

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, May 13, 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: Tom Laputka,  
11 Tom Abraham, Don Sherrill, Donald Sandford, Jim Mahoney; City Attorney William  
12 Reischmann; City Manager John McCue, City Clerk Deborah Renner

13  
14 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

15  
16 1. **PRESENTATIONS:** Donation to VIPS & Police Explorers

17  
18 Mark Shuttleworth, Lake Helen resident and Patrick Clarino from the Lake Helen Police Department  
19 came forward. Mr. Shuttleworth stated that he wished to thank members of the Orange City Police  
20 Department for the assistance they provided during a fund raiser. He read a letter into the record  
21 thanking Sergeant Gregg Lariscy, and members of the Police Explorers Program for their assistance  
22 during the event. Mr. Shuttleworth presented a \$500 donation to the Volunteer Police.

23  
24 Commendation – Police/Fire Departments

25  
26 Mr. McCue came forward to recognize the Police and Fire Departments for their work at a recent house  
27 fire. He read a letter into the record from Chief Baskoff to Chief Hoffman thanking the Fire Department  
28 staff for the assistance they provided to the Police Officer on the scene when the situation became  
29 violent.

30  
31 Mr. McCue presented Police and Fire personnel with a plaque commending them for their efforts to  
32 rescue an individual inside a recent house fire. He noted that one of the medics on the scene rode with  
33 the patient in the medivac helicopter to Orlando Regional Medical Center. Mr. McCue thanked the staff  
34 for their heroic efforts.

35  
36 Dr. Roger Accardi came forward and thanked the rescue team for their lifesaving efforts on behalf of his  
37 brother. He stated, "You are truly, in the truest sense, heroes to us."

38  
39 2. **CITIZENS COMMENTS:**

40  
41 Robert Shirk, 2872 Doe Run Trail, Fawn Ridge Homeowners' Association, came forward and requested  
42 that "Children at Play" signs be put up on Doe Run Trail and Stag's Leap Drive.

43  
44 Al Blue, 447 N. Oak Avenue, came forward and stated that he had not heard the bells of the clock at  
45 City Hall ringing and requested that it be repaired. Mr. Blue noted that Taylor Drive had been paved  
46 and that no one from the City was present to handle traffic as people arrived home. He requested that  
47 the City notify people when work is going to be done in their area. Mr. Blue announced that Florida

1 Public Utilities has replaced gas lines on French and Sumner Avenues noting that in the process many  
2 holes were dug and have not been resodded. Mr. Blue said that last winter he suggested 20 action items  
3 to the Council, but no action has been taken. He noted that the garbage bill is still attached to property  
4 taxes and urged the Council to investigate a remedy to this issue.  
5

6 Matt Fair, 1280 S. Volusia Avenue, came forward. He stated that he was issued an occupational license  
7 for a limo service, but that he received a refund after he was told that he was not zoned for that type of  
8 business. Mr. McCue said that he was not aware of the situation and asked Chester Murray,  
9 Development Services Director, to investigate.

10  
11 **3. CONSENT AGENDA:** None at this time.

12  
13 **4. ORDINANCES – FIRST READING:**

14  
15 **A. ORDINANCE NO. 352:** An ordinance of the City Council of the City of Orange City,  
16 Florida, amending Ordinance 334, as adopted on March 11, 2008 to correct scrivener's  
17 error; providing for severability, conflicts and effective date.

18  
19 **Council Member Laputka moved to adopt Ordinance No. 352 seconded by**  
20 **Vice Mayor Allebach.**

21  
22 Elaine Wilson, Planning & Zoning Analyst, came forward and said that the legal description in the  
23 original Ordinance 334 was incorrect and that this ordinance would correct that error.

24  
25 **Motion passed by a 7/0 roll call vote of the Council.**

26  
27 **B. ORDINANCE NO. 353:** An ordinance of the City of Orange City, Volusia County, Florida,  
28 approving and authorizing the Memorandum of Understanding Lease between the City of  
29 Orange City and the Village Improvement Association Orange City Women's Club, Inc., of  
30 the premises located at 200 East Rose Avenue, Orange City, Florida; providing for purpose,  
31 description, term, and consideration; providing for conflicting provisions; providing for  
32 severability; providing an effective date.

33  
34 Mr. McCue said this agenda item is a non-exclusive lease for Albertus Cottage. It gives the Village  
35 Improvement Association Orange City Women's Club, Inc. (VIA) unlimited use of the premises for the  
36 purposes specified in the memorandum of understanding lease (MOU). He said that the VIA has agreed  
37 to provide educational and historical events on behalf of the City noting that that is a requirement of the  
38 ECHO grant. Mr. McCue said staff is requesting that Council adopt this ordinance and authorize the  
39 City Manager to execute the MOU.

40  
41 Jean Miller, Vice President, VIA came forward and stated that Joan LaFleur, VIA President, could not  
42 be present this evening. She read a letter from Ms. LaFleur requesting that the Council authorize the  
43 City Manager to execute the lease for use of Albertus Cottage. Ms. Miller provided a brief history of the  
44 Orange City Women's Club noting that they donated the land under Wava Hall. She discussed some of  
45 the benevolent activities of the club.  
46

1 Dottie Pomeroy, 667 N. Leavitt Avenue, came forward stated, "I have spoken before and the Council  
2 has always given me what I've asked for." She expressed her appreciation of past support and urged the  
3 Council to approve the lease agreement.

4  
5 In response to a question from Council Member Laputka, Mr. McCue said that the City would retain use  
6 of some parts of the cottage for office space as needed.

7  
8 Council Member Sandford questioned paragraph (2) TERM and paragraph (10) PUBLIC LIABILITY  
9 INSURANCE of the MOU. Mr. McCue said that the term of the lease would be one year with an  
10 automatic one year renewal noting that it would come before Council to authorize an extension beyond  
11 that. Council Member Sandford asked if proof of insurance was required. Mr. McCue responded in the  
12 affirmative. He said a copy of the insurance certificate is required and would be kept with the official  
13 document in the City Clerk office. Mr. Reischmann pointed out that the paragraphs referenced are  
14 designed to protect the City should there be a failure on the part of the VIA to provide insurance.

15  
16 In response to a question from Council Member Mahoney, Mr. McCue noted that the "(s)" in paragraph  
17 (2) TERM should be stricken reiterating that the MOU is for one year with an automatic one year  
18 renewal.

19  
20 Vice Mayor Allebach and Mayor Strickland spoke in support of the lease agreement.

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

23  
24 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

- 25  
26 **A. ORDINANCE NO. 350:** An ordinance of the City of Orange City, Florida, vacating and  
27 abandoning a certain portion of the Orange City Knolls subdivision plat and returning said  
28 plat to acreage, consisting of 12.36 acres, parcel numbers 8014-01-04-0010, 8014-01-03-  
29 0010 and 8014-00-03-0060, located immediately south of Rhode Island Avenue, Orange  
30 City, Florida; containing a repealer provision, a severability clause and providing for an  
31 effective date.

32  
33 **Council Member Sherrill moved to adopt Ordinance No. 350 on second and**  
34 **final reading, seconded by Council Member Sandford.**

35  
36 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in  
37 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

38  
39 Elaine Wilson come forward and pointed out that this ordinance is for the vacation of the right-of-way  
40 of an antiquated subdivision. She said that although the right-of-way was platted there is no evidence  
41 that the City ever accepted it and that the City has no plans to develop the right-of-way. Ms. Wilson  
42 explained that approving this ordinance would allow the property to be developed. She advised Council  
43 that she was available to answer questions.

44  
45 **Motion passed by a 7/0 roll call vote of the Council.**

46  
47 **6. RESOLUTIONS:**

48

- 1           **A. RESOLUTION NO. 471-08:** A resolution of the City Council of the City of Orange City,  
2 Florida, amending the annual operating budget for Fiscal Year 2007-2008 by adjusting  
3 revenue and expenses; repealing all resolutions or parts of resolutions in conflict herewith;  
4 and providing for an effective date.

5  
6           **Council Member Sandford moved to approve Resolution No. 471-08,**  
7 **seconded by Council Member Laputka.**  
8

9 Christine Davis, Finance Director, came forward and stated that this is the second amendment to the FY  
10 2007-2008 adopted budget. She detailed the proposed adjustments noting that two additional grants  
11 totaling \$90,000 were included. Ms. Davis said the Police Department was awarded a Florida  
12 Department of Law Enforcement JAG grant for \$10,000 to purchase additional equipment and as a  
13 result the Public Safety line item was increased by \$10,000. In addition, the Parks Department was  
14 awarded an ECHO grant and as a result the Grants-Culture and Recreation line item was adjusted up by  
15 \$80,000. She noted that this adjustment matches the \$80,000 grant award already allocated in the  
16 adopted budget and provides a total of \$160,000 to be expensed for improvements to Valentine Park.  
17 Ms. Davis said that due to additional meetings, \$7,000 was added to the Legal Advertising line item for  
18 the City Clerk department. The project for splash pads in Dickinson Park is currently underway and an  
19 additional expenditure of \$26,000 is proposed for the Parks Improvement line item. She stated that the  
20 remaining adjustments are in the Enterprise Impact Fee Fund line items and represents the anticipated  
21 cost for the Water Storage Tanks Project - Phase 1; the Alternate Water Supply and the Rhode Island  
22 Projects and have resulted in a \$590,000 adjustment to those line items. She pointed out that these  
23 adjustments would be funded with impact fees collected by the Utility.  
24

25 Mr. McCue asked Mr. Paul Johnson, Public Works Director, to come forward. He discussed the  
26 relationship of the three projects mentioned and elaborated how these items impacted the budget and the  
27 part they played in the budget amendment. He said there were two bids advertised and that Masci  
28 Corporation was the lowest bidder for both. Mr. McCue said that Masci Corporation has agreed to  
29 freeze the quoted price for 90 days and to do the project in phases. He said this would spread the cost of  
30 the project over budget years and allow the Utility's Impact Fee Fund balance to recover.  
31

32 Council Member Laputka asked if the splash pad line item for Rotary Park had increased, Ms. Davis  
33 said it did not. She explained that that line item was carried forward from the last budget because the  
34 project was not completed in that fiscal year.  
35

36 Council Member Abraham noted a discrepancy in the Grants Line item in Exhibit "A" under General  
37 Fund. Ms. Davis said that the ECHO Grant award was placed in the wrong line item and that it would  
38 be corrected.  
39

40 Mr. McCue reminded Council that last year the City received an ECHO grant for improvements to  
41 Valentine Park and that the improvements were allocated to specific line items in the budget. He  
42 remarked that many of the improvements were completed for less than the allocated amount and that he  
43 wished to amend the grant allocation, but could not until the funded items have been completed. Mr.  
44 McCue advised Council that when the park improvements have been completed, staff would present  
45 recommendations for reallocating the unexpended funds for additional projects in Valentine Park. He  
46 noted that clearing the park frontage, fencing and better signage are projects being considered. In  
47 response to a question from Council Member Laputka, Mr. McCue said that a plan would be presented  
48 to Council at that time.

1  
2                   **Motion passed by a 7/0 roll call vote of the Council.**

- 3  
4           **B. RESOLUTION NO. 475-08:** A resolution of the City Council of the City of Orange City,  
5 Florida, to approve the site plan for the Dixie Truck Parking Facility; repealing all  
6 resolutions or parts of resolutions in conflict herewith; and providing for an effective date.  
7 *(Postponed on 4/22/08)*

8  
9                   **Council Member Mahoney moved to approve Resolution No. 475-08,**  
10                   **seconded by Council Member Sherrill.**

11  
12 Mr. Reischmann noted that this is a quasi-judicial matter governed by Section 7.5.3 of the Land  
13 Development Code. He read Section 7.5.3 B. Mr. Reischmann emphasized that this is a quasi-judicial  
14 matter and advised Council that they would hear from staff, the applicant and anyone from the public  
15 that wishes to speak. Mr. Reischmann asked Council to disclose any ex-parte communications they  
16 have had on this matter.

17  
18 Council Member Mahoney said that he spoke with a member of his family regarding spills in these types  
19 of facilities. He noted that he had a discussion with Mr. Evans before this meeting.

20  
21 Mayor Strickland said that he met with Mr. Evans and his attorney shortly after taking office. He said at  
22 that time he learned that Mr. Evans would be presenting this project. Mayor Strickland stated that he  
23 advised Mr. Evans that he would consider the project fairly when it comes before Council.

24  
25 Elaine Wilson came forward and noted that staff and the Planning Commission is recommending denial  
26 of this project as it does not meet City code. She explained that the applicant has proposed to use the  
27 subject property for long-term parking for large trucks and other vehicles. She noted the location on a  
28 power point presentation (a copy of which is attached and becomes a permanent part of these minutes)  
29 noting that the main entrance would be off Rhode Island Avenue and that a small building would be  
30 used as office space. Referring to an aerial view of the location, Ms. Wilson showed the existing truck  
31 parking facility on South Leavitt Avenue, northwest of the proposed facility. She pointed out that it is  
32 adjacent to the landfill and that Veterans Memorial Parkway is to the extreme right. Ms. Wilson said  
33 that staff and the Planning Commission approved the project with six stipulations. She detailed the  
34 stipulations noting that the applicant has agreed to all except number 2 – Paving the parking area. She  
35 commented that the applicant is proposing to use crushed concrete for the parking area, and that crushed  
36 concrete is not in compliance with the City Code.

37  
38 In response to a question from Council Member Laputka, Ms. Wilson said that the main entrance would  
39 be off Rhode Island behind the building and that a secondary entrance is proposed for the back parking  
40 area. She remarked that the Fire Department said that would provide sufficient access. Chester Murray,  
41 Development Services Director, came forward and stated the main entrance would be off of Rhode  
42 Island Avenue extending to the north with a paved portion going into the secondary entrance. He said a  
43 well maintained graveled right-of-way extending to the second entrance would be compliant with code.

44  
45 Council Member Sherrill raised the question of a past issue regarding ownership of Trafford Avenue.  
46 Mr. McCue advised that the City does not consider Trafford to be a street or right-of-way that it was  
47 dedicated for the plat, but was never accepted by the City. He said to execute that acceptance at this  
48 time would be costly, if it was possible.

1  
2 Council Member Laputka confirmed that only five of the conditions have been met. Ms. Wilson said  
3 that the elevations have not been submitted but that staff could work with the applicant on that matter.  
4

5 Council Member Sherrill questioned what other types of businesses would be allowed on the property.  
6 Ms. Wilson responded that it is zoned light manufacturing.  
7

8 Council Member Mahoney questioned why a negative recommendation was given when the resolution  
9 contains the stipulations necessary to bring the project into compliance. Mr. Murray responded that it  
10 allows the applicant due process. He said that at the Planning Commission meeting, the applicant  
11 agreed to 5 of the 6 stipulations, but would not agree to stipulation 2, paving of the project. He said that  
12 staff maintains that this project is still in non-compliance with the Code and has a negative  
13 recommendation. Mr. Reischmann clarified that adoption of the resolution mandates agreement with all  
14 of the stipulations, which includes stipulation 2. He noted that if this resolution is approved, it would  
15 require the applicant to have a site plan that has a paved parking lot.  
16

17 Darren Elkind, Attorney at Law representing Mr. Evans, 505 Deltona Boulevard, came forward and  
18 discussed the negotiations regarding the project leading up to the recommendation of denial. He said  
19 that Mr. Evans is proposing a long term truck parking facility, and that it would provide some economic  
20 use of the property by providing a service, a tax base and, potentially, income. Mr. Elkind said that the  
21 applicant has proposed to use crushed concrete to pave the parking lot. He said shortly before the  
22 Planning Commission the applicant received a staff report that included the 6 stipulations noting that he  
23 agreed to the all except No. 2. He explained that Mr. Evans has proposed to use recycled concrete for  
24 the parking lot. He maintained that parking lots break down with high usage, especially with heavy  
25 vehicles but that the proposed parking lot would not have high usage because the trucks would be  
26 parked and not moving. Mr. Elkind said that the objectionable issue is the dust created when the  
27 crushed concrete begins to break down. He said the concrete would be sprayed with a hot sealant that  
28 penetrates the material and seals the concrete, noting that it must be reapplied periodically. Mr. Elkind  
29 paraphrased an email that he received from the City Engineer advising him that while there are no  
30 structural concerns with using crushed concrete as a surface for parking, the concern is the maximum  
31 daily loads (TMDL) and pollution of ground water from the concrete washing into the aquifer. He said  
32 that an exhaustive search was conducted of the EPA's web site and any relevant information to see if  
33 there were any prohibitions or defined concerns about the use of this recycled concrete and there were  
34 none.  
35

36 Gene Evans, ~~Gen~~ Dixie Septic, *Amended 5/27/08* came forward with a sample of the dust control agent  
37 proposed. He said the sealant would be applied hot with a pressure spray, that it penetrates the concrete  
38 and is not water soluble. He said that the crushed concrete is an exceptional product that has been used  
39 extensively throughout the State.  
40

41 In response to a question from Vice Mayor Allebach, Mr. Evans stated that the sealant must be reapplied  
42 annually. Mr. Evans implied that "common sense" should prevail regarding maintenance and that  
43 additional coats of the sealant would be applied if the need arises. Vice Mayor Allebach responded that  
44 often when money gets tight, "common sense" goes out the window. Mr. Evans reiterated that the  
45 proposed project would not be a high traffic area. He said drivers would pull in and park and there  
46 would be no unloading. The parking lot will have a hard surface and is not going to be dusty. He urged  
47 the Council to vote in his favor.  
48

1 At Mayor Strickland's request Mr. Evans provided samples of the recycled concrete that had been  
2 coated with "DustLock." Mr. Reischmann asked that the information describing the "DustLock"  
3 becomes a part of the minutes. Mr. Elkind said that as requested at the Planning Commission meeting,  
4 the project engineer contacted the city engineer with information regarding the treatment process. Mr.  
5 Evans said that the product is a derivative of soy bean oil. A lengthy discussion regarding using the  
6 proposed sealant in lieu of concrete paving ensued.

7  
8 Council Member Sandford asked if the TMDL's was related to the crushed concrete or potential spills  
9 from the trucks. Mike Cash, CSI Engineering, came forward and stated that he received an email from  
10 the City Engineer noting that his concerns were the calcium based compounds. Mr. Cash said that he  
11 went on the EPA's web site and looked through the TMDL list for Florida and found no calcium based  
12 compounds listed. Mr. Cash said that the concrete is a natural product and that there is little chance of  
13 limestone contaminating the soil. Mr. McCue explained that the City Engineer was evaluating the  
14 specific ingredients of the product and not potential ground contamination as a result of leaking oil. Mr.  
15 Elkind said that no matter what surface is used, it becomes impervious because spills would be treated in  
16 the same fashion.

17  
18 Council Member Mahoney expressed his understanding that the need for paving is to prevent ground  
19 contamination due to oil or antifreeze spills. Addressing Mr. Cash, he asked, "Are you suggesting that  
20 oil or antifreeze would not penetrate because of the "DustLock" coating? Mr. Cash said that according  
21 to the company's information it would not, but that he had not seen any testing to validate that claim.  
22 He said that if it does penetrate, a product such as "Speedy Dry" could be used or the concrete could be  
23 removed and carried off site for proper disposal.

24  
25 Mr. McCue said that staff does not concur that the City Code description of the Portland or bituminous  
26 cement is the same as recycled cement. He said that they are clearly identified in the City's design  
27 standards as significantly different. He felt that it is important to also consider the City's design  
28 standards while deliberating this matter.

29  
30 Referencing Section 8.7.7 of the Code, Mr. Reischmann explained the factors Council must consider in  
31 making their decision. He discussed the applicant's argument and staff's position. He said that Council  
32 has the option of accepting the applicant's argument by not approving the resolution or to approve the  
33 resolution requiring compliance with all of the stipulations. He said that in addition Council has the  
34 option to amend the City code. He reminded Council that the code applies to all projects and stated, "So  
35 how you interpret this is important tonight."

36  
37 Council Member Sandford stated that if the material needs to be reapplied it is not impervious. He said  
38 that his concern is that the material may be impervious when it is first applied, but it breaks down over  
39 time. Mr. Elkind agreed and stated that a standard for reapplication could be developed. He discussed  
40 possible compromises that would allow the project to meet code.

41  
42 Al Blue, 447 N. Oak Avenue, came forward and gave character testimony about Mr. Evans. He said he  
43 had found Mr. Evans to be cooperative and innovative and that he is a good citizen.

44  
45 Council Member Abraham spoke in support of the project. He said that his research has shown that  
46 crushed concrete is in high demand. Council Member Abraham said that he does not agree with staff's  
47 position. He suggested that the Council give the use of this concrete further consideration. Mr. McCue  
48 noted that staff does not have an issue with the use of crushed concrete. He reiterated that from staff's

1 perspective, the crushed concrete does not meet the City's code or design standards. Mr. McCue said  
2 the proposed project is for long term parking for Orange City residents noting there have been no code  
3 enforcement issues with truck parking. He felt that the parking would be daily and not intermittent as  
4 the applicant has stated.

5  
6 Council Member Sherrill disagreed with Council Member Abraham's comments noting that there are  
7 already environmental issues in that area and that it would be irresponsible to allow this project.

8  
9 **Motion passed by a 6/1 roll call vote of the Council with Council**  
10 **Member Abraham voting "no".**

- 11  
12 **C. RESOLUTION NO. 478-08:** A resolution of the City Council of the City of Orange City,  
13 Florida, amending the classification and pay plan for the City of Orange City; containing a  
14 repealer provision, a severability clause and providing for an effective date.

15  
16 Pennie Traber, Human Resources/Risk Manger, came forward and stated that the purpose of this agenda  
17 item is to add the title of Deputy Chief to the pay plan. She said the addition of this title would allow  
18 personnel to be attached to certain incidents by dispatch centers, without being precluded as a result of  
19 rank structure. Depending on the severity of an incident, dispatch protocol may require assignment of a  
20 chief officer and that the title of Deputy Chief is the appropriate title to streamline operations and have  
21 the Deputy Chief as the connection between the Lieutenants and the Fire Chief. Staff recommends the  
22 title of Deputy Chief be inserted into the Pay Plan.

23  
24 Mr. McCue said that this recommendation is to change the title of Captain Beauregard to Deputy Chief.  
25 He said in the event of an emergency, it would give the rank necessary for him to step into a command  
26 position at the scene. Herb Hoffman, Fire Chief, came forward and stated that the City's rank structure  
27 in the Fire Department is antiquated. He explained that dispatching center protocols require that a  
28 specific rank is assigned to command or to setup operations during an incident and that the rank of  
29 captain is not recognized in that protocol. Chief Hoffman said that if there was a mutual aide incident in  
30 the City the Fire Captain could not make decisions or control personnel at the incident, even though he  
31 is qualified to do so. Mr. McCue concurred noting that the pay scale and duties for this position would  
32 remain the same.

33  
34 Council Member Laputka spoke in support of resolution, he stated, "It should have happened much  
35 sooner."

36  
37 Vice Mayor Allebach expressed concerns that the pay grade for a deputy chief is same as a captain. He  
38 stated that he understood what staff wanted to accomplish and implied that this issue should be reviewed  
39 at a later date.

40  
41 **Motion passed by a 7/0 roll call vote of the Council.**

- 42  
43 **D. RESOLUTION NO. 479-08:** A resolution of the City Council of the City of Orange City,  
44 Florida, authorizing the City Manager to enter into an agreement with Masci Corporation;  
45 repealing all resolutions or parts of resolutions in conflict herewith; and providing for an  
46 effective date.

47

**Council Member Mahoney moved to approve Resolution No. 479-08 on second and final reading, seconded by Vice Mayor Allebach.**

Paul Johnson, Public Works Director came forward and reminded Council that this project had been partially discussed earlier. He said this project is mandated by the Utilities Ten Year Master Plan and Capacity Analysis Study. The current production capacity of the South Water Treatment Plant is a little over 5.4 million gallons noting that capacity has been exceeded. He said that the restrictions are caused by the wells that feed the plant and its storage capacity. Mr. Johnson stated this project would address that problem noting that Wells 8 & 9 have already been drilled and constructed on Veterans Memorial Parkway and at the treatment facility on Harley Strickland Boulevard. He said bringing these wells online would add an addition .5 million gallon storage capacity. Mr. Johnson said that this project was originally put out for bid early last fall, two responses were received and that both were higher than the engineer's estimates. He said staff and the engineer tried to work with both parties to get some concessions and ultimately made the decision to reject the bids and start over. The engineer cleaned up the potentially confusing language in the bid specs and the project was rebid. He said the confusion involved a 10-inch raw water line that already exists on the west side of Veterans Memorial Parkway noting that a few years back, a 16-inch line was installed along the east side of that street. He said that the 10-inch line was no longer needed because the 16-inch line was used to feed the Shadow Ridge Development and the Hospice. Mr. Johnson remarked that it was a minor change that resulted in a \$385,000 reduction in the overall cost of the project.

In response to a question from Council Member Mahoney, Mr. Johnson said that the 10-inch line was an old PVC line and that there were no issues with it. Mr. McCue explained that the reason the City is not using the line is because the County had planned a water line project for Veteran's Memorial Parkway, but that the City took over the project.

Mr. Johnson said that a pre-bid award meeting with the contractor was held and budgeting issues were discussed. He said that as a result the contractor agreed to complete the project in phases and to delay the start of the project.

Council Member Laputka noted that there is a timing issue in the contract. Mr. Johnson said that the contractor would be subcontracting the tank installation and they are not concerned with that portion of the project. Mr. Johnson said that staff is requesting Council's approval.

Council Member Sandford noted that ARTICLE 3 – Contract Time in Section 00500 of the agreement has a reference to Paragraph 2.3 however there is no Paragraph 2.3 attached. Mr. Johnson responded that is part of the specifications in the bid package noting that the contractor has reviewed it and has no issue with it.

Mr. Reischmann pointed out that Paragraph 2.3 is part of the General Conditions of the bid package. He said the General Conditions are standard and generally included as exhibits to these types of contracts. Council Member Sandford asked if that applied to Paragraph 14.7 also. Mr. Reischmann said "yes."

Council Member Sandford said there is a penalty for lateness; and asked if there is any incentive for coming in early. Mr. Johnson said there was not.

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

1 **7. DISCUSSION AND ACTION:**

2  
3 **A. Strategic Plan Quarterly Report – 2<sup>nd</sup> Quarter**

4  
5 Mr. McCue stated that Angel Smith has prepared the 2<sup>nd</sup> quarter report of the strategic plan noting that  
6 staff is available to answer questions. Angel Smith, Community Relations Coordinator, came forward  
7 and said that this report covers information from February 2008 to April 2008 and is accessible on the  
8 City web site. She said that staff has added information from the current strategic plan because the  
9 information from the previous report was not reflective on this report. Mr. McCue explained that the  
10 tracking system had been expanded to include more components of the overall strategic plan and not just  
11 the specific goals adopted. Ms. Smith said that as requested by Council staff has incorporated more  
12 detailed and measurable statistical information in this report. She urged Council to review the report  
13 and to contact staff if they have questions.

14  
15 **8. REPORTS:**

16  
17 **A. City Manager**

18  
19 Mr. McCue reported that staff has found an alternative solution to the water problems on Dixson Street.  
20 He said that it would require the installation of a jumper. It could be classified as an emergency under  
21 the Code noting that would allow Council to authorize the staff to proceed. Mr. Johnson explained the  
22 Carpenter Avenue is not a main line that it feeds off the side streets. He said that the Dixson Street line  
23 is fed from Sparkman and Patlin Avenues, which is 350 feet south of Dixson Street. He said that staff  
24 has considered running a jumper from Patlin Avenue down to Dixson Street noting that would remove  
25 Dixson Avenue off of the Carpenter Avenue line. Mr. McCue said that Dixson Avenue would still be  
26 on a dead end line but staff believes this would improve the quality of the water. He told Council that  
27 the cost would be a little over \$10,600 and that due to the number of hook ups required it would be years  
28 before a return on that investment could be realized.

29  
30 In response to a question from Vice Mayor Allebach, Mr. McCue said that this would improve the water  
31 quality significantly. Cheryl Bredbenner, Utility Superintendent, came forward and stated that the  
32 sediment is coming from the Carpenter line and that Dixson Avenue off of the line would significantly  
33 improve quality of water.

34  
35 **It was the consensus of the Council to authorize the City Manager to**  
36 **implement the emergency project on Dixson Street.**

37  
38 Mr. McCue reported that the Senior Management Team Workshop was held Friday at Blue Springs  
39 Park. He said that staff has conducted these workshops for six years and that this one was the best. He  
40 said that this year the theme was cross team building. He detailed the activities noting that these  
41 exercises provided every one exposure to some of the issues that their fellow employees deal with daily.  
42 Mr. McCue displayed a slide show of the photos taken at the event.

43  
44 Mr. McCue reported that he and Mr. Murray had a very productive meeting with the County Manager  
45 today and advised that staff would be moving forward with anticipated annexations.

46  
47 **B. Mayor/City Council**

48

1 Mayor Strickland reported that he and Angel Smith appeared on a radio show on 107.07. He said that  
2 Angel spoke about Operation We Care noting that the radio station has agreed to include a link on their  
3 website.

4  
5 **C. City Clerk**

6  
7 Ms. Renner reminded everyone about the Goal Setting Workshop on Saturday at 8:00 a.m.

8  
9 **D. City Attorney**

10  
11 No further report.

12  
13 **9. APPROVAL OF MINUTES:** April 22, 2008 Regular Council Meeting

14  
15 **Vice Mayor Allebach moved to approved the minutes of the April 22, 2008**  
16 **Regular City Council Meeting, seconded by Council Member Sherrill and passed**  
17 **by a unanimous 7/0 voice vote of the Council.**

18  
19 **10. COUNCIL COMMENTS**

20  
21 Council Member Mahoney stated, "During our discussion on one of the agenda items earlier this  
22 evening we heard citizen input about vouching for another citizen, we also heard remarks about whether  
23 I like a project or I don't like a project. I remember being here once and having a very good friend in  
24 the audience looking for me to make a vote. I looked to the attorney and I said what's your legal  
25 opinion, he gave me his legal opinion and I voted directly opposite to what my friend wanted. My point  
26 is our votes need to be objective not subjective, principals before personalities anything like that;  
27 whether our preference to a particular project doesn't matter, that's the code." *Amended 5/27/08*

28  
29 ~~Council Member Mahoney stated, "...Our votes need to be objective, not subjective." He stated,~~  
30 ~~"Principles before personalities any thing like that whether our preference to a particular project, doesn't~~  
31 ~~matter, it's the code.~~

32  
33 Council Member Sandford said that he attended a meeting for newly elected officials in Volusia County  
34 Government. He said expressed concerns about people who speak during citizens comments, noting  
35 there is no reply to their comments.

36  
37 Council Member Laputka stressed the importance of the City having an Advanced Life Support  
38 program. He stated, "Our citizens are at a greater risk as a result of not having this." He asked Mr.  
39 Reischmann to report the results of the last Code Enforcement hearing.

40  
41 Mr. Reischmann said that a Code Enforcement hearing regarding the phone sweepstakes establishment  
42 in City was held on Wednesday and that the City prevailed. He said the Special Master agreed with  
43 Code Enforcement and found that Tel-Connect was operating a use that is not permitted in that zoning  
44 classification. He remarked that the issue of whether or not Tel-Connect is a gambling establishment  
45 has not yet been resolved. Council Member Laputka thanked the Code Enforcement for their efforts.  
46 He stated, "I just want to make sure that we all understand that the Council and the City is, in fact, being  
47 proactive."  
48

1 Council Member Sherrill announced that John Knox Village has signed up to help with the "Operation  
2 We Care" program to help the soldiers.

3  
4 Vice Mayor Allebach said that he sat in a VCOG Executive Committee meeting and implied that it  
5 made him appreciate how well the Orange City Council works. Vice Mayor Allebach stated, "A heck of  
6 a decision tonight, not that it went the way I voted, it doesn't matter, we let Mr. Evans and his attorney  
7 speak and present in a quasi-judicial manner,...very respectful."

8  
9 Council Member Abraham stated, "Mayor about six months have passed since we all stood there at the  
10 podium after promising the citizens that we will do certain things..." He said that some of the citizens  
11 are coming before Council reminding us of the things we promised. Council Member Abraham said  
12 now it is time to ask ourselves critically did we keep our promises. He said some of the comments he  
13 heard about Waste Management keep coming up. The Council as a body never responded to Mr. Blue's  
14 20 action items. Council Member Abraham said that he had attempted to get information from the  
15 Finance Director and received an email from Vice Mayor Allebach talking about clandestine activities.  
16 He said that inhibited his research and stated, "This kind of email is not at all productive or proactive."

17  
18 **11. ADJOURNMENT**

19  
20 There being no further business, Mayor Strickland adjourned the meeting at 9:47 p.m.

21  
22 **RESPECTFULLY SUBMITTED:**

23  
24  
25  
26 Gloria Williams  
27 Deputy City Clerk  
28

**APPROVED ON:**

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