

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, March 11, 2008 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange
3 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 **ROLL CALL**

10
11 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members Tom Laputka,
12 Tom Abraham, Don Sherrill, Donald Sandford; and Jim Mahoney; City Attorney
13 William Reischmann; City Manager John McCue, City Clerk Deborah Renner
14

15 The Invocation was given by Reverend William Yesse, Pastor, Emmanuel Lutheran Church, followed by
16 the Pledge of Allegiance.
17

18 **1. PRESENTATIONS:** Presentation of Annual Audit
19

20 Ron Kimelman, Greene, Dycus & Co., P.A. came forward to present the Fiscal Year 2006-2007 Annual
21 Audit Report. Using a power point presentation (a copy of which is attached and becomes a permanent
22 part of these minutes), Mr. Kimelman gave an overview of the audit process. He noted the need for the
23 auditors to remain independent of the agency being audited and said that the auditors work for the
24 governing board of the organization. Mr. Kimelman stated that Greene, Dycus issued an unqualified
25 audit opinion for the FY 2006-2007, which means that the financial statements were prepared in
26 accordance with Generally Accepted Accounting Principles (GAAP) and that there were no exceptions.
27 Mr. Kimelman said that the financial statements have been submitted to the General Government
28 Finance Officer's Association (GFOA) for their "Certificate of Achievement" award. He advised that
29 the City has received the award for the past six years. In response to a request for clarification from
30 Vice Mayor Allebach, Mr. Kimelman explained that an "unqualified opinion" means that the financial
31 statements have no problems.
32

33 Mr. Kimelman began his presentation with a discussion of General Fund Revenues and Expenditures
34 over the past five years. He explained that he presented the figures both with and without the
35 partnership center because transactions related to the center skew the numbers for the current year.
36

37 Mr. Kimelman noted that the revenues totaled \$7.1 million dollars which is consistent with the city's
38 growth. He explained the effect the Partnership Center had on the financial statement. He pointed out
39 that the second schedule (without the partnership center) shows that the expenditures were \$8 million
40 dollars which is what actual expenses were.
41

42 Mr. Kimelman discussed General Fund revenue sources. He said that the property and utility service
43 taxes are the largest revenue source for the city, which is consistent with prior years. He discussed the
44 expenditures by type and function. He said that personnel services have historically been the largest
45 expense. Mr. Kimelman again noted the impact of the partnership center on the pie charts related to
46 General Fund Expenditures. Mr. McCue noted the City's personnel costs were 42% of the total budget

1 and advised that personnel costs below fifty-percent of overall expenditures is a “significant
2 accomplishment.”

3
4 Mr. Kimelman said that excess revenues left after expenses are paid to the unreserved or undesignated
5 fund balance which is a reserve fund to be used in the event there are cash needs in the future. Mr.
6 McCue noted the undesignated fund balance is used to fund capital improvement projects, but any
7 remaining funds are left unappropriated.

8
9 Mr. Kimelman said that overall the General Fund has \$9 million dollars in cash and cash equivalents.
10 There is \$4.4 million in cash, \$3.3 million in the Utility Fund and \$1.7 million in other funds. He noted
11 that some of the cash is restricted.

12
13 Council Member Mahoney noted the \$10 million budget threshold which requires the City to fund a
14 liability for post-retirement health care benefits. Mr. Kimelman responded that starting next year, the
15 City will have to account for that actuarial liability in its financial statement. Mr. McCue stated, “There
16 are ways to approach the general fund in the following years that may reduce the potential for us to fund
17 that liability by a segregation of funds.”

18
19 Mr. McCue said that the City implemented GASB 34 a year before it was required. He said that it
20 resulted in a significant change in the presentation of the financial statements at the end of the year. He
21 said that prior to GASB 34, governments did not account for depreciation of things such as right of way,
22 sidewalks, roadways and other infrastructure. Mr. McCue said that this reporting requirement distorted
23 the financial statements of local governments.

24
25 Council Member Mahoney commented on the increase in net assets. He questioned how assets such as
26 buildings and improvements to buildings were valued. Mr. Kimelman responded that capital assets are
27 always valued at their historical cost, or what was actually paid for the item. He discussed the
28 difference between routine maintenance of an asset and an improvement which may lengthen the life of
29 the asset. Mr. McCue noted that the city’s assets are insured at appraisal value, or replacement value,
30 not the depreciated value.

31
32 Mr. Kimelman next discussed the City’s “Enterprise Fund”, or Utility Company. In 2007, Orange City
33 Utilities (OCU) had “good” revenue earnings and that is reflected in the Enterprise Fund balance. Mr.
34 Kimelman said the \$3.7 million revenue figure includes \$688,000 in capital contributions or impact fees
35 which are not operational revenues. Mr. McCue discussed the restrictions imposed on the use of impact
36 fees.

37
38 Mr. Kimelman advised that the Utility’s expenses are consistent with the prior year. In response to a
39 question from Mr. McCue, Mr. Kimelman noted that Utility contributes 6% or \$135,000 to the General
40 Fund. Mr. McCue noted that substantial transfers from Utilities to the General Fund is a practice used
41 by many other governments to artificially reduce their tax rates.

42
43 Mr. Kimelman noted that in 2003, the Utility company experienced some debt problems and was in
44 danger of not meeting the bond requirements for debt service. He said that the utility is financially
45 healthy at the present time and has “very good” bond covenant coverage. Mr. McCue remarked that this
46 makes the utility marketable for any future bond issues. Mr. Kimelman noted that the interest rate on
47 the bonds is very low, less than 4%, and that the utility earns more in interest income. The yield is
48 higher than the debt.

1 Mr. Kimelman noted that the fund balance for the Utility is in a “very healthy” position. Vice Mayor
2 Allebach asked for clarification and Mr. Kimelman responded there are adequate reserves and that the
3 financial integrity of the Company is healthy. Mr. McCue recalled that in 2001, the City Council denied
4 a rate increase for water and gave out free irrigation meters to customers. This resulted in financial
5 difficulties for the Company in 2003 and 2004. He stressed the importance of managing the Utility as a
6 company and not making politically-based decisions.

7
8 Mr. Kimelman concluded his presentation by stating that there are no significant audit findings and no
9 difficulties encountered in performing the audit. Mr. Kimelman opened the floor to any questions.

10
11 Council Member Mahoney noted that on page 30 of the Comprehensive Annual Financial Report,
12 “Notes to Financial Statements” there is information about the Carrying Amount and the Fair Value of
13 the City’s SBA account. He questioned whether this number would indicate a problem if it covered the
14 current period in light of the recent problems with the SBA. Mr. Kimelman explained that it would have
15 to include the 2% redemption fee for funds in the SBA “Pool B” account. He said historically the SBA
16 fair value and carrying value have been consistent.

17
18 Council Member Mahoney questioned why the audit does not comment on the performance of the city.
19 He recalled being in the audience in 1999 during the presentation of the annual audit. He said the
20 graphs and slides looked very positive, but did not give a picture of how the city was really doing. He
21 noted that the City was not doing well at that point, yet there was no comment from the auditor
22 indicating any problems or negative trends. Mr. Kimelman said that the auditors do not audit the
23 statistics presented in the financial report. Council Member Mahoney questioned why the auditors do
24 not comment on the contents of the financials, not just the fact that they are being prepared in
25 accordance with GAAP standards. Mr. McCue responded the graphs presented at that time
26 demonstrated that the city was not performing adequately but that no one asked any questions about it.
27 Mr. McCue stated that the auditor is not hired to pass judgment on how well the City is performing, but
28 rather their job is to verify the accuracy of the financial statements. He advised that a CPA could be
29 hired to do a performance audit, but that it would be separate from the annual audit being presented
30 tonight. Mr. McCue said that if an auditor was hired to do a performance audit it would cost around
31 \$100,000. A discussion regarding the City’s financial condition in 1999/2000 ensued.

32
33 Mr. Kimelman noted the he is required by the auditor general to complete a “financial condition
34 assessment” for all audits performed. This assessment would require a report to the auditor general of
35 any continuing adverse trends identified in the audit. The auditor general reviews all financial
36 statements for compliance. Mr. McCue said that when adverse trends are discovered, the auditor
37 general makes recommendations to the governor and that the governor has the authority to take over a
38 city if necessary.

39
40 Mr. McCue noted that Orange City was one of two cities to cap their rollback rate at 3% rather than 9%
41 like other cities in the county. Christine Davis, Finance Director explained how the roll back rate was
42 determined. She said that the appraiser looked at the property tax base, revenue, population and ad
43 valorem growth and performed a calculation. She said that any city or county that grew faster than their
44 formula was required to roll back.

45
46 Mr. Kimelman stated that the auditors “don’t have to like the picture that the picture they’re painting,
47 they just have to make sure the picture is accurate.” Mr. McCue reiterated the need for the auditor to
48 remain independent.

1 Council Member Mahoney referenced page 34 of the Audit Report, Employee Benefit Plans, and noted
2 the increasing contributions required of the City in the deferred compensation plan. He asked if there
3 were any concerns about that. Mr. Kimelman said that is the city's retirement plan and that the city
4 must contribute the rates established by FRS. Mr. McCue noted that these rates fluctuate from one year
5 to the next. Mr. Kimelman advised that most of the increases are in the specialized risk categories,
6 Police and Fire. Mr. McCue confirmed that the benefits were increased, therefore, increasing the
7 contribution for this year, but that large an increase should not be seen again next year.

8 9 **Presentation of Certificates for IEMO**

10
11 Mr. McCue came forward to present certificates to Council Members Abraham, Laputka, Mahoney,
12 Sandford, and Mayor Strickland for successfully completing the 2008 Institute for Elected Municipal
13 Officials. Mr. McCue remarked that Orange City had the highest participation in the State.

14 15 **2. CITIZENS COMMENTS:**

16
17 Ron Saylor, 361 Dixson Street came forward to address the Council. He distributed "photos" of a water
18 filter installed at 364 Dixson Street (copies of which are attached and become a permanent part of these
19 minutes). He stated that the filter was "pretty white" when it was installed and in 10 days had turned
20 brown. Mr. Saylor said that no one on the street knew that a new line was being installed even after
21 they made complaints to the utility company. Mr. Saylor said that he is aware of the improvements
22 being made to the water system but that his neighbors are not. He said that recently a customer survey
23 was sent to water customers and that his neighbors are not going to complete the survey because they
24 "don't trust public utilities." Mr. Saylor stated, "...water is a very, very, deep important problem over in
25 my neighborhood."

26
27 Anthony Pesare, 744 East Rhode Island Avenue came forward and advised Council that he is an
28 advocate for the Central Florida Chapter of the Alzheimer's Association. Mr. Pesare spoke about the
29 devastating effects of Alzheimer's disease. He said in the United States one person is diagnosed every
30 72 seconds and that 16,769 residents of Volusia County were diagnosed with the disease in 2006. Ten
31 percent of that figure accounts for early onset of the disease (before age 65). He stated that his wife, age
32 43, is in the latter stages of Alzheimer's. Mr. Pesare announced that the Central Florida Chapter of the
33 Alzheimer's Association is hosting a "Memory Walk" in Port Orange, at the city center on Saturday
34 March 29th at 9:00 a.m. and asked if notification could be placed on the city marquee to alert citizens of
35 this important function.

36
37 Rick Krauss, 253 Chestnut Avenue came forward and read a prepared statement into the record. He said
38 that he read in the newspaper that former Mayors Yebba and Erwin resigned from the Charter Review
39 Committee after the first meeting and questioned whether the move was to delay the process. Mr.
40 Krauss noted that while serving on the Council in 2004, these two former council members raised their
41 pay. He asked, "My question is, are they more interested in the City and its residents or the future of the
42 City Manager?" Mr. Krauss stated that he is available to sit on the Charter Review Committee.

43
44 Ernest Guysinger, 245 Courtney Avenue came forward. He read a letter into the record concerning
45 Marshall Park (a copy of which is attached and becomes a permanent part of these minutes). He
46 discussed the history of Marshall Park and advised that the park is in a state of disrepair. Mr. Guysinger
47 detailed the areas in need of maintenance. He said the boardwalk has become hazardous and that while
48 water is low in the wetlands, the pond should be cleared out. Mr. Guysinger suggested signage that

1 warns citizens of potential dangers when using the park. Mr. McCue agreed. He stated that the
2 Department of Environmental Protection had deemed Marshall Park a wetland. It is part of the city's
3 storm water pond system that was approved in 2006 and that it would be used as storage. He explained
4 that water would be shipped from one pond to another and the resulting reuse water would be sold to
5 Volusia County. Mr. McCue said that Marshall Park was named a park when the Leisure Services
6 Department received a FRDAP grant sometime ago. He implied that the trash and debris is coming
7 from a property on Volusia Avenue (US 17-92). He talked in detail about repairs already made in the
8 park. He said the tables were never replaced because kids in the area set the tables on fire attempting to
9 burn down the pavilion. He remarked that nothing has worked. Mr. McCue said the pond would be
10 cleaned up to increase its capacity for the storm water pond system. Once that is accomplished the
11 Department of Environmental Protection will monitor the pond based on the ebb and flow of the water
12 shipped from Mill Lake. Mr. McCue said shortly Marshall Park will not be accessible as a public park
13 and that not many funds have been expended except to periodically send a crew out. Mr. Guysinger
14 suggested that the area should be fenced. Mr. McCue concurred. He said staff would meet and bring
15 back a recommendation to Council.

16
17 **3. CONSENT AGENDA:** None at this time

18
19 **4. ORDINANCES – FIRST READING:**

- 20
21 **A. ORDINANCE NO. 346:** An ordinance of the City of Orange City, Volusia County, Florida;
22 amending Orange City Code Chapter 5.5, Fire Protection and Prevention, Article II, Fire
23 Prevention Code, Section 5.5-16, Adoption of Life Safety Code and Standard Fire Prevention
24 Code by Updating said Code consistent with State Law; and by deleting Section 5.5-17,
25 Amendments to Standard Fire Prevention Code, in its entirety; providing for conflicts,
26 severability, codification and effective date.

27
28 **Council Member Sherrill moved to adopt Ordinance No. 346 on first**
29 **reading, seconded by Council Member Mahoney.**

30
31 Herb Hoffman, Fire Chief, came forward and advised Council that the purpose of this ordinance is to
32 update the city's antiquated fire protection and prevention code. He said that currently, Orange City is
33 using the National Fire Prevention Life Safety Code (NFPLSC) and that Florida statute has mandated
34 that municipalities use the Florida Fire Prevention Code (a revised version of the NFPLSC). Chief
35 Hoffman advised that by adopting this ordinance the city would conform to the Florida Fire Prevention
36 Code as mandated and cautioned there could be potential liability issues if the city does not. Mr. McCue
37 agreed he felt that the liabilities would be significant. He discussed the recent fire that was in the news
38 at Stone Island and the "2 in and 2 out" rule. He said that this rule is from the National Fire Prevention
39 Code Life Safety Code.

40
41 Council Member Mahoney questioned if the "2 in and 2 out" rule is a part of the State code and whether
42 the Fire Department would enforce, at least, the minimum standards. Mr. McCue said explained that the
43 "2 in and 2 out" rule is a precautionary measure. He said Orange City Fire Fighters would never stand
44 idle while waiting for backup during a call. Even though it is not an effective way to fight a fire, at
45 minimum, the fire fighter would spray the fire until help comes.

46
47 Council Member Laputka asked Chief Hoffman if the "2 in and 2 out" rule applied only to vacant
48 houses. Chief Hoffman explained that if it is suspected that someone is trapped in the building or if a

1 resident reports there is someone inside, according to this rule the City is not supposed to go in unless
2 there are two more firefighters to backup the crew going inside. With regard to the Stone Island fire, he
3 said that the homeowner told the fire fighters on scene that nobody was inside. He said that in the
4 media's eyes no action was taken.

5
6 Council Member Sandford questioned the need for an ordinance. Mr. McCue responded that by
7 adopting an ordinance it would become law. Chief Hoffman said that State Statute mandates that it be
8 adopted. Mr. Reischmann advised Council that by adopting this ordinance, the earlier version of the fire
9 code would be replaced by reference. He reiterated that it is mandated by state statute.

10
11 **Motion passed by a 7/0 roll call vote of the Council**

12
13 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

- 14
15 **A. ORDINANCE NO. 334:** An ordinance of the City of Orange City, Florida, vacating and
16 abandoning a certain portion of the Orange City Heights subdivision plat and returning said
17 plat to acreage, consisting of 9.012 acres, parcel #8012-00-00-0166, located immediately
18 north of Veterans Memorial Parkway, Orange City, Florida; containing a repealer provision,
19 a severability clause and providing for an effective date.

20
21 **Council Member Sandford moved to adopt Ordinance No. 334 on second and**
22 **final reading, seconded by Council Member Laputka.**

23
24 Mayor Strickland 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 Elaine Wilson, Senior Planning Analyst came forward and advised Council there had been no changes.
28 She advised there had not yet been a response from the Volusia Growth Management Commission
29 (VGMC) about project certification. She said that all landscaping and all the engineering issues have
30 been resolved. Ms. Wilson said that she and the applicant are available to answer questions.

31
32 **Motion passed by a 7/0 roll call vote of the Council**

- 33
34 **B. ORDINANCE NO. 343:** An ordinance of the City of Orange City, Florida, amending
35 section 8.3 of the City's Land Development Code, said section being the Official Zoning
36 Map of the City of Orange City, Florida, said amendment changing the zoning classification
37 of the Land, Building and Beyond Medical Office Center property, consisting of
38 approximately 9.01 acres generally located north of Veterans Memorial Parkway
39 approximately 1,000 feet south of Graves Avenue, from its present zoning classification of
40 Mixed Use, Suburban (MX-2) to Business Planned Unit Development (BPUD), containing a
41 repealer provision, a severability clause and providing for an effective date.

42
43 **Council Member Mahoney moved to adopt Ordinance No. 343 on second and**
44 **final reading, seconded by Council Member Sherrill.**

45
46 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
47 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

48

1 Mr. Reischmann advised Council that the approval from the VGMC is relevant for this agenda item. He
2 said that staff is still waiting for a response. The approval of this rezoning would be effective upon
3 receipt of that approval. In response to a question from Council Member Sandford, Chester Murray,
4 Development Services Director, stated that a development order would not be issued until the certificate
5 is received.

6

7 **Motion passed by a 7/0 roll call vote of the Council**

8

9 **C. ORDINANCE NO. 344:** An Ordinance of the City of Orange City, Volusia County, Florida;
10 amending Chapter 5, Buildings, Housing and Structural requirements of the Orange City
11 Code, to add Article V. Citations; Unlicensed Contractors; Failure to Obtain Building Permit;
12 providing for conflicts, severability, codification and effective date.

13

14 **Council Member Mahoney moved to adopt Ordinance No. 344 on second and**
15 **final reading, seconded by Council Member Sandford.**

16

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

19

20 Mayor Strickland expressed concerns that the \$500 penalty is harsh and questioned how the amount was
21 determined. Mr. McCue commented that the fee is "up to \$500." Council Member Mahoney noted that
22 the ordinance discusses a flat fee. Chief Baskoff noted that the fine is for unlicensed contractors and not
23 the homeowner. Mr. McCue recalled a situation where a homeowner did repairs to her roof and when
24 the building inspector examined the work performed, he found damage to her roof by an unlicensed
25 contractor she had hired two year previous. He said the city could not get involved, that it was a civil
26 matter and suggested this ordinance would give the city the authority to get involved. Sergeant Lariscy
27 stated the fee only applies to jobs over \$1,000. Mr. Reischmann advised that under the current citation
28 system, a specific amount is assigned to code violations and that a flat amount would be consistent. He
29 said that Council has the authority to set another amount.

30

31 Council Member Laputka noted Section 5-73 has a correction of violation clause. Sergeant Lariscy said
32 that the violator can request an administrative hearing and that the special magistrate might excuse the
33 fines if all the required permits are obtained.

34

35 **Motion passed by a 7/0 roll call vote of the Council**

36

37 **D. ORDINANCE NO. 345:** An ordinance of the City of Orange City, Volusia County, Florida;
38 adopting the 2003 International Property Maintenance Code with the exception of certain
39 amendments thereto; providing for conflicts, severability, codification and effective date.

40

41 **Council Member Sandford moved to adopt Ordinance No. 345 on second and**
42 **final reading, seconded by Council Member Mahoney.**

43

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

46

47 Chief Baskoff noted that as directed at the last council meeting, Section 103.2 of the ordinance was
48 revised to read "Sergeant or designee."

1 Vice Mayor Allebach clarified that this ordinance applies to commercial buildings and would provide
2 tenants recourse if they were having problems with their landlords. He asked if Code Enforcement
3 would be able to intervene before it becomes a safety issue. Sergeant Lariscy responded in the
4 affirmative. Mr. McCue remarked that the city should not mediate between landlords and tenants. He
5 explained that his understanding was that this ordinance was to address “dark” buildings that were
6 abandoned by the owner. He stated, “I’m not sure we have the legal right to intervene on a tenant’s
7 behalf. A lengthy discussion on the intent of the ordinance ensued. Mr. Reichmann noted that if
8 adopted, this ordinance would replace the Standard Housing Code that the city is currently using, with
9 the International Property Maintenance Code, by reference. There are no references or modifications
10 that would deal with the city manager’s concerns. He said that without having had an opportunity to
11 review the International Property Maintenance Code he could not address those concerns. Mr. McCue
12 commented that if this ordinance were approved, the Police Department could become involved in civil
13 battles. He suggested that city resources should not be used in that manner. Mr. McCue requested that
14 this agenda item be continued until a future date. Council Member Sherrill agreed that this item be
15 continued until a time certain. He suggested a meeting in April. As a point of order, Mr. Reischmann
16 advised the Council that a motion to continue is required and explained the options. Mr. McCue felt that
17 the revisions would be substantial and suggested voting down the ordinance. He said that would give
18 staff an opportunity to review the codes and to bring back a modified version that would address the
19 issues discussed this evening. In response to a question from Council Member Mahoney, Mr. McCue
20 noted that there would be two readings of the modified version and that it would not be affected by
21 Robert’s Rules of Order.

22
23 **Motion failed by a 1/6 roll call vote of the Council, with Vice Mayor**
24 **Allebach voting “yes.”**

25
26 **6. RESOLUTIONS:**

- 27
28 **A RESOLUTION NO. 472-08:** A resolution of the City Council of the City of Orange City,
29 Florida, authorizing the City Manager to execute and agreement with the County of Volusia
30 to accept an ECHO grant award in the amount of \$80,000 for improvements in Valentine
31 Park; repealing all resolutions or parts of resolutions in conflict herewith; and providing for
32 an effective date.

33
34 **Council Member Mahoney moved to approve Resolution No. 472-08**
35 **seconded by Council Member Sandford.**

36
37 Mr. McCue congratulated James Moltz, Parks & Recreation Superintendent and Elaine Hart, Leisure
38 Service Coordinator, for their efforts in obtaining an ECHO grant. He remarked that ECHO grants are
39 not easy to get. Mr. McCue told Council that this grant has expanded the city’s financial capacity to
40 make improvements to Valentine Park. He said that \$80,000 would be used as a match for the grant
41 allocated in the budget to install lighting in Valentine Park. He said that staff would meet to discuss the
42 best way to use the remaining portion of the grant and present recommendations, based on the Park
43 Master Plan, to the council at a later date. In response to a question from Council Member Laputka, Mr.
44 Moltz detailed the status of the improvements to Valentine Park.

45
46 **Motion to approve Resolution No. 472-08 passed by a unanimous 7/0 roll**
47 **call vote of the Council.**

48

1 **7. DISCUSSION AND ACTION:**

2
3 **A Five Year Street Resurfacing Plan**

4
5 Mr. McCue noted that this agenda item is an update of the Five Year Street Resurfacing Plan for the
6 city. He called Jerold Weaver, Public Works Superintendent forward. Mr. Weaver reported that last
7 year Lantern Lane, Garden Lane, a portion of Tappan Circle, and East Lansdowne Avenue from 17-92
8 to east of Orange Avenue, were repaved. Referring to a color-coded street map he detailed the five year
9 plan. Mr. Johnson, Public Works Director, came forward and said that the city is piggybacking off of a
10 Volusia County contract with Halifax paving and that the price is \$85,000 and that relates to \$85 per ton
11 in place. He said that was the same cost as last year. Mr. Johnson advised this contract is valid until
12 September 2009 so that next year's roads are going to fall into the same pricing range. Council Member
13 Mahoney suggested moving up the plan timeframe in case the costs increased. Mr. McCue advised
14 Council that by condensing the projects timeframe larger amounts of funds would be expensed in any
15 given fiscal year.

16
17 **It was the consensus of the Council to accelerate the schedule for**
18 **resurfacing to take advantage of the low rates in the current repaving**
19 **contract.**

20
21 Mr. McCue stated that item would be discussed during the preparation of the 2009 budget. Staff would
22 present a five year and a three year plan for the street repaving. He stated the three year plan would be
23 funded from available one-time revenues.

24
25 **B 2008 Legislative Action Agenda**

26
27 Angel Smith, Community Relations Coordinator, came forward. Mr. McCue advised that there are four
28 issues that will be presented to the state legislature. He said that Ms. Smith has been in touch with the
29 Florida League of Cities (FLC) about these issues. He outlined the city's legislative agenda and
30 remarked that Orange City is the only city in Volusia County to speak to the FLC about video gaming
31 establishments. He said that gaming is a "hot issue" with the State legislature and predicted that the
32 FLC will probably take up this cause. He remarked that there is not much that could be done this year,
33 but that the city would support the Supervisor of Elections on the voting and conduct of elections in
34 Volusia County. Mr. McCue advised that staff was successful with two of the issues brought to
35 Tallahassee last year. He said this year staff will revisit Volusia County's denial of the city's Closet
36 Unit Response agreement; and once again request that the State Legislature mandate that the
37 Department of Environmental Protection validate that a landfill has met local zoning laws before issuing
38 a permit. Ms. Smith has begun setting up meetings with staff and the legislators.

39
40 Vice Mayor Allebach remarked that it is important for elected officials to participate in this legislative
41 event to provide support for the city's agenda. He implied that elected officials have more impact on the
42 legislature than staff. The Vice Mayor said that he will be attending and suggested that other Council
43 members attend also. Mr. McCue agreed. He said that Council Member Laputka will be attending. He
44 recalled that the Council approved a reduction of the Volusia Days participation fee from \$1,000 to
45 \$500 and that in addition staff has reduced the overall expenses. He stated, "So it will be cheaper, but
46 we hope to be just as effective."

47
48 **C. Appointments to Charter Review Committee**

1 Vice Mayor Allebach announced that due to the resignation of his appointee to the Charter Review
2 Committee, he was appointing Joelle DeVane as a replacement.

3
4 Council Member Sherrill announced that he has asked Bill DeVane to replace Ted Erwin and he also
5 has agreed.

6
7 **8. REPORTS:**

8
9 **A City Manger**

10
11 Mr. McCue reported that repairs to roof of the City Clerk's office have been completed. He said the
12 heads for the splash pads for Dickinson Park had been set and that the concrete would be poured soon.
13 He advised Council that the city has received its consumptive use permit (CUP) for Wells 8 & 9. Mr.
14 Johnson explained the models used and noted that in 2018 Orange City would draw down from the
15 aquifer less than two tenths of a foot and that the minimum flows would result in nine tenths of a percent
16 reduction in the flow. He remarked that would not have a significant impact on Blue Springs.

17
18 Mr. McCue said that staff has scheduled meetings with a number of property owners and predicted that
19 the city may be moving forward with annexations within the next 60-90 days.

20
21 Mayor Strickland inquired about the status of a response to Al Blue's comments at the last Council
22 meeting. He recalled that Mr. Murray advised Council that the city manager had been given no
23 direction regarding the payment of non ad-valorem taxes for vacant homes in Mr. Blue's neighborhood.
24 Mr. McCue noted that all homes are included in the trash removal contract for equality purposes. He
25 said that unless the city wants to cancel and renegotiate the contract nothing could be done. Council
26 Member Sherrill said that it was mentioned that DeLand charges vacant homes also.

27
28 Mayor Strickland asked about Orange City's participation in the regional July 4th fireworks program.
29 Mr. McCue said that Orange City will not be the coordinator this year. He said it would be discussed at
30 the summit meeting in DeBary. Mr. McCue noted that Leisure Services is investigating alternatives in
31 case the regional effort collapses. Mayor Strickland confirmed that Orange City would not take the lead
32 on this year's the efforts. Mr. McCue responded in the affirmative.

33
34 **B Mayor/City Council**

35
36 No further reports.

37
38 **C City Clerk**

39
40 No further reports.

41
42 **D City Attorney**

43
44 No further reports.

45
46 **9. APPROVAL OF MINUTES:**

February 26, 2008 Regular Council Meeting
February 26, 2008 Tree Board Meeting

1 **Vice Mayor Allebach moved to approve the minutes of the February 26,**
2 **2008 Regular City Council Meeting, and the February 26, 2008 Tree**
3 **Board Meetings, seconded by Council Member Laputka and passed by**
4 **a unanimous 7/0 voice vote of the Council.**

5
6 **10. COUNCIL COMMENTS**

7
8 Council Member Mahoney commented that it is much better to be able to respond to the public that we
9 are bringing our video gaming concerns as part of our 2008 Legislative Action Agenda, than “we can do
10 nothing.” Mr. McCue advised that existing video gaming business in Orange City had been cited by
11 Code Enforcement and that they have ten days to respond to a “cease and desist” order. Mr.
12 Reischmann advised that the city has pending applications for video gaming businesses and the staff is
13 making certain that these applications have been filled out completely and accurately. Some candidates
14 were told that the city currently has some issues with the completeness of their application as well as
15 parking issues with the locations.

16
17 Council Member Sandford noted that upcoming meetings are posted on the web page. He stated “I
18 think that’s great.” However, he noted that the posting dates are bolder font than the actual meeting
19 dates and he felt that the meeting date is the more critical information. Mr. McCue advised that would
20 be corrected.

21
22 Council Member Laputka said that he was glad that the Council was able to respond very quickly to the
23 Charter Review Committee replacements. He said that two more qualified candidates have come forth.
24 Council Member Laputka spoke about residents parking commercial vehicles in front of their houses.
25 Mr. McCue said that it is not permitted and advised citizens to go to the web site and report the
26 addresses of homes committing these violations.

27
28 Vice Mayor Allebach thanked Ms. Joelle DeVane for agreeing to be on the Charter Review Committee.
29 He said that he hopes that the committee comes together to work on a “blue print of policy rather than
30 specifics.” He said that a constitution is something that should last for a long time. He stated,
31 “Remember that it’s not for today, it’s for tomorrow, it’s for long term, and it’s a vision.”

32
33 Council Member Abraham asked about Ron Saylor’s neighborhood problems with water. He said I was
34 under the impression the city is doing something about it. Mr. McCue said the house in question is at
35 the end of a “dead end” line so all the water and sediment is staying in that end of the line. He said the
36 city put a fire hydrant down to blow out the line. Mr. Saylor advised that he was not referring to that
37 citizen. Mr. McCue said that staff would check on the resident that Mr. Saylor discussed earlier.

38
39 Mayor Strickland commended Council Member Sherrill and Vice Mayor Allebach for coming to the
40 opening of Coleman Park. He said it is a beautiful park, that it was fun to be there and see the children
41 playing on all the new equipment. The Mayor noted that the opening of the Villa Grande development
42 was also attended by council members. He said, “I just wish that other Council Members could be
43 there, but I think that you are well represented by people who have the time to go to some of those
44 things and I think that it is really important you know that we got folks there on the ground working
45 away while some of you are working away with your regular jobs too.” The Mayor stated, “It really
46 struck me as I looked at the Ville Grande project and the total clearing of the land in order to make that
47 project work. The whole issue about our ‘tree canopy’ and how much growth we’ve had and how much

1 of our 'tree canopy' we've really lost to development and I just hope that we can address some of that as
2 we go along through our Tree Board.”

3

4 **11. ADJOURNMENT**

5

6 There being no further business, Mayor Strickland adjourned the meeting at 9:20 p.m.

7

8 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

9

10

11

12 Gloria Williams
13 Deputy City Clerk

14
