In conclusion, Mr. Blair stated, "I'm for keeping
39 this grant money. I hope you all haven't made up your mind as the Mayor has before I got up here to
40 speak. It's an awful lot of money to be giving away. As a taxpayer, I'd hate to see that chunk of
41 money be sent back."

42
43 Mr. McCue responded to Mr. Blair's comments by stating that Ms. Nash was not the person to speak
44 to in Tallahassee regarding the grant. He said that she is the Public Information Officer (PIO) for the
45 State. Mr. McCue said that Mr. Cunningham has been in contact with the State. Mr. Blair expressed
46 his confidence that Mr. Cunningham's assessment of the building would be accepted by the State.
47 Mr. McCue disagreed and stated that Mr. Cunningham was told that the City could not deviate from

1 the standards in regard to the windows. He stated, "I think talking to a PIO is an inappropriate way
2 to go about doing it." He reiterated that Ms. Nash's comments to Mr. Johnson today were
3 inconsistent with what she told Mr. Blair.

4 *Amended on 9/26/06*

5 Council Member Mahoney said that he was willing to assume the risk of not giving back the money,
6 however, his concerns were in regard to the mold issues if the building is not properly sealed.
7 Council Member Mahoney stated, "I do prioritize the interior health of the building over the historic
8 preservation. I do, and I'm comfortable saying that publicly. I think it's more important that we
9 have a healthy building. If you ask me which one to choose, I will choose a healthy environment
10 over a purist historic preservation. My understanding on those comments earlier from the gentleman
11 here is that those are incompatible from the State's perspective." Mr. McCue responded by stating
12 that there are two distinct issues. One is the windows, and even if that were resolved, the issue
13 remains that the City could not do anything to the building for ten years without permission from the
14 State. He stated, "Let's not lose sight of that." Council Member Mahoney said that he is willing to
15 take that risk. Mayor Erwin concurred with Council Member Mahoney and Mr. Blair. Mr. McCue
16 insisted that nothing proposed by the City degrades the historic value of the building.

17
18 BEGIN TAPE 2-A

19
20 Mr. McCue said that it appears Council Member Mahoney's dilemma is that he does not believe that
21 the information he has received from himself, Mr. Cunningham and the City Attorney is accurate.
22 He stated, "I don't believe that talking to a Public Information Officer for a State Grant Agency is an
23 adequate thing to sit here tonight and make a decision on. That's who Mr. Blair spoke to today." He
24 said that he and staff have spoken directly to the people responsible for administration of the grant.

25
26 Council Member Mahoney said that he was struggling with the concept that the State would not want
27 the building protected against issues such as mold. He asked why the grant must be rejected now
28 and suggested waiting until more answers and clarification were received from the State. Council
29 Member Mahoney stated, "Can we get an answer to the question. Can we actually modernize the
30 building for the air quality issues and conform with the requirements of the grant?"

31
32 Mr. McCue read from a letter the City received from the State which details their requirements and
33 which stresses the importance of historic preservation as the main objective of any renovation. He
34 reiterated his position on the grant funding.

35
36 **Motion passed by 6/1 roll call vote of the Council with Council**
37 **Member Mahoney voting "no"**

- 38
39 **D. RESOLUTION NO. 368-06:** A resolution of the City of Orange City, Florida,
40 authorizing the City to expend money in opposition to certain proposed amendments
41 to the Volusia County Charter to inform the citizens of Orange City of the potential
42 impact of these charter amendments; finding that the expenditure of public funds to
43 inform the citizens of Orange City of the potential impact of certain proposed charter
44 amendments serves a public purpose and is reasonably necessary to protect the
45 health, welfare and safety of the citizens of Orange City; repealing all resolutions or
46 parts of resolutions in conflict herewith; and providing for an effective date.

47

1 **Council Member Allebach moved to approve Resolution No.**
2 **368-06, seconded by Council Member Yebba.**

3
4 Mr. McCue advised that Port Orange is the only City so far that has not agreed to participate in this
5 educational effort. He said that he felt it was important to participate in this effort, if for nothing else
6 than to educate the voters on the charter amendments. Mayor Erwin stated, "The purpose is to
7 inform the negative impact of the charter amendments. There are some positive impacts also."
8 Mayor Erwin said that he felt that Council was being asked to agree to something that is not clear.
9

10 Angel Smith, Community Relations Coordinator, came forward and said that she has attended some
11 meetings of the Political Action Committee (PAC) working on the effort and that their purpose is to
12 show unity and to educate the voting public.

13
14 Mayor Erwin said that he is not in favor of the proposed action. He expressed his belief that the time
15 to fight the actions resulting from the proposed charter amendments is when the County Council
16 takes action to enact measures to implement the issues included in the amendments. The Mayor said
17 that a significant amount of money county-wide was being proposed for this initiative and he did not
18 agree with it. He noted that he attended a number of the charter review committee's meetings and
19 many of the cities had no representation at any of those.
20

21 Vice Mayor Abell disagreed with Mayor Erwin about it being too late to express opinions regarding
22 the amendments. To the contrary, he felt that once the amendments are passed, it will be too late to
23 fight them. Further discussion regarding this matter ensued between Mayor Erwin and Vice Mayor
24 Abell. Council Member Yebba said that he would be attending a meeting on Friday hosted by the
25 Florida League of Cities (FLC) regarding urban planning. He said that they are planning to oppose
26 the first three proposed charter amendments. Council Member Yebba said that his concern was that
27 the cities were going to lose their power, stating that it appears the County is on the way to
28 consolidation.
29

30 In response to a question from Mayor Erwin, Mr. McCue said that the cities' objection to
31 amendment number one is that it allows the school board to become very involved in the local
32 technical review process. Chester Murray, Development Services Director, came forward and
33 advised that he has been told that students at the new high school will be mainly from Deltona and
34 DeBary. He expressed his concern that future development in the City could be challenged because
35 of lack of schools, even though the school located in the City is populated with students from the
36 surrounding area. Mayor Erwin conceded that this is a big issue, however, he said that the school
37 board has already addressed it. He said that the City would not be responsible for students from
38 other cities. Mr. McCue agreed with the Mayor, but said that the issue is the language in the
39 proposed charter amendment which would require the cities to provide for enough schools before
40 any land use changes could be made.
41

42 Council Member Yebba expressed his deep concern over the amendment dealing with water issues.
43

44 Council Member Allebach expressed his opinion that the amendments give the County too much
45 authority over the cities. He said that the County seems to imply that the cities are not competent to
46 make responsible planning decisions and that they are beholden to the developers. He said that he
47 felt the City sets a fine example for responsible growth and that he resents the attitude of the County.

1 Mayor Erwin agreed and said that Orange City has set an example and if other cities had followed,
2 many of these problems would not exist today. Council Member Allebach noted that there seems to
3 be a movement by higher levels of government to strip the cities of their authority. He expressed his
4 vehement opposition to the proposed amendments.
5

6 Council Member Yebba said that his concerns were regarding staff at the County, not the Council
7 Members. He reiterated that Orange City has done an excellent job of managing growth properly.
8

9 Roland Via, 534 Eagle Drive, Holly Hill (Mayor of the City of Holly Hill), came forward and spoke
10 in support of the proposed resolution. He articulated the City of Holly Hill's issues with the
11 proposed charter amendments, agreeing they were "all about power." Mayor Via stated, "We need
12 to unify as cities and we need to send a strong and clear message that, yes, we know what we are
13 doing." He expressed his confidence that the public information campaign being proposed by the
14 PAC could educate the public to defeat the charter amendments.
15

16 **Motion passed by 6/1 roll call vote of the Council with Mayor**
17 **Erwin voting "no."**
18

19 Mayor Erwin recessed the meeting at 9:15 p.m., reconvening at 9:23 p.m.
20

21 **7. DISCUSSION AND ACTION:**
22

23 **A. Fiber Network Cable Replacement**
24

25 Mr. McCue advised that the purpose of this item was to let Council know that there will be a
26 revision to the budget in an amount of \$22,000 to replace the fiber optic cable that runs the City's
27 computer network.
28

29 Matthew Place, Information Technology Manager, came forward and discussed the need for new
30 fiber optic cable. He said that the fiber that is strung from the poles outside is actually for use as an
31 underground cable. Mr. Place said that since this is the wrong kind of cable the tension on it can't
32 be increased. He said that he has obtained three quotes to replace the cable as he has been assured
33 that it can't be repaired. Mr. McCue said that staff explored the possibility of putting the cable
34 underground, but it was too expensive. Mr. Place said that there are enough strands in the new cable
35 to meet the City's growth needs for a number of years. In response to a question from Mayor Erwin,
36 Mr. McCue stated that the new cable should last ten years, barring any unforeseen consequences.
37 Mayor Erwin asked what would prevent the same problems from happening with the cable again.
38 Mr. Place responded that the new cable would include tensioned wire and that the cable would be
39 higher and secured with better clips. In response to a question from Mayor Erwin, Mr. McCue said
40 that it would cost around \$200,000 to install underground cable. Mr. McCue said that the City also
41 considered wireless connections City-wide, but abandoned that because of security concerns.
42

43 BEGIN TAPE 2-B
44

45 **B. 2006 Urban Forestry Grant**
46

47 James Moltz, Parks & Recreation Superintendent, came forward and advised that the purpose of this

1 grant is to purchase equipment or to begin arbor programs within the City. Mr. Moltz reported that
2 the City won one of four grants for \$25,000. The money would be used to purchase a chipper to
3 assist with maintaining trees and some training materials for safety with equipment used in the arbor
4 program. Mr. McCue said that if there is excess mulch available after the City's needs are met, it
5 would be made available to the public.
6

7 **Council Member Allebach moved to approve the contract**
8 **between the City and the Florida Department of Agriculture and**
9 **Consumer Services and authorize the City Manager to execute**
10 **said contract, seconded by Council Member Sherrill and**
11 **approved by unanimous 7/0 voice vote of the Council.**
12

13 8. REPORTS:

14 A. City Manager

15
16
17 Mr. McCue said that he met with Chief Tauber, and Deputy Chief Plummer, Volusia County Fire
18 Services regarding the Interlocal Agreement for first response. Mr. McCue displayed a map
19 showing the response zones for the proposed agreement. Mr. McCue stated that the City's
20 Advanced Life Support (ALS) status is in jeopardy if the agreement is not signed. Mr. McCue stated
21 that if the City enters into the agreement, the Fire Department would be primarily providing services
22 in the unincorporated area while City residents will be serviced by the County. Mr. McCue objected
23 to the County ordinance requiring the mutual aid agreement. He said that the agreement puts the
24 City in a position where it can not meet its obligations to the taxpayers. Mr. McCue noted that the
25 County currently provides Basic Life Support (BLS) service while the City provides ALS service.
26 He said that he discussed this with Chief Tauber today and told him that he would not dilute the
27 current level of services to the citizens. Mr. McCue said that his concerns were strictly policy-based
28 and did not reflect on the County's fire services. He noted that the City Council has allocated a high
29 level of resources to bring the City to ALS standards. Mr. McCue said that the City's service area
30 would be compressed to the point where it would become non-existent if the Interlocal Agreement is
31 executed. Mr. McCue noted that the City's Fire Department is equipped for urban services and that
32 the Interlocal Agreement will have a serious impact on service delivery. He advised that there are
33 no water lines in the unincorporated areas which the City would be responsible for under the
34 agreement.
35

36 Mr. McCue said that he suggested that the County give Station 31 to the City, but they were not
37 agreeable. He said that he also shared his concerns that Station 31 cannot provide ALS under the
38 County. Mr. McCue said that he reviewed the County's ordinance with the City Attorney and did
39 not find any language granting the County the authority to deny the City's COPCN. He said that the
40 County delayed the decision on the COPCN for two weeks. Mr. McCue said that he has been
41 exploring the possibility of securing its own medical director so that it can maintain its ALS status
42 without the County, but the cost to have a staff doctor in the City was too high. Mr. McCue stated,
43 "Nothing in the County code, in the ordinance, says we have to have a negotiated and agreed upon
44 contract, Interlocal Agreement for first response, by October 1st." He said that all that is required is
45 that the City enter into the negotiation process. Mr. McCue expressed his belief that the County will
46 not grant the COPCN without the agreement. The matter will come before the County Council on
47 September 21st. Mr. McCue asked for Council's direction on how to proceed on this matter.

1
2 Mr. Reischmann concurred with Mr. McCue's interpretation of the County code regarding the
3 COPCN and the 1st Response Agreement. Mr. McCue asked that Council, as well as a group of
4 citizens, plan to attend the County Council meeting, next Thursday.

5
6 Mayor Erwin asked what other cities had an unequal level of service. Mr. McCue responded that
7 many of the stations on the east side have been brought up to ALS. Mayor Erwin supported Mr.
8 McCue's strategy.

9
10 Council Member Yebba noted that Orange City residents pay for their Fire Department and that is
11 who they want to respond in an emergency.

12
13 Mr. McCue reiterated the importance of a strong showing of support for the City at the County
14 Council meeting. Mayor Erwin suggested that the City have a presentation on their side of the issue
15 prepared to present at the meeting.

16
17 Mr. McCue next reported on WAV. He said that the County and Daytona Beach are working to
18 modify the vision and scope, role and responsibilities of WAV. He outlined a number of the issues
19 that he takes objection to regarding proposed changes to the WAV organization. Mr. McCue said
20 that current discussions are for WAV to become a planning agency with some grant-seeking
21 capacity. Mr. McCue suggested that this would be a big step backward. He said that proper
22 consideration is not being given to the financial consequences of allowing cities to "opt-out" of
23 participation in WAV. Mr. McCue stated, "If they do this to WAV, we don't need to be
24 participating in WAV any more. They've just created a redundant layer of bureaucracy that is not
25 necessary and we don't need to spend the tax dollars county-wide to have that planning agency."
26 Mr. McCue suggested that WAV should become an independent agency with its own taxing
27 authority with members who are elected county-wide. In conclusion, Mr. McCue stated, "I have
28 made the statements in writing today that if they go down this path it will be my recommendation to
29 the City Council that we pull out of WAV, pure and simple."

30
31 Council Member Yebba concurred with the stance identified by Mr. McCue, especially in light of
32 proposed Volusia County Charter Amendment No. 2 which would have the County in control of
33 water issues.

34
35 Mayor Erwin said that water issues throughout the County affect each side equally, it is not a matter
36 of east versus west. He noted that there is a movement underway to create the "East Volusia
37 Regional Water Authority" and that five cities have already pledged their participation.

38
39 Council Member Mahoney asked for an update as the status of the RFP for the City's solid waste
40 franchise agreement. Mr. McCue said that he would get an answer tomorrow and call Council
41 Member Mahoney.

42
43 **B. Mayor/City Council**

44
45 Mayor Erwin reminded Council that forms had been distributed for the City Clerk's evaluation and
46 that they should be turned in by September 21st.

47

1 Mayor Erwin stated that the west-side Mayors and City Managers would be meeting in DeLand
2 tomorrow.

3
4 The Mayor said that he had a meeting earlier in the week with DOT regarding commuter rail. The
5 target date for the first passenger movement is late 2009.

6
7 Mayor Erwin reminded everyone that the City is hosting the Volusia League of Cities dinner on
8 September 28th and he encouraged all to attend. He also strongly encouraged everyone to attend the
9 Volusia League luncheon on September 20th.

10
11 **C. City Clerk.**

12
13 The City Clerk had no report.

14
15 **D. City Attorney**

16
17 Mr. Reischmann stated that the Judge denied the City's request for an emergency injunction against
18 GEL Corporation and ordered the parties into mediation. Mr. Reischmann requested that Council
19 schedule an Attorney-Client Executive Session to discuss the GEL litigation. He noted that the
20 hearing that was held was only for a temporary injunction and was by no means the final ruling in
21 this matter. Council indicated their agreement with Mr. Reischmann's request. Mr. McCue said that
22 he and Ms. Renner would be in contact with the Council to schedule the meeting.

- 23
24 **9. APPROVAL OF MINUTES:** August 15, 2006 Special Meeting
25 August 15, 2006 Budget Workshop
26 August 22, 2006 Regular Council Meeting

27
28 **Vice Mayor Abell moved to approve the minutes of the August**
29 **15, 2006 Special Meeting, August 15, 2006 Budget Workshop,**
30 **and August 22, 2006 Regular Meeting, seconded by Council**
31 **Member Mahoney.**

32
33 Council Member DeVane noted a correction to the August 15th Budget Workshop minutes, page 4,
34 line 44 as follows: Chief Hoffman is referred to in the minutes as Captain Hoffman. This error is
35 also repeated on page 5, line 1, line 2 and line 8.

36
37 **The minutes as amended were approved by unanimous 7/0**
38 **voice vote of the Council.**

39
40 **10. COUNCIL COMMENTS:**

41
42 Mayor Erwin noted that the meetings are getting longer.

43
44 **11. ADJOURNMENT**

45
46 There being no further business, Mayor Erwin adjourned the meeting at 10:30 p.m.

47

1 **RESPECTFULLY SUBMITTED:**

2

3

4 Deborah J. Renner, CMC

5 City Clerk

APPROVED ON

9/26/06