

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held
2 on Tuesday, January 24, 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, Jeff H. Allebach (late, 7:05); City
12 Manager John. J. McCue; City Attorney William Reischmann; City Clerk Deborah Renner.

13
14 The Invocation was given by Vice Mayor Abell, followed by the Pledge of Allegiance.

15
16 Mayor Erwin acknowledged that Mayor George Coleman, City of DeBary, was present and welcomed him

17
18 **1. PRESENTATIONS:** None at this time

19
20 **2. CITIZENS COMMENTS:**

21
22 Edward Simons, 543 N. Thorpe Avenue, came forward and expressed his interest in participating in the
23 process towards the development of the proposed Historic Preservation ordinance. Mr. Simons asked when
24 the next workshop would be scheduled. Mayor Erwin suggested that Council schedule another workshop at
25 this time. Mr. McCue stated that a process has been implemented whereby any action regarding the historic
26 preservation ordinance would result in a direct mailing to every property owner within the Historic District.

27
28 **The Council scheduled a workshop to discuss the proposed Historic**
29 **Preservation ordinance for Tuesday, February 7, 2006 at 7:00 p.m.**

30
31 David Durant, 415 Clark Street, came forward and reported that the fence surrounding Mill Lake has two
32 breaches in it; one on the west side and the other on the north side. Mr. Durant expressed his concern with
33 portions of the fence being down because his home was recently vandalized and he suggested that those
34 involved gained access through the downed fencing.

35
36 Mr. Durant noted that the City has been very dutiful in establishing the retention area adjacent to Clark Street;
37 however, that area has been violated several times. City staff has attempted to remedy the problem by posting
38 signs and installing stanchions but they have been removed. He noted that people are using the retention area
39 to drive from Clark Street to Orange Avenue. Mr. Durant questioned how the problem could be resolved.

40
41 Mr. McCue responded that the City only has the right to block and post the retention pond property because it
42 is owned by them. The City does not have any right to tell someone that they can't use private property in
43 that area; the owner of the property has to address that issue. Mr. McCue stated that the City has taken action
44 as a result of the concerns raised by the neighborhood residents and will continue to do so; however, the City
45 has a very limited enforcement capacity. He advised that the residents post their property so when someone
46 drives over it the Police Department can ticket the offenders for trespassing on private property. Mr. McCue
47 stated that he would work with the Public Works Department to get a more formidable fence line installed and

1 also repair the fencing even though Mill Lake is owned by the State of Florida.

2
3 Evelyn Robinson, 311 E. Cherokee Avenue, came forward and expressed that in her opinion the area was not
4 clean enough and should be cleared so the residents could see beyond the rear perimeter of their backyards.
5 Mr. McCue replied that Mill Lake is owned by the State; therefore, the City can not just go in and start
6 clearing the area. He advised that included in the 5-year citywide Master Plan for parks is a renewal of the
7 Mill Lake area for recreational purposes.

8
9 **3. CONSENT AGENDA:** None at this time

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11 **4. ORDINANCES – FIRST READING:** None at this time

12
13 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**

- 14
15 **A. ORDINANCE NO. 261:** An Ordinance of the City of Orange City, Florida,
16 amending Ordinance No. 157 of the City of Orange City, Florida; said Ordinance
17 being the existing Land Development Code of the City of Orange City, Florida;
18 amending said Land Development Code relating to Chapter 2, Definitions; Chapter
19 7, Site Plan Requirements, Review and Approval Procedures; Chapter 8 Zoning
20 Regulations; providing for codification, conflicts, severability and 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 **Councilmember Sherrill moved to adopt Ordinance No. 261 on second**
26 **and final reading, seconded by Vice Mayor Abell, and passed by**
27 **unanimous 7/0 roll call vote of the Council.**

- 28
29 **B. ORDINANCE NO. 268:** An Ordinance of the City Council of the City of Orange
30 City, Florida, amending Chapter 7, Health and Sanitation, of the Code of Ordinances
31 of the City of Orange City, by adding Section 7-6, Abandoned or Vacant Property,
32 and containing a repealer provision, a severability clause and providing for an
33 effective date.

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

37
38 **Councilmember DeVane moved to adopt Ordinance No. 268 on second**
39 **and final reading, seconded by Councilmember Yebba, and passed by**
40 **unanimous 7/0 roll call vote of the Council.**

41
42 **6. RESOLUTIONS:**

- 43
44 **A. RESOLUTION NO. 343-06:** A Resolution of the City Council of the City of
45 Orange City, Florida, amending the fees for the use of City-owned parks and
46 recreational facilities; repealing all resolutions or parts of resolutions in conflict
47 herewith; and providing for an effective date.

1 **Vice Mayor Abell moved to adopt Resolution No. 343-06, seconded by**
2 **Councilmember Sherrill.**

3
4 James Moltz, Parks & Recreation Superintendent, came forward and stated that the proposed resolution to
5 increase the existing usage fees is needed to ensure that adequate funds are available to keep the City's park
6 facilities in good repair. The fees are based on what similar sized cities, offering the same type of amenities
7 charge and what it actually costs to repair certain items. The resolution also addresses specific user fees for
8 the gazebo located in Dickinson Park. Mr. Moltz noted that most of the security deposits have been doubled
9 to better reflect the actual cost of maintaining the parks.

10
11 Councilmember Yebba noted that security deposits and fees do not actually stop an individual person from
12 using or damaging a park. Mr. Moltz concurred. Mayor Erwin pointed out that there are no restrictions on
13 individuals or families using the parks; however, exclusive use of a park or facility would require a security
14 deposit and the payment of a fee. In response to a question from Vice Mayor Abell, Mr. Moltz stated that
15 someone given exclusive use of a facility, such as the gazebo, would not prohibit anyone else from using the
16 park at the same time. Mr. Moltz advised that a notice is posted at the facilities indicating the times that it is
17 reserved for a specific use.

18
19 **Resolution No. 343-06 passed by unanimous 7/0 roll call vote of the**
20 **Council.**

- 21
22 **B. RESOLUTION NO. 344-06:** A Resolution of the City Council of the City of
23 Orange City, Florida, authorizing the City Manager to enter into a contract for the
24 purchase of property identified as Parcel Number 8014-02-02-0380 Montpelier Street
25 and 8014-02-04-0120 Waterbury Street; repealing all resolutions in conflict
26 herewith; and providing for an effective date.

27
28 **Vice Mayor Abell moved to adopt Resolution No. 344-06, seconded by**
29 **Councilmember Sherrill.**

30
31 Mr. McCue stated that the City had been notified by the State of Florida that surplus State property within the
32 City was going to be put up for sale. Florida Statutes give local governments the opportunity to purchase
33 surplus property before the land is offered to the public. Mr. McCue said that Resolution No. 344-06
34 authorizes him to enter into a contract for the purchase of two lots at \$850 per lot. He noted that by
35 purchasing the lots, the City would have some control over what type of development occurs in that area and
36 suggested that both lots would be great spots for City wells. Mr. McCue stated, "We just think that at this
37 stage of the game, for that value and where they're located in Orange City, it's a good investment of our
38 funds." Mr. Reischmann mentioned that the two lots could potentially be used for drainage sites in the future.

39
40 **Resolution No. 344-06 passed by unanimous 7/0 roll call vote of the**
41 **Council.**

- 42
43 **C. RESOLUTION NO. 345-06:** A Resolution of the City Council of the City of
44 Orange City, Florida, urging members of the Florida Legislature to support certain
45 issues during the 2006 legislative session.

46
47 **Councilmember Allebach moved to adopt Resolution No. 345-06,**

1 **seconded by Councilmember Yebba**

2
3 Mr. McCue stated that the City's support of the Florida League of Cities (FLC) legislative lobbying efforts
4 provides a benefit to the City in a generic manner. He suggested that the Council may want to focus more on
5 issues at the local level rather than on State issues and become more involved in the County Charter review
6 process. Mr. McCue advised that once the Charter Review Committee makes its' decision it goes directly to
7 the voters and not the County Council. He pointed out that there were some very specific issues being
8 addressed by the sub-committees and emphasized that local government leaders seem to have more input with
9 the sub-committees than City Managers and their staffs.

10
11 Mayor Erwin agreed that the Council should redirect their efforts towards the County Charter Review process
12 and noted that he has already appeared before the full Committee. He suggested that a staff person be
13 assigned to report and brief the Council on issues under consideration by the sub-committees. Linda White,
14 Community Relations Manager, said that she felt that the Interlocal Governmental Relations sub-committee
15 was one area that Council should focus on because they are dealing with how a Council governs their city; the
16 scope of power between a city and the County. Ms. White stated that she would inform the Council when
17 sub-committee meetings are taking place. Mr. McCue advised that he and Ms. White would coordinate a
18 notification process so someone would always be in attendance at the meetings considered to be of the
19 greatest importance to Orange City.

20
21 In response to a question from Councilmember Yebba, Ms. White stated that a County Attorney attends all
22 the Charter Review Committee meetings; however, the Committee's recommendations will go directly to the
23 voters. Councilmember Allebach noted that the Executive Board of the Volusia League of Cities is planning
24 a seminar so the Charter Review Committee can present their final report to all the local government
25 representatives.

26
27 Vice Mayor Abell questioned whether a City Council public information meeting could be scheduled so the
28 Council could discuss their point of view regarding the Charter Review process thereby keeping the citizens
29 informed on all the issues. Mr. McCue replied that he would meet with Ms. White to discuss how feedback
30 and information could be provided to the citizens and then report back to the Council.

31
32 **Resolution No. 345-06 passed by unanimous 7/0 roll call vote of the**
33 **Council.**

34
35 **7. DISCUSSION AND ACTION:**

36
37 **A. City Clerk's Evaluation**

38
39 Mayor Erwin noted that he had provided Council with a Performance Review form for the City Clerk's
40 evaluation. The Mayor reviewed the summary of evaluations and stated that Ms. Renner's overall evaluation
41 place her in the above-average category.

42
43 **Vice Mayor Abell moved to increase the City Clerk's annual merit**
44 **increase by 5% retroactive to October 1, 2005, seconded by**
45 **Councilmember Yebba.**

46
47 Councilmember DeVane said that she thought Ms. Renner does a great job and apologized for not getting her

1 evaluation turned in to the Mayor. She noted that the average merit increase for City employees is 3 ½ %;
2 with a 3% COLA increase on top of that. Councilmember DeVane pointed out that other than Mr. McCue and
3 Ms. Renner, no other employee can receive more than a 3 ½ % increase and stated that she didn't think it was
4 right for the Council to give two people a greater increase than all the other employees. She expressed that
5 she appreciates the help that Ms. Renner provides to her and stated, "But, just looking at it as a citywide thing,
6 the most that they can get is 3 ½ % and we've got two employees in the City that can get 5% only because
7 they work directly for us."
8

9 BEGIN TAPE 1-B
10

11 Vice Mayor Abell stated that he thought the department heads, Ms. Renner included, put in a lot of extra time
12 and effort that's not required of a salaried employee. He said that the Council ought to have the privilege to
13 adjust the City Manager and City Clerk's salaries as they see fit. Mayor Erwin stated, "It is not only a
14 privilege, it is our duty." He noted that three employees report directly to the City Council; the City Manager,
15 the City Attorney, and the City Clerk and that the Council determines the hiring practices, duties and
16 compensation for all three. The Mayor pointed out that Ms. Renner is very devoted to her job and that at
17 every function the City has she's in the forefront and steps forward to plan and assist in those activities. He
18 noted that the only way Council has to compensate Ms. Renner for all the time she puts in, in addition to her
19 being very good in her duties, is through Council's compensation evaluation each year.
20

21 Councilmember Sherrill concurred with the Mayor and Vice Mayor. Councilmember DeVane agreed that
22 Council has the right to adjust the merit for Ms. Renner and stated, "But, we just put all the City employees on
23 a 3% merit step program, so I just wanted to bring that out and let everybody know. We did it for the entire
24 City; we put them into a 3% maximum that they can get for a step program so I just wanted to make sure that
25 Council remembered that." Mayor Erwin pointed out that most of the employees are hourly employees and
26 get compensated overtime for their additional work. Councilmember DeVane noted that department heads
27 don't receive compensation.
28

29 **The motion passed by a 6/1 voice vote of the Council, with**
30 **Councilmember DeVane voting "no".**
31

32 **B. Partnership Center – Requesting an additional \$1.5 million**
33

34 Mr. McCue updated the Council on the funding contributions and estimated cost of the Partnership Center and
35 noted that the partnership is \$6 million short of the \$23 million needed to pay the full cost of construction at
36 this time. This means that the partners have to generate \$3 million in contributions which would be matched
37 by the State. Throughout the development of this project the partners have looked to the West Volusia
38 Chamber of Commerce to solicit the private sector for the \$3 million. He stated that unfortunately the fund
39 raising campaign has not been as effective or timely as was expected. However, recent discussions with the
40 Chamber indicated that they are committed to move forward with the fundraising.
41

42 Mr. McCue stated that if the partners wish to start construction on the Center this year it is incumbent on them
43 to provide an additional \$3 million to DBCC prior to February 8th in order to meet the deadline for State
44 matching funds. He identified several other options or alternatives available to the partners. Mr. McCue
45 noted that at a recent special meeting the Deltona City Commission voted to commit additional funds so the
46 project could move forward this year. He stated, "What we're doing is providing a "bridge loan" by putting
47 the money up at this stage of the game so DBCC will be able to move forward with the State matching funds

1 this year. It's a two to three year project and the money that we're putting in, out of a \$23 million project, the
2 last \$3 million that's going to be drawn down from and touched for construction will be in around two years
3 down the road, and that gives us the two years in the mean time, and the Chamber, and through some grant
4 processes at the Federal and State level, to make that money up over the next two years."
5

6 Mr. McCue stated, "What we're recommending, and what the City of Deltona agreed to do, is to float the
7 money, an additional \$1.5 million. We were originally talking \$1 million for the City of Orange City, \$1
8 million for the City of Deltona, and \$1 million for the City of DeBary. We've had some conversations with
9 the City of DeBary and I think that financially, at this time, they're not in a position to generate the \$1 million
10 to give, that's why we're putting it up to \$1.5 million. I don't want to cut them out of the process because in
11 February they're going to have a workshop on this issue so the way I phrased it and the way we would
12 approach a line of credit if the Council agreed, would be up to \$1.5 million." He advised that if the City of
13 DeBary decided to become full financing partners then the City would only be liable for \$1 million.
14

15 Mr. McCue emphasized that the partnership, comprised of seven separate organizational entities, has
16 committed a significant amount of funds to the project. He noted that no territorialism has entered into the
17 partnership which could destroy it and expressed that he didn't believe that the energy and excitement
18 regarding a regional partnership should be allowed to fall apart. Mr. McCue stated that if Council approves
19 the additional funding he would be working with Ms. White to raise the \$1.5 million so the City doesn't have
20 that liability in two or three years. He stated, "But, I think that if we don't take that risk at this stage, I think it
21 would probably be the beginning of the 'death knell' of the project and I'd really hate to see that happen."
22

23 Mayor Erwin noted that the project really begin to move forward about three years ago when DBCC joined in
24 with an offer to obtain matching grant funds. The Mayor spoke in support of moving forward now and noted
25 that if the project was delayed for another year the project costs would be greater and expressed that he felt
26 committing additional funds was a very low risk. He also noted that the Chamber has decided to hire a
27 professional fundraiser to manage the campaign.
28

29 David Bridgman, 719 Briarcliff Drive, came forward and stated that there is a huge amount of energy and
30 excitement about this project, not only in southwest Volusia, but in the entire County. Regionally, Seminole,
31 Orange, and Lake County residents are talking about the center and that numerous developers are poised to
32 make decisions on purchases of land in the next few months depending on whether the partnership center
33 continues to move forward. Mr. Bridgman stated, "The Chamber is every bit as committed as it was before
34 and probably more passionate now than ever. The Board of Directors for the Chamber of Commerce, we are
35 in charge of our Chamber and we are moving forward and fundraising will be a priority. We have budgeted it
36 this year, it's a line-item issue and we will be working hard. We are working with a fundraising group to give
37 us assistance because this is something new to all of southwest Volusia." He emphasized that the Chambers'
38 number one priority is the fundraising campaign.
39

40 Councilmember Yebba stated that this project is not new to the City; rather the City has been investing in
41 various projects without credit for years. He noted that the investment of vacant land back in the 1980's is
42 now coming to fruition. A number of years ago, when the City didn't have much money, they invested in a
43 water utility plant and then expanded it. Councilmember Yebba stressed that because of the City's foresight
44 in purchasing the water utility company the City was able to use that during recent negotiations with the
45 County. He stated, "So, what we're doing now is a little bit more money but it's nothing new for Orange City
46 and it's going to be good, not just for Orange City this time, but for this whole region and I'm ready to bridge
47 that loan and get this thing moving and working real hard so we don't have to spend it later."

1 Councilmember Sherrill concurred with the previous comments and stated that when this project was first
2 discussed three different size facilities were mentioned and that he supported constructing the largest facility
3 so it wouldn't be obsolete by the time it was built. He realized that because of the skyrocketing prices of
4 construction and materials the facility has had to be downsized but said he wholeheartedly supports continuing
5 the project. Councilmember Sherrill stated, "I think it's going to be one of the best things that could happen to
6 west Volusia County and I want to offer my appreciation to people like David Bridgman, the Chamber and all
7 the other entities involved in this partnership with us and I'd like to thank Deltona for stepping up to the plate
8 and continuing some leadership on this thing." He said this is the time for Orange City to increase the City's
9 contribution to keep the project moving forward.

10
11 Councilmember Mahoney stated that he had been concerned about the Chamber's commitment to the
12 fundraising efforts but that issue had been addressed to his satisfaction. He asked how certain staff was that
13 the State would match the \$3 million and if the grant was denied whether the City would be asked for more
14 money. Mr. McCue replied, "No, it's been secured." Mayor Erwin advised that the additional \$3 million in
15 matching funds from the State will come from this year's allocations if the February 8th deadline for the
16 partnership to raise the additional \$3 million is met.

17
18 Councilmember Allebach emphasized that it was important for the partnership to prove that they can work
19 together and complete the project. He stated, "I guess tonight's the night we get to prove that we can pull it
20 off." Councilmember Yebba said that he was very excited that the Deltona City Council voted to contribute
21 an additional \$1.5 million for the center.

22
23 **Councilmember Sherrill moved to authorize the City Manager to**
24 **execute all of the necessary documents to increase the City's Line of**
25 **Credit from \$1.5 million to \$3 million for the purpose of providing**
26 **DBCC with the additional funds required for State Matching this fiscal**
27 **year, seconded by Vice Mayor Abell, and passed by unanimous voice**
28 **vote of the Council.**

29
30 C. Miller-Legg Engineering and Survey Services – GEL Landfill

31
32 Mr. McCue referenced the aerial survey of the GEL Landfill and noted that the survey provided the exact
33 footprint, height, and elevation of the mound. The results of the survey indicate that the highest peak on the
34 mound is 121 feet and that the footprint is 20.21 acres. The permit allows a footprint of 15 acres and a height
35 of 125 feet. Mr. McCue stated that Miller-Legg will provide specific data regarding the permitted footprint,
36 the 3:1 slope ratio, volume, and height of the mound. Information from the analysis could then be used to
37 calculate the flows into the property and provide the City with a definitive projection on the life of the landfill
38 based on volume.

39
40 Mr. Reischmann pointed out that what's permitted by the Department of Environmental Protection (DEP)
41 includes volume also. If the volume is reached then it is the responsibility of DEP to inform GEL that they
42 cannot add any more landfill materials. He said that based on the estimates noted by Mr. McCue, it's quite
43 possible that the landfill has already reached its maximum permitted volume. Mr. Reischmann advised that
44 GEL could ask DEP for a bigger footprint and to increase the volume that they currently have and stated, "The
45 interesting response to that is that under State law, if they want to increase their footprint, they may be limited
46 because just beyond the boundaries of their permitted footprint is underground the old Lake Marie Class I
47 landfill and, as you may remember, is one of the most important issues at the time we were involved in that

1 substantial litigation with GEL and the DEP was whether or not the GEL landfill was currently sitting on top
2 of the old Lake Marie landfill. So, there's going to be a big issue and I think you can see from the agenda
3 packet one of the issues that we're going to be asking Mrs. Eger to look into is to superimpose upon the
4 survey the footprint of the GEL landfill as it's permitted; the footprint of the GEL landfill as it currently
5 exists; and the parameters, the footprint, of the old Lake Marie landfill. And, let's see where all that plays out
6 because if they're over the old Lake Marie landfill now, then there's all sorts of State regulations that kick in
7 about what they have to do, immediately."

8
9 Mr. McCue said that in his opinion the GEL landfill is already on the Lake Marie landfill. He reminded the
10 Council that GEL's current permit expires in August 2006 and stated that according to the permit, the
11 requirement is that once they finish one of the tiers of the slope they are supposed to put on 24 inches of final
12 cover. Mr. Reischmann pointed out that at the time of closure GEL has to have all of the material within the
13 permitted mound. Mr. McCue stated, "The biggest concern we have here is if they don't get an adjustment on
14 their 15 acre footprint, and they don't get an adjustment on the height, and they continue to allow 'flow' in
15 there, the likelihood is that they're going to have to remove that excess volume from the site. At that stage of
16 the game it becomes a lot more difficult enforcement action on the part of DEP, so the longer we wait to get
17 the volume data to DEP, the harder it becomes to adjust it and fix it."

18
19 Mr. Reischmann noted that he and Vice Mayor Abell went to DEP and reviewed the submissions from the
20 GEL engineer and found that his conclusions in 2003 and 2004 regarding how much material the landfill
21 could still accept and therefore the amount of time that the landfill could continue to operate actually
22 increased from 2003 to 2004. He stated, "When the Vice Mayor and I saw that we communicated with your
23 City Manager, we felt that it was only prudent for there to be some independent investigation submitted to
24 DEP so they could compare."

25
26 Mr. McCue stated, "We're not suggesting that this is information that we're attempting to generate for
27 potential litigation. Quite to the contrary, at least from my perspective, and I believe the conversations I've
28 had with Mr. Reischmann are, litigation is not the way to address the issue at this stage. The way to address it
29 is to recognize that what's going to convince DEP is a certified engineer that argues with the certified engineer
30 that GEL Corporation has using data analysis, technology, and all of those things."

31
32 Mr. McCue said that Orange City may be assisting the Federal District Five EPA because they are now
33 charged with the responsibility of testing the drinking water wells within a half mile of any existing, older and
34 operating landfill. He commended Miller-Legg for their work during the closure of the City's landfill, in
35 getting DEP to officially recognize and document that the directional flow of the groundwater goes from the
36 south side of the GEL landfill, in a northwesterly direction into the City's property. Mr. McCue noted that
37 DEP recognizes that if the old Lake Marie landfill begins to have problems, GEL will be held accountable
38 forever for any contamination.

39
40 Mr. Reischmann stated, "One of the key factual issues is that DEP says that if you put a C & D landfill, which
41 they consider to be much different than a Class I or garbage landfill, but if you put a C & D landfill on top of
42 an old garbage landfill, it is considered an expansion of the old garbage landfill. Now, that's important
43 because the standards that apply to a C & D landfill are much more generous; they're much more permissive
44 than the standards, the regulations that apply to a Class I landfill. The reason for that is that the materials that
45 are put into a C & D landfill are not deemed to be as hazardous as those materials that are put into a Class I
46 landfill, the garbage landfill, especially those materials that can leach down into the water."

47

1 Mr. Reischmann advised that Miller-Legg is also being tasked with assuring that DEP is continuing to monitor
2 the wells and to evaluate the results that may have come in since the last time the data was reviewed.
3 Councilmember Mahoney expressed his surprise that from DEP's perspective, it is debatable whether the
4 existing GEL landfill sits on top of the Lake Marie landfill. Mr. Reischmann responded that DEP's position
5 on that belief is what caused the City to reevaluate the strength of their case in the previous litigation process.
6 He stated, "Now, of course, what we're saying is that if there has been an expansion, a de facto expansion of
7 the GEL landfill that may change things." Mr. Reischmann noted that the records that existed in the 1970's
8 and 80's regarding the Lake Marie landfill are very different than the type of records that are required to be
9 kept regarding the landfill today.

10
11 **Councilmember Yebba moved to authorize the City Manager to execute**
12 **the Miller-Legg Inc. contract for a maximum amount of \$11,500,**
13 **seconded by Vice Mayor Abell, and passed by unanimous 7/0 voice vote**
14 **of the Council.**

15
16 Mayor Erwin recessed the meeting for a five-minute break.

17
18 BEGIN TAPE 2-A

19
20 **8. REPORTS:**

21
22 **A. City Manager**

23
24 Councilmember Yebba suggested again that the City look into building a boat ramp at Blue Spring State Park.
25 Mr. McCue responded that staff has been talking with a company that may be interested in putting an RV
26 type camping site in the park which may motivate the State to build a boat ramp. Councilmember Yebba
27 emphasized that the City needs to be more involved in the Manatee Festival. He recognized City staff for
28 their efforts in making the City look great and expressed that he was proud to live in Orange City. In
29 response to a question from Councilmember Yebba, Mr. McCue advised that someone could submit an
30 anonymous email to the City's website informing the Code Enforcement Officer of the address of an illegal
31 drug store.

32
33 Councilmember Sherrill noted that at the last Council meeting he had informed staff about broken concrete at
34 the corner of Rhode Island Avenue and Veterans Memorial Parkway and asked if anything had been done.
35 Mr. McCue replied that he would have Public Works staff pick up the concrete.

36
37 Vice Mayor Abell mentioned that in the November 17, 2005 Historic Preservation Board meeting minutes,
38 Planning Analyst Elaine Wilson discussed the City's need for more office staff for some departments and the
39 possibility of building a two or three story building within the City complex. He asked if this was an official
40 statement. Mr. McCue responded, "That is absolutely not even close to reality."

41
42 **B. Mayor/City Council**

43
44 Mayor Erwin reported that Council has received a copy of the WAV Executive Summary. Regarding the
45 Master Facility Plan, the Mayor stated that no major concerns have been raised by staff, so unless the Council
46 instructs him otherwise, he plans on voting for the Master Plan.

47

1 Mayor Erwin noted that at the VCOG meeting there was discussion regarding marinas and boatyards along
2 the coast. He noted that VCOG's lease was expiring so a committee has been formed to look for a new site
3 that is larger than the current facility.
4

5 Mayor Erwin reported that the Heritage Corridor Committee has received initial approval for \$45,000 towards
6 the Scenic Highway project and noted that in September the Florida Bike Association is holding a ten-day
7 event headquartered out of Cassadega and Lake Helen. Daily historical tours are scheduled for the group.
8

9 Mayor Erwin displayed the Beautification plaque for the gazebo that the City had received from the Chamber
10 of Commerce in December 2005.
11

12 Vice Mayor Abell reported that at the MPO meeting today they were informed that the Traffic Engineer for
13 Volusia County was going to start meeting with all the City Managers within the County to try and reach a
14 consensus regarding land use issues. Another discussion pertained to the ongoing negotiations taking place
15 with CSX Railroad for the light rail from DeBary/Orange City to Orlando.
16

17 C. City Clerk

18

19 Ms. Renner reminded everyone of the Manatee Festival this weekend and noted that the City would have a
20 booth at the festival again this year. She asked if any of the Councilmembers were interested in working at
21 the booth.
22

23 D. City Attorney

24

25 The City Attorney had nothing to report at this time.
26

27 9. APPROVAL OF MINUTES:

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29 **Vice Mayor Abell moved to approve the minutes of the January 10,**
30 **2006 Regular Council Meeting, seconded by Councilmember Sherrill,**
31 **and passed by a unanimous 7/0 voice vote of the Council.**
32

33 10. COUNCIL COMMENTS:

34

35 Councilmember Allebach referred to an article in a local newspaper in which the columnist commented
36 negatively about an incident that happened during a recent DUI checkpoint. He spoke in support of the
37 continuing the checkpoints and the Police Department's efforts.
38

39 Councilmember Allebach reiterated that the Manatee Festival is being held this weekend and said they would
40 welcome any help in expanding the festival in future years. He noted that he had done an interview with a
41 radio station in Ohio in which he talked about Orange City and the Manatee Festival.
42

43 11. ADJOURNMENT:

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45 There being no further business, Mayor Erwin adjourned the meeting at 9:10 p.m.
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RESPECTFULLY SUBMITTED:

Leslee Gustafson
Deputy City Clerk

APPROVED ON
