

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, April 24, 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 Associate Pastor Mark Siers, Volusia County Baptist Church, followed  
15 by the Pledge of Allegiance.

16  
17 **1. PRESENTATIONS:** Presentation to Historic Tour Participants

18  
19 Mayor Erwin called the following people forward and presented them with a plaque thanking them  
20 for their participation in the City's Historic Tour during the 125<sup>th</sup> Anniversary Celebration: Marilyn  
21 Meyers, Orange City Library Association; Richard Feinauer, Florida Postal Museum; Pastor Mark  
22 Siers, Volusia County Baptist Church; Amy DiVittorio, 1876 Heritage Inn; and Patty Temple, First  
23 Congregational Church. Gerald & Nan Hill, Alling House Bed & Breakfast and Mary Waits, 343 E.  
24 Graves Avenue were also recognized, but were not present to accept their plaque.

25  
26 **Presentation of Police Department Special Response Team**

27  
28 Chief Baskoff came forward and introduced the Police Department's Special Response Team (SRT).  
29 The Chief advised that Sgt. Jason Sampsell is the leader of the SRT. He discussed situations under  
30 which the team would be called in for assistance such as undercover investigations. The Chief  
31 advised that the need for an SRT has increased due to the addition of two new schools. He discussed  
32 the specialized training that members of the team will receive, noting that Sgt. Sampsell will be  
33 trained to be an instructor. Chief Baskoff noted that he chose the name "Special Response Team"  
34 because the unit will provide response in a number of different areas and will not function strictly as  
35 a traditional "Special Weapons Team." The Chief discussed the specialized equipment to be utilized  
36 by team members.

37  
38 Mr. McCue advised that the team was formed in response to a request from Mayor Erwin for a  
39 special team to respond to the increased reports of drug activity and prostitution. He said that the  
40 intention is not for the team to replace the Sheriff's SWAT team, but rather to provide a quick first  
41 response to an incident and to provide support to the SWAT team. Mr. McCue said that the team  
42 will also provide learning opportunities for police department staff which will improve employee  
43 recruitment and retention. Chief Baskoff advised that the special equipment used by the team cost  
44 about \$15,000 of which \$10,000 came from the City's forfeiture fund and \$5,000 from tax dollars.  
45 The Chief noted that participation on the team is voluntary.

46

1 Mayor Erwin expressed that the team will provide a sense of security for the citizens and that it is a  
2 “great plus for the City”.

3  
4 Chief Baskoff reported that since 2005, Lt. Melvin has secured approximately \$210,000 in grants,  
5 either in the form of equipment or money. The Chief discussed the new equipment that has been  
6 purchased recently with the grant funding. Chief Baskoff reported that the Florida DOT Safety  
7 Office is nominating Orange City for the “Governor’s Highway Safety Association Award.” He said  
8 that only six agencies in the state of Florida have been nominated over the past fifteen years. The  
9 Chief noted that Lt. Melvin has received statewide recognition for his teaching.

10  
11 **Presentation by Jack Hayman, County Council Member**

12  
13 Mayor Erwin introduced County Council Member Jack Hayman who came forward to make a  
14 presentation about WAV. Council Member Hayman commended the Police Department on the  
15 formation of the SRT. He began his presentation on WAV by briefly discussing some of the  
16 tribulations the Agency has gone through. He said that WAV has moved from an organization that  
17 plans and implements capital projects and regulates and controls water production in the County to  
18 one which will serve as a planning organization. Council Member Hayman advised that one of  
19 WAV’s main goals will be to foster conservation programs through public awareness. He said that  
20 WAV will also be working toward setting consumption goals in order to prepare for the possibility  
21 of reductions in consumptive use permits. Council Member Hayman said that a reduction in  
22 consumption will show the Water Management District that the County and Cities are good stewards  
23 of this resource. Another issue that WAV will address is enforcement of conservation regulations.  
24 Another idea that has been discussed is retaining a magistrate to hear violations of water regulations.  
25 Council Member Hayman advised that the Manager’s Advisory Group (MAG) will be  
26 recommending that an assessment not be imposed on member cities next year, instead that the  
27 Agency’s reserves be used to fund operating expenses. He reported that the Board voted to  
28 terminate the Executive Director of WAV because of the Organization’s change in direction.  
29 Council Member Hayman said the Board of WAV can ask the executive committee to provide  
30 oversight of staff on an interim basis until such time as the conservation plan has been developed.  
31 The decision whether to replace the Executive Director can be made at some time in the future. In  
32 the meantime, Council Member Hayman reiterated that enough money is available in reserves to  
33 meet the Agency’s financial obligations. He said that he met with Kirby Green from the Water  
34 Management District to solicit his support and that a commitment of support was given by the  
35 District. Council Member Hayman concluded his presentation by stating, “To sum it up, WAV is  
36 alive and WAV is well.”

37  
38 **2. CITIZENS COMMENTS:**

39  
40 Robert Shirk, 2872 Doe Run Trail, came forward and reported that tow trucks from Harry’s Towing  
41 have been parking on his street. He said that he was given conflicting information about whether  
42 this is allowed under the code. Mr. Shirk requested that if parking on the street is a violation of city  
43 code, that the code be enforced in his neighborhood. Mr. McCue said that Harry’s truck is violating  
44 code. Chief Baskoff disagreed with Mr. McCue and said that it is permissible in Fawn Ridge  
45 subdivision where Mr. Shirk lives unless the vehicle is blocking the roadway and possibly  
46 obstructing access for emergency vehicles.

1 BEGIN TAPE 1-B

2

3 Mr. McCue asked that Mr. Shirk call his office tomorrow for an appointment to discuss this  
4 situation. He advised Mr. Shirk that it is up to the Homeowners Association to enforce the rules that  
5 they impose on the community, not the Orange City Police Department.

6

7 Thomas Abraham, 1065 S. Volusia Ave., came forward and provided a response to the City  
8 Manager's "State of the City" address which was presented at the last meeting. Mr. Abraham stated  
9 that the speeches at the Council meetings have become "very, very long" and the substance is "very,  
10 very insignificant." He expressed his opinion that the address was not tied to the strategic plan. He  
11 noted that the Council did not question the City Manager after he delivered the "State of the City"  
12 address. Mr. Abraham said that the people of Volusia County don't want any more education about  
13 what is going on and that they are "fed up with big government issues." He said that the voters have  
14 "common sense" which the government leaders lack, citing the example of the Partnership Center,  
15 the recent garbage contract and the GEL litigation. Mr. Abraham recommended that the Police  
16 Department seek accreditation in 2009. He said that he wished to speak with Mr. Sumak, the City's  
17 consultant for the strategic plan, during the planning process this year. Mr. Abraham stated, "He is  
18 giving us his commandment, his vision of 2020. I don't think this is our vision."

19

20 Council Member DeVane invited Mr. Abraham to stay until Council Comments at the end of the  
21 meeting as she had prepared a response to his statement.

22

23 **3. CONSENT AGENDA:** None at this time.

24

25 **4. ORDINANCES - FIRST READING:** None at this time.

26

27

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

29

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

38

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

41

42 **Council Member DeVane moved to adopt Ordinance No. 303 on**  
43 **second and final reading, seconded by Vice Mayor Yebba and passed**  
44 **by unanimous 7/0 roll call vote of the Council.**

45

46 **6. RESOLUTIONS:**

47

1           **A.     RESOLUTION NO. 400-07:** A resolution of the City of Orange City, Florida,  
 2           pursuant to Section 3.01 of the City Charter, amending and supplementing Orange  
 3           City Resolution No. 363-06 to specifically direct and authorize the City Attorney and  
 4           Special Counsel to prosecute any and all necessary code enforcement matters and/or  
 5           administrative actions and appeals involving land use and/or code violations of the  
 6           GEL C&D landfill and/or recycling facility; providing for resolutions in conflict  
 7           herewith and providing an effective date.

8  
 9           **Council Member Mahoney moved to adopt Resolution No. 400-07,**  
 10          **seconded by Council Member Storke.**

11  
 12          City Attorney Bill Reischmann advised that he recommended the consideration and adoption of  
 13          Resolution No. 400-07. He said that the City is preparing a code enforcement case against GEL  
 14          Corporation which could be heard before the Special Magistrate at next week’s code enforcement  
 15          hearing. He said that this resolution was prepared in order to ensure strict compliance with the  
 16          City’s Charter and Chapter 162 of the Florida Statutes in regard to authorizing legal representation  
 17          for the City’s Code Enforcement Officer at that hearing.

18  
 19          Council Member Mahoney noted that, initially, he thought this resolution was redundant because of  
 20          previously adopted Resolution No. 363-06, however, he stated, “I appreciate the nuances and defer  
 21          to your expertise.”

22  
 23          Council Member Allebach questioned whether GEL had previously been cited by the DEP for  
 24          violations at the recycling center. Mr. Reischmann said that Council Member Allebach was  
 25          referring to violations of DEP regulations that were noted in their reports, and that violations of the  
 26          City’s codes were a separate and distinct matter. Mr. Reischmann explained that there are two areas  
 27          of violation: the first being that there is an unpermitted structure on the premises and secondly, the  
 28          current use for the property (recycling) is not allowed in the zoning district.

29  
 30          Mr. McCue noted that the current litigation with GEL is being paid for by the City’s liability  
 31          insurance carrier. He said that during mediation with GEL, the City said that if GEL complied with  
 32          the City’s land development regulations, the City would then recommend that the recycling center be  
 33          allowed. The stipulations by the City included development of a master plan for the remaining  
 34          acreage, a stormwater and leachate control plan, and compliance with landscape and architectural  
 35          standards. If these requirements were all met, staff would recommend that the plans be allowed to  
 36          move forward. Mr. McCue stated, “We’re not trying to close them down if they come into  
 37          compliance.”

38  
 39          **Motion to adopt Resolution No. 400-07 passed by unanimous 7/0 roll**  
 40          **call vote of the Council.**

41  
 42          **B.     RESOLUTION NO. 401-07:** A resolution of the City Council of the City of Orange  
 43          City, Florida, authorizing the Mayor and City Manager to execute a “Final  
 44          Agreement for Dissolution, Settlement of Refunds, Costs, and Expenses for the West  
 45          Volusia Cultural and Corporate Training Center;” repealing all resolutions in conflict  
 46          herewith and providing for an effective date.

1                   **Council Member Allebach moved to adopt Resolution No. 401-07,**  
2                   **seconded by Vice Mayor Yebba.**

3  
4                   Mr. McCue said that once the Agreement is signed, the partnership will be dissolved. The City's  
5                   money has already been returned. Mr. McCue stated, "I think it's important to keep in mind that this  
6                   project in and of itself may be dead, but let's not lose sight of the need and necessity for a project  
7                   like this at some time in the future." He expressed his pride in Orange City's part in the project.

8  
9                   Council Member Mahoney asked when the interest calculation was made and questioned whether  
10                  there would be further interest income to come. Mr. McCue responded that DBCC was required to  
11                  execute the checks on a date-certain which was not related to the dissolution. Mr. Reischmann  
12                  advised that all the monies have been disbursed. Council Member Mahoney questioned the point of  
13                  Resolution No. 401-07. Mr. Reischmann responded that the agreement makes it clear that the cities'  
14                  financial obligations have been met.

15  
16                   **Motion to adopt Resolution No. 401-07 passed by unanimous 7/0 roll**  
17                   **call vote of the Council.**

- 18  
19                  **C. RESOLUTION NO. 403-07:** A resolution of the City Council of the City of Orange  
20                  City, Volusia County, Florida, requesting that the Florida Department of  
21                  Environmental Protection recognize local zoning laws as part of its permit processing  
22                  requirements; opposing the Florida Department of Environmental Protection's  
23                  issuance of a permit to G.E.L. Corporation for a commercial recycling facility  
24                  without considering G.E.L. Corporation, Inc.'s compliance with local zoning  
25                  regulations; providing for the distribution of this resolution to state and local officials;  
26                  repeal of prior inconsistent resolutions, severability and an effective date.

27  
28                   **Council Member Storke moved to adopt Resolution No. 403-07,**  
29                   **seconded by Council Member Sherrill.**

30  
31                  Angel Smith, Community Relations Coordinator, came forward and stated that purpose of the  
32                  proposed resolution is to request that DEP consider compliance with local zoning laws before  
33                  granting an operating permit to any entity rather than strictly on the applicant's ability to meet the  
34                  state's environmental status and regulations.

35  
36                  Mr. McCue noted that this requirement is a common practice between other government agencies  
37                  such as the Water Management District.

38  
39                  Mayor Erwin noted that the DEP could issue a permit for a landfill without even notifying the  
40                  jurisdiction in which the operation is to be established. The Mayor spoke in support of legislation  
41                  which would require the DEP to operate under this premise.

42  
43                  Mr. Reischmann advised that anyone wishing to open an establishment that sells alcoholic  
44                  beverages must produce proof of zoning compliance. He questioned why this requirement should  
45                  not extend to a landfill.

46

1 Council Member Mahoney referenced page 4, Section 2 of the resolution and suggested that the  
2 words “and operation” be added to the final sentence in that paragraph so that it reads  
3 “.....authorizing the construction and operation of the facility.....”  
4

5 Mr. McCue advised that there is a mailing list for distribution of Resolution No. 403-07.  
6

7 **Motion to adopt Resolution No. 403-07 passed by unanimous roll call**  
8 **vote of the Council.**  
9

10 **7. DISCUSSION AND ACTION:**  
11

12 **A. City Manager’s Annual Evaluation**  
13

14 Mayor Erwin noted that the composite rating in all areas on Mr. McCue’s evaluation is 3.5 which is  
15 in the “exceeds expectations” category.  
16

17 Council Member Mahoney read aloud the narrative comments that he made on the City Manager’s  
18 evaluation as follows: “We are all aware of John’s financial acumen, evidenced by the cost efficient  
19 manner in which he implements policy. Insufficient recognition is given to his creativity. Consider  
20 the following two examples: the opening of the fire station in the commercial district enhances our  
21 ability to deliver emergency services to the southern portions of Orange City while simultaneously  
22 mitigating the encroachment by the County’s closest unit response ordinance on the City’s home  
23 rule powers. Orange City is a proponent of regional solutions when negotiated cooperatively by  
24 equal partners. Orange City was fortunate to have not been as adversely impacted by the  
25 unprecedented volumes of storm water arising from the 2005 hurricane season as were some of our  
26 neighbors. Council directed John through the strategic planning process to implement a master plan  
27 for stormwater management. John’s proposal does the following: incorporates a regional solution to  
28 our stormwater management needs, includes a conservation component by reclaiming water that  
29 would otherwise end up in the St. John’s River, and has the potential for generating additional  
30 revenues for Orange City. This is awesome. Overall, John continues to perform at a high level of  
31 competency. He is a decisive, creative leader who is able to implement Council policy without  
32 mortgaging our future. We are fortunate to have John McCue as our City Manager.”  
33

34 Council Member Sherrill agreed with Council Member Mahoney’s comments.  
35

36 Council Member DeVane said that she felt this year it was more difficult to evaluate the City  
37 Manager. She said that because he does such an excellent job her expectations have risen to new  
38 levels and, therefore, the City Manager meets, rather than exceeds them.  
39

40 Council Member Allebach observed that in his role as a Council Member, he has contact with Mr.  
41 McCue on a more limited basis. He said that with this in mind, he considered the performance of  
42 Mr. McCue’s staff when evaluating the City Manager. He noted the previous presentation by the  
43 Police Department and the number of city staff members who are attending higher education classes.  
44

45 **Council Member Allebach moved to increase Mr. McCue’s salary by**  
46 **5%, seconded by Council Member Sherrill.**

1 Council Member Allebach said that he has been reading that they are offering Managers throughout  
2 the state \$20,000-\$30,000 more than Mr. McCue receives.

3  
4 Mr. McCue said that he is not in the market for a new position.

5  
6 Vice Mayor Yebba advised that the Council developed the strategic plan and that at their direction,  
7 staff has been following it. He said that he was pleased with the condition of the City under Mr.  
8 McCue's leadership and spoke in support of an increase larger than 5%. Vice Mayor Yebba said  
9 that Mr. McCue's pay should not be based strictly on the size of the City, but rather should consider  
10 all the of issues he has to deal with.

11  
12 Council Member Mahoney concurred with the Vice Mayor. He said that he expects his  
13 compensation to reflect increases in his company's revenues and that he felt 5% does not do that.

14  
15 Mayor Erwin spoke in support of a 5% increase stating that he felt it was all the City could afford  
16 right now. He said that it could always be increased later if that is the desire of Council.

17  
18 Council Member Mahoney said that the amount of the raise would not be enough to jeopardize the  
19 City's financial standing. He stated, "I do not want to send the wrong message to Mr. McCue." He  
20 said that he feels fortunate to have Mr. McCue as the City's Manager.

21  
22 Mayor Erwin said that the City's finances were very uncertain at this time and that giving too large  
23 of an increase to Mr. McCue could restrain raises for other deserving employees.

24  
25 Council Member Sherrill expressed his feeling that an evaluation is done on past performance, not  
26 future performance. He said that he agrees with Council Member Mahoney and Vice Mayor Yebba.  
27 He reiterated that the strategic plan booklet was developed by Council and staff. Council Member  
28 Sherrill said that overall, Mr. McCue has done an excellent job and stated, "I say hooray for John  
29 McCue, let's give him what he deserves."

30  
31 Council Member DeVane expressed her confidence in the City's financial health, but said that she  
32 would prefer to keep the Manager's increase at 3%, the same as other employees.

33  
34 BEGIN TAPE 2-A

35  
36 **Motion passed by 4/3 roll call vote of the Council with Council**  
37 **Members Mahoney, Sherrill and Vice Mayor Yebba voting "no."**

38  
39  
40 Mr. McCue said that the personal comments he received during this year's evaluation process were  
41 the most rewarding he has received in the seven years he has been with the City. Mr. McCue said  
42 that he has received numerous job offers since he has been back, for substantial increases in pay. He  
43 said that he likes Orange City and that he has no plans to move away.

44  
45 **8. REPORTS:**

46

1           A.     City Manager  
2

3 Mr. McCue said that the DOT is so pleased with the proposed joint drainage project at Mill Lake  
4 they have agreed to clean the park there as well. He discussed the proposed project in detail and said  
5 that all of the participants are excited about it.  
6

7 Mr. McCue reported that the alternative water supply meeting is May 7<sup>th</sup> and the City would be  
8 participating along with Volusia County. Mr. McCue noted that taking water out of the River  
9 increases the amount of water in the aquifer available to everyone else in the County. He advised  
10 that the project would involve a \$20M to \$25 Million capital expenditure on the part of the City  
11 along with ongoing operating expenses.  
12

13 Vice Mayor Yebba said that he took part in a conference call regarding tax reform. He said that the  
14 City should now be exploring alternatives in the event the tax cut does transpire. Mr. McCue said  
15 that the City should be considering a year-long campaign with the State Legislature to address the  
16 actual consequences and impacts that the proposed tax reform measures will have. He stressed that  
17 this effort should begin now for next year's legislative session. Mr. McCue said that the general  
18 public does not understand the implications of the proposed tax cuts and the effect it will have on  
19 services. He said that he does not anticipate a reduction in services in Orange City, but that there  
20 would certainly be no increase.  
21

22 In response to a question from Council Member Sherrill, Mr. McCue said that staff has been very  
23 pleased with the service provided from the new contractor working on the production wells.  
24

25           B.     Mayor/City Council  
26

27 Mayor Erwin reported that yesterday's Smart Growth meeting was cancelled. At the VCOG  
28 meeting, discussion took place regarding VCOG providing administrative services for WAV. A  
29 presentation was made on school concurrency. A resolution is planned for sometime in the next  
30 thirty days with an effective date of October 1, 2007. A presentation was made on workforce  
31 housing.  
32

33 Vice Mayor Yebba reported on the MPO meeting held this morning. An allocation was made to  
34 VOTRAN to install GPS information that people can obtain on-line as to the bus' current location  
35 and estimated time of arrival. Vice Mayor Yebba said that the 2050 highway traffic analysis was  
36 distributed and, interestingly, nearly all of the major roads in Volusia County will be above capacity.  
37 The Vice Mayor suggested drafting a letter from the Mayor to the County Council supporting  
38 commuter rail.  
39

40 Council Member Hayman came forward and said that the only way that he sees Volusia County  
41 being able to participate in the commuter rail project is via an alternate revenue stream. There have  
42 been discussions on an additional half-cent sales tax. He said that he could not support the program  
43 unless there is a way to fund it. He said that Volusia County is already devoting a great deal of  
44 money to debt service and reiterated his doubt that it could fund an expense such as the rail program.  
45

## 46           C.     City Clerk

1 The City Clerk announced that the Leisure Services Department is sponsoring an Arbor Day  
2 Celebration at 11:00 a.m. on Friday, April 27<sup>th</sup>. She encouraged the Council to participate if  
3 possible.  
4

5 D. City Attorney  
6

7 Mr. Reischmann recalled that Council authorized staff to negotiate the purchase of a piece of  
8 property known as the Bunn property about two years ago. The property, located at the corner of  
9 17-92 and Rhode Island, was needed as right of way for the realignment of Rhode Island. The  
10 original appraisal for the property was around \$400,000. Mr. Reischmann said that staff has been  
11 waiting for the final plans for the project. In early 2006, staff commissioned an updated appraisal  
12 which came in at \$440,000 in August of 2006. Mr. Bunn is asking \$750,000 for the property. He  
13 advised the City Council that they must make a decision as to the maximum amount they will pay  
14 for the right of way.  
15

16 Mr. McCue said that in the original plans, Rhode Island was to be a major arterial road used to  
17 transport from Deltona to the new high school. He said that while that phase has “fallen out” of the  
18 picture, this section of Rhode Island is essential to getting the kids to school. Mr. McCue noted that  
19 the City’s contribution to the project is now in excess of \$800,000 and approaching or exceeding \$1  
20 million. Mr. McCue stated, “Critically speaking, Orange City didn’t get into it with any level of  
21 expectation of taking a million dollars out of its budget and throwing it to a County road project.”  
22 He said that he has been meeting with County staff regarding this matter. With the increase in cost  
23 for the land, Mr. McCue stated that it is exceeding the City’s capacity to fund the acquisition of the  
24 property.  
25

26 Mr. Reischmann noted that the tenants in these properties also have rights and no one has heard from  
27 them yet. Additionally, there is a billboard located on the property. He said that the County  
28 Attorney’s office has agreed to do the litigation for the imminent domain proceedings if it comes to  
29 that. Mr. Reischmann said that he is looking for direction from Council as to how much they are  
30 willing to invest in this project. The City has invested about \$50,000 in the project in engineering  
31 fees so far. Mr. McCue recommended that the City Council put a cap on how much money can be  
32 spent on the project. He noted that the City’s portion of the funds would be borrowed.  
33

34 Mayor Erwin recalled that the City made a commitment toward funding of the road when the  
35 decision to site the schools here was made. He noted that the agreement for the road is over five  
36 years old. The Mayor recalled that the original estimate for the City’s commitment was about \$400-  
37 \$600,000. Now, it appears that figure will be more than double. The Mayor said that while he does  
38 not like to back out of a deal, this situation has “just gotten out of hand.” He spoke in support of  
39 placing a cap of \$750,000 on the City’s portion of the project.  
40

41 Vice Mayor Yebba concurred with Mayor Erwin.  
42

43 Mr. McCue discussed in detail the reasons for the delay in this project. One of the main issues was  
44 the engineering for the property and the need to split certain portions to provide for drainage.  
45

46 Mr. Reischmann stated that the City Council had provided direction for staff to begin negotiations

1 on this land purchase on April 26, 2005. He said that the first demand from Mr. Bunn's attorney  
2 was for \$750,000 on June 1, 2005, although the initial appraisal was for \$398,000. The property was  
3 reappraised in 2006 at \$440,000. Mr. Reischmann stated, "As your attorney, I'm reluctant to advise  
4 you to simply issue a blank check to another agency that has informed us that they need this property  
5 right away. If we give them a blank check, I can assure you they'll have the property right away."

6  
7 BEGIN TAPE 2-B  
8

9 In response to a question from Council Member Mahoney, Mr. McCue said that the City made an  
10 original commitment based on a figure of about \$400-\$500,000. He said that in his discussions with  
11 the County, they are now looking at a cap of \$750,000 plus additional expenses from the opposing  
12 attorneys. Mr. McCue noted that the City generates \$600-\$700,000 per year in road impact fees.  
13 These funds are used for the benefit of Deltona and DeBary as well as Orange City. He stated, "So  
14 its not as if Orange City has not done a heck of a job of contributing to its development and  
15 economic development program, a significant amount of money towards the County road program."  
16 Mr. McCue said that the County road program benefits Deltona and DeBary more than it does  
17 Orange City. He suggested that the City draft an Interlocal Agreement giving the money to the  
18 County for the road program and letting the County take the lead.  
19

20 **It was the consensus of Council that the City Manager draft an**  
21 **Interlocal Agreement to be presented to the County in reference to**  
22 **Orange City's contribution to the Rhode Island Avenue**  
23 **improvements.**  
24

25 Mr. McCue advised that he would bring an agreement back to the Council within the next two  
26 weeks. In response to a question from Mayor Erwin, Mr. McCue said that he would include  
27 information as to how much Orange City has contributed to the County in road impact fees over the  
28 past several years.  
29

30 **9. APPROVAL OF MINUTES:** April 10, 2007 Regular Council Meeting  
31

32 **Council Member DeVane moved for the approval of the**  
33 **April 10, 2007 Regular Meeting Minutes seconded by Vice**  
34 **Mayor Yebba.**  
35

36 Mayor Erwin noted a correction on Page 3, line 21 – the current membership of WAV should be 13,  
37 not 23 as written. Mayor Erwin noted an additional correction on Page 4, line 23 – the sentence  
38 should read as follows: "Mayor Erwin noted that the Executive Committee ~~would~~ could provide...."  
39

40 **The minutes were approved as amended by unanimous 7/0**  
41 **voice vote of the Council.**  
42

43 **10. COUNCIL COMMENTS**  
44

45 Council Member DeVane read a statement into the record in response to an email sent by Thomas  
46 Abraham to Mayor Erwin (a copy of which is attached and becomes a permanent part of these

1 minutes).

2

3 Council Member Mahoney stated, "I hope the City does have the benefit of two more years of  
4 service from Council Member DeVane. I genuinely do."

5

6 Council Member Storke said that he attended the Volusia County MPO's "Safety Awareness Day"  
7 last weekend. He said that he participated in the white cane and wheel chair challenge and race. He  
8 said that as a result of this participation, he realized how much of a challenge it is to navigate  
9 impaired sidewalks when you are visually and/or physically challenged. He expressed his hope that  
10 the City would continue with its sidewalk improvement program.

11

12 Council Member Allebach announced that he would be seeking reelection to Seat #1 on the Council.  
13 He expressed his hope that the City will have the opportunity to be involved in another partnership  
14 center, surface water treatment plant and commuter rail. He stated, "I think there's a lot of good  
15 things going on and I hope I can be a part of it."

16

17 Council Member Sherrill commended Council Member DeVane for her response to Mr. Abraham's  
18 email. He said that he has received nothing but positive comments from the public, yet Mr.  
19 Abraham has offered nothing but criticism.

20

21 **ADJOURNMENT**

22

23 There being no further business, Mayor Erwin adjourned the meeting at 9:45 p.m.

24

25 **RESPECTFULLY SUBMITTED:**

26

27

28 Deborah J. Renner, CMC  
29 City Clerk

30

**APPROVED ON**

\_\_\_\_\_