

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, December 12, 2006 at 7:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, 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 Anthony R. Yebba, Council Members Jeff H.
12 Allebach, Donald C. Sherrill, Joelle R. DeVane, Jim Mahoney; City Manager John. J.
13 McCue; City Attorney Debra S. Babb-Nutcher; City Clerk Deborah Renner

14
15 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

16
17 **1. PRESENTATIONS: Presentation to Mrs. Theodore Hess**

18
19 Mayor Erwin presented Mrs. Theodore Hess with a Certificate of Appreciation recognizing Mr.
20 Theodore Hess for his contributions to the citizens of Orange City and the Planning Commission
21 from 2003 – 2006. Mayor Erwin read the certificate into the record.

22
23 **Proclamation – Council Member Chuck Abell**

24
25 Mayor Erwin presented Mrs. Barbara Abell with a Proclamation recognizing Mr. Chuck Abell's
26 contributions to the citizens of Orange City through his service on the City Council and at his
27 church. Mayor Erwin read the proclamation into the record.

28
29 **Proclamation – Mayor Yvonne Scarlett Golden**

30
31 Mayor read a Proclamation into the record recognizing Daytona Beach Mayor Yvonne Scarlett-
32 Golden's accomplishments as the first black mayor and the first female mayor in modern history and
33 offering condolences to her family for her passing.

34
35 Mayor Erwin announced that Ms. Debra Babb-Nutcher would be substituting for Mr. Reichmann,
36 City Attorney.

37
38 **2. CITIZENS COMMENTS:**

39
40 Eddie M. Tiller, 664 Heather Lane, came forward to discuss issues with his water meter. He said, in
41 April 2006, he received a water bill for \$200, and that the subsequent bills were \$170 - \$200.
42 Normally the bills are about \$70 per month. When the meter reader came, the meter was covered
43 with dirt so he left. Mr. Tiller stated that he examined the meter and discovered that it appeared to
44 be damaged. He called the Utilities Department and someone came out to replace the meter. Mr.
45 Tiller said that his August bill was \$25 and the following bill was back to normal. Mr. Tiller said
46 that he attempted to reach the City Manager to request a refund, but did not receive a return call.

1 John McCue, City Manager stated that he would look into the billing issue.

2
3 Alisa Stafford, 461 S. Clark Street, came forward to report illegal activities in her neighborhood.
4 She said she was directed by the 911 operator to report the issue to the local police. Ms. Stafford
5 said the situation was reported to the Orange City Police, but no response has been received. Ms.
6 Stafford said, "prostitution is running wild in our area as you well know." Ms. Stafford discussed a
7 "halfway house" on Holly Avenue and suggested that was contributing to the problem.

8
9 Mr. McCue inquired who Ms. Stafford spoke with at the police department and said he would look
10 into why there wasn't a response. He also said he would address the 911 issue. Mr. McCue said the
11 Police have made 40 or 50 arrests in that area in the past three months.

12
13 Ms. Stafford questioned what would be done about the half-way house. Mr. McCue responded that
14 he had no knowledge of a halfway house in Orange City. He told Ms. Stafford that he would have
15 Chief Baskoff contact her to get the address so that he could check into it.

16
17 Ms. Stafford noted that a church meets on the first and third Sundays at Rotary Park and the services
18 are very loud. Mr. McCue said no one had a permit for a church in the park. He said he would find
19 out more information and ask them to tone it down.

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

22
23 **4. ORDINANCES - FIRST READING:**

24
25 **A. ORDINANCE NO. 289:** An Ordinance of the City of Orange City,
26 Volusia County, Florida, amending Orange City Code Appendix A,
27 Zoning Ordinance, as adopted by Ordinance No. 157, amending Chapter
28 3, Section 3.7.6, Expiration or Abandonment of Conditional Uses;
29 providing for conflicting provisions; providing for severability; providing
30 an effective date.

31
32 **Council Member Sherrill moved to adopt Ordinance No. 289 on first**
33 **reading, seconded by Vice Mayor Yebba.**

34
35 Chester Murray, Development Services Director came forward and stated that since revision of the
36 Land Development Regulations both conditional use permits and certificates of occupancy have
37 become issues. Mr. Murray said that Ordinance 289 clarifies that a conditional use permit follows
38 property owners and not the property. He said that it makes the permit more enforceable.

39
40 Council Member Mahoney asked if the strike out of the word "or" in Section One 3.7.6 was
41 intentional. The City Attorney clarified that the inclusion of the final 'or' the remaining terms are
42 all 'ors'.

43
44 **Motion passed by unanimous 6/0 roll call vote of the Council.**

45
46 **B. ORDINANCE NO. 290:** An Ordinance of the City of Orange City,

1 Volusia County, Florida, amending Orange City Code Appendix A,
2 Zoning Ordinance as adopted by Ordinance No. 157, amending Chapter 5,
3 Section 5.9, Certificate of Occupancy; providing for conflicting
4 provisions; providing for severability; providing an effective date.

5
6 **Council Member DeVane moved to adopt Ordinance No. 290**
7 **on first reading, seconded by Vice Mayor Yebba.**
8

9 Mr. Murray reported that this ordinance is primarily for new single-family residential units not
10 subdivisions and that it authorizes staff to legally withhold a certificate of occupancy if a
11 builder/developer has not complied with city code and the comprehensive plan. He said the
12 ordinance pertains mainly to infill lots. The ordinance further strengthens the city's position and
13 provides staff with an enforcement tool.
14

15 Mayor Erwin said it is understandable that when there is massive revamping of city code there will
16 be things that will slip by. He said, "I appreciate the efforts of the Planning Department to catch
17 these things, bring it to our attention and make the proper adjustment so that our code is as effective
18 as we would like it to be."
19

20 **Motion passed by unanimous 6/0 roll call vote of the Council.**
21

22 **C. ORDINANCE NO. 291:** An Ordinance of the City of Orange City,
23 Volusia County, Florida, amending Orange City Code Appendix A,
24 Zoning Ordinance as adopted by Ordinance No. 157, amending Chapter
25 10, Section 10.6.6, Screening of Trash Dumpster; clarifying standards for
26 screening of trash dumpsters; providing for conflicting provisions;
27 providing for severability; providing an effective date.
28

29 **Council Member Sherrill moved to adopt Ordinance No. 291 on**
30 **first reading, seconded by Council Member Allebach.**
31

32 Mr. Murray reported staff encountered problems enforcing the requirement that all trash dumpsters
33 be screened. He stated the code is specific and was written for new buildings. Mr. Murray advised
34 that the current code does not give staff any flexibility regarding screening. He said this ordinance
35 will give the Development Department some flexibility in the application of code requirements when
36 working with owners of older buildings within the city.
37

38 Mr. McCue said that after receiving a number of complaints, he directed Code Enforcement to
39 temporarily halt enforcement actions regarding the dumpsters until the code could be modified. Mr.
40 Murray noted that the complaints were not a protest about screening the dumpsters, just the method
41 in which they must be screened.
42

43 Mayor Erwin agreed that the wording of the ordinance is too specific and it does not give much
44 leeway. He noted that for some of the older structures within the city it is difficult to comply with
45 the ordinance as written. The Mayor expressed his support for the ordinance.
46

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

2
3 **D. ORDINANCE NO. 293:** An Ordinance of the City Council of the City of
4 Orange City, Florida, providing for a non-exclusive franchise to Waste
5 Management for the collection and disposal of commercial trash, garbage,
6 recyclable materials and other refuse within the city limits; providing for
7 definitions, terms, conditions, rates, compliance with laws, arbitration,
8 standards of performance, collection, regulation, operations, hours, routes,
9 penalties, accounting, complaint resolutions; containing a repealer
10 provision; a severability clause, and providing for an effective date.

11
12 **Vice Mayor Yebba moved to adopt Ordinance No. 293 on first**
13 **reading, seconded by Council Member Allebach.**

14
15 Mr. McCue stated that the staff report applies equally to each company being recommended by
16 Ordinances 293-296. Historically the city has had non-exclusive franchises for commercial waste
17 haulers. While negotiating these contracts staff found there was a distinction between single family
18 dwelling units in the residential franchise and what could be deemed as single family dwelling units
19 in some of the parks and various locations around the city. He noted staff cleared up that conflict
20 and have identified what is under the commercial carrier franchise versus the residential franchise.
21 Mr. McCue said staff passed out a revised copy of page 4 of the contacts (a copy of which is
22 attached and becomes a permanent part of these minutes). He noted that paragraph f and g were in
23 conflict with each other, so paragraph g was removed.

24
25 Christine Davis, Finance Director came forward and reported that staff received four letters of
26 interest from commercial haulers. She noted there are representatives from all four commercial
27 haulers in attendance. Three of the haulers have expired contracts with the city and continue to pay
28 the franchise fee and one is new. The contract is same with a few changes specifically the residential
29 situation with the mobile home parks. The city received one additional letter of interest that will be
30 included on the next agenda.

31
32 Mr. McCue noted that Waste Pro sent a letter to the City recognizing that they had been operating in
33 the City without paying the franchise fee and agreed to pay the fee by Friday. Waste Pro has been
34 included in the process as Ordinance 296. He said he is confident that staff recommendations are
35 adequate.

36
37 In response to a question from Council Member Sherrill, Ms Davis responded Country Village is
38 excluded from the residential and is now included with the commercial contracts.

39
40 Mayor Erwin said staff's presentation eluded to contracts with the City, he clarified that staff was
41 referring to franchise contracts and not contracts to pick up trash.

42
43 **Motion passed by unanimous 5/0 roll call vote of the Council.**

44
45 (Note: Council Member Allebach was not present to vote on Ordinance No. 293)

46

1 Chapter 4, Concurrency Management by adding Section 4.11
2 Proportionate Fair-Share Mitigation by providing for proportionate fair-
3 share mitigation; containing a repealer provision, a severability clause and
4 providing for an effective date.

5
6 **Council Member DeVane moved to adopt Ordinance No. 285 on**
7 **second and final reading, seconded by Council Member Mahoney.**
8

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

12 **Motion passed by unanimous 6/0 roll call vote of the Council.**
13

14 **B. ORDINANCE NO. 286:** An ordinance of the City of Orange City,
15 Florida, awarding an exclusive franchise to Waste Management, Inc. of
16 Florida, a private corporation, for the collection and disposal of residential
17 solid waste, yard waste and curbside recyclable materials within the City
18 limits; providing for Definitions, Terms, Conditions, Rates, Compliance
19 with Laws, Arbitration, Standards of Performance, Collection Regulation,
20 Operations, Hours, Routes, Penalties, Accounting, Complaint Resolutions;
21 providing for conflicts; containing a severability clause, a repealer
22 provision, and providing for an effective date.
23

24 Mayor Erwin opened the Public Hearing by asking if anyone wished to speak in favor of or in
25 opposition to the proposed ordinance. No one appeared. The Mayor closed the Public Hearing.
26

27 Ron Saylor 361 Dixson Street came forward to express concerns about Waste Management. He
28 stated, "I don't think I have to tell any one of you I am against this company and their business."
29 Mr. Saylor recalled that the last time he spoke to Council he complained about a street corner that
30 needs repair, and the repairs have not been done. Mr. Saylor expressed concern that last year Waste
31 Management spent 13.5 million dollars supporting NASCAR. He said "I am still upset about the
32 fact we are paying for race cars." He suggested that citizens receive written notification of what to
33 expect from Waste Management and what their requirements are.
34

35 The Mayor closed the Public Hearing.
36

37 **Council Member Sherrill moved to adopt Ordinance No. 286 on**
38 **second and final reading, seconded by Council Member Allebach.**
39

40 Mayor Erwin said "I don't think anyone of us are particularly happy with this contract. I will take
41 the liberty of speaking for the council members." He noted that Council and staff have spent over
42 four months trying to come up with a waste disposal contract in Orange City and that it was very
43 frustrating. He said that council realizes that the rising cost is significant but there are no other
44 viable choices. "Therefore, speaking for myself, I will reluctantly vote for this ordinance."
45

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

- 1
2 **C. ORDINANCE NO. 288:** An ordinance of the City of Orange City,
3 Florida, amending Section 8.3 of the City's Land Development Code, said
4 section being the Official Zoning Map of the City of Orange City, Florida;
5 said amendment changing the zoning classification of the Volusia County
6 School Board property, consisting of approximately 60.0 acres of property
7 generally located within the southeast quadrant of West Blue Springs
8 Avenue and the Western Parkway; from its present zoning classification of
9 R-1 Low Density Residential to Residential Planned Unit Development
10 (R-PUD): containing a repealer provision, a severability clause and
11 providing for an effective date.

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

15
16 **Council Member Sherrill moved to adopt Ordinance No. 288 on**
17 **second and final reading, seconded by Vice-Mayor Yebba.**

18
19 BEGIN TAPE 1-B

20
21 Council Member Sherrill observed that the sidewalks in that area are dangerous and asked who is
22 responsible for them. Mr. McCue noted, that the City, the County and the MPO (Volusia County
23 Metropolitan Planning Organization) will jointly be addressing the sidewalks around the school.

24
25 **Motion passed by unanimous 6/0 roll call vote of the Council.**

26
27 **6. RESOLUTIONS:**

- 28
29 **A. RESOLUTION NO. 377-06:** A resolution of the City of Orange City,
30 Florida electing to use the uniform method of collecting non-ad valorem
31 special assessments levied within the incorporated area of the city; stating
32 a need for such levy; providing for the mailing of this resolution; and
33 providing for an effective date.

34
35 Mayor Erwin opened the Public Hearing by asking if anyone wished to speak in favor of or in
36 opposition to the proposed resolution. No one appeared. The Mayor closed the Public Hearing.

37
38 **Vice-Mayor Yebba moved to approve Resolution No. 377-06**
39 **seconded by Council Member Allebach.**

40
41 Mr. McCue said this resolution provides the property appraiser and the tax collector an avenue for
42 collection of payment if Council chooses to implement a special assessment district during the
43 upcoming year. He said it is a routine process that is kept available to Council if needed.

44
45 Karol Costello, 250 15th Street, West Highlands area, came forward and asked if a special
46 assessment meant the city can make people pay for dirt roads or whatever assessment deemed

1 necessary. Mr. McCue responded that special assessments that Council would consider are
2 voluntary or would be done at the request of developers. For example a developer may want to
3 make an upgrade to property that is going to cost additional monies. Mayor Erwin explained that
4 the homeowner does not pay up front for the installation, it is paid over a period of time. Ms.
5 Costello clarified that she is asking about existing property. Mr. McCue responded that by law, in
6 the State of Florida, if a city or county government adopts the appropriate ordinances it can legally
7 require homeowners to comply. The decision to implement a special assessment is made by the
8 local governing body.

9
10 Mr. McCue clarified that Resolution No. 377-06 provides for the collection of money in the event
11 the City does implement a special taxing district. He said that the City is contemplating such a
12 district for street lighting on Saxon Blvd., Enterprise Rd, 17-92 & Veterans Memorial. He said that
13 the business owners may not necessarily be in favor of the district but it is needed for safety
14 reasons. Mr. McCue said that he did not believe Council would impose a special assessment district
15 on residents against their will. Mr. McCue reiterated the purpose of Resolution 377-06 by stating
16 "This resolution tonight is simply how to collect the fund if and when the Council ever adopt one."

17
18 Council Member Mahoney noted that "Exhibit A" to Resolution No 377-06 was not included in the
19 agenda packet. Mr. McCue apologized and noted that the required advertising had been done.

20
21 **Motion passed by unanimous 6/0 roll call vote of the Council.**

22 *375-06*

- 23 **B. RESOLUTION NO. ~~380-06~~:** A resolution of the City Council of the
24 City of Orange City, Florida, acknowledging and approving the Master
25 Development Plan and Site Plan for the Middle School DD Residential
26 Planned Unit Development (R-PUD), to be constructed on a 60.0 acre
27 parcel, generally located in the southeast quadrant of West Blue Springs
28 Avenue and the Western Parkway, Orange City, Florida; repealing all
29 resolutions or parts of resolutions in conflict herewith; and providing for
30 an effective date.

31 *375-06*

32 **Council Member Sherrill moved to approve Resolution No. ~~380-06~~**
33 **seconded by Council Member Allebach.**

34
35 Mr. McCue announced that Saralee L. Morrissey, Volusia County School Board, was unable to
36 attend tonight, however, the architect and engineer were present. Mr. McCue said that staff has
37 enjoyed working with the Facilities Services Division at the School Board. He said even though it
38 was not required Ms. Morrissey and her staff have complied with Orange City's development
39 standards and that it has been "a great relationship." Mr. McCue said that staff recommends
40 approval of this resolution.

41
42 Mayor Erwin asked if the project has been put out to bid. John Hall, Architect, Hawkins & Hall,
43 Daytona Beach, came forward and confirmed that this project has gone out to bid, the bids have been
44 closed and a contract has been awarded. Mayor Erwin inquired if both the middle and high schools
45 were scheduled to go on line at the same time. Mr. Hall responded that the construction time period
46 for the middle school is shorter than the high school. Construction of the high school has already

1 begun and both projects will be constructed concurrently. Opening for the middle school should be
2 August 2008. Mayor Erwin commented that it looks like a good facility and that Orange City can
3 be proud of all three facilities.

4
5 Council Member Mahoney noted that the rezoning accomplished in Ordinance 288 was for a 60-acre
6 project, yet Resolution ~~380-06~~ 375-06 is being treated as a 35 acre development since the other 25
7 acres has been developed. He asked whether this was due to the school having "special status". Mr.
8 Kerr responded in the affirmative.

9
10 **Motion passed by unanimous 6/0 roll call vote of the Council.**

- 11
12 **C. RESOLUTION NO. 381-06:** A resolution of the City Council of the
13 City of Orange City, Florida, appointing Elizabeth A. Woolfe to Seat #01
14 on the Planning commission of the City of Orange City; repealing all
15 resolutions in conflict herewith and providing for an effective date.

16 **Council Member Allebach moved to approve Resolution No. 381-06**
17 **seconded by Council Member Sherrill and passed by unanimous 6/0**
18 **roll call vote of the Council.**

19
20 Mayor Erwin congratulated Ms. Woolfe on her appointment to the Planning Commission.

21
22 The City Clerk administered the oath of office to Ms. Woolfe.

- 23
24 **D. RESOLUTION NO. 382-06:** A resolution of the City Council of the City of Orange
25 City, Florida, nominating Robert Storke to fill the vacancy in Seat #05 on the City
26 Council of the City of Orange City; repealing all resolutions in conflict herewith and
27 providing for an effective date.

28
29 Mayor Erwin noted there were seven applications and two late submissions for consideration for
30 appointment to the vacancy in Seat #5 on the City Council. He said the City Charter requires that
31 vacancies be filled within 30 days and that the interim council member will serve until the next
32 regular election. The individual elected at that election will serve for the remainder of Mr. Abell's
33 term. He explained the process as outlined in "Roberts Rules of Order" and stated unless there were
34 objections council would vote by roll call. The person elected will be sworn in today but the
35 effective date will be tomorrow. Mayor Erwin reminded all applicants who are not selected that
36 there will be five seats open on the Council in November of 2007.

37
38 Mayor Erwin opened the nominations. Vice Mayor Yebba nominated Robert Storke. Council
39 Member DeVane nominated George Stone. Mayor Erwin closed the nominations and a roll call vote
40 was taken as follows:

41 5 Votes for Mr. Storke
42 1 Vote for Mr. Stone
43

44 Council Member DeVane noted this is an interim appointment, and requested that in honor of Mr.
45 Abell his name remain on the door and his picture on the wall until the next election. Council
46 agreed.

1 **Council Member Allebach moved to approve Resolution No. 382-06**
2 **seconded by Vice Mayor Yebba.**

3
4 Council Member Mahoney thanked everyone to who expressed interest in being appointed to the
5 Council. He stated, "It's nice to have a large turnout of interested citizens who say I'm willing to
6 serve."

7
8 Council Member Yebba agreed and reminded everyone there are several openings on the Planning
9 Commission.

10
11 Council Member Storke thanked Council for choosing him and said he will do his best to honor Mr.
12 Abell's chair.

13
14 **Motion passed by unanimous 6/0 roll call vote of the Council.**

15
16 The City Clerk administered the oath of office to Mr. Storke.

17
18 **7. DISCUSSION AND ACTION:**

19
20 A. Update on Town Hall Renovations

21
22 Fred Beiser, Capital Project Manager came forward to give an update on town hall renovations. He
23 said that Western Waterproofing has been an excellent company to work with and have done a
24 number of things that were not included in the contract. He noted that Western Waterproofing
25 planned to have the project completed by the first of December, however because of the holiday the
26 project may be completed later in January. Mr. Beiser noted that there are a number of things that
27 must be done to the interior of the building.

28
29 Mr. McCue said Western Waterproofing put a new roof on the back of the building and found the
30 rain gutters in terrible condition. He suggested that Mr. Beiser get a quote to use cooper for the
31 bottom the gutters. Depending on the amount of the quote, there may be a change order before
32 council in January recommending an amendment to the contract allowing Western Waterproofing to
33 repair the gutter and the interior of city hall. Mr. Beiser recommended using cooper gutters on the
34 rear of the building. He advised Mr. McCue the fire escapes in Town Hall are in terrible condition
35 and need to be addressed.

36
37 Council Member Allebach said he was happy that the report was positive he noted that often he
38 drives past and it looks great. He acknowledged that it can be a difficult working with some
39 contractors, however, Western Waterproofing went above and beyond.

40
41 Mayor Erwin recessed the meeting at 8:25 p.m., reconvening at 8:35 p.m.

42
43 BEGIN TAPE 2-A

44
45 **B. Closest Unit Response Agreement (CUR)**
46

1 Mr. McCue distributed a revised draft of the Closest Unit Response (CUR) agreement to the Council
2 (a copy of which is attached and becomes a permanent part of these minutes). He advised that this
3 draft incorporates the changes that he negotiated with the County Manager. Mr. McCue said that the
4 draft received from the County did not reflect those changes. He noted that he had previously been
5 directed by Council not to agree to changes which would result in the City being prohibited from
6 providing services to residents of Orange City. During those negotiations, the City opened Station
7 68 and staff developed a service area map which takes into account the new station. Mr. McCue said
8 that he and Chief Hoffman worked with the City Attorney to develop a revised Interlocal Agreement
9 which was distributed to Council in November. After the County reviewed that document, they
10 developed a list of issues they wanted addressed in the agreement. Mr. McCue advised that most of
11 the changes requested by the County were minor, but noted that he stressed to them that he would
12 not recommend any changes which would reduce the level of services provided to Orange City's
13 residents, particularly a reduction from ALS (Advanced Life Support) to BLS (Basic Life Support).
14 In response to this, the County agreed to provide ALS services out of Station 31 which is located in
15 Orange City.

16
17 Mr. McCue said that at the conclusion of his negotiations with the County Manager, he agreed to let
18 the County incorporate the agreed-upon changes into the final agreement and return it to the City for
19 consideration by the City Council. Mr. McCue stated that the draft of the agreement returned by the
20 County did not include any of the changes, not the least of which was removing all references to fire
21 suppression services leaving the agreement to address only emergency medical services.

22
23 Mr. McCue said that a decision was reached by himself, Chief Hoffman and Mr. Reischmann to
24 present to Council the version of the Interlocal Agreement which reflects the City's requirements
25 and the issues agreed to in his negotiations with the County. He assured Council that the three of
26 them had reviewed the document to assure accuracy and attributed the delay in getting it to Council
27 to the amount of time that review encompassed. Mr. McCue addressed the changes with the
28 Council, explaining his reasoning for each one. He noted that the agreement contains language that
29 indicates that he and the County Manager have agreed to work toward a recommendation for
30 regionalization of fire and EMS services. In response to a comment from Council Member
31 Mahoney, Mr. McCue clarified that the goal of regionalization is to put all of the fire and EMS
32 services under one umbrella. Mr. McCue noted that as a result of the agreement, Station 31 will be
33 upgraded to ALS to benefit Orange City residents.

34
35 Mr. McCue displayed new service area maps which also show the City limits. The distribution of
36 calls will be reviewed quarterly by the Chiefs. In regard to the fees, Mr. McCue said that it will be a
37 FEMA-based structure of about \$150 per call. He said that the City and County agreed that up to
38 twenty-five calls of imbalance would be run without any type of reimbursement, however, he is
39 recommending that once the calls exceed twenty-five, they will all be reimbursed. Payments will be
40 made on an annual basis. In response to a question from Council Member Mahoney, Mr. McCue
41 said that he has checked and the City will not have to modify its insurance coverage in any way to
42 accommodate this agreement.

43
44 Mr. McCue discussed the proposed termination agreement contained in the CUR. As written by the
45 County, the agreement could be cancelled by them if they did not have funding for the agreement.
46 Mr. McCue said that he changed this section to say that it could be cancelled by either party. Mayor

1 Erwin noted that, as written, either party could void the agreement simply by not funding it.

2

3 Mayor Erwin expressed that his experience in negotiating with the County over the years is that they
4 are "less than honorable."

5

6 Mr. McCue reiterated that Orange City's fire department is set up to respond in urban settings where
7 there are fire hydrants available. Many areas of the County rely on pumper trucks for fire
8 suppression. Mr. McCue stated, "I told the County Manager I don't want to have a day where I have
9 either electronic media on the news channels or on the front page of the paper, a shot over an Orange
10 City Fire Fighters shoulders with a house burning in the background and us standing there not being
11 able to fight it. Because that wouldn't reflect well on what we've done in this City to develop an
12 adequate and above adequate fire and EMS system. And that's the very large potential of fighting
13 fires out in the unincorporated area."

14

15 Mr. McCue recommended strongly that Council approve the proposed Interlocal as presented
16 tonight, noting that he has worked very hard to develop an agreement that is fair and equitable to
17 both parties.

18

19 Mayor Erwin noted that the final agreement would have to be approved by Resolution. Mayor
20 Erwin asked if this document represented what was discussed at the meetings and Mr. McCue said,
21 "yes." Mayor Erwin noted that there have been problems in the past working with the County. Very
22 often, the City has had to write the document because the version that came from the County did not
23 include the items discussed during negotiations. Mayor Erwin stated, "I am willing to work with
24 anybody. I am willing to go as far as we have to to reach an agreement. But at the same time, I
25 want it done in a fair and equitable manner."

26

27 In response to a question from the Mayor, Mr. McCue stated that if the County does not agree to this
28 version of the agreement, the City will lose its COCPN and will not be able to provide ALS services.
29 The City will then have to go through the state approval process all over again. Mr. McCue
30 summarized, "So the consequences will be time."

31

32 Mr. McCue stated, "Those are the things we've been going through in the past few months working
33 with them. We've been getting the down side in the press that we're the only hold out and all these
34 other things, but you know what? I don't care. What we've done is we've made sure that Orange
35 City's residents get our services at the ALS level. We've made sure that if we do runs into the
36 unincorporated area, we get reimbursed so that our tax payers aren't offsetting the tax burden that
37 Volusia County residents should be. And this document accomplishes it and I've told you before
38 and I think you've all concurred and so has the City Attorney, if the County doesn't want to do this,
39 then we need to go to court, it's that simple." Mr. McCue noted that other cities were following the
40 City's efforts on this issue and he suggested that if Orange City is successful, there will be other
41 challenges to the requirements. He said that he was requesting direction from Council tonight as to
42 what they want presented to the County Council regarding the proposed CUR agreement.

43

44 **Council Member Sherrill moved to forward the Closest Unit**
45 **Response Agreement as presented tonight to the County Council**
46 **for their approval, seconded by Council Member Allebach.**

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Council Member DeVane noted wording in Section 3.1.2 which references the County providing ALS service and she noted that the County's fire department does not provide ALS response. Mr. McCue responded that language should have been stricken. Council Member DeVane noted that on Page 12, Section 3.2.4 of the agreement which deals with providing reports to the City the language "and/or" should be inserted. Council Member DeVane next noted that on Page 14, Section 5.1 there is language giving the City the authority to assume command in Service Area Number 1 and she questioned why this was needed since that is the City's service area. Mr. McCue responded that it does include unincorporated areas. Council Member DeVane noted that this exact language was repeated on Page 15 when it should read "Service Area Number 2."

Vice Mayor Yebba noted that the proposed agreement compromises the benefits of annexing into the City. He expressed his displeasure with the agreement in general and noted that under the terms of the agreement, he is located in a County service area. Mr. McCue responded that there is a clause in the agreement that whenever a call is located within the City's jurisdiction, they have the option of responding. In response to a comment from the Vice Mayor, Mr. McCue said that the County is required to provide ALS response, and failure to do so would be a breach of the agreement. Chief Hoffman said that the County's response times as well as staffing on their trucks would be closely monitored.

Mr. McCue advised that the City must have an agreement in place before it can take this matter to court. Ms. Babb-Nutcher said that if that is the opinion of the City Attorney, she would concur.

Council Member Allebach noted that the City encounters the same problems each time it enters into negotiations with the County.

BEGIN TAPE 2-B

Mr. McCue stressed that all negotiations in the future should take place between the elected bodies. He recalled the difficulties encountered throughout the negotiation process on this matter and reiterated that the County has not engaged in "good-faith" negotiations.

Council Member Mahoney inquired whether the level of service should be indicated in the wording on Page 30, Section 11.4. Mr. McCue responded that the clause allows for a transition period for the County to reach ALS status. In addition, if the agreement is not approved on time, the City may lose their ALS status and would need a transition period.

Council Member DeVane commented that it was stated that the County benefits from the agreement that was sent to the City compared to the agreement the City is sending back. It is not the County residents that would benefit from what the County was providing, it was the County Council's budget that would benefit. This Council is not trying to not provide a higher level of service to the unincorporated areas, instead, this Council wants to make sure that the citizens who are contributing to the budget are compensated by making sure they get the same quality of service that they pay for. Council Member DeVane expressed her concern that Orange City may not be informed of calls which fall in Service Area 1 which is serviced by the County. Mr. McCue and Chief Hoffman assured Council Member DeVane that the City can monitor these calls. Mr. McCue predicted that

1 Station 31 will most likely be tied up with calls in DeBary and calls in Service Area 1 will be
2 diverted to Orange City automatically. He expressed that Station 31 is “redundant” and should be
3 consumed by Orange City.

4
5 **Motion passed by unanimous 6/0 voice vote of the Council.**

6
7 **8. REPORTS:**

8
9 A. City Manager

10
11 The City Manager had no report.

12
13 Council Member Sherrill expressed his pride in the Christmas Parade noting that it was attended by
14 twice as many people as last year. He said that staff did an excellent job on the Christmas lights. He
15 suggested that next year that a big tree be placed in the park on Holly Avenue. Mr. McCue noted
16 there is no electricity in that area, however it is in the plan for next year. Council Member Sherrill
17 said everything was “just super.”

18
19 B. Mayor/City Council

20
21 Mayor Erwin reported the WAV meeting for December was cancelled due to Mayor Golden’s
22 funeral. He said the agenda items will carry over into January. No action can be taken to revamp
23 WAV until the conclusion of the sixty-day waiting period. The City will have to pay the second
24 quarter assessment to WAV. Mayor Erwin stated that he would probably vote for the revamping of
25 WAV to a planning organization but that does not mean Orange City will become a member. The
26 administrative costs may increase, and the member’s assessment will rise without additional
27 services. He noted, this matter will be discussed at the February council meeting. Mayor Erwin
28 stated “If we don’t sit at the table, we can’t be a player.”

29
30 Mayor Erwin reported his appointment to the VCOG Executive Committee and the Smart Growth
31 Resolution Committee. Meetings will begin in January.

32
33 Mayor Erwin commented on the Partnership Center and gave a brief statement of the facts that led to
34 dissolving the project. The Mayor advised that there was an emergency meeting of the Operations
35 Committee on November 30, 2006. At that meeting, it was announced that the cost for the project
36 had escalated from \$23 to \$29 million. It was proposed to modify the building plans to implement
37 cost-saving measures including the elimination of any type of kitchen. Unfortunately, when
38 combined with the “soft” costs, the budget estimate was still in excess of \$26 million. Mayor Erwin
39 said that a vote was taken during which the partners decided to end the project. The Mayor said that
40 subsequent to the vote, messages were received from State Representatives Pickett and Hayes which
41 said that they would try to secure \$2 to \$5 million in State funds to keep the project alive. The
42 Deltona City Commission met on December 4th and voted not to release their next \$1 million pledge
43 to the project. Mayor Erwin stated that at that time, the partners again decided to scrap the project.
44 Since then, Deltona has had a change of heart and is considering following through with their
45 pledge. The Mayor said that it is likely that no final action will be taken until the end of the
46 legislative session so that it can be determined how much money will actually be available for the

1 project. In response to a question from Council Member Mahoney, the Mayor said that DBCC has
2 not commented on the matter, but that he believes they are willing to work the issue out if possible.
3 The Mayor said that the Chamber has temporarily suspended their fund raising efforts. Mr. McCue
4 added that Deltona's City Manager has authorized the release of their \$1 million pledge.

5
6 C. City Clerk

7
8 The City Clerk had no report.

9
10 D. City Attorney

11
12 City Attorney Debra Babb-Nutcher reported that a motion to dismiss filed by Gel Corp was denied.
13 The defendant will have to file an answer to the City's complaint. A mediation date has been
14 scheduled for December 20, 2006. The closure date for the C & D Landfill is expected by early
15 January.

16
17 **9. APPROVAL OF MINUTES:** November 14, 2006 Regular Council Meeting

18
19 **Council Member Allebach moved to approve the minutes of the**
20 **November 14, 2006 meeting, seconded by Vice Mayor Yebba**
21 **and passed by unanimous 6/0 vote of the Council.**

22
23 Mayor Erwin noted two corrections to the November 14th Regular Meeting minutes, page 3 line 4-5
24 as follows: "He asked who would hold liability for any challenge to the City. Should read "He
25 asked who would be held liable for any challenge to the City. Also on page 3 line 45, "Motion
26 passed by unanimous 6/0 roll call vote of the Council" should be stricken from the record.

27
28 **The minutes were approved as amended unanimous 6/0 voice**
29 **call vote of the Council.**

30
31 **10. COUNCIL COMMENTS**

32
33 Council Member DeVane apologized from not being able to attend the parade. She said she heard it
34 was a success and looks forward to upcoming events.

35
36 Council Member Yebba agreed and said he was overseas and not able attend the parade. He
37 commented when you go overseas and look around you will appreciate what you have here when
38 you get back and the changes that have been made over the years. He said, "I appreciate all the work
39 the staff does to make this city look as great as it does."

40
41 Council Member Sherrill asked that all council members participate in city functions.

42
43 Council Member Allebach noted the Light Up Orange City function was "awesome". He said that
44 he had a class and was not able to attend the parade. He stated "I will make every effort to do it
45 when that class period ends in September."

46

1 Council Member Mahoney welcomed Mr. Storke to the Council and wished everyone “A Merry
2 Christmas and Happy Holidays.”

3
4 Mayor Erwin noted that the light of Orange City Program and the Christmas parade went well this
5 year. He noted there were a lot more people than last year and staff members did an excellent job
6 preparing the park. Mayor Erwin welcomed Mr. Storke to the Council and expressed his confidence
7 that Mr. Storke would do a great job.. In reference to Ms. Stafford’s comments about crime in her
8 neighborhood, Mayor Erwin suggested the City consider establishing a street crime squad.

9

10 **11. ADJOURNMENT**

11

12 There being no further business, Mayor Erwin adjourned the meeting at 9:58 p.m.

13

14 **RESPECTFULLY SUBMITTED:**

APPROVED ON

15

16

17 Gloria J. Williams

18 Deputy City Clerk
