

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held on
2 Tuesday, July 11, 2006, at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3
4 **CALL TO ORDER**

5
6 The Meeting was called to order at 7:00 p.m. by Mayor Erwin and roll call was taken.

7
8 **ROLL CALL**

9
10 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Chuck Abell; Council Members, Don Sherrill, Joelle R.
11 DeVane, and Jeff H. Allebach; Acting City Manager Chester Murray; City Attorney William E.
12 Reischmann; City Clerk Deborah Renner.

13
14 **ABSENT:** Council Members Tony Yebba, Jim Mahoney; City Manager John McCue

15
16 The Invocation was given by Council Member Abell, followed by the Pledge of Allegiance.

17
18 Mayor Erwin acknowledged Andy Kelly, Candidate for County Council District 1, who was in the audience.

19
20 **1. PRESENTATIONS:** None at this time

21
22 **2. CITIZENS COMMENTS:**

23
24 Michael Salzano, 2893 Doe Run Trail, came forward and talked about the weeds growing in the right of way
25 along Enterprise Road. Mr. Salzano noted that the sod that was recently laid in the area along Enterprise Road
26 from the DeBary City Limits to Saxon Boulevard was not put down properly. Mayor Erwin advised Mr.
27 Salzano that Enterprise Road is owned and maintained by the County, not Orange City, therefore, the City has
28 no jurisdiction over the rights of way. He suggested that Mr. Salzano contact Volusia County.

29
30 **3. CONSENT AGENDA:** None at this time

31
32 **4. ORDINANCES – FIRST READING:**

33
34 **A. ORDINANCE NO. 278:** An ordinance of the City of Orange City, Florida adopting a revised
35 classification and pay plan for the City of Orange City; containing a repealer provision, a
36 severability clause and providing for an effective date.

37
38 **Council Member Sherrill moved to adopt Ordinance No. 278 on first**
39 **reading, seconded by Vice Mayor Abell.**

40
41 Chester Murray, Acting City Manager, advised that the proposed pay plan amendment increased employee pay
42 in all steps by 6%, with the exception of contract (union) employees such as police officers.

43
44 Vice Mayor Abell expressed his support for the proposed change stating that he felt it would help the City to
45 retain its staff.

46
47 Mayor Erwin concurred and noted that it is not accurate to compare the duties of job titles in Orange City with

1 the duties of a similar title in another City.

2
3 Council Member Sherrill noted that the need for a pay plan revision had been discussed at length, and had
4 been partially implemented in December. He stated, "I am glad to see this come along and I'm highly in favor
5 of it as it stands."

6
7 In response to a question from Council Member DeVane, Mr. Murray stated that the average pay raise was
8 \$1,869. Council Member DeVane confirmed that the Fire and Police Departments were not included in this
9 revision because their pay had been adjusted with the previous revision. Chief Baskoff advised that the Police
10 Officer's pay was determined under the PBA contract. He said that the starting salary for a Police Officer
11 increased by 17% from \$10.13 to \$11.85 per hour.

12
13 **Motion passed by unanimous 5/0 roll call vote of the Council.**

14
15 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:** None at this
16 time

17
18 **6. RESOLUTIONS:**

19
20 **A. RESOLUTION NO. 355-06:** A resolution of the City Council of the City of Orange City,
21 Florida, to approve the final plat for the Orange City Village Center Subdivision; repealing all
22 resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

23
24 **Vice-Mayor Abell moved to adopt Resolution No. 355-06, seconded by**
25 **Council Member Allebach.**

26
27 Mr. Murray stated that the proposed development is a commercial subdivision, not a Planned Unit
28 Development (PUD), that will be located on 18.4 acres directly in front of Fawn Ridge.

29
30 Wendy Hickey, Planning and Zoning Analyst, came forward and provided a power point presentation on the
31 proposed development (a copy of which is attached and becomes a permanent part of these minutes). She
32 noted that the property is located directly in front of the Fawn Ridge Subdivision. There will be fifteen
33 commercial lots within the subdivision and a common retention area for the entire development. There are
34 three entry points: the main entrance is directly across from Summerhaven on Enterprise Road; the secondary
35 entrance is also on Enterprise Road, between Fawn Ridge and Summerhaven Drives; and the third entrance will
36 be off Fawn Ridge Drive. Ms. Hickey advised that all roads will remain privately owned by the Developer.

37
38 Mayor Erwin inquired about a traffic light at the main entrance on Summerhaven Drive. Mr. Murray
39 responded that Mr. Wanamaker is working with the County to accomplish that.

40
41 John Wanamaker, developer for the project, came forward to report that the traffic count resulting from the
42 most recent study does not warrant a light at this time. He advised that he has received the support of DeBary
43 and the Sheriff's office for the traffic light. Mr. Wanamaker said that he just paid to have another traffic study
44 conducted and is waiting to hear back from the County as to the results.

45
46 Ms. Hickey stated that the Planning Commission recommended imposing three stipulations on the project. Of
47 the three, only the Development Agreement and the Declaration of Covenants remain outstanding. These are in

1 the process of final draft by the City Attorney.

2
3 Mr. Reischmann stated that he reviewed the Developer's Agreement and the Covenant Restrictions and
4 provided his comments to Ms. Hickey to give to the Developer's attorney. The proposed conditions should be
5 attached to Resolution 356-06, the Final Master Plan. Mr. Reischmann clarified that the roads and retention
6 areas will ultimately be transferred to the Homeowners Association.

7
8 **Motion passed by unanimous 5/0 roll call vote of the Council.**

9
10 **B. RESOLUTION NO. 356-06:** A resolution of the City Council of the City of
11 Orange City, Florida, to approve a Final Master Plan for the Orange City Village
12 Center; repealing all resolutions in conflict herewith; and providing for an effective
13 date.

14
15 **Council Member DeVane moved to adopt Resolution No. 356-06,**
16 **seconded by Vice Mayor Abell.**

17
18 Mr. Murray pointed out that when this project was presented to the Planning Commission, several residents
19 from the Fawn Ridge Homeowners Association spoke in favor of the project and recognized the efforts of Mr.
20 Wanamaker. Mr. Murray noted that there will be deed restrictions requiring that any lot abutting residential
21 property be limited only to office space, no restaurants, or anything that will interfere with residential lifestyles
22 after 5 or 6 p.m. in the evening. Mr. Murray stated, "We feel confident that Mr. Wanamaker has gone the extra
23 mile in trying to put together a quality development that would be a nice asset to the City."

24
25 In response to a question from Vice Mayor Abell, Mr. Murray reiterated that any commercial or retail
26 businesses would be located at the front of the development along Enterprise Road, not in the area abutting the
27 Fawn Ridge residential neighborhood.

28
29 Council Member Sherrill applauded the efforts of the Mr. Wanamaker noting that he has always been amenable
30 to making changes that the City has recommended in order to make the project a success.

31
32 In response to a question from Council Member Allebach, Mr. Reischmann stated that the motion should be to
33 approve the Final Master Plan subject to final review and approval of the development agreement and the
34 covenants and restrictions.

35
36 **Council Member Allebach moved to amend the main motion to approve**
37 **the final Master Plan subject to review and approval of the Covenants**
38 **and Restrictions and Developer's Agreement by the City Attorney,**
39 **seconded by ~~Council Member Mahoney~~ Vice Mayor Abell and passed by**
40 **5/0 roll call vote of the Council. (amended on 7/25/06)**

41
42 **Motion to adopt Resolution No. 356-06 as amended passed by unanimous**
43 **5/0 roll call vote of the Council**

44
45 **C. RESOLUTION NO. 357-06:** A resolution of the City Council of the City of
46 Orange City, Florida, amending the Annual Operating Budget for Fiscal Year 2005-
47 2006 by adjusting revenue and expenses; repealing all resolutions or parts of

1 resolutions in conflict herewith; and providing for an effective date.

2
3 **Council Member Allebach moved to adopt Resolution No. 357-06,**
4 **seconded by Council Member DeVane.**
5

6 Christine Davis, Finance Director, came forward and stated this amendment encompasses all known factors
7 impacting the current year's budget through April. The total amount being amended for General Fund is
8 \$1,502,850 of which \$1,057,500 represents the balance remaining in the credit line for the Partnership Center,
9 minus \$7,500 for the additional irrevocable letter of credit issued to DBCC this year. Ms. Davis noted that the
10 only item affecting the fund balance is the \$220,000 carried forward for the fire truck. She advised that
11 although the order for the truck was placed in FY 04/05, the City did not take delivery of the truck until
12 November, putting it into the current fiscal year. The fund balance estimated to be used remains as \$157,815.

13
14 Mayor Erwin noted an adjustment in the Interest Earnings line item in the amount of \$96,000 and asked what
15 the reason for that was. Ms. Davis responded that it was due to increases in interest rates and is directly related
16 to the amount of cash in the bank. Mayor Erwin noted that the amount is over double the budgeted amount and
17 stated, "My question is did we anticipate right in the original budget?" Ms. Davis responded that interest rates
18 had been running very low for the previous eighteen months.

19
20 Mayor Erwin noted that Engineering Services was \$30,000 over budget in the Development Services
21 Department. Mr. Murray responded that these costs would be passed along to the Developers. Mayor Erwin
22 advised that the line item was going to be double the original amount and again questioned whether it had been
23 budgeted properly.

24
25 Mayor Erwin questioned the amount of \$64,000 for disaster expenses. Ms. Davis responded that that amount is
26 for items that were being disputed through all three storms. She said it represents a final negotiated figure
27 taking into account discrepancies that the City identified. In response to a question from Mayor Erwin, Ms.
28 Davis said that a great deal of this amount had been reimbursed by FEMA.

29
30 Mayor Erwin next questioned why the amount for equipment maintenance in the Fire Department was so high.
31 Ms. Davis responded it was due to a major repair to Engine 68.

32
33 In response to a question from Mayor Erwin regarding the overage in paved streets maintenance, Ms. Davis
34 stated that the overage was due to the installation of the cross walks on Graves Avenue.

35
36 The Mayor noted that electric utilities expense was over budget by \$90,000, almost double the original amount.
37 Ms. Davis attributed the increase to increased fuel costs.

38
39 Regarding the adjustment in the capital improvement budget, Ms. Davis explained that the \$220,000 was for the
40 Fire Truck as discussed earlier.

41
42 Mayor Erwin asked why \$67,000 was being transferred from the Excise Fee Fund when nothing had been
43 budgeted originally. Ms. Davis responded that the fund balance had been running at about \$300,000 for the
44 past three years and staff felt it was prudent to utilize those funds for capital improvements while still
45 maintaining a "healthy" fund balance.

46
47 In conclusion, Mayor Erwin stated, "I can't understand how these large expenses move up during the year that

1 weren't anticipated in the budget process."
2

3 **Motion passed by unanimous 5/0 roll call vote of the Council**
4

5 **D. RESOLUTION NO. 361-06:** A resolution of the City Council of the City of
6 Orange City, Florida, adopting a proposed millage rate for the 2006-2007 Fiscal
7 Year; establishing the date, time, and place for a public hearing on the proposed
8 millage rate and the tentative budget; directing communication; expressing
9 legislative intent; repealing all resolutions in conflict herewith and providing for an
10 effective date.
11

12 **Council Member Sherrill moved to approve Resolution No. 361-06,**
13 **seconded by Council Member Allebach**
14

15 Mr. Murray stated that staff is requesting that the millage remain at the current rate. He reminded Council that
16 the rate could be adjusted downward if necessary, however, could not be increased from the tentative rate.
17 Mayor Erwin disagreed stating that there is a process involved, but that the rate could be increased.
18

19 Vice Mayor Abell asked whether there was a possibility that the millage rate could be lowered. He noted that
20 he has been hearing that everyone's collections are increasing and stated, "I would like to see some of that flow
21 back in a downward trend to the taxpayers if we could." Mr. Murray responded that every effort would be
22 made to bring forth the most conservative budget possible.
23

24 Council Member Allebach noted that the cost of everything is increasing and questioned the wisdom of giving
25 back too much. Mr. Murray said that details could be examined and discussed, and reiterated that setting the
26 tentative millage at the current rate gives the City the flexibility to go down.
27

28 Mayor Erwin concurred with Council Member Abell and stated, "The more money you have, the more you're
29 going to spend." He spoke in support of lowering the millage, noting that property values have increased an
30 average of 24%.
31

32 Council Member Sherrill also spoke in support of a reduction in the millage rate.
33

34 **Motion passed by unanimous 5/0 roll call vote of the Council.**
35

36 **7. DISCUSSION AND ACTION:** Nothing at this time.
37

38 **8. REPORTS:**
39

40 **A. City Manager**
41

42 Mr. Murray stated that he had no report, but would attempt to answer any questions that Council may have.
43

44 Council Member Sherrill asked if the problems with Blue Springs Villas had been rectified since the recent
45 meeting with the Developer. Mr. Murray responded that he, Mr. Reischmann and other staff members met with
46 the Homeowners Association to inform them what the City was doing. The City has made demands on the
47 Developer's surety bond. The Developer has started to replace some of the trees. Mr. Murray stated that the

1 City is paying very close attention to this issue and will continue until all problems are rectified.
2

3 **B. Mayor/City Council**
4

5 Mayor Erwin reported that he was not able to attend the last WAV meeting, but gave a recap. He advised that
6 there was a motion made to dissolve WAV. The motion was subsequently withdrawn because it requires a vote
7 of all members and Orange City was not present. A motion was made and passed to amend the interlocal
8 agreement to require a seventy-five percent vote to dissolve WAV. This amendment requires a sixty-day
9 waiting period and will be acted upon at the August 23, 2006 meeting.
10

11 Mayor Erwin expressed his opinion that WAV is not going to survive. The Mayor said that there will be
12 another meeting prior to the August 23rd meeting and that unless directed otherwise by Council, his vote will be
13 “no” on the amendment and on dissolving WAV at this time.
14

15 Mayor Erwin stated that at the July meeting of WAV there will be several critical items that will have to be
16 taken up in anticipation of the dissolution of WAV. The first would be financial obligations to be discussed by
17 the Finance Director. The second would be discussion of legal obligations with the attorney, and third is
18 discussion with the St. John’s Water Management District about dissolving WAV. Also, there has been talk of
19 reorganizing WAV and changing the Interlocal Agreement to make it more reasonable. Mayor Erwin stated,
20 “Any reorganization done by the present group will result in a weaker organization, not a stronger one.” He
21 reiterated his intent to vote “no” on the move to dissolve WAV at this point.
22

23 Vice Mayor Abell said that he read in the paper that there have been discussions by the County Council
24 regarding assuming WAV’s responsibilities.
25

26 Mayor Erwin reported that there was a County Charter Review Commission Meeting last night which included
27 discussion about water issues. The Commission will have to make progress within the next few meetings in
28 order to have its recommendations to the Council by August 2nd. Regarding water, it is anticipated that the
29 Committee will include a proposal on water which will dictate that the County get involved with planning.
30 Discussion took place regarding the structure of County government, however, no action was taken. Three
31 reorganization plans were discussed: (1) reduce the council to five districts with an elected Chair and the
32 Chair’s vote will prevail in case of a tie; (2) have six districts with a Chair; and (3) to leave things as they are.
33

34 **C. City Clerk**
35

36 The City Clerk had nothing to report.
37

38 **D. City Attorney**
39

40 Mr. Reischmann reported that the City continues to monitor the DEP efforts to seek complete closure of the
41 GEL Landfill. GEL is placing the final cover over a substantial portion of the landfill and that is consistent
42 with the timetable that the DEP has established for that particular portion of closure. Mr. Reischmann noted
43 that there is substantial activity on the western side of the property which is the recycling portion of the facility.
44 He said that he believes that there has not been enough scrutiny by DEP. Mr. Reischmann stated that staff has
45 retained the services of special counsel to investigate opportunities for the City to impose Land Use restrictions
46 on the operation. He said that he was expecting comments from Mr. Watts in the immediate future.
47

1 Mayor Erwin observed that he has never seen a loaded truck leaving the facility, which is inconsistent with a
2 recycling operation.

3
4 Mr. Abell stated there seems to be a third mound developing on the property which is growing every day. Mr.
5 Reischmann responded that there are various piles as they sort through the recycling material, according to the
6 operations plan that GEL has submitted to DEP, all of that is going to be removed and taken to other sites
7 eventually.

8
9 Mr. Abell asked about the progress of the road buffers that were to go up on the west side of Leavitt to keep
10 people from parking on the right of way. Mr. Murray responded that it is a Community Development Block
11 Grant (CDBG) project which will be handled by the county. Paul Johnson, Public Works Director, stated that
12 the County did the initial work for the placement of the guard rails that will be installed on both the east and
13 west side of the road from south of Shadick Drive at Georgia Avenue to Rhode Island Avenue. The target date
14 for completion of the project is the end of July.

15
16 Mr. Reischmann reported that he and City staff, appeared before the Volusia Growth Management Commission
17 (VGMC) last month.

18
19 BEGIN TAPE 1-B

20
21 Another meeting with VGMC staff is scheduled for Friday. Mr. Reischmann expressed his optimism that
22 things will move forward very quickly towards achieving the City's Certificate of Consistency. If that is not
23 the case, the City will proceed with the public hearing that is scheduled for mid-August. Mr. Murray stated
24 that Mr. Reischmann was successful in limiting the scope of any further discussion about the City's
25 comprehensive plan amendment to very specific items. Mr. Reischmann advised that the final issue will be the
26 impact of traffic on county roads within the land that is included in the comprehensive plan amendment.

27
28 Mayor Erwin stated the traffic engineering firm uses a model that is accepted throughout the state of Florida,
29 including the DOT. The County doesn't use a state-accepted model because they have their own. Mr.
30 Reischmann noted that it was very persuasive to some members of the VGMC when it was revealed that the
31 DOT had no problems with the City's proposed amendment.

32
33 **9. APPROVAL OF MINUTES:**

34
35 **Council Member Allebach moved to approve the minutes of the June 27,**
36 **2006 Regular Meeting, seconded by Vice Mayor Abell, and passed by**
37 **unanimous 5/0 voice vote of the Council.**

38
39
40 **10. COUNCIL COMMENTS**

41
42 Council Member Allebach gave "kudos" to the City for their planning and participation in the Freedom Festival
43 Activities, stating that the efforts made for a very successful event. Council Member Allebach noted that there
44 is a blood drive tomorrow.

45
46 Council Member Sherrill agreed and commended the Public Works staff members built the outstanding float
47 for the parade. He stated, "I would like to see more council members participate in these events, not just the

1 usual two or three.”

2

3 Vice-Mayor Abell stated that he has received complaints regarding lots that have become so overgrown that
4 they are obstructing the sidewalk. He requested that Code Enforcement look into the matter. The Vice Mayor
5 said that he enjoyed the 4th of July festivities stated, “the food was good and we all had a good time.”

6

7 Mayor Erwin congratulated everyone who participated in the Freedom Festival. He commended staff, Council
8 Members and citizens who did a good job in all the events. The Mayor gave special thanks to Public Works
9 and the individuals who were involved in the art work on the float stating that it was “phenomenal.”

10

11 **11. ADJOURNMENT**

12

13 There being no further business, Mayor Erwin adjourned the meeting at 8:03 p.m.

14

15

16

17 **RESPECTFULLY SUBMITTED:**

18

19

20 Deborah J. Renner, CMC
21 City Clerk

APPROVED ON
(as amended)

7/25/06