

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, August 14, 2007 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 Anthony R. Yebba; Council Members; Jeff H.
12 Allebach, Donald C. Sherrill, Joelle DeVane, Jim Mahoney, Robert A. Storke; City
13 Manager John McCue; City Attorney William Reischmann; City Clerk Deborah
14 Renner

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

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

19
20 2. **CITIZENS COMMENTS:**

21
22 Mayor Erwin read a statement into the record (a copy of which is attached and becomes a permanent
23 part of these minutes) in response to comments made at the July 24, 2007 meeting by Mr. Thomas
24 Abraham.

25
26 Ron Saylor, 361 Dixson Street, came forward and explained why he attends City Council meetings.
27 He said that he encourages his neighbors to attend when they have complaints about how the
28 government is run. Mr. Saylor voiced his objection to remarks he said were made by the City
29 Manager at the last City Council meeting regarding a citizen's property tax records. He noted that
30 the remarks were not mentioned in the minutes and stated, "I had to assume that either you're
31 sweeping it under the carpet or you endorse that kind of behavior by your City employees." Vice
32 Mayor Yebba recalled that when Mr. McCue made remarks at the last meeting, he was talking about
33 his own property tax bill. Mr. McCue told Mr. Saylor that he was "totally mistaken" about what he
34 said and offered to meet with him tomorrow for clarification.

35
36 Elaine Wilson, 1670 W. Blue Springs Avenue, came forward and said that she was speaking as a
37 "concerned citizen and Vietnam era veteran." She expressed that she was very sorry to see the
38 controversy that has developed over the display of the Vietnam memorial wall. Ms. Wilson thanked
39 the City for bringing the display here. She said that she worked at the memorial one evening and
40 saw the effect that it had on visitors. She said that the City's veterans appreciate all the City has
41 done for them. Ms. Wilson stated, "Don't insult us by thinking that we are so narrow-minded that
42 displaying the Vietnam wall for a few days in this City is really going to make any difference in how
43 we vote or how we think about the City government. What it does do is it makes us feel good about
44 where we live."

45
46 Thomas Abraham, 1065 S. Volusia Avenue, came forward and thanked the Council for their

1 comments stating, "I'm glad that I'm getting some attention at least in the year 2007, it is an election
2 year." Mr. Abraham advised that his remarks were about "budgeting and blank checks." He said
3 that it is budget time and also a time for "war of words" throughout the State and it is time for
4 government officials to make responsible fiscal decisions and self-discipline in spending. Mr.
5 Abraham said that recent property tax law revisions are a signal that "good times are over." He
6 expressed his opinion that the Council give the administration "blank checks for travel, conference
7 expenses, tuition fee reimbursements and even text book expenses." Mr. Abraham said that in most
8 other places education reimbursement is not paid for a grade lower than a "B", while in Orange City,
9 it is paid for a "C". He presented the Mayor with a copy of a purchase order and asked, "How can a
10 member of staff attend a college course between 11:30 a.m. and 1:10 p.m. Monday through
11 Thursday?" Mr. Abraham said that it is Council's job to evaluate the facts and suggested that they
12 discuss increasing the minimum grade above a "C".
13

14 Michael Salzano, 2893 Doe Run Trail, came forward and said that when he purchased his home, he
15 was told that recycled water would be available. Mr. Salzano asked when this would be done. Mr.
16 McCue responded that Mr. Salzano's neighborhood is on the County water system, as is all recycled
17 water. He said that the City requires developers to put in "dry lines" which could be used later when
18 recycled water becomes available. Mr. McCue advised that the City is involved in a joint project to
19 pump water to the County's wastewater treatment plant to be used as reuse water. This additional
20 water will push the treatment plant nearer to its capacity. He advised Mr. Salzano that it could be
21 years before the water is available near his house.
22

23 Al Blue, 447 N. Oak Avenue, came forward and noted that there is a local street known as Taylor. It
24 is designated as Taylor Road on one end and Taylor Avenue on the other. Mr. Blue advised that the
25 correct name of the street is Taylor Drive. He further advised that the road is only two blocks long
26 and has six potholes. Mr. Blue noted that the recently adopted ordinance regarding handbills
27 prohibits placing them on vehicles, however, now people are putting them on his porch or doorknob.
28 He said that the ordinance does not prohibit placement of the handbills on City rights of way. Mr.
29 Blue stated, "If the City is going to allow people to throw handbills and circulars on the right of way,
30 I would hope that the City would go back and also clean up their right of ways." Mr. Blue said that
31 he recently received a notice that the Waste Management bill for \$259 annually was going to be
32 placed on the tax bills. He noted that the Waste Management contract is valued at over \$400,000
33 annually, and that the Company has been relieved of the requirement to collect for their services.
34 Mr. Blue stated, "I've always thought that the City was originated to serve and protect. In this
35 instance, the City side-stepped the conditions where the contractor has made claims, unsubstantiated
36 by the administration. Resolving a perceived condition by placing payment of corporate billings on
37 the County tax roll is a drastic punishment for unsubstantiated claims." Mr. Blue noted that the City
38 of Lake Mary uses Waste Management for its residential trash pickup and the bill is placed on the
39 water bill. He questioned why Orange City did not seek a less expensive alternative.
40

41 **3. CONSENT AGENDA:** None at this time
42

43 **4. ORDINANCES - FIRST READING:**
44

45 **A. ORDINANCE NO. 317:** An ordinance of the City Council of the City of Orange
46 City, Florida, providing for a non-exclusive franchise to 4-Jays Management, Inc. for

1 the collection and disposal of commercial trash, garbage, recyclable materials and
2 other refuse within the city limits; providing for definitions, terms condition, rates,
3 compliance with laws, arbitration, standards of performance, collection, regulation
4 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
5 repealer provision; a severability clause and providing for an effective date.
6

7 **Council Member Allebach moved to adopt Ordinance No. 317 on first**
8 **reading, seconded by Council Member Sherrill.**
9

10 Christine Davis, Finance Director, came forward and stated that the purpose of the proposed
11 ordinance is to authorize a one-year non-exclusive franchise with 4-Jays Management, Inc. for
12 commercial trash pickup. The contract will be retroactive from January 1, 2007 and will run through
13 December 31, 2007. Ms. Davis advised that this contract brings the number of authorized haulers to
14 seven. In response to an inquiry from Council Member Mahoney, Ms. Davis clarified that all
15 components of the contract will be retroactive.
16

17 Council Member Allebach noted that 4-Jays deals mainly with construction debris and roll-off
18 containers.
19

20 In response to a question from Vice Mayor Yebba, Ms. Davis stated that collection of past fees is
21 done on a "good faith" basis from records compiled by 4-Jays. Mr. McCue said that the Council
22 could suspend the company from doing business in the City if they felt 4-Jays was not being honest
23 regarding their customer base.
24

25 **Motion to adopt Ordinance No. 317 on first reading passed by**
26 **unanimous 7/0 roll call vote of the Council.**
27

- 28 **B. ORDINANCE NO. 319:** An ordinance of the City Council of the City of Orange
29 City, Florida; amending Chapter 17.5 Vehicles for Hire, Article II. Wrecker, Towing
30 Service, Section 17.5-18. Rotation of Wrecker Service, and Section 17.5-33, Grounds
31 for removal from Rotation List, to clarify the procedures for removal of a wrecker
32 service or towing company from the rotation list; providing for codification, conflicts,
33 severability and effective date.
34

35 **Council Member Sherrill moved to adopt Ordinance No. 319 on first**
36 **reading, seconded by Council Member DeVane.**
37

38 Mr. Reischmann distributed a revised version of Ordinance No. 319 which incorporates some
39 revisions he is recommending. The purpose of the Ordinance is to help clarify the process by which
40 the City Manager would remove a provider from the rotation list. Mr. Reischmann advised that the
41 revised ordinance contains a new Section 2 which revises Section 17.5-32 which sets forth
42 additional procedures to remove a provider from the list. The only other change provides for "repeat
43 offenders" of the terms of Chapter 17.5.
44

45 **Council Member Allebach moved to amend Ordinance No. 319 as**
46 **presented at this time by the City Attorney, seconded by Council**

1 **Member Storke, and passed by unanimous 7/0 roll call vote of the**
2 **Council.**

3
4 Mr. Reischmann recalled that Council had previously decided that it would be better to handle the
5 rotation list administratively rather than by requiring Council action. When that revision was made,
6 there was one section of the code that was overlooked and Ordinance No. 319 will correct that
7 omission.

8
9 Mr. McCue advised that staff was preparing to advertise for bids for this service. Chief Baskoff
10 suggested that this process would reduce the cost to the City and give the City more leverage in
11 enforcing its code. In response to a question from Council Member Storke, Mr. McCue said that
12 there would probably be two or three towing companies selected to provide this service for the City.

13
14 A discussion regarding the rates charged by the towing companies ensued. Chief Baskoff said that
15 currently, the tow companies set their own rates, however, if the City has a contract with the
16 providers as a result of the bid process, the City can set the rates. Mayor Erwin suggested that the
17 rates should be published. Council Member Sherrill said that the rates should include storage
18 charges.

19
20 Vice Mayor Yebba remarked that he had heard stories of individuals not being able to take their
21 personal effects out of the car when it has been towed. Mr. Reischmann advised that this was
22 addressed in the new ordinance.

23
24 **Motion to adopt Ordinance No. 319 on first reading passed by**
25 **unanimous 7/0 roll call vote of the Council.**

26
27 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:** None at this
28 time

29
30 **6. RESOLUTIONS:**

- 31
32 **A. RESOLUTION NO. 423-07:** A resolution of the City Council of the City of Orange
33 City, Florida, calling for a Primary Election, if necessary, and a General Election, for
34 Seats 1, 2, 3, and Mayor to be held October 9, 2007 and November 6, 2007
35 respectively; a special election to fill the unexpired portion of the term created by the
36 vacancy in Seat 5 will also be held concurrent with the Primary and General
37 Elections; listing the qualifying period during which persons may file for said
38 elections; officially notifying the Supervisor of Elections of said dates; repealing all
39 resolutions in conflict herewith and providing for an effective date.

40
41 **Council Member Mahoney moved to adopt Resolution No. 423-07,**
42 **seconded by Vice Mayor Yebba and passed by unanimous 7/0 roll call**
43 **vote of the Council.**

- 44
45 **B. RESOLUTION NO. 424-07:** A resolution of the City Council of the City of Orange
46 City, Florida supporting Daytona Beach Community College's Baccalaureate

1 proposal to the Florida State Board of Education to begin a Bachelor of Science in
2 Education degree program; repealing all resolutions in conflict herewith and
3 providing for an effective date.
4

5 **Council Member Storke moved to adopt Resolution No. 424-07,**
6 **seconded by Council Member DeVane.**
7

8 Mayor Erwin said that this Resolution was prepared at the request of Daytona Beach Community
9 College (DBCC). The Mayor said that the College is seeking support for a proposal to offer a four-
10 year degree in Education. He said that he believed more students would avail themselves of this
11 opportunity if the program was available locally and asked that Council support DBCC's request.
12

13 Council Member Mahoney said that while he supported the resolution in general, he had issues with
14 some of the language in it as he had no way of knowing if it is true.
15

16 Vice Mayor Yebba said that he was excited about the proposal and felt that it would be good for the
17 residents of the community.
18

19 BEGIN TAPE 1-B
20

21 Council Member Mahoney stressed that he felt there should be measurable criteria to substantiate the
22 "Whereas" statements of resolutions in general. Mayor Erwin said that the language in the
23 resolution was recommended by Dr. Sharples, who is a personal friend of his, and that he accepts the
24 wording based on that relationship.
25

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

28 **7. DISCUSSION AND ACTION:**
29

30 **A. Bid Award Fuel Supplier**
31

32 Paul Johnson, Public Works Director, came forward and stated that the City's previous supplier of
33 fuel had to close due to a bankruptcy. Terrell Industries, the current supplier, was located on an
34 emergency basis through the State of Florida purchasing system. Mr. Johnson advised that Terrell is
35 a fuel broker, not a distributor or supplier and there have been some problems with the City's orders
36 being placed in a timely manner causing a fuel shortage for City vehicles. He predicted that this is
37 an indication of the problems the City would face with this supplier in an emergency situation. Mr.
38 Johnson advised that Exum Energy was the only response to the City's request for bids. He
39 explained that the mark-up rate identified in the bid is a fixed rate that is applied to the "rack rate"
40 which fluctuates daily. Mr. McCue noted that not only would the City receive the benefit of a lower
41 price, they will have more reliable delivery.
42

43 Mr. Johnson advised that the proposed contract would run through September 30, 2010. The fixed
44 mark-up rate will be good for three years. The contract will be renewable as long as the rate remains
45 the same. Mr. Johnson stated, "I think it will give us a good, steady fuel supplier for the future."
46

1 **Vice Mayor Yebba moved to authorize the City Manager to enter into**
2 **an agreement with Exum Energy Corporation, seconded by Council**
3 **Member Sherrill.**
4

5 Mr. McCue advised that Roselyn Brown and Cathy Hurd put together the bid package for fuel
6 supply service as well as the next two bids up for discussion. He commended them for their work in
7 this endeavor and noted that it takes a burden from the Department Heads and will eventually lead to
8 centralized procurement for the City.
9

10 Council Member Mahoney referenced Section 2.07 of the contract and asked if the reference to a
11 price increase applied only to the mark-up rate. Mr. Johnson responded in the affirmative. Council
12 Member Mahoney questioned the need for this provision. Council Member Allebach suggested that
13 it could be due to a change in government regulations that would impose extraordinary charges on
14 the supplier.
15

16 Mayor Erwin clarified that the "rack-rate" is the rate the supplier pays for the fuel at the terminal.
17

18 **Motion passed by unanimous 7/0 voice vote of the Council.**
19

20 B. Bid Award Industrial Park Drainage Improvements
21

22 Mr. Johnson came forward and said that this project has been ongoing for a number of years. FEMA
23 will provide 75% of the funding for this project with the City paying the other 25%. There were
24 three bidders for this project, with J.D. Weber Construction being the lowest at \$94,750. Mr.
25 Johnson advised that the engineer's estimate for the project was \$91,000. He said that staff is
26 recommending the contract be awarded to J.D. Weber.
27

28 In response to a question from Mayor Erwin, Mr. McCue advised that this project is funded in the
29 current year's budget.
30

31 In response to a question from Vice Mayor Yebba, Mr. Johnson explained that the pump would
32 resemble a sanitary lift station. He said that it would be a low-profile, in-the-ground unit with a
33 powerhead with controls and an electrical feed. Vice Mayor Yebba asked where the water would
34 go. Mr. Johnson responded that it will go to the same place it's going at the present time. Mr.
35 McCue stated that the pond at this site should never have been approved by the engineers. He
36 advised that the only way to resolve the issue is to continue pumping the water out. Mr. McCue
37 explained that the proposed project would provide for an automatic pumping system which would
38 replace the current manual system. The manual system requires an employee be on site to turn the
39 pump on and off during each major rain event. Mr. McCue advised that the new pump would save
40 money on overtime, however, he stated, "It is not a perfect fix because to fix this would require
41 underground infrastructure."
42

43 Mayor Erwin asked, "This is going to replace the pump that's out there now that is doing the job?"
44 Mr. McCue responded, "yes." Mayor Erwin noted the cost of the project is \$94,000 and asked what
45 the annual savings from the project would be. Mr. McCue responded that he did not have an
46 answer. The Mayor questioned why the City should invest \$95,000 into a project that is already

1 working. Mr. McCue responded that the City was investing \$25,000 with the rest of the funding
2 coming from FEMA. Mayor Erwin stated, "I'm not convinced that we need to spend \$95,000 to
3 replace something that's already working." Mr. Johnson advised that the pump would come on
4 automatically when the water starts to rise, noting that there had been flooding of the road in the
5 past. Mr. McCue stated, "This is a budgeted item at \$25,000 that frees up one of our pumps to be
6 used elsewhere when we need it. It saves us on the overtime and it saves us on the manual. The
7 only thing that doesn't change is where water is being pumped to." He said that it is an upgrade to
8 the pumping system.

9
10 Council Member DeVane noted the advantages of having a pump that turns on automatically as
11 opposed to the manual pump that is there now. She detailed some of the flooding problems
12 experienced in the past.

13
14 Council Member Yebba questioned whether the new pump would eliminate the problems described
15 by Council Member DeVane. Mr. Johnson responded that there is no guarantee that the City would
16 not experience a "200-year storm" which could overwhelm the pump. Mr. McCue said that under
17 normal circumstances it should alleviate the problem.

18
19 Council Member Mahoney expressed his support for the project.

20
21 Vice Mayor Yebba expressed his support for bringing federal grant dollars to the City.

22
23 **Council Member Allebach moved to authorize the City Manager to**
24 **enter into an agreement with J.D. Weber Construction Co. for the**
25 **Industrial Park drainage improvements, seconded by Council**
26 **Member Sherrill and passed by unanimous 7/0 voice vote of the**
27 **Council.**

28
29 C. Bid Award for 17-92 Landscaping Project, Phase 1

30
31 Mr. Johnson came forward and advised that Phase 1 of this project encompasses the area from
32 Saxon Blvd. to Enterprise Road. There were six packets of bid documents picked up by contractors
33 with two responses returned. Grandview Landscaping Services was the low bidder at \$27,573. Mr.
34 Johnson advised that DOT has allowed a budget of \$40,000 for this phase of the project, and
35 therefore, the City will not have to be responsible for any of the cost. He said that staff is
36 recommending that Grandview be awarded the contract.

37
38 In response to a question from Vice Mayor Yebba, Mr. Johnson said that there will not be irrigation
39 at the planting sites, however, native plants which require very little water were being used.

40
41 Council Member Storke noted that the contract provides for water maintenance for one year until the
42 plants are established. Mr. McCue advised that if the plants die in the first year, they must be
43 replaced by the contractor at no charge.

44
45 Vice Mayor Yebba said that he would have like to have had landscaped islands as part of the project,
46 and he said that he has never seen the landscaping plan. Mr. McCue responded that the plan had

1 been presented to Council. He clarified that the plantings would mostly be located in the medians as
2 the landscape architect did not believe there was sufficient room in the right of ways for plants. Mr.
3 McCue said that staff has also been working with DOT regarding getting rid of the "suicide lanes"
4 and installing medians. He stressed that this work would have to be done at the City's expense.

5
6 In response to a question from Council Member Allebach, Mr. McCue advised that it has been
7 established that the northern boundary of the City is 472.

8
9 Mr. Johnson advised that Phase 2 of the project should move forward more quickly because the City
10 rather than the State would probably handle the engineering.

11
12 Vice Mayor Yebba noted that the cities on the east side of the County seem to receive all of the grant
13 funding for beautification such as funding from the MPO. Mr. McCue said that with the exception
14 of one road, all of the failing roads in the County are located on the west side.

15
16 Mayor Erwin noted that the second bid was much higher than Grandview and he questioned why
17 this was so. Mr. Johnson responded that most of the difference is in the "mobilization fee." He
18 assured Council that he checked their references and they were all positive. Mr. Johnson advised
19 that the rest of the difference is due mainly to the price of the crepe myrtle trees.

20
21 **Council Member Allebach moved to authorize the City Manager to**
22 **enter into an agreement with Grandview Landscaping Services for**
23 **Phase 1 of the 17-92 landscaping project, seconded by Vice Mayor**
24 **Yebba and passed by unanimous 7/0 voice vote of the Council.**

25
26 D. Designation of Voting Delegate for FLC Conference

27
28 **Council Member Allebach moved to select Vice Mayor Yebba as the**
29 **voting delegate for the Florida League of Cities Conference, seconded**
30 **by Council Member Sherrill and passed by unanimous 7/0 voice vote**
31 **of the Council.**

32
33 E. Jim Kerr, City Assistant Planner

34
35 Mr. McCue advised that the purpose of this item is to advise Council that Jim Kerr is being
36 promoted from his current position as Assistant City Planner to Chief Planner. Mr. McCue stated
37 that Mr. Kerr has worked for the City for twenty-four years in many different capacities. He advised
38 that the position of Chief Planner is already included in the pay plan, so it is just a matter of
39 reclassifying Mr. Kerr.

40
41 F. Nominations for Florida League of Cities "Excellence Awards"

42
43 Mr. McCue said that staff has made submittals to a number of different awards programs this year
44 and the Florida League of Cities (FLC) requires that nominees for their awards receive a formal
45 acknowledgement of support from the Council. Ms. Smith advised that the City is submitting two
46 nominees for the FLC Excellence Awards; City Attorney of the Year and City Employee of the

1 Year.

2
3 **Council Member Allebach moved that the City Council approve and**
4 **support the nominations of Mr. William Reischmann and Mr. Dale**
5 **Redin as nominees for the 2007 FLC Cities of Excellence Award,**
6 **seconded by Council Member Storke and passed by unanimous 7/0**
7 **voice vote of the Council.**
8

9 Mr. Reischmann thanked Council and staff for the nomination and said that it has been his pleasure
10 to work with the City since 1999.

11
12 **8. REPORTS:**

13
14 A. City Manager

15
16 Mr. McCue reported that staff had conducted the first mini citizens academy/bus tour which was
17 attended by twelve individuals and was a success. He said that he is looking for a minimum of
18 twenty people to rent the bus again for a second tour tentatively scheduled for August 23rd.

19
20 Mr. McCue requested that the budget workshop scheduled for August 21st be cancelled since there
21 are no pending issues.

22
23 **Vice Mayor Yebba moved to cancel the budget workshop scheduled**
24 **for August 21, 2007, seconded by Council Member Allebach and**
25 **passed by unanimous 7/0 voice vote of the Council.**
26

27 Council Member Sherrill asked why the owners of the property adjacent to and surrounding Country
28 Village are not made to mow the grass. Chief Baskoff responded that there is code enforcement
29 action pending against them. Council Member Sherrill suggested that the code needs to be
30 strengthened so that the offenders do not have to go through the hearing process for each offense.
31 Chief Baskoff responded that after this time, if they violate again they will be deemed a repeat
32 offender and much of the process is waived and the consequences are more severe. Mr. Reischmann
33 explained the code enforcement process stating that "due process" must be followed after a first
34 violation. Once a determination has been made that they have violated code, if that same code is
35 violated again during the following five-year period, the offender can be deemed a "repeat violator"
36 which could double the daily allowable fine and fines will be assessed immediately.

37
38 BEGIN TAPE 2-A

39
40 Council Member DeVane noted that school begins on Monday. She advised that the crosswalks
41 have worn away and she asked whether the City would help to repaint them before the opening. Mr.
42 Johnson responded that he has budgeted for thermal striping for next year. In the meantime, Mr.
43 McCue asked Mr. Johnson to have them repainted before the first day of school.

44
45 Council Member DeVane asked whether any City safety personnel makes sure that clean-up
46 following an accident is done completely. Mr. McCue responded in the negative and said that the

1 incident Council Member DeVane was referencing took place in the intersection of 17-92 and
2 Enterprise Road, an area of County jurisdiction, and the City does not have any authority to see that
3 clean-up is done properly. Council Member DeVane asked, "So when we annexed the roads from
4 472 down to Saxon, we skipped that section?" Mr. McCue responded that Volusia County
5 responded to the call and that the City can not direct their tow truck drivers. Council Member
6 DeVane advised that there was a piece of a windshield left in the lane following the accident and
7 many cars had to swerve to avoid hitting the debris. Mr. McCue said that he did follow up with the
8 County after Council Member DeVane reported the incident to him, however, they did not do
9 anything about the situation. Mr. McCue said that he rarely receives complaints about accident
10 clean-up on calls in the City's jurisdiction.

11
12 Mayor Erwin noted that the fountains in Dickinson Park are still not working. Mr. Johnson came
13 forward and explained that the fountain on the south side of the park has developed some cracks in
14 the base. He said that he has ordered some special epoxy that is supposed to rectify the problem. He
15 advised that both fountains are on the same timer circuit and if one is turned off, they are both turned
16 off. He said that if the material arrives this week as promised, the fountain should be up and running
17 "real quick." Mayor Erwin stated, "Those fountains have not worked properly since the day they
18 were installed." He asked whether the manufacturer has any responsibility for the problems. Mr.
19 McCue responded, "No." He explained that the pumps came from a third party and that they had
20 been replaced once already under warranty, however, they keep getting clogged up from dirt and
21 debris. Mayor Erwin asked why other cities don't have the same problem. Mr. McCue responded,
22 "They do." He advised that the pump is very small due to limited space in the fountain. Mr.
23 Johnson said that the latest pumps had greatly improved the functioning. Mr. McCue said that the
24 pumps have been turned off since they were installed because of the leak. Mayor Erwin stated, "I'm
25 running out of patience on that one."

26
27 Mayor Erwin inquired about the clock at Town Hall. Mr. McCue said that he has taken every
28 possible action to get the clock repairman to come back including holding up his money and sending
29 letters from the Attorney, and that now the repairman wants to turn the project over to someone else
30 due to personal difficulties. Mr. Johnson advised that the repairman does want to come and finish
31 up his own loose ends and that all that remains to be fixed are adding additional weights and
32 adjusting the clock. Mr. McCue reiterated that the repairman wants the City to find someone else to
33 handle ongoing maintenance on the clock. Mr. Johnson said that the repairman will do everything
34 he can to assist the City and that something should happen within the next week to ten days. Mr.
35 McCue said that the delay with the clock was the renovation of Town Hall. He advised that the
36 clockmaker had two heart attacks since that time.

37
38 Mayor Erwin recognized Al Blue who submitted a request to speak on this item. Mr. McCue
39 objected, stating that this portion of the agenda is for the Manager to report to the Council. He said
40 that he would talk with Mr. Blue tomorrow in his office. Mayor Erwin called Mr. Blue forward.
41 Mr. McCue stated, "I disagree, by the way. I want this on record. This is a Manager's report to the
42 Council, not a rebuttal for the citizenry."

43
44 Al Blue, 447 N. Oak, came forward and recalled that three years ago, two weeks before Easter, the
45 City Manager said that he would keep the clockmaker here until the clock was fixed. Mr. Blue
46 questioned whether the man was still here and the City was paying him a per diem.

1 Vice Mayor Yebba said that he objected to citizens coming up during the Manager's Report, stating
2 that it was Council's time to have a dialogue with the City Manager.

3
4 Mr. Reischmann read from the Council Rules and Procedures regarding allowing citizens to address
5 the Council during the meeting.

6
7 Mayor Erwin advised that he thought Mr. Blue had some information to offer on the subject.
8

9 B. Mayor/City Council

10
11 Mayor Erwin reported on the bi-monthly meeting with the County Manager and County Chairman
12 held yesterday. Discussion took place on the need to consolidate fire and emergency response. The
13 main focus of the discussion was on the elimination of duplication of services. A presentation was
14 made on the Florida International Festival and also a request for funding for the event. There was a
15 request made that Orange City donate \$9,000 toward the event. Mayor Erwin expressed his opinion
16 that not much attention is paid to the citizens on the west side of the County, recalling that there
17 were no offers of assistance for the Partnership Center by the east side cities. Mr. McCue concurred
18 and stated that they were told by people on the east side that there was no point in investing east side
19 monies on the west side of the County.
20

21 Mayor Erwin reported that there is a Veterans Group that operates a transport van from the Daytona
22 Beach Veterans Clinic to Gainesville. The federal government has provided funding for the
23 operation and maintenance of the van, however, funding is about to be discontinued and the program
24 is in jeopardy. The County will match any funds that are donated toward this program. The Mayor
25 expressed his opinion that it would be difficult to fund this program, without funding others.
26

27 The Smart Growth Committee had a meeting and the Mayor reported that all the cities are in
28 agreement about Map A. It was agreed that land can not be rezoned so as to prevent it from being
29 used, however, it also can not be changed to a higher density use. Mayor Erwin said that the
30 University of Florida agreed to work with the Committee for a fee of \$200,000.
31

32 Mayor Erwin advised that he spent some time with the Police at K-Mart plaza last Friday night. He
33 commended the officers for how they handled themselves. He observed that 95% of the kids there
34 are not from Orange City.
35

36 Vice Mayor Yebba suggested that if Deltona implements the curfew they have been discussing, it
37 could drive the kids to Orange City.
38

39 C. City Clerk

40
41 The City Clerk advised that it appears the City may be having a primary election as three people
42 have submitted their initial paperwork for Seat 3. The date for the primary election falls on the date
43 of the first regular meeting in October. Ms. Renner advised that if a primary election is needed, the
44 meeting will have to be rescheduled. Mayor Erwin noted that for the last two years, the canvassing
45 board had to meet on two different days which means the meeting could not be held until Thursday.
46

1 Council Member Mahoney suggested postponing the decision as to when the meeting should be
2 rescheduled until the end of the qualifying period so that Council can see if a primary election will
3 be needed or not.

4
5 **It was the consensus of Council to make a decision regarding**
6 **rescheduling the first meeting in October until after the close of**
7 **qualifying.**

8
9 D. City Attorney

10
11 The City Attorney had nothing further to report.

12
13 9. **APPROVAL OF MINUTES:** July 24, 2007 Regular Council Meeting

14
15 **Council Member Storke moved to approve the minutes of the July**
16 **24th 2007 Regular Meeting, seconded by Vice Mayor Yebba and**
17 **passed by unanimous 7/0 voice vote of the Council.**

18
19 10. **COUNCIL COMMENTS**

20
21 Council Member Allebach noted that with the election approaching, "there has to be a way to create
22 drama and interest." He said that he hopes the drama and interest comes from moving in a different
23 direction. He encouraged candidates to offer solutions and a positive direction. Council Member
24 Allebach said that he does not mind paying for the services he receives from local government,
25 explaining that it helps to keep home values up. He invited people to run for office but cautioned,
26 "But do it in the spirit of giving back to the community, not attacking folks that have."

27
28 Council Member Mahoney stated, "I question the wisdom of the premise that you can make
29 something better by attacking those who are trying to achieve the same goal."

30
31 Mayor Erwin noted that a budget workshop was held last Thursday. He said that shortly thereafter,
32 two articles appeared in the papers with headlines as follows: "Orange City Bucks State Tax
33 Orders" (Orlando Sentinel - Thursday). "Orange City Scales Back Budget to Meet State Rules."
34 (News Journal) Mayor Erwin stated, "We did not buck the State rules. We stayed within the State
35 guidelines in setting our budget for the coming year."

36
37 11. **ADJOURNMENT**

38
39 There being no further business, Mayor Erwin adjourned the meeting at 9:20 p.m.

40
41 **RESPECTFULLY SUBMITTED:**

APPROVED ON

42
43 
44 Deborah J. Renner, CMC
45 City Clerk
