

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held
2 on Tuesday, January 10, 2006, at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.
3

4 **CALL TO ORDER**

5
6 Mayor Erwin called the meeting to order at 7:00 p.m. and roll call was taken.
7

8 **ROLL CALL**

9
10 PRESENT: Mayor Albert T. Erwin; Vice Mayor Chuck Abell; Councilmembers Anthony R. Yebba,
11 Donald C. Sherrill, Joelle R. DeVane, Jim Mahoney (late, 7:05), Jeff H. Allebach (late, 7:02);
12 Development Services Director Chester Murray; City Attorney William Reischmann; City
13 Clerk Deborah Renner.
14

15 ABSENT: City Manager John. J. McCue
16

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

19 **1. PRESENTATIONS:** Presentation: Volusia County Public Schools Regarding
20 New High School
21

22 Sara Lee Morrissey came forward and gave a presentation regarding the new High School which will be built
23 in Orange City. Construction is scheduled to begin in June of this year, dependent upon several final issues
24 being resolved, with an opening date of August 2008. Ms. Morrissey noted that construction costs for the
25 new school have gone up 40% in the past twelve months so the School District's budget is being amended.
26 The District is very concerned about what the actual bid amount will be and the District's ability to address it.
27

28
29 David Torbert, Schenkel Shultz Architects, came forward and reviewed the major design elements of the new
30 school. Mr. Torbert noted that the facility consists of about 390,000 square feet and will hold approximately
31 2,500 students. He pointed out that at the direction of the School Board the architectural design of the facility
32 reflects the architecture of the Orange City community. The building will be constructed with traditional
33 masonry and brick and metal roofs. Ms. Morrissey emphasized that in the future the high school will be a
34 focal point of the community and will be available for community use.
35

36 Bob Jacobs, IPTM re: Statewide Task Force
37

38 Bob Jacobs, Institute of Police Technology & Management, University of North Florida, came forward and
39 said that the Institute has a federal grant program that supports sustained DUI enforcement through the State
40 Safety Office in Tallahassee. He noted that the Florida "Drink & Drive You Lose" program initially started
41 with ten counties, including Volusia County. Mr. Jacobs stated that Volusia County was "dead" until the
42 Orange City Police Department became involved in the program. He noted that the Florida Department of
43 Transportation has established an incentive program to compensate law enforcement agencies that participate
44 monthly to take impaired drivers off the roadways. Each year the program offers four quarterly drawings and
45 that in 2005 the City's Police Department won radar units from that program.
46

47 Mr. Jacobs noted that in 2005 there were no traffic fatalities in this region and that during the same year there

1 were 11 checkpoints and 30 saturation patrols. He identified several accomplishments of the City's Police
2 Department and the equipment won by the department for participating in the program. Mr. Jacobs stated that
3 Orange City has been awarded \$15,724 worth of equipment for all of their DUI activities, including a trailer,
4 portable light tower, generator, an MPH Enforcer Dual Antenna Radar Unit, a Gateway laptop, LCD projector
5 for presentations on DUI issues, LTI Laser Unit, custom signals, and a portable breath test device. Mr.
6 Jacobs stated, "The Orange City Police Department's commitment to DUI enforcement caught the attention
7 of our State Safety Office that sends the money to IPTM and allows us to dole it out. That State Safety Office
8 in Tallahassee really is paying attention to what's going on in Orange City. Information was passed on to the
9 National Highway Traffic Safety Administration, they are the ones that send the money to Tallahassee, who
10 then invited one of your Sergeants, Sergeant Melvin to be one of ten officers to attend a conference in Atlanta
11 where they were recognized for their DUI enforcement activities. I can't give them enough praise. We're
12 proud to have them on our team and we really appreciate the support that they obviously get from this
13 Council."

14
15 Councilmember DeVane thanked Sergeant Melvin for the excellent job that he does and said she was glad
16 that his work was being recognized by others.

17
18 **2. CITIZENS COMMENTS:** None at this time

19
20 **3. CONSENT AGENDA:** None at this time

21
22 **4. ORDINANCES – FIRST READING:**

- 23
24 **A. ORDINANCE NO. 261:** An Ordinance of the City of Orange City, Florida,
25 amending Ordinance No. 157 of the City of Orange City, Florida; said Ordinance
26 being the existing Land Development Code of the City of Orange City, Florida;
27 amending said Land Development Code relating to Chapter 2, Definitions; Chapter
28 7, Site Plan Requirements, Review and Approval Procedures; Chapter 8 Zoning
29 Regulations; providing for codification, conflicts, severability and effective date.

30
31 **Councilmember Sherrill moved to adopt Ordinance No. 261 on first**
32 **reading, seconded by Vice Mayor Abell.**

33
34 James Kerr, Assistant City Planner, came forward and stated that Ordinance No. 261 addresses amending six
35 areas of the Code. Mr. Kerr said the changes include a text addition, correcting a scrivener's error, a text
36 change, and eliminating duplication of text. He stated that staff has determined that all six amendments are
37 consistent with the City's Comprehensive Plan.

38
39 Councilmember Mahoney asked for an explanation regarding the addition of "non-related" in Section 2.2.
40 Mr. Kerr replied the term was added so that it would be consistent with the definition currently in the City's
41 Comprehensive Land Use Plan. Councilmember Mahoney questioned the rationale underlying the proposed
42 change in building height in Chapter 8 (P). Mr. Murray responded that the Code currently designates two
43 areas; one stating a building can be a maximum of 35 feet high, and in certain areas building height can go to
44 100 feet. He stated that staff is recommending that all limitations fall within those guidelines; however, if a
45 developer wishes to exceed that height, it would be subject to Council approval. As density issues arise
46 within the boundaries of the City, staff believes structures must go vertical. He stressed that each would be
47 consider on a case by case basis and presented to Council for approval.

1
2 Councilmember Mahoney noted another item on the agenda is the Comprehensive Plan Amendment 06-01
3 and said that at a previous meeting residents from County Village Community had expressed concerns about a
4 Mixed Use zoning so that is being changed. He stated, "My interpretation, and maybe I'm reading too much
5 into this, was Enterprise Cove, in the initial structure they were looking at a three-story apartment complex
6 and I believe they exceeded 35feet. My concern was that now we don't have, it could effectively nullify the
7 Mixed Use need because we're eliminating that whereby it would have to be a Mixed Use PUD." Mr. Murray
8 responded that the Code designates a specific area where structures can be 100 feet in height but nowhere
9 else. He stated, "What we're saying is that the City needs the flexibility to consider, not necessarily approve,
10 but consider the potential that at some time we may need to have more than 35 feet in any given area. Case in
11 point, I have no idea how high the Partnership Center will be. That is outside the 100-foot area; maximum
12 height allowed there under our existing Code is 35-feet. I'm saying that the Council needs to be the final
13 arbitrator on how it relates to the rest of the community. This is just another tool to help the City move
14 forward."

15
16 Vice Mayor Abell stated, "Some of what you said falls into the guise of smart growth that we're dealing with
17 on a countywide basis right now. Orange City is going to experience that in the very near future as far as not
18 being able to build out but build up, and we have to be able to address those issues when they come up."
19 Mayor Erwin said that to save and preserve the rural and environmentally sensitive areas, densities in urban
20 areas will rise. Government entities will seriously have to consider going up because there's no room to go
21 out. The Mayor expressed his appreciation that since the Land Development Code was revised two years ago
22 staff is attempting to make the necessary adjustments as needed.

23
24 **Ordinance No. 261 passed by unanimous 7/0 roll call vote of the Council.**

25
26 ***SPECIAL PUBLIC HEARING***

27 **B. ORDINANCE NO. 267:** An Ordinance of the City of Orange City, Florida,
28 amending Ordinance 90-05-08, as amended, said Ordinance being Orange City's
29 Comprehensive Plan; amending the Future Land Use Map of the City of Orange
30 City; in accordance with the requirements set forth in Chapter 163, Florida Statutes;
31 providing for transmittal to the State Land Planning Agency; providing a conflicts
32 clause and severability clause and providing for an effective date.

33
34 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition to
35 the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

36
37 **Vice Mayor Abell moved to adopt Ordinance No. 267 on first reading,**
38 **seconded by Councilmember Yebba**

39
40 Mr. Murray stated, "You have seen this Future Land Use Amendment before. As you know, we encountered
41 some difficulties in interpretation, with how it was approved by DCA, but we encountered some difficulties
42 with VGMC and chose to withdraw that application. We are now reapplying with some changes to it. Those
43 changes came as a result of concerns of some citizens. We've made those changes and are resubmitting. This
44 is a transmittal hearing. It will not be the final issue; hopefully it will be but probably not. I would point out
45 to you that the only change in this and the Future Land Use Map that we transmitted last year to DCA is the
46 removal of the residential areas of Country Village. We removed them and overlaid them with an MX Land
47 Use as simply an attempt to gain credit in our MX Land Use for existing residential units. We have removed

1 those and have resubmitted. It's taken up one cycle of our two cycles that we're allowed in each calendar
2 year; hence the number 06-01. But, this remains identical in every way to our other Land Use transmittal with
3 the exception of the removal of the residential areas of Country Village." Mayor Erwin confirmed that this
4 amendment has nothing to do with zoning.

5
6 Mr. Murray stressed that staff anticipated receiving approval from the Department of Community Affairs
7 because they have already approved it once; however, staff's main concern is with the Volusia Growth
8 Management Commission.

9
10 Councilmember Yebba noted certain areas not within the City's boundaries and stated, "It may be time that
11 we go see big brothers up there in DeLand and see about getting those closed in."

12
13 **Ordinance No. 267 passed by a 7/0 roll call vote of the Council**

14
15 *****END SPECIAL PUBLIC HEARING*****

- 16
17 **C. ORDINANCE NO. 268:** An Ordinance of the City Council of the City of Orange
18 City, Florida, amending Chapter 7, Health and Sanitation, of the Code of Ordinances
19 of the City of Orange City, by adding Section 7-6, Abandoned or Vacant Property,
20 and containing a repealer provision, a severability clause and providing for an
21 effective date.

22
23 **Vice Mayor Abell moved to adopt Ordinance No. 268 on first reading,**
24 **seconded by Councilmember Sherrill**

25
26 Officer Greg Lariscy came forward and noted that the proposed amendment to Chapter 7 provides for
27 standards for abandoned or vacant property. Officer Lariscy noted that while the City has a standard housing
28 code there is no standard commercial code. This ordinance would require that property owners take a more
29 proactive approach towards maintenance of their unoccupied properties. He stated that the ordinance does
30 apply to residential but it does not apply to seasonal homes, vacation homes, or homes that are vacant for less
31 than 90 days.

32
33 Councilmember Sherrill said that he thought the ordinance was needed and was glad to see it brought forward.
34 Councilmember Allebach asked if the ordinance would apply to unsafe structures currently being used.
35 Officer Lariscy replied in the affirmative. Councilmember Yebba agreed that the ordinance was needed and
36 stated that code enforcement is so much greater than it used to be and the results are very apparent as you
37 drive around the City. He commended Officer Lariscy and staff working with him for the great job they are
38 doing to clean up Orange City.

39
40 **Ordinance No. 268 passed by a 7/0 roll call vote of the Council**

41
42 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**

- 43
44 **A. ORDINANCE NO. 258:** An Ordinance of the City of Orange City, Florida,
45 amending Chapter 11, Planning and Development, of the Code of Ordinances of the
46 city by revising the Fee Schedules set forth in Chapter 11, Article III; containing a
47 severability clause, a repealer provision, and providing for an effective date.

1
2 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition to
3 the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

4
5 **Councilmember DeVane moved to adopt Ordinance No. 258 on second**
6 **and final reading, seconded by Councilmember Allebach.**

7
8 Mayor Erwin expressed that he was glad the fee schedules were being revised and that he hoped that someday
9 the entire cost for the Planning Department would be paid for by the people using it.

10
11 **Ordinance No. 258 passed by unanimous 7/0 roll call vote of the Council.**

- 12
13 **B. ORDINANCE NO. 262:** An Ordinance of the City of Orange City, Florida,
14 annexing the Willitts property into the corporate limits of the City of Orange City,
15 Florida; said property being generally located on the east side of Hillside Avenue
16 approximately 150 feet south of East Elm Drive, containing approximately 0.31
17 acres; in accordance with the voluntary annexation provisions of Florida Statute
18 171.044; redefining the boundaries of the City of Orange City by amending the
19 appropriate sections of the Code of Ordinances; containing a repealer provision, a
20 severability clause and providing for an effective date.

21
22 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition to
23 the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

24
25 **Vice Mayor Abell moved to adopt Ordinance No. 262 on second and**
26 **final reading, seconded by Councilmember Allebach, and passed by**
27 **unanimous 7/0 roll call vote of the Council.**

- 28
29 **C. ORDINANCE NO. 263:** An Ordinance of the City of Orange City, Florida,
30 annexing the Conde property into the corporate limits of the City of Orange City,
31 Florida; said property being generally located on the east side of Hillside Avenue
32 approximately 0.0 feet south of East Elm Drive, containing approximately 0.31
33 acres; in accordance with the voluntary annexation provisions of Florida Statute
34 171.044; redefining the boundaries of the City of Orange City by amending the
35 appropriate sections of the Code of Ordinances; containing a repealer provision, a
36 severability clause and providing for an effective date.

37
38 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition to
39 the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

40
41 **Councilmember Allebach moved to adopt Ordinance No. 263 on second**
42 **and final reading, seconded by Councilmember Yebba, and passed by**
43 **unanimous 7/0 roll call vote of the Council.**

44
45 BEGIN TAPE 1-B

- 46
47 **D. ORDINANCE NO. 264:** An Ordinance of the City of Orange City, Florida,

1 annexing the Gregor property into the corporate limits of the City of Orange City,
2 Florida; said property being generally located on the west side of Hillside Avenue
3 approximately 0.0 feet south of East Elm Drive, containing approximately 0.29
4 acres; in accordance with the voluntary annexation provisions of Florida Statute
5 171.044; redefining the boundaries of the City of Orange City by amending the
6 appropriate sections of the Code of Ordinances; containing a repealer provision, a
7 severability clause and providing for an effective date.
8

9 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition to
10 the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.
11

12 **Councilmember Sherrill moved to adopt Ordinance No. 264 on**
13 **second and final reading, seconded by Councilmember Yebba,**
14 **and passed by unanimous 7/0 roll call vote of the Council.**
15

- 16 **E. ORDINANCE NO. 265:** An Ordinance of the City of Orange City, Florida,
17 vacating, closing, and abandoning an alley located in Massey's Subdivision as shown
18 on the plat recorded in Plat Book 4, Page 38 of the public records of Volusia County,
19 Florida, and generally located south of University Avenue, north of Central Avenue,
20 and east of Carpenter Avenue, as requested by the City of Orange City; authorizing
21 execution of effecting documents as needed; providing for severability and an
22 effective date.
23

24 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition to
25 the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.
26

27 **Councilmember Yebba moved to adopt Ordinance No. 265 on second**
28 **and final reading, seconded by Councilmember Allebach.**
29

30 Vice Mayor Abell asked if all the adjacent property owners had been notified of the vacation and if any of
31 them had responded. Mr. Kerr responded that they will be notified following the adoption of Ordinance No.
32 265. Mr. Reischmann clarified that the City is vacating previously platted land and that subsequent to
33 recording of the ordinance the owners of the properties on either side will each receive one-half of what has
34 been vacated.
35

36 **Ordinance No. 265 passed by unanimous 7/0 roll call vote of the Council.**
37

- 38 **F. ORDINANCE NO. 266:** An Ordinance of the City Council of the City of Orange
39 City, Florida, amending Chapter 7 of the Code of Ordinances of the City of Orange
40 City, by amending Section 7-5 Unsafe Buildings and by containing a repealer
41 provision, a severability clause and providing for an effective date.
42

43 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in opposition to
44 the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.
45

46 **Councilmember Allebach moved to adopt Ordinance No. 266 on second**
47 **and final reading, seconded by Councilmember DeVane, and passed by**

1 **unanimous 7/0 roll call vote of the Council.**

2 **6. RESOLUTIONS:**

- 3
- 4 **A. RESOLUTION NO. 341-06:** A Resolution of the City Council of the City of
5 Orange City, Florida, acknowledging and approving the preliminary subdivision plat
6 for Miller Landings subdivision on property located on the north side of Miller Road,
7 approximately 600 feet west of South Volusia Avenue, Orange City, Florida;
8 repealing all resolutions or parts of resolutions in conflict herewith; and providing for
9 an effective date.

10

11 **Councilmember Sherrill moved to adopt Resolution No. 341-06,**
12 **seconded by Vice Mayor Abell.**

13

14 Mr. Kerr said that his presentation would address both the Preliminary Subdivision Plat and Site Plan for
15 Miller Landings. He stated that the Miller Landings R-PUD was approved last year and that both the
16 Subdivision Plat and Site Plan are consistent with the approved R-PUD. The property is located on the north
17 side of Miller Road west of US 17-92 and consists of 16.97 acres. The proposed subdivision has 63 single-
18 family lots and includes a recreation area, drainage retention area, a street lighting system, lift station, and
19 subdivision signage. The roads inside the subdivision will be paved and built to City standards. Mr. Kerr
20 stated that Johnson Lane which is adjacent to the subdivision will be stabilized to accommodate the
21 emergency access gate. The eastern half of the 60-foot right of way on Johnson Lane will be retained as a
22 buffer between the existing property owners on the west and the new subdivision.

23

24 Mr. Kerr stated that staff and the City Engineer have determined that the preliminary plat and the Site Plan
25 meet the minimum standards of the City's Land Development Code. He stated that staff and the Planning
26 Commission recommend that the City Council consider approving the Miller Landings Preliminary Plat and
27 the Site Plan subject to the following five conditions:

- 28
- 29 1. The front setback of the freestanding entry monument sign on Miller Road shall be a
30 minimum of eight feet, and the sign height shall be a maximum six feet.
- 31 2. Except for fencing on individual subdivision lots, all infrastructure fencing onsite shall
32 be architectural fencing, including the emergency gate and the lift station.
- 33 3. Prior to issuance of a building permit, documentation shall be submitted to the city
34 indicating that the AT&T fiber-optic cable and the AT&T easement have been or will be
35 relocated as per the site plan.
- 36 4. Should construction of houses on any lots not be completed within one year following
37 final Master Plan approval, the developer shall seed and mulch the property to a standard
38 acceptable to the City.
- 39 5. The air conditioning condensers, backflow preventers, and electrical transformers shall
40 be visually screened as required by the City's Land Development Code.

41

42 Councilmember Sherrill questioned whether residents in the area of the proposed subdivision have been
43 contacted regarding the project and what their response is to the development. Mr. Kerr replied, "They have
44 moved on; I'm fairly certain of that." Councilmember Mahoney noted that some of the documents provided
45 to the Council indicate there are 63 lots while the plat shows 62 lots. Mr. Kerr replied that the 63rd lot is
46 located on the northern portion of the plat. Vice Mayor Abell noted that the definition for architectural
47 fencing is non-chain link fencing and questioned whether anything but non-chain link could be installed. Mr.

1 Kerr responded that the proposed fencing would be of the aluminum bar type. He pointed out that this
2 architectural fencing requirement only applies to the common areas and not to what the homeowners
3 association decides in regard to fencing on individual lots. Councilmember Yebba questioned whether the
4 lots were large enough to have big yards. Mr. Kerr replied in the affirmative.
5

6 Councilmember Sherrill stated, "Is this going to be another Blue Springs Villas?" Mr. Murray replied,
7 "You're dealing with the same density as Fawn Ridge in this project. This is going to be an almost carbon
8 copy of Fawn Ridge." Vice Mayor Abell mentioned comments in the agenda packet regarding the retention
9 pond overflowing into the swale area on the north side of Miller Road and questioned how large the swale
10 area would be and how much water it would hold in relation to the retention pond. He noted the concern
11 previously expressed about the water flowing down to the south side of Miller Road.
12

13 Javier Omana, CPH Engineers, came forward and replied, "This particular pond, for the record, we have
14 obtained a Water Management District permit for the drainage system on the site itself. That particular permit
15 complies with State law; State Statute 40 C – 42, which basically states that you cannot flood the adjoining
16 pieces of property. So, whatever rain falls on the property under the previous pre-development conditions
17 cannot be exceeded, whatever that volume is with the construction of the driveways and the houses
18 themselves." Mr. Omana described how the pond was designed to hold a 25-year, 24- hour storm which
19 meets the standard. He stated that his client has agreed to upgrade the drainage ditch along the north side of
20 Miller Road in order to accommodate off-site flows. Mr. Omana stated, "But, these off-site flows are existing
21 flows. My client's project will not be contributing to the flood situation in this area. On the contrary, it will
22 slow down the amount of water and the quantity of water that comes off the property itself by directing it to
23 the pond itself."
24

25 Vice Mayor Abell again asked how large the swale area would be and if it would hold a considerable amount
26 of water in case there is an overflow. Mr. Omana replied, "It will hold the overflow on this site because my
27 client has agreed to clean it up and rebuild along the front of the property itself. He will be required to build
28 this per Code."
29

30 Councilmember DeVane asked if Johnson Lane would be paved as part of the project and what the term
31 "stabilized" meant. Mr. Kerr responded that there is no traffic on Johnson Lane except in case of an
32 emergency situation so the road would not be paved. Mr. Omana stated that the roadway would be cleared
33 and then graded to stabilize the road to alleviate or minimize runoff and erosion. Stabilization could also
34 include adding stone to the roadway. A detail of the stabilization plan is included in the engineering plans.
35 Councilmember DeVane questioned whether the roadway would be kept up following development of the
36 project and who would be responsible for it. Mr. Omana said that according to the Fire Chief the stabilization
37 has to meet a certain density standard to ensure that the fire trucks can access the roadway. He stated, "The
38 developer is responsible for that. Once the homeowners association comes into being, as an entity they will
39 be responsible for the upkeep."
40

41 Councilmember Yebba asked if a condition should be added to the resolution stipulating that the developer is
42 responsible for cleaning up the swale and making it large enough to handle any overflow. Mr. Murray
43 responded that he believed it was already part of the overall Site Plan.
44

45 **Resolution No. 341-06 passed by unanimous 7/0 roll call vote of the**
46 **Council.**
47

1 **B. RESOLUTION NO. 342-06:** A Resolution of the City Council of the City of
2 Orange City, Florida, acknowledging and approving the site plan for Miller Landings
3 subdivision on property located on the north side of Miller Road, approximately 600
4 feet west of South Volusia Avenue, Orange City, Florida, repealing all resolutions in
5 conflict herewith and providing for an effective date.

6
7 **Councilmember Mahoney moved to adopt Resolution No. 342-06,**
8 **seconded by Vice Mayor Abell.**
9

10 Mayor Erwin asked what price range the homes at Miller Landings would sell for. Mr. Omana responded that
11 the target price range is from the low \$200,000's to \$300,000. The Mayor expressed that what he sees
12 happening is that the average citizen is being priced right out of the housing market and stated, "I'm just
13 wishing now, but I would like to see when these subdivisions and developments come before us that there is
14 some consideration for moderate housing within each one. Whether it's 10% or whatever it is, but I think we
15 have an obligation as a City to try to have some form of affordable housing for the people who work here in
16 Orange City. I can't pressure you or anything right now, but it would be awfully nice if say 10% of those
17 were in the \$150,000 or even lower range to accommodate some of these people who are displaced out of the
18 market right now."

19
20 **Resolution No. 342-06 passed by unanimous 7/0 roll call vote of the**
21 **Council.**
22

23 **7. DISCUSSION AND ACTION:**
24

25 **A. Awarding the Bid for Utilities Main Plant Renovations**
26

27 Paul Johnson, Public Works Director, came forward and stated that the Utilities Main Plant Renovation was
28 advertised for bids in November with a closing date of December 16, 2005. The bids were accepted as a
29 lump-sum bid based on the specifications and drawings of the consulting architect. Four bids were received.
30 The bid results are as follows:

31
32 Southmass Construction, Inc. - \$249,163.00
33 McMahan Construction - \$249,000.00
34 BillCo Construction, Inc. - \$183,791.00
35 JZ Construction Group - \$168,950.00
36

37 Mr. Johnson stated that although JZ Construction Group was the apparent low bidder, they did not submit a
38 complete bid package. He stated, "Some of the items that were required to be returned with the bid such as a
39 non-collusion agreement and just some technical information was left out but we felt that was significant
40 enough to disallow the bid. The next responsible low bidder is BillCo Construction out of South Daytona at
41 \$183,791 and we would recommend that this project be awarded to them."
42

43 Mr. Murray asked Mr. Johnson if he had investigated BillCo Construction Group. Mr. Johnson replied that he
44 had checked with the City Manager and Development Services Department of South Daytona and they have a
45 clean record with them. BillCo was recommended as far as their ability to complete the project in a timely
46 manner.
47

1 Mayor Erwin commented that the agenda packet for this item did not include any information on what the
2 project would entail and stated, "I don't like receiving a packet like this. Now, maybe the other
3 Councilmembers know what's going to happen but I don't. I can read through this and see this and that and
4 everything else but I have no picture in my mind of what the final project is going to look like." Mr. Johnson
5 responded that the conceptual design had previously been presented to and approved by the Council. One
6 modification was made at the request of Council; that modification being the movement of the stairwell
7 behind the concrete wall so it would not be visible from the side. Mayor Erwin replied that he thought the
8 plans should be included in the agenda packet and said that he felt the packet was incomplete.

9
10 Vice Mayor Abell asked how much was allocated in this year's budget for the renovation. Mr. Johnson
11 replied that \$175,000 was allocated. Councilmember Yebba agreed with Mayor Erwin's comments and said
12 it would have been nice to see the plans included in the agenda packet.

13
14 **Vice Mayor Abell moved to authorize the City Manager to enter into an**
15 **agreement with BillCo Construction, Inc. for the renovation of the**
16 **Utilities Main Plant, seconded by Councilmember Yebba, and passed by**
17 **a 6/1 voice vote of the Council, with Mayor Erwin voting "no".**

18
19 **B.** Correcting a scrivener's error in Ordinance No. 255, adopted on December 13, 2005.

20
21 Ms. Renner noted that at the December 13, 2005 meeting the City Council adopted an ordinance numbered
22 255; unfortunately a previous ordinance was adopted with that number. To correct the problem the City
23 Attorney recommended that the minutes of the November 15th and December 13, 2005 Council meetings be
24 amended to replace references to Ordinance No. 255 with references to Ordinance No. 269.

25
26 **Vice Mayor Abell moved to amend the minutes of November 15, 2005**
27 **and December 13, 2005 to replace references to Ordinance No. 255 with**
28 **references to Ordinance No. 269, seconded by Councilmember Sherrill,**
29 **and passed by unanimous 7/0 voice vote of the Council.**

30
31 **8. REPORTS:**

32
33 **A. City Manager**

34
35 Mr. Murray reported that the City Manager was ill and sent his apologies for missing the Council meeting.

36
37 Councilmember Sherrill noted that the roadway at the intersection of Veterans Memorial Parkway and Rhode
38 Island Avenue is in need of repair. He asked that staff contact Volusia County about the dangerous condition
39 of the intersection and to ask if someone from Public Works could pick up the loose concrete in that area.
40 Mr. Murray replied that the County has acknowledged that it is their problem. He said that staff would follow
41 up on Councilmember Sherrill's request.

42
43 Councilmember Yebba questioned whether the 17-92 beautification project being done in DeBary could also
44 be done in Orange City. Mr. Murray replied that the Department of Transportation, through a grant, plans on
45 installing landscaping as far north as 472. The City has agreed to assume the maintenance following
46 completion of the project and noted that the County currently reimburses the City for maintaining the area.
47 Mr. Murray said that he understood the landscape plan established by DeBary will be followed for the entire

1 project. Mr. Johnson advised that he would be meeting with the landscape architect sometime this month and
2 that funding should be available in July. Mr. Murray stated, "What had a great deal to do with the unilateral
3 offer by DOT is the performance of our Public Works under the maintenance of 17-92 since we've taken it
4 over and it's been exemplary. They're holding Mr. Johnson's department up as a guide for everybody else
5 who wants something."
6

7 Councilmember Yebba noted that Council receives a "Friday Letter" every week and that although he liked
8 the concept of a weekly update, the content has gotten "real slim" over the years. He said that he didn't need
9 a weekly letter and suggested it be done on a bi-weekly or monthly basis as then there might be more
10 information in it. Councilmember Allebach stated that the letter has become a great public piece of
11 information but it does nothing to specifically inform Councilmembers of functions within the City. He said
12 that it is no longer an internal document like it was originally intended. The City Council concurred.
13

14 Councilmember DeVane reported that there is a hole in the roadway on French Avenue between Orange and
15 Leavitt. A piece of concrete or asphalt taken out several months ago has not been repaired. She questioned
16 when the repair work would be completed. Mr. Johnson replied that he would make sure the work is
17 completed.
18

19 Councilmember Sherrill reported that along Saxon Boulevard there are several areas where the sidewalks
20 have been damaged and not repaired by the County yet. He suggested that staff extend a thank you to DOT
21 or the County for the installation of sidewalks on Enterprise Road and 17-92. Mr. Murray advised that staff
22 has tried to open discussions regarding the City assuming the maintenance of all the County roads in Orange
23 City. Mr. Murray stated, "The stormwater ponds that are along Enterprise, we've had ongoing concerns with
24 those out in front of Chili's and there by the tire store. Those are common maintenance issues, common
25 drainage to several developments in there. With the advent of Saxon Crossings, all those concerns will be
26 eliminated because he has assumed the maintenance and that will be in his PUD development, in his
27 development agreement; that his development will be responsible to keep it mowed and all that."
28

29 In response to a question from Councilmember Sherrill, Mr. Murray stated that the Big Boy's Restaurant has
30 been given final approval and should be applying for a building permit any day.
31

32 BEGIN TAPE 2-A
33

34 **B. Mayor/City Council** 35

36 Mayor Erwin reported that the St. John's River Clean-up Day is scheduled for sometime in April of this year.
37 He noted that through former Councilmember Gary Blair's efforts the City has had a large crew helping
38 clean up the river. The Mayor suggested that the City participate again this year and hoped that someone
39 would step forward to lead the effort.
40

41 Mayor Erwin said that he has received numerous positive comments concerning the gazebo. Everyone is
42 really pleased with the way it turned out. The Mayor reported that he and the City Manager gave an update
43 on the Partnership Center last night at John Knox Village. He noted that at least 25 people had questions
44 regarding how they could participate as donors for the Partnership Center.
45

46 **C. City Clerk** 47

1 Ms. Renner noted that she planned to have a booth at the Manatee Festival on January 28th and 29th and asked
2 the Council to notify her if they wished to spend some time at the booth.

3
4 **D. City Attorney**
5

6 Mr. Reischmann reported that Mr. McCue had asked him to review a law recently passed by the legislature
7 that could have some impact on local governments. That law imposes some lobbying restrictions on the
8 legislature. He stated that the law could have some effect on the activities surrounding Volusia Days. Mr.
9 Reischmann stated, "I certainly don't know what's going to happen with your Volusia Day but it will be
10 changed somehow. Some counties are canceling their days and others are trying to find a way to make it
11 work within the new guidelines of this lobbying law. I wanted all of you to be aware of that so it doesn't
12 come as a surprise." Mayor Erwin advised that Volusia Days is on hold right now.

13
14 In response to a question from Vice Mayor Abell, Mr. Reischmann stated that the City Manager has retained
15 the services of a consultant who has taken pictures of the GEL site from the air. The consultant has taken the
16 aerial photos and superimposed the photos on the footprint, 3 to 1 slopes, and the maximum height. The
17 information obtained from that will be used to contact the Department of Environmental Protection (DEP).
18 Mr. Reischmann stated that he anticipates that there will be a new application submitted by the GEL
19 Corporation to DEP possibly seeking some sort of extension. He stated, "The information we have from the
20 aerial photographs is that they are already at a point where they're not going to be able to get an extension.
21 At least that's going to be our position. When you look at how they have filled in that site under their current
22 dimensions that are permitted, there's just not that much more room, if any for them to take any more C and
23 D materials at that site. And, that's why Mr. McCue has obtained the services of this consultant to work with
24 the DEP so the DEP is forearmed and forewarned when it receives this next application."

25
26 Vice Mayor Abell stated, "But, I thought we were going to get some kind of a program going where we
27 would have citizen's comments on that and citizen's involvement on the DEP with the information that we
28 have to try to thwart any kind of application for renewal." Mr. Reischmann responded that he was aware of
29 those efforts and that aspect is part of the package that Mr. McCue is trying to put together. Vice Mayor
30 Abell reported that there has been a lot of activity going on at the GEL site in recent weeks. Mr. Reischmann
31 responded that he believed that activity was a result of DEP finally enforcing some of the regulations and
32 possibly Volusia County enforcing some of their regulations regarding the recycling material.

33
34 Councilmember Mahoney asked what the status was regarding the Administrative Hearing or if a resolution
35 had been reached. Mr. Reischmann replied that the Administrative Hearing regarding the request for
36 attorney's fees has been concluded; however, no findings have been issued.

37
38 **9. APPROVAL OF MINUTES:**
39

40 **Councilmember Sherrill moved to approve the minutes of the**
41 **December 13, 2005 Regular Council Meeting, seconded by Vice Mayor**
42 **Abell, and passed by a unanimous 7/0 voice vote of the Council.**
43

44 **10. COUNCIL COMMENTS:**
45

46 Councilmember Allebach said that he had Manatee Festival raffle tickets for sale.
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11. ADJOURNMENT:

There being no further business, Mayor Erwin adjourned the meeting at 8:55 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON

Leslee Gustafson
Deputy City Clerk
