

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held on  
2 Tuesday, February 14, 2006, at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

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4 **CALL TO ORDER**

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6 The Meeting was called to order at 7:00 p.m. by Mayor Erwin and roll call was taken.

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8 **ROLL CALL**

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10 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Chuck Abell; Councilmembers Donald C. Sherrill,  
11 Anthony R. Yebba, Joelle R. DeVane, Jim Mahoney, Jeff H. Allebach, City Manager John J.  
12 McCue; City Attorney William Reischmann; City Clerk Deborah Renner.

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

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16 **1. PRESENTATIONS:** None at this time

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

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

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

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24 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:** None at this  
25 time

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27 **6. RESOLUTIONS:** None at this time

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29 **7. DISCUSSION AND ACTION:**

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31 **A. City Campus Master Plan**

32  
33 Mr. McCue said that over the years, there has been discussion regarding conducting a space/needs study, but  
34 no action has been taken in that direction as yet. He said that while renovations have been done to most City  
35 buildings, all that has been accomplished is “tweaking and tuning existing space.” Mr. McCue advised that  
36 a space study had been done about six years ago just before he came to work for the City, but that it has  
37 become outdated due to increased staff and services. He said that at this time, he is recommending that the  
38 City retain the services of an architect to assist staff with performing a space/needs analysis and to develop a  
39 conceptual plan for a “campus style” city government complex to be located where the City’s existing  
40 buildings are now. He said that he envisioned the new buildings to be of the same architectural style as  
41 Town Hall and the Red Cross Building. Each department would have their own building. A decorative-type  
42 stormwater pond may be located in the middle of the complex to deal with the drainage problems in the area.  
43 Low-profile signage would be located throughout the complex to direct residents to where they need to go.  
44 Mr. McCue stated that he was proposing that the services of Mr. Cunningham, one of the architects in the  
45 City’s “pool” be retained to develop the plan. He noted that Mr. Cunningham also wrote the specs for the  
46 Town Hall renovation. He said that he was forwarding Mr. Cunningham’s proposal to the City Council for  
47 direction and authorization to negotiate and execute an agreement with him.

1 Suzanne Brant, 248 E. Cherokee, came forward and said that whatever the City does should maintain the  
2 “small town flavor” of the area. Ms. Brant stated that when the property near Four Townes was annexed, it  
3 was never envisioned that there would be the intense development found in the area near Publix today. She  
4 said that she had heard from someone living behind Publix that there were drug dealers at the playground in  
5 the complex. Ms. Brant stated, “Whatever you do, I don’t want to see the density increase downtown. I  
6 want to see it stay residential and quaint.” She told Council that since the installation of all of the lights  
7 downtown, she can’t see the stars from her house any more. She noted that the City recently spent money  
8 on decorative improvements to the road even while the road is badly cracked. She advised Council to be  
9 cautious about how they spend the taxpayer’s money.

10  
11 Council Member Sherrill spoke in support of the space/needs study and Mr. McCue’s vision of the  
12 “government complex.” He stated that the proposed site is the “heart of the City.”

13  
14 Council Member Mahoney asked how long it would take for the architect to develop a design. Mr. McCue  
15 responded approximately four to six months. He emphasized the importance of planning the complex ahead  
16 of time and reassured Ms. Brant that all of the buildings would be “period-oriented” in the design and  
17 architectural focus of the campus. Council Member Mahoney asked whether Council could expect to see a  
18 request for funding in the next budget cycle. He expressed his concern regarding some financial liabilities  
19 the City has taken on and urged caution that the City does not “overextend” itself. Mr. McCue responded  
20 that once the concept and design have been approved, the complex would probably be a two or three-year  
21 project. The budget recommendation would probably come forward in two years with financing options to  
22 pay for the construction. Mr. McCue noted that the City is currently mortgage and debt-free and that the  
23 proposed project would require financing, most likely through a 30-year bond issue.

24  
25 Council Member Abell asked whether the decision by Council to move forward would mean that the City  
26 would be obligated for all of the tasks and expenditures listed in the contract. Mr. McCue responded that  
27 the contract was broken into “increments” and could be stopped at any time in the process by simply  
28 informing Mr. Cunningham, the architect. He clarified that the construction could be phased as well. The  
29 Vice Mayor expressed his concerns regarding the budget for these improvements.

30  
31 Council Member Yebba spoke in favor of the proposed study stating that it must be done in any case. He  
32 asked whether the proposed \$24,000 fee was the maximum amount that Council would be approving. Mr.  
33 McCue responded in the affirmative.

34  
35 Mayor Erwin spoke in support of the development of a conceptual plan at this time. He concurred with Ms.  
36 Brant’s comments that the style of the campus should compliment Town Hall and the other existing City  
37 buildings.

38  
39 Mr. McCue stated, “This is step one in a very long series of steps that would have to be accomplished before  
40 you’d actually have a product out on the land out here.” He said that once the conceptual plan is complete,  
41 Council could discuss financing and costs.

42  
43 Mayor Erwin said that he envisioned a complex similar to Port Orange’s with a lot of green space and easy  
44 access to the buildings, but in a different architectural style.

45  
46 **Council Member Yebba moved to authorize the City Manager to issue**  
47 **the architect a “Notice to Proceed,” seconded by Vice Mayor Abell, and**

1                   **passed by unanimous 7/0 voice vote of the Council.**

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3                   **B.       Discuss Participation in St. Johns River Cleanup Day**

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5 Mayor Erwin advised that the City has participated in this event for the past several years. He said that he  
6 has talked with staff and they are “ready to go.” James Moltz, Parks and Recreation Superintendent, came  
7 forward and said that in years past, the City has had a great turnout of volunteers to help with the cleanup.

8  
9                   **Council Member Sherrill moved to recommend consideration of \$300 for**  
10                   **the St. Johns River cleanup along with participation in the cleanup**  
11                   **activities, seconded by Council Member Allebach and passed by**  
12                   **unanimous 7/0 voice vote of the Council.**

13  
14 Mayor Erwin advised that former Council Member Gary Blair has offered to assist with the cleanup  
15 activities.

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17                   **C.       Garbage Franchise**

18  
19 Mr. McCue stated that the City’s franchise agreement with Waste Management for residential waste comes  
20 up for renewal this year and the deadline for notification to Waste Management of the City’s desire to  
21 renegotiate the contract or to solicit bids is approaching. He said that he was requesting Council’s direction  
22 as to whether to continue with the current service or to solicit bids. In addition, he was requesting direction  
23 as to whether or not to bill garbage collection fees on the ad valorem tax rolls. Mr. McCue said that this  
24 method would reduce the uncollectible rate which should translate into a savings for the City.

25  
26 Suzanne Brant, 248 E. Cherokee Circle, came forward and stated that she is “100% against putting it on the  
27 tax rolls.” She said that she experienced a 35% increase in her property taxes this year. She stated that the  
28 garbage bill would represent an additional \$384 added on to a resident’s property taxes and that she felt this  
29 would create a hardship for some of the people who are on a fixed income. Ms. Brant asked whether a  
30 “vacation” status was still available for garbage customers who were away part of the year. Mr. McCue  
31 responded that it is not. He said that the garbage bills do not affect the ad valorem tax rate in any way; it  
32 just affects the method for collecting the fee. Mr. McCue stated that Orange City is the only municipality in  
33 Volusia County that does not use the ad valorem method for collecting garbage pickup fees. Ms. Brant  
34 stated, ‘The irony of it is, is who now has the cost of collecting it? It’s not the private business who is, in  
35 fact, making a profit. But, it’s your government who has to now go out and collect the money. It would be  
36 the same people who aren’t paying their taxes who are not going to be paying their garbage bill.’ Ms. Brant  
37 noted that with this method, tax dollars are paying to collect income for the garbage service provider.

38  
39 Mayor Erwin corrected Ms. Brant’s assertion that the cost for residential garbage service is \$34 per month,  
40 stating that it is \$34 per quarter which equates to \$130 per year as opposed to \$384.

41  
42 Mr. McCue said that Orange City has “the best rates in southwest Volusia County.” He advised that the  
43 cities of Deltona and DeBary went out for bids for their garbage service last year and that their rates  
44 increased significantly. Ms. Brant said that her concerns were that the rates will increase and service will be  
45 decreased to only one pickup per week. Mr. McCue responded that he anticipates a rate increase in any  
46 case. Ms. Brant asked whether the City would have to pay the County to collect the fees on the ad valorem  
47 tax rolls. Mr. McCue responded that he was not proposing any type of service reduction in the number of

1 pickups per week. Ms. Brant stated, "Based on all of that, if we ask them for a bid will it increase our  
2 garbage?" Mr. McCue responded that that is the risk you take in competitive bidding.

3  
4 Mr. Reischmann advised that the current franchise agreement with Waste Management runs until December  
5 31, 2006. The agreement provides for one additional five-year term under the same terms and conditions as  
6 the current contract unless the contractor or the City gives notice that they wish to cancel or renegotiate.  
7 That notice must be provided no sooner than twelve months or no later than nine months. Mr. Reischmann  
8 stated, "We're almost right in the middle exactly of a three month window where either side can give written  
9 notice with delivery to the other side of an intent to cancel this franchise or renegotiate it." He said that if  
10 no notice is given, the franchise will automatically extend for an additional five years under the same terms  
11 in the current contract with the current escalators.

12  
13 Mayor Erwin said that it would be to the City's advantage to extend the agreement, but that he would not be  
14 surprised if Waste Management didn't request to renegotiate. The Mayor suggested that the City would be  
15 in a "more favorable economic position" by doing nothing. Mr. McCue said that he felt the current  
16 agreement would be hard to beat in a competitive environment. Mr. Reischmann noted that if nothing is  
17 done, the contract will renew for an additional five years.

18  
19 Mr. McCue noted that Charles Markley, District Manager for Waste Management was in the audience. He  
20 asked Mr. Markley if he would be willing to extend the contract for another five years or if they wanted to  
21 enter into negotiations. Mr. Markley said that Waste Management would respond within the required time  
22 frame. Mr. McCue stated, "I would say that we've got a good deal. I think also, it's important to recognize  
23 Waste Management's position here in Orange City. They're part of the business community here in Orange  
24 City and that's some consideration also." Mayor Erwin stated his hope that since Waste Management has  
25 been servicing the City for some time, they may be willing to continue the contract under the current terms,  
26 save for a modest increase. Mr. McCue said that the next time this issue is discussed, it would be in an  
27 executive session, not open to the public.

28  
29 Council Member Yebba said that he was pleased with Waste Management's service. Council Member  
30 Mahoney noted that the drivers are very aware of children in the neighborhood.

#### 31 32 **D. Annexation Strategy**

33  
34 Mr. McCue advised that the City has pursued the mail-out approach for annexations, and the responses have  
35 dwindled. He said that certain properties on 17-92 have been targeted and the City has been working with  
36 DeLand to bring sewer lines down 17-92. Mr. McCue said that he and Mr. Kerr have been trying to contact  
37 the new owners of the Four Townes Mall and Fitness World. He said that the time has come to enter into  
38 negotiations with the County for annexation of the many enclaves in the City. Mr. McCue advised that Mr.  
39 Kerr's conversations with the County were received fairly positively. He said that he has also been working  
40 with the County toward an agreement regarding code enforcement along the highways. Mr. McCue said  
41 the City has had discussions with the County Chairman regarding Orange City assuming maintenance for  
42 some of the County roads. Mr. McCue said that the best way to handle service delivery issues in some of  
43 the enclave areas is to annex them into the City. He requested feedback from Council on this new approach.

44  
45 Mayor Erwin noted that in the past, agreement between elected bodies could be reached on these types of  
46 issues, however, when they got to the staff level, they fell apart. He said that the County Manager is "well  
47 aware" of the issue.

1 Mayor Erwin stated that it appears direction from Council is to continue with this approach.

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3 **7. REPORTS:**

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5 **A. City Manager**

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7 Mr. McCue stated that he had no report.

8  
9 BEGIN TAPE 1-B

10  
11 Council Member Mahoney stated that he had received phone calls regarding the letter that was sent out with  
12 the water bills and asked for further information regarding that. Mr. McCue responded that the City had  
13 been contracting with Biometrics to perform required testing on the water system. Biometrics failed to  
14 perform the test for lead copper which is required every three years. Mr. McCue advised that the City no  
15 longer contracts with this company, and is doing the testing "in-house." Because of the missed test, the City  
16 will have to perform the test annually for the next three years. He said that the first test came back negative  
17 and that the City's water is "very clean."

18  
19 **B. Mayor/City Council**

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21 Mayor Erwin said that a planning meeting was held for the 125<sup>th</sup> anniversary celebration. Another meeting is  
22 scheduled for Friday and representatives from other groups in town have been invited. The Mayor said the  
23 event would probably be held in April 2007. He gave a rough outline of the proposed activities. The event will  
24 cover a ten-day period, beginning on a Friday night with activities at the gazebo in Dickinson Park. The Mayor  
25 said he hopes to have the Governor, or some prominent person, in attendance. There will be a concert that  
26 night and light refreshments. Saturday will be a parade which will begin mid-morning. At the conclusion of  
27 the parade, a "community dinner" will be held at Volusia County Baptist Church. Tickets to the dinner will be  
28 sold so that an accurate estimate of attendees can be developed. The City will be paying the major share of the  
29 cost for the dinner. Sunday, as well as during the week, are open for any other activities community groups  
30 wish to plan. The second Saturday the Black Bear Trail Festival will take place followed by a birthday party at  
31 Valentine Park on Sunday. Mayor Erwin stated, "We'll pick up the celebration part of it and we'd like some of  
32 these other organizations to concentrate on the historical part of it." Mayor Erwin noted that \$5,000 has been  
33 put away every year toward the anniversary celebration for a total of \$25,000. He advised that Mr. McCue,  
34 however, thought that an additional \$25,000 had been allocated for a total of \$50,000. Mr. McCue said that he  
35 would check with Christine Davis, Finance Director for the exact amount. The Mayor said that he felt that  
36 about \$75,000 would be needed. Mr. McCue said that he hoped to tie in a rededication of Town Hall into the  
37 ceremonies.

38  
39 Mayor Erwin stated that there is an important WAV meeting tomorrow during which the vote on the Master  
40 Facilities Plan will be taken. He said that he was not sure what the outcome of the vote would be. Mayor  
41 Erwin stated that there could be a postponement of the vote for another sixty days. He noted that adopting the  
42 plan now does not mean that it couldn't be changed at some point in the future. The Mayor advised that WAV,  
43 VCOG and the MPO are looking for new office space. He said that meetings could continue to be held at the  
44 Votran facility so that would decrease the amount of space required.

45  
46 Council Member Allebach noted that the Saint Johns River Water Management District (SJRWMD) had made  
47 some comments on the WAV master plan.

**C. City Clerk**

The City Clerk had no report.

**D. City Attorney**

The City Attorney had no report.

**9. APPROVAL OF MINUTES:**

**Vice Mayor Abell moved to approve the minutes of the January 24, 2006 Regular Meeting, seconded by Council Member Sherrill, and passed by a unanimous 7/0 voice vote of the Council.**

**10. COUNCIL COMMENTS**

Vice Mayor Abell advised that he will not be at the next Council Meeting.

Council Member Allebach thanked City staff and Council Members who helped out at the Manatee Festival. He noted that there was help from many organizations around town. There was good support from the Community at the Festival.

Council Member Yebba noted that one of the things people really seemed excited about at the Manatee Festival was the new Orange City High School. He said that he really appreciated the "brick sidewalks" around the City complex.

Council Member Mahoney thanked the City Clerk for her participation in the Manatee Festival and said that it was much more organized than he remembered it in years past.

**11. ADJOURNMENT**

There being no further business, Mayor Erwin adjourned the meeting at 8:10 p.m.

**RESPECTFULLY SUBMITTED:**

**APPROVED ON**

Deborah J. Renner, CMC  
City Clerk

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