

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, November 14, 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 Anthony R. Yebba, Council Members, Jeff H.
12 Allebach, Donald C. Sherrill, Joelle R. DeVane, Jim Mahoney; City Manager John.
13 J. McCue; City Attorney William Reischmann; City Clerk Deborah Renner

14
15 **ABSENT:** Council Member Chuck Abell

16
17 The Invocation was given by Pastor John Reynolds, Volusia County Baptist Church, followed by the
18 Pledge of Allegiance.

19
20 **1. PRESENTATIONS: Proclamation – Prevent Teen Pregnancy**

21
22 Mayor Erwin read a proclamation into the record declaring Saturday, November 18, 2006 as
23 “Prevent Teen Pregnancy Day” in the City of Orange City.

24
25 **Police Department Promotions**

26
27 Mr. McCue called Officer Greg Lariscy forward and noted that in light of his supervisory duties, he
28 was recently promoted to the rank of Sergeant. In addition, Mr. McCue noted that Sergeant Greg
29 Melvin was selected for promotion to the newly created Lieutenant position at the Police
30 Department. Mr. McCue said that both Sgt. Lariscy and Lt. Melvin have performed well for the
31 City. Chief Baskoff advised that in light of Lt. Melvin’s promotion, Sgt. Ubinski would now
32 oversee the traffic unit. The Chief noted that Lt. Melvin has received his Bachelor’s Degree and Sgt.
33 Lariscy is currently pursuing his. Mr. McCue noted that a number of long-term City employees are
34 returning to school in pursuit of their Bachelor’s degree.

35
36 **2. CITIZENS COMMENTS:**

37
38 Thomas Abraham 1065 S. Volusia Avenue B-5, came forward and said that he was trying to
39 represent people who have a different perspective on things. Mr. Abraham noted that the Mayor had
40 recently cast a dissenting vote on Resolution No. 368-06 pertaining to an award of financial support
41 to a PAC formed to oppose the County Charter Amendments. Mr. Abraham further noted that two
42 months have passed since the City held its strategic planning session for 2006/2007. He said that he
43 has been requesting a copy of the updated strategic plan since that time, but as late as today, he has
44 been told that the report is not available yet. He asked, “When is it coming?” Mr. Abraham
45 questioned whether the City has paid a consultant for the report and whether the necessary
46 information to understand the budget is available. He noted the approaching holidays and suggested
47 that this could further delay the arrival of the report. He suggested calling the consultant to let them

1 know that the City has received a request for the information. Mr. McCue responded that the
2 strategic plan was being printed and would be available next week. He said that it would also be
3 mailed to City residents as in the past.
4

5 **3. CONSENT AGENDA:** None at this time.
6

7 **4. ORDINANCES – FIRST READING:**
8

9 **A. ORDINANCE NO. 285:** An ordinance of the City of Orange City,
10 Volusia County, Florida; amending the Orange City Code of Ordinances
11 Appendix A, Land Development Code as adopted by Ordinance No.
12 157, amending Chapter 2, Section 2.2, Specific Terms Defined, and
13 amending Chapter 4, Concurrency Management by adding Section 4.11
14 Proportionate Fair-Share Mitigation by providing for proportionate fair-
15 share mitigation; containing a repealer provision, a severability clause
16 and providing for an effective date.
17

18 **Council Member Sherrill moved to adopt Ordinance No. 285**
19 **on first reading, seconded by Council Member Allebach.**
20

21 Don Sikorski, the City's planning consultant, came forward and said that the proposed ordinance
22 was being presented because of a State mandate (under Senate Bill 360) to have a proportionate fair
23 share ordinance in place by December 1st. He explained that the purpose of the ordinance is to
24 provide the City with "another tool in the toolbox" to allow development applicants to mitigate
25 negative impacts on the local transportation system.
26

27 Vice Mayor Yebba noted that the City will not have the ordinance adopted by the December 1st
28 deadline. Mr. Reischmann responded that he had contacted the State and that there are many
29 jurisdictions that will not meet the deadline and they indicated that they will not pursue any penalty
30 or disciplinary action. Vice Mayor Yebba asked if this would be "the first of many" changes
31 resulting from Senate Bill 360. Mr. Sikorski responded that this is the first of four changes.
32

33 In response to a question from Council Member Mahoney, Mr. Sikorski stated that impact fees are
34 based on the entire thoroughfare system for the City, while this ordinance only addresses specific
35 road segments which are directly impacted by a specific development. He explained that if the
36 negative segment is included in the capital improvement program for impact fee funding, the
37 developer would get impact fee credits for that segment.
38

39 Mr. McCue said that proportionate fair share is a new concept and he suggested that there will be a
40 significant number of legal challenges from the private sector.
41

42 Vice Mayor Yebba suggested that this new requirement could serve as a roadblock to future
43 development. Mr. McCue said that Orange City has already negotiated resolutions to these types of
44 issues in the past. Chester Murray, Development Services Director, came forward and stated that the
45 City would be prohibited from issuing development orders when certain thresholds have been
46 passed. These new regulations would provide a mechanism for the Developer to mitigate the impact
47 and move forward with his development.

1 (Amended on 12/12/06)

2 Mayor Erwin predicted that there would be litigation on this matter. He asked who would hold
3 liability ~~be held liable~~ for any challenge to the City. Mr. Reischmann responded that it would be the
4 City. He said that this could become particularly problematic in the case of a road located in an area
5 subject to regulations from multiple jurisdictions. Mayor Erwin agreed with the City Attorney that
6 there would be two types of challenges to the new regulations: (1) the City's interpretation; and (2)
7 the constitutionality of the new law. Mr. Reischmann suggested that a developer would probably
8 only challenge the new regulations when it reached the point of being cost prohibitive for him. He
9 reiterated that the developer will receive impact fee credits which will help to mitigate the amount
10 paid under "fair share".

11
12 Vice Mayor Yebba encouraged all Council Members to become familiar with Senate Bill 360,
13 calling it the "big topic" after home rule at the legislative conferences he has attended.

14
15 Mr. Murray clarified that the City will not be able to issue development orders after December 1st
16 until the "fair share" ordinance is adopted.

17
18 Council Member Allebach noted that the new provisions could actually benefit some developers who
19 may not have been allowed to build previously.

20
21 **Motion passed by unanimous 6/0 roll call vote of the Council.**

- 22
23 **B. ORDINANCE NO. 286:** An ordinance of the City of Orange City,
24 Florida, awarding an exclusive franchise to Waste Management, Inc. of
25 Florida, a private corporation, for the collection and disposal of
26 residential solid waste, yard waste and curbside recyclable materials
27 within the City limits; providing for Definitions, Terms, Conditions,
28 Rates, Compliance with Laws, Arbitration, Standards of Performance,
29 Collection Regulation, Operations, Hours, Routes, Penalties,
30 Accounting, Complaint Resolutions; providing for conflicts; containing
31 a severability clause, a repealer provision, and providing for an effective
32 date.

33
34 **Council Member Allebach moved to adopt Ordinance**
35 **No. 286 on first reading, seconded by Council Member**
36 **Sherrill.**

37
38 Mr. McCue said that in response to a request from Council Member Mahoney he made one
39 modification to the franchise agreement which is to include the beginning bid award amount on Page
40 19. He noted that this is first reading of the ordinance and second reading will be on December 12th.

41
42 (Amended on 12/12/06)

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

44
45 Ron Saylor, 361 Dixson St., came forward and began his presentation by stating that the City
46 Council initiated a bid process for garbage service, but did not award the bid to the lowest bidder.
47 He said that this was upsetting to him as a citizen. Mr. Saylor said that he considers the cost for
48 garbage service to be a tax since it is a mandatory fee. Mr. Saylor said that he averages one and one-

1 quarter bags of garbage per month and insisted that he could dispose of his own garbage for \$5 per
2 month. He said that he attempted to cancel his garbage service and was told by Waste Management
3 that was not possible. He was also told by them that he would be reported to the credit bureau after
4 six months of non-payment and that they could lien his house after nine months. Mr. Saylor stated,
5 "That bothers me." Mr. Saylor advised that he spoke with a neighboring City who uses a competing
6 company for garbage and said that they are very pleased with the service they receive. He then
7 discussed a number of problems he has had with the service he receives from Waste Management.
8 He noted that he is being charged for recycling when he takes his own goods to be recycled. Mr.
9 Saylor said that the "rules" governing trash disposal should be made clear to all property owners.
10 Mr. Saylor urged Council to reconsider and award the bid to the lowest bidder.

11
12 Randall Johns, 418 S. Carpenter Ave., came forward and said that he read about the garbage issue in
13 the News Journal on October 13th. He urged Council to consider once weekly pickups. Mr. Johns
14 expressed his preference for having the garbage service billed on the tax bills and said that he has
15 had good service from Waste Management.

16
17 Thomas Abraham, 1065 S. Volusia Ave., came forward and said that neighboring cities such as
18 Melbourne, DeBary and Deltona are not paying nearly as much as Orange City's proposed \$84.60
19 per quarter for garbage service. Mr. Abraham questioned why staff has not presented a comparison
20 of the rates other cities are paying for garbage service. He said that there is "something wrong"
21 when the quarterly rate is going from \$40 to \$84.

22
23 BEGIN TAPE 1-B

24
25 Mr. Abraham noted that Waste Pro's bid was not much different from Waste Management. He
26 stated, "If we have to renegotiate with Waste Management, and then in that process if we have to
27 renegotiate with Waste Pro, maybe there is a solution. But \$336 a year for Orange City residents
28 and \$120 per resident for DeBary and Deltona and Melbourne...it definitely looks unfair."

29
30 Council Member Sherrill noted that the City currently does not have a contract for residential solid
31 waste disposal and is in the process of negotiating a new contract for five years. He said that some
32 of the comparisons raised tonight may be for older contracts, therefore, the comparison is not
33 "apples to apples."

34
35 Mr. McCue clarified that the City Council decided that they did not want garbage service billed on
36 the tax bills.

37
38 Council Member Mahoney noted that the City received two comparable bids in response to its
39 advertisement. He stated, "Unfortunately, my interpretation of that is that's the market reality. Had
40 we not gone out with the bid, I would expect to be criticized. But we did go out for a bid and this is
41 what we got." Council Member Mahoney noted that half of the revenue collected from recycling is
42 returned to the City, and suggested that money be returned to the people. Mr. McCue advised that it
43 amounts to about \$3,200 a year. He said that there are between 3,200 and 3,500 customers so each
44 would get about \$1 back. Council Member Mahoney next inquired about the market value of
45 services the City receives at no charge from Waste Management. Mr. McCue responded that the
46 City currently has seven containers, but didn't know how much that would amount to in dollars.
47 Council Member Mahoney stated, "I realize from a dollar perspective, folks, this is trivial relative to

1 the increase we're looking at. It's more of an issue of principle and fairness that we spoke of
2 earlier." He suggested that any benefits derived by the City from the Waste Management contract
3 should be redirected to those who actually pay for the service rather than to the community at large.
4

5 In response to a question from Mayor Erwin, Mr. McCue explained that Waste Management would
6 have to petition the City in June for a cost of living increase, however, the increase will not take
7 effect until January 1 of the following year.
8

9 Council Member Allebach noted that the only other company to submit a bid for residential solid
10 waste collection service has been servicing commercial accounts in the City for a year and has not
11 paid the required franchise fee to the City. Council Member Allebach said that Waste Management
12 is very careful not to damage anything on his street. He further noted that many citizens were
13 calling for the City to go out for bid for the garbage service against the advice of the City Manager.
14 He recalled that the City Manager said that the price would go up and stated, "And it did."
15

16 Mr. McCue said that his office has not received many complaints about the garbage service. He said
17 that he will begin tracking complaints via the web site.
18

19 Randall Johns came forward again and reiterated his request that Council reconsider their position
20 on twice weekly pickups as a cost-saving measure for the citizens.
21

22 Council Member DeVane stated that Council is listening to the citizens and that was reflected in the
23 bid process. Mr. McCue said that the State mandates that the City provide for solid waste disposal
24 for its residents. He noted the multitude of problems that could result from non-mandatory service.
25

26 Vice Mayor Yebba expressed that he is not happy with the increase in the garbage rates. He recalled
27 that there was a time when each resident contracted for their own garbage pickup. He said that it
28 resulted in a "real mess" in the City. He pointed out that the City previously enjoyed a long contract
29 with Waste Management at a low rate. Vice Mayor Yebba apologized for not listening to the City
30 Manager before voting that he solicit bids for garbage service.
31

32 Council Member Mahoney said that he felt it was "appropriate" to go out for bids for garbage
33 service. He noted once again that the bid was based on a level of service requested by the citizens.
34

35 **Motion passed by unanimous 6/0 roll call vote of the Council.**
36

- 37 C. **ORDINANCE NO. 288:** An ordinance of the City of Orange City,
38 Florida, amending Section 8.3 of the City's Land Development Code,
39 said section being the Official Zoning Map of the City of Orange City,
40 Florida; said amendment changing the zoning classification of the
41 Volusia County School Board property, consisting of approximately
42 60.0 acres of property generally located within the southeast quadrant of
43 West Blue Springs Avenue and the Western Parkway; from its present
44 zoning classification of R-1 Low Density Residential to Residential
45 Planned Unit Development (R-PUD): containing a repealer provision, a
46 severability clause and providing for an effective date.
47

1 **Council Member DeVane moved to adopt Ordinance**
2 **No. 288 on first reading, seconded by Vice Mayor**
3 **Yebba.**
4

5 Jim Kerr, Assistant City Planner came forward and began his presentation by stating that Council
6 would be considering Ordinance No. 288 granting a rezoning of property to be used for construction
7 of the middle school. Mr. Kerr provided a power point presentation on the proposed rezoning (a
8 copy of which is attached and becomes a permanent part of these minutes). He reiterated that
9 Council would be reviewing the site plan at a later date and that the rezoning is the only item being
10 considered this evening. Mr. Kerr said that the proposed school is a replica of the Hinson School in
11 Daytona Beach. He advised that staff is recommending Council approval for the proposed rezoning
12 from R1 to R-PUD. Mr. Kerr stated that the site plan will be presented for review and approval on
13 December 12th when Ordinance No. 288 returns for second reading. Mayor Erwin recognized Pat
14 Drago, Volusia County School Board.
15

16 Ms. Drago came forward and said that the Board is excited about the new school. She thanked staff
17 for their cooperation with all three of the new schools. Ms. Drago stated, "I hope that the
18 appearance and the aesthetics that you've seen in Manatee Cove have shored up your confidence in
19 the quality of the schools and I hope that it'll be a tribute for the whole community."
20

21 In response to a question from Council Member Allebach, Ms. Drago stated that every school being
22 built is designed with enhanced hurricane protection areas in the cafeteria. She said that the entire
23 school is American Red Cross compliant. In response to comment from the Council, Ms. Drago
24 explained that as soon as the student attendance area for a new school is determined, the principal is
25 appointed and the new school population (students and parents) votes to create the name of the
26 school.
27

28 Council Member Mahoney asked whether a review and recommendations from the Planning
29 Commission would be forthcoming. Mr. McCue responded in the affirmative and said it would be
30 presented at the Public Hearing.
31

32 **Motion passed by unanimous 6/0 roll call vote of the Council.**
33

34 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**
35

- 36 **A. ORDINANCE NO. 280:** An ordinance of the City of Orange City, Florida; amending
37 Policy #03-04, Compensation, establishing a Step Pay Plan, and amending Policy #04-
38 07, Retirement Program, of the City's "Personnel Policies and Procedures Manual";
39 containing codification and repealer provisions, a severability clause and providing for
40 an effective date.
41

42 **Council Member Mahoney moved to adopt Ordinance No. 280 on**
43 **second and final reading, seconded by Vice Mayor Yebba.**
44

45 Mayor Erwin opened the Public Hearing by asking if anyone wished to speak in favor of or in
46 opposition to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.
47

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

- 2
- 3 **B. ORDINANCE NO. 284:** An ordinance of the City of Orange City, Volusia County,
4 Florida; to delete references to “local occupational license tax” and replace with
5 “local business tax”; to delete “occupational license” and replace with “local
6 business tax receipt”; amending Orange City Code Chapter 8, Licenses, Sections 2.5-
7 6, 2.5-35, 2.5-44, Section 4-46, Section 5.5-1, Section 6-33, Section 7.5-36,
8 Appendix A, Sections 2.2, 8.7.13(a)(7), 8.7.21(c), and Appendix A, Section
9 8.7.13(b)(8); providing for codification, conflicting ordinances, severability, and
10 setting an effective date.

11

12 **Council Member Mahoney moved to adopt Ordinance No. 284 on**
13 **second and final reading, seconded by Vice Mayor Yebba.**

14

15 Mayor Erwin opened the Public Hearing by asking if anyone wished to speak in favor of or in
16 opposition to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

17

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

19

20 **6. RESOLUTIONS:**

- 21
- 22 **A. RESOLUTION NO. 378-06:** A resolution of the City Council of the City of
23 Orange City, Florida, appointing Tom Laputka to Seat #06 on the Planning
24 Commission of the City of Orange City; repealing all resolutions in conflict herewith
25 and providing for an effective date.

26

27 **Council Member Mahoney moved to approve Resolution No. 378-06,**
28 **seconded by Vice Mayor Yebba. Motion passed by unanimous 6/0**
29 **roll call vote of the Council.**

30

31 Mayor Erwin expressed his confidence that Mr. Laputka would be an asset to the Planning
32 Commission. Council Member Sherrill concurred with the Mayor.

33

34 The City Clerk administered the oath of office to Mr. Laputka.

- 35
- 36 **B. RESOLUTION NO. 379-06:** A resolution of the City Council of the City of Orange
37 City, Florida, authorizing a donation of \$25,000, subject to certain conditions, to the
38 DeBary Art League, Inc. for the construction of the Gateway Center for the Arts;
39 repealing all resolutions or parts of resolutions in conflict herewith; and providing for
40 an effective date.

41

42 **Council Member Allebach moved to approve Resolution No.**
43 **379-06, seconded by Council Member Sherrill.**

44

45 Mr. McCue said that he and the City Attorney drafted a letter to accompany the donation which lists
46 some conditions for the donation.

47

1 Rani Merens, 213 Alta Vista St., DeBary, came forward and stated that she met some folks who
2 were associated with the Art League. Ms. Merens said that she has multiple sclerosis and the
3 members of the League encouraged her to attend a special needs art class. She showed Council
4 some of the paintings she did in the class. She stated that the Art League is “not just for people who
5 can paint, it’s also for people who can’t.” Ms. Merens said that creating art is therapeutic.
6

7 Gene Self, 400 Candle Drive, DeBary, came forward and said that he has Parkinsons disease and he
8 participates in the special needs art class along with Ms. Merens. He thanked Council for their
9 consideration for the \$25,000 donation. Mr. Self said that Sandra Wilson is in Washington DC
10 trying to secure a \$500,000 grant for the Arts Center. Mr. Self expressed that providing cultural
11 opportunities for children makes the future better. He stated his belief that the Arts Center would
12 serve a much different purpose than the Partnership Center.
13

14 Council Member Mahoney stated, “I feel like a heel.” He said that he was absent from the meeting
15 where the donation was discussed previously, but had submitted a written comment regarding his
16 position on this matter. Council Member Mahoney said that he is a proponent of the DeBary Art
17 League and that his concern is strictly financial and in response to the City’s current outstanding
18 financial commitments to the Partnership Center. He said that his concern does not necessarily
19 involve competing interests, but was solely based on his concerns about the City’s financial well-
20 being. He advised that the second \$1.5 million pledge which must now be honored will cost the City
21 between \$400,000 and \$500,000 annually in debt service. He stated, “We hoped that we wouldn’t
22 be called on it...and we have been.”
23

24 Council Member DeVane said that she, too, was absent from the previous meeting when this issue
25 was discussed. She said that she shares the concerns voiced by Council Member Mahoney. She said
26 that rather than expending funds for the construction of a building, she would rather see City funds
27 spent on youth services. Council Member DeVane noted that the City currently has less than
28 \$20,000 budgeted for youth programs and would rather see the \$25,000 spent on youth programs
29 here in the City. Council Member DeVane expressed that the timing is poor in light of the City’s
30 significant financial commitments to the Partnership Center. She said that it would be easier for her
31 to support the donation if it were for programming instead of for “a building.”
32

33 BEGIN TAPE 2-A
34

35 Council Member Sherrill said that he opposed the donation to the Arts Center because DeBary’s
36 withdrawal from the Partnership Center coupled with the need to produce the second \$1.5 million
37 pledge placed an added financial burden on the City. He said that he could not support any more
38 donations at the present time.
39

40 Council Member Allebach spoke in support of the donation to the Art League stating that in all
41 probability, they won’t even need the money for a while. He noted that Orange City is the “heart of
42 Southwest Volusia” and said that “sometimes when you’re the heart, you have to work a little harder
43 than others.”
44

45 Mayor Erwin said that the Art League has a number of Orange City residents participating in their
46 programs. He said that their programs will be different from those at the Partnership Center and that
47 he felt it would be a benefit to Orange City. The Mayor noted other recent donations the City has

1 made and expressed his belief that this donation would be a good investment and stated, "By not
2 participating in this we're being very short-sighted."
3

4 Vice Mayor Yebba said that the recent donation regarding the charter amendments was something
5 the City had no choice about. He said that, too often lately, the City was breaking its policy of not
6 giving donations and that the main focus should be the Partnership Center right now. Vice Mayor
7 Yebba said that he could not support this donation in light of all of the City's other recent
8 expenditures.
9

10 Council Member DeVane pointed out that there are other potential cash outlays in sight for the City.
11 She said she feels it is time to be cautious with spending. She clarified that the Art League is "a
12 wonderful organization" and that her position has nothing to do with that.
13

14 Gene Self came forward again and requested that the City leave the commitment in place for
15 sometime in the future so that the Art League could use it when seeking grants. Mr. McCue
16 responded that what Council is considering tonight is authorization for the expenditure, however, it
17 would have to be added to the budget from the City's reserves in a future amendment.
18

19 Council Member DeVane said that she would consider a donation at some future date, however, now
20 is just not the right time.
21

22 Council Member Mahoney said that a more appropriate time for the donation would be when the
23 results of the fundraising efforts for the Partnership Center are known.
24

25 In response to a comment from Mr. Self, Mr. McCue stated, "I'm trying to clarify your language and
26 get to your point. What the action would have been tonight would not have left a line item. It would
27 have just made a commitment on the part of the City Council at some future date to award this
28 money. I think what I'm hearing here is you need to come back if it doesn't make it through
29 tonight."
30

31 Vice Mayor Yebba noted that it is tax payers' money that is being spent and questioned whether they
32 would approve of it being spent in DeBary.
33

34 **Motion failed by 2/4 roll call vote of the Council with Council**
35 **Members DeVane, Sherrill, Mahoney and Vice Mayor Yebba voting**
36 **"no."**
37

38 **C. RESOLUTION NO. 380-06:** A resolution of the City Council of the City of
39 Orange City, Florida, authorizing the City Manager to enter into a Joint Participation
40 Agreement with the Florida Department of Transportation to undertake landscape
41 improvements to U.S. Hwy. 17-92; repealing all resolutions or parts of resolutions in
42 conflict herewith; and providing for an effective date.
43

44 **Council Member Allebach moved to approve Resolution No. 380-06,**
45 **seconded by Council Member Sherrill.**
46

47 Mr. McCue said that this program has been discussed over the past year. He said that staff has

1 received information from DOT regarding implementation of this program. Paul Johnson, Public
2 Works Director, came forward and advised that the project will be completed in phases with the first
3 phase being from Saxon Boulevard to Enterprise Road. This phase has already been included in the
4 DOT budget. Mr. Johnson displayed a graphic showing the preliminary landscape plan for the
5 project. Mr. McCue noted that DOT has been very satisfied with their partnership with Orange City
6 and they have committed \$40,000 for the current fiscal year. Phase 2 of the project will begin in
7 July at the beginning of the new fiscal year for the State. He said that staff will be meeting with the
8 State's landscape architect soon to finalize which plants will be used.

9
10 Council Member Allebach asked whether there is any chance that the project could be extended
11 further down 17-92 to include replacing the "suicide lanes" with medians. Mr. Johnson responded
12 that he has had a great deal of cooperation from DOT and expressed his confidence that eventually
13 that will take place. Mr. McCue said that DOT is in favor of installing medians, and that it would
14 likely be done in increments. Mr. Johnson advised that the City can begin work on the landscaping
15 as soon as the design plans are finalized.

16
17 **Motion passed by unanimous 6/0 roll call vote of the Council.**

18
19 Mayor Erwin recessed the meeting at 9:00, reconvening at 9:15 p.m.

20
21 **7. DISCUSSION AND ACTION:**

22
23 A. Awarding Contract for Splash Pad at Rotary Park

24
25 Mr. McCue reported that staff conducted a diligent search for quotes on a splash pad for Rotary
26 Park. He noted that the quote includes only the splash pad itself and does not include engineering
27 fees. James Moltz, Parks Superintendent, came forward and stated that the project involves three
28 phases: (1) purchase equipment, (2) engineering, and (3) installation. Mr. Moltz said that this is the
29 only company that responded to the request for bid. He explained that all of the spray heads on the
30 equipment are universal which allows for the flexibility to change the layout if desired.

31
32 Council Member Allebach asked whether this proposed plan takes into consideration the feedback
33 received from other cities that have installed this type of equipment. Mr. Moltz assured Council
34 Member Allebach that he did make adjustments for all of the negative comments he received from
35 other cities.

36
37 Council Member Mahoney observed that page 1 of 3 of the quote notes that the price does not
38 include any pumps or piping, yet page 2 of 3 lists pricing for a pump. Mr. Moltz responded that the
39 price does include all equipment.

40
41 In response to a comment from Vice Mayor Yebba, Mr. Moltz reiterated that the splash pad will not
42 have any standing water. He explained that the equipment works on a "gravity-feed" basis with no
43 pumps to suck the water down, thus reducing the risk of accidents. Mr. Moltz said that the splash
44 pad must be kept to the same standards as a pool. He said there will be four staff members trained in
45 maintenance of the pad. In response to a question from Council Member Allebach, Mr. Moltz said
46 that in their investigation, they found that Disney is the only place that uses a flexible surface and
47 that there are difficulties in keeping it clean.

1
2 Mayor Erwin noted that the quote under consideration includes equipment only and he asked what
3 the total cost will be including engineering and installation. Mr. Moltz responded that he has had
4 difficulties getting a quote from an engineering company. Council Member Mahoney asked whether
5 it was “premature” to approve the equipment without having the rest of the information. Mr. McCue
6 responded, “no.” He expressed his confidence that staff will find an engineer. He clarified that the
7 order for the equipment will not be placed until everything else including the engineering has been
8 contracted for. Mayor Erwin stated, “So at this time, we have no idea what the total cost is going to
9 be, not even an estimate.” Mr. Moltz responded, “Unfortunately, Mr. Mayor, no.” Mr. McCue
10 reiterated that no money would be expended until everything was in place. Mayor Erwin noted that
11 the quote is only good for ninety days from October 2nd. In response to a question from Mayor
12 Erwin, Mr. Johnson stated that there is about \$65,000 left in the budget for this item. He said that
13 the City is also hoping to receive matching funds from ECHO on this item. Mr. McCue said that Mr.
14 Moltz has received training on the ECHO grant process and has prepared the grant packet for
15 submission by the December 9th deadline.

16
17 **Council Member Allebach moved that City Council approve the**
18 **proposed splash pad as quoted by staff, seconded by Council**
19 **Member Mahoney and passed by unanimous 6/0 voice vote of the**
20 **Council.**

21
22 B. Five Year Sidewalk Plan and MPO Multi-Use Trail

23
24 Mr. Johnson stated that the MPO was planning a trail project that would link City parks and Blue
25 Springs park . He said that the MPO would contribute a 50% match to the project. The MPO’s cost
26 estimate was about \$215,093. Mr. McCue clarified that this amount is just for construction and does
27 not include any right of way acquisition. Mr. Johnson said that the project entails about 1800 feet of
28 10-foot wide sidewalk.

29
30 BEGIN TAPE 2-B

31
32 Mr. Johnson outlined some of the requirements associated with MPO funding and said that staff
33 could complete the project using that funding. He said that Whitehouse Masonry had provided a bid
34 of \$55,9890 to complete the project. Mr. McCue advised that based on current pricing for MPO
35 jobs, he and Mr. Johnson believed that the City could do the work for much less money. Mr. McCue
36 clarified that staff is not looking for approval to award the bid for this work now, but rather for
37 direction as to how to proceed. He recommended that the City not use the MPO to fund this project
38 because he believes the City can contract privately for the work at a much lower cost.

39
40 Mayor Erwin expressed his support for the bid from Whitehouse Masonry. He suggested that Vice
41 Mayor Yebba report at the next MPO meeting as to why the City won’t contract with the MPO for
42 the sidewalks. Mr. McCue said that if it is Council’s desire, staff would prepare a bid package for
43 advertisement. Mr. Johnson noted that the quote from Whitehouse Masonry was based on an
44 existing contract with the City of Deltona which would not require a bid. Mr. McCue said that
45 Council approval would not be required to award the job, but that Council action would be needed
46 for an amendment to the budget to provide for funding for the project. He said that upon Council’s
47 direction, staff would begin negotiations and then bring forward a budget amendment in January.

1
2 **Council Member Allebach moved to direct staff to proceed as**
3 **directed, seconded by Council Member Sherrill and passed by**
4 **unanimous 6/0 voice vote of the Council.**
5

6 Mr. Johnson provided a recap of recently installed sidewalks and discussed those included in the
7 five-year plan as outlined in the agenda item attachment. Plans include replacement sidewalks on
8 both sides of University and French. Because there is some question as to the continuation of
9 Community Development Block Grant funding, sidewalks planned beyond the 06/07 budget year are
10 funded from the City's general fund. Mr. McCue noted that even though the focus for new
11 sidewalks has shifted to the west side of 17-92 around the new schools, emphasis also remains on
12 keeping the sidewalks around Orange City elementary in good shape. Mr. Johnson said that the
13 proposed plan is a bit more aggressive than in previous years increasing from about 1300-1800 feet
14 per year to 2500 feet.

15
16 Mayor Erwin suggested that the City impose "fair share mitigation" to pay for construction of the
17 sidewalks. Mr. McCue requested that Mr. Johnson keep a copy of the sidewalk map available in
18 Council Chambers for future reference.

19
20 C. 2006 Christmas Season Events
21

22 Mr. McCue reported that the City's employee holiday luncheon is tentatively scheduled for
23 December 15th. Mr. Moltz reported that two events are being planned for December, the first of
24 which is the "Holiday Light-Up" on Saturday, December 2nd. Mr. McCue said that the lights are
25 being expanded to the west side of Graves Avenue this year, with a goal of making it better every
26 year. Mr. Moltz reported that the crews are about 2 ½ weeks ahead of schedule with the decorations
27 at this time and that precautions are being taken to test each element as it's installed. Mr. Moltz
28 further reported that Elaine Hart, Leisure Services Coordinator, has secured the participation of three
29 major branches of the armed services in the parade. He said that the City has purchased a 20 x 30
30 oversize flag which will be walked down the parade route by volunteers. Staff is also trying to line
31 up churches to sing carols at "Music in the Park" on Sundays in December.

32
33 Vice Mayor Yebba recalled the first "Light up Orange City" in 1990 when he requested that the City
34 Manager put up some lights. He said the Manager strung six strings of lights from a stick in the
35 ground. The lights were on the first night and then his wife came and turned them on each night for
36 the rest of the season.

37
38 **8. REPORTS:**
39

40 A. City Manager
41

42 Mr. McCue reported that he and his wife were traveling to Italy for two weeks after Thanksgiving.
43 He said that Mr. Murray would be Acting City Manager during his absence.

44
45 The awning is up at Station 68 and screen sides will be installed. The electric gate is working.

46
47 Mr. McCue provided an update on the EMS Agreement stating that he has a 9:00 a.m. meeting

1 scheduled with the County Manager on Friday. He advised that he has informed the County
2 Manager that he will only meet with him in the future. Mr. McCue asked that Council review the
3 proposed Agreement and let him know if there are any issues they would like to have included in the
4 discussion. He said that he will present a formal report at the December 12th meeting.
5

6 In response to a request for clarification from Council Member Mahoney, Mr. McCue stated that the
7 Orange City Fire Department will be providing ALS throughout the entire City. A requirement will
8 be included in the contract that Station 31 will provide ALS service as well. Mr. McCue noted that
9 the County's contract only requires the City to provide EMS services, not fire. He said that response
10 times for the County were at about eight minutes. In addition, there is no water supply in the West
11 Highlands area which caused great concern to the City. The County was logging response times of
12 fourteen minutes plus in those areas. Mr. McCue said that while EMS response times were better,
13 they were still not up to the City's standards, however, with the addition of the City's new station, he
14 felt that the City's response times would not suffer.
15

16 B. Mayor/City Council
17

18 Mayor Erwin reported that there is a WAV meeting scheduled for tomorrow. He said that a meeting
19 was held yesterday attended by the Mayors and City Managers to discuss the County's failed charter
20 amendments and where to go from here. He said that the meeting was closed to the press. At the
21 meeting there was a proposal to form another committee made up of Mayors and City Managers.
22 There will be a total of twelve representatives on the committee. Also included will be the County
23 Manager and County Chair and/or their designees to explore ways to implement recommendations
24 from the Smart Growth Committee. This group will begin meeting after the first of the year. The
25 Mayor noted that some of the recommendations can be implemented without a charter change.
26 Otherwise, it will be two years before the County can propose new charter amendments.
27

28 Mayor Erwin noted that he recently distributed the Managers Advisory Committee version of
29 recommendations for the restructuring of WAV. This is the fourth version of a restructuring plan.
30 The Mayor said that this is perhaps the best version of a reorganization.
31

32 C. City Clerk
33

34 The City Clerk reported that the VIA donated twelve copies of "Our Story of Orange City" to the
35 City. She recognized Ms. Dorothy Pomeroy and thanked the women of the VIA.
36

37 D. City Attorney
38

39 The City Attorney had no further report.
40

41 **9. APPROVAL OF MINUTES:** October 24, 2006 Regular Council Meeting
42

43 **Vice Mayor Yebba moved to approve the minutes of the October 24,**
44 **2006 meeting, seconded by Council Member Sherrill, and passed by**
45 **unanimous 6/0 voice vote of the Council.**
46

47 **10. COUNCIL COMMENTS**

1
2 Council Member Mahoney stated, "With respect to the Waste Management franchise, transparency
3 has value. It think it's important that we went out for a public bid."
4

5 Council Member Allebach said that he was happy to see that the County charter amendments failed.
6 He also said that he read that big stores such as Wal-Mart are putting Christmas back in their holiday
7 advertising. He said that he is glad to see the City is having "Christmas" events again this year. He
8 commended ACT Corporation for their recent grant of \$6 Million from the State. He stated "Pray
9 for Chuck."
10

11 Council Member Sherrill concurred that Council Member Abell needs everyone's prayers stating, "It
12 doesn't look good." He reported that Volusia County Baptist Church is having their 10th
13 Anniversary celebration on Sunday and invited staff and Council to attend.
14

15 Vice Mayor Yebba reported preliminary election results from Orange City as follows: Amendment
16 #2 (Water Plan) – 60.5% voted "no," Comprehensive Planning District – 70% voted "no," Growth
17 Management – 65% voted "no," and County Planning Authority – 67% voted "no." In conclusion,
18 Vice Mayor Yebba stated, "Along with what Don was saying about Chuck....you all need to think
19 about him a lot over the next few days or so. He's not going to be with us much longer. It's a sad
20 time for us up here to see him go."
21

22 **11. ADJOURNMENT**

23

24 There being no further business, Mayor Erwin adjourned the meeting at 10:04 p.m.
25
26
27

28 **RESPECTFULLY SUBMITTED:**

APPROVED ON

29
30 Deborah J. Renner
31 City Clerk
