

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, May 22, 2007 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3  
4 **CALL TO ORDER**

5  
6 The Meeting was called to order at 7:00 p.m. by Mayor Erwin and roll call was taken.

7  
8 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Anthony R. Yebba; Council Members; Jeff H.  
9 Allebach, Joelle DeVane, Donald C. Sherrill, Robert A. Storke, Jim Mahoney; City  
10 Manager John McCue; City Attorney Bill Reischmann; City Clerk Deborah Renner

11  
12 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

13  
14 **1. PRESENTATIONS: Proclamation – St. Johns River Clean Up Day**

15  
16 Mayor Erwin presented Darrell Abrahamson, Volusia County Environmental Management, with a  
17 Proclamation recognizing June 2, 2007 as “St. Johns River Cleanup Day” in Orange City. Mr.  
18 Abrahamson thanked Mayor Erwin for his support and years of contribution.

19  
20 **Proclamation – Janice Fides**

21  
22 Mayor Erwin presented Ms. Janice Fides, Art Teacher at Orange City Elementary School, with a  
23 Proclamation recognizing her 39 years of dedicated service to children. He extended congratulations  
24 and best wishes on her retirement. Ms. Fides said she was honored and thanked the Mayor.  
25 Acknowledging family, friends and co-workers who have supported her throughout her career, she said,  
26 “I am accepting this for all those people.”

27  
28 **Proclamation – Marie Rafferty**

29  
30 Mayor Erwin presented Ms. Marie Rafferty, Guidance Counselor at Orange City Elementary School,  
31 with a Proclamation recognizing her 39 years of dedicated service to children and extended  
32 congratulations and best wishes on her retirement.

33  
34 **2. CITIZENS COMMENTS: None at this time.**

35  
36 **3. CONSENT AGENDA: None at this time.**

37  
38 **4. ORDINANCES - FIRST READING:**

- 39  
40 **A. ORDINANCE NO. 313:** An ordinance of the City of Orange City,  
41 amending Section 10.2, Distribution of Handbills and Circulars, of Chapter  
42 10, Offenses-Miscellaneous; providing for repeal of Section 10.2(B),  
43 providing for new Sections to address distributing of handbills to a  
44 receptacle or under the door mat, providing that citizens may place a sign  
45 declining the distribution of handbills and circulars; providing for  
46 severability, codification, and providing an effective date.

1  
2           **Council Member Sherrill moved to adopt Ordinance No. 313 on first reading,**  
3           **seconded by Council Member Storke.**  
4

5 John McCue, City Manager, gave a brief history on the purpose of this ordinance. He said that the  
6 courts had determined that municipal ordinances that require businesses or persons to obtain permission  
7 before distributing printed media are unconstitutional. Staff has worked together to revise the ordinance  
8 to make it enforceable.  
9

10 Sergeant Greg Lariscy, Code Enforcement Supervisor came forward and remarked that printed materials  
11 tossed onto resident's driveways are creating a nuisance, littering the roadways and stormwater systems  
12 in the City. He said compliance with this ordinance would require the homeowner either to designate a  
13 location for delivery or to post a sign such as no trespassing, no solicitation, etc. He said it stops short  
14 of requiring that the homeowner give permission for the delivery.  
15

16 Mr. McCue explained that when Code Enforcement contacted a local newspaper to ask that they stop  
17 delivering to two homeowners who filed a complaint, the City received a written response from the  
18 newspaper's legal staff. He said this prompted staff to review and revise the ordinance and to provide  
19 an avenue for the city to address its concerns and to protect the constitutional rights of the distributors of  
20 this media type. He said, "It's a good balance."  
21

22 Mayor Erwin inquired about the standards for the "specific request for non-delivery" referenced in the  
23 fourth "Whereas." Mr. Reischmann explained that the "Whereas" clauses are preambles which provide  
24 the foundation of the ordinance and explained why the City decided to amend its code. He advised  
25 Council that this revision does not prevent the distribution of handbills; rather it creates specific time,  
26 place, and manner restrictions. Mayor Erwin asked, "short of posting a sign on your property what  
27 recourse does a resident have?" Mr. McCue noted that Section (d) on page three details the specific  
28 standards.  
29

30 In response to a question from Council Member Storke, Mr. Reischmann explained that in Section 10.2  
31 (b) (1-3) distributors must place printed media in a designated receptacle on a porch and or vestibule or  
32 hand it person to person. If a private property owner has taken the steps outlined in subparagraph (d),  
33 there shall be no distribution regardless of time, place, or manner.  
34

35 Referencing Chapter 10.2 (a), Mayor Erwin inquired, "Why are there two standards?" Sergeant Lariscy  
36 explained that the court system has ruled that there is a difference between motor vehicles and  
37 residences when it comes to distribution of handbills. Mr. Reischmann agreed and said that the Federal  
38 courts have ruled that portions of a home are considered a "public forum" for first amendment purposes.  
39 The courts do not apply the same restraints to an automobile.  
40

41           **Ordinance No. 313 passed by unanimous 7/0 roll call vote of the Council.**  
42

43 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**  
44

- 45           **A. ORDINANCE NO. 305:** An ordinance of the City of Orange City, Florida,  
46           annexing the John Knox Village property into the corporate limits of the  
47           City of Orange City, Florida; said property being generally located on the

1 northwest corner of West Silverstone Court and Silverstone Drive,  
2 containing approximately 0.35 acres; in accordance with the voluntary  
3 annexation provisions of Florida Statute 171.044; redefining the boundaries  
4 of the City of Orange City by amending the appropriate sections of the code  
5 of ordinances; containing a repealer provision, a severability clause and  
6 providing for an effective date.  
7

8 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition  
9 to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.  
10

11 **Council Member Mahoney moved to adopt Ordinance No. 305**  
12 **on second and final reading, seconded by Council Member**  
13 **Allebach and passed by unanimous 7/0 roll call vote of the**  
14 **Council.**  
15

- 16 **B. ORDINANCE NO. 306:** An ordinance of the City Council of the City of  
17 Orange City, Florida, providing for a non-exclusive franchise to Waste  
18 Management for the collection and disposal of commercial trash, garbage,  
19 recyclable materials and other refuse within the city limits; providing for  
20 definitions, terms condition, rates, compliance with laws, arbitration,  
21 standards of performance, collection, regulation operations, hours, routes,  
22 penalties, accounting, complaint resolutions; containing a repealer  
23 provision; a severability clause and providing for an effective date.  
24

25 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition  
26 to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.  
27

28 **Vice Mayor Yebba moved to adopt Ordinance No. 306 on second**  
29 **and final reading, seconded by Council Member Mahoney, and**  
30 **passed by a unanimous 7/0 roll call vote of the Council.**  
31

- 32 **C. ORDINANCE NO. 307:** An ordinance of the City Council of the City  
33 of Orange City, Florida, providing for a non-exclusive franchise to  
34 Container Rental Company for the collection and disposal of  
35 commercial trash, garbage, recyclable materials and other refuse within  
36 the city limits; providing for definitions, terms condition, rates,  
37 compliance with laws, arbitration, standards of performance, collection,  
38 regulation operations, hours, routes, penalties, accounting, complaint  
39 resolutions; containing a repealer provision; a severability clause and  
40 providing for an effective date.  
41

42 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition  
43 to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.  
44

45 **Council Member DeVane moved to adopt Ordinance No. 307 on**  
46 **second and final reading, seconded by Council Member Mahoney,**

1 **and passed by unanimous 7/0 roll call vote of the Council.**

2  
3 **D. ORDINANCE NO. 308:** An ordinance of the City Council of the City  
4 of Orange City, Florida, providing for a non-exclusive franchise to  
5 Waste Services, Inc. for the collection and disposal of commercial trash,  
6 garbage, recyclable materials and other refuse within the city limits;  
7 providing for definitions, terms condition, rates, compliance with laws,  
8 arbitration, standards of performance, collection, regulation operations,  
9 hours, routes, penalties, accounting, complaint resolutions; containing a  
10 repealer provision; a severability clause and providing for an effective  
11 date.  
12

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

16 **Vice Mayor Yebba moved to adopt Ordinance No. 308 on second**  
17 **and final reading, seconded by Council Member Mahoney, and**  
18 **passed by a unanimous 7/0 roll call vote of the Council.**  
19

20 **E. ORDINANCE NO. 309:** An ordinance of the City Council of the City  
21 of Orange City, Florida, providing for a non-exclusive franchise to  
22 Waste Pro for the collection and disposal of commercial trash, garbage,  
23 recyclable materials and other refuse within the city limits; providing for  
24 definitions, terms condition, rates, compliance with laws, arbitration,  
25 standards of performance, collection, regulation operations, hours,  
26 routes, penalties, accounting, complaint resolutions; containing a  
27 repealer provision; a severability clause and providing for an effective  
28 date.  
29

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

33 **Council Member Sherrill moved to adopt Ordinance No. 309 on**  
34 **second and final reading, seconded by Council Member Mahoney,**  
35 **and passed by unanimous 7/0 roll call vote of the Council.**  
36

37 **F. ORDINANCE NO. 310:** An ordinance of the City Council of the City  
38 of Orange City, Florida, providing for a non-exclusive franchise to  
39 Sunshine Recycling for the collection and disposal of commercial trash,  
40 garbage, recyclable materials and other refuse within the city limits;  
41 providing for definitions, terms condition, rates, compliance with laws,  
42 arbitration, standards of performance, collection, regulation operations,  
43 hours, routes, penalties, accounting, complaint resolutions; containing a  
44 repealer provision; a severability clause and providing for an effective  
45 date.  
46

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

3  
4 **Council Member Mahoney moved to adopt Ordinance No. 310 on**  
5 **second and final reading, seconded by Council Member Storke and**  
6 **passed by unanimous 7/0 roll call vote of the Council.**

- 7  
8 **G. ORDINANCE NO. 311:** An ordinance of the City Council of the City  
9 of Orange City, Florida, providing for a non-exclusive franchise to  
10 Volusia Waste, Inc. for the collection and disposal of commercial trash,  
11 garbage, recyclable materials and other refuse within the city limits;  
12 providing for definitions, terms condition, rates, compliance with laws,  
13 arbitration, standards of performance, collection, regulation operations,  
14 hours, routes, penalties, accounting, complaint resolutions; containing a  
15 repealer provision; a severability clause and providing for an effective  
16 date.

17  
18 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition  
19 to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

20  
21 **Council Member DeVane moved to adopt Ordinance No. 311 on**  
22 **second and final reading, seconded by Council Member Allebach,**  
23 **and passed by unanimous 7/0 roll call vote of the Council.**

24  
25 **6. RESOLUTIONS:**

- 26  
27 **A. RESOLUTION NO. 402-07:** A resolution of the City Council of the City  
28 of Orange City, Florida, amending the Classification and Pay Plan for the  
29 City of Orange City; containing a repealer provision, a severability clause  
30 and providing for an effective date.

31  
32 **Vice Mayor Yebba moved to approve Resolution No. 402-07 seconded**  
33 **Council Member Sherrill.**

34  
35 Mr. McCue commented that while reviewing the step pay plan amendments he noticed that the hourly  
36 rate for firefighters/EMT's was \$8.90 and felt that it should be higher. He asked Ms. Traber and Fire  
37 Chief Hoffman to investigate affordable ways to increase the starting salary to make the  
38 Firefighters/EMT salaries more comparable to other jurisdictions. He said this resolution accomplishes  
39 that.

40  
41 Pennie Traber, Human Resources Coordinator, came forward and said that the hire rate for the  
42 Firefighter/EMT position has been constant due to the low starting salary. She said staff conducted a  
43 comparison study of starting salaries for five positions at the various cities in Volusia County and, as a  
44 result, are recommending an hourly increase from \$8.90 to \$9.19 for new hires. Ms. Traber said an  
45 additional \$3,711.00 would be expensed to bring the base salary of Firefighter/EMT into compliance.  
46 The increase would be absorbed in the Fire Department's budget and the start date would be July 1<sup>st</sup>.  
47 Mr. McCue reminded Council that with the step pay plan, when the base salary changes it affects all

1 employees within that classification. He explained the how the process works and reiterated that in  
2 addition to the increased hire pay rate, additional monies are required to move individuals on the high  
3 end of the pay plan classification to the next step.

4  
5 Council Member Mahoney inquired about the firefighter's shift. He commented the hourly rate and the  
6 annual salary would imply that they work long shifts, about 3000 hours per year. Chief Hoffman came  
7 forward and said the shifts are 24 hours and that there is a different pay rate for 24-hour personnel. Mr.  
8 McCue agreed and said the Fair Labor Standards Act applies and that is why there are different hours in  
9 the shifts with time off and time on.

10  
11 Referring to the Step Pay Plan, Vice Mayor Yebba commented that the Fire Lieutenant position was  
12 highlighted and asked if this proposal included that position also. Ms. Traber responded that was an  
13 error.

14  
15 In response to a question from Mayor Erwin, Ms. Traber said that of the cities who responded to the  
16 survey, Orange City paid the lowest. Mr. McCue remarked there were some differences among the  
17 cities that responded such as firefighter shifts, and whether or not a union was in place. He said in the  
18 past the Orange City's annual salary had been fairly competitive and affordable, and increasing the  
19 annual salary will allow the city to remain competitive.

20  
21 Vice Mayor Yebba asked if the benefits packages was compared with other cities, Mr. McCue  
22 responded in the affirmative. He said the City's benefits package is great. He advised that the changes  
23 adopted by the City Council over the past four years have drastically improved recruitment and retention  
24 in the City.

25  
26 BEGIN TAPE 2-A

27  
28 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 29  
30 **B. RESOLUTION NO. 404-07:** A resolution of the City Council of the City  
31 of Orange City, Florida, amending the By-Laws of the Orange City Planning  
32 Commission; repealing all resolutions in conflict herewith and providing for  
33 an effective date.

34  
35 **Council Member Storke moved to adopt Resolution No. 404-07**  
36 **seconded by Council Member DeVane.**

37  
38 Chester Murray, Development Services Director, came forward and stated that the Land Development  
39 Code adopted in 2003 made changes to the structure of the Planning Commission and that this resolution  
40 would update the Commission By-Laws to reflect the changes. Staff recommends approval of  
41 Resolution No. 404-07.

42  
43 **Motion passed by unanimous 7/0 roll call vote of the Council.**

44 **7. DISCUSSION AND ACTION:**

- 45  
46 **A. Automatic Meter Reading Equipment**

1 Mr. McCue said Orange City Utilities has been using the Sensus Touch Read Meter System to read  
2 water meters. He said staff is requesting to switch from a walk-by meter to a radio read, or drive-by,  
3 system. A bid was advertised for the drive-by meters and the lowest bidder was Ferguson Enterprises  
4 for a Hersey Radio Read System. Mr. McCue said that initially he had concerns because the bid from  
5 Ferguson was so much lower than the competitors. He said that he spoke to the representative from  
6 Ferguson and after some investigation, staff discovered that the distinction in the pricing was duplicated  
7 in the other bids by Ferguson around the county. Mr. McCue advised that the price quoted is for  
8 replacement of five to ten percent of the City's meters. He said that he was assured by company  
9 representatives that the contract would be written to include a guaranteed price on future purchases over  
10 a period of time. Mr. McCue stated, "I feel comfortable that this is a pretty good, solid  
11 recommendation."

12  
13 Paul Johnson, Public Works Director, came forward and responded to a question from Mayor Erwin by  
14 stating that the price quoted is per meter. Mayor Erwin asked how will the City recover its cost. Mr.  
15 McCue responded this is an automated system that will reduce the number of misread errors. He said  
16 that since this is a "drive-by" as opposed to "walking" system there would be significant savings in the  
17 number of labor hours.

18  
19 Cheryl Bredbenner, Utility Superintendent, came forward and stated that there are multiple benefits to  
20 the Hersey System. She said this system is very customer-oriented. Misreads would be eliminated and  
21 the software monitors leak detection, backflow prevention, cross connections, etc. Ms. Bredbenner  
22 reported that she contacted a water utility in Virginia that said that since they implemented this system,  
23 man hours for meter reading was reduced from eighty hours to four or five man-hours.

24  
25 Corey Sides, Ferguson Enterprises, came forward and stated that the population of the water utility in  
26 Virginia is smaller than Orange City so that the man hours invested would be less; however  
27 geographically it is similar in size. He said Orange City uses between 120 to 160 man hours per month  
28 to read meters and that use of the Hersey system would reduce those man hours to about four. Mr. Sides  
29 noted that use of the system would significantly reduce safety concerns for employees because they do  
30 not have to go onto customer property. He commented there are other benefits but that the most  
31 quantifiable is the reduction of meter readings from three weeks to, literally, how quickly you can drive  
32 around the city.

33  
34 Mr. Johnson said the plan is to purchase 70 meters and 120 transmitters. He said that the transmitter for  
35 this unit would retrofit existing meters and that the touch read meters could be upgraded to the radio  
36 read system. In response to a question from Mayor Erwin, Mr. Johnson said all new developments will  
37 have the radio-read meters installed. Mayor Erwin asked how long it will take for the entire system to  
38 be on automatic meters. Ms Bredbenner responded it should take about three to four years. Mayor  
39 Erwin asked how many meter readers there are. Ms Bredbenner replied one designated position but that  
40 the entire crew reads meters as needed. She clarified that the crew also handles callouts, re-reads, work  
41 orders, and customer complaints as well, and that it demands a lot of time. Mr. McCue expressed his  
42 belief that it would be four to five years before all of the meters have been converted.

43  
44 Mr. Johnson remarked there are two billing cycles and that meters are read on two separate occasions  
45 during the month. He commented that use of the radio read meters could result in the city going back to  
46 one billing cycle. That would free up man power to respond to the other needs of the system.

1 Mr. McCue concurred and said the goal is to go to one billing cycle.

2  
3 In response to a question from Mayor Erwin, Mr. McCue said this system will connect to the "Cubic"  
4 Utility Billing System recently purchased by the Finance department. In addition, the Cubic module is  
5 tied into the City's general ledger resulting in a reduction in clerical time. Mayor Erwin observed that  
6 he did not see any overall cost savings with the new meters, in fact, it is an added expense. Mr. McCue  
7 said that he was unable to provide a tangible cost savings from this project. He said that it will increase  
8 productivity and that the employees who were doing meter readings will be deployed for other projects  
9 within the City. Mr. Johnson responded that there are many projects within the city that were previously  
10 contracted out that staff could assume the responsibility for with extra time.

11  
12 Council Member Sherrill observed that when productivity is increased, it saves money by not having to  
13 hire additional personnel. Mr. McCue responded that this will provide enhancement opportunities using  
14 the existing workforce.

15  
16 In response to a question from Council Member Storke, Mr. Johnson stated that the old meters would be  
17 replaced with the new style on an as-needed basis. He advised that the cost for the touch-read meters  
18 currently in use is \$85 compared with \$139 for the proposed radio-read meters.

19  
20 In response to a question from Council Member Mahoney, Mr. Sides stated that his competition uses  
21 technology that is five years old and requires a transmitter and two-way receiver. He explained that the  
22 receiver sends out a signal to "wake-up" the transmitter, while the transmitter in the proposed meters  
23 never "sleeps," it sends out a signal every two seconds. In conclusion, he stated that touch read meters  
24 require two transmitters while the radio read meters require only one. Council Member Mahoney asked  
25 whether any larger municipalities had partnered with the post office to accomplish meter reading. Mr.  
26 Sides responded that he didn't know, but that he had heard that some places enlisted garbage trucks to  
27 take the readings.

28  
29 **Council Member Allebach moved to authorize the Orange City Utilities**  
30 **to purchase automatic meter reading equipment from Ferguson**  
31 **Enterprises, seconded by Vice Mayor Yebba and passed by a unanimous**  
32 **7/0 voice vote of the Council.**

33  
34 Mayor Erwin asked whether the remittance portion of the water bill could be perforated for easy  
35 removal.

36  
37 **B. Approval of CDBG Funds**

38  
39 Mr. McCue stated that approval of the Community Development Block Grant (CDBG) submittal is an  
40 annual event. He noted that requirements have been met and that it is projected Orange City would  
41 receive \$59,340 for FY 07/08. He expressed concerns about the reduction of the designated areas of use  
42 based on the latest census tracks. Mr. McCue said that staff is recommending expending these funds to  
43 continue the sidewalk program as identified in the five year plan.

44  
45 **Council Member Allebach moved to approve the 2007/08 Annual**  
46 **Plan and Five-Year CDBG Budget Projections as presented,**

1                   **seconded by Council Member Sherrill.**

2  
3 Council Member Allebach remarked that the plan provides for sidewalks on West Graves and  
4 Brightwood Avenues and noted that it would provide for 2600 feet of sidewalks. Mr. McCue replied  
5 that staff's goal is to link the west side of the City through the sidewalks to the new schools.

6  
7                   **Motion passed by unanimous 7/0 voice vote of the Council.**

8  
9 **8.       REPORTS:**

10               A.     City Manager

11  
12 Angel Smith, Community Relations Coordinator, came forward and reported that she attended the  
13 Florida City County Manger Association (FCCMA) Conference in Miami. She said that she had applied  
14 for a grant and that, while she did not get the grant, she was recognized as an "emerging leader" at the  
15 conference banquet.

16  
17 Mr. McCue said that Angel has done a great job since her hire. He listed her accomplishments and said  
18 that he was proud of her. He stated "You get recognized in a FCCMA meeting, under any set of  
19 circumstances, then you are doing pretty good in your first year."

20  
21 Mayor Erwin agreed and said that he has worked with Ms. Smith and that he was impressed with the  
22 way she does her job. He stated, "I predict nothing but success for this lady in the future."

23  
24 Mr. McCue reported on the plans for the Freedom Festival. He said Orange City is responsible for  
25 organizing the event this year. He discussed some of the issues staff has been dealing with. Mr. McCue  
26 announced that there will be activities one hour before and after the fireworks in an effort to relieve  
27 traffic congestion.

28  
29 Mayor Erwin commented that it has been four years since the introduction of the fireworks. He said this  
30 Festival is still in the transition phase and that the changes to the program are not drastic and should not  
31 cause a problem.

32  
33 Vice Mayor Yebba commented that when he called the City and was waiting on hold, there was rock  
34 music playing. Mr. McCue responded that the music is from the CD of the bands that performed at the  
35 125<sup>th</sup> Birthday Party.

36  
37 Council Member Mahoney inquired about Mr. McCue's trip to Tampa. Mr. McCue said that he had  
38 mixed feelings and expressed his concerns. He said that the State is fully aware of the dispute between  
39 the City and the County, but that they have decided to take a hands-off approach. Mr. McCue explained  
40 his frustration, stating that in 1973 the Legislature adopted a Statute giving counties the authority to  
41 regulate issuance of licenses, permits and COPCN's to local municipalities. Administrative rules and  
42 guidelines were to have been developed. He said the State never created the guidelines. Mr. McCue  
43 commented that staff recently attended the first meeting ever scheduled to establish these guidelines. He  
44 said that he will continue to monitor this matter.

45  
46 Mayor Erwin remarked that the State does not feel it is their role to interject between a county and a

1 municipality in this type of situation. He said that he was informed the rules are only guidelines and are  
2 not enforceable under the present statutes.

3  
4 BEGIN TAPE 2-B

5  
6 Mr. Reischmann gave a brief history of Florida Statute 401.25. He said the majority of the statute  
7 addresses transport and that EMS got caught up in the language of the statute. He said it is frustrating  
8 because the State created this problem, yet they refuse to help resolve it. Mr. Reischmann advised that  
9 the City could choose to pursue the matter in court. He discussed the grounds the City could use in a  
10 legal challenge.

11  
12 Mayor Erwin inquired about the City's Consumptive Use Permit (CUP). Mr. Johnson reported that,  
13 originally, the agreement was submitted without modeling and was returned. He said staff resubmitted  
14 the information with the modeling. Mr. McCue explained that staff is asking for small incremental  
15 increases in existing withdrawals. He said that St. Johns is aware of the City's interconnects with  
16 Deltona and the County and the City's ability to sell excess capacity to the County. Mr. Johnson  
17 reported that the City's CUP expired last October and that the City is operating under the application  
18 and the existing agreement. In response to a question from Mayor Erwin, Mr. McCue stated he expects  
19 approval of the CUP within the next sixty days.

20  
21 Mayor Erwin asked about the status of the wells. Mr. Johnson reported the two wells have been  
22 cleaned, there is no sand in the water and that they will be ready to go online as soon as a contractor is  
23 secured for the pump and the pump houses. Mr. McCue advised that the pump house has been designed  
24 to meet the City's architectural standards. He stated that as soon as the work is completed, the City will  
25 be selling water to the County.

26  
27 In response to a question from the Mayor Erwin, Mr. Johnson said there is a problem with the fountain  
28 pumps at Dickinson Park. He said the pumps have been replaced twice and that now staff is looking for  
29 a different type of pump. Mr. McCue detailed the problems that have been encountered with keeping  
30 the fountains running. He said that they are pursuing alternative types of pumps.

31  
32 Council Member DeVane said the fountains are moldy and asked that they be cleaned. Mr. Johnson  
33 responded that the fountains have been cleaned, he said that staff conducted water analysis and as a  
34 result, algacide and a chlorinating agent have been added.

35  
36 B. Mayor/City Council

37  
38 Mayor Erwin reported that he and Council Member Sherrill attended the Volusia Legislative Delegate  
39 Breakfast on Friday in Daytona. He said that the delegates did not want to talk about any controversial  
40 issues. Mayor Erwin said that questions regarding tax reform were prohibited and that he felt it was a  
41 waste of time.

42  
43 Mayor Erwin reported that Map "A" was approved at the Smart Growth meeting on May 7<sup>th</sup>. He said  
44 that was an important accomplishment and stated, "We can be assured that the environmental corridor  
45 will be preserved." Mayor Erwin said the Committee has requested a resolution formally  
46 acknowledging the City's acceptance of Map "A".

1 Mayor Erwin summarized the last WAV meeting. He said WAV is getting organized and developing a  
2 schedule of tasks to accomplish. He remarked that he was appointed to the Executive Committee of  
3 WAV and that he agreed to serve for six months.  
4

5 Mayor Erwin commented that he was unable to attend yesterday's VCOG meeting. He said that two  
6 widely published budget seminars are scheduled for May 30<sup>th</sup> and 31<sup>st</sup>. He said the meetings are  
7 targeted to the citizens and that as of today 42 citizens from the east side of Volusia have signed up and  
8 that five citizens are signed up for the seminar on the west side. Mayor Erwin said that the only reason  
9 he was attending was to get citizens' reactions. He stated "People get up to yell and scream but when it  
10 comes to an opportunity to participate in something they don't show up. I get very discouraged with  
11 that. The criticism that we get at times is very unjust."  
12

13 Vice Mayor Yebba said he attended an MPO meeting this morning and that he brought back a  
14 Transportation Impact Analysis to be completed and returned to the MPO. Mr. McCue said that he was  
15 aware of the request for the impact analysis. He said the County is trying to get the municipalities to  
16 handle the inadequacies of the County road system. He explained that Orange City's Comprehensive  
17 Plan requires the City do an impact study with an impact zone of one mile and the County wants the  
18 study to include five miles. The study may extend beyond the city limits and overlap with surrounding  
19 city or county roads. Mr. Murray said that once the City accepts a development, it is locked into  
20 guaranteeing that the roads are developed and maintained. He said the county is attempting to do this  
21 countywide and that the cities are under a mandate from VGMC to come to some type of agreement by  
22 August.  
23

24 Vice Mayor Yebba reported that he attended a Bicycle/Pedestrian Task Force (BPAC) meeting and was  
25 informed that Orange City does not have a citizen representative on the Committee. He said that are a  
26 lot of vacancies on the committee and that often the meetings must be cancelled due to a lack of  
27 quorum. Mayor Erwin commented that it must be attended by a citizen and that he has been unable to  
28 find anyone interested in participating. Vice Mayor Yebba said that Orange City has a vote on the MPO  
29 this year and that he noticed that when a city has no vote, they tend not to show up.  
30

31 C. City Clerk  
32

33 Ms. Renner stated the 125<sup>th</sup> committee hired a videographer to record the 125<sup>th</sup> Anniversary Celebration  
34 and that he has completed the editing and created a DVD. She announced that the Planning Committee  
35 will be reviewing the DVD for the first time tomorrow at 2:00 p.m. in Council Chambers and extended  
36 an invitation for Council to attend. She advised Council Members that she could provide them with a  
37 copy of the DVD if they are unable to attend.  
38

39 D. City Attorney  
40

41 The City Attorney had no report.  
42

43 **9. APPROVAL OF MINUTES:** May 08, 2007 Regular Council Meeting  
44

45 **Council Member Sherrill moved for the approval of the May 08, 2007**  
46 **Regular Meeting Minutes seconded by Vice Mayor Yebba.**

1 Council Member Storke noted a correction on page 6 line 15 – he said the sentence should read, "...the  
2 capability of filling the tanks" instead of ".....filling the ~~two~~ tanks."

3  
4 **The minutes were approved as amended by unanimous 7/0 voice vote**  
5 **of the Council.**

6  
7 **10. COUNCIL COMMENTS**

8  
9 Council Member Mahoney invited the public to attend the Goal Setting Workshop on Thursday.

10  
11 Council Member Storke addressed that anyone who likes to ride bikes or walk nature trails get in touch  
12 with the City regarding serving on the Bicycle/Pedestrian Task Force.

13  
14 Council Member Allebach remarked that Memorial Day is approaching and that there are a lot of issues  
15 associated with it in the country. He asked that we remember that the holiday is about the sacrifices our  
16 soldiers have made over the years. He spoke in support of funding for veterans' services.

17  
18 Council Member Sherrill thanked the Council and City Manager for the flowers and fruit basket that  
19 was sent to Ms. Sherrill during her last hospital stay. Council Member Sherrill expressed pride with the  
20 Fire Department's response when he had to call them for his wife. He said they were very professional  
21 and that the treatment of his wife was unbelievable. Council Member Sherrill stated, "For the last six  
22 years when things came up for the Orange City Fire and Police Departments you've always seen where  
23 my vote was at, and I don't see any way its going to ever change because they do one super job and we  
24 just don't give them enough credit."

25  
26 Vice Mayor Yebba said the strategic team meeting was a success. He said we got a lot of good  
27 information out on the table. He said he wished more citizens would have shown up especially those  
28 who complained about being a part of the process

29  
30 Vice Mayor Yebba remarked that the strategic plan meeting was a success. He said that he wished there  
31 would have been more citizens present.

32  
33 **11. ADJOURNMENT**

34  
35 There being no further business, Mayor Erwin adjourned the meeting at 9:15 p.m.

36  
37 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

38  
39  
40  
41 \_\_\_\_\_  
42 Gloria Williams  
43 Deputy City Clerk