

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held on  
2 Tuesday, May 9, 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; Council Members Donald C. Sherrill, Joelle  
11 R. DeVane (arrived at 7:02), Jeff H. Allebach, Acting City Manager Chief Herb Hoffman; City  
12 Attorney William E. Reischmann; City Clerk Deborah Renner.

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14 **ABSENT:** Council Members Anthony R. Yebba, Jim Mahoney; City Manager John McCue

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

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

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20 **2. CITIZENS COMMENTS:**

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22 Tom Laputka, 345 N. Oak Avenue, came forward and commended Public Works for their work removing a tree  
23 that had fallen in his neighborhood recently. Mr. Laputka requested that Council consider banning smoking at  
24 Rotary Park.

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

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28 **4. ORDINANCES – FIRST READING:**

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30 **A. ORDINANCE NO. 273:** An ordinance of the City of Orange City, Volusia County, Florida,  
31 amending the Orange City Code, Appendix A, Section 9.2.8 J by striking the word “trailer”;  
32 containing a repealer provision; severability clause and providing for an effective date.

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34 **Council Member Sherrill moved to adopt Ordinance No. 273 on first**  
35 **reading, seconded by Vice Mayor Abell.**

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37 Greg Lariscy, Community Improvement Supervisor, came forward and stated that the purpose of this ordinance  
38 is to “clean up” the existing regulations regarding portable signs. He advised that the current definition for  
39 portable signs references only “portable trailer signs.” The result of this is that nothing in the ordinance  
40 prohibits portable signs if they are not trailer signs.

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42 Council Member DeVane asked whether a lettered vehicle would be included in the definition of “portable  
43 sign.” Officer Lariscy responded that regulations regarding vehicles were covered in a different ordinance.

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45 **Motion passed by unanimous 5/0 roll call vote.**  
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1       **PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:** None at this time.

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

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5       **7. DISCUSSION AND ACTION:**

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7       **A. Rotary Park Splash Pad Amenity Selection**

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9       James Moltz, Parks and Recreation Superintendent, came forward and noted that Council had been provided  
10 with information regarding the different water options available for the planned splash pad at Rotary Park. He  
11 requested their input as to their preference on the variety of water amenities available. Mr. Moltz said that he  
12 talked to the Director of Public Works in Daytona Beach regarding their splash pad and was told that a lot of  
13 their features spray up and were subject to getting clogged by sand. He said they recommended using the  
14 umbrella/shower-type feature which was not as likely to experience sand intrusion. He also noted that if  
15 recycled water is used, the chlorinator tank is located next to the electrical panel causing it to break down  
16 frequently.

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18       Mayor Erwin expressed his preference for the “fan spray” model. Mr. Moltz explained that about seven to nine  
19 features would be included in the pad and that he recommended the “bubbler” model for smaller children. The  
20 area encompassed by the pad would be about a thirty-foot circle. Mr. Moltz advised that the project is still in  
21 the planning stages.

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23       Council Member Allebach noted that the taller features would entice children to climb on them increasing the  
24 likelihood of breakage. He also noted the disadvantages associated with the features that could be aimed and  
25 controlled by the children. Overall, Council Member Allebach said that he felt the features that come up from  
26 the ground would be the best, citing the “bubbler”, the “fan spray” and the “extreme jet manifold” as his  
27 choices.

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29       Vice Mayor Abell concurred with Council Member Allebach’s choices. He said that the water feature would  
30 be a very desirable improvement to the park.

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32       Mr. Moltz advised that he was meeting with the company who put in the walking trail in the park to get an  
33 estimate on their water features. He said they had installed splash pads at Sea World and Epcot.

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35       Mayor Erwin said that the only features he did not want were the “water bucket,” “water post” and “fire  
36 nozzle” styles.

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38       In response to a question from Vice Mayor Abell, Mr. Moltz stated that the recycled water would be  
39 chlorinated and maintained the same as a pool and would require daily testing.

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41       In response to a question from the Mayor, Mr. Moltz said that three other cities have splash pads and he has  
42 been and will continue to be in contact with them for information regarding potential maintenance and safety  
43 issues.

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45       **8. REPORTS:**

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47       **A. City Manager**

1 The Acting City Manager had no report.  
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3 **B. Mayor/City Council**  
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5 Mayor Erwin reported on the Charter Review Committee meeting he attended last night stating that there had  
6 been discussions on establishing a separate water authority and dissolving WAV, however, it appears they are  
7 backing off on that now. There also was discussion regarding changing the duties of the Chair, but no  
8 agreement could be reached on that subject so the Mayor did not anticipate any significant changes there. The  
9 third issue under discussion was the elimination of the “at-large” seat, reducing the number of seats to six with  
10 the Chairman having veto power in the event of a tie vote. Mayor Erwin expressed his support for keeping a  
11 seven-member Council, but replacing the at-large seat with another district, however, said that he did not think  
12 that would be the outcome. The Mayor noted that the Committee is running short on time to have this matter  
13 ready for the ballot in the fall. He concluded by stating “They’ve got a lot of work to do.”  
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15 The Mayor stated that he received a phone call this evening that the Water Management District decided to  
16 keep the minimum flows at Blue Spring to 135 for at least ten years. He stated, “That could be good or bad for  
17 us, depending on whichever way you want to look at it.” The Mayor advised that the west side of the County  
18 could benefit because it would mean an increased amount of water, however, it could be a disadvantage  
19 because it will decrease the urgency to secure alternate sources of water.  
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21 **C. City Clerk**  
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23 The City Clerk had no report.  
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25 **D. City Attorney**  
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27 Mr. Reischmann reported on the City’s meeting with the Volusia Growth Management Commission (VGMC)  
28 last week stating that both parties felt that progress was made. He stated, “We reached some agreements in  
29 principle that are going to be spelled out in a memorandum that I hope to be receiving this week from the staff  
30 and from the attorneys for the VGMC. Obviously, we’re going to want to share that with our planner, Mr.  
31 Sikorski and Mr. Renne who is our traffic consultant, to make sure that does not do anything to jeopardize the  
32 development of Orange City which is subject to the current pending comprehensive plan amendment.” A  
33 hearing on the comp plan before the VGMC is scheduled for May 24<sup>th</sup>. The desired outcome is an  
34 “unconditional certificate of consistency” from the VGMC. Mr. Reischmann stated that the comp plan  
35 amendment has been approved by the Department of Community Affairs.  
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37 **9. APPROVAL OF MINUTES:**  
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39 **Vice Mayor Abell moved to approve the minutes of the April 25, 2006 Regular**  
40 **Meeting, seconded by Council Member Sherrill, and passed by unanimous 5/0**  
41 **voice vote of the Council.**  
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43 **10. COUNCIL COMMENTS**  
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45 Council Member Allebach concurred with Mayor Erwin’s comments on the Charter Review Committee and  
46 stated, that they have “a long way to go.”  
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1 Council Member Sherrill commented on the Black Bear Festival stating that a good job was done by all those  
2 involved. He said that it was “outstanding.”  
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4 **11. ADJOURNMENT**  
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6 There being no further business, Mayor Erwin adjourned the meeting at 7:20 p.m.  
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10 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

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13 Deborah J. Renner, CMC  
14 City Clerk

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