

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, June 10, 2008 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3
4 **CALL TO ORDER**

5
6 The Meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was taken.
7

8 **ROLL CALL**

9
10 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,
11 Tom Abraham, Don Sherrill, Donald Sandford; Jim Mahoney; City Attorney Robin Drage;
12 City Manager John McCue, City Clerk Deborah Renner.
13

14 Mr. McCue requested that the Closest Unit Response (CUR) agreement discussion be moved forward
15 from the Manager's Report to follow Citizens Comments. Council agreed.
16

17 The Invocation was given by Mayor Strickland, followed by the Pledge of Allegiance.
18

19 **1. PRESENTATIONS:**

20
21 Renee Tallevast, Executive Director, and Jessi Smith, Program & Partnership Director, River of Lakes
22 Heritage Corridor (RLHC) came forward and provided a power point presentation (a copy of which is
23 attached and becomes a permanent part of these minutes) on the Scenic Highway Designation (SHD)
24 underway for the 17-92 corridor. Ms. Tallevast discussed the purpose and history of the RLHC and
25 SHD, stating that it was formed to preserve, protect and promote the intrinsic resources and cultural
26 heritage of West Volusia. She said that a preliminary application for the SHD was submitted to the
27 State of Florida and was approved last year, and that final approval is expected by February, 2009. Ms.
28 Tallevast mentioned that the SHD will increase opportunities for funding from a number of grants such
29 as the National Scenic Byway (NSB). Ms. Tallevast said that the SHD area runs from the Putnam
30 County line through West Volusia to the Seminole County line.
31

32 Ms. Smith discussed the benefits that come with a SHD, such as economic growth and tourism, Federal
33 and State funding, resource protection, educational programs, partnerships, transportation and safety
34 planning, community pride and participation and improved quality of life. She said the program
35 encompasses five broad goals which have been developed into an action plan and that a "Corridor
36 Management Entity" (CME) will be formed to manage completion of the projects. Ms. Smith advised
37 that the CME is a non-governmental grassroots organization established by written agreement that
38 includes a broad spectrum of members of the West Volusia communities and that it serves as the board
39 of directors.
40

41 Ms. Smith requested Council's support of the application by adoption of a resolution of support and
42 appointment of a Council Member to the CME board.
43

44 Vice Mayor Allebach questioned if there are any potential problems with the application process. Ms.
45 Tallevast said there was not and discussed the items which must be included in the application.
46

1 In response to a question from Council Member Sandford, Mr. McCue said that including this project in
2 the City's Comprehensive Plan makes a strong commitment to the SHD. Ms. Tallevast agreed.

3
4 Mayor Strickland asked Ms. Tallevast to discuss why she became involved in this project. Ms.
5 Tallevast advised that she wanted local West Volusia communities to be able to take advantage of the
6 funding available and that she felt a SDH would unite the communities.

7
8 In response to a question from Council Member Abraham, Ms. Tallavist said that Orange City pledged
9 their initial support along with DeBary, DeLand, Lake Helen, Deltona, Volusia County and Pierson.
10 She said there had been no opposition from any of the communities that have committed, and that no
11 fees are required. She stated, "I'm doing this to make the communities of West Volusia stronger."

12
13 Mr. McCue reminded Council that the City has been working with the DOT to eliminate the suicide
14 lanes. He suggested that involvement in the SDH program may be the best way to accomplish that task.
15 He recommended that the City participate in this program. He said staff will bring forward a resolution
16 of support at the next meeting.

17
18 **2. CITIZENS COMMENTS:**

19
20 Henry Durica, 1310 E. Lansdowne Avenue, came forward and read a statement into the record noting
21 that the City of DeBary just signed a contract with Waste Pro for their solid waste service. He stated,
22 "The citizens of Orange City are being gouged by Waste Management" and that Orange City residents
23 pay double the price of DeBary residents for one pickup. He said there is fuzzy math involved here and
24 asked Council to reconsider obtaining a bid from Waste Pro and dissolving the City's contract with
25 Waste Management. Mr. McCue responded that there are many communities that are paying more than
26 Orange City as a result of a fuel surcharge. He said that the City has a five year contract with Waste
27 Management and cannot break it. Mr. McCue explained that Orange City has a "fractured" collection
28 system because its boundaries are uneven and DeBary's is not. He discussed the issues with the uneven
29 City boundaries noting the benefits of pickups in a compact area such as County Tree Village. He said
30 that the City's solid waste collection was bid out, Waste Management and Waste Pro responded and
31 there was only \$1.00 difference in the bids. He explained that DeBary's contract includes commercial
32 businesses and that keeps the cost down. Mr. McCue said that all City waste collection contracts have
33 been timed to expire at the same time and he hoped to reduce the price more by awarding an exclusive
34 contract that includes both residential and commercial locations in the future.

35
36 In response to a question from Council Member Laputka, Mr. McCue confirmed that the fixed cost of
37 the Waste Management contract will not change. Mr. McCue advised Council that he denied a request
38 for a rate increase for fuel costs because Waste Management missed the June 1st deadline stipulated in
39 the contract. Mr. Durica suggested including an "escape clause" in future contracts. Mr. McCue
40 discussed the benefits of pickups in a compact area such as Country Tree Village.

41
42 Vice Mayor Allebach said that the DeBary contract was signed in 2004 before the recent increases in
43 fuel. Referencing an article in the News Journal, Vice Mayor Allebach said that DeBary signed a seven
44 year contract before the increase in fuel. He commented that the article mentions that if DeBary had to
45 renegotiate their contract today there would be a 50% increase. He reemphasized that the Orange City
46 contract does not include fuel charges, noting that if Waste Management wanted to increase rates due to
47 fuel adjustments and or surcharges the City Council would have to vote on it.

1 Mr. Durica questioned why the Council voted not to send a letter to the Attorney General regarding their
2 pension. He said that the purpose was to find out if the pension was legal. Mr. McCue stated, "There is
3 nothing illegal about it." Mr. Durica said that it appears that the Council is trying to cover up the truth.
4

5 Evelyn Robinson, 311 E. Cherokee Avenue, came forward and said that she had a tree fall in her yard
6 knocking out her power. She said that she called 911 and an operator put her in touch with the Orange
7 City Utility, Fire and Police Departments. She expressed her appreciation for the quick response. Ms.
8 Robinson said that the dead end of Cherokee Avenue abuts the Volusia County Baptist Church. She
9 said that the vacant lot is not being maintained. Mr. McCue asked Paul Johnson, Public Works Director,
10 to investigate and said that he will try to get it cleaned up.
11

12 Bob Storke, 1122 E. Wisconsin Avenue came forward. He said that in 2006 the Florida Legislature
13 amended F.S. 316.083 to include a requirement for motor vehicles to provide a minimum of three feet
14 clearance when passing a bicycle or other non-motorized vehicle. He said that this month Volusia
15 County is scheduled to announce the placement of an MPO Bicycle Pedestrian Advisory bumper sticker
16 on all of the county vehicles. He requested that Orange City consider placing these decals on city
17 vehicles. He said the recommended location is on the right side of the front bumper.
18

19 **It was the consensus of the Council to authorize the City Manager to**
20 **put the bumper stickers on City vehicles.**
21

22 Paul Rasch, 2058 King Richards Court, came forward and said that there is a misunderstanding
23 regarding the City's participation in FRS. He said that during the Charter Review Committee meetings,
24 a question arose as to whether the original entry into the FRS itself was legal. He said that the request
25 for the Attorney General's opinion was for a legal clarification that had nothing to do with the sixty day
26 period.
27

28 **Manager's Report** (Note this item was moved forward on the agenda)
29

30 Mr. McCue discussed issues surrounding the City's Closest Unit Response (CUR) Agreement with
31 Volusia County, Certificate of Public Convenience and Necessity (COPCN) and the provision of
32 Advanced Life Support (ALS) versus Basic Life Support (BLS) service. He gave a detailed history of
33 the issues noting that in 2003 the County passed an ordinance that required the cities in its jurisdiction
34 that provide emergency medical services to enter into a Closest Unit Response (CUR) interlocal
35 agreement with the County. He said that the agreement gave the County the authority to determine
36 which emergency medical unit would respond to calls in geographically assigned zones. He described
37 the criteria the County used to determine which unit could respond the quickest. He said the criteria was
38 plugged into a model that produced a map of the assigned service areas. He pointed out the areas
39 assigned noting that Orange City stations 67 and 68 were required to respond to areas beyond the City
40 boundaries and into the unincorporated zones. County fire station 31 (located in Orange City) would
41 handle calls in Orange City. Mr. McCue said that he expressed his concerns to the County that it was
42 inappropriate that the City be required to provide service in the unincorporated area. He said the City's
43 fire trucks are not equipped to handle rural areas and there would be no payment for the services
44 provided.
45

46 Mr. McCue said that staff began negotiations with the County regarding the CUR agreement. He said
47 the language in the agreement was "one-sided" and that it provided the County with "get out" clauses

1 while the City had none. City staff revised the CUR to include the City's concerns but the County
2 would not accept the changes and negotiations broke down. Mr. McCue detailed the strategy used to
3 have the County revise the assigned service area and to approve the City's CUR agreement. One option
4 was to open an additional fire station closer to the commercial district, which has the highest volume of
5 calls. He explained that it was hoped that the County would recognize the new station and revise the
6 service area assigned to the City. In addition Orange City entered into a CUR agreement with the City
7 of Deltona and both cities negotiated with Fish Memorial Hospital to provide office space and a location
8 for a rescue truck. The truck was staffed by a paramedic from Deltona and an EMT/Fire Fighter from
9 Orange City for a 12 hour shift during peak hours. Mr. McCue said that he recommended to the Council
10 at that time, that the City pursue a legislative approach but the legislature refused to get involved in a
11 dispute between a county and city. He stated that the statute governing the COPCN was written in 1973
12 and had not been reviewed until Orange City brought it to the legislature's attention. He expressed
13 concern that the revision would be a long process and, as a result, directed staff to go back to
14 renegotiating the CUR agreement with the County.

15
16 Mr. McCue said that at a VCOG Management Advisory Committee meeting, the Committee agreed to
17 contract with the Florida Conflict Consortium (FCC), which is a statutorily created organization for
18 statewide conflict resolution. Mr. McCue said that at the Mayors and Managers meeting the County
19 discussed putting a "straw poll" on the November ballot asking citizens whether they want a
20 consolidated fire and EMS system noting the announcement was not well-received by the city
21 representatives present. The city managers felt that a "straw ballot" was not necessary and agreed to
22 work on ways to accomplish a consolidated fire and EMS system. Mr. McCue said that he had
23 suggested regionalization to the County, noting that if the County was to close fire station 31, Orange
24 City could assume those calls. He felt that it was well received, advising that it was the first time staff
25 received a positive response from the county.

26
27 With regards to the City's CUR agreement, Mr. McCue said the City has negotiated in good faith with
28 the County. He said that a notarized affidavit affirming that the City has negotiated in good faith must
29 be provided with a COPCN application. The City provided the affidavit and the County would only
30 approve the application provisionally until the City executes a CUR agreement. He reiterated that if
31 Orange City provides a CUR agreement and the County gives the City its ALS designation, the city
32 would have to respond to calls outside of the City limits. He said that staff has been able to get the
33 County to agree to reimburse Orange City at the FEMA rate for an imbalance of calls. Mr. McCue
34 advised that there is a clause in the CUR agreement that provides that if, at any time, the County
35 Council wants to defund the program they can do it. If the County says it cannot afford to continue with
36 this agreement, the City would have to continue responding to calls in the unincorporated areas without
37 payment. Mr. McCue said that last week, the City's application was again denied. He suggested that
38 the City consider challenging the section of the code specific to the application process. He reiterated
39 that the City did all that was required and negotiated in good faith with the County. Mr. McCue said
40 that he spoke with the County Manager and notified him of the City Council's desire to resolve this
41 matter. He said the County Manager agreed to do every thing that he could to resolve this issue without
42 taking it to court.

43
44 Council Member Mahoney questioned what experience other cities in the County have had with this
45 issue. Mr. McCue said the east side cities are predominately metropolitan areas and do not have to
46 negotiate with the County regarding service areas. He said Orange City is affected because of the large
47 unincorporated area surrounding the city. Mr. McCue said that there appears to be no way around

1 signing the CUR agreement. He recommended that the City take part in the county-wide discussions.
2 He felt that if the City seeks litigation regarding the application process, it would have a negative impact
3 on the discussions. He said that he had a commitment from the County Manager and recommended that
4 the City wait two weeks before taking action.

5
6 Mayor Strickland said that the City is failing its citizens by taking no action. He felt the City needs to
7 be prepared to act by the next meeting.

8
9 Council Member Sherrill agreed with the Mayor's comments, he said this has been going on for too long
10 and the City needs to file suit.

11
12 In response to a question from Council Member Mahoney, Mr. McCue said the quickest route to ALS is
13 to negotiate the CUR agreement and give the County what it wants.

14
15 Council Member Laputka said that he is "outraged" over this situation. He said that he agrees with the
16 Mayor's comments.

17
18 Council Member Sherrill suggested getting a resolution ready for the next agenda authorizing a law suit
19 against the County if there is no resolution before that time.

20
21 In response to a comment from Council Member Sandford, Mr. McCue said that the resolution will not
22 speed up the process.

23
24 Mr. McCue summarized by stating that he would ask the attorney to prepare a resolution for the next
25 Council meeting to initiate the Statutory 164 process if necessary. He said that he will continue with his
26 negotiations with the County. He expressed his hope that this will be resolved at the staff level before
27 the Council has to take affirmative action.

28
29 Vice Mayor Allebach voiced his concerns. He said that this has been a long process. He spoke in favor
30 of preparing a resolution and getting an injunction to reinstate the City's ALS status.

31
32 Ms. Drage advise Council that two motions are necessary, one to authorize the City Attorney and that
33 City Clerk to prepare a resolution to start the dispute resolution process and another to authorize the City
34 Attorney to prepare a resolution to start the judgment action.

35
36 **Vice Mayor Allebach moved to authorize the City Attorney to work**
37 **with the City Clerk to prepare a resolution to start the dispute**
38 **resolution process, seconded by Council Member Sherrill.**

39
40 **Motion passed by a 7/0 roll call vote of the Council**

41
42 **Vice Mayor Allebach moved to authorize the City Attorney to prepare**
43 **a resolution to start the injunction or declaratory judgment action**
44 **process, seconded by Council Member Sherrill.**

45
46 **Motion passed by a 7/0 roll call vote of the Council**
47

1 **3. CONSENT AGENDA:** None at this time

2
3 **4. ORDINANCES – FIRST READING:**

4
5 **A. ORDINANCE NO. 355:** An ordinance of the City Council of the City of
6 Orange City, Florida; establishing guidelines for compliance with the National
7 Pollutant Discharge Elimination System set by the United States
8 Environmental Protection Agency; guiding, regulating, and controlling the
9 design, construction, use and maintenance of any development, disturbances
10 or breaks of the top soil resulting from the movement of earth on land in
11 Orange City; providing for codification, conflicts, severability and effective
12 date.

13
14 **Council Member Sandford moved to adopt Ordinance No. 355, seconded**
15 **by Council Member Mahoney.**

16
17 Paul Johnson, Public Works Director, came forward. He said the purpose of this ordinance is to
18 establish guidelines for compliance with the National Pollutant Discharge Elimination System (NPDES)
19 set by the United States Environmental Protection Agency (EPA). He reported that Orange City has
20 applied for and was issued a generic permit for storm water discharge. He said that a number of
21 requirements had to be met such as adopting an ordinance regulating the construction and movement of
22 earth related to construction activities in the City. Another requirement is that the city employs storm
23 water inspectors noting that the Public Works Superintendent is certified, as well as two staff members
24 in the Development Services Department. He explained the inspection process. He said that staff will
25 go on-site and check to make sure that the contractors have silt fences installed correctly and inspect all
26 storm water activities.

27
28 Chester Murray, Development Services Director, came forward. He said that the EPA has formalized
29 the storm water process and that the City must comply. This ordinance will apply to commercial
30 projects greater than or equal to 1 acre, noting that currently this process is already being addressed
31 during the development order process. He reiterated that this is the EPA's way of mandating what the
32 City is already doing. He said that staff visits the construction sites to inspect the silt retention fences
33 and if there is a one inch rain fall, staff is required to re-inspect the following day. He advised Council
34 that a resolution establishing a fee structure for this service would be forthcoming.

35
36 Council Member Laputka questioned if this would result in an alternative revenue source. Mr. McCue
37 responded in the positive. Mr. Johnson said that the City is currently doing these inspections at its own
38 expense.

39
40 Mayor Strickland questioned what would be the consequences for not adopting this ordinance. Mr.
41 Murray said that the City's authority to issue development orders could be revoked. Mr. McCue
42 remarked that the responsibility for completing these inspections has been shifted to the local level
43 because the State can no longer adequately perform them.

44
45 Council Member Sandford questioned what techniques would be used to prevent the blowing of dust or
46 sediment mentioned in Section 12.15 E. (6). Mr. Murray responded the water trucks would be used.
47 Referencing Section 12.16 **Inspection**, Council Member Sandford questioned what would be the close

1 of the construction season. Mr. McCue said that reference was a scribner error and would be corrected
2 before the next reading.

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

- 5
6 **B. ORDINANCE NO. 356:** An ordinance of the City of Orange City, Florida,
7 amending Sections of Chapter 17.3 Utilities of the code of ordinances of the
8 City of Orange City, Florida; providing for conflicts, severability and effective
9 date.

10
11 **Council Member Sherrill moved to adopt Ordinance No. 356, seconded**
12 **by Council Member Laputka.**

13
14 Christine Davis, Finance Director and Paul Johnson, Public Works Director, came forward. Ms. Davis
15 advised that the purpose of this ordinance is to amend Section 17.3 of the Utility Code. She advised
16 Council that the recommended changes suggested at the March 20th workshop have been incorporated.
17 Mr. Johnson explained that one of the changes is to ensure that the City receives notification when
18 someone applies for a permit from the Volusia County health Department to construct or make repairs to
19 a well or septic system. The code change requires that the Health Department notify the City and obtain
20 approval when these permits are applied for. In addition, the code requires a commercial building to
21 hook up to sanitary sewer lines within one year if they are installed within 1,000 feet of the building.

22
23 Vice Mayor Allebach noted that the water conservation program was designed to create a system of
24 control and if someone can just “tap in” at any time and pump as much water as they want, they are not
25 being treated equally. He spoke in support of the notification requirement.

26
27 Council Member Mahoney questioned the removal of the language “rules for water usage” on Page 10.
28 He said it had been stricken from the Code, but that there is language remaining that references these
29 rules. He questioned whether the language was clear.

30
31 Council Member Mahoney expressed concerns about the verbiage used on Page 11, Section 17.3.36
32 regarding damage to City property. He suggested that after striking the language to this section as
33 proposed, it would appear that the customer is responsible for repairing or replacing any City property
34 damaged at the site no matter what the circumstances. He recommended leaving the language in. Mr.
35 McCue concurred and agreed that the reference to the party causing the damage could be left in.

36
37 Council Member Mahoney noted a discrepancy in the definitions provided for the term “ERU” on Page
38 12. Mr. Johnson confirmed that they are both accurate.

39
40 Council Member Mahoney next referenced the bottom of Page 13 and continuing to Page 14 and stated
41 his interpretation of this section to be that the City Manager can raise rates and notify the Council after
42 the fact. He asked if this was an accurate interpretation. Mr. McCue responded that in reading the
43 section, that could be an interpretation of it. He said it is only supposed to apply to automatic escalators.
44 Ms. Davis noted that a change in the water rates can only be done by resolution. Mr. McCue suggested
45 adding language that would clarify that this section applies only to automatic increases.
46

1 Council Member Mahoney referenced paragraph “a” at the bottom of page 14 and suggested that the
2 City’s investment policy should be referenced here. Mr. McCue concurred and said the investment
3 policy relates to all of the City’s cash balances.
4

5 Council Member Mahoney noted a correction to Section 17.3-53 Meter Testing, paragraphs (a) and (b)
6 should refer to an error greater than +2% for fast meters and an error less than -2% for slow meters. Ms.
7 Davis noted that a correction would be made.
8

9 In response to a question from Mayor Strickland, Ms. Drage advised that a motion to amend was in
10 order.
11

12 **Vice Mayor Allebach moved to incorporate the changes addressed during the**
13 **discussion period, seconded by Council Member Sandford.**
14

15 Council Member Sandford expressed his interpretation of the Notification Requirement on Page 4 as
16 that the City must provide approval for any repairs to a well prior to an application being submitted to
17 the Department of Environmental Regulation. Mr. Johnson confirmed that this was correct. He said
18 that the approval is a confirmation that water or sewer service is not available. Council Member
19 Sandford questioned whether this requirement extended to irrigation wells. Mr. Johnson responded in
20 the affirmative advising that if the City is not aware, there could be potential cross-connection issues.
21

22 Council Member Abraham referenced Page 7, 17.3-28 (c) which discusses termination of service for
23 non-payment and asked whether this section reflects current practice. Ms. Davis responded in the
24 affirmative. Council Member Abraham asked whether these penalties could be waived by the City
25 Manager through a dispute resolution process. Mr. McCue responded that the City could not do that in
26 the past, however, this ordinance will provide a procedure for those circumstances. Ms. Davis discussed
27 the current dispute resolution process. Mr. Abraham asked whether the amount of the outstanding
28 balance was a factor in the process. Ms. Davis responded that it is not.
29

30 Council Member Sandford referenced Page 11, Section 17.3-36 and said that he has a tree in his yard
31 that must be removed and that the roots are entangled in the water line. Mr. Johnson said that he should
32 notify the City prior to tree removal and ask that the lines be located.
33

34 **Amendment passed by 7/0 roll call vote.**
35

36 **Main motion as amended passed by 7/0 roll call vote**
37

38 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**
39

- 40 **A. ORDINANCE NO. 348:** An ordinance of the City of Orange City, Florida, annexing
41 the Orange Commerce Park property into the corporate limits of the City of Orange City,
42 Florida; said property being generally located on the east side of North Volusia Avenue
43 approximately 300 feet north of Wisconsin Avenue, containing approximately 11.05
44 acres; in accordance with the voluntary annexation provisions of Florida Statute 171.044;
45 redefining the boundaries of the City of Orange City by amending the appropriate
46 sections of the Code of Ordinances; containing a repealer provision, a severability clause
47 and providing for an effective date.

1
2 **Council Member Sandford moved to adopt Ordinance No. 348 on second**
3 **and final reading, seconded by Vice Mayor Allebach.**
4

5 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
6 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.
7

8 Jim Kerr, City Planner, came forward and advised there has been no change since first reading of this
9 ordinance.
10

11 **Motion passed by a 6/1 roll call vote of the Council (Council Member**
12 **Laputka left the room).**
13

14 Mayor Strickland recessed the meeting at 9:00 p.m. and reconvened at 9:10 p.m.
15

16 **6. RESOLUTIONS:** None at this time.
17

18 **7. DISCUSSION AND ACTION:**
19

20 A. Charter Review
21

22 **Vice Mayor Allebach moved that the City Council schedule a**
23 **workshop to go over the recommended changes to the City Charter,**
24 **seconded by Council Member Laputka.**
25

26 Mr. Rasch, Chairman, Charter Review Committee (CRC) came forward and thanked the Council for the
27 opportunity to serve on the CRC. He thanked the members of the CRC and staff for their participation
28 and dedicated efforts. Mr. Rasch gave a special thanks to the City Clerk for her tireless support of this
29 effort. He stated, "Debbie was the glue that held the whole process together." Mr. Rasch said there
30 were many "spirited" discussions and debates in the process of developing these changes noting that the
31 honest discourse produced a charter that will serve the city and its citizens. Mr. Rasch said that the CRC
32 is available to meet with Council to discuss the changes.
33

34 **It was the consensus of the Council that a Charter Review Workshop**
35 **be held on June 16th from 7-9 p.m.**
36

37 Discussion ensued about the best way to proceed at the workshop. Council Member Mahoney
38 suggested that each charter item be reviewed. Mr. McCue recommended that the organizational issues
39 be discussed at the first meeting. He detailed the issues noting there is a short-term deadline if the
40 recommended amendments are to go on the ballot for the presidential election. Mayor Strickland agreed
41 that the "housekeeping issues" should be addressed before commencement of discussion of the charter
42 revisions.
43

44 B. VGMC Appointment
45

46 Mr. McCue noted that Jim Kerr currently represents Orange City on the VGMC. He said that Mr.
47 Kerr's term is expiring and that staff recommends his reappointment. Mr. McCue noted the Mr. Kerr is

1 considering retirement and after discussions with Mayor Strickland, staff felt that it may be necessary to
2 appoint someone to attend these meetings in addition to Mr. Kerr in preparation for his retirement.
3 Mayor Strickland suggested asking former Mayor Tony Yebba if he would be interested. Mr. McCue
4 felt that Mr. Yebba has the technical knowledge that is needed for this committee. He said that he
5 would ask Mr. Yebba if he is interested.

6
7 C. Discuss Process & Form for City Manager's Evaluation
8

9 Mayor Strickland asked if there was a consensus regarding the process laid out in the city manager's
10 evaluation form. He noted that at Council Member Mahoney's request a copy of the city manager's
11 contract has been supplied. Mayor Strickland said that information about the process has been added on
12 pages 1 and 2. Ms. Drage advised that on page 1 under the process there are several comments that are
13 in conflict with the city manager's contract. Referencing (1) under Process she said that the evaluation
14 form states that the annual evaluation "may" coincide with the anniversary of the City Manager's hire
15 date and the contract states that the annual evaluation "shall" coincide with the anniversary date. She
16 noted that the "anniversary date" is the date the contract was approved.

17
18 Vice Mayor Allebach said that the previous evaluation form was created for educators and included a
19 numbering system. He spoke in support of the new form and noted that it would provide constructive
20 feedback.

21
22 Council Member Laputka agreed with the Vice Mayor's comments. He acknowledged there is value in
23 getting feedback rather than just a number.

24
25 Council Member Mahoney spoke in favor of the new evaluation form. He commented that both this and
26 the previous evaluation forms had a reference to "minimizes personal biases", noting that is considered a
27 strength. Council Member Mahoney stated, "One of the things that I like and respect greatly about John
28 is the fact that I know exactly where John is coming from."

29
30 Mr. McCue remarked that he had a problem with the "Interpersonal Skills" section of the Performance
31 Standards discussed on the last page of the evaluation form. He said the only problem that he has had
32 with previous evaluations were the comments discussed in this portion of the evaluation. He felt these
33 are indicators that are not listed in his contract and, therefore, should not be a part of the evaluation.

34
35 Council Member Abraham questioned if there is a stipulation in the City Manager's contract that
36 council members must meet with the City Manager prior to completing the evaluation. Mr. McCue
37 responded in the negative.

38
39 Mayor Strickland summarized by stating that the corrections that the City Attorney pointed out will be
40 made to the evaluation form and the performance standards listed on the last page will be removed. A
41 lengthy discussion ensued about the requirements and timeframe for the evaluation. Council Member
42 Mahoney pointed out that according the city manager's contract, the Mayor shall provide a written
43 summary to the employee, noting that would have to be factored into the completion date. Mayor
44 Strickland said that this evaluation is due by the next meeting, so it must be completed and given to the
45 City Clerk so that it could distributed with the next agenda packet.
46

1 **8. REPORTS:**

2
3 **A. City Manager**

4
5 No further report.

6
7 **B. Mayor/City Council**

8
9 Council Member Sherrill reported that at the last meeting of the Executive Board of WAV a resolution
10 addressing concerns about the St. John's River Water Management District's (SJWMD) proposed
11 revisions to Rule 40C-2.042, F.A.C. was drafted. He explained that this rule regulates the use of water
12 for lawn and landscape irrigation noting that if the revisions were approved it would change the way city
13 owned water systems operate. He reminded Council of the City's plans to use Mill Lake as part of a
14 reprocessing system for ground water noting the proposed revisions would seriously hamper that effort.
15 Council Member Sherrill advised Council that the City Manager has drafted and distributed a memo
16 addressing the City's concerns.

17
18 **C. City Clerk**

19
20 No further report.

21
22 **D. City Attorney**

23
24 Ms. Drage thanked the Council for allowing her to participate in this meeting.

25
26 **9. APPROVAL OF MINUTES** May 27, 2008 Regular Council Meeting

27
28 **Council Member Mahoney moved to approve the minutes of the May 27,**
29 **2008 Regular Council Meeting, seconded by Council Member Laputka**
30 **and passed by a unanimous 7/0 voice vote of the Council.**

31
32 **10. COUNCIL COMMENTS**

33
34 Council Member Sandford said that he attended the bike trail grand opening at 9:00 a.m. on Saturday
35 and the opening of the VA Clinic at 10:00 a.m. Council Member Sandford said that he will be on
36 vacation and will return on June 22nd.

37
38 Council Member Laputka talked about the "We Care" collection program. He said the packing date is
39 on Thursday, June 12th at the Volusia County Baptist Church. Council Member Laputka invited all
40 available council members to attend.

41
42 Vice Mayor Allebach spoke about speeding on 17-92, he said "it's a drag strip, they somehow leave
43 DeBary going the speed limit and between Saxon Blvd. and Ohio Ave. everybody wants to see if their
44 car will go to 75 or 80 miles per hour."

45
46 Council Member Abraham said that he also attended the VA open house noting that he has received
47 positive feedback because so many Council Members attended.

1 Mayor Strickland discussed the opening of the bike ride trail. He said it is not very accessible to Orange
2 City but that he appreciated Council Member Sandford's comments. Mayor Strickland said that he
3 attended the opening of the VA Clinic; he thanked the Council Members who attended. He said they
4 were expecting, around 200 people and that well in excess of 250 attended. He said Orange City was
5 well represented by a variety of groups. The Mayor said that he presented the VA representatives with a
6 Proclamation from the City.

7

8 **11. ADJOURNMENT**

9

10 There being no further business, Mayor Strickland adjourned the meeting at 10:04 p.m.

11

12 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

13

14

15

16 Gloria Williams
17 Deputy City Clerk

18
