

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held  
2 on Tuesday, April 22, 2008 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 Strickland and roll call was taken.

7  
8 **ROLL CALL**

9  
10 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Jim Mahoney, Tom  
11 Laputka, Tom Abraham, Don Sherrill, Donald Sandford; City Attorney William Reischmann; City Manager  
12 John McCue, City Clerk Deborah Renner

13  
14 The Invocation was given by Rabbi Paul Falk, 576 S. Ridgewood Ave. DeLand, followed by the Pledge of  
15 Allegiance.

16  
17 Mr. McCue advised that the applicant for agenda item 6E Dixie Truck Parking Facility has requested that  
18 this item be postponed until the next City Council meeting.

19  
20 Mr. Reischmann advised that a motion to continue is in order.

21  
22 **Council Member Laputka moved that Agenda Item 6E Resolution 468-08 be**  
23 **continued until the next City Council Meeting, seconded by Council Member**  
24 **Abraham.**

25  
26 Council Member Mahoney questioned if a Planning and Zoning (P&Z) meeting would be held prior to the  
27 next council meeting. Mr. Reischmann advised that this matter had been reviewed by P&Z and another  
28 meeting is not required. Council Member Mahoney questioned why an agenda item with a negative  
29 recommendation from staff is before the Council. Mr. Reischmann noted that a positive recommendation is  
30 not a legal condition for the application of a site plan.

31  
32 **Motion passed with a 7/0 voice vote of the Council.**

33  
34 **1. PRESENTATIONS:** Proclamation – Therapy Dog Awareness Day

35  
36 Council Member Laputka read a proclamation into the record declaring May 10, 2008 as Therapy Dog  
37 Awareness Day.

38  
39 Council Member Sherrill thanked the Mayor for signing the proclamation. He said that his wife is currently  
40 in a nursing home and when he asked if he could bring her dog for a visit he was advised that pets are  
41 welcome. He said these types of programs are very therapeutic for nursing home residents. Council  
42 Member Sherrill thanked everyone for the cards, flowers and well wishes that he received for his wife and  
43 family.

44  
45 **2. CITIZENS COMMENTS:**

46  
47 Bill Scaramellino, 339 Dixson Street, came forward and said that he has lived in Orange City since 1972.  
48 Mr. Scaramellino said that he has an “ongoing” water problem on Dixson Street. He reported that he

1 received a notice that his water was to be turned off for non-payment but that he has never missed a  
2 payment. He said the Utility was very cooperative; however, the billing system “needs to be straightened  
3 out.” Mr. Scaramellino presented water filters to the Council which were used outside his house. He said  
4 that the filters are designed to last three months but he must replace them every month. Mr. Scaramellino  
5 said that the quality of water coming to his house is “terrible.” He stated, “I have a problem and I’d like to  
6 know what can be done about it.” Mr. McCue said that Mr. Scaramellino’s house is at the closed end of a  
7 water line. He said that he would return with options to address the problem.  
8

9 Mayor Strickland agreed that there are problems with the water system. He said that his water often looks  
10 the like Mr. Scaramellino’s. He suggested that a study be done to evaluate and identify priority areas that  
11 could be corrected immediately. Mr. McCue said that was done when the city began its renewal and  
12 replacement program, noting that this is the first full year of that program. Mayor Strickland said that the  
13 infrastructure of the water system is old, and that minor solutions such as flushing do not always work. Mr.  
14 McCue advised that it would cost about \$15-20 million dollars to retrofit the entire system and that the  
15 Utility does not have the funds. Addressing Mr. Scaramellino, Mr. McCue said that Paul Johnson, Public  
16 Works Director, would contact him to talk about how the utility might be able to provide a temporary  
17 solution to his problem.  
18

19 Ron Saylor, 361 Dixson Street, came forward and commented that he was not at the last meeting but that he  
20 disagreed with Council’s action of allocating funds for a wastewater line for a system run by the County.  
21 He felt that instead the County should pay for that line. Mr. Saylor remarked City Government “speaks with  
22 forked tongue.” He said at previous meetings about water problems he was led to believe that a new sewer  
23 line would be run in his neighborhood by the end of the year. He noted that the work has been scheduled to  
24 begin on the south side of the city and may reach his neighborhood in the next three or four years. Mr.  
25 Saylor said that he wants something in writing that will indicate when the water pipes will be run. He  
26 expressed concerns regarding the CDBG funds allocated for the city’s street paving program. He felt that  
27 Dixson should be given priority. Mr. McCue said that public hearings were held and as a result, staff  
28 recommended using the grant allocation to fund installation of city sidewalks. Mr. McCue said that the  
29 City’s wastewater system is not run by the County. He explained that the County would treat the  
30 wastewater collected by the City. Mr. McCue advised Council that that Dixson Street is scheduled to be  
31 paved.  
32

33 Sandy Jones, 403 West New York Avenue, came forward and advised that she has not received a resolution  
34 to her water bill problem. She said that the compromise offered by the City Manager was not acceptable  
35 noting that she would be satisfied to pay an average of her water bills over the past 14 months. Ms. Jones  
36 read Section 17.3-40 of the Utility code which discusses rate adjustments. She felt that it is an opened  
37 ended statement that could allow the City Manager to negotiate a rate adjustment. Mr. McCue noted that  
38 statement applies when there are equipment malfunctions or an error is made by the City. Addressing the  
39 Council, Mr. McCue said that there was nothing he could do about Ms. Jones’ situation because of the  
40 constraints of the Code. He explained that he reviewed Ms. Jones’ water usage history and offered to  
41 reduce her bill from 34 gallons to 20 gallons and she did not accept it. He stated, “I have no other  
42 alternative but to bill her for the fees.”  
43

44 Mayor Strickland explained to Ms. Jones that the Council does not have jurisdiction over this matter. Mr.  
45 Reischmann said that Section 17.3-40 allows for adjustments under certain circumstances. He detailed the  
46 circumstance noting that the responsibility for the implementation of the Utility Code rests with the City  
47 Manager.  
48

1 Addressing Ms. Jones, Mr. McCue stated, "Again, you have no options, I tried to compromise, it didn't  
2 work out, I would be more than willing to go back to that compromise..."

3  
4 Ms. Jones thanked the Council for listening to her concerns.

5  
6 **3. CONSENT AGENDA:** None at this time

7  
8 **4. ORDINANCES - FIRST READING:**

- 9  
10 **A. ORDINANCE NO. 350:** An ordinance of the City of Orange City, Florida, vacating and  
11 abandoning a certain portion of the Orange City Knolls subdivision plat and returning said plat to  
12 acreage, consisting of 12.36 acres, parcel numbers 8014-01-04-0010, 8014-01-03-0010 and 8014-  
13 00-03-0060, located immediately south of Rhode Island Avenue, Orange City, Florida; containing  
14 a repealer provision, a severability clause and providing for an effective date.

15  
16 **Council Member Sherrill moved to adopt Ordinance No. 350 on second and**  
17 **final reading, seconded by Council Member Mahoney.**

18  
19 Chester Murray, Development Services Director came forward. Referring to a power point presentation (a  
20 copy of which is attached and becomes a permanent part of these minutes) he noted that the purpose of this  
21 agenda item is to vacate the lots and certain rights-of-ways within the Orange City Knolls subdivision. He  
22 said the property is located on the south side of East Rhode Island Avenue and is parallel to South Leavitt  
23 Avenue. Mr. Murray told Council that there is a site plan resolution on tonight's agenda that would allow  
24 the applicant, Thad Harty, to build an industrial park on this location.

25  
26 **Motion passed by a 7/0 roll call vote of the Council**

27  
28 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:** None at this time

29  
30 **6. RESOLUTIONS:**

- 31  
32 **A. RESOLUTION NO. 469-08:** A resolution of the City Council of the City of Orange City,  
33 Florida, acknowledging and approving the Sparkman Ridge preliminary subdivision plat, thereby  
34 dividing a 50.72-acre parcel into 94 single family residential lots and 108 townhouse residential  
35 lots, said parcel located within the northwest quadrant of West Rhode Island Avenue and South  
36 Sparkman Avenue, Orange City, Florida; repealing all resolutions or parts of resolutions in  
37 conflict herewith; and providing for an effective date.

38  
39 **Council Member Sandford moved to approve Resolution No. 469-08**  
40 **seconded by Council Member Mahoney.**

41  
42 Jim Kerr, City Planner, came forward and introduced the applicants for the Sparkman Ridge Subdivision.  
43 He advised Council this resolution is for approval of the preliminary subdivision plat. Referring to a power  
44 point presentation (a copy of which is attached and becomes a permanent part of these minutes) he said that  
45 the property is located within the northwest quadrant of West Rhode Island and South Sparkman Avenues.  
46 He showed aerial views of the proposed subdivision and the surrounding area. He pointed out the middle  
47 school which is due to open in August 2008 and the high school which is due to open in August 2009. Mr.  
48 Kerr said the property consists of 208 lots and that the applicant proposes to build 94 single family

1 residential lots and 108 townhouse lots. Mr. Kerr said that staff and the Planning Commission recommend  
2 approval of this preliminary site plan.

3  
4 Council Member Sandford commented that on the drawings Sparkman Avenue is shown as a curved road  
5 but the aerial view shows it as a straight road. Mr. McCue noted that at present time the curved extension of  
6 the road does not exist. He explained that there is a sink hole that the County had to work around and that  
7 Sparkman would be a curved road linking to the new high school.

8  
9 Mr. McCue commented this project was a joint effort between the City, School Board, County and the  
10 developer. He said the developer donated the right of ways for Sparkman and Rhode Island Avenues and  
11 has agreed to reimburse the School Board for extending the water line from the middle school to the high  
12 school. He stated, "This project is a true, private, public venture with multiple agencies committing  
13 resources."

14  
15 In response to a question from Council Member Laputka, Mr. Kerr explained that this agenda item is a  
16 preliminary plat for the subdivision. He said that once approved, the applicant will come back with a final  
17 plat.

18  
19 Council Member Sandford questioned the size of the townhouse lots. He asked if the structure will line up  
20 with the lot. Mr. Kerr said "yes," that there would be buildings consisting of six to eight units each.

21  
22 Council Member Sherrill questioned if the homes would be for sale or would be rentals. Mr. Kerr said the  
23 homes are for sale. Council Member Sherrill asked if there was a clause in the agreement that would  
24 prevent the homes from being rented in the future. Mr. McCue stated that the City has no control over that  
25 and that once an owner purchases the home they can rent it. Mr. Murray responded that this development is  
26 for single family lots, and not apartments. He advised that apartment developments would be commercially  
27 zoned.

28  
29 Council Member Sherrill stated that his concern was that Council does not approve a development that is a  
30 mixture of single family and town homes that end up becoming "run down rentals" over time. He stated, "I  
31 just don't like that kind of a development." Council Member Sherrill commented that he did not like the lot  
32 line arrangement between the houses. He felt that a 10 ft. overhang was not enough. Noting that it was  
33 prepared according to Code, he suggested that the Code should be revised to provide larger spaces between  
34 houses. Council Member Sherrill recalled the "nightmare" with the Blue Springs Villas and remarked "I  
35 hope we are not reliving it."

36  
37 Ms. Kim Booker, Booker & Associates, representing Sparkman LLC, came forward and noted that a home  
38 owners association would be created and that association would make sure that all the properties are  
39 maintained appropriately. Mr. Reischmann agreed. He noted that the property owner would enter into a  
40 developer's agreement and that there are provisions in that agreement regarding the use of the property. Ms.  
41 Booker indicated that the developer's agreement contains deed restrictions and that the home owners  
42 association would enforce those restrictions. She said it not uncommon to have language that could set a  
43 minimum term for a lease, if a home owner wanted to lease the property. She implied that would prevent  
44 the community from turning into a month-to-month type of rent. Council Member Sherrill stated, "I am not  
45 against this project, I just think some questions need to be asked..."

46  
47 Council Member Sandford confirmed that there is nothing preventing an investment group from buying a  
48 portion of the development. Mr. McCue responded in the affirmative and noted that it would be held to the

1 same agreements. Mr. Reischmann stated the deed restrictions apply to any owner. Council Member  
2 Sandford clarified that the deed restrictions apply to the property, regardless of who owns it.

3  
4 In response to a question from Mayor Strickland, Mr. Kerr said that the development would house  
5 approximately five hundred people.

6  
7 **Motion passed by a 7/0 roll call vote of the Council**

8  
9 **B. RESOLUTION NO. 470-08:** A resolution of the City Council of the City of Orange City,  
10 Florida, acknowledging and approving the site plan for the Sparkman Ridge Subdivision,  
11 consisting of 202 lots on a 50.72-acre parcel, said parcel located within the northwest quadrant of  
12 West Rhode Island Avenue and South Sparkman Avenue, Orange City, Florida; repealing all  
13 resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

14  
15 **Council Member Sandford moved to approve Resolution No. 470-08**  
16 **seconded by Council Member Sherrill.**

17  
18 Mr. Kerr said that this agenda item is for the site plan for the Sparkman Ridge subdivision. He continued  
19 with the power point presentation noting that the amenities include a mail kiosk, pool, a large drainage  
20 retention system, a park system with a hiking trail, and sidewalks throughout the development. Mr. Kerr  
21 said that staff and the Planning Commission recommend that the City Council approve the Sparkman Ridge  
22 Site Plan, subject to the 12, Conditions listed in Exhibit C. He stated that staff wishes to withdraw condition  
23 number three related to the sidewalk as this condition discusses a sidewalk connection between the  
24 subdivision and the middle school. Mr. Kerr commented that many of the conditions listed had already  
25 been addressed in the site plan. He detailed the conditions.

26  
27 Council Member Mahoney commented that sidewalks have been a big issue and questioned why the  
28 deletion. Mr. Murray explained that there was confusion as to what the School Board wanted. He said staff  
29 understood that the School Board wanted a sidewalk that some time in the future would connect to the  
30 planned "Western Bypass." Further clarification indicated that if built, that sidewalk would lead into the  
31 woods and could create a dangerous situation. He said the School Board withdrew that request and instead  
32 proposed an 8 foot wide sidewalk leading from the subdivision to the elementary and middle schools.

33  
34 Mr. Murray commented that there appear to be a lot of stipulations for this project. Mayor Strickland  
35 commented that these kinds of stipulations are designed to enhance and not hinder the City from having  
36 access in case of fire and other kinds of problems. Mr. Murray agreed noting that it protects the  
37 homeowners. Vice Mayor Allebach commented that these stipulations are common sense issues that might  
38 be intentionally forgotten by a developer that is less scrupulous. Council Member Mahoney agreed.

39  
40 Ms. Booker stated that the developer has agreed to all the conditions. She explained that Conditions 11 and  
41 12 are would be addressed as part of the plat process.

42  
43 In response to a question from Council Member Laputka, Mr. Kerr said that Condition No. 1 stipulates that  
44 once the developer has chosen what type of house to build, they are required to submit elevation views that  
45 staff would review to make certain the homes meet City Code. Mr. Reischmann noted the developer would  
46 come in to obtain building permits and implied the elevation views could be submitted at that time.

47  
48 Council Member Mahoney asked if the distinction between Conditions 11 & 12 is because of the timing.  
49 Ms. Booker responded in the affirmative. She said that unless there was a development order, the developer

1 would not provide the right of way for West Rhode Island Avenue. Mr. Murray advised that the rights of  
2 way would be formally dedicated upon the recording of the final plat.

3  
4 Hugh Strickland, 420 May Street, came forward asked what type of grass will be planted in the  
5 development. He said that using St. Augustine grass would be an “ecological disaster.” Mr. McCue said  
6 that grass types are not specified for residential developments but that commercial developments are  
7 required to install Bahia grass. Mr. Strickland suggested that requirement should apply to all developments  
8 in the City.

9  
10 Council Member Sandford questioned if the City would be able to accommodate 500 additional dwellings.  
11 Mr. McCue said it would. He said this project was included in the City’s projection for its Consumptive  
12 Use Permit (CUP). He advised Council Member Sandford that underground water and sewer is planned for  
13 the project. Mr. McCue reminded Council of previous discussions about a \$3 million dollar stormwater  
14 reuse system planned for Orange City. He said that with the timing of this project, the City could use the  
15 water line installed at Rhode Island because it goes directly to the plant and as a result the City would be  
16 able to start the storm water reuse project at one third of the projected cost.

17  
18 Vice Mayor Allebach asked about the price range of the homes. Ms. Booker responded that has not been  
19 decided. The Vice Mayor spoke in favor of the project. He said townhomes are considered “affordable  
20 housing.”

21  
22 Council Member Mahoney questioned if the involvement of HUD would affect the pricing. Ms. Booker  
23 said it does not.

24  
25 Robert Miller, 7A Azalea Drive, came forward and inquired if the traffic patterns and flows were studied.  
26 He felt that there are a lot of residential developments and schools in the area and that traffic would become  
27 a problem. Mr. Murray responded “yes”, that there had been significant studies. He said that the flows and  
28 breaks of Rhode Island Avenue were a major consideration. A portion of that road will be “parkway” type  
29 with a median in the middle and there are different gaps planned to help control the flow of traffic. Mr.  
30 Murray noted that the approval of this subdivision requires an extension of Sparkman Avenue that will  
31 connect with Rhode Island Avenue and that will greatly increase the flow around all of the schools and onto  
32 the major roads.

33  
34 **Motion passed by a 7/0 roll call vote of the Council**

- 35  
36 **C. RESOLUTION NO. 473-08:** A resolution of the City Council of the City of Orange City,  
37 Florida, to approve a site plan for the West Volusia Retail Center at Orange City Business  
38 Planned Unit Development; repealing all resolutions or parts of resolutions in conflict herewith;  
39 and providing for an effective date.

40  
41 **Council Member Laputka moved to approve Resolution No. 473-08 seconded**  
42 **by Council Member Mahoney.**

43  
44 Wendy Hickey, Planning and Zoning Analyst, came forward and advised Council that the West Volusia  
45 Retail Center BPUD and site plans were previously approved on January 22<sup>nd</sup> and that on February 8<sup>th</sup> the  
46 applicant submitted a revised plan. She explained that in accordance with Sec. 5.6.2 of the Land  
47 Development Code, if there are major modifications to the site plan it must follow the same approval  
48 requirements as the original plan. Ms. Hickey said that the site plan was modified to allocate 40,000 square  
49 feet for a medical office building. Referring to a power point presentation (a copy of which is attached and

1 becomes a permanent part of these minutes) she noted that the change does not increase the square footage  
2 of the project. Instead, it breaks off 40,000 square feet from the retail development that will be used to build  
3 medical offices. She said the building would face Junior Street and Harley Strickland Boulevard and would  
4 allow better traffic flow to the residential area. Ms. Hickey said the only other change was that the end units  
5 have been swapped. She said that overall the infrastructure, trees, and landscaping remained the same and  
6 that extra parking spaces were added to accommodate the medical office building. Ms. Hickey advised  
7 Council that staff and Ms. Booker, the developer's attorney, are available to answer any questions.

8  
9 Council Member Sandford asked if there was sufficient parking for this project. Ms. Hickey said "yes."

10  
11 Mr. Murray pointed out the revision to the project is aesthetically pleasing and provides a good flow. He  
12 said the medical building would be used by the hospital but that the property is not tax exempt.

13  
14 Mayor Strickland noted that the project appears to be enhanced by the change. He said it looks much better  
15 and focuses on increasing medical providers in Orange City.

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

- 18  
19 **D. RESOLUTION NO. 474-08:** A resolution of the City Council of the City of Orange City,  
20 Florida, to approve the site plan for the Rhode Island Avenue Industrial Park; repealing all  
21 resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

22  
23 **Council Member Laputka moved to approve Resolution No. 474-08 seconded**  
24 **by Council Member Mahoney.**

25  
26 Mr. Murray came forward and noted that this Resolution relates to the vacation the right of way in the  
27 Orange City Knolls Subdivision, approved this evening. He said that this item is for a 12.5 acre industrial  
28 development on the south side of Rhode Island Avenue, east of its intersection with Leavitt Avenue and  
29 Veterans Memorial Parkway. He pointed out the aerial views of the location from a power point  
30 presentation (a copy of which is attached and becomes a permanent part of these minutes). Mr. Murray told  
31 Council that the property would be divided in nineteen half-acre lots and would duplicate the industrial park  
32 along South Leavitt Avenue. He said that Mr. Hardy's office building is located on the property and would  
33 have an addition and that the long range plan is to remove the mound from the closed landfill to provide for  
34 off site drainage for the proposed industrial park. Mr. Murray stated that Mr. Hardy is dedicating the right  
35 of way on Rhode Island to the City and the road would be privately maintained. In addition, the road would  
36 connect to the Rhode Island Avenue sewer line, once that project has been completed. Mr. Murray said that  
37 staff and the Planning Commission feel that this project will be a nice addition to the community and make  
38 the city more marketable in the light industrial industry.

39  
40 Mr. Reischmann advised Council that a modification to Section 3 of the resolution, "Effective Date," is  
41 needed because the resolution should not take effect until final adoption of Ordinance No. 350.

42  
43 **Vice Mayor Allebach moved to amend Section 3 to read "...This Resolution**  
44 **will take effect upon final adoption of Ordinance No. 350", seconded by**  
45 **Council Member Laputka.**

46  
47 **Motion to amend passed by a unanimous 7/0 roll call vote of the Council.**

48

1 Council Member Mahoney questioned the use of the property after clearing the “mound.” Mr. Murray  
2 responded that the property is buildable and is zoned light industrial.

3  
4 **Motion to approve Resolution No. 474-08, as amended, passed by a**  
5 **unanimous 7/0 roll call vote of the Council.**  
6

7 Council Member Sherrill commented that the builder, Terry Williams, has done a lot of projects in the City.  
8 He spoke in favor of this project noting that it will “improve the area 100%.” He stated, “Where in the  
9 world are you going to see a building like that in front of a dump?” Council Member Mahoney concurred.

10  
11 **Motion passed by a 7/0 roll call vote of the Council**  
12

13 **E. RESOLUTION NO. 475-08:** A resolution of the City Council of the City of Orange City,  
14 Florida, to approve the site plan for the Dixie Truck Parking Facility; repealing all resolutions or  
15 parts of resolutions in conflict herewith; and providing for an effective date.  
16

17 This item has been postponed until May 13, 2008.

18  
19 **7. DISCUSSION AND ACTION:**  
20

21 **A. Additional Service Agreement with Miller Legg**  
22

23 Mr. McCue gave a brief history of the City’s relationship with Miller Legg. He said that in fiscal year  
24 2005/2006, the city entered an agreement with Miller Legg. A lengthy discussion ensued about the role that  
25 Miller Legg has played with the closure of the GEL Landfill. Mr. McCue advised that the next step is to  
26 make sure the closure permit is adhered to and that the Department of Environmental Protection continues  
27 to monitor the water quality of the aquifer and the ground contamination caused by the landfill. He said that  
28 the original contract was for \$20,000 and almost \$18,000 has already been expended. Staff is  
29 recommending an extension of that contract. He stated, “I don’t think we’ll hit the \$20,000 again this time,  
30 I think it would probably be over in a year.”  
31

32 Mr. Reischmann commented that the city has spent a great deal of money dealing with this property. He  
33 said that Ms. Eiger, Engineer, Miller Legg had been instrumental in making certain the DEP properly  
34 monitored the closing of GEL. He said she is very knowledgeable in ground water contamination noting  
35 that water contamination was the main reason the City sought closure of GEL. Ms. Eiger’s services have  
36 been invaluable working with similar engineers in the DEP to protect the interests of the residents of this  
37 community and the long term health of its water supply.  
38

39 Mayor Strickland questioned whether another \$20,000 was required. He felt that if the matter would be  
40 resolved in a year \$10,000 may be appropriate noting that staff could come back before Council if additional  
41 monies are needed.  
42

43 Mr. Reischmann pointed out that the time span for the closure of a land fill of this size is going to be years.  
44 He said there are different aspects that must be monitored such as the issues that are visual and measurable  
45 as well as those issues that you cannot yet see or measure. He said that Ms. Eger’s job is to determine any  
46 contamination getting into the aquifer system and to make sure that the DEP mandates the property owner to  
47 fix the problem.  
48

1 Mr. McCue agreed with Mr. Reichmann's comments. He said that allotting \$10,000 would not be a  
2 problem but pointed out that if the allotted amount is depleted, staff would have to come before Council to  
3 get another extension.  
4

5 Mayor Strickland said that it would not be a problem if staff came back before Council to request additional  
6 funds. He felt that it is important that the Council is kept informed. Mayor Strickland expressed concerns  
7 that there may never be a point that the City stops funding money for this project. He implied that a long  
8 term plan is necessary. Mr. McCue clarified his previous statement. He said that when he suggested that  
9 the problem would be resolved within a year he was referring to the dump issue. As Mr. Reischmann had  
10 stated the ground water monitoring plan is a multiple year project. He explained that there will be a cut-off  
11 point once the State benchmark for ground water monitoring has been reached and the property owner has  
12 complied with the State requirements. Mr. McCue noted that staff had been frugal and has limited the  
13 expenses of the project to about \$6,000 per year. He suggested once again allotting \$20,000 for an open  
14 ended agreement with no term and assured Council that staff will periodically report on the progress of the  
15 project.  
16

17 Council Member Laputka agreed with Mayor Strickland.  
18

19 Council Member Mahoney stated that he disagreed. He said how the Council spends City money should be  
20 based on priority. He felt that the City has already expended a great deal of money to protect the City's  
21 water supply.  
22

23 Vice Mayor Allebach noted that he has been involved with the matter for quite some time. He detailed  
24 some of the issues with the DEP and GEL and noted that over a three year period, staff had spent an average  
25 of \$6,000 per year. He said that he agreed with Council Member Mahoney, and spoke in favor of  
26 committing to another three year contract with Miller Legg for the protection of the City's water supply.  
27 The Vice Mayor remarked that as a result of the progress of this project, a developer wants to take down the  
28 C&D landfill that is across the street from GEL because the value of the land has improved. He said we  
29 cannot stop now, we must continue to protect our water supply.  
30

31 Council Member Abraham agreed with the comments made by Council Member Mahoney and Vice Mayor  
32 Allebach. He stated, "What we have started, we have no other choice but to continue."  
33

34 Council Member Sandford agreed that the City must continue with the project.  
35

36 **It was the consensus of the Council to approve the Additional Service Agreement**  
37 **with Miller Legg and Associates**  
38

39 **8. REPORTS**  
40

41 A. City Manager  
42

43 Mr. McCue reported that the city managers will be meeting tomorrow with the County Manager regarding  
44 Fire/EMS services. He said that next year all of the existing agreements are going to conclude. As a result  
45 of recent tax reform cities are "strapped" and have major concerns about the Fire/EMS services. He said a  
46 county wide study and analysis would be discussed at that meeting.  
47

48 Mr. McCue said that last week he met with the County Manager regarding Orange City's ALS and EVAC  
49 services. He noted that he and Chief Hoffman have begun renegotiating the City's agreement, and that

1 given the timeframe, the negotiations would coincide with the termination of existing agreements. Mr.  
2 McCue commented that the County has fiscal issues regarding EVAC and its fire system and is considering  
3 changing their ordinance.

4  
5 Council Member Laputka asked what the annual cost of EVAC is. Mr. McCue responded that the County  
6 has subsidized it to the tune of over \$8 million dollars this current fiscal year. He suggested that the County  
7 will start to look at distributing transport issues to the cities to help offset its costs.

8  
9 Mr. McCue reported that the Chamber of Commerce is building a 3000 sq. foot building on Enterprise  
10 Road. He told the Council the Chamber will be hosting a small business incubator program in conjunction  
11 with the University of Central Florida (UCF). In addition, UCF is partnering with Fish Memorial and will  
12 be providing Chamber members with quick access healthcare programs that will expand to the community.  
13 He remarked that will bring UCF's presence and provide an opportunity to discuss the possibility of UCF  
14 opening a satellite campus in Orange City. He said that the Chamber of Commerce is an integral part of the  
15 City's economic stability and suggested that the Council "reach out" to the Chamber and to let them know  
16 that Orange City appreciates their presence in the city.

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18 B. Mayor/City Council

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20 Mayor Strickland reported on the Summit meeting last Saturday. He commended Vice Mayor Allebach for  
21 his presentation regarding providing services to municipalities.

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23 Council Member Sherrill reported that WAV has a new Executive Director, effective June 2<sup>nd</sup>. He said that  
24 the selected candidate has a lot of the political contact and that gives her a leg up. He noted she was director  
25 of the homeless intervention group in Daytona, but that prior to that she worked for many years in water  
26 conservation in California. Council Member Sherrill said that she is an intelligent, astute woman and that  
27 everyone has high hopes that she is going to get the ball rolling with WAV.

28  
29 Mr. McCue noted that in the past, the city's WAV assessments were about \$22,000 but next year it will go  
30 down below \$2,000. He said that using WAV as part of the city's conservation program would enhance the  
31 CUP application process.

32  
33 Council Member Sherrill noted that many of the cities that withdrew from WAV will rejoin. He stated, "So  
34 it looks like we will go back to our full contingency of all the cities sitting at the table and I think we'll see  
35 this WAV board going forward."

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37 C. City Clerk

38  
39 No further report.

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41 D. City Attorney

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43 Mr. Reischmann reminded Council of a previous meeting when Ann McFall, Supervisor of Elections,  
44 attended to explain the issues that she is facing regarding the timing of elections and the special act that  
45 governs Volusia County elections. Ms. McFall has addressed this matter with all the cities in the county.  
46 He said that he anticipates that city clerks and municipal attorneys would be invited to another meeting in  
47 which Ms. McFall will present her solutions for the current conflicts. He said that the proposed solution  
48 could be handled by passing an ordinance noting that by passing an ordinance the City could help Ms.  
49 McFall do her job and conduct the elections in Volusia County in practical matter.

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**9. APPROVAL OF MINUTES:** April 8, 2008 Regular Council Meeting

**Vice Mayor Allebach moved to approve the minutes of the April 08, 2008 Regular City Council Meeting, seconded by Council Member Laputka and passed by a unanimous 7/0 voice vote of the Council.**

**10. COUNCIL COMMENTS**

Council Member Mahoney felt that the Goal Setting Workshop was a “really good meeting.” He said we invited people to participate and there was a great outpouring. He stated, “I thought that was an awesome meeting.”

Council Member Sandford agreed. He said that his group suggested involving the business owners in the community and that he felt that was a good idea. Mayor Strickland said that he has already started that process. He detailed the step taken thus far. Council Member Sandford said that next Tuesday, he would be at a meeting for newly elected officials in Volusia County Government.

Council Member Laputka noted there were 53 attendees at the Goal Setting Workshop. He said it was a good cross-section of individuals in attendance. Council Member Laputka welcomed Mr. Abraham back.

Council Member Sherrill stated, “Kudos to Elaine Hart for the Veteran’s program that she is trying to start.”

Vice Mayor Allebach said that the biggest issue discussed at the Summit meeting was the light rail. It is very important to the economic development of our community and residents. He noted that the legislature is voting on light rail today, and stated, “So cross your fingers.”

Council Member Abraham thanked Council Member Laputka for his kind words and the city staff for sending him a symbol of kindness and concern. He stated, “I really appreciate that, I am through the crisis now and I’m ok.”

**11. ADJOURNMENT**

There being no further business, Mayor Strickland adjourned the meeting at 9:19 p.m.

**RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

Gloria Williams  
Deputy City Clerk

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