

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, June 26, 2007 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,
3 Orange City.

4
5 **CALL TO ORDER**

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

8
9 **ROLL CALL**

10
11 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Anthony R. Yebba, Council Members Jeff H.
12 Allebach, Donald C. Sherrill, Joelle DeVane, Jim Mahoney, Robert A. Storke; Acting
13 City Manager Chester Murray; City Attorney William Reischmann; City Clerk
14 Deborah Renner

15
16 **ABSENT:** City Manager John McCue

17
18 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

19
20 1. **PRESENTATIONS:** None at this time

21
22 2. **CITIZENS COMMENTS:**

23
24 Hugh Strickland, 420 May Street, came forward and stated that there was a “high speed chase”
25 involving the Volusia County Sherriff’s Department through his neighborhood recently. Mr.
26 Strickland said that he was told by a representative from the Sherriff’s Department that they had
27 requested backup from Orange City and were told that the City could not assist. He stated, “It
28 makes us look really bad.” Mayor Erwin stated that he could not respond because he did not have
29 the details of the specific incident. Mr. Strickland stated, “Apparently, there is either a perceived or
30 a real problem in the relationship between the road deputies and the Department. At least that’s the
31 way it comes off in public.” Mayor Erwin responded, “Well, I’ll take that with a grain of salt
32 because I know a lot of instances where it’s the other way around.” The Mayor said that he would
33 ask the City Manager to look into the matter.

34
35 Sherri Meehan, 842 Arawana Drive, came forward and said that she was recently notified that she
36 owed Waste Management \$174 because they had failed to bill her. She said that she resolved the
37 matter with them. Ms. Meehan noted that Orange City’s garbage rates are much higher than those of
38 surrounding jurisdictions. She distributed a chart to Council with a rate comparison (a copy of
39 which is attached and becomes a permanent part of these minutes). Ms. Meehan stated, “Being \$12
40 over, \$11 over my fellow neighbors who live one street behind me alarms me and I don’t think that’s
41 fair to the citizens of Orange City.” Mayor Erwin noted that this matter has been discussed
42 extensively in previous meetings. He said that other cities that are renegotiating their contracts have
43 experienced similar increases.

44
45 3. **CONSENT AGENDA:** None at this time

46

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

2
3 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

- 4
5 **A. ORDINANCE NO. 314:** An ordinance of the City of Orange City, Florida, annexing
6 the McKeen property into the corporate limits of the City of Orange City, Florida;
7 said property being generally located on the north side of East Iris Drive
8 approximately 300 feet east of South Volusia Avenue, containing approximately 0.24
9 acres; in accordance with the voluntary annexation provisions of Florida Statute
10 171.044; redefining the boundaries of the City of Orange City by amending the
11 appropriate sections of the code of ordinances; containing a repealer provision, a
12 severability clause and providing for an effective date.

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

16
17 **Council Member Sherrill moved to adopt Ordinance No. 314 on**
18 **second and final reading, seconded by Council Member Storke and**
19 **passed by unanimous 7/0 roll call vote of the Council.**

20
21 **6. RESOLUTIONS:**

- 22
23 **A. RESOLUTION NO. 411-07:** A resolution of the City Council of the City of Orange
24 City, Florida, renaming Rotary Park as “Veterans Memorial Park” and rededicating
25 the Veterans Memorial which was relocated to the park; repealing all resolutions in
26 conflict herewith and providing for an effective date.

27
28 **Council Member DeVane moved to adopt Resolution No. 411-07,**
29 **seconded by Council Member Mahoney.**

30
31 Council Member Storke suggested that the second “Whereas” of the resolution should be changed to
32 reflect those currently serving in the armed forces.

33
34 **Council Member Storke moved to change the wording in the first and second**
35 **“Whereas” clauses of Resolution No. 411-07 to read “...honor those individuals**
36 **who served or are serving our Country.....”, seconded by Council Member**
37 **Mahoney and passed by unanimous 7/0 roll call vote of the Council.**

38
39 **Main motion passed by unanimous 7/0 roll call vote of the Council and**
40 **Resolution No. 411-07 was adopted as amended.**

- 41
42 **B. RESOLUTION NO. 412-07:** A resolution expressing the intent of the City of
43 Orange City, Florida to finance certain of the City’s costs of a one-time contribution
44 to the County of Volusia for the West Rhode Island road project; expressing the intent
45 for purposes of compliance with United States Treasury regulations Section 1.150-
46 (2)(e) to reimburse with the proceeds of future tax exempt financings, expenditures
47 made with respect to the West Rhode Island road project; providing for the issuance

1 by the City of revenue bonds, notes, bond anticipation notes or other obligations in
2 one or more series in an aggregate principal amount not exceeding \$800,000 to pay
3 the costs of such project; and providing an effective date.
4

5 **Council Member Mahoney moved to adopt Resolution No. 412-07,**
6 **seconded by Council Member Allebach.**
7

8 Mayor Erwin noted that Resolution 412-07 was presented for consideration upon advice of the
9 City's financial advisor in order to follow the language required by federal guidelines. He noted that
10 it is similar to Resolution No. 410-07 which was adopted at a previous meeting.
11

12 In response to a question from Council Member Mahoney, Christine Davis, Finance Director, stated
13 that the additional \$50,000 included in Resolution No. 412-07 is the cost to the City for incurring the
14 debt. Council Member Mahoney expressed that he hoped that the cost of financing would not be
15 \$50,000. Ms. Davis responded that figure represents a maximum amount.
16

17 **Motion passed by unanimous 7/0 roll call vote of the Council.**
18

- 19 **C. RESOLUTION NO. 413-07:** A resolution expressing the intent of the City of
20 Orange City, Florida to finance certain of the City's costs of the Street Lighting
21 Assessment Program for construction costs; expressing the intent for purposes of
22 compliance with United States Treasury regulations Section 1.150-(2)(e) to reimburse
23 with the proceeds of future tax exempt financings, capital expenditures made with
24 respect to the Street Lighting Assessment Program; providing for the issuance by the
25 City of revenue bonds, notes, bond anticipation notes or other obligations in one or
26 more series in an aggregate principal amount not exceeding \$600,000 to pay the costs
27 of such project; and providing an effective date.
28

29 **Council Member Sherrill moved to adopt Resolution No. 413-07,**
30 **seconded by Council Member Storke.**
31

32 Mr. Murray advised that the City's consultant from Government Services Group (GSG) who was
33 supposed to be present for this item was ill and could not attend the meeting. He said that the City
34 has identified all of the parcels that will be included in the assessment district. Mr. Murray advised
35 that staff received word today from Volusia County and the City of DeBary that they would be
36 willing to fund the costs for those parcels in the assessment district which are within their
37 jurisdiction. This will reduce the City's cost for the project. He said that at this time, staff is
38 requesting to continue with the financing options available for the project. Paul Johnson, Public
39 Works Director, came forward and pointed out that the project area will begin on 17-92 and
40 Wisconsin Avenue and continue south to the City limits at Saxon Boulevard. It will include
41 Enterprise Road from 17-92 to the City limits at Pond Court. Also included in the project area is
42 Saxon Boulevard from 17-92 to Interstate 4, Veterans Memorial Parkway to Graves Avenue, Rhode
43 Island Avenue, Harley Strickland Boulevard and Threadgill Place. Mr. Murray advised that the
44 project area includes all commercial properties within the City.
45

46 Ms. Davis advised that there still may be some areas outside the City's jurisdiction which may not

1 want to participate. The City has the option of bearing the cost for those areas or blacking them out.
2 She said that staff's recommendation is to black out those areas and that they are seeking Council's
3 direction as to how to handle the situation. Mr. Murray expressed his confidence that both the
4 County and DeBary would participate.

5
6 Mr. Murray advised that the cost of the capital investment in the project will be recovered in the first
7 five years following completion.

8
9 In response to a question from Vice Mayor Yebba, Ms. Davis said that the County's portion of the
10 project is fairly small, representing roughly 10% of the area. Mr. Murray advised that the City of
11 DeBary is considering considering continuing the project down Enterprise Road to I-4. He said that
12 the preliminary cost estimates included in the agenda packet are "extremely conservative" and could
13 actually be one-third less.

14
15 In response to a question from Council Member Storke, Mayor Erwin clarified that the proposed
16 resolution simply authorizes staff to explore financing options. A recommendation will be presented
17 to Council at that time. Council Member Storke said that he was not necessarily in favor of blacking
18 out certain areas outside the City's jurisdiction.

19
20 Vice Mayor Yebba spoke in support of continuing the project all the way to Highway 472.

21
22 **Motion passed by unanimous 7/0 roll call vote of the Council.**

- 23
24 **D. RESOLUTION NO. 414-07:** A resolution of the City Council of the City of Orange
25 City, Florida appointing Benjamin E. Franklin III to Seat #02 on the Orange City
26 Planning Commission; repealing all resolutions in conflict herewith and providing for
27 an effective date.

28
29 Council Member DeVane advised that Mr. Franklin was present in the audience. She said that he
30 has lived in the City for two years after spending time in the military.

31
32 **Council Member Allebach moved to adopt Resolution No. 414-07,**
33 **seconded by Council Member Sherrill.**

34
35 Mr. Franklin came forward and provided some information regarding his background.

36
37 **Motion passed by unanimous 7/0 roll call vote of the Council.**

38
39 The City Clerk came forward and administered Mr. Franklin's oath of office.

40
41 **7. DISCUSSION AND ACTION:**

- 42
43 **A. Debris Removal Contracts**

44
45 Mr. Johnson advised that FEMA requires local jurisdictions to have contracts in place for debris
46 removal prior to a storm event to be eligible for reimbursement of expenses. Mr. Johnson said that

1 the contracts do not necessarily mean that Orange City will be first in line to receive services, but
2 rather that the contracts are required in order to be in line to receive services at all. Mr. Johnson
3 stated that Harty Tractor Service provided good service during the last hurricanes, however, these
4 contracts will give the City some flexibility to respond in the event of another emergency.

5
6 Mayor Erwin said that he was satisfied with the past service received from Harty, but that he
7 questioned the reliability of the additional contractors. He further questioned whether the other
8 contractors had ample resources to fulfill their contracts on a timely basis.

9
10 Both Vice Mayor Yebba and Council Member Sherrill spoke highly of the services received from
11 Harty in the past.

12
13 Mr. Murray said that everyone was pleased with the services from Harty, however, FEMA wants
14 multiple contracts in place.

15
16 **Council Member Allebach moved that the City Council authorize the**
17 **City Manager to enter into agreements with Harty Tractor Service,**
18 **Inc., AshBritt Environmental, and extend the agreement with Arbor**
19 **Tree and Land, Inc. for the purpose of post-hurricane debris removal**
20 **and disposal, seconded by Council Member Sherrill and passed by**
21 **unanimous 7/0 voice vote of the Council.**
22

23 B. Revised/Additional Financial Report
24

25 Ms. Davis came forward and advised that at the request of Council, she and Council Member
26 Mahoney developed an addition to the monthly financial statements. Ms. Davis said that she is
27 seeking Council's input and direction as to the usefulness of the new form.
28

29 Mayor Erwin asked whether the form would be an addition to the current financial report, or a
30 replacement to it. Ms. Davis responded that was Council's decision. The Mayor said that he would
31 not mind if it is an addition to the current report, but that he found the current format to be helpful.
32

33 Council Member Mahoney said that he was proposing that the new form be an addition to the
34 current financial report.
35

36 BEGIN TAPE 1-B
37

38 **It was the consensus of Council that the new financial report be**
39 **included as an addendum to the current monthly financial report.**
40

41 C. Repaving of Garden Lane, Lantern Lane, and a portion of Tappan Circle
42

43 Paul Johnson, Public Works Director, came forward and stated that Garden Lane is in extremely bad
44 condition and has had a running ground water problem for the past few years. Public Works crews
45 have corrected the drainage problems and the road is now ready to be repaved. Mr. Johnson advised
46 that \$120,000 had been budgeted to resurface Holly Avenue, but that work was completed for much

1 less leaving enough excess funds to complete these three streets. Mr. Johnson said that he would
2 also like to repave the first 650 feet of Lansdowne with these excess funds, however, a final estimate
3 for that work is not available at this time. Mayor Erwin noted that Lansdowne also has drainage
4 issues. Mr. Johnson responded that it could be fixed with swales.

5
6 **Council Member Allebach moved to approve the repaving of Garden**
7 **Lane, Lantern Lane and a portion of Tappan Circle at a cost of**
8 **\$37,000, seconded by Council Member Storke.**
9

10 Vice Mayor Yebba questioned what the \$56,000 reserve would be used for. He suggested that it be
11 used for any other street in need of resurfacing at this time.

12
13 **Motion passed by unanimous 7/0 voice vote of the Council.**
14

15 D. Comments/Feedback on Strategic Plan Tracking Performance Report
16

17 Angel Smith, Community Relations Coordinator, came forward and stated that she is seeking input
18 from Council regarding the format of the strategic plan tracking report presented a few weeks ago.

19
20 Mayor Erwin said that he has no problem with the report as presented
21

22 Council Member Storke questioned why some of the items are marked as “on hold” and said that he
23 would like further information as to why they are on hold. Ms. Smith responded that the
24 information contained in the report is the feedback received from the Department Directors. Mr.
25 Murray said that the information could be provided on future reports.
26

27 In response to a question from Vice Mayor Yebba, Mr. Murray said that the report would be
28 provided on a quarterly basis.
29

30 **It was the consensus of Council to continue the report on a quarterly**
31 **basis in its present form.**
32

33 **8. REPORTS:**
34

35 A. City Manager
36

37 Mr. Murray announced that staff received word today that the State Historic Preservation Board has
38 decided to release the \$110,000 previously awarded in grant funds to the City.
39

40 Mr. Murray requested that Council set a date in August for the citizens’ budget workshop. He said
41 that the format for the meeting would be a Town Hall meeting as opposed to a formal Council
42 Workshop. Christine Davis, Finance Director, advised that the Council’s budget workshops are
43 scheduled for August 7th and August 21st if needed.
44

45 Mayor Erwin noted that the proposed budget will not be available until August 1st and stated his
46 preference that the public workshop be held prior to the Council’s budget workshop.

1
2 **It was the consensus of Council to hold a citizen's budget workshop**
3 **on August 7th at 6:30 p.m.**
4

5 In response to a question from Vice Mayor Yebba, Mayor Erwin said that he envisioned that copies
6 of the budget would be available for citizens prior to the meeting. He said that this is an opportunity
7 for citizens to provide their input on specific line items in the budget. The Mayor stated that while
8 Council would be present at the meeting, they would answer questions from the public rather than
9 running the meeting.

10 Vice Mayor Yebba suggested that each Department provide a presentation on their proposed budget.

11
12 Mayor Erwin recognized Tom Laputka, 345 North Oak Avenue. Mr. Laputka came forward and
13 suggested that the seating for the meeting be arranged as it is for the summit meetings with tables
14 down front.
15

16 Jackie Salzano, 2893 Doe Run Trail, came forward and asked when the budget would be available
17 for review by the citizens. Mayor Erwin responded that it would be available on August 1st in the
18 City Clerk's office and will also be posted on the City's website.
19

20
21 **It was the consensus of Council to hold a budget workshop on August**
22 **21st at 6:30 p.m.**
23

24 In response to a question from Mayor Erwin, Ms. Davis stated that if a second Council Workshop is
25 needed, it could be held on August 28th from 6:00 p.m. to 7:00 p.m.
26

27 B. Mayor/City Council
28

29 Mayor Erwin reminded everyone of the upcoming Freedom Fest activities. James Moltz, Parks and
30 Recreation Superintendent, advised that preparations were ready for the float for the Lake Helen
31 parade. The Mayor advised that everyone participating in the parade should be at the bank at 9:30
32 a.m. There will be fireworks at the fairground with the activities beginning at 8:00 p.m.
33

34 Mayor Erwin advised that a termination agreement with the Executive Director of WAV has been
35 signed. The Board decided that the Executive Committee will serve as administrator of the
36 organization for the remainder of the year. Mayor Erwin suggested that WAV may be able to assist
37 the City in the development of its planned stormwater project.
38

39 A VCOG meeting was held last night during which a presentation was made by Emory Riddle
40 Aeronautical University. Jim Ryan, Volusia County, provided an update on the status of emergency
41 management in the County. He said that Volusia County has one of the best programs in the
42 Country. The Mayor said that there is a program called "My Safe Florida Home" which will provide
43 assistance to low income homeowners to make their homes more storm-resistant. More information
44 about the program can also be found at www.mysafefloridahome.com .
45

46 Vice Mayor Yebba reported that he attended a meeting today which addressed the anticipated

1 impacts of tax reform on municipalities. He said that the tax decrease will not amount to much as
2 school taxes will not be affected by the decrease. Vice Mayor Yebba warned that the language on
3 the upcoming ballot question dealing with tax reform will be confusing and that the attorneys
4 conducting the presentation believed that it would not pass. It is anticipated that the ballot measure
5 will face strong opposition from a number of groups. Mr. Reischmann noted that the ballot measure
6 will also include a provision to limit local government's ability to levy ad valorem taxes.

7
8 C. City Clerk

9
10 The City Clerk reminded everyone that the City is hosting the Vietnam Traveling Wall Memorial
11 Friday through Monday and invited Council to attend. Vice Mayor Yebba noted that the Wall is
12 guarded 24 hours per day. Council Member Sherrill said that the event has received a lot of press
13 coverage. Vice Mayor Yebba thanked James Moltz and Elaine Hart for their work in planning this
14 event.

15
16 D. City Attorney

17
18 Mr. Reischmann advised that DEP has responded to GEL's preliminary final closure report,
19 informing them that their submission is inadequate. He said that Ms. Eger, the City's consultant, is
20 working on the issue and monitoring the closure very carefully. In addition to the closure, the issue
21 regarding the GEL recycling operation is ongoing.

22
23 BEGIN TAPE 2-A

24
25 Finally, GEL is appealing the ruling of the Special Master in the code enforcement issue against
26 them. Mr. Reischmann said that he is very pleased with the progress in all areas related to this
27 matter. In response to a question from Mayor Erwin, Mr. Reischmann said that if the City wins the
28 code enforcement case it will be beneficial to the other issues.

29
30 **9. APPROVAL OF MINUTES:** June 12, 2007 Regular Council Meeting

31
32 **Council Member Storke moved to approve the minutes of the June**
33 **12th Regular Meeting, seconded by Council Member Sherrill and**
34 **passed by unanimous 7/0 voice vote of the Council.**

35
36 **10. COUNCIL COMMENTS**

37
38 Council Member Allebach said that he will be out of town on Saturday and unable to attend the
39 event at Rotary Park. He offered his apologies and said that he will return for the events on the 4th
40 of July. Council Member Allebach commended staff for their work on the events.

41
42 Council Member Mahoney advised that he will be out of town on the 4th of July.

43
44 Vice Mayor Yebba said that he just returned from Montana and was surprised at how few people
45 live there. He reported that the legislature there only meets every two years.

46

1 Council Member DeVane said that she was looking forward to the Freedom Festival activities. She
2 expressed her confidence that Mr. Franklin will be a positive addition to the Planning Commission.
3

4 **11. ADJOURNMENT**

5
6 There being no further business, Mayor Erwin adjourned the meeting at 8:40 p.m.
7

8 **RESPECTFULLY SUBMITTED:**

APPROVED ON

9
10
11 Deborah J. Renner, CMC
12 City Clerk
13
