

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, January 08, 2008 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 Strickland and roll call was taken.

8  
9 Mayor Strickland announced that the City Clerk has relocated to the staff table to gain more  
10 workspace.

11  
12 **ROLL CALL**

13  
14 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,  
15 Tom Abraham, Don Sherrill, Donald Sandford, Jim Mahoney; City Attorney William  
16 Reischmann; City Manager John McCue, City Clerk Deborah Renner

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

19  
20 Mr. McCue requested that item 7-C be removed from the agenda.

21  
22 **1. PRESENTATIONS:** None at this time.

23  
24 **2. CITIZENS COMMENTS:**

25  
26 Henry B. Durica, 1310 E. Lansdowne Avenue, came forward to address council. He remarked that he  
27 has lived in Orange City for many years and that he feels it's a great city. Mr. Durica commented that  
28 there is a great deal of trash at various locations in the city. He said that it looks like a "litter dump"  
29 on the east side down to SR 472 and at the Interstate (I-4) exits. Mr. Durica expressed concerns about  
30 the traffic pattern on Veteran's Memorial Parkway. He said that a turn lane is needed for access to the  
31 Hospice facility, and that it is hazardous with vehicles entering and leaving the Integra Landings  
32 apartment complex. He stated, "I think this is a head-on crash waiting to happen." Mr. McCue  
33 agreed. He explained that the roads mentioned were county and state roads. He said that while the  
34 City is not responsible to maintain the Interstate ramps, Exit 111 is the gateway into Orange City and  
35 periodically city staff cleans up that area. Mr. McCue advised that staff would contact the Department  
36 of Transportation (DOT) about Mr. Durica's concerns. With regard to the traffic on Veteran's  
37 Memorial Parkway, Mr. McCue explained that the County determines the traffic needs on that road.  
38 He said that at present, a turn lane is not planned for Hospice, but that a turn lane would be constructed  
39 for the Integra Landings apartments. Mr. Durica continued, advocating for impact fees and taxes for  
40 new businesses to pay for the growth and corresponding demand for services. Mr. McCue responded  
41 that sixty-five percent of the property tax paid to the city is generated by commercial entities. He  
42 advised that the City has adopted a local road impact fee in addition to the impact fees charged by the  
43 county. He said commercial developments are subject to the same impact fees as residential.

44  
45 Israel Chen, 972 Regatta Bay Drive, came forward to suggest enhancements to the city web page. Mr.  
46 Chen said that the city web page is an excellent tool for communicating with city residents. He felt

1 that a subscription form for the monthly update could be added; and that improving search engine  
2 optimization and adding an online forum to the web page would enhance the volume and quality of  
3 traffic to the web site. Mayor Strickland remarked that the City's Information Technology Manager is  
4 working on some of the issues mentioned.

5  
6 Wayne Atchley, 2021 Massachusetts Avenue, came forward and stated that he had heard a rumor that  
7 a developer has been pushing the Council and City staff and to fund a road for his project. Mr. McCue  
8 stated emphatically that is a false rumor. He explained that Jordan Development had plans to develop  
9 a portion of Kentucky Road which is located in the County's jurisdiction. Currently, the County is  
10 reviewing that project and the owner has expressed a desire to annex his property into the Orange City  
11 after that review. Mr. McCue said that one of the conditions of approval is that the developer must  
12 build a four-lane road on Kentucky that extends down to Graves Avenue. In addition, the developer of  
13 the Liberty Square project has plans to build a four-lane road that will intersect with Kentucky at  
14 Graves Avenue and that the county has agreed to build that intersection. He advised that it is a \$1.5  
15 million project. Mr. McCue reported that staff is recommending that the city partner with the county  
16 and agree to fund the mast arm signals at that intersection.

17  
18 Tim England, 2061 Friar Tuck Lane, came forward and advised Council that he is representing the  
19 Sherwood Oaks Home Owners Association. Mr. England explained that there is a problem with  
20 vandalism in the community. He said that eight months ago, the Association contacted Officer Greg  
21 Lariscy requesting extra police patrols. He said that Officer Lariscy advised that the chance of  
22 securing extra patrols was "nil" and suggested that he send a certified letter to the Police Chief. Mr.  
23 England said that he sent the letter but has not received a response. Mr. England noted that Sherwood  
24 Oaks pays \$220,000 in taxes each year for the ninety-five homes located there. He advised that there  
25 is drug activity in the neighborhood along with other crimes. He requested extra patrols between  
26 midnight and 4:00 a.m. Chief Baskoff came forward and stated that he received the letter and has  
27 asked all police officers to increase patrols in that community. He explained that the roads in  
28 Sherwood Oaks are "private roads" and the Police Department has no jurisdiction over traffic in the  
29 neighborhood. Mr. McCue noted that about 40% of the tax revenue paid by the residents of Sherwood  
30 Oaks goes to Orange City.

31  
32 Robert Miller, 7 Azalea Drive, came forward and questioned the Council's position on its continued  
33 participation in WAV. Mr. McCue commented that the city had an option to withdraw from WAV by  
34 April without penalty, if the Council desires. He reported that staff is recommending that the City  
35 remain a part of WAV. He explained that the scope of WAV has changed and that currently WAV is  
36 working on developing a future alternative water supply. He cautioned Council that if the city is not  
37 involved in the planning process, there may be no recourse if a decision is made that would adversely  
38 affect the city. Mr. McCue said that the membership fee structure has been reduced, but that this year  
39 participation is free. Mayor Strickland advised Mr. Miller that Council Member Sherrill is the Council  
40 Liaison for WAV and suggested that he contact him for an update.

41  
42 **3. CONSENT AGENDA:** None at this time.

43  
44 Vice Mayor Allebach read the titles of Items 4-A through 6-F into the record.

45  
46 **4. ORDINANCES - FIRST READING:**

- 1  
2       **A.       ORDINANCE NO. 329:** An ordinance of the City of Orange City, Florida vacating,  
3 closing, and abandoning certain rights-of-way located within the Orange City Knolls  
4 subdivision as shown on the plat recorded in Map Book 23, Page 180 of the Public  
5 Records of Volusia County, Florida, and generally located 1,250 feet south of East  
6 Rhode Island Avenue, and lying east of South Leavitt Avenue, as requested by the City  
7 of Orange City; authorizing execution of effecting documents as needed; providing for  
8 severability and an effective date.

9  
10       **Council Member Mahoney moved to adopt Ordinance No. 329 on first**  
11 **reading, seconded by Council Member Sherrill.**  
12

13 Elaine Wilson, Planning and Zoning Analyst, came forward and stated that staff is requesting a  
14 vacation of the right of way (ROW) at Elm Street and Juanita Lane. Ms. Wilson provided a power  
15 point presentation on the proposed ordinance (a copy of which is attached and becomes a permanent  
16 part of these minutes). Referencing a vicinity map, she noted that the ROW abuts property owned by  
17 Chinchor Electric. She said that in exchange for the vacation, Chinchor Electric has agreed to sign an  
18 easement agreement that will grant the city permanent easement to a portion of that ROW. Ms.  
19 Wilson gave a brief history of the Knolls subdivision. She advised that a portion of the subdivision  
20 had annexed into the city in 1987 and reverted back to acreage in 1995. That acreage was later  
21 subdivided and converted into industrial lots. Ms. Wilson stated that the 33-foot ROW on Elm Street  
22 and a portion of Juanita Lane had not been vacated. She said the area dead-ends and has become a  
23 garbage dump and that the city has no plans to develop the ROW. She advised that proposed  
24 developments bordering on the ROW will be installing fences, thus turning the ROW into a “bowling  
25 alley” which will attract illegal dumping. Chinchor Electric has agreed to grant the City permanent  
26 easement for relocation of the City’s water line on their property. Ms. Wilson said that staff  
27 recommends city Council approval of Ordinance No. 329, thereby vacating the remaining portions of  
28 Juanita Lane and the 33 foot right-of-way on the south side of the Orange City Knolls Subdivision.  
29

30 In response to a question from Council Member Laputka, Ms. Wilson said that the property line would  
31 be moved south, and a common wall would be created between Shadow Ridge and the Chinchor  
32 development.  
33

34 Chester Murray, Development Services Director, came forward. He remarked that under the land  
35 development code the commercial business north of the ROW would be required to build an 8 ft wall.  
36 He said that vacating the right-of-way would allow the developer to move the wall closer to the  
37 property line of Shadow Ridge. He said it would be a decorative wall with landscaping. Mr. Murray  
38 cautioned that building a wall near the ROW would create a 33 foot-wide “no man’s land.”  
39

40 In response to a question from Council Member Sandford, Mr. McCue said that the current  
41 requirement for a ROW is fifty feet, therefore, the City would have to acquire additional property if it  
42 ever contemplated building a road in that area. In addition, the surrounding developments make it  
43 “highly unlikely” that there would ever be a reason to develop an extension of the road there.  
44

45       **Motion passed by unanimous 7/0 roll call vote of the Council.**  
46

1           **B.     ORDINANCE NO. 331:** An ordinance of the City of Orange City, Florida, amending  
 2           Section 8.3 of the City’s Land Development Code, said section being the Official  
 3           Zoning Map of the City of Orange City, Florida, said amendment changing the zoning  
 4           classification of the Treemonte Center at Orange City property, consisting of  
 5           approximately 7.09 acres generally located within the southwest quadrant of the  
 6           intersection of Enterprise Road and Treemonte Drive, from its present zoning  
 7           classification of mixed use, suburban (MX-2) to Business Planned Unit Development  
 8           (BPUD), containing a repealer provision, a severability clause and providing for an  
 9           effective date.

10  
 11                   **Council Member Mahoney moved to adopt Ordinance No. 331 on first**  
 12                   **reading, seconded by Council Member Sherrill.**

13  
 14           Elaine Wilson advised that Ordinance No. 331 is for the rezoning of the Treemonte Center property.  
 15           Referring to a power point presentation (a copy of which is attached and becomes a permanent part of  
 16           these minutes) she noted the location on a map. She said that the site is adjacent to a sink hole that the  
 17           county is using for drainage. She said that the Planning Commission recommends approval of the  
 18           project and that it is consistent with the city’s comprehensive land use plan, and that it blends with the  
 19           surrounding area. Ms. Wilson said that the proposed center would house a bank, multi-tenant retail  
 20           facility, and restaurant. She advised that Enterprise Road is a county road and that the county has  
 21           agreed to issue a drive permit for the center. Ms. Wilson advised that Treemonte is a private road, but  
 22           that the developer has agreed to resurface the section of the road that fronts the center. She said that  
 23           Volusia County Growth Management has issued a letter of consistency. Ms. Wilson noted that the  
 24           project would bring jobs to the community.

25  
 26           Council Member Sherrill suggested that there should be additional ingress/egress on Treemonte Drive.  
 27           In response to a question from Council Member Sherrill, Ms. Wilson clarified that the conceptual plan  
 28           is what is being approved tonight. Council Member Sherrill spoke in support of the project. He said  
 29           that the area has been an “eyesore” for some time. He recalled that the developer for the Grandville on  
 30           Saxon development agreed to put in a walk path and picnic area around the pond. He questioned  
 31           whether this development could be required to take part in those improvements. Mr. Murray said that  
 32           further improvements are limited because the area is a wetland. He said that the area will be cleaned  
 33           up and walking paths added when the senior apartments are constructed. He advised that this  
 34           development will not connect with the planned new apartments. Mr. Murray reiterated that at this  
 35           point, Wachovia Bank and Texas Roadhouse have committed to the project and that future tenants  
 36           would come before the Council for approval.

37  
 38           Mayor Strickland expressed concerns about flooding during heavy rains. Mr. Murray said that the  
 39           property had been elevated approximately five feet since the floods. Mr. McCue noted the flooding  
 40           was not caused by the pond overflowing, he said that the DOT has drainage problems in that area. Ms.  
 41           Wilson said that she has spoken with the county engineers and was advised that there are plans to  
 42           redesign the earthen wall between Enterprise Road and the pond so that it will stop the flow of water.

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

45  
 46           **C.     ORDINANCE NO. 332:** An ordinance of the City of Orange City, Florida, amending

1 Section 8.3 of the City's Land Development Code, said section being the Official  
2 Zoning Map of the City of Orange City, Florida; said amendment changing the zoning  
3 classification of the West Volusia Retail Center at Orange City property, consisting of  
4 approximately 14.45 acres generally located at the northeast corner of Harley  
5 Strickland Boulevard and Junior Street from its present zoning classification of Mixed  
6 Use Suburban (MX-2) to Business Planned Unit Development (BPUD); containing a  
7 repealer provision, a severability clause and providing for an effective date.  
8

9 **Council Member Mahoney moved to adopt Ordinance No. 332 on first**  
10 **reading, seconded by Vice Mayor Allebach.**  
11

12 Wendy Hickey, Planning and Zoning Analyst came forward and stated that the purpose of this  
13 ordinance is to change the rezoning of the property at the northeast corner of Harley Strickland Blvd  
14 and Junior Street from MX-2 to B-PUD. Referring to a power point presentation (a copy of which is  
15 attached and becomes a permanent part of these minutes) she noted the location on a map. She said  
16 that this property is consistent with the city's land development code and zoning classifications. Ms.  
17 Hickey said that there are few impacts to the environment and no adverse impacts on infrastructure.  
18 She advised that this developer has provided an additional \$100,000 for road improvements in the  
19 area. Mr. McCue clarified that the additional funds are "pipeline money" as required by Senate Bill  
20 360 which mandates that developers provide "proportionate fair share" funding for future  
21 infrastructure improvements required as a result of the project. He said that the county collects these  
22 funds.  
23

24 Mr. Murray said that this project is Phase III of the West Volusia Retail Center. The architecture of  
25 the development is identical to Kohls and the developments built in Phase II. The developer has  
26 already funded a number of additional improvements to the access roads. Ms. Hickey remarked that at  
27 the completion of this phase of the project, the developer would install a stop light at Threadgill Place.  
28 She advised that this project would increase the city's tax base and create jobs. She said the Volusia  
29 Growth Management Commission has issued a certificate of consistency. Ms. Hickey said that staff  
30 and the Planning Commission recommend approval of Ordinance No. 332.  
31

32 Council Member Sherrill felt that an additional traffic light at Threadgill Place was too close to the  
33 light recently installed at Harley Strickland Blvd. Mr. McCue agreed that it is close, but necessary for  
34 vehicles attempting to turn onto Harley Strickland Blvd from Threadgill Place.  
35

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

- 38 **D. ORDINANCE NO. 333:** An ordinance of the City of Orange City, Volusia County,  
39 Florida, approving and authorizing the lease between the City of Orange City and the  
40 Village Improvement Association of the premises located at 200 East Rose Avenue,  
41 Orange City, Florida; providing for purpose, description, term, and consideration;  
42 providing for conflicting provisions; providing for severability; providing an effective  
43 date. (Continued on 12/11/07)  
44

45 **Vice Mayor Allebach moved to table Ordinance No. 333 until January**  
46 **22<sup>nd</sup>, seconded by Council Member Laputka.**

1  
 2 Council Member Mahoney advised that he would not be at the January 22<sup>nd</sup> meeting and requested  
 3 that the item be moved to February 12<sup>th</sup> instead.

4  
 5 **Council Member Mahoney moved to amend the motion to table**  
 6 **consideration of Ordinance No. 333 until February 12, 2008, seconded**  
 7 **by Vice Mayor Allebach and passed by unanimous 7/0 voice vote of the**  
 8 **council.**

9  
 10 **E. ORDINANCE NO. 335:** An ordinance of the city of Orange City, Florida, annexing  
 11 the Corneck property into the corporate limits of the City of Orange City, Florida; said  
 12 property being generally located on the north side of West Rhode Island Avenue,  
 13 approximately 600 feet west of South Volusia Avenue, containing approximately 2.18  
 14 acres; in accordance with the voluntary annexation provisions of Florida Statute  
 15 171.044; redefining the boundaries of the City of Orange City by amending the  
 16 appropriate sections of the Code of Ordinances; containing a repealer provision, a  
 17 severability clause and providing for an effective date.

18  
 19 **Council Member Mahoney moved to adopt Ordinance No. 335 on first**  
 20 **reading, seconded by Council Member Sherrill.**

21  
 22 Jim Kerr, City Planner, came forward and advised that this ordinance is for the annexation of the  
 23 Corneck property into Orange City. Referring to a power point presentation (a copy of which is  
 24 attached and becomes a permanent part of these minutes) he noted the location on a vicinity map. Mr.  
 25 Kerr said that the property is located between 17-92 and West Rhode Island Avenue. It is immediately  
 26 adjacent to the city limits and does not create an enclave. He said this annexation meets State statutes  
 27 for voluntary annexation. Mr. Kerr advised that staff recommends that the city council adopt  
 28 Ordinance No. 335.

29  
 30 Council Member Mahoney noted that the proposed annexation would prohibit the City from annexing  
 31 the property west of the City limits and south of West Rhode Island because the property to the east of  
 32 the Corneck property is not in the City limits. He asked, "How do you incorporate that observation  
 33 into the decision to annex this?" Mr. McCue responded that he would not advise staff not to  
 34 recommend a request for voluntary annexation based on a potential consequence which is beyond the  
 35 City's control.

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

38  
 39 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

40  
 41 **A. ORDINANCE NO. 320:** An ordinance of the City of Orange City, Florida, annexing  
 42 the Kupiszewski property into the corporate limits of the City of Orange City, Florida;  
 43 said property being generally located on the west and east sides of Veterans Memorial  
 44 Parkway approximately 1,000 feet north of East Rhode Island Avenue, containing  
 45 approximately 8.85 acres; in accordance with the voluntary annexation provisions of  
 46 Florida Statute 171.044; redefining the boundaries of the City of Orange City by

1 amending the appropriate sections of the code of ordinances; containing a repealer  
2 provision, a severability clause and providing for an effective date.  
3

4 As a point of order, Mayor Strickland stated that he would receive a benefit from the annexation of the  
5 Kupiszewski property because it would enhance property that he owns. Mr. Reischmann advised  
6 Mayor Strickland that there would not be a conflict of interest in the case.  
7

8 Vice Mayor Allebach read the title of Ordinance No. 320 into the record.  
9

10 **Council Member Laputka moved to adopt Ordinance No. 320 on**  
11 **second and final reading, seconded by Vice Mayor Allebach.**  
12

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

16 **Motion passed by a 7/0 roll call vote of the Council.**  
17

- 18 **B. ORDINANCE NO. 321:** An ordinance of the City of Orange City, Florida, amending  
19 ordinance 90-05-08, said ordinance being the Comprehensive Plan; and the Future  
20 Land Use Map of the Future Land Use Element of the Comprehensive Plan; changing  
21 the Future Land Use designation of the Kupiszewski property, consisting of a certain  
22 1.85 acre parcel generally located on the west side of Veterans Memorial Parkway, and  
23 a certain 7.0 acre parcel located on the east side of Veterans Memorial Parkway, said  
24 property located approximately 1,000 feet north of its intersection with East Rhode  
25 Island Avenue; from its present Future Land Use designation of Volusia County (ULI)  
26 Urban Low Intensity to a Future Land Use designation of (MX) Mixed Use; containing  
27 a repealer provision, a severability clause and providing for an effective date.  
28

29 Vice Mayor Allebach read the title of Ordinance No. 321 into the record.  
30

31 **Council Member Laputka moved to adopt Ordinance No. 321 on the**  
32 **second and final reading, seconded by Council Member Sherrill.**  
33

34 Mayor Strickland opened the public hearing. No one appeared. The Mayor closed the public hearing.  
35

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

- 38 **C. ORDINANCE NO. 322:** An ordinance of the City of Orange City, Florida, amending  
39 Section 8.3 of the City's Land Development Code, said section being the Official  
40 Zoning Map of the City of Orange City, Florida; said amendment changing the zoning  
41 classification of the Kupiszewski property, consisting of a certain 1.85 acre parcel  
42 generally located on the west side of Veterans Memorial Parkway and a certain 7.0 acre  
43 parcel located on the east side of Veterans Memorial Parkway, said property located  
44 approximately 1,000 feet north of its intersection with East Rhode Island Avenue; from  
45 its present zoning classification of (RR) Rural Residential to (MX-2) Mixed Use;  
46 containing a repealer provision, a severability clause and providing for an effective

1 date.

2  
3 Vice Mayor Allebach read the title of Ordinance No. 322 into the record.

4  
5 **Council Member Sherrill moved to adopt Ordinance No. 322 on the**  
6 **second and final reading, seconded by Council Member Laputka.**  
7

8 Mayor Strickland opened the public hearing. No one appeared. The Mayor closed the public hearing.

9  
10 **Council Member Mahoney moved to amend the second whereas clause**  
11 **of Ordinance No. 322 to reflect 2008, seconded by Vice Mayor Allebach.**  
12

13 Council Member Mahoney expressed concerns about the dates discussed in Ordinance No. 322,  
14 specifically in the second whereas clause. Mr. Reischmann advised that this is a scrivener's error and  
15 recommended that the ordinance be amended to correct the date. Council Member Mahoney noted  
16 that related Ordinance No. 321 becomes effective 31 days after adoption and asked whether the  
17 immediate effective date of this ordinance would create a conflict. Mr. Reischmann responded that it  
18 would not.

19  
20 **Motion to amend the Ordinance No. 322 to reflect 2008, passed by a 7/0**  
21 **roll call vote of the council.**  
22

23 **Main motion to adopt Ordinance No. 322 as amended on second and**  
24 **final reading passed by unanimous 7/0 roll call vote of the council.**  
25

26 **6. RESOLUTIONS:**

- 27  
28 **B. RESOLUTION NO. 444-07:** A resolution of the City Council of the City of Orange  
29 City, Florida, acknowledging and approving the preliminary subdivision plat for  
30 Lansdowne Oaks subdivision, thereby dividing a 5.0-acre and a 10.0-acre parcel into 35  
31 residential lots, said parcels located on East Lansdowne Avenue approximately 600 feet  
32 east of North Leavitt Avenue, Orange City, Florida; repealing all resolutions or parts of  
33 resolutions in conflict herewith; and providing for an effective date.  
34

35 **Vice Mayor Allebach moved to adopt Resolution No. 444-07, seconded**  
36 **by Council Member Sherrill.**  
37

38 Jim Kerr came forward and advised that this agenda item is for review and approval of the preliminary  
39 plat for the Lansdowne Oaks subdivision. He noted that the site plan for this project would be  
40 considered later this evening. Referring to a power point presentation, (a copy of which is attached  
41 and becomes a permanent part of these minutes) he said that the property consists of a 5-acre and a 10-  
42 acre parcel located on East Lansdowne Avenue approximately 6,000 ft east of Leavitt Avenue. Mr.  
43 Kerr said that the owner plans to divide the property into 35 single-family residential building lots  
44 with a park and retention pond. He said that the developer has proposed a mail kiosk, paved roads and  
45 sidewalks, streetlights and underground utilities. He said that staff and the Planning Commission  
46 recommend that Council approve this resolution.

1  
2 In response to a question from Council Member Sanford, Mr. Kerr said that developers provide the  
3 name of roads. Mr. Reischmann commented that for the purpose of emergency services, the county  
4 reviews and approves street names to avoid duplication.

5  
6 **Motion to approve Resolution No. 444-07 passed by unanimous 7/0**  
7 **roll call vote of the Council.**

- 8  
9 **B. RESOLUTION NO. 445-07:** A resolution of the City Council of the City of Orange  
10 City, Florida, acknowledging and approving the site plan for Lansdowne Oaks,  
11 consisting of 35 lots on a 5.0-acre and a 10.0-acre parcel, said parcels located on East  
12 Lansdowne Avenue approximately 600 feet east of North Leavitt Avenue, Orange City,  
13 Florida; repealing all resolutions in conflict herewith; and providing for an effective  
14 date.

15  
16 **Council Member Sherrill moved to approve Resolution No. 445-07,**  
17 **seconded by Vice Mayor Allebach.**

18  
19 Jim Kerr continued his presentation, stating that Resolution No. 445-07 is for approval of the site plan  
20 for Lansdowne Oaks. He showed examples of the houses that are planned. In response to a question  
21 from Mayor Strickland, Mr. Kerr said that the units would be a minimum of 1,200 square feet. Mr.  
22 Kerr advised that the development would have signs at all entrances and architectural fencing around  
23 the development. In response to a question from Council Member Laputka, Mr. Kerr confirmed that  
24 architectural fencing would enclose the retention area. He detailed the five conditions listed in Exhibit  
25 C of the resolution. Mr. Kerr stated that staff is recommending that the city council approve the  
26 Lansdowne Oaks site plan subject to the conditions in Exhibit C.

27  
28 Council Member Sandford asked if the 15 mph speed limit was enforceable. Mr. McCue responded in  
29 the affirmative. He explained that a subdivision has the option to dedicate its streets to the city. If that  
30 occurs, the streets must be built according to the city engineer's specifications and the city would be  
31 responsible for their maintenance and can enforce the traffic laws. Streets that are not dedicated are  
32 classified as private roads and the city has no jurisdiction. Council Member Sandford asked whether  
33 15 mph is the normal speed limit for areas such as this. Mr. Murray responded that the normal speed  
34 limit is 25 mph, but that the Home Owners Association has the authority to set speed limits within the  
35 development.

36  
37 **Motion to approve Resolution No. 445-07, passed by unanimous**  
38 **7/0 voice call vote of the Council.**

- 39  
40 **C. RESOLUTION NO. 449-07:** A resolution of the City Council of the City of Orange  
41 City, Florida, to approve a preliminary master plan for the Treemonte Center at Orange  
42 City Business Planned Unit Development; repealing all resolutions or parts of  
43 resolutions in conflict herewith and providing for an effective date.

44  
45 **Council Member Mahoney moved to approve Resolution No. 449-07,**  
46 **seconded by Council Member Laputka.**

1  
2 Elaine Wilson continued her presentation. Referring to a power point presentation, (a copy of which is  
3 attached and becomes a permanent part of these minutes) she noted a ten foot non-vehicular easement  
4 along Enterprise Road that belongs to the county. She said the County is in the process of vacating  
5 that easement to allow a driveway onto Enterprise Road. Ms. Wilson said that the preliminary master  
6 plan meets the requirements of the code. She explained that the preliminary plan grants the  
7 development right for a certain number of square feet. Ms. Wilson advised that site plans will be  
8 prepared for the individual buildings to make sure that they are compliant with city code for  
9 appearance, and landscaping. She said that the site plan includes the landscaping for the overall  
10 development and the perimeter landscaping on each building.

11  
12 Council Member Mahoney inquired if the vacation of the county easement would have to occur before  
13 final approval. Mr. McCue responded in the affirmative.

14  
15 Council Member Sherrill asked if a traffic light will be installed at Treemonte Drive. Mr. Murray  
16 responded in the negative. Ms. Wilson said that she has asked and the County has said they will look  
17 at it. Mr. Murray said that only the county can make the determination for a light and that thus far,  
18 they have denied that request. He remarked that it is beyond the City's control.

19  
20 Vice Mayor Allebach noted that the Developer would be putting in sidewalks along Enterprise down  
21 the Crown Center plaza.

22  
23 **Motion to approve Resolution No. 449-07 passed by unanimous 7/0**  
24 **roll call vote of the Council.**

- 25  
26 **D. RESOLUTION NO. 450-07:** A resolution of the City Council of the City of Orange  
27 City, Florida, to approve a master plan for the West Volusia Retail Center at Orange  
28 City Business Planned Unit Development; repealing all resolutions or parts of  
29 resolutions in conflict herewith; and providing for an effective date.

30  
31 **Council Member Mahoney moved to approve Resolution No. 450-07,**  
32 **seconded by Vice Mayor Allebach.**  
33

34 Wendy Hickey continued her presentation. Referring to a power point presentation (a copy of which  
35 is attached and becomes a permanent part of these minutes), she showed an aerial view of the site. She  
36 said that the site is 123,000 square foot of retail space located on 14.45 acres. Ms. Hickey said that the  
37 architecture and the landscaping will blend with the other facilities already developed at the West  
38 Volusia Retail Center. She noted that the Developer is exceeding the required number of trees. Ms.  
39 Hickey advised that the developer was present to answer questions. Mr. Murray spoke in support of  
40 the project. He said it would enhance the center. He urged Council's approval. Mr. McCue noted that  
41 this is the last piece of property on Harley Strickland Boulevard to be developed. Ms. Hickey stated  
42 that the out parcel for this development will have to get approval for the elevations of the building to  
43 ensure that they meet with code.

44  
45 Kim Booker, Booker and Associates, 1019 Towne Centre Drive, representing the developer, came  
46 forward. Ms. Booker remarked that she grew up in Orange City and that the shopping center has been

1 a really “terrific” addition to the community. She said this phase of the project is consistent with the  
2 quality of the last two phases of the project. Ms. Booker detailed additional improvements made to  
3 Saxon Blvd. between the I-4 interchange and Veterans Memorial and additional widening of the turn  
4 lanes at Harley Strickland and Veterans. Mr. Murray commented there would a turn lane at Kohls off  
5 from Veterans Memorial.

6  
7 As a point of order Mr. Reischmann recommended that the terms Development Agreement and Site  
8 Plan be inserted after preliminary master plan in Section 1 of the resolution.

9  
10 **Council Member Sherrill moved to amend Section 1 of Resolution No.**  
11 **450-07 by inserting the terms “Development Agreement” and “Site**  
12 **Plan” after preliminary master plan, seconded by Vice Mayor**  
13 **Allebach.**

14  
15 **Motion to amend Resolution No. 450-07, passed by unanimous 7/0**  
16 **voice vote of the Council.**

17  
18 **Motion to approve Resolution No. 450-07, passed by unanimous**  
19 **7/0 roll call vote of the Council.**

- 20  
21 **D. RESOLUTION NO. 460-08:** A resolution of the City Council of the City of Orange  
22 City, Florida, acknowledging and approving the site plan for Chinchor Electric  
23 Industrial Complex on a 5.54 acre parcel, said parcel located on South Leavitt Avenue  
24 approximately 450 feet south of east Rhode Island Avenue, Orange City, Florida;  
25 repealing all resolutions or parts of resolutions in conflict herewith; and providing for  
26 an effective date.

27  
28 **Council Member Mahoney moved to approve Resolution No. 460-08,**  
29 **seconded by Council Member Sherrill.**

30  
31 Wendy Hickey came forward and presented a power point presentation of the site (a copy of which is  
32 attached and becomes a permanent part of these minutes). She said that the site consists of a 5.54 acre  
33 parcel approximately 450 feet south of East Rhode Island. The applicant proposes three industrial  
34 buildings totaling 36,194 square feet of space. Ms. Hickey said that the building is metal covered with  
35 stucco. She said that staff and the Planning Commission are recommending approval with the four  
36 stipulations outlined in Exhibit A of the resolution. Mr. McCue asked what will happen to the  
37 property that Chinchor Electric currently occupies. Mr. Chinchor, came forward and advised that he  
38 has a potential buyer for the property. Mr. Chinchor advised that in the event of a hurricane in the  
39 future, he would ensure that streets in the area are cleared.

40  
41 **Motion to approve Resolution No. 460-08, passed by unanimous**  
42 **7/0 roll call vote of the Council.**

- 43  
44 **F. RESOLUTION NO. 461-08:** A resolution of the City Council of the City of Orange  
45 City, Florida, authorizing the City to enter into a business relationship with BB&T to  
46 provide banking services for the City; repealing all resolutions in conflict herewith and

1 providing for an effective date.

2  
3 **Council Member Laputka moved to approve Resolution No. 461-08,**  
4 **seconded by Vice Mayor Allebach.**  
5

6 Ms. Davis, Finance Director came forward and advised council that staff is proposing a money market  
7 savings account with BB&T as a short term alternative to the SBA. She said that BB&T is a qualified  
8 collateralized public depository as required by State statute. Ms. Davis reminded council that last year  
9 the surplus funds were withdrawn from the SBA and deposited in the Wachovia operating account.  
10 She said that the majority of those funds are being reinvested through sweep agreements. Ms. Davis  
11 told the council that as of yesterday the city earned 3.1% from the sweep agreements. She advised that  
12 the City had formerly earned 4.81% with the SBA as of the December financial statement. She said  
13 that by moving the money into a money market account, the city will earn a higher interest rate of  
14 roughly 1.17% that is locked in through March 31<sup>st</sup>. Ms. Davis said that staff is currently updating the  
15 city's investment policy and have scheduled a meeting with the city's investment advisor. She advised  
16 council that a new pool surplus fund has been established through interlocal agreements. Mr.  
17 Reischmann has given his comments on the agreement with the new pool. Mr. McCue explained the  
18 differences between the SBA account and BB&T. He remarked that if the city participates in the new  
19 pool, cities would have more control and participation in the investments of the fund. Mr. McCue  
20 discussed the causes of the SBA problems.  
21

22 Mr. McCue said that the SBA appears to be getting a handle on their situation, but he advocated for  
23 the new investment pool. He said that the SBA was aware of its problems and never informed  
24 investors. Mr. Reischmann concurred based on information he obtained from the newspaper.  
25

26 In response to a question from Mayor Strickland, Ms. Davis said that the BB&T investment would be  
27 for 60 days. She said that during that time period, staff will come back before council with long term  
28 arrangements.  
29

30 Council Member Mahoney asked for clarification on FL Statute 280. Ms. Davis explained the statute  
31 and told Council Member Mahoney she would email it to him.  
32

33 **Motion to approve Resolution No. 461-08, passed by unanimous**  
34 **7/0 roll call vote of the Council.**  
35

36 **7. DISCUSSION AND ACTION:**  
37

38 A. Tree Board meeting  
39

40 Mr. McCue advised council that, as directed, a Tree Board meeting has been tentatively scheduled for  
41 February 26<sup>th</sup> at 6:00 p.m. prior to the City Council meeting. He explained that the City Council is the  
42 Tree Board for Orange City. He said that staff would be present to discuss the status of the city tree  
43 program.  
44

45 In response to a question from Mayor Strickland, Mr. Reischmann advised that Section 3.4 of the  
46 Land Development Code provides for a Tree Board with the responsibility to investigate, update

1 annually and administer a plan for the care, preservation, pruning, planting and replanting of trees and  
2 shrubs in the parks and other public areas. The City Council acts as the Tree Board. The Tree Board  
3 is also mentioned in Section 11.14 (a) which says that the Tree Board will notify private property  
4 owners in writing if they have a dead or hazardous tree on their property.

5  
6 Mr. McCue noted that a city-wide tree survey had been done which identified hazardous trees and that  
7 those property owners had been informed.

8  
9 **It was the consensus of Council to hold a Tree Board meeting on**  
10 **February 26, 2007 at 6:00 p.m. prior to the regular council meeting**  
11 **scheduled for that night.**

12  
13 B. City Sponsorship of Blue Springs Manatee Festival

14  
15 James Moltz, Parks and Recreation Superintendent, came forward and noted that Orange City has  
16 many events going on in the city every year such as the Black Bear Festival. Over the years, the city  
17 has been forced to take a more active role in putting on these events. He said that the Black Bear  
18 Festival occurs during a busy time of the year and that attendance is dropping. Mr. Moltz advised  
19 council that staff would like to partner with the Manatee Festival Committee and incorporate the two  
20 events.

21  
22 Mr. McCue said that the theme of the Manatee Festival is similar to the Black Bear. He expressed that  
23 there are too many festivals in the area. He said that he would like to see the Manatee Festival bring  
24 more people into the City by having concurrent events that are not at Valentine Park. He said that he  
25 wants the City to become a sponsor for the event.

26  
27 Council Member Sherrill agreed that it has been difficult getting some people to be a part of the  
28 festival. He observed that the City took over the Black Bear Festival from the Sorosis Club because  
29 they had a tough time putting it on, but that it hasn't gotten any better with the City in charge. Council  
30 Member Sherrill concurred that there are too many festivals going on.

31  
32 Mayor Strickland remarked that having these kinds of events is really important. He said that it  
33 promotes the city. The Mayor stressed the need to develop a method to evaluate the benefit of the  
34 City's participation in the festival.

35  
36 **Council Member Laputka moved to approve staff recommendation on**  
37 **the Manatee Festival, seconded by Council Member Sherrill.**

38  
39 Council Member Mahoney noted that the city will be sponsoring the Manatee Festival with a \$5,000  
40 contribution. Council Member Sandford asked if the City has been a sponsor of the Festival in the  
41 past. Mr. McCue responded that this would be the first time that the City would be an active  
42 participant in promoting the Festival. Council Member Laputka remarked that the money does come  
43 back into the city. Chief Baskoff concurred and stated that contributions from the Manatee Festival  
44 support the DARE program, along with donations to the Police Volunteers program and the purchase  
45 of equipment for the Fire Department. Mr. McCue said that the return on the City's investment is  
46 close to a dollar for dollar.

1  
2 **Motion passed by a unanimous 7/0 voice vote of the Council.**

3  
4 C. Dedication Honoring Past Service to Orange City

5  
6 This item was withdrawn at staff's request.

7  
8 **8. REPORTS:**

9  
10 A. City Manager

11  
12 Mr. McCue reported that the water main renewal and replacement projects on Howard Avenue and  
13 Dixson Street are complete. He said the Mr. Saylor could not be present this evening, but he told Paul  
14 Johnson, Public Works Director, that for the first time in a long time he didn't have to change his  
15 water filter this month.

16  
17 B. Mayor/City Council

18  
19 Mayor Strickland reported that he attended the County Mayor's luncheon and that he would be  
20 attending the Mayor's breakfast in Deland tomorrow.

21  
22 Council Member Sherrill reported that he had distributed information from the WAV meeting held in  
23 December. He said that WAV is asking for a letter of intent regarding the City's membership in the  
24 organization by February 20<sup>th</sup>. He said that WAV is asking for an alternate delegate to be assigned.  
25 Council Member Sherrill said that a meeting is being planned by the Water Management District  
26 which will include of Orange County. Council Member Sherrill stated, "The water situation is really  
27 getting to be serious and we really need to look into and start pushing for a desalination plant." He  
28 expressed his preference for this alternative over taking drinking water from the St. John's River.  
29 Council Member Sherrill advised that Debra Greene, Water Conservation Coordinator, has left the  
30 WAV organization after about 9 years.

31  
32 Vice Mayor Allebach reported that he attended the VCOG meeting for Mayor Strickland. He said that  
33 it was in reference to a joint press release between Volusia Tax Reform and VCOG regarding the  
34 upcoming referendum on the constitutional amendment scheduled to appear on the January 29<sup>th</sup> ballot.  
35 The press release did not say not to vote for the amendment, but it attempted to clarify the purpose of  
36 the amendment and to stress the need for true, meaningful, tax reform. The Vice Mayor stated, "Take  
37 a close look before you vote on the 29<sup>th</sup>."

38  
39 Mayor Strickland reported that former Mayor Richard Attwood passed away this week and that the  
40 services would be at the Lankford Funeral Home in DeLand on Thursday afternoon. He advised that  
41 the City Clerk sent flowers on behalf of the City.

42  
43 Council Member Sanford reported that he received a number of calls in opposition of Agenda Item  
44 7-C. He said that all of the new council members will be attending a training in Gainesville, January  
45 25-27.

46

1 Council Member Abraham reported that he will be attending the meeting in Gainesville. He said that  
2 he would be evaluating the benefit from this training and the need to attend the advanced training.  
3 Council Member Abraham stated, "I'm very reluctant to spend money that belongs to the taxpayers so  
4 this time we are trying, attending, to see how it works out."

5  
6 C. City Clerk  
7

8 Ms. Renner announced that the Council pictures had been hung on the wall in Council Chambers. She  
9 said the she was not "totally delighted" with the quality of the pictures and that she would be seeking a  
10 new photographer the next time photos are taken.

11  
12 D. City Attorney  
13

14 Mr. Reischmann referenced an inspection report from the Department of Environmental Protection  
15 (DEP) issued in December regarding the Gel Landfill closure. He commended the work of Kelly  
16 Eger, the City's consultant on this matter. Mr. Reischmann read a portion of an email that Kelly Eger  
17 sent to the DEP expressing the City's concerns regarding the closure process. The email states, "This  
18 continues to be a case of non-compliance, disregard, and long-term consequence." He assured  
19 Council that staff continues to monitor the landfill and the progress made toward a successful closure.  
20

21 In response to a question from Council Member Sherrill, Mr. Reischmann reported that the City is  
22 pursuing code enforcement action against GEL regarding the continued operation of their  
23 unauthorized recycling facility. The Code Enforcement Special Master ruled in the City's favor, GEL  
24 appealed the decision, but lost their appeal. The City is still pursuing injunctive relief to prevent the  
25 continued operation of the landfill and that he would provide an update as to the status of that effort in  
26 the near future.  
27

28 **9. APPROVAL OF MINUTES:** December 11, 2007 Regular Council Meeting  
29

30 **Vice Mayor Allebach moved to approve the minutes of the**  
31 **December 11<sup>th</sup> City Council Meeting, seconded by Council Member**  
32 **Laputka and passed by unanimous 7/0 voice vote of the Council.**  
33

34 **10. COUNCIL COMMENTS**  
35

36 Council Member Mahoney apologized that he will not be able to attend the January 22<sup>nd</sup> meeting.  
37

38 Council Member Laputka commended a choir group that Council Member Abraham brought to  
39 perform at the library. He said their performance was "outstanding." Council Member Laputka  
40 remarked that he was disappointed by the lack of attendance. He suggested the city should consider  
41 partnering with the library on these types of events. He thanked Council Member Abraham for his  
42 efforts.  
43

44 Council Member Allebach stated, "Happy New Year and I hope we keep this going."  
45

46 Council Member Abraham asked for an update on the points that Al Blue brought up at the last

1 meeting. Mr. McCue said that staff is working on a written response. Council Member Abraham  
2 suggested that the time allotted for citizen comments should be increased. Mr. McCue said that the  
3 written response will be brought back to the Council as a Discussion and Action item on a future  
4 agenda. Council Member Abraham stated, "We need to look back at those ten points and discuss this  
5 and then move forward to some real concrete action to improve the quality of life in Orange City."  
6

7 **11. ADJOURNMENT**

8  
9 There being no further business, Mayor Strickland adjourned the meeting at 9:22 p.m.

10  
11 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

12  
13  
14  
15 Gloria Williams  
16 Deputy City Clerk

\_\_\_\_\_