

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, July 25, 2006, at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,  
3 Orange City.

4  
5 **CALL TO ORDER**

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

8  
9 **ROLL CALL**

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

14  
15 **ABSENT:** Council Member Joelle R. DeVane

16  
17 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

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

20  
21 **2. CITIZENS COMMENTS:**

22  
23 Ron Saylor, 361 Dixon Street, came forward and indicated that he was happy to hear at the last  
24 meeting, that the Council is concerned about giving money back to the taxpayer. He stated that he  
25 agreed with getting some sort of rollback if possible. However, he asked that the Council consider  
26 moving forward with some of the proposed projects in the budget before the cost goes higher and  
27 maybe save the taxpayer some money in the next ten years.

28  
29 **3. CONSENT AGENDA:** None at this time

30  
31 **4. ORDINANCES – FIRST READING:**

32  
33 **A. ORDINANCE NO. 275:** An ordinance of the City of Orange City, Florida,  
34 amending Section 8.3 of the City's Land Development Code, said Section  
35 being the Official Zoning Map of the City of Orange City, Florida; said  
36 amendment changing the zoning classification of the Liberty Square  
37 property, consisting of approximately 36.04 acres generally located within  
38 the southwest quadrant of Graves Avenue and South Kentucky Avenue; from  
39 its present zoning classifications of Low Density Residential (R-1), Medium  
40 Density Residential (R-3), Commercial Neighborhood (CN) and Rural  
41 Residential (RR) to Residential Planned Unit Development (RPUD);  
42 containing a repealer provision, a severability clause and providing for an  
43 effective date.

44  
45 **Council Member Sherrill moved to adopt Ordinance No.**  
46 **275 on first reading, seconded by Vice-Mayor Abell.**

47 Elaine Wilson, Planning and Zoning Analyst came forward and advised that there are four items on

1 the agenda concerning the proposed project. She asked if Council wanted her to present all four  
2 items at the same time. Council indicated that they did.

3  
4 Ms. Wilson provided a PowerPoint presentation on the proposed development (a copy of which is  
5 attached and becomes a permanent part of these minutes). Referring to the R-PUD, she noted that  
6 the project site is on Graves and Kentucky Avenues and extends west to Veterans Memorial  
7 Parkway. There will be 292 town homes and a commercial area. At this time, the B-PUD includes  
8 an "L" shaped property with frontage along both Graves Avenue and Veterans Memorial Parkway  
9 that surrounds the Volusia County drainage pond. The developer is in negotiations with the County  
10 to buy this property and plans to take the storm water drainage that is currently being handled by the  
11 pond and include it into the Master Plan. Ms. Wilson noted that the B-PUD is not being presented at  
12 this time. The project includes three entry points: the main entrance directly off Graves Avenue, the  
13 secondary entrance on Kentucky Avenue and the third entrance on Veterans Memorial Parkway.  
14 The commercial area will have gates dividing it from the residential area. Ms. Wilson noted that  
15 staff has spent substantial time working with the developer on a plan that was agreeable to both  
16 parties.

17  
18 Mayor Erwin asked who would be responsible for maintaining Kentucky Avenue if it is used for  
19 ingress/egress. Ms. Wilson responded that Kentucky Avenue is a private road and as such, it is the  
20 responsibility of the property owners to maintain the road. Mayor Erwin asked whether the  
21 Developer had received permission to use Kentucky Avenue. Ms. Wilson responded that the  
22 proposed development is part of the original PUD, which also included Sherwood Oaks and Country  
23 Village. She stated, "In the original document, the access is there for all of the properties along  
24 there."

25  
26 John McCue, City Manager, clarified that using Kentucky Avenue as an entrance will increase  
27 traffic on that road, and inquired if the developer made any agreements with the owners of the  
28 property for maintenance of the road. Ms. Wilson responded in the negative and stated that the  
29 developer has dedicated a 30 foot easement along Kentucky Avenue to the City for future use.

30  
31 Chester Murray, Development Services Director, noted that the Diland Corporation prepared the  
32 original PUD and agreed to maintain Kentucky Avenue. He advised that subsequently, the Diland  
33 Corporation sold the property to four separate owners and went out of business. No one since has  
34 assumed responsibility for the road. The City owns limited portions of right of way. Mr. Murray  
35 suggested that maintenance of that portion of Kentucky Avenue should fall to the Homeowners  
36 Association unless and until the City takes over the road.

37  
38 Mr. Reischmann inquired if access to the property via Kentucky Avenue was required in order to  
39 meet the City's code. Mr. Murray responded that primary entrance will be off Graves Avenue with  
40 Kentucky as an alternate (secondary) entrance. The entrance from Veterans Memorial through the  
41 commercial area will be added later.

42  
43 Mayor Erwin suggested that there would be "considerable" morning traffic on Kentucky as a result  
44 of the proposed development.

45  
46 Council Member Sherrill noted the ongoing issues with the maintenance of Kentucky Avenue and  
47 suggested that a special assessment be used to pay for the needed improvements. He stressed the

1 need to get all parties to the table regarding this matter. Council Member Sherrill stated, "I'm all for  
2 this development, but I'm all for straightening out the problems we've got with Kentucky Avenue."  
3

4 Mr. McCue advised that Kentucky Avenue is on private property and stated that the City has no  
5 authority to do anything there without the permission of the owners. He advised that he would work  
6 with the property owners to attempt to get them to commit resources to the road. He expressed his  
7 frustration with previous efforts to engage the property owners in discussion regarding maintenance  
8 of the road. He asked that Council give him and staff an opportunity to work on this issue further.  
9

10 Mayor Erwin suggested that the entrance on Kentucky should not be opened until such time as the  
11 situation can be worked out. Mr. Reischmann inquired as to whether the project could meet City  
12 code without the access on Kentucky Avenue. Mr. McCue responded in the affirmative. Mr.  
13 Reischmann reiterated that Kentucky Avenue is a strip of privately owned land that connects two  
14 public roads. He said the first step is to determine who owns the land under Kentucky Avenue and  
15 what rights they have as far as access. Mr. McCue suggested that if the access on Kentucky is not  
16 required under the code, it could be constructed as an emergency access only.  
17

18 Mr. Reischmann clarified that if the R-PUD moves forward, Veterans Memorial will serve as the  
19 second access even if the B-PUD does not move forward. Both Mr. McCue and Mr. Murray  
20 confirmed that the access will be in place as part of the residential phase.  
21

22 Council Member Sherrill asked whether the developer could be required to commit to paying their  
23 share of the needed improvements to Kentucky Avenue as part of the project approval. Mr. Murray  
24 stated that the developer has agreed to dedicate an additional thirty feet to the City if and when the  
25 road is built. Mr. McCue clarified that they do not have any ownership of Kentucky Avenue as it  
26 now stands.  
27

28 Mayor Erwin suggested that the project could be approved with the understanding that the entrance  
29 on Kentucky Avenue could be opened at some time in the future. The Mayor clarified that the  
30 ordinance currently under consideration deals only with the rezoning. Council Member Mahoney  
31 suggested that access points could be considered a zoning issue as one of the criteria is that you must  
32 consider the impact on the use or value of the affected area. Mayor Erwin responded, "If no  
33 development order is issued, there is no development." Mr. Reischmann said that what must be  
34 considered is what is the impact of the general allowed uses in the zoning category and that issues  
35 such as access are considered in the site plan and master plan.  
36

37 Council Member Mahoney noted an error on the Ordinance, advising that all references to R-3  
38 zoning should be changed to R-2. Mr. Reischmann concurred and stated that a scrivener's error is  
39 being corrected and that every reference to R-3 shall be changed to R-2.  
40

41 Mayor Erwin asked if the City would incur any liability if the development is approved now and the  
42 comprehensive plan amendment is not approved. Mr. Reichmann responded the ordinance will  
43 never become effective if the amendment is not approved. He advised that the effective date on all  
44 of the four legislative actions under consideration are contingent upon approval of the comp plan  
45 amendment.  
46

47 Vice Mayor Abell asked when the comprehensive plan will be submitted to the Department of

1 Community Affairs (DCA). Mr. McCue responded that it is contingent upon the Volusia Growth  
2 Management Commission (VGMC) proceedings which will take place on August 23<sup>rd</sup>. He advised  
3 that the amendment has been in process for over two years. He discussed the City's issues with the  
4 VGMC and stated that the plan would be transmitted to DCA immediately following the hearing if  
5 the outcome is favorable and that it would then become effective in thirty days.

6  
7 **Motion passed by unanimous 6/0 roll call vote of the Council.**

- 8  
9 **B. ORDINANCE NO. 276:** An ordinance of the City of Orange City, Florida,  
10 amending Section 8.3 of the City's Land Development Code, said Section  
11 being the Official Zoning Map of the City of Orange City, Florida, said  
12 amendment changing the zoning classification of the Liberty Square  
13 property, consisting of approximately 1.31 acres generally located within the  
14 southeast quadrant of the intersection of Graves Avenue and Veterans  
15 Memorial Parkway, from its present zoning classification of Rural  
16 Residential (RR) to Business Planned Unit Development (BPUD), containing  
17 a repealer provision, a severability clause and providing for an effective date.

18  
19 **Council Member Abell moved to adopt Ordinance No. 276**  
20 **on first reading, seconded by Council Member Mahoney.**

21  
22 Mayor Erwin noted that this is not a major rezoning project and asked whether it could move  
23 forward. Mr. Reischmann responded the zoning for B-PUD would not be consistent with the current  
24 future land use under the comprehensive plan, therefore an amendment is necessary to allow the B-  
25 PUD. He explained that every rezoning has to be consistent with the comprehensive plan regardless  
26 of the size of the property.

27  
28 BEGIN TAPE 1-B

29  
30 **Motion passed by unanimous 6/0 roll call vote of the Council.**

- 31  
32 **C. ORDINANCE NO. 277:** An ordinance of the City of Orange City, Florida,  
33 amending Section 8.3 of the City's Land Development Code, said Section  
34 being the Official Zoning Map of the City of Orange City, Florida; said  
35 amendment changing the zoning classification of the Hospice property,  
36 consisting of approximately 5.03 acres of property generally located within  
37 the northwest quadrant of Veterans Memorial Parkway and East Iris Drive;  
38 from its present zoning classification of MX-2 Mixed Use to (B-PUD)  
39 Business Planned Unit Development; containing a repealer provision, a  
40 severability clause and providing for an effective date.

41  
42 **Council Member Mahoney moved to adopt Ordinance No. 277**  
43 **on first reading, seconded by Council Member Sherrill.**

44 Jim Kerr, Assistant City Planner, came forward and presented a power point presentation of the  
45 Hospice rezoning (a copy of which is attached and becomes a permanent part of these minutes). He  
46 noted that to the west of the property is the Volusia County wastewater treatment plant, Bennett  
47 Park to the north and Volusia County property to the east. Mr. Kerr advised that staff and the

1 Planning Commission have recommended that the City Council consider adoption of Ordinance 278,  
2 thereby rezoning the hospice property from MX-2 Mixed Use to B-PUD Planned Unit Development.  
3 Mr. Kerr stated that final reading of Ordinance No. 277 will be presented to Council on August 8<sup>th</sup>,  
4 along with a resolution approving the master development plan.  
5

6 Mayor Erwin asked whether Iris Drive was to be a through road from 17-92 to Veterans Memorial.  
7 Mr. Kerr responded that there are no plans for that at the present time. Mr. Murray stated that Iris  
8 Drive runs the entire length of the "Zemel" property and as suggested that as development occurs,  
9 staff anticipates that Iris Drive will eventually extend to 17-92.  
10

11 Council Member Yebba asked when the County would be doing something with the wastewater  
12 plant. Mr. McCue responded that they have begun to slowly phase out the plant. He said that he did  
13 not anticipate any action in the near future.  
14

15 **Motion passed by unanimous 6/0 roll call vote of the Council.**  
16

17 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**  
18

19 **ORDINANCE NO. 278:** An ordinance of the City of Orange City, Florida  
20 adopting a revised classification and pay plan for the City of Orange City;  
21 containing a repealer provision, a severability clause and providing for an  
22 effective date.  
23

24 Mayor Erwin read the title of Ordinance 278 into the record and opened the Public Hearing by  
25 asking if anyone wished to speak in favor of or in opposition to this Ordinance. No one appeared.  
26 The Mayor closed the public hearing.  
27

28 **Council Member Allebach moved to adopt Ordinance No. 278**  
29 **on second and final reading, seconded by Council Member**  
30 **Yebba.**  
31

32 Council Member Allebach noted that, based on the revised memorandum provided by Mr. McCue,  
33 Council is enabling city personnel to be provided with more compensation and a better opportunity  
34 at less cost than previously expected.  
35

36 **Motion passed by unanimous 6/0 roll call vote of the Council.**  
37

38 **6. RESOLUTIONS:**  
39

40 **A. RESOLUTION NO. 358-06:** A resolution of the City Council of the City of  
41 Orange City, Florida, to approve the Preliminary Plat for the Liberty Square  
42 Subdivision; repealing all resolutions or parts of resolutions in conflict herewith;  
43 and providing for an effective date.  
44

45 **Council Member Sherrill moved to approve Resolution No.**  
46 **358-06, seconded by Vice Mayor Abell.**  
47

1 Ms. Wilson advised that information is missing from preliminary plat, noting such items as  
2 addresses, telephone numbers, and adjacent land use. She assured Council that before the final plat  
3 is approved, all corrections will be made. Mr. McCue stated the State requirements for the plat have  
4 been met, but local code requirements were not. Mr. McCue suggested that if the resolution is  
5 approved tonight, it be with the condition that the plat meet city code and any other conditions  
6 Council should prove to impose tonight. As an alternative, the item could be tabled. He stated that  
7 if the plat is approved tonight, it will be with the condition that has been deemed by the City  
8 Attorney as meeting code. Alternately, the plat can be tabled and brought back at a later date.

9  
10 Mayor Erwin expressed his preference to postpone this item until the next Council meeting.

11  
12 Mr. Reischmann recommended that before final approval of the preliminary plat that any approval  
13 from Council be conditioned upon the preliminary plat being consistent with the City's land  
14 development regulations.

15  
16 In response to a question from Mayor Erwin, Mr. Reischmann advised that the issue of Kentucky  
17 Avenue access is not relevant to Council's consideration of the preliminary plat, rather it would be  
18 part of the final master plan.

19  
20 Bemmie Eustace, Project Engineer with Interplan, came forward and committed to making the  
21 minor changes required to bring the preliminary plat into compliance with city code.

22  
23 Vice Mayor Abell spoke in support of postponing this item until the corrections are made.

24  
25 **Vice-Mayor Abell moved to postpone Resolution No. 358-06**  
26 **No. 278 until August 8, 2006 seconded by Council Member**  
27 **Sherrill and passed by 4/2 roll call vote of the Council with**  
28 **Council Members Sherrill and Allebach voting "no."**

29  
30 **B. RESOLUTION NO. 359-06:** A resolution of the City Council of the City of  
31 Orange City, Florida, to approve a Final Master Plan for the Liberty Square  
32 Residential Planned Unit Development; repealing all resolutions or parts of  
33 resolutions in conflict herewith; and providing for an effective date.

34  
35 **Councilmember Yebba moved to approve Resolution No.**  
36 **359-06, seconded by Council Member Mahoney.**

37  
38 Mr. McCue advised that staff will determine whether the plat needs to be changed to reflect the  
39 conditions to be put on the master plan.

40  
41 Mayor Erwin passed the gavel to Vice Mayor Abell.

42 **Mayor Erwin moved to amend Resolution 359-06 to eliminate**  
43 **any ingress/egress from Kentucky Avenue in the proposed**  
44 **Master Plan for Liberty Square Residential Planned Unit**  
45 **Development, seconded by Council Member Yebba.**

46  
47 Council Member Mahoney asked whether there is an opportunity to place a requirement to bring this

1 project up to City Code with reference to Kentucky Avenue. Mr. McCue responded that this issue  
2 has been ongoing for some time and that he did not see any chance that would happen in a 45 day  
3 period. Mr. Murray suggested that Council consider adding a requirement that no development  
4 order allowing ingress/egress onto Kentucky Avenue be granted until such time as that issue is  
5 resolved. He said that would allow the entrance to be built now, but no access granted until the  
6 matter is resolved. Council Member Mahoney noted that approving the project now would  
7 “maintain the status quo” and suggested that this could be used as leverage for resolving the issues  
8 surrounding Kentucky Avenue. Mr. McCue responded that Kentucky Avenue is not a public road  
9 and that the City could not make the developer commit to improving someone else’s private  
10 property. He reiterated that Council could impose a condition that any changes to the access from  
11 Kentucky Avenue would be subject to Council approval. He suggested that this requirement be  
12 added to the motion as part of the approval.

13  
14 Mayor Erwin noted the complexity of the Kentucky Avenue issue.

15  
16 **Both the motion maker and seconder withdrew their motion and**  
17 **second.**

18  
19 **Mayor Erwin amended his motion to add the statement that any**  
20 **modification to the master plan regarding ingress and egress**  
21 **along Kentucky Avenue must be approved by the City Council,**  
22 **seconded by Council Member Yebba.**

23  
24 **Both the motion maker and seconder withdrew their motion and**  
25 **second.**

26  
27 Mr. David Stimmell, Developer, came forward and stated that a project for 66 units at the southern  
28 portion of the property near the entrance from Kentucky had already been approved by Council  
29 several years ago. He acknowledged the issues regarding Kentucky Avenue and stated that because  
30 the project had been approved as part of a previous PUD, ingress and egress from Kentucky must  
31 already exist. He noted that emergency access to the properties near Kentucky would be severely  
32 diminished by eliminating that entrance. He suggested approving the master plan with the  
33 stipulation that a crash gate be placed at the Kentucky Avenue entrance to be used only in the event  
34 of an emergency and that the gate cannot be removed until such time as the Kentucky Avenue issues  
35 are resolved.

36  
37 **Mayor Erwin moved that the Master Plan for the Liberty**  
38 **Square Residential Planning Unit Development be amended to**  
39 **allow emergency exit and ingress only for Kentucky Avenue to**  
40 **include a crash gate that will not be used for normal traffic until**  
41 **improvements are made on Kentucky Avenue, seconded by**  
42 **Council Member Yebba.**

43  
44 **Motion passed by 5/1 roll call vote of the Council with Council**  
45 **Member Allebach voting “no.”**

46  
47 Vice Mayor Abell returned the gavel to Mayor Erwin.

1  
2 **Motion to approve Resolution 359-06 as amended passed by**  
3 **unanimous 6/0 roll call vote of the Council.**  
4

- 5 C. **RESOLUTION NO. 362-06:** A resolution of the City Council of the City of  
6 Orange City, Florida, appointing Hector Gonzalez, Jr. to Seat #06 on the  
7 Planning Commission of the City of Orange City, repealing all resolutions in  
8 conflict herewith and providing for an effective date.  
9

10 **Councilmember Mahoney moved to adopt Resolution No. 362-06**  
11 **seconded by Councilmember Yebba**  
12

13 Mr. Reischmann noted there was a change to this resolution and that a revised copy had been  
14 distributed to Council.  
15

16 **Motion passed by 6/0 roll call vote of the Council.**  
17

18 Mr. Gonzalez came forward and Ms. Renner administered his oath of office.  
19

20 **7. DISCUSSION AND ACTION:**

- 21 A. Appeal of Staff Decision – America’s First Homes (Blue Springs Villas)  
22

23 This item was removed from the agenda at the request of staff.  
24

- 25 B. Contract with Western Waterproofing  
26

27 Mr. McCue stated that this is an informational item requiring no action from Council. He advised  
28 that it is to inform Council that the contract with Western Waterproofing for the Town Hall  
29 Restoration project had been modified as previously approved by Council.  
30

31 BEGIN TAPE 2-A  
32

- 33 C. Agreements for Hurricane Debris Removal  
34

35 Mr. McCue stated that he was requesting authorization to enter into two proposed agreements for  
36 post-hurricane debris removal. The agreements are necessary in order to seek FEMA reimbursement  
37 for these costs. Both contractors are compliant with the new State and Federal requirements with  
38 regard to debris removal. In response to a question from Mayor Erwin, Mr. McCue said that either  
39 one or both contractors would be used as needed in the event of an emergency. He clarified that he  
40 was requesting authorization to enter into both of the agreements. Mr. McCue discussed the  
41 qualifications and benefits of both service providers.  
42

43 Vice-Mayor Abell inquired about the response time for Arbor Tree. Mr. McCue indicated that  
44 Arbor Tree will be sub-contacting with businesses in all the counties in the State of Florida for  
45 debris removal and there is a response time clause in the agreement. Mr. McCue stressed that the  
46 responsibility for emergency response falls first on the City. The contractors would be used in the

1 longer-term recovery efforts. Council Member Yebba noted that the citizens needed time to gather  
2 their debris for pick-up so a certain waiting period would be beneficial.

3  
4 Mr. Reischmann noted that the contract would place workers in the City within twelve to twenty-  
5 four hours. Mr. McCue noted that the contractors would not be paid if they did not perform  
6 according to contract terms.

7  
8 **Council Member Yebba moved that Council authorized the City**  
9 **Manager to enter into an agreement with Arbor Tree and Land**  
10 **Inc. and Harty Tractor Service Inc. for the purpose of post**  
11 **hurricane debris removal and disposal, seconded by Council**  
12 **Member Sherrill and passed by unanimous 6/0 voice vote of the**  
13 **Council.**

14  
15 D. MPO Funding Agreement for 2006-2007

16  
17 Mr. McCue stated the purpose of this item is to seek council authorization to enter into a Funding  
18 Agreement with the Metropolitan Planning Organization and pay the member assessment for the  
19 next fiscal year.

20  
21 **Council Member Sherrill moved to authorize the City Manager**  
22 **to enter into an agreement with the Metropolitan Planning**  
23 **Organization for funding for fiscal year 2006/2007, seconded by**  
24 **Council Member Yebba and passed by unanimous 6/0 voice vote**  
25 **of the Council.**

26  
27 E. Rotary Park North Pavilion Design

28  
29 Mr. McCue requested that this item be withdrawn from the agenda.

30  
31 F. City Wide Park Sign Design

32  
33 Mr. McCue stated that the purpose of this item is to authorize the purchase of uniform signs for all  
34 city parks. He advised that the signs will be monument style such as the one in front of the City  
35 Clerk's office.

36  
37 **Council Member Allebach moved that Council approve the**  
38 **purchase of uniform park signs offered by Ad Vice, Inc. sign**  
39 **company, seconded by Vice-Mayor Abell and passed by 6/0 voice**  
40 **vote of the Council.**

41  
42 **8. REPORTS:**

43  
44 **A. City Manager**

45  
46 Mr. McCue reported, that he met with the county manager and discussed conflicts between Orange  
47 City and County staff regarding the VGMC issue. The County Manager will look into the conflicts

1 before the VGMC meeting on August 23<sup>rd</sup>. Mr. McCue stated he also discussed the City's concerns  
2 with the interlocal agreement for fire and EMS services and the use of Station 31. Mr. McCue  
3 expressed his concern that the City's residents will suffer regarding response times as a result of the  
4 interlocal agreement. Mr. McCue expressed his confidence that a more comprehensive approach to  
5 solving the fire service issues in southwest Volusia was on the horizon. Mr. McCue said that he also  
6 discussed a possible annexation agreement between the County and Orange City. The County  
7 Manager indicated that the County may be willing to consider implementing a special assessment  
8 district to bring the infrastructure in the area west of Orange City up to standards. Mayor Erwin  
9 suggested that the annexation could be done in steps in order to address all of these issues.

10  
11 In response to a question from Council Member Mahoney, Mr. McCue said that the Waste  
12 Management contract would be on the next agenda for Council's consideration.

13  
14 Council Member Sherrill noted that the landscaping beside Rotary Park is in need of attention,  
15 particularly along Blue Springs Avenue. James Moltz, Parks Superintendent, responded that crews  
16 have been busy keeping up with the mowing, and that hasn't left much time for landscaping. They  
17 are in the process of working on it now.

18  
19 Vice Mayor Abell asked for an update as to the status of the guard rails on Leavitt Avenue. Mr.  
20 McCue said that they are on back order and should be in soon.

21  
22 Vice Mayor Abell said that at the last meeting he noted that many sidewalks were overgrown and  
23 that he had requested that code enforcement address the issue. He asked whether anything had been  
24 done in this area. Mr. Johnson said that the situation is being addressed now and should be  
25 completed before school starts. Mr. McCue said that he would get with Chief Baskoff about the  
26 situation tomorrow.

27  
28 In response to a question from Council Member Sherrill, Mr. McCue said that the pads for the  
29 fountains in Dickinson Park would be done within two weeks. He advised that there has been a  
30 problem getting contractors to provide the bids necessary to comply with the purchasing procedures.  
31 The fountains shipped from Italy on July 14<sup>th</sup> and should be here before the end of August.

32  
33 Council Member Sherrill suggested that something such as the logo be put on the back side of the  
34 City's entry-way signs so there is not just a big blank space. Mr. McCue said that he would look  
35 into the matter.

36  
37 In response to a final question from Council Member Sherrill, Mr. McCue said that he would be  
38 making an appointment from within the current staff to fill the vacancy created in the Leisure  
39 Services Department by the transfer of Kristina Wright. He said that he has been trying to promote  
40 from within when filling positions. He said that he is currently recruiting for the Community  
41 Relations Coordinator position. He advised that he has downgraded the position on the pay scale.  
42 Mr. McCue said that staff is working with an arborist to identify dead trees in the City which may  
43 created potential hazards.

44  
45 Mayor Erwin asked whether the code enforcement officers work staggered hours. Mr. McCue  
46 responded that they did and that code enforcement was being covered seven days a week. The  
47 Mayor advised that an illegal advertising balloon was raised at the Oakhurst Development on Friday

1 and was taken down on Monday morning. He also noted that there has been an increase in snipe  
2 signs on the weekends. Mr. McCue responded that he has given any staff member the authority to  
3 remove these signs. The Mayor expressed his concern over signs placed illegally in the right of  
4 ways for the upcoming elections. Mr. McCue said that these signs will be removed by staff.

5  
6 **B. Mayor/City Council**

7  
8 Mayor Erwin said that a vote will be taken at the August WAV meeting to change the by-laws to  
9 allow dissolution of the organization by a 75% vote as opposed to the current requirement for 100%.  
10 The Mayor said that he will vote “yes” on this amendment, but would vote “no” on a motion to  
11 dissolve WAV. He expressed his belief that WAV should continue to function until such time as a  
12 new organization is formed to take its place. He said that he has lost confidence in the organization  
13 as it presently functions. The Mayor said that the cities on the east side of the County are currently  
14 working to form an organization of their own.

15  
16 Council Member Yebba reported that a meeting of the Operations Committee for the Partnership  
17 Center was held last week. The architectural design was discussed and some modifications were  
18 made in an attempt to come closer to compliance with the City’s requirements. The current goal is  
19 for construction to begin in February 2007 for occupancy in July 2008. Mr. McCue advised that the  
20 delay in the start of construction is due to the permitting process with the Water Management  
21 District. Mr. McCue said that the State now requires that all new educational facilities be reviewed  
22 by the County’s emergency management staff to see whether shelter requirements should be  
23 imposed. He said that the Center will not be used as an emergency shelter, but would have to meet  
24 the requirements for a recovery shelter. This will help keep the costs down by eliminating the need  
25 for a full generator system at a cost of over \$1 million. In a further effort to reduce costs, the kitchen  
26 has been downsized to a “catering kitchen.” Council Member Yebba said that there will be  
27 opportunities for naming rights for various elements of the building.

28  
29 Mayor Erwin reported that the Chamber of Commerce of West Volusia is recruiting for the  
30 upcoming Leadership Program. The City has received a request to be a sponsor for the program.  
31 Sponsorship levels go from \$200 to \$3,500. Mr. McCue advised that he would investigate and bring  
32 a recommendation at the next meeting.

33  
34 **C. City Clerk.**

35  
36 The City Clerk had no report.

37  
38 **D. City Attorney**

39  
40 The City Attorney had no report.  
41 BEGIN TAPE 2-B

42  
43 **9. APPROVAL OF MINUTES:**

44  
45 **Vice Mayor Abell moved to approve the minutes of the July**  
46 **11, 2006 Regular Meeting, seconded by Council Member**  
47 **Sherrill.**

1  
2 Council Member Mahoney noted a correction to the minutes on page three which credits him with  
3 seconding the motion for approval of Resolution No. 356-06 when he was absent from the meeting.

4  
5 **Motion passed by unanimous 6/0 voice vote and the minutes**  
6 **were approved as amended.**

7  
8 **10. COUNCIL COMMENTS**

9  
10 Council Member Mahoney thanked Mr. Gonzalez for his willingness to serve on the Planning  
11 Commission.

12  
13 **11. ADJOURNMENT**

14  
15 There being no further business, Mayor Erwin adjourned the meeting at 9:16 p.m.

16  
17  
18  
19 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

20  
21  
22 Deborah J. Renner, CMC  
23 City Clerk

\_\_\_\_\_