

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, January 9, 2007 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,
3 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, Bob Storke; City
13 Manager John. J. McCue; City Attorney William E. Reischmann; City Clerk Deborah
14 Renner

15
16 The Invocation was given by Vice Mayor Yebba, followed by the Pledge of Allegiance.

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

19
20 **2. CITIZENS COMMENTS:**

21
22 James Stevens, 910 S. Volusia Avenue, came forward and stated that he is a long-time resident of
23 the City. Mr. Stevens stated that he owns the Fountain View Apartments. He noted an increase in
24 crime in the City, particularly in the areas of prostitution and drugs. Mr. Stevens advised that
25 residents of his apartment complex are being harassed by prostitutes. He discussed these problems
26 at length. Mr. Stevens said that he has spoken with the police department about the problem but they
27 say there is nothing they can do about it. He suggested that the City pass an "open container law."
28 Mr. McCue and Chief Baskoff discussed the City's efforts to address these problems and some of
29 the roadblocks they have encountered. Mayor Erwin asked Mr. Stevens to call Chief Baskoff to
30 further discuss this issue.

31
32 Mayor Erwin noted that there are a number of people requesting to speak tonight and advised that he
33 will be invoking the three-minute time limit so that everyone will have an opportunity to speak.

34
35 Thomas Abraham, 1065 S. Volusia Avenue, came forward and stated that he wished to call this
36 "Orange City's Free Speech Day." He stated that those in the audience were in attendance to get "a
37 clear cut answer from the City Council." Mr. Abraham asked, "Why would you raise the price and
38 encourage price gouging in Orange City when other cities are not doing it?" He said that with the
39 new year, the City must "ring out the evil from our lives and from our City" and expressed that he is
40 an optimist. Mr. Abraham noted that the County is talking about "brainstorm sessions," yet the City
41 has not sent out a newsletter since December 2005. He said that he sent an email to the Mayor but
42 has not received "a clear cut answer." Mr. Abraham said that the smart growth issues are a
43 "dynamic process" and that he wants a "new, young electorate" to come forward and share their
44 ideas. Mr. Abraham concluded his presentation by stating, "Let me tell you and respond to the two
45 ideas which the Councilman gave here in the last meeting. One was people can move from Planning
46 Commission to City Council. But I want to suggest that people can move down from City Council

1 to the Planning Commission also. Secondly, another Councilman said that we are coming here to
2 mix apples with oranges. We are not doing it. Apples and oranges are mixed here when the
3 Councilman invited the City staff to the County Baptist Church.”
4

5 Hugh Strickland, 420 May Street, came forward and stated that the extension of Saxon Blvd. is “a
6 serious problem that’s coming.” Mr. Strickland stated that Saxon Blvd. is currently a failing road
7 and that plans now will add additional traffic from the new schools as well as increased traffic flow
8 associated with the planned commuter rail station. He stated, “You can’t do that to a failing road
9 and produce any flat traffic flow at all.” Mr. Strickland suggested that future traffic problems will
10 deter people from patronizing the businesses on Saxon. Mr. Strickland suggested completing the
11 Rhode Island Avenue extension and diverting traffic that way rather than to Saxon. He announced
12 that there will be a meeting on January 16th in DeBary regarding the Saxon Blvd. extension and he
13 requested that the Council send a representative to object to the extension. Mr. Strickland noted that
14 Rhode Island is on the County’s existing plan for bicycle and pedestrian pathways so if the
15 commuter rail station was located there it could also be shared with the spring to spring trail head.
16

17 Al Blue, 447 N. Oak, came forward and noted that the City’s contribution to the Partnership Center
18 amounts to about \$300 per person while Deltona’s contribution represents about \$30 per person. He
19 stated, “Yet Deltona pulled the rugs out from under the deal, I understand.” Mr. McCue confirmed
20 Mr. Blue’s observation and stated that a meeting was held today with another scheduled for
21 Thursday afternoon. He said that a final decision should be made on Thursday as Daytona Beach
22 College must return the State grant funds by February 1st if the project is not going to move forward.
23 In response to a question from Mr. Blue, Mr. McCue said that the City will not pledge any more
24 money to the project. Mr. Blue asked whether any of the City’s contribution was borrowed. Mr.
25 McCue responded that the City has transferred \$1.5 million so far and that money was borrowed on
26 a line of credit. He said that if the project is cancelled, the unspent portion of the money will be
27 returned. He clarified that no steps have been taken to secure a loan for the second \$ 1 million as
28 yet.
29

30 Mayor Erwin noted that a number of citizens had requested to speak about the garbage issue and
31 advised that Mr. McCue was going to make a statement prior to beginning with citizen speakers.
32

33 Mr. McCue provided a timeline regarding the negotiation and selection process for the award of the
34 residential garbage franchise agreement (a copy of which is attached and becomes a permanent part
35 of these minutes). He said that there appears to be a lot of “misinformation” in the community
36 regarding this process. Mr. McCue noted dates that information regarding the agreement appeared
37 in the print media along with dates that the issue was discussed by the City Council. He said that
38 staff explored reducing the service levels, as well as ad valorem billing, in an effort to reduce costs,
39 however, the citizens in attendance at that meeting voiced their opposition to these options. Mr.
40 McCue advised that there are 1,300 residential collection sites in Orange City and reported that
41 Waste Management experienced an \$80,000 loss through uncollected bills over the past five years
42 and said that this contributes to the rate. Mr. McCue said that when he presented the results of his
43 negotiations to the City Council based on the 1/1/1 service level, ad valorem tax roll billing and a
44 fuel surcharge requested by Waste Management, the Council instructed him to advertise a bid for
45 residential waste pickup in the City based on current service levels and billing. There were only two
46 responses to the request for bids, Waste Management and Waste Pro. Mr. McCue said that there was

1 a difference of \$4 per month between the two companies. He said that Council decided to award the
2 contract to Waste Management for a number of different reasons.

3
4 BEGIN TAPE 1-B

5
6 Mr. McCue said that staff conducted a pricing survey and none of the prices were the same. He
7 noted that a corporate pricing strategy will be based upon contractual obligations. For example,
8 Volusia County has lower rates because their contract does not include "tipping fees," a charge to
9 dispose of the garbage, since the County owns the landfill. He further noted that the most of the
10 surrounding contracts include a cost for both commercial and residential service and that the
11 commercial accounts pay at a higher rate, thereby subsidizing the residential fees. Mr. McCue said
12 that the length of the contract also affects the rates. In conclusion, Mr. McCue stated that the City
13 has been in negotiations with Waste Management since last February and that there were numerous
14 occasions and methods by which the citizens were notified. He reiterated that only two responses to
15 the City's request for bids were received and there was a \$4 difference between the two bids. He
16 stated, "That's the market."

17
18 David Seaman, 956 E. Lansdowne Avenue, came forward and stated that he has worked for Orange
19 County government for seventeen years. He said that after doing a solid waste survey of
20 neighboring communities in Seminole and Volusia County, Orange City's rates fall into the middle
21 range for a 2/1/1 pickup. He said that most other cities wrap the commercial and residential
22 contracts together in an effort to keep residential costs down. He stated, "The part that dismays me
23 very, very much is that this Council is getting ready in this meeting tonight to award five more
24 franchises and none of these are exclusive. So I do not know how in the world with three thousand
25 individuals here that just got a 125% increase on five years...are we looking at \$60 a month, \$62 a
26 month, five years from now? Gentlemen, please, you have a responsibility to us citizens here to
27 listen and do these things." Mr. Seaman noted that the 10% residential franchise fee increases
28 revenues to the City at the expense of the taxpayers who have already experienced a 125% increase.

29
30 Mr. McCue said that the City collected \$21,000 in residential franchise fees last year. He said that a
31 reduction in the franchise fee to 5% would have resulted in a \$1 per month savings to residential
32 customers. Mr. McCue advised that state statute requires that existing commercial franchise holders
33 be allowed to operate for three years under their current agreements even if an exclusive agreement
34 was signed with Waste Management. He noted that Waste Management already has 70% of the
35 commercial business in the City which is why the savings for residential customers is not as
36 significant. Mr. McCue said that as surrounding cities negotiate new contracts, their rates will
37 increase as Orange City's have. He said that in 1988 the rate for residential garbage pickup was
38 \$9.50 and in 2006, that rate was \$13. He stated, "That's ten years of fairly fixed constant rate
39 structure minus the CPI." He reiterated that the rest of the cities listed on the survey will face the
40 same percentage increase when their contracts expire.

41
42 Mr. Seaman noted that in the April 25, 2006 minutes, staff advised that Waste Management had
43 offered a rate of \$20 to \$23. He said that when the Council directed that the contract be put out for
44 bid, it did not appear that Waste Management was concerned about having had their rates revealed
45 since they increased them to \$30 per month. Mr. McCue clarified that the initial rate proposed by
46 Waste Management was based on a 1/1/1 service level and ad valorem tax roll billing along with a

1 quarterly fuel surcharge adjustment. Mr. Seaman noted that the people who object to the ad valorem
2 billing are probably the same ones who are driving up the fees for everyone else by not paying their
3 bill.

4
5 Mr. McCue stated that even though a franchise agreement has been adopted by ordinance, there may
6 still be "room for improvement." He said that if Council directs, he could renegotiate with Waste
7 Management based on changes to service levels and collection methods. He recalled that the
8 citizens in attendance during previous discussions indicated that they did not want to lower service
9 levels or switch to ad valorem billing.

10
11 Mayor Erwin said that it appears the people in attendance tonight wish to see a renegotiation based
12 on 1/1/1 service and tax-roll billing.

13
14 Council Member Sherrill concurred with Mayor Erwin, but said that it was the responsibility of
15 Waste Management to collect their money. Mr. McCue agreed, but said that a higher collection rate
16 is guaranteed with ad valorem billing.

17
18 Council Member DeVane recalled that during previous discussions regarding garbage service,
19 although not as many citizens were present, all those who requested an opportunity to speak were
20 provided with one. She noted that those present in the past strongly objected to ad valorem billing
21 and stressed that a lien could be placed on property for non-payment of garbage service if it is
22 attached to the tax bill. Council Member DeVane said that none of the Council Members were
23 happy with the increase in cost.

24
25 Mr. McCue clarified that Waste Management currently has the authority to place a lien on a home
26 for non-payment of service.

27
28 Council Member Mahoney said that it was unfortunate that people didn't come to the meeting to
29 voice their opinion until after the fact. He suggested including a notice on the utility bills when rate
30 increases are to be discussed by the Council.

31
32 Vice Mayor Yebba noted that he, also, has been affected by the increase. He advised that even if
33 further negotiations take place with Waste Management, there will not be a drastic decrease in the
34 cost.

35
36 **Vice Mayor Yebba moved to direct the City Manager to work**
37 **with Waste Management to begin negotiations to lower the**
38 **price for garbage service, seconded by Council Member**
39 **Sherrill.**

40
41 Mr. McCue clarified that no action could take place regarding the garbage service tonight other than
42 in regard to the motion currently on the floor. He explained that if Council acts favorably on the
43 motion, he will bring back a report at the next meeting regarding the outcome of negotiations. If
44 Council then directs him to move forward with a new contract, there will be two more public
45 meetings before the contract is adopted. Mr. McCue stated, "Tonight no decision can be made
46 whatsoever, no matter how bad you all want that to happen."

1
2 Council Member Mahoney said that the feedback he is hearing is that the citizens want to provide
3 their input before the Council makes a decision.
4

5 Mr. McCue noted that any changes to the contract are contingent upon the agreement of Waste
6 Management.
7

8 Theresa Stellato, 630 S. Carpenter, came forward and stated that "This is one of the things I've
9 encountered in my lifetime. An increase of 128%...I've never heard of such a ridiculous thing.
10 This is ridiculous. It's outrageous to even think you considered it. Many of you have said already
11 that your wives, your husbands, or whatever almost had a heart attack over this thing. What did you
12 expect the public to do? Sit on their hands and do nothing. This is ridiculous. We put our faith in
13 you people up there and you sold us down the river and that's not fair."
14

15 Martha Rambes, 726 S. Third St., came forward and suggested that billing be done monthly instead
16 of quarterly as it would make it easier for those on a fixed income to pay. Mr. McCue responded
17 that the bill would go up with monthly billing. Mr. McCue asked Ms. Rambes to call his office to
18 see if payment arrangements could be made.
19

20 Linda Kownacki, 414 May St., came forward and asked if commercial property owners were
21 required to use Waste Management. Mr. McCue responded that the commercial garbage franchise
22 agreements are non-exclusive and that there are four haulers working in the City. Ms. Kownacki
23 suggested that an exclusive commercial franchise agreement would lower the residential rate. She
24 also suggested that neighbors could share pickup service. Mr. McCue responded that this would not
25 be feasible.
26

27 Denny Donnell, 2841 Stags Leap Dr., came forward and said that there are 102 homes in Fawn
28 Ridge where he lives. He said that he has talked with people in the neighborhood who have lived
29 there for a year and have never received a garbage bill. He said there are at least six homes that do
30 not pay for garbage. He spoke in support of a once-weekly pickup. Mr. Donnell advised that
31 Orange Tree Village pays \$11.16 per month for garbage pickup while the people in Blue Springs
32 Villas pay \$91.60. He stated, "Something is wrong here." Mr. Donnell suggested that the citizens
33 picket Waste Management.
34

35 BEGIN TAPE 2-A
36

37 Council Member DeVane said that she ran for Council five years ago because she wanted to make a
38 difference. She said that Council has to do what they think is best for the citizens based on the
39 information that they have. She said that none of the Council wanted to vote for the proposed
40 contract, however, all of the citizens in attendance at the past meeting did not want a decrease in
41 service levels. Council Member DeVane said that she has to pay the increase as well. She
42 encouraged everyone to become involved in the government and to run for office. She said that she
43 will not run for reelection. She noted that there are people present tonight who are "campaigning"
44 and said that she has never made her decisions based on politics. She stated, "We are doing the best
45 that we can and we are trying to listen to everything that everybody says." Council Member DeVane
46 acknowledged that the mobile home parks and communities such as John Knox Village have their

1 own negotiated contracts for solid waste service.

2
3 Mr. McCue noted that those communities are subject to a 20% franchise fee versus the 10% imposed
4 on residential customers. He said that the cost is determined by the market like the cost for gasoline
5 and that the only control the Council has is to adjust the service levels.

6
7 Mike Pickus, 385 Collins Ct., came forward and said that he heard Council say they had doubts
8 about the decision to award the garbage franchise to Waste Management. He suggested that they
9 should have waited and done some cost comparisons. He said that he has received unreliable service
10 from Waste Management on his street. He expressed his displeasure at the amount of the increase and
11 said that it was a "rushed" decision. Mr. McCue reiterated that the City cannot dictate pricing in the
12 commercial marketplace. Mr. Pickus said that the original negotiated price was reasonable and that
13 the City should have accepted that. Mr. McCue advised that the original price included fuel
14 surcharge adjustments which could have resulted in drastic increases.

15
16 Council Member DeVane said that research regarding pricing has been done. She reiterated that the
17 first proposal received from Waste Management at \$24 per month was based on decreased service
18 levels, however, the people in attendance at that time indicated they were not willing to accept ad
19 valorem billing and once-weekly service, and that they wanted the contract put out for bid. She
20 noted that Mr. McCue had warned the Council that the price would likely increase if that happened
21 and it did.

22
23 Mr. McCue clarified that the negotiations for waste pickup are between the City and Waste
24 Management, not between Waste Management and the citizens. He cautioned people not to
25 withhold payment in protest as they would be subject to ramifications with their personal credit.

26
27 Ray Blanchard, 526 Lynn Ave., came forward and said that if a person's water is disconnected for
28 non-payment of their bill, they are subject to a turn on/turn off fee. He noted that last year that fee
29 was \$15 to turn on and \$15 to turn off. He asked if it was true that fee has been doubled. Ms. Davis
30 responded that she thought it went from \$30 to \$40. Mr. Blanchard said that he travels a lot and in
31 the past, he has had the water turned off so that he could discontinue his waste service while he was
32 gone. He asked why the City was penalizing people by doubling the fee for turn on/turn off service.
33 He said that with the increased garbage rates, he will have to pay \$60 to turn off the water when he
34 leaves town. Mr. McCue advised that if the City contracts for ad valorem billing of waste pickup,
35 there will be no way to suspend the service for credit. Mr. Blanchard noted that is another factor
36 when considering ad valorem billing.

37
38 Lawrence Sias, 454 W. Oakwood Ave., came forward and said that he understands what Mr. McCue
39 has said about contracts. Mr. Sias said that he understands the contracting process and stated, "Do a
40 good job. Go back and see if you can fix it or make it better."

41
42 Al Blue, 447 N. Oak, came forward, and read a letter into the record from Mr. & Mrs. Harrell, 992
43 N. Orange Ave. (a copy of which is attached and becomes a permanent part of these minutes)
44 expressing their disagreement with the new garbage contract. Mr. McCue clarified that the garbage
45 issue was not on the agenda and that no action was intended to be taken tonight. Mr. Blue said that
46 he was surprised to hear several people this evening say they have never received a garbage bill. He

1 noted that five of the Council Members are affected by the residential waste contract. He further
2 noted that only about 3,000 people are affected by the contract since the remainder of the population
3 falls under the commercial regulations. Mr. McCue said that the residential service includes
4 approximately 1,300 customers. Mr. Blue said that he was disappointed in the negotiating process
5 and that it appears there is no change in the new contract from the previous one. He noted that in
6 other parts of the Country, trash is picked up by private contractors in smaller trucks and said that
7 the people in Orange City should have that option or the option to take their own trash to the dump.
8

9 Scott Miller, 610 Marilea Ct., came forward and said that he knew nothing about the increased
10 garbage rates until he received his bill. He stated, "Please do something about it." Mr. Miller
11 discussed the problems with drugs and prostitution in the City and said that it will have an effect on
12 the quality of life for the residents if something is not done.
13

14 BEGIN TAPE 2-B
15

16 Mayor Erwin recessed the meeting at 9:20, reconvening at 9:35.
17

18 Charles Saglinbene, 343 N. Thorpe Avenue, came forward and said that the City made a mistake by
19 not notifying the residents about the price increase for garbage service. He asked where the revenue
20 from recycling goes. Mr. McCue responded that it is split with the County. He noted that the
21 market for recycling has slowed. Mr. Saglinbene stated, "We're counting on you to reduce it to a
22 lower rate."
23

24 Kathy Salzano, 2893 Doe Run Trail, came forward and said that she was not aware of the cost
25 increase in garbage service. She said that she does not understand why service can not be
26 suspended. She said that she was told that if she does not pay her garbage bill, her water will be
27 turned off. Mayor Erwin said that it not the case. Ms. Salzano noted that surrounding cities pay
28 much less than Orange City is being charged. Mr. McCue said that those city's fees are escalating
29 every year. He said that by the end of their contract period their rates will be as high as Orange
30 City's. Ms. Salzano expressed her hope that the rates can be reduced by a third through negotiations
31 with Waste Management.
32

33 Robert Shirk, 2872 Doe Run Trail, came forward and stated that he was present at the meeting when
34 the decision was made to put the garbage contract out for bid. He said that the citizens are not
35 responsible for the increase in spite of a rumor that they are to blame. He said that at that time, he
36 was in support of ad valorem billing. Mr. Shirk suggested rebating the franchise fee to low income
37 senior citizens who can't afford to pay the increase. Mr. Shirk spoke against the City spending
38 money on the Partnership Center.
39

40 Mayor Erwin noted that the issues which should be addressed in future negotiations with Waste
41 Management are a reduction in service level to 1/1/1, ad valorem tax roll billing, and a combined
42 commercial and residential exclusive franchise agreement.
43

44 Mr. McCue said that he would attempt to negotiate on an "ala carte" basis so that Council could see
45 how much each option would cost and would report back at the next meeting.
46

1 Council Member Mahoney noted that since the service rates have doubled, residential franchise fee
2 revenue would not decrease if the franchise rate was cut in half. Mr. McCue said that would be one
3 of the options he would bring back.

4
5 Council Member Sherrill suggested that the Council not move forward at this time with the four
6 commercial franchise agreements on the agenda. Mr. McCue said that because of the three-year
7 waiting period it would not make any difference if those ordinances were adopted. He said that even
8 though the contracts are for five years, they would become null and void if the decision was made to
9 move to an exclusive agreement.

10
11 Mayor Erwin said that Mr. McCue had suggested earlier that it would be wise to postpone action on
12 the proposed ordinances. Mr. McCue said that the commercial providers have been paying their
13 franchise fees without the ordinances in place, however, he recommended moving forward on the
14 ordinances to ensure that payment of the fees would continue.

15
16 In response to a question from Council Member Sherrill, Mr. McCue said that there is no way to
17 waive the three-year waiting period. He said that the commercial providers will be notified of the
18 City's intent to end their exclusive agreements at the end of three years if that is the direction of
19 Council.

20
21 Council Member Mahoney asked whether adoption of the proposed ordinances which contain a five
22 year term would in any way compromise the City's ability to provide notice of cancellation. Mr.
23 Reischmann responded that the commercial providers do not currently have a contract with the City
24 and he questioned whether the City still has the obligation for the three year notification. Mr.
25 McCue responded that the commercial providers do not have a contract with the City. He stated that
26 the franchise agreement provides them with the opportunity to negotiate independent contracts with
27 private sector firms. He said that there is nothing the City can do to negate the three-year
28 notification requirement. He said that his fear is that if the City does not act on the franchise
29 ordinances, it has no legal standing to impose the payment of a franchise fee. Mr. Reischmann said
30 that he would need to do some research to answer Council Member Mahoney's question. He
31 suggested postponing second reading of the ordinances until the next meeting so that he can do that.

32
33 **Motion passed by unanimous 7/0 voice vote of the Council.**

34
35 Mr. McCue requested to postpone Discussion and Action Item 7-A until the next meeting due to the
36 lateness of the hour.

37
38 **3. CONSENT AGENDA:** None at this time

39
40 **4. ORDINANCES - FIRST READING:**

41
42 **A. ORDINANCE NO. 297:** An ordinance of the City of Orange City, Florida, annexing
43 the Kicklighter property into the corporate limits of the City of Orange City, Florida;
44 said property being generally located on the north side of Massachusetts Avenue
45 approximately 450 feet east of Veterans Memorial Parkway, containing
46 approximately 2.5 acres; in accordance with the voluntary annexation provisions of

1 Florida Statute 171.044; redefining the boundaries of the City of Orange City by
2 amending the appropriate sections of the code of ordinances; containing a repealer
3 provision, a severability clause and providing for an effective date.
4

5 **Council Member DeVane moved to adopt Ordinance**
6 **No. 297 on first reading, seconded by Council Member**
7 **Allebach.**
8

9 Jim Kerr, Assistant City Planner, came forward and stated that the subject property is completely
10 surrounded by the City and that staff recommends approval of the annexation request.
11

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

14 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**
15

16 **Council Member DeVane moved to postpone second reading of**
17 **Ordinance No.'s 293, 294, 295 and 296 until the January 23,**
18 **2007 meeting, seconded by Council Member Allebach and**
19 **passed by unanimous 7/0 voice vote of the Council.**
20

- 21 **A. ORDINANCE NO. 289:** An Ordinance of the City of Orange City,
22 Volusia County, Florida, amending Orange City Code Appendix A,
23 Zoning Ordinance, as adopted by Ordinance No. 157, amending Chapter
24 3, Section 3.7.6, Expiration or Abandonment of Conditional Uses;
25 providing for conflicting provisions; providing for severability; providing
26 an effective date.
27

28 **Council Member Sherrill moved to adopt Ordinance No. 289 on**
29 **second and final reading, seconded by Council Member Allebach.**
30

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

34 Chester Murray, Development Services Director came forward and explained that the subject
35 ordinance further strengthens the City's conditional use requirements by associating it with the
36 property owner, not the property.
37

38 **Motion passed by unanimous 7/0 roll call vote of the Council.**
39

- 40 **B. ORDINANCE NO. 290:** An Ordinance of the City of Orange City,
41 Volusia County, Florida, amending Orange City Code Appendix A,
42 Zoning Ordinance as adopted by Ordinance No. 157, amending Chapter 5,
43 Section 5.9, Certificate of Occupancy; providing for conflicting
44 provisions; providing for severability; providing an effective date.
45

46 **Council Member Allebach moved to adopt Ordinance No. 290**

1 **on second and final reading, seconded by Council Member**
2 **Storke.**

3 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
4 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

5
6 In response to a question from Council Member Allebach, Mr. Murray explained that this ordinance
7 gives the City the authority to withhold a certificate of occupancy until all of the City's code
8 provisions are met.

9
10 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 11
12 **C. ORDINANCE NO. 291:** An Ordinance of the City of Orange City,
13 Volusia County, Florida, amending Orange City Code Appendix A,
14 Zoning Ordinance as adopted by Ordinance No. 157, amending Chapter
15 10, Section 10.6.6, Screening of Trash Dumpsters; clarifying standards for
16 screening of trash dumpsters; providing for conflicting provisions;
17 providing for severability; providing an effective date.

18
19 **Council Member DeVane moved to adopt Ordinance No. 291**
20 **on second and final reading, seconded by Council Member**
21 **Allebach.**

22
23 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
24 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

25
26 Mr. McCue advised that this Ordinance allows staff some flexibility in dealing with businesses in
27 order for them to comply with dumpster screening requirements. He stated, "It meets the intent of
28 our law as opposed to the letter of it the way it's written today."

29
30 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 31
32 **D. ORDINANCE NO. 293:** An Ordinance of the City Council of the City of Orange City,
33 Florida, providing for a non-exclusive franchise to Waste Management for the collection
34 and disposal of commercial trash, garbage, recyclable materials and other refuse within the
35 city limits; providing for definitions, terms, conditions, rates, compliance with laws,
36 arbitration, standards of performance, collection, regulation, operations, hours, routes,
37 penalties, accounting, complaint resolutions; containing a repealer provision; a
38 severability clause, and providing for an effective date.

39
40 **Postponed until January 23, 2007.**

- 41
42 **E. ORDINANCE NO. 294:** An Ordinance of the City Council of the City of Orange
43 City, Florida, providing for a non-exclusive franchise to Container Rental Company,
44 Inc. for the collection and disposal of commercial trash, garbage, recyclable materials
45 and other refuse within the city limits; providing for definitions, terms, conditions,
46 rates, compliance with laws, arbitration, standards of performance, collection,

1 regulation, operations, hours, routes, penalties, accounting, complaint resolutions;
2 containing a repealer provision; a severability clause, and providing for an effective
3 date.
4

5 **Postponed until January 23, 2007.**
6

7 **F. ORDINANCE NO. 295:** An Ordinance of the City Council of the City of Orange
8 City, Florida, providing for a non-exclusive franchise to Waste Services for the
9 collection and disposal of commercial trash, garbage, recyclable materials and other
10 refuse within the city limits; providing for definitions, terms, conditions, rates,
11 compliance with laws, arbitration, standards of performance, collection, regulation,
12 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
13 repealer provision; a severability clause, and providing for an effective date.
14

15 **Postponed until January 23, 2007.**
16

17 **G. ORDINANCE NO. 296:** An Ordinance of the City Council of the City of Orange
18 City, Florida, providing for a non-exclusive franchise to Waste Pro for the collection
19 and disposal of commercial trash, garbage, recyclable materials and other refuse
20 within the city limits; providing for definitions, terms, conditions, rates, compliance
21 with laws, arbitration, standards of performance, collection, regulation, operations,
22 hours, routes, penalties, accounting, complaint resolutions; containing a repealer
23 provision; a severability clause, and providing for an effective date.
24

25 **Postponed until January 23, 2007.**
26

27 **6. RESOLUTIONS:** None at this time
28

29 **7. DISCUSSION AND ACTION:**
30

31 A. Stormwater Master Plan
32

33 **This item was withdrawn from the agenda by staff.**
34

35 B. Relocation of Veterans Memorial
36

37 Mr. McCue stated that staff is recommending that the Veterans Memorial be moved to Dickinson
38 Park in an effort to restore Town Hall to its original condition.
39

40 Mayor Erwin said that he is not in favor of moving the memorial from its present location, however,
41 if it is moved, he felt that the northwest corner of Rotary Park would be a more appropriate place.
42 The Mayor suggested that if the move takes place, the park be renamed to "Veterans Park."
43

44 Vice Mayor Yebba spoke in support of the move and he agreed with the Mayor's suggestion to place
45 the memorial in Rotary Park, along with the renaming of the park. The Vice Mayor suggested
46 reconfiguring the memorial as a winding path with a branch for each branch of the armed forces.

1 Mr. McCue responded that the winding concept may not work because of the walking trail already in
2 the park.

3
4 BEGIN TAPE 3-A

5
6 Mr. McCue said that he would revisit the parks master plan and return at the next meeting with a
7 plan for placement of the memorial in Rotary Park.

8
9 Mayor Erwin expressed that a location around the flagpole would not interfere with the walking trail.

10
11 Council Member Sherrill said that the gate to the utility yard may be a problem. James Moltz, Parks
12 & Recreation Superintendent, responded that there is alternate access for trucks to enter the park.

13
14 Council Member Allebach suggested getting input from the committee who assisted with the
15 original design for the memorial.

16
17 Council Member DeVane spoke in support of keeping the memorial in its present location, noting
18 that it is well-lit. She expressed concern over vandalism if it is moved and stressed the need to have
19 lighting.

20
21 C. Appointment to the Citizens Advisory Committee of the MPO

22
23 Mayor Erwin noted that Bob Storke was the City's representative on the MPO Bicycle/Pedestrian
24 Task force and that he has had to relinquish that position due to his appointment to the City Council.
25 In addition, Harley Strickland has resigned from his position on the Citizens Advisory Committee.
26 The Mayor asked Council to provide suggestions for replacements for these positions.

27
28 **8. REPORTS:**

29
30 A. City Manager

31
32 Mr. McCue reported that there was a meeting of the Partnership Center committee. He said that
33 nothing was resolved and another meeting is scheduled for Thursday afternoon. He said the cost of
34 the building has escalated to \$30 million and the committee will be addressing possible funding
35 sources or a reduction in building size. Mayor Erwin said that there is approximately \$21 million on
36 hand today for the project. Substantial reductions in the size of the building have already been
37 incorporated into the plan, and it is likely a further reduction to 80,000 square feet or less will be
38 needed. He suggested that construction of the center may have to be postponed for several years.
39 Mr. McCue said that a decision must be made by the partners by February 1st as that is the deadline
40 for Daytona Beach College to return the grant money to the State if the project is not moving
41 forward.

42
43 Council Member Mahoney asked, "Will the reduction in size that you spoke of result in a facility
44 that's unable to fulfill the purpose for which it was created?" Mr. McCue said that will not be
45 known until after the meeting on Thursday. He expressed his opinion that if further reductions in
46 size are made, the building will not meet the needs for which it was created. Vice Mayor Yebba

1 concurred with Mr. McCue. He said that he has lost his confidence in the project.

2
3 Council Member Sherrill noted that the City entrance signs are in need of painting.

4
5 B. Mayor/City Council

6
7 Mayor Erwin provided an update on the plans for the 125th Anniversary. He said that it is expected
8 that Congressman John Mica will be attending the Kick-Off ceremony and will speak there. He said
9 that he would like for Council to be involved in the ceremonies. Vice Mayor Yebba has agreed to
10 introduce Congressman Mica. Council Member Storke agreed to present the awards for the poster
11 and essay contests. He asked that anyone wishing to speak let the City Clerk know so that she can
12 place them on the schedule. Volunteers are also needed for the Historic Tour.

13
14 Ms. Renner reported that the planning committee for the 125th Celebration has been meeting twice
15 per week for the past few weeks to work out the details for each event. She said that she would
16 provide Council with a report outlining the details of the events. The committee is trying to
17 determine where volunteers will be needed and she said that she would let the Council know in case
18 they wanted to offer their services.

19
20 The Mayor briefly discussed the details for the final day event at Valentine Park. He noted that there
21 would be a group there from the Pioneer Settlement, as well as a display of historic photographs and
22 games for families and kids.

23
24 Mayor Erwin reported that at a meeting of the City Managers and Mayors last December, it was
25 agreed that a new committee would be formed to revisit the “smart growth” proposals that were
26 presented to the Council in 2005. The committee will be made up of five city managers and five
27 elected officials (not from the same city), four representatives from the County, and two
28 representatives from the school board. The committee will be tasked with identifying how to get the
29 initiative back on track. The Mayor provided a history of the smart growth movement, which began
30 in 2002. He said that the new committee was scheduled to meet January 23rd to begin discussing
31 implementation of the recommendations previously presented, however, now it appears the County
32 will not participate. Mayor Erwin reported on recent meetings of the myregion.org group and
33 reported that he has been asked to serve on one of the subcommittees. He stated that he continues to
34 support the smart growth movement.

35
36 The Mayor reported that the December WAV meeting was cancelled, so the revised interlocal will
37 be presented in January for a final vote in March.

38
39 Mayor Erwin reported that the City will have a booth at the Manatee Festival the last weekend of
40 January. The theme will be the 125th anniversary celebration and the Mayor said that volunteer
41 council members are needed to work at the booth.

42
43 Council Member Sherrill asked whether current plans are for WAV to serve as a planning
44 organization. Mayor Erwin responded that it will allow for individual groups to partner on specific
45 projects. Council Member Sherrill expressed his support for withdrawing from membership in
46 WAV. Mr. McCue said that if the WAV board votes to adopt the new interlocal in May, it will

1 return to the Council for approval and a decision to withdraw can be discussed at that time. Mayor
2 Erwin said that he will vote for adoption of the revised Interlocal Agreement WAV, but will
3 recommend that Council not vote to participate in the organization. He noted that the City does have
4 a commitment until a new interlocal is adopted.

5
6 C. City Clerk

7
8 The City Clerk had no further report.

9
10 D. City Attorney

11
12 Mr. Reischmann said that there is progress being made on the closure of the GEL C&D Landfill.
13 The cover should be complete and the access road removed by the end of January. He noted that the
14 recycling operation is still functioning and reminded Council that the City does still have an action
15 pending in circuit court regarding that matter. Mr. Reischmann reported that a mediation was held in
16 late December and he requested that Council schedule an attorney/client private session to review
17 the results of that mediation and to discuss settlement negotiations and strategies.

18
19 Mr. McCue noted that there is a workshop scheduled for January 23rd on the special assessment for a
20 streetlighting district and stated that he would check availability for a date for the executive session
21 and report back to Council.

22
23 **Council Member Allebach moved to direct the City Attorney**
24 **to schedule an executive session to discuss pending litigation in**
25 **the GEL matter, seconded by Vice Mayor Yebba and passed**
26 **by unanimous 7/0 voice vote of the Council.**

27
28 **9. APPROVAL OF MINUTES:** December 12, 2006 Regular Council Meeting

29
30 **Council Member DeVane moved to approve the minutes of the**
31 **December 12, 2006 meeting, seconded by Council Member**
32 **Allebach and passed by unanimous 7/0 vote of the Council.**

33
34 **10. COUNCIL COMMENTS**

35
36 Council Member Storke stated, "I just want to thank everybody for giving me a great first meeting."

37
38 Council Member DeVane stated that she would not be running for re-election to the Council due to
39 conflicts with her personal life. She advised that she will be out of town during the 125th
40 Anniversary celebration.

41
42 Vice Mayor Yebba welcomed Mr. Storke to the Council. He told Council Member DeVane that he
43 appreciated her comments this evening.

44
45
46

1 **11. ADJOURNMENT**

2
3 There being no further business, Mayor Erwin adjourned the meeting at 11:00 p.m.

4
5 **RESPECTFULLY SUBMITTED:**

APPROVED ON

6
7
8 Deborah J. Renner, CMC
9 Deputy City Clerk

January 23, 2007
