

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, September 23, 2008 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange  
3 City.

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5 **CALL TO ORDER**

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7 The Meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was taken.  
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9 **ROLL CALL**

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11 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,  
12 Tom Abraham, Don Sherrill, Donald Sandford, Jim Mahoney; City Attorney William  
13 Reischmann; Acting City Manager Chester Murray, City Clerk Deborah Renner  
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15 The Invocation was given by Reverend Linda Bishop from the First Congregational Church, followed  
16 by the Pledge of Allegiance.  
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18 **I. SPECIAL PUBLIC HEARING AND FINAL ADOPTION OF THE BUDGET AND**  
19 **MILLAGE RATE FOR FISCAL YEAR 2008/2009**

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21 **MAYOR'S OPENING COMMENTS:**

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23 Mayor Strickland read the following statement into the record. "The City of Orange City intends to  
24 adopt a budget and millage rate for Fiscal Year 2008/2009. The proposed millage rate is 4.48 mills  
25 which reflects a 5.71% decrease from the roll back rate of 4.7513 as provided by the Property Appraiser  
26 of Volusia County and does not reflect an increase in ad valorem taxes.  
27

28 **SPECIAL PUBLIC HEARING/SECOND READING**

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30 **A. ORDINANCE NO. 361:** An ordinance of the City of Orange City,  
31 Florida, certifying the millage rate for fiscal year 2008-2009 on all  
32 taxable property located within the City of Orange City, Volusia County,  
33 Florida; containing a repealer provision; a severability clause and  
34 providing for an effective date.  
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36 **B. ORDINANCE NO. 362:** An ordinance of the City of Orange City,  
37 Florida adopting the annual budget for the 2008-2009 fiscal year  
38 beginning October 1, 2008, and ending September 30, 2009; authorizing  
39 subsequent amendments by resolution; repealing all inconsistent  
40 ordinances or parts thereof; and providing for an effective date.  
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42 Mayor Strickland opened the public hearing by asking if anyone wished to speak on either the budget or  
43 millage ordinance.  
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45 Michelle Polgar, 585 Montclair Ave. came forward and restated her contention that budgeted amounts  
46 should be actual and based the previous year's spending. She suggested that a policy be put in place to  
47 address this issue.

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**CLOSE SPECIAL PUBLIC HEARING**

There being no further requests to speak, the Mayor closed the public hearing.

**FINAL ADOPTION OF BUDGET AND MILLAGE RATE FOR FISCAL YEAR 2008/2009**

**(1) Ordinance No. 361 (Millage Ordinance) is voted on**

**Council Member Sandford moved to adopt Ordinance No. 361 on the second and final reading, seconded by Council Member Laputka and passed by a 7/0 roll call vote of the Council**

**(2) Ordinance No. 362 (Budget Ordinance) is voted on**

**Council Member Mahoney moved to adopt Ordinance No. 362 on the second and final reading, seconded by Council Member Laputka, and passed by a 7/0 roll call vote of the Council**

Mayor Strickland noted that a proclamation had been added to the agenda.

**1. PRESENTATIONS:**

**Proclamation – Constitution Week  
Proclamation - Fire Prevention Week**

Council Member Laputka read a Proclamation into the record declaring September 17<sup>th</sup> through 23<sup>rd</sup> as Constitution Week in the City of Orange City and asking all citizens to reaffirm the ideals of the framers of the Constitution.

Council Member Laputka read a Proclamation into the record declaring October 5<sup>th</sup> through 11<sup>th</sup> as Fire Prevention Week in the City of Orange City. Vice Mayor Allebach noted that the Orange City Fire Department is hosting an Annual Open House & Safety Day on October 12<sup>th</sup>. He invited everyone to come out and participate.

**2. CITIZENS COMMENTS:**

Bonnie Cannon 1065 Oaklanding Drive, came forward and stated that she lives in Oakhurst Estates and during Tropical Storm Fay her windows leaked. She said that she had an expert come out to inspect the windows. After the inspection, she was told that the leaks were caused by structural defects. She said that most of the homes in the Oakhurst Estates leaked during the last storm and expressed her concern that some insurance companies would not cover the damage caused by the leaks. Ms. Cannon questioned why these defects were not caught by the Building Inspector. Mayor Strickland asked the Acting City Manager to respond. Mr. Murray advised that he had discussed the matter with the City Building Inspector, noting that this has been a problem throughout Central Florida. He discussed the building codes regarding windows, noting that they had changed following the 2004 hurricanes. Mr. Murray said that he would discuss the issue with the Building Official. Mayor Strickland suggested that Ms. Cannon contact Mr. Murray to discuss the matter further.

1 Isaac Merriman, 1220 Golfview Estates Drive, came forward and stated that he also lives in Oakhurst  
2 and that he too is having issues with leaks in his house. He said in August he spoke to Mark Nolton, the  
3 City Building Official, and was "astonished" that Mr. Nolton referred to Mercedes Homes as "his  
4 client". He said he asked Mr. Nolton to come out to see the damage, however, Mr. Nolton declined  
5 stating that he could not without a Mercedes Homes representative present. Mr. Merriman questioned  
6 why the building official passed the inspection when things were not done properly. He said that  
7 Oakhurst residents are paying a substantial amount of money for their homes and 92% of them must  
8 "dip into their pockets" to get these issues corrected. Mr. Murray stated the Building Official works for  
9 the City not for Mercedes Homes. He said that he would review the inspection records and discuss the  
10 matter with Mr. Nolton. He suggested that the overall issue is that the material did not live up to the  
11 standards. He reiterated that this issue is occurring all over Central Florida and the Building Inspectors  
12 Association is trying to address the problem. Mr. Merriman requested that a City Official come to  
13 inspect the homes in the area and determine if the problem is the material used for the windows. Mayor  
14 Strickland stated that the Mr. Murray would review the records and contact Mr. Merriman.

15  
16 Karen DeVane, 459 E. University Avenue, came forward and read a statement into the record (a copy of  
17 which is attached and becomes a permanent part of these minutes), commenting on an email sent  
18 September 10<sup>th</sup> from Council Member Abraham to City employees. Ms. DeVane stated that Council  
19 Member Abraham misused his position to express his personal feelings about Mr. McCue. She alleged  
20 that Council Member Abraham "gravely insulted and demeaned" City employees and suggested that he  
21 should apologize. She took exception to the idea expressed by Council Member Abraham that City  
22 employees are not "ambassadors" of the City and said that it is Council Member Abraham who is not an  
23 ambassador. Ms. DeVane urged Council to remove Council Member Abraham from his seat "so that his  
24 strong negative attitude will not be an influence and that Council can move forward with the business of  
25 Orange City in a positive manner that is needed."

26  
27 Council Member Abraham responded by stating, "I've got my freedom of speech, and Ms. DeVane said  
28 that I am not an ambassador of Orange City, yes, I am an ambassador of the whole world and I am an  
29 ambassador of democracy. To use the word ambassador it must go with something else, ambassador of  
30 peace, ambassador of honesty, ambassador of the world, ambassador of the United Nations Council.  
31 When the word is used without that completeness on the phrase, there is a problem."

32  
33 Alisa Stafford, 461 Clark Street, came forward to discuss issues with garbage pick up. She said that  
34 EWS would not pick up her garbage last week because it was in the wrong kind of can. She stated, "If  
35 they're not going to perform their duties, why are we paying the money in advance?" Ms. Stafford  
36 thanked Mr. Murray for his assistance to one of her neighbors when he was having a problem with his  
37 trash service. Mr. Murray advised that Emerald Waste Service (EWS) is under contract and must  
38 respond. He suggested that Ms. Stafford contact Roz Brown, Administrative Service Coordinator about  
39 the problem. Vice Mayor Allebach commented that Ms. Brown documents these types of complaints.  
40 He said there is a clause in the contract and once the number of complaints reaches a certain level, EWS  
41 could be fined. However, the City must be notified in order to track these complaints. Council Member  
42 Sandford confirmed that if any citizen has a complaint about their garbage service, they should contact  
43 the City.

44  
45 Bill DeVane, 459 E. University Avenue, came forward to address the Council. He noted that Council  
46 Member Sandford is present this evening after numerous absences. He suggested that Council Member  
47 Sandford step down if he can not fulfill his commitment. Next, Mr. DeVane said that he shared his  
48 wife's opinion about the email that Mr. McCue sent to staff. He said it was a well-written, courteous

1 letter stating his reasons for leaving as well as his enjoyment of having worked with such a well  
2 functioning team. Mr. DeVane said he agreed with Mr. McCue's sentiments about City staff, he stated,  
3 "They really are the ambassadors of the City." However, Council Member Abraham wrote a rebuttal  
4 and required the City Clerk to distribute it to all City employees. He noted this was a violation of the  
5 City Charter which states that the communication between the Council and City employees will be  
6 through the City Manager's office and that is a removable offense. He said that Council Member  
7 Abraham's email attacked Mr. McCue. He reminded Council that recently the Council entered into an  
8 agreement with Mr. McCue that included a clause that neither party would "demean" the other. Also  
9 included in the contract are the parameters for litigation if there is a violation of the agreement. Mr.  
10 DeVane urged the Council to do what they could to prevent any potential litigation by removing Council  
11 Member Abraham from his position.

12  
13 Council Member Abraham stated, "I have my freedom of speech on the Council. I don't care who  
14 comes forward about that, I have my freedom of speech and if anybody can prove anything, anywhere, I  
15 am ready for that. I am ready to face it."

16  
17 Henry Durica, 1310 E. Lansdowne Avenue, came forward and questioned whether the City was seeking  
18 to replace Waste Management. Vice Mayor Allebach advised that an Ordinance approving the  
19 Franchise agreement for EWS, who bought Waste Management, is on the agenda tonight. Mr.  
20 Reischmann explained that the agenda item is for a non-exclusive commercial agreement, noting that  
21 the City has multiple vendors for the collection of commercial waste. Mr. Durica asked whether Mr.  
22 McCue would be attending any more Council meetings. He maintained that the reason that Mr. McCue  
23 gave for the garbage price increase was a "smokescreen." He said it was a great deal for Waste  
24 Management, "they doubled the fee, cut the workload in half and the City does the billing for them."  
25 Mr. Durica spoke about two foreclosures listed in the news paper. He noted that the average median  
26 salary in Orange City is about \$28,000 and the City is paying \$140,000 for a City Manager. He stated  
27 "We have to think twice in these economic times." Mr. Durica suggested that a "full audit" is needed by  
28 the City. With regard to previous comments about Council Member Abraham, Mr. Durica said that Mr.  
29 McCue should not have "politicized" following the election.

30  
31 Yvonne Edwards, 339 E. Blue Springs Avenue, came forward and thanked Mayor Strickland for the  
32 note he sent her. She thanked the Council and the Mayor for quickly solving the problems she spoke  
33 about at the last meeting. Ms. Edwards talked about the Halloween Block party she has sponsored for  
34 the last two years. She stated that, previously, Mr. McCue had told her he had put money in the budget  
35 for the party, but when she inquired at the Leisure Services office, she was told that the money would  
36 come from "here and there." Mr. Murray advised that the funds have been allocated to the "Special  
37 Events" line item in the budget. He said the event will be on October 25<sup>th</sup> and that the City is furnishing  
38 ice cream, inflatables and other things. Ms. Edwards advised that a pony and petting zoo, a DJ and a  
39 clown have been secured for the event. She said pre-payment is required for the clown. Mr. Murray  
40 advised Ms. Edwards to contact the City and the necessary arrangements would be worked out.

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

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44 **4. ORDINANCES – FIRST READING:**

- 45  
46 **A. ORDINANCE NO. 364:** An ordinance of the City of Orange City, Florida,  
47 annexing the RaceTrac property into the corporate limits of the City of Orange City,  
48 Florida; said property being generally located on the northeast corner of North

1 Volusia Avenue and East New York Avenue, containing approximately 3.91 acres;  
 2 in accordance with the voluntary annexation provisions of Florida Statute 171.044;  
 3 redefining the boundaries of the City of Orange City by amending the appropriate  
 4 sections of the code of ordinances; containing a repealer provision, a severability  
 5 clause and providing for an effective date.

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 7 **Council Member Sandford moved to adopt Ordinance No. 364 on first**  
 8 **reading, seconded by Council Member Sherrill.**  
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10 Jim Kerr, City Planner came forward to address Council. Referencing a power point presentation (a  
 11 copy of which is attached and becomes a permanent part of these minutes) he said that the property  
 12 under consideration consists of four acres located on the north east corner of U.S. 17-92 and New York  
 13 Avenue and is owned by RaceTrac. Reminding Council that the property to the south was annexed  
 14 several months ago, he noted that the property is contiguous to the city limits and meets statutory  
 15 requirements for voluntary annexation. Mr. Kerr said staff is recommending Council’s approval of the  
 16 first reading of this annexation.

17  
 18 In response to a question from Mayor Strickland, Mr. Kerr said that this annexation would not create an  
 19 enclave. Mr. Murray explained that an enclave would be created if the property was bounded on all four  
 20 sides by City owned parcels, not right-of-ways, but individual lots. He stated roads and rights-of-ways  
 21 are incidental to creating enclaves. Mr. Reichmann remarked that the map is misleading because North  
 22 Volusia Avenue is not City property. He clarified that the RaceTrac property would be bounded on  
 23 three sides by property in the City’s jurisdiction and that U.S. 17-92 is in the unincorporated county  
 24 jurisdiction.

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 26 **Motion passed by a 7/0 roll call vote of the Council**  
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28 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**  
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- 30 **A. ORDINANCE NO. 363:** An ordinance of the City Council of the City of Orange  
 31 City, Florida, providing for a non-exclusive franchise to Emerald Waste Services,  
 32 LLC (EWS), for the collection and disposal of commercial trash, garbage,  
 33 recyclable materials and other refuse within the City limits; providing for  
 34 definitions, terms, condition, rates, compliance with laws, arbitration, standards of  
 35 performance, collection, regulation operations, hours, routes, penalties, accounting,  
 36 complaint resolutions; containing a repealer provision; a severability clause and  
 37 providing for an effective date.

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 39 **Vice Mayor Allebach moved to adopt Ordinance No. 363 on the second**  
 40 **and final reading, seconded by Council Member Sherrill.**  
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42 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in  
 43 opposition to the proposed ordinance.  
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45 Brad Lloyd, 1073 Gulf View Estates Drive, came forward to discuss issues about leaks in Oakhurst  
 46 Estates. Mayor Strickland advised this hearing is for a non-exclusive franchise agreement with Emerald  
 47 Waste Services. He advised Mr. Lloyd to contact Mr. Murray to discuss his leak issue.  
 48

1 The Mayor closed the public hearing.

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

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5 **6. RESOLUTIONS:**

- 6  
7 **A. RESOLUTION NO. 500-08:** A resolution of the City Council of the City of  
8 Orange City, Florida, authorizing the appropriate City Officials to execute an  
9 Employment Agreement between the City and Chester Murray for the position of  
10 Interim City Manager; repealing all resolutions or parts of resolutions in conflict  
11 herewith; and providing for an effective date.

12  
13 **Council Member Laputka moved to approve Resolution No. 500-08**  
14 **seconded by Council Member Mahoney.**

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16 Vice Mayor Allebach said that he read the agreement, noting that it incorporated the Council's input.  
17 He said the terms were negotiated well and the agreement is well-written.

18  
19 Council Member Abraham commented that the City had not "given any attention to the educational  
20 requirements" of the candidate. He questioned whether the matter had been considered. Council  
21 Member Abraham stated, "What kind of creditability does the City have when we don't have any  
22 consideration, at all, of the bachelor's degree, or the master's degree when we go for an interim City  
23 Manager."

24  
25 **Motion passed by a 6/1 roll call vote of the Council with Council**  
26 **Member Abraham voting 'no'.**

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28 **7. DISCUSSION AND ACTION:**

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30 **A. Council Rules & Procedures**

31  
32 It was the consensus of Council to hold a workshop to discuss revisions to the *Council Rules and*  
33 *Procedures* on October 7<sup>th</sup> at 7 p.m. Mayor Strickland advised that the items for discussion at the  
34 workshop are included with the agenda packet. Ms. Renner told Council that she has sample documents  
35 from various cities and that she would provide the information prior to the meeting. Mayor Strickland  
36 questioned whether there were other items Council would like to be discussed. Council Member  
37 Sandford confirmed that the intent of this meeting is to capture the items that were removed from the  
38 recommended Charter revisions because the *Council Rules and Procedures* would be the appropriate  
39 venue to address them. Mr. Reischmann responded in the affirmative. He said that he spoke with the  
40 City Clerk and that she would review the Charter Review minutes and create a list for the Council to  
41 have available for the workshop.

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43 **B. Council Member Sandford – Status**

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45 Council Member Sandford announced that he had a change in employment status and had not been able  
46 to attend the last few meetings. He said he has a new job that is some distance from Orange City, and  
47 that sometimes he works from home, and sometimes he travels. He stated, "I never know from week to  
48 week where I will be. It is becoming more difficult to be in Orange City on a Tuesday evening to attend

1 Council meetings. It is not any lack of commitment or desire to be here but if I have to choose being at  
2 a Council meeting or working full time so that I can support my family, I think that you would all  
3 understand the decision I would make to do that.” Mayor Strickland asked Council Member Sandford to  
4 address the speculation that he no longer resides in Orange City. Council Member Sandford stated, “I  
5 still reside in Orange City, I am still a registered voter in Orange City, in fact I recently was on jury duty  
6 in Volusia County.” Mayor Strickland said that this item was placed on the agenda because four  
7 absences from a regular meeting constitutes a Charter violation, however, it is not an issue because  
8 Council Member Sandford is present tonight which would have been his 4<sup>th</sup> absence. Council Member  
9 Sherrill suggested adding a revision to the *Council Rules and Procedures* to read 4 absences of any kind,  
10 not just absences from regular meetings. Council Member Abraham said that there are mitigating  
11 circumstances which Council Member Sandford has explained. He said there is no need to take further  
12 action at this time.

13  
14 Vice Mayor Allebach said that he could appreciate the mitigating circumstances and the need to work  
15 full time to feed your family. He discussed the commitment that a Council Member makes when  
16 elected. He stated, “There are certain things that are expected from an elected official and your ability to  
17 represent the residents of the City is compromised.” He urged Council Member Sandford to consider  
18 this when deciding whether to stay on the Council. Council Member Sandford responded that he drove  
19 250 miles to be at the meeting this evening and in the morning would have to drive 250 miles back to  
20 work. He stated “When you speak about commitment; I don’t think anyone here drove 500 miles to be  
21 at the meeting.” Council Member Sandford said that he appreciates the Vice Mayor’s comments. He  
22 stated, “I have some soul searching I have to do in terms of my continuation on the Council because of  
23 my situation. I’m going to request a little patience.” Vice Mayor Allebach stated, “You have my  
24 professional respect on those considerations most definitely.” Council Member Abraham stated, we  
25 need some educated people on the Council and Council Member Sandford’s high qualifications are to be  
26 appreciated.

### 27 28 C. Animal Control Contract

29  
30 Police Chief Baskoff came forward and advised that the proposed animal control contract is similar to  
31 last year’s. Although the cost has increased by \$1,000, the Chief maintained that the cost is well worth  
32 the services being provided. Mayor Strickland questioned other options and the expense of those  
33 options. Mr. Murray said that about four years ago, staff investigated partnering with the County and  
34 Deltona noting that at that time the cost would have been about \$125,000. He noted that is 50% more  
35 than the City’s cost for animal control now. Mayor Strickland stated, “I guess you get what you pay for  
36 and what we are getting is meager.” He told Council that he has made numerous phone calls to the  
37 SPCA and after 10 days the calls were not returned noting the problem still exists. He questioned how  
38 many other City residents it is happening to. Mayor Strickland stated that while it is necessary to be  
39 frugal the City needs to consider other methods for animal control even though it maybe more costly.  
40 Chief Baskoff suggested that another way to handle animal control would be to provide traps to the  
41 citizens. He stated that staff would be happy to look at other programs. Mayor Strickland commented  
42 that would not address the issue of spaying and neutering animals without owners. In response to a  
43 question from Mayor Strickland, Chief Baskoff said that he recommends that the Council authorize the  
44 Interim City Manager to enter into the SPCA agreement for 2008-2009 and if it is the desire of Council,  
45 staff would look into alternate means of addressing this issue. Mr. Murray suggested revisiting the issue  
46 six months before the contract expires. He cautioned that the cost may be substantial.

47

1 Vice Mayor Allebach said that animal control is a “headache and nightmare” for any municipality. He  
2 said the City could spend \$125,000 on animal control and still have numerous complaints. The Vice  
3 Mayor spoke in favor of approving the SPCA agreement.

4  
5 **Vice Mayor Allebach moved that the City Council direct the Interim**  
6 **City Manager to execute the contract on behalf of the City of Orange**  
7 **City with the SPCA for animal control, 2008-2009, seconded by Council**  
8 **Member Laputka.**

9  
10 Council Member Sandford reiterated that this issue must be revisited midyear in order to have the  
11 information available at budget time.

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

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15 **8. REPORTS:**

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17 **A. City Manager**

18  
19 Mr. Murray thanked the Council for their confidence in him as City Manager. He said he looks forward  
20 to the coming year. Mr. Murray reported that the rubberized covering for the splash pad was approved.  
21 He displayed the graphic proposed for the cover noting it will add \$3,500 to the cost of the resurfacing  
22 project. Mr. Murray gave an update on the Hospital flooding situation. He said the pumps will be  
23 removed tomorrow. FEMA reimbursement will be about 87.5% of the costs incurred and the hospital  
24 will pay the remaining balance. The City will not have out-of-pocket expenses except for administrative  
25 costs. He said the preliminary engineering specifications for the repairs to Fawn Ridge have been  
26 completed and the temporary repairs will begin next week. Pumping into Mill Lake continues. Water  
27 was transferred from the church property to Mill Lake as a contingency to handle more water if there  
28 was another storm. Mr. Murray concluded by stating he asked Mosquito Control to do another survey to  
29 see if additional spraying is necessary. Mr. Murray stated, “We are in good shape.”

30  
31 Council Member Laputka disagreed with previous statements made by the Department of Transportation  
32 (DOT) regarding making Mill Lake deeper, maintaining that removing dirt would make the pond hold  
33 more water. Mr. Murray said that staff will be meeting with DOT next week. He said the DOT is still  
34 interested in transferring the pond and surrounding land to the City and the City is still interested in  
35 taking it with the stipulation that the lake is cleaned out. Mr. Murray discussed some of the future plans  
36 to mitigate drainage issues. In response to a question from Council Member Mahoney, he said that the  
37 City was requesting that the lake be cleaned out prior to taking ownership because even though it may  
38 not significantly increase capacity, it will improve the aesthetics dramatically.

39  
40 Council Member Mahoney recalled that some weeks ago a citizen mentioned that six new homes that  
41 had yet to be lived in were assessed the annual garbage fee. He noted that the issuance of a certificate of  
42 occupancy for the new home is what triggers the solid waste assessment.

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44 **B. Mayor/City Council**

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46 Mayor Strickland reported on the VCOG meeting last night. He said that a continuing concern of the  
47 citizens is money for schools. There was discussion about mid-year budget cuts as well as additional  
48 cuts next year. He stated, “I don’t know what’s going to be happening to our children but I just don’t

1 think it's very good." Mayor Strickland said that at the meeting there was discussion about State  
2 unfunded mandates and the issue that State legislators are not required to comply with the Florida  
3 Sunshine Laws. He distributed sample resolutions in opposition to these issues and suggested that  
4 Council consider directing staff to draft similar resolutions.  
5

6 Mayor Strickland reported that the City is ready to move ahead with the changes to the Charter. Mr.  
7 Reischmann advised that the next step is to complete the revisions and to bring forth the enacting  
8 ordinance. He said that he is incorporating additional comments from the Council and will begin  
9 drafting the ordinance. In response to a comment from Council Member Sherrill, Mr. Reischmann  
10 advised that the issue of absences would be addressed during discussions at the *Council Rules and*  
11 *Procedures* Workshop scheduled for October 7<sup>th</sup>.  
12

13 Vice Mayor Allebach reported on the MPO meeting. He said there was a lengthy discussion about the  
14 proposed Clyde Morris Boulevard projects in Daytona Beach. The design of the road project was  
15 suspended because there is no money for construction. Numerous meetings have been scheduled  
16 between November 5<sup>th</sup> and December 15<sup>th</sup> to further discuss the matter. The Vice Mayor said that he  
17 would get the information to Ms. Renner for posting to the web site. He reiterated that the DOT is  
18 experiencing a series of budgets cuts and does not have funds for these projects. He remarked if there  
19 are complaints or issues about roads, there is nobody to help. Next, the Vice Mayor reported that the  
20 commuter rail is in the final design stages, noting that an administrator has been hired.  
21

22 Council Member Sherrill said the Department of Environmental Protection (DEP) has issued notice to  
23 the Volusia Health Department that all water connections will be assessed a fee of \$1 a year for  
24 commercial connections and \$.95 a year for residential connections. He said the DEP has cut its budget  
25 and needs to recoup its funds. Mayor Strickland said that the money would go to the County which will  
26 be the administrating body unless municipalities choose to work directly with the State. Council  
27 Member Sherrill said that WAV, the MPO and VCOG boards have separated bookkeeping  
28 responsibilities. WAV will handle its own checkbook and payroll, etc. He said Ms. Lindsay Roberts,  
29 Executive Director of WAV, will come before the Council at the first meeting in October to make a  
30 presentation on WAV's current activities. Council Member Sherrill said that he had placed a copy of  
31 the WAV calendars that were designed with the help of schools in Volusia County in each Council  
32 Member's mailbox. The calendars have a lot of information about what is going on the school system  
33 and tips on water conservation. He said that WAV is moving towards becoming a water conservation  
34 organization and is considering using water billing systems to send out information about conserving  
35 water. Mayor Strickland advised that due to the recent inclement weather schools were closed and that  
36 four make up dates have been scheduled. He suggested those dates would not be on the calendar and  
37 cautioned everyone to check with the schools regarding revised scheduling. Council Member Sherrill  
38 said that WAV was a part of the interconnect systems that were installed in cities throughout the County.  
39 The estimated cost was \$1,470,000 and the actual cost was \$1,370,000 as a result WAV refunded  
40 Orange City \$3,525.  
41

### 42 C. City Clerk

43

44 Ms. Renner said that she is seeking direction on the scheduling of regular Council meetings for the  
45 upcoming months. Historically the Council cancelled the second meeting in November and December  
46 due to the holidays. However, this year the first Regular Council meeting of November is scheduled on  
47 November 11<sup>th</sup> which is a City holiday (Veteran's Day). It was the consensus of the Council to cancel

1 the second meeting in November and to reschedule the November 11<sup>th</sup> meeting for November 18<sup>th</sup>. In  
2 addition, for the month of December there would be only one regular meeting on December 9<sup>th</sup>.

3  
4 **D. City Attorney**

5  
6 Mr. Reischmann reported that the lawsuit with Tel-Connect is proceeding in a positive manner. He  
7 reminded Council Tel-Connect had been ordered by the Special Master at a Code Enforcement Hearing  
8 to apply for a conditional use permit and that precipitated them to file a lawsuit against the City. Mr.  
9 Reischmann said that he has worked out an arrangement with Tel-Connect that they will put the lawsuit  
10 on hold and will come before the City requesting the appropriate conditional use permit. If they are able  
11 to go through that process, it will bring them into compliance with Orange City code. Next, Mr.  
12 Reischmann spoke about the ongoing issues with GEL Corp. He said that GEL is under a closure permit  
13 with the DEP and that Kelly Eger is monitoring the closure activities to ensure that they conform to  
14 statute. Simultaneously, the City has been seeking to bring the GEL recycling facility into compliance.  
15 Recently GEL applied for permits to bring the current operations into compliance with the City's code.  
16 Ms. Eger reported that in her discussions with representatives from the DEP they acknowledged that the  
17 DEP can not continue to monitor the groundwater contamination issues at the GEL location because  
18 those resources are being diverted to south Florida with regards to the Everglades. He said Ms. Eger  
19 will look into that matter further.

20  
21 **9. APPROVAL OF MINUTES:**

August 18, 2008 Budget Workshop  
September 3, 2008 Special Meeting  
September 9, 2008 Special Meeting/Budget Hearing  
September 9, 2008 Regular Council Meeting

22  
23  
24  
25  
26 **Vice Mayor Allebach moved to approve the minutes of the August 18, 2008**  
27 **Budget Workshop, the September 3, 2008 Special Meeting, the September 9,**  
28 **2008 Special Meeting/Budget Hearing, and the September 9, 2008 Regular**  
29 **Council Meeting, seconded by Council Member Mahoney and passed by a**  
30 **unanimous 7/0 voice vote of the Council.**

31  
32 **10. COUNCIL COMMENTS**

33  
34 Council Member Abraham discussed the release of public records and noted that it applies to the State  
35 as well. He stated, "In Orange City I do search for public records and ask for public records. In the past  
36 before I became a Council Member I spent my own money, almost every week up to \$10.00 to get  
37 public records from my City." He said that he obtained records from a number of cities and stated that  
38 the reason was "because I am a person who educates myself in City government." Council Member  
39 Abraham said that when he reviews public records, it raises many questions. He said that he has been  
40 reviewing City expenses and recently received purchase order numbers in response to his inquiries,  
41 however, he has not been able to obtain copies of the actual purchase orders. Council Member Abraham  
42 maintained that he has not had such problems obtaining copies of records in Deltona. Council Member  
43 Abraham stated, "We want an audit in Orange City, that is what this tells us. We need an audit, a  
44 complete performance audit." He maintained that he is not doing anything wrong, he is just trying to  
45 find the truth.

46  
47 Vice Mayor Allebach stated, "I'm tired of the accusations. You want to spend \$100,000 to go over and  
48 watch every employee that you bad mouthed? about them doing their job in the City? Look at the

1 results of the community. I don't know what you're trying to find. Also, I've had a few people that I've  
2 worked with that haven't had degrees that you made it a point to say that they're not professionals  
3 because they don't have a degree. In emails to city employees when they're supposed to be directed to  
4 the City Manager that directs the city employees. You're violating the Charter. You're educating  
5 yourself on municipal and city government. Please follow the Charter as outlined by the citizens of  
6 Orange City for the last 125 years." The Vice Mayor said that he was offended by a statement in one of  
7 Council Member Abraham's emails which said that the "Orange City Council contains members  
8 without ability to apply common sense, even now, in decision making. This will hopefully change by  
9 November 2009." He questioned who Council Member Abraham was referring to and stated, "If you  
10 have such a problem working with us maybe you should consider other options. I think it's not  
11 appropriate that you constantly accuse people that have involved in giving their heart and soul in this  
12 City, from employees to administrators to Council Members, of constant corruption, misdirection and  
13 graft. I take offense to it. I've sat through this for the last four years and I've had enough of you  
14 constantly saying that there's corruption and graft in this City." Vice Mayor Allebach denied any wrong  
15 doing on his part or any knowledge of wrong doing on the part of other Council Members. He said that  
16 were it not for the expense, he would support the audit Council Member Abraham was requesting. He  
17 stated, "I'm about over the constant accusations against our employees and against people that have  
18 been part of this City for a long time."  
19

20 Council Member Sherrill said that he concurs with Vice Mayor Allebach.  
21

22 Council Member Mahoney stated, "I was prepared to give a scathing critique of a Council Member. I  
23 spoke with a citizen last night, we talked about professionalism, and we talked about moving on. I am  
24 going to refrain and I am simply going to make the following statement. We celebrated constitution  
25 week, a piece of the proclamation remembering that lost rights may never be regained. A lost reputation  
26 may never be regained. An individual who makes accusations should do so based on facts."  
27

28 Mayor Strickland concluded the meeting by stating that he received several complaints from people  
29 about ongoing traffic problems with school buses speeding and not following appropriate paths while  
30 children are trying to walk to school. He questioned Mr. Murray what action the City could take to  
31 make this neighborhoods safe. Mr. Murray said that he would look into the matter.  
32

### 33 11. ADJOURNMENT

34  
35 There being no further business, Mayor Strickland adjourned the meeting at 8:45 p.m.  
36  
37

38 **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

39  
40  
41  
42  
43 Gloria Williams  
44 Deputy City Clerk  
45

October 14, 2008