

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, January 22, 2008 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 Strickland and roll call was taken.

8  
9 Mayor Strickland advised that he had received complaints from the audience about difficulty hearing  
10 speakers in the council chambers. He asked everyone to speak clearly into the microphones and  
11 invited those sitting in the back of the room to move forward so that they can hear a little bit better.

12  
13 **ROLL CALL**

14  
15 PRESENT: Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom  
16 Laputka, Tom Abraham, Don Sherrill, Donald Sandford; City Attorney William  
17 Reischmann; City Manager John McCue, City Clerk Deborah Renner

18  
19 ABSENT: Council Member Jim Mahoney

20  
21 The Invocation was given by Mayor Strickland, followed by the Pledge of Allegiance.

22  
23 **1. PRESENTATIONS:** Presentation to Outgoing Planning Commission Members

24  
25 Mayor Strickland announced that the Council would like to recognize three outgoing Planning  
26 Commission members. Mayor Strickland asked Elizabeth Woolfe, and George Stone, former  
27 Planning Commission members to come forward (Dean Dunlap was not present). Vice Mayor  
28 Allebach presented both with a plaque that read, "In recognition of your valuable contributions to the  
29 Planning Commission."

30  
31 Mr. McCue reported that recently the city entered into an Interlocal Agreement with the Volusia  
32 County School Board and that one of the provisions of the agreement is the establishment of a  
33 citizen oversight committee. The purpose of the committee is to provide public comment on the  
34 implementation of the Interlocal Agreement. The committee will meet annually and report to the  
35 municipality on the status of the Interlocal Agreement. Mr. McCue asked Ms. Woolfe if she would  
36 be the city's representative and she accepted.

37  
38 **2. CITIZENS COMMENTS:**

39  
40 Dr. Stem Mahlatini, Global Coaching & Consulting Services, 75 Fox Ridge Court, DeBary, FL came  
41 forward and advised Council that she is a licensed psycho-therapist with a Doctorate in education  
42 and 15 years experience. She said that she has opened an office in DeBary and detailed the services  
43 provided. Dr. Mahlatini said that she would be happy to provide such services as stress management  
44 training or services for juveniles in the community. Mr. McCue advised Council that he is  
45 considering a program for the city.

46

1 Hank Durica, 1310 E. Lansdowne Avenue, came forward and spoke on an article by Angel Smith,  
2 Community Service Coordinator, that appeared in the Daytona Beach News Journal (a copy of  
3 which is attached and becomes a permanent part of these minutes). Mr. Durica noted that at the last  
4 meeting he was informed Veterans Memorial is a county road. He questioned why the city patrols a  
5 county road. Mr. McCue explained the county owns the property but that it is within the city's  
6 public safety jurisdiction. Mr. Durica wanted to know who is responsible for the "gridlock." Mr.  
7 McCue responded that the county was. He said that Orange City approves development along a  
8 county road, however only the county can allow access. He explained that the engineers for the  
9 private developer, the city and the county conduct a traffic impact analysis and that the county has  
10 the final decision. Referencing the article, Mr. Durica said that approximately 80,000 people travel  
11 to Orange City daily but only 10,000 live here. He expressed concerns that city public services are  
12 geared to supporting 10,000 not 80,000 people. Mr. McCue explained that the article was discussing  
13 the number of daily trips on the major roads in the city. He said that according to the last US census  
14 there are 10,000 residents living in Orange City. Mr. McCue assured Mr. Durica that city public  
15 services are able to respond in an effective manner. Mr. Durica discussed the Lansdowne Oaks  
16 subdivision; he suggested it was not planned properly. He said that desalination had been suggested  
17 as a solution to the impending water shortage in Florida and remarked that water usage is two times  
18 faster than population growth.

19  
20 Hugh Strickland, 420 May Street, came forward and commented that the city asked him take down a  
21 banner at the library that was erected to advertise an upcoming musical event because he did not  
22 have a temporary sign permit. He said that he drove around town looking for other possible sign  
23 violations and found 150 of them. Mr. Strickland said that he read the temporary sign and banner  
24 section of the sign ordinance. He suggested that the city change the ordinance governing temporary  
25 banners, specifically Section 9.2.2. He detailed the recommended changes (a copy of which is  
26 attached and becomes a part of these minutes). Mr. Strickland suggested that the city waive the fees  
27 to file a permit for non-profit organizations, churches and the city. Temporary signs should be  
28 allowed on the property of non-profit or civic organizations and churches; churches and non-profit  
29 organizations should be permitted to erect signs in private residential yards for up to 30 days before  
30 an event; and that churches and civic organizations be allowed to advertise each other's event on  
31 their property. He offered to work with staff to rewrite the ordinance. He said that it is important to  
32 revise this ordinance quickly and implied that some citizens avoid the process by putting up their  
33 signs on the weekends. Mr. McCue advised that code enforcement now patrols on the weekends and  
34 that staff would look into the matter. He asked Mr. Strickland to report code violations when he sees  
35 them and informed him that he could do so anonymously on the city's web page. Mr. McCue told  
36 Council that revising the ordinance is a policy issue. He said if directed, staff would meet with Mr.  
37 Strickland, put together a draft of the revised ordinance and bring back a report to them.

38  
39 Council Member Sherrill spoke in favor of reviewing the sign ordinance. He said that the only time  
40 that he had received complaints about signs was during election time, but felt that it may be  
41 worthwhile to review Mr. Strickland's suggestions.

42  
43 Mr. McCue noted the distinction between "banners" and "snipe" signs. He explained that snipe  
44 signs are the small signs placed on street corners. He suggested the possibility of the city installing a  
45 signboard, like the one on Graves Avenue, for civic organizations and churches to advertise  
46 upcoming events.

1 Mr. Reischmann advised that signs and banners are forms of “commercial speech” and that the U.S.  
2 Supreme Court governs “commercial speech.” He said regulations that discuss time, place, manner,  
3 size, location, and placement are generally presumed to be constitutional. He warned that attempting  
4 to regulate the content of the sign is unconstitutional. Mr. Reischmann cautioned the Council to be  
5 careful about going too far in that direction or a plaintiff alleging discrimination could successfully  
6 sue the city.

7  
8 Mr. McCue explained that anyone could erect a sign on their property as long as they have obtained  
9 a permit. He said that if a sign was erected without a permit, that individual is advised to complete a  
10 permit application to keep the sign up. He expressed concerns about off-site signs and implied that  
11 allowing people to put up off-site signs without a permit may produce significant negative  
12 consequences. Mr. McCue said that he and Mr. Reischmann would meet with Mr. Strickland to  
13 identify possible areas for modification in the sign code.

14  
15 Robert Shirk, 2872 Doe Run Trail, Fawn Ridge subdivision came forward. He complained about  
16 speeding in the subdivision. He said that his neighbors have asked if the city could install speed  
17 bumps and “children at play” signs. He also questioned whether the subdivision could install gates  
18 on the entrance to the development. Mr. McCue reported that last year the city did a traffic study in  
19 the subdivision. He said the results showed that there was not a lot of speeding and that most of the  
20 speeders caught were adults. Mr. McCue said the most significant problem identified in the analysis  
21 was vehicles parked on the roads which could prevent fire and rescue truck access in the case of an  
22 emergency. He suggested another traffic study and advised Mr. Shirk to contact Police Chief  
23 Baskoff. Mr. McCue told Mr. Shirk gates at the entrance of the subdivision are not permitted but  
24 that the homeowners association could install the speed bumps. Mr. Shirk inquired whether the  
25 special street signs put in the development are a violation of the law. He said that frames were added  
26 to the traffic signs to match to the new street signs installed. Mr. McCue advised that traffic signs  
27 must conform to state statute. In response to a question from Mr. Shirk Mr. McCue said that the  
28 homeowners association is responsible for trimming trees around the street lights.

29  
30 Ray Blanchard, 526 Lynn Avenue came forward and commented that he has noticed that new  
31 sidewalks have been installed in the city and remarked that the “city looks beautiful.” He asked who  
32 would be responsible to repair damage to the sidewalks. Mr. McCue said that would depend. Mr.  
33 Blanchard stated that he walks in the mornings and noticed many damaged sidewalks. Mr. McCue  
34 asked Mr. Blanchard to call Mr. Johnson, Public Works Director when he notices damaged  
35 sidewalks. Mr. McCue said that the city does an annual review of city sidewalks and that Public  
36 Works routinely repairs and maintains the sidewalks.

37  
38 **3. CONSENT AGENDA:** None at this time.

39  
40 Vice Mayor Allebach read the titles of Items 4-A through 6-B into the record.

41  
42 **4. ORDINANCES - FIRST READING:**

43  
44 **A. ORDINANCE NO. 330:** An ordinance of the City of Orange City, Florida, amending  
45 Ordinance 90-05-08, as amended, said ordinance being Orange City’s Comprehensive Plan;  
46 transmitting an administrative amendment to the City of Orange City Comprehensive Plan

1 for the purpose of improving the coordination and planning of public school facilities as  
2 required by Chapter 163, F.S. the amendment consists of revisions to section 2: the future  
3 land use element; revisions to section 8: the intergovernmental coordination element;  
4 revisions to section 9: the capital improvements element; revisions that add a new section 9:  
5 Public school element goals, objectives and policies; and revisions that renumber existing  
6 section 9 to 10, existing section 10 to 11, existing section 11 to 12 and existing section 12 to  
7 13; providing a conflicts clause and severability clause and providing an effective date.  
8

9 **Council Member Sherrill moved to adopt Ordinance No. 330 on first**  
10 **reading, seconded by Council Member Laputka.**  
11

12 Chester Murray, Development Services Director, came forward and provided a power point  
13 presentation on the purpose of this amendment (a copy of which is attached and becomes a part of  
14 these minutes). He reminded Council that the city recently signed an Interlocal Agreement with the  
15 School Board and advised that this proposed amendment to the comprehensive plan would codify that  
16 process by modifying the existing future land use sections of the plan. He said it is mandated by the  
17 state and discusses how schools are to be sited to ensure that concurrency is met. Mr. Murray  
18 explained that the first reading of this ordinance is a transmittal hearing, and that the proposed  
19 amendment will be sent to the Department of Community Affairs (DCA) for comments and approval.  
20 The process takes about 90 to 120 days. Once the amendment is approved by the DCA, it then comes  
21 back before council for adoption into the comprehensive plan. He said that staff recommends that  
22 council approve the transmittal of the proposed Orange City Comp Plan Amendment. Mr.  
23 Reischmann noted that under Senate Bill 360, every city in the state of Florida must comply with this  
24 amendment.  
25

26 In response to a question from Council Member Abraham, Mr. Murray stated that Donald Sikorski,  
27 City Consultant, reviewed the amendment to make certain that the correct verbiage was incorporated.  
28 Council Member Abraham said that he was referring to Mr. Sikorski's statement at the November 7,  
29 2007 Planning Commission meeting that the process is not clearly identified in the amendment. Mr.  
30 McCue suggested that Mr. Sikorski was talking about potential problems with having a non-technical  
31 school board member sitting on the Planning Commission. He remarked that this is the first time that  
32 municipalities in the state have had to deal with elected representatives from another jurisdiction  
33 sitting on their boards and nobody knows what the future holds. He said that once the State approves  
34 the plan and it is adopted, the implementation stage is still a "gray" area. Mr. Murray agreed, he said  
35 it is a learning process. He explained that the state is attempting to prevent municipalities from  
36 building new developments that would overwhelm the school system. It also provides mechanisms  
37 under which concurrency could be met such as donating land, paying additional monies, etc. Mr.  
38 Reischmann reiterated that this is a mandated comp plan amendment; he said that the City has no  
39 choice other than to pass the amendment or future amendments will be rejected as not in compliance.  
40 Mr. Murray commented the State could also revoke the city's existing comprehensive plan and stop  
41 all future growth.  
42

43 **Motion passed by unanimous 5/1 roll call vote of the Council, with**  
44 **Mayor Strickland voting no.**  
45

- 1           **B.       ORDINANCE NO. 336:** An ordinance of the City Council of the City of Orange  
2 City, Florida, providing for a non-exclusive franchise to Container Rental Company,  
3 Inc. (CRC) for the collection and disposal of commercial trash, garbage, recyclable  
4 materials and other refuse within the city limits; providing for definitions, terms  
5 condition, rates, compliance with laws, arbitration, standards of performance,  
6 collection, regulation operations, hours, routes, penalties, accounting, complaint  
7 resolutions; containing a repealer provision; a severability clause and providing for an  
8 effective date.

9  
10           **Vice Mayor Allebach moved to adopt Ordinance No. 336 on first**  
11 **reading, seconded by Council Member Sandford.**  
12

13 Mr. McCue stated that the following ordinances are identical except that there are different vendors.  
14 He noted that the city has entered into one year non-exclusive franchise agreements. He said that the  
15 purpose is to time the conclusion of the non-commercial franchises with the conclusion of the  
16 commercial franchise and to “marry” these franchises to one vender, potentially reducing the cost of  
17 the residential franchise. He advised these agreements will come back around this time every year  
18 until that happens.

19  
20 In response to a question from Council Member Laputka, Mr. Reischmann advised Council that each  
21 ordinance must be read into the record. He explained that the city charter requires that these  
22 contracts be adopted by ordinance and that the Council Rules and Procedures must be followed  
23 when adopting ordinances.  
24

25           **Motion passed by unanimous 6/0 roll call vote of the Council.**  
26

- 27           **C.       ORDINANCE NO. 337:** An ordinance of the City Council of the City of Orange  
28 City, Florida, providing for a non-exclusive franchise to Sunshine Recycling Inc. for  
29 the collection and disposal of commercial trash, garbage, recyclable materials and  
30 other refuse within the city limits; providing for definitions, terms condition, rates,  
31 compliance with laws, arbitration, standards of performance, collection, regulation  
32 operations, hours, routes, penalties, accounting, complaint resolutions; containing a  
33 repealer provision; a severability clause and providing for an effective date.  
34

35           **Council Member Sandford moved to adopt Ordinance No. 337 on first**  
36 **reading, seconded by Vice Mayor Allebach, and motion passed by**  
37 **unanimous 6/0 roll call vote of the Council.**  
38

- 39           **D.       ORDINANCE NO. 338:** an ordinance of the City Council of the City of Orange  
40 City, Florida, providing for a non-exclusive franchise to Waste Management for the  
41 collection and disposal of commercial trash, garbage, recyclable materials and other  
42 refuse within the city limits; providing for definitions, terms condition, rates,  
43 compliance with laws, arbitration, standards of performance, collection, regulation  
44 operations, hours, routes, penalties, accounting, complaint resolutions; containing a  
45 repealer provision; a severability clause and providing for an effective date.  
46

1           **Council Member Laputka moved to adopt Ordinance No. 338 on first**  
2           **reading, seconded by Council Member Sherrill and motion passed by**  
3           **unanimous 6/0 roll call vote of the Council.**  
4

- 5           **E.     ORDINANCE NO. 339:** An ordinance of the City Council of the City of Orange  
6           City, Florida, providing for a non-exclusive franchise to Waste Pro for the collection  
7           and disposal of commercial trash, garbage, recyclable materials and other refuse  
8           within the city limits; providing for definitions, terms condition, rates, compliance  
9           with laws, arbitration, standards of performance, collection, regulation operations,  
10          hours, routes, penalties, accounting, complaint resolutions; containing a repealer  
11          provision; a severability clause and providing for an effective date.  
12

13           **Vice Mayor Allebach moved to adopt Ordinance No. 339 on first**  
14           **reading, seconded by Council Member Laputka, and motion passed**  
15           **by a 6/0 roll call vote of the Council.**  
16

- 17           **F.     ORDINANCE NO. 340:** An ordinance of the City Council of the City of Orange  
18           City, Florida, providing for a non-exclusive franchise to Waste Services for the  
19           collection and disposal of commercial trash, garbage, recyclable materials and other  
20           refuse within the city limits; providing for definitions, terms condition, rates,  
21           compliance with laws, arbitration, standards of performance, collection, regulation  
22           operations, hours, routes, penalties, accounting, complaint resolutions; containing a  
23           repealer provision; a severability clause and providing for an effective date.  
24

25           **Council Member Sandford moved to adopt Ordinance No. 340 on first**  
26           **reading, seconded by Vice Mayor Allebach, and motion passed by a**  
27           **6/0 roll call vote of the Council.**  
28

- 29           **G.     ORDINANCE NO. 341:** An ordinance of the City Council of the City of Orange  
30           City, Florida, providing for a non-exclusive franchise to Volusia Waste for the  
31           collection and disposal of commercial trash, garbage, recyclable materials and other  
32           refuse within the city limits; providing for definitions, terms condition, rates,  
33           compliance with laws, arbitration, standards of performance, collection, regulation  
34           operations, hours, routes, penalties, accounting, complaint resolutions; containing a  
35           repealer provision; a severability clause and providing for an effective date.  
36

37           **Council Member Sandford moved to adopt Ordinance No. 341 on first**  
38           **reading, seconded by Council Member Sherrill, and motion passed by**  
39           **a 6/0 roll call vote of the Council.**  
40

- 41           **H.     ORDINANCE NO. 342:** An ordinance of the City Council of the City of Orange  
42           City, Florida, providing for a non-exclusive franchise to 4 Jays Management, Inc. for  
43           the collection and disposal of commercial trash, garbage, recyclable materials and  
44           other refuse within the city limits; providing for definitions, terms condition, rates,  
45           compliance with laws, arbitration, standards of performance, collection, regulation  
46           operations, hours, routes, penalties, accounting, complaint resolutions; containing a

1 repealer provision; a severability clause and providing for an effective date.

2  
3 **Council Member Sandford moved to adopt Ordinance No. 342 on first**  
4 **reading, seconded by Council Member Abraham, and motion passed**  
5 **by a 6/0 roll call vote of the Council.**

6  
7 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

- 8  
9 **A. ORDINANCE NO. 329:** An ordinance of the City of Orange City, Florida vacating,  
10 closing, and abandoning certain rights-of-way located within the Orange City Knolls  
11 subdivision as shown on the plat recorded in Map Book 23, Page 180 of the Public  
12 Records of Volusia County, Florida, and generally located 1,250 feet south of East  
13 Rhode Island Avenue, and lying east of South Leavitt Avenue, as requested by the  
14 City of Orange City; authorizing execution of effecting documents as needed;  
15 providing for severability and an effective date.

16  
17 **Council Member Sandford moved to adopt Ordinance No. 329 on**  
18 **second and final reading, seconded by Vice Mayor Allebach.**

19  
20 Elaine Wilson, Planning and Zoning Analyst, come forward. She advised Council she had nothing  
21 new to report but was available to answer questions.

22  
23 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in  
24 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

25  
26 **Motion passed by a unanimous 6/0 roll call vote of the Council**

- 27  
28 **B. ORDINANCE NO. 331:** 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 Treemonte Center at Orange City property, consisting  
32 of approximately 7.09 acres generally located within the southwest quadrant of the  
33 intersection of Enterprise Road and Treemonte Drive, from its present zoning  
34 classification of mixed use, suburban (MX-2) to Business Planned Unit Development  
35 (BPUD), containing a repealer provision, a severability clause and providing for an  
36 effective date.

37  
38 **Council Member Sherrill moved to adopt Ordinance No. 331 on**  
39 **second and final reading, seconded by Council Member Sandford.**

40  
41 Elaine Wilson, Planning and Zoning Analyst, come forward. She advised Council she had nothing  
42 new to report but was available to answer questions.

43  
44 Mayor Strickland asked about drainage in the area, questioning if adding additional dirt would make  
45 the property level with Enterprise Road. Ms. Wilson advised that the city, project and county  
46 engineers are currently reviewing the matter. She said that it would be resolved before staff presents

1 the final master plan to Council. She advised that this ordinance is for the rezoning.  
2

3 **Motion passed by a 6/0 roll call vote of the Council**  
4

- 5 **C. ORDINANCE NO. 332:** An ordinance of the City of Orange City, Florida,  
6 amending Section 8.3 of the City's Land Development Code, said section being the  
7 Official Zoning Map of the City of Orange City, Florida; said amendment changing  
8 the zoning classification of the West Volusia Retail Center at Orange City property,  
9 consisting of approximately 14.45 acres generally located at the northeast corner of  
10 Harley Strickland Boulevard and Junior Street from its present zoning classification  
11 of Mixed Use Suburban (MX-2) to Business Planned Unit Development (BPUD);  
12 containing a repealer provision, a severability clause and providing for an effective  
13 date.  
14

15 **Council Member Laputka moved to adopt Ordinance No. 332 on**  
16 **second and final reading, seconded by Vice Mayor Allebach.**  
17

18 Wendy Hickey, Planning and Zoning Analyst, come forward. She advised Council she had nothing  
19 new to report but was available to answer questions. Ms. Hickey said that the developer was also  
20 present to answer questions.  
21

22 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in  
23 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.  
24

25 **Motion passed by a 6/0 roll call vote of the Council**  
26

- 27 **D. ORDINANCE NO. 335:** An ordinance of the city of Orange City, Florida, annexing  
28 the Corneck property into the corporate limits of the City of Orange City, Florida;  
29 said property being generally located on the north side of West Rhode Island Avenue,  
30 approximately 600 feet west of South Volusia Avenue, containing approximately 2.18  
31 acres; in accordance with the voluntary annexation provisions of Florida Statute  
32 171.044; redefining the boundaries of the City of Orange City by amending the  
33 appropriate sections of the Code of Ordinances; containing a repealer provision, a  
34 severability clause and providing for an effective date.  
35

36 **Council Member Sandford moved to adopt Ordinance No. 335 on**  
37 **second and final reading, seconded by Council Member Laputka.**  
38

39 Jim Kerr, City Planner, came forward and noted that this is the second reading of this ordinance and  
40 that nothing has changed. He said that staff is available to answer any questions.  
41

42 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in  
43 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.  
44

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

1 **6. RESOLUTIONS:**

- 2
- 3 **A. RESOLUTION NO. 462-08:** A resolution of the City Council of the City of Orange  
4 City, Florida, adopting a written statement on the collection of social security  
5 numbers; providing for authorization for certificate of compliance to the Florida  
6 Legislature, providing for the identification of commercial entities seeking social  
7 security numbers; and providing for an effective date.

8

9 **Vice Mayor Allebach moved to adopt Resolution No. 462-08, seconded**  
10 **by Council Member Sherrill.**

11

12 Mr. McCue reported that this resolution is the result of a new requirement from the State Legislature  
13 regarding collection of social security numbers. He said that the Human Resources division and the  
14 City Clerk's office routinely collect social security numbers and have begun providing this statement.

15

16 **Motion to approve Resolution No. 462-08 passed by unanimous**  
17 **6/0 roll call vote of the Council.**

- 18
- 19 **B. RESOLUTION NO. 463-08:** A resolution of the City Council of the City of Orange  
20 City, Florida, amending the annual operating budget for fiscal year 2007-2008 by  
21 adjusting revenue and expenses; repealing all resolutions or part of resolutions in  
22 conflict herewith; and providing for an effective date.

23

24 **Council Member Sherrill moved to adopt Resolution No. 463-08,**  
25 **seconded by Council Member Laputka.**

26

27 Christine Davis, Finance Director, came forward and stated that after the final adoption of the 2007-  
28 2008 operating budget the city received grant awards. She advised that this amendment is necessary  
29 to account for the grant awards and to close out the Excise Fee fund account. Mr. McCue noted that  
30 the grant money is for three new vehicles for the police department to be used for aggressive driving  
31 and DUI enforcement.

32

33 In response to a question from Vice Mayor Allebach, Ms. Davis stated that the city opened the Excise  
34 Fee fund to pay USDA bonds. She advised Council that the city paid the bonds early from the Excise  
35 Fee fund, and is now seeking to close that account.

36

37 **Motion to approve Resolution No. 463-08 passed by unanimous**  
38 **6/0 roll call vote of the Council**

39

40 **7. DISCUSSION AND ACTION:**

- 41
- 42 **A. Strategic Plan Quarterly Report**

43

44 Mr. McCue reported that staff has implemented a quarterly report for the strategic plan. He said that  
45 the report is comprehensive and discusses the status of the goals and objectives that the city council  
46 had established. He said that it is a good tool to use when planning. Mr. McCue said that staff is

1 requesting Council input on the report format and content. He said staff is available to answer  
2 questions.

3  
4 Mayor Strickland spoke in favor of the report. He requested it be posted to the web site and allow  
5 residents input and comments. Mr. McCue responded in the affirmative and stated that staff will  
6 speak with the Information Technology Manager to see how that task may be accomplished.  
7 Council Member Sherrill commented that this is a status report of items already in the strategic plan  
8 and not the appropriate time to solicit citizen's input for change. Council Member Sherrill felt that  
9 the annual strategic planning workshops are the best venue for citizen involvement. Mr. McCue  
10 agreed. He remarked that the workshops are not well attended by city residents and implied that  
11 reviewing citizen's comments posted to the web site before the workshops would give staff and the  
12 Council a better idea of what residents may want. Mr. McCue reported that there would be two  
13 citizen newsletters distributed this year and that the fall newsletter would detail the strategic plan  
14 adopted by Council. Council Member Sherrill said that citizens should still be encouraged to come  
15 and participate in the workshops.

16  
17 Council Member Sandford remarked that he would like to see more detailed, measurable statistical  
18 data in the report. Mr. McCue replied in the affirmative.

19  
20 **B. WAV Membership**

21  
22 Mr. McCue briefly discussed the history of WAV. He said that WAV has taken on the role of  
23 defining alternative water supply projects. Mr. McCue commented that WAV is devoted to  
24 conservation "and predicted that it may become the venue for communities in Volusia to discuss  
25 water supply options with the St. John's Water Management District." He said that it is important to  
26 be a part of WAV to participate in decisions that may affect the city and warned that if WAV  
27 changes direction and begins hiring consultants and passing the costs to its members, staff would  
28 recommend that the city discontinue its membership. Staff is recommending that the city remain a  
29 member of WAV at this time.

30  
31 Council Member Laputka asked what would be the future cost of membership. Paul Johnson, Public  
32 Works Director, came forward. He said that is unknown at this time. Mr. Johnson explained the  
33 WAV budgeting process and said that the membership fee will be determined at that time.

34  
35 Mayor Strickland said that he attended the West Volusia Summit this weekend. He said that much  
36 of the discussion centered on what to do about an alternative water supply. Mayor Strickland stated  
37 that the general consensus was that the state and federal governments should be involved and that all  
38 other efforts should have a low priority.

39  
40 Council Member Laputka discussed an article that he read in the newspaper that said the St. John's  
41 River no longer flows north, and that at this point, there is no flow. He commented it is already  
42 lower than it needs to be. Mr. McCue concurred and spoke against drawing water from the St.  
43 John's River. He discussed the ecology of the river. In response to a question from Council  
44 Member Laputka, Mr. McCue said that the cities in West Volusia have a good relationship that  
45 started predominately under WAV. He said that the presentations at the summit this weekend were  
46 done by the technical review and manager committees of WAV and that these committees have been

1 meeting with west side jurisdictions for over a year. Mr. Johnson said that conservation is a major  
2 issue and thanks to the efforts of WAV, Volusia is the only county in Central Florida that has a  
3 conservation program.

4  
5 Vice Mayor Allebach pointed out that St. John's County recently passed an ordinance to prevent  
6 anyone from taking water from the St. John's River. He said that it was stated at the time that none  
7 of the counties planning to draw down from the St. John's River had conservation programs, except  
8 Volusia County. He felt that St. John's and Duvall Counties would go to court to make sure that the  
9 Yankee Lake Plant does not take water out the St. John's. Mr. McCue said that Orange City is  
10 involved in a storm water reuse project. He detailed that project and said that storm water that goes  
11 into the reuse line would be treated and percolated back down into the aquifer. He said it is a  
12 method of conservation, because it reduces the need for ground water.

13  
14 Council Member Sherrill noted that for fifty years, there had been talk of a water shortage in Florida.  
15 He said it is statewide problem. Council Member Sherrill said that there is talk of building a plant  
16 on the St. John's River at a cost of about \$400 million dollars. He felt that that was a temporary fix  
17 to the problem and not feasible. Council Member Sherrill remarked that desalination is a better  
18 choice but that it is more costly. He suggested that the State government form a commission and  
19 that desalination plants be built and funded through taxes.

20  
21 Vice Mayor Allebach recommended that staff transmit a letter to WAV indicating that Orange City  
22 is going to remain a member of WAV. Council Member Sherrill agreed.

## 23 24 **8. REPORTS:**

### 25 26 A. City Manager

27  
28 Mr. McCue said that he wanted to make a statement to clarify issues about the special assessment  
29 resolution that was previously adopted by the council. He said that he had a conversation with Mayor  
30 Strickland, and was advised that some citizens misunderstood the purpose of the resolution. He  
31 stated, "We did not impose a special assessment on anybody in that assessment resolution." Mr.  
32 McCue explained the statutory requirement for the resolution. He explained that the street lighting  
33 special assessment district proposed last year was not successful. With regard to a vote, Mr. McCue  
34 advised that once directed by the Council, the need for a citizen vote would be written into the  
35 enacting ordinance. He stated, "It's your call and your call solely, nobody else can make that call."

36  
37 Council Member Sherrill asked about the disposition of the wells installed on Veteran's Memorial  
38 Parkway. He observed that they have been sitting on the site for quite some time. Mr. McCue said  
39 that the two wells have been linked together. He detailed the steps to be completed. He said the  
40 city's Consumptive Use Permit (CUP) is currently under review and that a response is expected  
41 shortly. He explained that the CUP allows the city to pump a defined amount of water out of the  
42 aquifer daily. He said that well house project was put out for bid last year. Staff was not happy with  
43 the plans submitted and the project has been rebid. Mr. McCue said that the pump house must be  
44 constructed so that the pump can be pulled out if needed without destroying the building. The  
45 specifications are due back sometime in February. He advised that once the bids are in, staff will  
46 make a recommendation on the award of the contract for the well houses.

1 In response to a question from Council Member Sandford, Mr. McCue said that the pump houses are  
2 designed to meet the city wind load standards. Mr. Johnson remarked that the design includes  
3 generators for auxiliary power.

4  
5 B. Mayor/City Council  
6

7 Mayor Strickland remarked that the Arbor Day festivities last Friday were not well attended. He  
8 said that he contacted the schools but was not able to solicit more participation. The Mayor felt that  
9 it was a good idea to have the kids involved. Mr. McCue said that he had been in touch with the  
10 school principals and that the celebration next year may include student participation.

11  
12 In response to a question from Mayor Strickland, Mr. Murray said that the ICE (In Case of  
13 Emergency) program enables first responders, such as paramedics, firefighters, and police officers,  
14 to identify victims and contact their next of kin to obtain important medical information. He said  
15 that it encourages people to enter emergency contacts in their cell phone address book under the  
16 name "ICE" and that alternately, a person can list multiple emergency contacts as "ICE1", "ICE2".  
17

18 Vice Mayor Allebach reported that he attended a MPO meeting today. He said that there was a  
19 demonstration of software that graphically depicts the development of roads. The MPO wants the  
20 Department of Transportation to use the software when planning the construction of roads. He said  
21 that the software is very comprehensive and gives a visual of the proposed road construction. Vice  
22 Mayor Allebach said that the MPO has decided to support the school board in its efforts to have "no  
23 school zone" in the center of the county. He advised that the DCA is fighting the "no school zone"  
24 effort. Vice Mayor Allebach explained that if a no school zone is implemented that would prevent  
25 the possibility of inter-county busing. He explained that if there are attendance problems in one  
26 school and that school zone abuts another, it is possible to bus the children to the connecting zone if  
27 needed. Vice Mayor Allebach suggested that staff prepare a resolution in support of the school  
28 board "no school zone." Vice Mayor Allebach continued, he said that the MPO wants to lobby the  
29 state legislature to allow red light running and primary seat belt enforcement. He stated there was a  
30 discussion about diverting transportation funds if the January 29<sup>th</sup> tax amendment passes. The Vice  
31 Mayor advised the Council that the Florida Department of Transportation's five-year plan is  
32 available for review.  
33

34 Council Member Sherrill noted that he copied the Council a summary of action items from the WAV  
35 board meeting on January 16<sup>th</sup>. He said that he also copied the Council on the form which lists all of  
36 the cities and the counties that have applied for ECHO grants. He noted that Orange City appears on  
37 the list for applying for an \$80,000 grant for the Valentine Park Little League facility construction  
38 and renovation. Council Member Sherrill spoke about an article that he read in a newspaper about  
39 affordable housing. He recalled that, recently, the Council adopted a resolution recognizing mobile  
40 homes as the only affordable housing left. He said the article identified "affordable housing" in  
41 Orange County as being \$111,000. He suggested that the next time the city reviews a new housing  
42 development perhaps the developer could be required to reserve twenty-five percent of the  
43 development for low income families.  
44

45 Council Member Sandford said that he attended the West Volusia Summit last Saturday. He said  
46 that much of the talk was about water. He agreed with Council Member Sherrill that desalinization

1 is probably the long term solution to alternative water supply. In response to a question from  
2 Council Member Sandford, Mr. McCue remarked that the cities in West Volusia have joined forces.  
3 He said that some of the cost estimates for putting an alternative water supply on the river are about  
4 \$600 million. He said that the managers and utility directors of the various cities have pushed the St.  
5 Johns Water Management district (SJWMD) to complete an economic impact analysis and to advise  
6 everyone of their share of the cost. Simultaneously the cities are looking for an independent  
7 consultant to tweak and or challenge the model provided as a result of the SJWMD analysis. Mr.  
8 McCue advised that customer water rates will increase significantly.

9  
10 Council Member Sherrill said that this is a statewide problem and that taxing all the citizens in the  
11 State is the only fair way to handle the cost. He stated, "We need to tackle this thing now...we have  
12 been talking about it for fifty years." Council Member Sherrill advised that citizens write their  
13 Legislators.

14  
15 Council Member Sandford reported that he will be attending the 2008 Institute for Elected Municipal  
16 Officials this weekend in Gainesville.

17  
18 C. City Clerk

19  
20 Ms. Renner reminded Council that the Manatee Festival is this weekend. She said that normally the  
21 city has a booth for the city council. She said that it is unfortunate most of the council will be at the  
22 Institute for Elected Officials in Gainesville. Ms. Renner invited the remaining council members to  
23 attend.

24  
25 D. City Attorney

26  
27 Mr. Reischmann reported that he and the City Clerk attended a meeting hosted by Ann McFall,  
28 Volusia County Supervisor of Elections, on January 14<sup>th</sup>. The meeting was attended by  
29 representatives from all municipalities in the County to discuss municipal elections. Mr.  
30 Reischmann noted that the City Charter specifies that Orange City municipal elections be conducted  
31 in accordance with Chapter 95-462, Laws of Florida, which is a special act of the Legislature created  
32 to unify elections dates. Under this special act, general elections are to follow primary elections by  
33 twenty-eight days. This year, the Legislature enacted new regulations which make it impossible to  
34 comply with this twenty-eight day requirement. Ms. McFall has requested that all local jurisdictions  
35 attempt to come to agreement on a remedy to this situation. She presented several different  
36 scenarios to accomplish this and a copy of Ms. McFall's memorandum was provided to Council by  
37 the City Clerk. Mr. Reischmann advised that Ms. McFall will be addressing the Council at a future  
38 meeting to provide further details on this matter.

39  
40 Council Member Sandford remarked that at the summit meeting on Saturday, a listing of available  
41 ECHO grants was provided. He recommended that staff review the list see if there are additional  
42 grants that the city could apply for fund projects within the city.

43  
44 **9. APPROVAL OF MINUTES:** January 08, 2008 Regular Council Meeting

45  
46 **Vice Mayor Allebach moved to approve the minutes of the January 8,**

1                   **2008 City Council Meeting, seconded by Council Member Laputka**  
2                   **and passed by unanimous 6/0 voice vote of the Council.**

3  
4   **10.    COUNCIL COMMENTS**

5  
6   Council Member Abraham remarked that yesterday was the Martin Luther King holiday and  
7   expressed concerns that no events were organized in Orange City. He stated that he had considered  
8   organizing an event but felt there may be a problem posting a banner advertising the event, such as  
9   Mr. Hugh Strickland described earlier. Council Member Abraham said that he has requested  
10   information from Mr. Reischmann about libraries and first amendment rights. He felt that libraries  
11   and library associations have the first amendment right to share information with the public. Council  
12   Member Abraham stated, "Unless we are very clear about this banner and sign regulation... we will  
13   not be able to proceed any further for any such celebrations and I will be very sorry about that."  
14   Council Member Abraham said that he will be attending the Institute in Gainesville this weekend  
15   and that he will come back with a report.

16  
17   Vice Mayor Allebach invited everyone to attend the Manatee Festival at Valentine Park this  
18   weekend.

19  
20   Council Member Laputka commented that since taking office, the council chambers have been filled  
21   with citizens coming to participate, and not just to complain. He stated, "I'm really appreciating that  
22   and I would encourage more of the same." Council Member Laputka suggested that the strategic  
23   planning workshops be advertised enough in advance to encourage people to participate.

24  
25   Mayor Strickland said that he had been involved with the Florida Museum in DeLand. He said that  
26   recently the museum was approached by the African American Museum, also in DeLand, because  
27   the founders are retiring. Mayor Strickland said the quality of the art at the African American  
28   Museum is "amazing." He encouraged anyone that would be interested in seeing this cultural  
29   organization continue to step forward. Mayor Strickland said this is an organization that enriches  
30   everyone's life and expressed hope that people come together and find a way for the museum to  
31   continue.

32  
33   **11.    ADJOURNMENT**

34  
35   There being no further business, Mayor Strickland adjourned the meeting at 9:09 p.m.

36  
37   **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

38  
39  
40  
41  
42   Gloria Williams  
43   Deputy City Clerk

\_\_\_\_\_