

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, April 10, 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 **PRESENT:** Mayor Albert T. Erwin, Vice Mayor Anthony R. Yebba, Council Members; Jeff H.
10 Allebach, Joelle DeVane, Donald C. Sherrill, Robert A. Storke, Jim Mahoney, City
11 Manager John. J. McCue; City Attorney William Reischmann; City Clerk Deborah
12 Renner

13
14 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

15
16 Mayor Erwin requested that Items 6C and 7B be moved forward to follow the State of the City
17 Address. There being no objections, the Agenda was adjusted accordingly.

18
19 **1. PRESENTATIONS: State of the City Address**

20
21 John McCue, City Manager, came forward to present the State of City Address. He began his
22 presentation by praising staff and the City Council. Mr. McCue said that the purpose of the address
23 is to identify the accomplishments of 2006 and to address the challenges the City has ahead. Mr.
24 McCue read his written State of the City Report (a copy of which is attached and becomes a
25 permanent part of these minutes).

26
27 (Due to technical problems, the tape was changed to TAPE 2A)

28
29 Mayor Erwin thanked Mr. McCue for his presentation.

- 30
31 **C. RESOLUTION NO. 399-07:** A resolution of the City Council of
32 the City of Orange City, Florida, adopting the song written by
33 Gene Gizzi as the official Orange City song; repealing all
34 resolutions in conflict herewith and providing for an effective date.

35
36 **Council Member Mahoney moved to adopt Resolution No.**
37 **399-07, seconded by Vice Mayor Yebba.**

38
39 Mayor Erwin introduced Gene Gizzi who, as a member of the 125th Anniversary Celebration
40 Planning Committee, wrote, produced and recorded the song "Orange City." Mr. Gizzi came
41 forward and gave a live performance of the song. He thanked Council and the Committee for the
42 opportunity to participate in the celebrations. Mayor Erwin thanked Mr. Gizzi for his efforts, noting
43 that the only cost to the City for this song was for studio time and to reproduce it on disc.

44
45 Council Member Sherrill said that he has heard numerous good comments about this song and
46 stated, "I feel good about it."

1 Vice Mayor Yebba said that many good things came out of the 125th celebrations and that this was
2 the best. He thanked Mr. Gizzi and stated, "I appreciate your work."
3

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

5
6 **7. B. Discussion/Update on WAV**
7

8 Mayor Erwin reported that on March 21, 2007, the WAV Board of Directors voted to adopt the
9 Fourth Amended and Restated Interlocal Agreement as proposed, redefining WAV as a planning
10 organization. Mayor Erwin welcomed Mayor Apgar, City of DeLand, and asked him to discuss the
11 new WAV.
12

13 Mayor Apgar came forward, and thanked the Council for its participation in WAV. He said Orange
14 City has been a leader in regional cooperation. Mayor Apgar noted two significant changes to the
15 new WAV Interlocal Agreement. The first change is the 180-day opt out provision, which would
16 allow the member governments to opt out of the organization upon 180-day notice. He advised that
17 there is also a special rule for this year which allows a 60-day opt out period that would allow
18 members to avoid payment of dues for the next fiscal year. The second change is regarding the
19 structure of WAV. When WAV first formed, the concept was that all member governments paid
20 their fair share of approved capital projects. The new agreement provides voluntary participation in
21 capital projects with the cost to be shared by those participating members. Mayor Apgar noted that
22 the new agreement provides the flexibility to undertake capital projects either from within or outside
23 of WAV. He advised that WAV gives members a forum to discuss water policy. Mayor Apgar
24 advised taking a "wait and see" approach to see how WAV evolves over the coming year.
25

26 An ad hoc committee of all City Mangers in Volusia has made a recommendation that WAV reduce
27 expenses by eliminating the executive director position and utilizing VCOG to perform
28 administrative functions. If accepted, the change would reduce expenses from \$600,000 to \$350,000
29 annually. Mayor Apgar noted that in response to feedback from member governments, the Agency
30 will put a strong focus on conservation.
31

32 Mr. McCue remarked that initially, WAV had a lot of value to Orange City and Volusia County,
33 however, that has changed substantially. He said that he felt the City's investment in WAV
34 membership would not produce a good return on investment because it could accomplish these
35 objectives without membership in WAV. Mr. McCue cited a proposed surface water treatment
36 plant as an example of upcoming projects that will require funding. He said that such projects will
37 require partnerships to be successful and that the City needs to be a party in order to protect its
38 interests. Mr. McCue noted that a regional approach to water policy has been an evolving process
39 over the past ten years and he suggested that there are more changes to come. Mr. McCue
40 recommended that the City maintain its membership in WAV for a year and see if the city can
41 influence the direction the Organization takes.
42

43 Mayor Apgar expressed that had WAV remained the same as it has been, there would have been
44 another year or longer of "turmoil and inaction." He noted that if WAV had collapsed, the cities of
45 Volusia would still have found it necessary to develop smaller, regional alliances.
46

1 Council Member Mahoney commented that even if the City opts-out of WAV, minimum flow
2 requirements and alternative water sources would be forced upon the City. He pointed out that
3 WAV is “a regional vehicle through which a regional solution may be achieved.”
4

5 Mayor Erwin expressed disappointment with the direction that WAV has taken. He spoke of his
6 long-term involvement in the water management movement and predicted that the critical year for
7 Volusia County will be 2015. He said if nothing is done, problems are going to arise that will
8 require drastic actions. The City has an opportunity to remain in WAV for another year and Council
9 must make a decision before May to in order to take advantage of the 60-day opt-out clause. Mayor
10 Erwin said that while he is not happy with the current direction of WAV, he recommended that the
11 City remain a member in the new organization. He said that intensive conservation efforts could
12 prolong the need to find alternative water sources. The Mayor noted that water shortages will be a
13 world-wide problem in the near future and recommended that the City maintain its membership in
14 WAV at this time.
15

16 Vice Mayor Yebba concurred there was a better chance of achieving alternative sources such as the
17 St. Johns River by keeping WAV intact and pursuing that goal as a group. He recommended staying
18 with WAV to see what transpires.
19

Amended on 4/24/07

20 In response to a question from Council Member Allebach, Mr. McCue said proposed expenses are
21 based on the current number of memberships (~~23~~) (13) for the current budget of \$600,000 +.
22 Council Member Allebach noted that if members withdraw from WAV the dues will go up. Mr.
23 McCue responded in the affirmative and stated his belief there will not be a large divestiture of
24 members. He advised that there is an intangible return on this investment since the only way the city
25 can participate is as a contributing member. He pointed out the membership dues are already
26 budgeted, and if there were an increase, it would not significantly affect the current level of
27 contribution.
28

29 Mayor Erwin explained that New Smyrna Beach has withdrawn from WAV and implied that
30 decision may be a result of the unique situation in New Smyrna Beach rather than the changes in
31 WAV.
32

33 Mayor Apgar said if the City Managers had not recommended downsizing WAV and reducing the
34 membership contributions a considerable number of members would have withdrawn.
35

36 Council Member Allebach stated that he agreed the City needs to remain a member of WAV and
37 said that he was concerned with the possibility of an increase in membership dues as more cities opt
38 out of WAV. Mayor Erwin noted that even though a member government may choose to opt out, it
39 does not relieve them from the obligation to pay their dues for the entire fiscal year.
40

41 In response to query from Council Member Mahoney, Mayor Erwin said there were other cities with
42 questions about the revised interlocal. He assured Council Member Mahoney that proposals to
43 refine the interlocal would be forthcoming and that the City Attorney’s concerns would be addressed
44 at that time.
45

46 Bill Reischmann, City Attorney, noted that the interlocal agreement presented to Council is a final
47 document and has, in fact, been recorded in the public records of Volusia County. He clarified that

1 his comments were provided to assist Council in evaluating the potential consequences of continuing
2 or not with WAV membership. He stated he is not in a position to evaluate whether there would be
3 any capital projects that would create a risk of liability. McCue stated the most recent amendment to
4 the contract underwent a full year of review by both the WAV board and the Manager's Advisory
5 Committee and noted that the Attorney's comments were addressed at these reviews.

6
7 BEGIN TAPE 2-B
8

9 Council Member Storke asked if it would be better for a group of entities to apply for a grant or for
10 each entity to compete for a grant. Mr. McCue responded that the cost would be less if WAV
11 administered the grant process. He observed that regulations from the Water Management District
12 have forced Orange City to form regional partnerships with neighbors such as DeLand to seek
13 surface water treatment plant alternatives, however, this does not preclude an occasional situation
14 where there would be competition for grant money.

15
16 Mayor Erwin summarized that Council may decide to stay with WAV or to opt-out. He
17 recommended that Council vote to stay with WAV for the time being.

18
19 **Council Member Allebach moved that Orange City remain with**
20 **the new, revised WAV, seconded by Council Member Sherrill, and**
21 **passed by unanimous 7/0 voice vote of the Council.**

22 *Amended on 4/24/07*

23 Mayor Erwin noted that the Executive Committee ~~would~~ could provide administrative direction to
24 WAV if the recommendation to eliminate the Executive Director position is approved.

25
26 **2. CITIZENS COMMENTS:** None at this time.

27
28 **3. CONSENT AGENDA:** None at this time.

29
30 **4. ORDINANCES - FIRST READING:**

- 31
32 **A. ORDINANCE NO. 303:** An ordinance of the City of Orange City, Florida, annexing
33 the Department of Interior Property into the corporate limits of the City of Orange
34 City, Florida; said property being generally located on the northwest corner of North
35 Volusia Avenue and West Wisconsin Avenue, containing approximately 4.0 acres; in
36 accordance with the voluntary annexation provisions of Florida Statute 171.044;
37 redefining the boundaries of the City of Orange City by amending the appropriate
38 sections of the code of ordinances; containing a repealer provision, a severability
39 clause and providing for an effective date.

40
41 **Council Member Mahoney moved to adopt Ordinance No. 303 on first**
42 **reading, seconded by Council Member Sherrill.**

43
44 Jim Kerr Assistant Planner came forward and provided a PowerPoint presentation on the proposed
45 rezoning classification of the Department of Interior property (a copy of which is attached and
46 becomes a permanent part of these minutes). Referring to the proposed zoning map, he stated the
47 property is located in the northwest corner of 17-92 and Wisconsin Avenue and was formerly known

1 as the “Hidden Gardens” property. Mr. Kerr advised that the property complies with the statutory
2 requirements for annexation and that staff recommends annexing this property into the City
3 boundaries.

4
5 Vice Mayor Yebba asked about plans for this property and expressed concerns that it has drainage
6 problems. He said he does not want the City to be “saddled” with the drainage issues. Mr. McCue
7 responded that drainage would be the property owner’s responsibility. Vice Mayor Yebba
8 expressed that the property needs a drainage pond. Mr. Kerr advised the property is for sale. Mr.
9 McCue assured the Vice Mayor that the new owners would have to address the drainage issues and
10 that the City would not be responsible.

11
12 In response to a query from Council Member Storke, Mr. McCue affirmed that once annexed, the
13 city will be able to enforce its codes on the property.

14
15 **Motion to adopt Ordinance No. 303 on first reading passed by**
16 **unanimous 7/0 roll call vote of the Council.**

17
18 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

- 19
20 A. **ORDINANCE NO. 300:** An ordinance of the City of Orange City, Florida, amending
21 Section 8.3 of the City’s Land Development Code, said section being the official zoning
22 map of the City of Orange City, Florida; said amendment changing the zoning
23 classification of the Integra Landings (Strickland) property, consisting of approximately
24 55.59 acres of property generally located within the northeast quadrant of Veterans
25 Memorial Parkway and East Rhode Island Avenue; from its present zoning classification
26 of (MX-2) mixed use to (M-PUD) mixed use planned unit development; containing a
27 repealer provision, a severability clause and providing for an effective date.

28
29 Mayor Erwin opened the Public Hearing by asking if anyone wished to speak in favor of or in
30 opposition to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

31
32 **Council Member Sherrill moved to adopt Ordinance No. 300 on**
33 **second and final reading, seconded by Council Member Allebach and**
34 **passed by unanimous 7/0 roll call vote of the Council.**

35
36 **6. RESOLUTIONS:**

- 37
38 A. **RESOLUTION NO. 394-07:** A resolution of the City Council of the
39 City of Orange City, Florida, acknowledging and approving the Master
40 Development Plan, Development Agreement and Site Plan for the
41 Integra Landings (M-PUD) Mixed Use Planned Unit Development, to be
42 constructed on a 28.42 acre parcel, generally located on the northeast
43 corner of Veterans Memorial Parkway and East Rhode Island Avenue,
44 Orange City, Florida; repealing all resolutions or parts of resolutions in
45 conflict herewith; and providing for an effective date.

1 **Council Member Sherrill moved to approve Resolution No. 394-07,**
2 **seconded by Council Member DeVane.**
3

4 Jim Kerr came forward and provided a PowerPoint presentation on the proposed development (a
5 copy of which becomes a permanent part of these minutes). Mr. Kerr stated that Council would be
6 looking at the residential (eastern) portion of site plan for approval. Development of the commercial
7 area will begin at a future time. Staff and the Planning Commission recommend approval of the
8 phase one site plan via this resolution and subject to the 13 conditions and 3 code departures
9 referenced in staff report attached to the resolution.

10
11 Council Member Storke recalled that the County plans to add turn lanes on Veterans Memorial
12 Parkway during the commercial phase and expressed concern for the safety of the citizens living
13 there who will have to make a left turn into the development. Council Member Storke
14 acknowledged that Veterans Memorial is a county road, but felt this matter needs to be addressed.
15 Chester Murray, Development Services Director, came forward and noted that the County owns and
16 controls both Rhode Island Avenue and Veterans Memorial Parkway. He advised that the County
17 was satisfied with the traffic study and project plans submitted and emphasized that the city has no
18 jurisdiction in the matter.

19
20 Mr. McCue advised that a residential project such as this would balance the commercial/residential
21 ratio in the MX zone.

22
23 In response to a question from Mayor Erwin, Mr. McDaniels, Developer, came forward and stated
24 that one bedroom apartments would rent for about \$850-\$950 a month and the two bedroom
25 apartments would rent for about \$955-\$1,000 per month.

26
27 Council Member Storke reiterated his concern for the safety of people turning left into the
28 development. Mr. Kerr stated that the light at the Rhode Island intersection would slow the traffic.
29 Mr. Murray responded that Rhode Island and Veterans Memorial Parkway are owned and controlled
30 by the County. He said that the County reviews any development that will affect County roads and
31 that the City/Developer are required to provide a traffic study. He said that the County had no
32 comment on the proposed development. Mr. Murray reiterated that the proposed project is a phased
33 development and there are no plans for the commercial portion at this time. He said that staff would
34 be expecting turn lanes when the Rhode Island Extension is paved, however, they are not being
35 required at this time. Mayor Erwin said that he shared the same concerns as Council Member Storke
36 at the time Saxon was being built. Mr. Murray noted that the developer of this project is also the
37 owner. He advised that the cost of the project will be \$30 million. Mr. McCue said that the
38 proposed project will help the City meet its required mix of residential to commercial development.

39
40 Council Member Mahoney stated that he was pleased to see the street light assessment program
41 incorporated into the developer's agreement. He confirmed that the reference to Ordinance No. 270
42 in Section 35 of the agreement was changed to Ordinance No. 300. Mr. Murray answered in the
43 affirmative.

44
45 Council Member DeVane inquired if the Fire Department equipment would accommodate a forty-
46 three foot building height in the event of a fire. Herb Hoffman, Fire Chief, came forward and stated

1 the Fire Department should be able to handle a four-story building. He stressed the importance of
2 proper layout of the parking spaces to insure the ladder truck access at an appropriate angle. Mr.
3 Murray said that the Fire Department takes part in reviewing every new development.

4
5 **Motion to adopt Resolution No. 394-07 passed by unanimous 7/0 roll**
6 **call vote of the Council.**

7
8 **B. RESOLUTION NO. 398-07:** A resolution of the City of Orange City,
9 Florida, urging the State Legislature to reconsider the methods used to
10 determine changes in the State's Tax Code; providing for severability,
11 providing for conflicting resolutions; and providing an effective date.

12
13 **Council Member DeVane moved to approve Resolution No. 398-07,**
14 **seconded by Council Member Storke.**

15
16 Angel Smith, Community Relations Coordinator, came forward and stated the purpose of this
17 resolution is to support the collaborative efforts of local governments and to inform the State
18 Legislature of issues resulting from the proposed State Tax Code changes.

19
20 Mr. McCue commented that this resolution would not carry much weight in the ultimate decision
21 process. However, given the amount of time and energy spent on tax reform in the legislative arena
22 this past year staff believes it is very important to participate in this effort by voicing the City's stand
23 on multiple occasions.

24
25 Council Member Mahoney stated that he "didn't care for this resolution." He said that he felt it was
26 not sufficiently specific. Mr. McCue explained that the resolution is designed to express the general
27 mood and issues of all of the cities in response to proposed actions by the legislature this year.
28 Council Member Mahoney stated that he found some of the language "insulting." Mr. McCue
29 responded that the proposals on tax reform in the legislature this year are numerous, complex and
30 represent "wholesale revamping." Mr. McCue proposed that eliminating property taxes is not
31 effective legislative decision-making. He suggested that the motivation for these actions is political.

32
33 Council Member Allebach expressed that the wording in the Resolution is "watered-down." He said
34 that the cities and counties were being blamed for the slow-down in the real estate market. He noted
35 that many developers and realtors were getting very wealthy over the past three years and the cities
36 and counties have become the scapegoats.

37
38 Mr. McCue advised that property appraisers are elected and that they have a responsibility to
39 appraise at full, fair market value. He suggested that this should not be an elective position. Mr.
40 McCue said that the issue should be addressed at many different levels, not just by a sweeping
41 reduction in property tax rates.

42
43 Mayor Erwin agreed it is not practical to resolve tax reform in a sixty-day legislative session. He
44 suggested that the Budget Reform Commission and the Special Tax Commission study the tax
45 reform proposals for a year and come back with reform that is fair for everyone. Mayor Erwin
46 advised that businesses do not pay tax...they simply pass the tax along to the consumer.

1 Council Member Mahoney questioned why the city did not have a resolution that addressed its
2 specific view. Mr. McCue responded this resolution was prepared at the request of other
3 municipalities in Volusia County. He said that he did not believe it would receive much attention in
4 Tallahassee.

5
6 Mayor Erwin said that he also had problems with the language used, but approved of the message
7 that tax reform is needed. The Mayor stated that for that reason, he would vote for it.

8
9 **Motion to adopt Resolution 398-07 passed by unanimous 7/0 roll call**
10 **vote of the Council.**

- 11
12 **C. RESOLUTION NO. 399-07:** A resolution of the City Council of the City
13 of Orange City, Florida, adopting the song written by Gene Gizzi as the
14 official Orange City song; repealing all resolutions in conflict herewith
15 and providing for an effective date.

16
17 (Resolution 399-07 was moved forward on the Agenda to follow Presentations.)

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

20
21 **A Update on Rotary Park Splash Pad**

22
23 James Moltz, Parks & Recreation Superintendent, came forward and gave an update on the Rotary
24 Park Splash Pad. He explained that the project design had been approved by Council in November
25 and that staff had found a company (Rain Drop Products) to supply the products at an agreed upon
26 price. He said staff temporarily postponed the project until an engineering firm was located to
27 prepare the drawings. Miller Legg has agreed to take care of the engineering requirements. Staff
28 renegotiated the price quote submitted by Rain Drop Products and the current price quote is lower
29 than first quote. He concluded the City is ready to start the project and that Fred Beiser will be the
30 project manager.

31
32 Mr. McCue reported that staff has learned that the underground tank used in association with the
33 project is 1,500 gallons as opposed to the 500 gallons previously envisioned by staff. A pump house
34 will also be required to protect the equipment. Unless directed otherwise, staff is ready to start the
35 bid process. It is hoped that a local pool company can be secured to do the job. Mr. McCue warned
36 Council this would be a large-scale construction project.

37
38 Vice Mayor Yebba remarked the project might not be complete by the July 4th celebrations. Mr.
39 McCue noted the Vice Mayor had a valid concern. He stated staff still had to develop an RFP and
40 would like the job to be done by a local pool company. Mr. McCue said that it may require delaying
41 the project until after the July 4th celebration.

42
43 Mayor Erwin agreed there would not be enough time to complete the project before the celebration.
44 The Mayor stated that he had some "serious questions" about total cost of the project. He noted the
45 cost identified is \$53,697 and stated, "I don't believe that's a third of the cost."
46

1 BEGIN TAPE 3A

2

3 Paul Johnson, Public Works Director, estimated that the total cost for the project should be around
4 \$75,000. Mayor Erwin noted that there will be engineering costs, project management costs,
5 installation costs plus any other items that may come up. Mr. Johnson stated that engineering costs
6 will be “relatively minimal.” Mr. McCue advised that engineering costs would not be too high as it
7 is just a matter of having the City Engineer seal the drawings from the company that makes the
8 equipment. Mayor Erwin stated, “Before we dig any dirt, I want some solid figures back here.” Mr.
9 McCue said that once staff solicits the bids, the project will come back to the Council to award the
10 bid before the work begins.

11

12 Mr. Moltz advised Council staff is aggressively applying for grants and/or sponsors to assist in the
13 cost. He gave an update on the move of the Veterans Memorial and “Bricks of Honor” stating that
14 the area has been staked out and public works staff will begin trenching for the electrical next week.
15 Mr. Moltz advised that the target date for completion is June 1. Mr. McCue said that a layout would
16 be placed in the area so that Council could stop by and look at it and provide their feedback on the
17 design.

18

19 **B. Discussion/Update on WAV**

20

21 (Agenda item 7-B was moved forward on the Agenda to follow Resolution 399-07.)

22

23 **8. REPORTS:**

24 **A. City Manager**

25

26 Mr. McCue asked for Council approval to combine the workshop to evaluate the goal performance
27 reports with the annual Goal Setting Workshop. He suggested a two-day meeting schedule to
28 discuss goals for the upcoming year and progress toward the goals that were set last year. He
29 advised that the City Clerk will advertise the meetings and they will be open to the public. Mr.
30 McCue suggested May 21 and May 24 as dates for the workshops with times to be confirmed later.

31

32 Mayor Erwin clarified the meetings would include a half-day with staff attendance and a half-day
33 with Council attendance on the first day, with a combined attendance of staff and Council on the
34 second day. Mr. McCue responded in the affirmative.

35

36 Council Member Mahoney said that when prioritizing last year’s goals, the associated costs were not
37 available. He expressed that cost would be a factor in setting the priorities. Mr. McCue responded
38 that he does not know what the cost would be until the goals are prioritized and noted the cost would
39 be developed during the budget process. He said that he would make Council aware of the impact
40 any planned project would have on the budget and said that capital projects would be “slowed
41 down” in the coming year. Mr. McCue said that he would try to provide costs if at all possible.

42

43 Council Member DeVane asked if at least one of the goal workshops could start after 5 pm. Mr.
44 McCue said he would talk with the consultant and see what he can do. Mayor Erwin spoke in favor
45 of having the meetings during the day.

46

1 Mayor Erwin commented that combining and advertising these meetings complies with the Sunshine
2 Laws. He noted that in the past there has not been much participation from the public. This year the
3 City Clerk will advertise the meetings in the newspaper, web page, and on the marquee. Council
4 Member DeVane suggested also advertising on the Utility bills.

5
6 Vice Mayor Yebba reported there is a large hole near the west entrance of Valentine Park. Mr.
7 Johnson came forward and said he would have it filled.

8 9 **B. Mayor/City Council**

10
11 Mayor Erwin reported there was a Smart Growth Committee meeting yesterday and that there was a
12 presentation from Gene Boles, University of Florida, to discuss ways to implement the standards in
13 Map "A." The Mayor said that Mr. Boles was impressed with the approach Volusia County has
14 taken towards Smart Growth and said that Volusia County is beyond any other County in the state of
15 Florida in regard to Smart Growth.

16
17 Mayor Erwin reported there was a Mayor's meeting yesterday. He said the administration of the
18 commuter rail was turned over to the Florida Department of Transportation. Because of the tax
19 situation in the State Legislature right now, the rail program is on hold.

20
21 Mayor Erwin reported that it was announced that Volusia County had to subsidize EVAC in the
22 amount of \$2 million last year and that amount is expected to grow to \$5 million this year. He
23 expressed his surprise, saying he thought that EVAC was self-supporting.

24
25 Mayor Erwin reminded Council that the forms for the City Manager's evaluation should be returned
26 by April 20th to allow time for tabulation. He said that this item will be on the agenda for the last
27 meeting in April.

28
29 Mayor Erwin noted that he represents Orange City on WAV. He said Council elected him and
30 because he will not be running for office again, he suggested Council appoint a new representative.
31 The Mayor said that he would be happy to continue representing Orange City, but that would only
32 be until November. The new WAV will be going through a transition and it may be appropriate to
33 elect a new representative to be involved with the entire process.

34
35 Council Member DeVane suggested that Mayor Erwin continue with WAV until November and that
36 another Council Member be elected to attend the meetings also. Mayor Erwin advised that the Vice
37 Mayor is the alternate member. Vice Mayor Yebba agreed to be the WAV representative.

38
39 Vice Mayor Yebba gave a brief update on the July 4th celebrations. He said once the plans are
40 finalized he would give a more detailed report.

41 42 **C. City Clerk**

43
44 Ms. Renner, City Clerk reported the dates of the upcoming Florida League of Cities Conference -
45 August 16-18, 2007 in Orlando. She advised Council she would be in touch once registration forms
46 are available. Ms. Renner announced that candidate qualifying packets are available in her office.

1 D. City Attorney

2
3 Mr. Reischmann reported that the interlocal agreement for the termination of the Partnership Center
4 has been prepared. Figures are now available from DBCC and the City Attorney said that he
5 anticipates having the agreement on the next agenda.
6

7 Mr. Reischmann remarked there has been substantial progress with the closure of the GEL Landfill.
8 The DEP has taken a proactive approach and cited the landfill for violations of its operating permit.
9 He reminded Council of the City's litigation with GEL in regard to land use and stated there has
10 been progress through GEL's submission of a partial plan for the recycling facility. In addition,
11 Code Enforcement efforts have increased. Mr. Reischmann summarized by saying both the State
12 and the City are doing their very best to make sure that property is used in a fashion which meets
13 both State and City regulations.
14

15 Mayor Erwin commented that the City's claims have been validated by the citations DEP has issued
16 to GEL. Mr. McCue concurred. Mr. Reischmann stated that in addition to the requirements in the
17 operating permit, GEL has regulations regarding groundwater contamination assessment. He
18 advised that Ms. Eger has been working with the DEP to ensure that remains at the forefront. Mr.
19 Reischmann discussed the issue of financial assurances made in regard to closure. Council Member
20 Mahoney suggested that the money generated by the fines be designated toward closure of the
21 landfill. Mr. Reischmann noted several areas of concern which could result in increased closure
22 expenses.
23

24 In response to a question from Council Member Sherrill, Mr. McCue said that he felt DEP would
25 cause GEL to remedy the slopes of the landfill, however, they would not address the footprint or
26 make GEL reduce the amount of debris on the mound. Mr. McCue advised that if GEL corrects the
27 slopes so that storm water and erosion do not become issues, if they cap it properly, and keep the
28 footprint, Orange City should be quiet and be glad the landfill is closed.
29

30 In response to a question from Council Member Sherrill, Mr. McCue said that there is a water hole
31 in the back of the GEL property behind the landfill.
32

33 Council Member DeVane asked how GEL would bring the slopes of the mound into compliance
34 with their operating permit. Mr. McCue said that he believed they would be required to reduce the
35 slope and that there are engineering methods beyond physically removing debris from the mound
36 which will accommodate that.
37

38 **9. APPROVAL OF MINUTES:** March 27 2007 Regular Council Meeting

39
40 **Council Member DeVane moved for the approval of the**
41 **March 27, 2007 Regular Meeting Minutes seconded by Council**
42 **Member Storke and passed by unanimous 7/0 voice vote.**
43

44 **10. COUNCIL COMMENTS**

45
46 Council Member Mahoney congratulated Mr. McCue on the State of the City Address.

1 Council Member Allebach stated that the County Council should not split Volusia County on the
2 commuter rail issue. He remarked it is east versus west again and the east side must become
3 organized and realize how important this project is to the entire county. Council Member Allebach
4 said he was not present at the last meeting and did not have an opportunity to say kudos for a job
5 well done during the 125th Anniversary Celebration. He stated that he had a fantastic time at the
6 celebrations and was enlightened by all the activities, he said "It was just awesome, so thanks."

7
8 Council Member Sherrill complimented the City Manager on the State of the City Report and
9 thanked him for a "good job."

10
11 Council Member DeVane addressed the Council and said she enjoys serving on the Council.
12 Council Member DeVane thanked Council and said "It's coming to the end of my five years so I
13 appreciate the time."

14
15 Vice Mayor Yebba agreed with Council Member Allebach's comments and suggested a resolution
16 or letter to the County Council letting them know the City's concerns. Vice Mayor Yebba
17 announced that Mayor Erwin is retiring and that he is a candidate for Mayor. He stated that he has
18 eight years experience as a Council Member and eight years as Mayor and stated, "I am just as
19 excited today as I was when I first came up here. He acknowledged Mayor Erwin's contributions
20 and stated he wants to continue moving the city in same direction.

21
22 Mayor Erwin agreed with Council Member DeVane's comments regarding serving on the Council.
23 He emphasized that through the years, Council has not always agreed with each other or staff, but
24 has always respected one another and that has been the key to success over the past six or seven
25 years.

26
27 **ADJOURNMENT**

28
29 There being no further business, Mayor Erwin adjourned the meeting at 10:04 p.m.

30
31 **RESPECTFULLY SUBMITTED:**

32
33
34 Deborah J. Renner, CMC
35 City Clerk
36

APPROVED ON

As amended
4/24/07