

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, August 8, 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, Joelle R. DeVane, Jim Mahoney, Jeff H. Allebach; City
13 Manager John. J. McCue; City Attorney William Reischmann; City Clerk Deborah
14 Renner.

15
16 The Invocation was given by Vice Mayor Abell, followed by the Pledge of Allegiance.

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

19
20 **2. CITIZENS COMMENTS:** None at this time.

21
22 **3. CONSENT AGENDA:** None at this time.

23
24 **4. ORDINANCES – FIRST READING:** None at this time

25
26 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**

27
28 **A. ORDINANCE NO. 275:** An ordinance of the City of Orange City, Florida,
29 amending Section 8.3 of the City's Land Development Code, said Section being the
30 Official Zoning Map of the City of Orange City, Florida; said amendment changing
31 the zoning classification of the Liberty Square property, consisting of approximately
32 36.04 acres generally located within the southwest quadrant of Graves Avenue and
33 South Kentucky Avenue; from its present zoning classifications of Low Density
34 Residential (R-1), Medium Density Residential (R-2), Commercial Neighborhood
35 (CN) and Rural Residential (RR) to Residential Planned Unit Development (RPUD);
36 containing a repealer provision, a severability clause and providing for an effective
37 date.

38
39 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
40 opposition to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

41
42 **Vice Mayor Abell moved to adopt Ordinance No. 275 on second**
43 **and final reading, seconded by Council Member Mahoney, and**
44 **passed by unanimous 7/0 roll call vote of the Council.**
45

1 **B. ORDINANCE NO. 276:** An ordinance of the City of Orange City, Florida,
2 amending Section 8.3 of the City's Land Development Code, said Section being the
3 Official Zoning Map of the City of Orange City, Florida, said amendment changing
4 the zoning classification of the Liberty Square property, consisting of approximately
5 1.31 acres generally located within the southeast quadrant of the intersection of
6 Graves Avenue and Veterans Memorial Parkway, from its present zoning
7 classification of Rural Residential (RR) to Business Planned Unit Development (B-
8 PUD), containing a repealer provision, a severability clause and providing for an
9 effective date.

10
11 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
12 opposition to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

13
14 **Council Member Sherrill moved to adopt Ordinance No. 276**
15 **on second and final reading, seconded by Council Member**
16 **Yebba and passed by unanimous 7/0 roll call vote of the**
17 **Council.**

18
19 **C. ORDINANCE NO. 277:** An ordinance of the City of Orange City, Florida,
20 amending Section 8.3 of the City's Land Development Code, said Section being the
21 Official Zoning Map of the City of Orange City, Florida; said amendment changing
22 the zoning classification of the Hospice property, consisting of approximately 5.03
23 acres of property generally located within the northwest quadrant of Veterans
24 Memorial Parkway and East Iris Drive; from its present zoning classification of MX-
25 2 Mixed Use to (B-PUD) Business Planned Unit Development; containing a repealer
26 provision, a severability clause and providing for an effective date.

27
28 Mayor Erwin opened the public hearing by asking if anyone wished to speak in favor of or in
29 opposition to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.

30
31 **Council Member DeVane moved to adopt Ordinance No. 277**
32 **on second and final reading, seconded by Vice Mayor Abell,**
33 **and passed by unanimous 7/0 roll call vote of the Council.**

34
35 **6. RESOLUTIONS:**

36
37 **A. RESOLUTION NO. 358-06:** A resolution of the City Council of the City of Orange
38 City, Florida, to approve the Preliminary Plat for the Liberty Square Subdivision;
39 repealing all resolutions or parts of resolutions in conflict herewith; and providing for
40 an effective date. (Postponed from July 25, 2006)

41
42 **Council Member Mahoney moved to approve Resolution No.**
43 **358-06, seconded by Council Member Yebba.**

44
45 Elaine Wilson, Planning and Zoning Analyst, came forward, advised that the developer has

1 resubmitted the plat of the Liberty Square Subdivision, and that it meets all code requirements.

2
3 **Motion passed by unanimous 7/0 roll call vote of the Council.**
4

- 5 B. **RESOLUTION NO. 360-06:** A resolution of the City Council of the City of Orange
6 City, Florida, acknowledging and approving the Master Development Plan, Developer
7 Agreement and Site Plan for the Hospice Business Planned Unit Development (B-PUD),
8 to be constructed on a 5.03 acre parcel, generally located in the northwest quadrant of
9 Veterans Memorial Parkway and East Iris Drive, Orange City, Florida; repealing all
10 resolutions in conflict herewith; and providing for an effective date.
11

12 **Council Member Allebach moved to approve Resolution No.**
13 **360-06, seconded by Council Member DeVane.**
14

15 Jim Kerr, Assistant City Planner, came forward and advised that staff is recommending approval of
16 this resolution with the two stipulations and two departures identified in Exhibit A. He stated
17 condition one has been met and that staff will be working with the developer on condition two. Mr.
18 Kerr explained that departure number one concerns building height and is in regard to the tower
19 which is necessary to comply with city code. Regarding departure number two, Mr. Kerr explained
20 that the applicant is providing fifty percent more trees than required by code. He advised that staff is
21 recommending approval of Resolution No. 360-06.
22

23 Vice Mayor Abell asked whether the City has a sample of the material that would be used in order to
24 meet the requirements of condition number two. Mr. Kerr responded that staff will continue to work
25 with the developer until a suitable material is found.
26

27 **Motion passed by unanimous 7/0 roll call vote of the Council.**
28

29 DISCUSSION AND ACTION:
30

31 A. Representation on FLC Legislative Council
32

33 Mayor Erwin stated that the Florida League of Cities is forming new standing committees for a
34 Legislative Council for which they are enlisting participants from member cities. Council Member
35 Yebba volunteered to participate on the Urban Planning Council. Council Member Mahoney stated
36 that he would participate if it did not interfere with his work schedule. Debbie Renner, City Clerk,
37 stated that the first two meetings are scheduled from 10:00 a.m. to 3:00 p.m.
38

39 A. Residential Solid Waste Franchise
40

41 John McCue, City Manager, stated that on April 25th, Council had given direction to the City
42 Manager to negotiate a contract with Waste Management, the current provider of residential solid
43 waste disposal. He advised that Council had been provided with information regarding the outcome
44 of those negotiations. Mr. McCue noted several issues that he had been informed of from both
45 Council and citizens. One of those issues is a reduction in the number of pickups from two days per
46 week to one. He explained that as a cost saving measure, staff had negotiated on a once per week

1 basis. He advised that if Council wanted to keep the twice per week pick up, the cost would be in
2 the range of \$21 to \$23. Mr. McCue said that there was also considerable feedback regarding adding
3 the cost for solid waste pickup to the tax rolls. The final issue was the addition of a fuel adjustment
4 fee.

5
6 Mr. McCue said that if the current negotiations were acceptable to Council, staff would present an
7 ordinance as required by Charter. He stated, "If the Council chooses to go for a bid, then we're
8 going to have a whole different set of numbers in front of us, recognize that. These numbers won't
9 come back and there'll be those things." He reiterated that the action tonight would not be final.

10
11 BEGIN TAPE 1-B

12
13 Ron Saylor, 361 Dixon, came forward and spoke in support of soliciting bids. Mr. Saylor
14 suggested that the power or phone company would not grant a 49% increase without a "big battle."
15 He spoke against the imposition of both a CPI increase and a fuel adjustment charge. Mr. Saylor
16 suggested that if a CPI increase is granted, it be tied to the federal CPI.

17
18 Robert Shirk, 2872 Doe Run Trail, came forward and spoke in support of obtaining bids for garbage
19 service. He questioned the large proposed increase stating that if service is cut to one day per week,
20 Waste Management is cutting their cost by fifty percent. Mr. Shirk asked, "What are the citizens
21 getting out of this?" He expressed concern that the elderly citizens in town could not push the big
22 cans out to the road.

23
24 Tim Dolan, Division Manager, Waste Pro, came forward and stated that his company is "very
25 interested" in submitting a bid to the City for garbage service.

26
27 Dorothy Pomeroy, 667 N. Leavitt, came forward and spoke in opposition to using the large cans
28 provided by Waste Management because they are too hard to clean and are not needed by many of
29 the senior households in town. Ms. Pomeroy stated, "Many of the people that live in Orange City
30 are single, retired ladies. Please think about us."

31
32 Patricia Williams, 881 Tappan Circle, came forward and spoke in opposition to having to use the
33 large garbage cans. Ms. Williams stated that the increases in the contract are "just crazy." She also
34 spoke in opposition to billing garbage service on the tax rolls. Ms. Williams stated, "Contrary to
35 what some believe, there are other companies." Ms. Williams reported a pot hole on Tappan Circle
36 and asked if someone would look at it.

37
38 Michelle Polgar, 585 Montclair Ave., came forward, and spoke in support of obtaining bids for
39 garbage service. She spoke against a reduction in service to one pickup per week due to the heat.
40 Ms. Polgar asked how the citizens would benefit by having the garbage service billed on the tax bills
41 and suggested that doing so would create fear amongst the citizens.

42
43 Al Blue, 447 N. Oak Ave., came forward and stated, "Nothing succeeds like competition." He spoke
44 in support of obtaining bids for garbage service. Mr. Blue stated that Waste Management's net
45 income for one quarter was \$3.37 billion compared to \$3.21 billion the previous year. He advised,
46 "That's a 7.8 increase in net income and a 10.6 increase in earnings per share for the shareholders of

1 the Company.” Mr. Blue said that the increase in the cost for service should be tied to “something
2 that all of us are equally affected by.” In regard to attaching the bill for garbage service to the tax
3 bills, Mr. Blue said that he called the County and was told that a citizen could not pay for just their
4 taxes and withhold the garbage collection fees. He said that the tax assessor could place a lien on
5 the house in the event the garbage fees were not paid. Mr. Blue suggested that garbage fees be billed
6 on the water bills and collected by the City.

7
8 Kathie Gennrich, 514 Patlin Ave., came forward and said that she had previously corresponded with
9 Mayor Erwin and told him that she would be willing to go to one pickup per week if it meant that the
10 garbage bills would go down. She noted that she learned in the paper that the service would be
11 decreased, but the cost would increase by \$78.60 per year. Ms. Gennrich stated, “That seems kind
12 of excessive. That’s certainly not what I had in mind when I was going to have less service.” She
13 questioned whether Council had exhausted all bids for the service. Ms. Gennrich noted that Volusia
14 County did allow individuals to pay for their service in installments if they couldn’t pay it all at
15 once. She advised that DeLand charges \$10.71 per month for their garbage service, and that Volusia
16 County charges \$171 per year on a seven-year contract with Waste Management. She suggested
17 increasing the length of the contract. Ms. Gennrich said that there should be different sizes of cans
18 available for people who can’t handle the large size provided by Waste Management.

19
20 Mr. McCue advised that the use of the large, 96 gallon cans is not mandatory.

21
22 Charles Merkley, Waste Management, came forward and stated that Waste Management will collect
23 all refuse that is left at the curb as long as it is containerized.

24
25 Council Member Yebba asked whether the reason for the large cans was that they could be picked
26 up by a special truck. Mr. Merkley responded in the affirmative, but he clarified that it does not
27 eliminate the need for the conventional truck to pick up the bulk waste. He said that the truck which
28 would be used in Orange City is a semi-automated, conventional garbage truck with automated
29 hydraulic tippers on the back.

30
31 Mr. McCue reiterated that Orange City is at the end of a fixed-rate contract. He said that all cities
32 nearing the end of their contract will be experiencing increases. He advised that a rate increase in
33 these situations is expected. Mr. McCue said that he, personally, favors a twice per week pickup,
34 but that staff was recommending the once per week in an effort to keep costs down. He advised that
35 there was not a “wealth of private sector companies” capable of providing garbage service, stating
36 that he only knew of one other company. He said that if Council elects to go out for bids, they could
37 expect only two, or possibly three, viable companies. In regard to collecting garbage fees through an
38 assessment on the tax rolls, Mr. McCue stated, “The potential of losing your house to a tax
39 certificate sale is nil. It doesn’t exist in State Statute.” He said that a lien could be placed for non-
40 payment whether the bill is included with the ad valorem tax bill or not. He said that a citizen could
41 not lose their home for non-payment of a garbage assessment, and that he would check to see if it is
42 true that the tax collector will not accept a payment that does not include that assessment.

43
44 In regard to billing the garbage bill along with the water bill, Mr. McCue advised that the City’s
45 water service area only encompasses forty percent of the households that are serviced by Waste
46 Management. He said that the City’s code would not allow discontinuance of water service for

1 non-payment of garbage collection fees, rather, the City would be accepting the liability for
2 non-payment.

3
4 Vice Mayor Abell said that a number of issues such as fuel and food are not reflected in the CPI.
5 Mr. McCue responded that there is “no single CPI.” He said that there are a number of Consumer
6 Price Indexes that the federal government uses, none of which reflect actual cost of living increases.

7 Vice Mayor Abell said that his development recently switched from twice per week to once per
8 week pickups with no problems.

9
10 Council Member Mahoney spoke in support of the twice per week pickup. He noted that the rate the
11 City pays is reflective of Waste Management’s expenses and profit, to include expenses such as
12 tipping fees, fuel, and administrative expenses. He questioned how the individual factors are
13 increased as they relate to the total proposed increase.

14
15 Dan McGinnis, Waste Management, came forward and explained that if Volusia County raises
16 tipping fees, the rate would be raised accordingly. Council Member Mahoney noted that the
17 additional charges proposed by Waste Management were based on actual increases in specific fees.
18 Mr. McGinnis discussed the methods for passing along cost increases for specific areas. The net
19 increase for these charges equals \$1.50 per month. He said that Waste Management values their
20 relationship with the City and that they would like to continue to serve Orange City. Mr. McCue
21 advised that about 2,000 homes in Orange City are currently being serviced by Waste Management.
22 Council Member Mahoney validated the need for a competitive bid, but questioned whether it
23 represented a “false sense of hope” for people in the community. Mr. McCue responded that
24 competitive bidding does not always guarantee the lowest price. He said that he did not anticipate a
25 substantial reduction in the proposed costs by going out for bid.

26
27 Mr. McCue advised Council that they must decide on the issues of once per week versus twice per
28 week pickups, should the service be billed on the tax rolls, and what type of adjustments would be
29 tolerated. Council Member Mahoney suggested structuring the bid in such a way that the number of
30 pickups per week could be bid both ways as an option. Mr. McCue responded that it could be done
31 but would be “comparing apples and oranges.” Council Member Mahoney asked why. Mr. McCue
32 responded that each company had different tipping arrangements and other variables which make up
33 their price. He stated, “We’ll know what their prices are, we won’t know how they’re pricing them
34 is what my point is.”

35
36 Council Member Yebba asked whether the price submitted by Waste Management was based upon
37 billing the service on the ad valorem taxes. Mr. McCue responded, “Yes.” Council Member Yebba
38 questioned whether the price would increase if the billing method remains as it is. Mr. McCue
39 responded, “yes,” but stated that he could not say how much. Council Member Yebba said that he
40 does not agree with pass through fuel increases. Mr. McCue concurred. Council Member Yebba
41 said that he has been pleased with the service the City has received from Waste Management, but
42 that he was “shocked” by the amount of the proposed increase. He spoke in support of continuing
43 the twice weekly pickup, characterizing it as a “benefit of living in Orange City.”

44
45 Council Member Allebach concurred with keeping twice weekly pickups. He said that he did like
46 the large, 96-gallon cans. He asked what the cost would be if the City maintained twice-weekly

1 pickups and didn't bill on the tax rolls. Mr. McCue responded that it would be about \$23 or \$24
2 higher. Council Member Allebach questioned why DeLand residents only pay \$10.71 per month.

3
4 Mr. Merkley responded that DeLand's contract includes commercial as well as residential. He
5 advised that Waste Management submitted their estimate based on once-weekly pickup and if the
6 City wants to continue with twice weekly pickup, they would have to recalculate their cost.

7
8 Mr. McCue said that he needs Council's direction regarding level of service and method of
9 collection.

10
11 In response to a question from Council Member Yebba, Mr. McCue reiterated that State Statute does
12 not allow a lien on the house for non-payment of garbage service. He said that he did not believe
13 that it was possible for the tax assessor to refuse payment of ad valorem taxes from a citizen just
14 because they omitted the garbage portion of their assessment.

15
16 Council Member Allebach questioned whether there was a benefit to a contract exceeding five years.
17 Mr. McCue suggested that could be included as a variable in the bid.

18
19 Council Member DeVane said that she likes the large cans and that she did not have a preference as
20 to how the money is collected. She spoke in support of the twice-weekly pickups.

21
22 In response to a question from Mayor Erwin, Mr. McCue said that he provided Council with
23 information regarding what other cities are paying when this matter was discussed last April.
24 Christine Davis, Finance Director, stated that Port Orange just received a 71.76% increase. Mr.
25 McCue advised that DeBary is paying \$10.81 in the last two years of their agreement for once-
26 weekly service. Ms. Davis advised that Edgewater just received a 22% increase. Mr. McCue noted
27 that Volusia County charges about \$11 per month, however, the provider does not have to pay a
28 tipping fee because the County owns the landfill.

29
30 Mayor Erwin observed that the City could save \$1 to \$2 per month by decreasing to one pickup per
31 week.

32
33 BEGIN TAPE 2-A

34
35 Mr. Merkley observed that if the City decides to solicit bids, Waste Management has already
36 revealed their prices and would, therefore, be at a disadvantage.

37
38 In response to a question from Mayor Erwin, Mr. McCue said that ad valorem taxes are paid in
39 advance, not in arrears. Ms. Davis clarified that the tax bills currently being prepared are for tax
40 year 2006 which is payable by March 2007. She said that if the City chose to switch to the ad
41 valorem method, Waste Management would continue to bill monthly through the end of December.
42 After December, no additional bills would be received until the 2007 tax bills were sent. Mayor
43 Erwin stated, "In other words, there would be no payment by our citizens from January to November
44 or later." Mayor Erwin said that discounts the argument that ad valorem billing creates a hardship as
45 citizens have the entire year to save the money to pay their bill, observing that the bills would be
46 paid in arrears from then on. He stated that in light of the billing cycle, he would not be opposed to

1 ad valorem billing. The Mayor said that he is not opposed to going out for bids.

2
3 Council Member Yebba asked whether there would be a fee added onto the garbage cost if it is not
4 paid by November each year. Mr. McCue responded that there is no penalty for paying at the end of
5 the cycle. Ms. Davis clarified that the reduction in cost for early payment of ad valorem in
6 November is actually a discount.

7
8 Council Member Sherrill asked whether the City would derive any benefit from ad valorem billing,
9 noting that it would represent a savings to the service provider. Mr. McCue said that it would be
10 reflected in the pricing. Council Member Sherrill spoke in support of maintaining twice-weekly
11 pickups and billing on the tax rolls.

12 Council Member Allebach asked what the cost would be to purchase an extra 96 gallon can. Mr.
13 McCue responded that the 96 gallon can would not be mandatory. Mr. Merkley said that it is
14 possible to purchase cans from Home Depot and such that will be compatible with Waste
15 Management's trucks.

16
17 In response to a question from Council Member Mahoney, Mr. Merkley said that Waste
18 Management would not recommend the 96 gallon cans for twice weekly pickup.

19
20 In summary, Mayor Erwin stated that Council is looking for a quote on a service level of twice
21 weekly pickups, no 96 gallon cans and billing on the tax roll. He said that Council wanted staff to
22 go out for bids based on those assumptions.

23
24 Council Member Allebach said that he did not necessarily favor going out for bids.

25
26 Dan McGinnis came forward and asked that Council revisit their franchise fees which are currently
27 at 10% of the gross. He noted that other franchise fees are in the neighborhood of 5%

28
29 Mr. McCue was directed to issue an RFP based on the comments above.

30
31 **8. REPORTS:**

32
33 **A. City Manager**

34
35 Mr. McCue advised that he had a productive meeting with Paul Johnson, Public Works Director, and
36 a representative from the VIA/Orange City Women's Club. The VIA has indicated that they would
37 like to accept the City's invitation to relocate to Albertus Cottage as their temporary headquarters.
38 Storage has been provided at the Utilities building for them. Mr. McCue announced that the Leisure
39 Services office was being moved to the Utilities plant. Mayor Erwin suggested that a written
40 agreement be drafted to offer the VIA some protection for the future. Council Member Yebba asked
41 whether the VIA was going to pursue returning to their room at the Library, stating that is where
42 they belong.

43
44 Mr. McCue stated that the pads for the fountains in Dickinson Park have been poured.

45
46 Mr. McCue said that he was going to provide an update on the VGMC, however, he asked that

1 Council call him with any questions and not ask them publicly. Mr. Reischmann advised that the
2 City will be meeting with the Volusia Growth Management Commission (VGMC) on August 23rd.
3 He said that he anticipates reaching an agreement with VGMC staff and the County by that time for
4 a conditional certificate of consistency. Mr. McCue said that the meeting on Monday was the best
5 meeting the City has had with the VGMC in over two and one-half years. Mr. Reischmann clarified
6 that the “conditional” certificate of consistency was not cause for alarm, but was due to changes in
7 state statute.

8
9 Mayor Erwin said that the settlement must be verified by the VGMC and any changes must be
10 approved by the Council. Mr. McCue said that the ordinance adopting the comprehensive plan must
11 be reapproved by the Council because the fifteen day time limit was not met.

12
13 Mr. McCue announced several staff changes; Gloria Williams is the new Deputy City Clerk, Debra
14 Shead is now a Financial Specialist, Connie Robertson is the new Executive Assistant for Chief
15 Baskoff, Elaine Hart will be filling the Leisure Services Coordinator position, Angel Smith is the
16 new Community Relations Coordinator. Several individuals have been promoted from a Level I to a
17 Level II. Mr. McCue stated, “We’re still moving down the path of retaining the good, long term
18 employees that Orange City has and by allowing them that mobility into other positions and learning
19 new trades, they are hanging and we’ve got quite a few long-term employees.”

20
21 Mayor Erwin recalled that an issue had arisen previously regarding landscaping maintenance on
22 sidewalks. He asked whether work had been done on French Avenue near the school. Mr. McCue
23 said that he would check tomorrow. The Mayor noted that County crews have been working along
24 Enterprise Road.

25
26 Council Member Allebach inquired as to how long the drain pipes were going to be left running
27 through the City. Mr. McCue said that they are in DOT right of way and the City can’t do anything
28 about it. He said that the pipes would be there for a while. Mr. Johnson said that DOT has been
29 rearranging some of their ponds and that the water being pumped to Orange City is coming from
30 Miller Lake and would be pumped here on a permanent basis. He advised that the pipes will
31 eventually be buried. Mr. McCue stated, “No, we have no influence. Yes, we are talking with them.
32 We do know what they’re doing, but the timeframes that they’re looking at are not near term.”

33
34 Council Member Mahoney suggested using an average of the entire year when calculating the fuel
35 charge on the garbage contract in an effort to mitigate some of the seasonality which appears to be
36 distorting the rates.

37
38 Council Member DeVane asked how traffic has been now that school has started. Mr. McCue
39 responded that the traffic flows to the new school did not appear to be problematic. He said that the
40 usual problems were exhibited at Orange City elementary. Mr. McCue said that he has not received
41 any complaints from neighbors near the new school as yet. He said that he has requested that the
42 VIPS assist with parking control at Orange City elementary.

43
44 Mayor Erwin advised that nearly all of the sidewalks in the County’s Road Plan for Zone 3 for the
45 next two years will be in Orange City. He said that by the time the High School is built, all of the
46 sidewalks should be in. Mr. McCue advised that the City is also shifting its emphasis to the school

1 area.

2

3 **B. Mayor/City Council**

4

5 Council Member Yebba reported that the Partnership Center Operating Committee has been meeting
6 every week. Currently, discussions have centered around the interior layout and flooring. He said
7 that the rear entrance was changed to accommodate large trucks, etc. if needed. Council Member
8 Yebba said that the cities have requested to see Daytona Beach Community College's (DBCC)
9 budget for interior items. Each of the breakout rooms will be about 1,700 square feet. Seating will
10 accommodate about 2,500 or dinner seating for 1,232 people. There appears to be ample storage
11 built into the plan. At the next meeting on Thursday, audio/visual systems will be discussed, as well
12 as telephones. It was agreed that wireless internet access will be provided and that wireless will be
13 the preferred means of connection in all situations.

14

15 BEGIN TAPE 2-B

16

17 Council Member Yebba said that the County's decision to postpone the Rhode Island Avenue
18 extension until 2015 is unacceptable to Deltona. He said that a joint resolution urging the County
19 Council not to do this was discussed. Mr. McCue said that the cost for the project was high due to a
20 request from Deltona to put a service road in. He said that the VGMC acknowledged that Rhode
21 Island needs to be moved up in priority.

22

23 Council Member Sherrill noted that the Graves Avenue bridge has reopened.

24

25 **C. City Clerk.**

26

27 The City Clerk had no report.

28

29 **D. City Attorney**

30

31 Mr. Reischmann referenced the request from Council concerning the rights of the City regarding
32 dead trees on private property. He said that Section 11.14.8 of the Land Development Code allows
33 the City the right to remove any dead or diseased trees on private property within the City that
34 constitute a hazard to life or property or a potential threat to other trees. The City is to notify the
35 owners in writing and if the trees are not removed within sixty days, the City has the right to remove
36 the trees and add the cost of removal to the property owners tax bill. Mr. McCue advised that a
37 survey is currently under way to document how many trees are in question.

38

39 Mr. Reischmann stated that he provided Council with a copy of the final order of the administrative
40 law judge regarding the GEL matter. He noted that the order was over eighty pages long and in it,
41 the judge concluded that the City did not file a frivolous action against GEL and, therefore, would
42 not be held liable for any of GEL's demanded costs or legal fees.

43

44

9. APPROVAL OF MINUTES:

45

1 **Vice Mayor Abell moved to approve the minutes of the July**
2 **25, 2006 Regular Meeting, seconded by Council Member**
3 **Mahoney and passed by unanimous 7/0 voice vote of the**
4 **Council.**
5

6 **10. COUNCIL COMMENTS:** There were no further comments from Council.
7

8 **11. ADJOURNMENT**
9

10 There being no further business, Mayor Erwin adjourned the meeting at 9:16 p.m.
11

12 **RESPECTFULLY SUBMITTED:**

APPROVED ON

13
14
15 Deborah J. Renner, CMC
16 City Clerk
