

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, August 26, 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, Jim Mahoney; City Attorney William Reischmann; City
13 Manager John McCue, City Clerk Deborah Renner

14
15 **ABSENT:** Council Member Donald Sandford

16
17 The Invocation was given by Pastor Robert Jones, Mt. Barrien Primitive Baptist Church, followed by
18 the Pledge of Allegiance.

19
20 Mayor Strickland asked that Item 7-A be removed from the agenda. Mr. McCue advised that due to
21 conversations with the Mayor there should be no need for the item. Mr. Reischmann advised that a
22 motion to amend the agenda is required.

23
24 **Vice Mayor Allebach moved to amend the agenda to remove Item 7-A,**
25 **seconded by Council Member Sherrill, and passed by a unanimous voice**
26 **vote of Council.**

27
28 Council Member Mahoney requested that items b, c and d be removed from the Consent Agenda.

29
30 Mr. McCue gave a report of the damage caused by the recent storm. He said Orange City received
31 approximately 26" of rainfall as a result of Tropical Storm Fay and numerous locations throughout the
32 City experienced flooding and still contain stagnate water. On Thursday, the Emergency Room at
33 Florida Memorial Hospital was closed and the first floor was evacuated due to flooding. The water
34 came from various storm water systems. The storm water ponds at the Saxon Trace Apartments, and
35 Lowe's overflowed and the water came down Harley Strickland Boulevard and across Threadgill Place
36 and private property owners pumping water onto the street all contributed to the flooding of the hospital.
37 As a result of the torrential rains, a large trench formed in a parking lot on the east side of the hospital
38 complex. He said that crews from Public Works, the Police and Fire departments, and senior
39 management staff were on the scene trying to contain the rising waters. He detailed the methods used
40 and noted that it was finally contained about 3:00 a.m. Mr. McCue said the Emergency Room is now
41 operational however the front side of the hospital is still being flooded by seepage from a County storm
42 water pond on Saxon Boulevard. The County is working to correct the problem but the ground water
43 level is so high at the present time that the water has nowhere to go. Because of fears of contamination
44 from sewage, the Saint John's Water Management District (SJWMD) is not allowing any water to be
45 pumped into the river.
46

1 Mr. McCue reported on the flooding on Industrial Drive. He said the post office and various other
2 businesses on Industrial Drive had been flooded and a PVC pipe was laid at the Post Office to pump out
3 the water. Mill Lake overflowed and affected the communities surrounding Orange Avenue. It flowed
4 down Blue Springs Avenue onto 17-92, causing flooding and closure of the roadway there. The lake in
5 Pooser Park overflowed and decimated the businesses at Pooser Plaza. The County is planning to pump
6 the water to a dry area. Mr. McCue reported that overall there was minimum damage due to downed
7 trees and power outages. He said the City has done all that it could to resolve the issues that were
8 presented as a result of the storm and that staff will continue to help where possible.
9

10 Mr. McCue noted that staff followed the Comprehensive Emergency Management Plan. He advised
11 that City staff is all "NIMS" certified. He commended employees for their response to this emergency.
12

13 Mayor Strickland said expressed his appreciation for the dedication that staff showed during this time.
14 He stated, "It was a valiant effort to prevent things from getting a lot worse than they could have." He
15 advised that the Chamber of Commerce is working with the sixty displaced businesses in the City. He
16 said that he and the City Manager attended an informational meeting hosted by Congressman Mica to
17 discuss FEMA assistance. Currently, the City has been granted limited coverage, but it is hoped that the
18 President will increase that. It was reported that FEMA is once again considering opening a one-stop
19 facility where people could stop in and apply for assistance from a number of sources. At this point,
20 Volusia County governmental agencies have been granted a 75% reimbursement determination, but
21 requests for additional coverage are pending. There has been no determination on reimbursement for
22 homeowners and local businesses as yet. A meeting has been scheduled for Thursday to discuss where
23 to pump the stagnate water. There have been a number of suggestions but the problem is that the water
24 may be contaminated and cannot be pumped into the ground or the St. John's River. The Mayor
25 concluded by stating. "Government services are trying to do as much as they can to coordinate and have
26 things in place to try and serve the people."
27

28 Mr. McCue also noted that a portion of the roadway in the Fawn Ridge Subdivision collapsed as a result
29 of the water and geotechnical borings must be done to determine the extent of the damage before a new
30 road came be laid.
31

32 In response to a question from Council Member Laputka, Mr. McCue stated that a submersible pump is
33 connected at Mill Lake, however, the SJWMD is not allowing water to be pumped into the river so there
34 is just nowhere to send it. He said that every option has been explored, but now it is up to the State.
35

36 Council Member Laputka noted that Mill Lake seems much more shallow than it used to be. He
37 suggested that it needs to be cleaned out. Mr. McCue suggested using State prisoners to dig the silt out
38 of the pond.
39

40 **1. PRESENTATIONS:** None at this time
41

42 **2. CITIZENS COMMENTS:**
43

44 Ernest Senez, property owner at 1060 E. Industrial Drive, came forward and said that he owns a
45 commercial complex with 21 rental units on Industrial Drive, across from the Post Office. He said that
46 historically there have been flooding problems at that location but the current flooding was
47 "catastrophic." He described his efforts to access his business and equipment. Mr. Senez said he

1 wanted to commend city staff that literally swam to the pipes on Industrial Drive and then stayed to
2 monitor the location until the water began to subside.

3
4 Robert Shirk, 2872 Doe Run Trail, said that he tried calling the City on Thursday and could not get any
5 one on the line. When he called the non-emergency number for the police he just got transferred. He
6 stated, "It's very frustrating when you can't get through." Mr. Shirk recommended that the City
7 institute an emergency hotline to report information during a disaster. Mr. McCue advised that a staff
8 member was assigned to the Emergency Operations Center (EOC). He said in the future information
9 will be available on the web site. Mayor Strickland suggested alternate means such as the water bills be
10 considered to communicate vital information to the citizens.

11
12 Ted Erwin, 413 Chambers Way, came forward and said that the City's response was as good as was
13 humanly possible during a disaster such as Tropical Storm Fay. He expressed concerns that the
14 SJWMD would not allow the water to be pumped into the St. Johns River for fear of contamination.
15 Mr. Erwin suggested that pressure be put on the SJWMD to allow the various cities to pump the water
16 out into the river and get it away from the people. He stated, "We going to have some environmental
17 contamination, undoubtedly, but what do you want to save, the fish or the people?"

18
19 Henry B. Durica, 1310 E. Lansdowne Avenue, came forward and noted that the hospital is the City's
20 biggest employer. He questioned whether there was damage to the hospital that would prohibit them
21 from conducting business and if the hospital would have a mold problem from the flooding. He asked
22 how the new developments nearby contributed to the flooding at the hospital. Mr. McCue responded
23 that the hospital is up and running, however, the Imaging Center took in the most water and may not be
24 fully operational. He said there were many contributing factors including the roads and sidewalk
25 systems. He explained that when staff arrived on the scene Saturday they shut down pumps on private
26 property that were pumping water illegally onto neighboring properties. He suggested Kohl's started
27 the process by pumping the water from the west side pond onto the road. Mr. McCue remarked that
28 Orange City experienced a "500-year flood event." He explained that engineering design standards are
29 typically for a 100 year flood event, which is equivalent to 12-15 inches of rain, however, Tropical
30 Storm Fay produced the equivalent of 24 inches of rain. Mr. Durica suggested that a retention pond be
31 built on Harley Strickland where the medical facility is being planned. Mr. Durica expressed concerns
32 that the City is reactive instead of proactive in these types of situations. He questioned if the
33 development being built on Enterprise Road and Saxon Boulevard contributed to the flooding of 17-92.
34 Mr. McCue responded in the negative noting that the Treemonte Plaza area and parts of US 17-92 were
35 flooded due to the failure of the DOT storm water system in DeBary. Mr. McCue pointed out that the
36 Council Chambers flooded a short time ago as a result of a thunderstorm, but did not flood during Fay.
37 He stated, "So, trying to make sense out of how the geography's flowing is a near impossible task,
38 especially under these circumstances." Mr. Durica suggested that when development projects are
39 approved, a retention pond or access for water runoff must be a priority from this day forward.

40
41 Council Member Sherrill recalled that at the urging of the City the hospital recently built a retention
42 pond because of the potential for flooding from the County retention system. He commented it still did
43 not do the job. Mr. McCue explained that the pond was required by the SJWMD. Council Member
44 Sherrill remarked there were other factors the hospital was dealing with during the storm such as the
45 springs on the hospital property and across the street from the main entrance as well as the ditch along
46 the side of the road. He stated, "So they were fighting a lot of stuff in the hospital and the hospital has
47 really stepped up to the call and it is going to cost them some money to get them out from under it."
48 Council Member Sherrill felt there was nothing more any governmental agency could do.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

In response to a suggestion made by Mr. Durica, Mr. McCue advised that requiring development standards beyond the State requirements could involve potential lawsuits. The only way the City could accomplish a requirement for additional retention beyond state requirements would be to purchase private property itself, remove the structure and dig a storm water pond. He remarked there is only so much that could be done.

Al Blue, 447 N. Oak Avenue, came forward and commended staff for their work during and after the storm. Mr. Blue noted that DeLand and Lake Helen have nice signs directing them to their historic districts and suggested the Council consider the same for Orange City. He noted that the signage at Kentucky Avenue is misleading because it indicates that Orange City is straight ahead, when people actually have to turn onto Kentucky Avenue to get to Orange City. He requested that the Council continue to support Vice Mayor Allebach in his efforts in working with the Metropolitan Planning Organization (MPO) and the DOT toward getting appropriate signage for the City.

Mr. Blue said that there are ten unoccupied homes within a couple of blocks of his home that they must pay the garbage bill even though no one lives there. He recalled when Waste Management first came to Orange City. They said that they wanted to be good neighbors and charged only \$13 per month for garbage service. Mr. Blue stated that years later, he and his wife attended a League of Cities convention in Orlando at which Waste Management was sponsoring an event. Mr. Blue said that he related to the Council that residents could lose their homes if they didn't or couldn't pay their garbage assessment. Mr. Blue said that homeowners are now saddled with paying \$259 in non-ad valorem taxes whether the home is occupied or not. He stated, "That equals \$2,590 that is paid annually, for no services performed." Mr. Blue stated, "I urge you to take this into consideration in your determination".

Mr. McCue responded that he has no financial arrangements with Waste Management. Vice Mayor Allebach said that the decision to put the garbage bill on the tax roll was made at the request of citizens present in an attempt to lower the cost of the garbage bill, not John McCue promoting Waste Management. He said it was a vote by the Council. Mr. McCue said that while the City could not renegotiate portions of the solid waste contract without the possibility of opening the entire contract for negotiations, he had spoken with Mr. Bagley, the new owner of Emerald Waste Services who has committed to see if it is possible to remove garbage service fee from the tax roll. If it is, a recommendation would be brought forward to the City Council.

Peg Terbeek, 3-B Eucalyptus Drive, came forward and read a statement in the record (a copy of which is attached and becomes a permanent part of these minutes). Ms. Terbeek commended the City Manager for his accomplishments since he was rehired in 2003. She said she was impressed with the additions and improvements that have been made throughout the City. Ms. Terbeek said that the city's current roll back rate is 3% while other cities are at 9% rate. She stated, "John McCue should receive great accolades for putting us in this enviable position." Mr. McCue thanked Ms. Terbeek for her comments and stated, "I appreciate the accolades but they need to go to the leadership as well because these are the folks that give me the direction that I need to make this thing happen."

Jose Valez, 331 West Graves Avenue, came forward to discuss the garbage service. He expressed concerns that the garbage service fee had increased. He said that the service from Waste Management is terrible and he has not been able to get a response to his complaints. Mr. McCue said that if the Council adopts the assignment resolution on tonight's agenda, Emerald Waste Services will be the solid waste hauler for the City. He said that Waste Management's performance had been lacking because they were

1 looking to sell and to get out of Central Florida. Mr. McCue assured Mr. Valez that the garbage rates
2 have not changed and that they are fixed until 2011. He acknowledged that the ad valorem tax roll for
3 the special assessment is a "hot spot" for a lot of people in the public and noted there is no way to void
4 that contract. He reiterated that he has initiated discussion with the owners of Emerald Waste Services
5 who have agreed to investigate whether it would be cost effective for them to take over the billing and
6 remove it from the tax roll. In response to a question from Mr. Valez, Mr. McCue said that the entire
7 tax bill must be paid at once and if you do not pay the non ad valorem tax assessment the tax collector
8 would sell the house at a tax lien sale.

9
10 Mary Ralph Carter, 2025 Glenwood Hammock Road, Deland, came forward and said that she owns
11 eight apartments on Smith Street. She advised that four of them are vacant, yet she still is being
12 assessed a \$259 garbage fee for each and every apartment. Christine Davis, Finance Director came
13 forward and advised that according to City code if a unit that has the ability to generate waste (has a
14 kitchen) then that facility is assessed because an apartment unit can generate the same amount of
15 garbage as a house. Mayor Strickland advised Ms. Carter that he attended a informational meeting with
16 regard to the recent tropical storm and at that meeting he was informed the FEMA plans to use local
17 rental units instead of bringing in trailers for displaced people. He suggested that she contact the county
18 to get on that list.

19
20 Melissa Shroeder, 624 Dixon Street, came forward and expressed concern about her garbage service.
21 She said she seems to receive her garbage bill intermittently or quarterly and cannot tell when it is due.
22 Mr. McCue reiterated that Waste Management will no longer be the waste hauler for Orange City and
23 said the service provided should change for the better. He commented that recycling in the State of
24 Florida is a huge business that is not eco friendly and only the items that will make money would be
25 picked up for recycling. Mr. McCue advised Ms. Shroeder, that the garbage fee is paid annually as part
26 of the tax bill and if it is paid early, there would be a small discount. He advised Ms. Shroeder to call
27 his office if he could be of assistance.

28
29 Roberta K. Graham, 1572 N. Silverstone Court, came forward and complained about a flyer she
30 received in the mail regarding the garbage bill. Ms. Graham said that she is a County resident and
31 expressed concern that flyers such as the one she received frighten people who have worked hard for
32 their homes at a time when it is economically tight. Mr. McCue reiterated that the garbage fee is a fixed
33 rate until 2011 and there is no increase for the cost of fuel.

34
35 *Mayor Strickland recessed the meeting at 8:28 p.m., reconvening at 8:40 p.m.*

36
37 **Council Member Mahoney moved that Consent Agenda Item 3 d. -**
38 **Resolution No. 496-08 be placed back on the Consent agenda, seconded**
39 **by Council Member Laputka.**

40
41 Council Member Mahoney said that everyone has had an opportunity to fully discuss this resolution.

42 **3. CONSENT AGENDA:**

- 43
44 **a. RESOLUTION NO. 492-08:** A resolution of the City Council of the City of Orange
45 City, Florida opposing Niagara Bottling, LLC's Consumptive Use Permit application
46 submitted to the St. Johns River Water Management District; registering an objection to
47 the issuance of a Consumptive Use Permit to Niagara Bottling, LLC; directing the City

1 Clerk to provide a copy of this resolution to St. Johns River Water Management District;
2 and providing for an effective date.

3
4 **Council Member Sherrill moved to approve the Consent Agenda,**
5 **seconded by Council Member Laputka, and passed by a 5/0 (Council**
6 **Member Abraham left the meeting) roll call vote of the Council.**

7
8 *(Discontinue Consent Agenda Format – Each item is voted on individually)*
9

- 10 **b. RESOLUTION NO. 493-08:** A resolution of the City Council of the City of Orange
11 City, Florida, expressing its concerns and opposition to St. Johns River Water
12 Management District's proposed amendments to Rule 40C – 2.042 of the Florida
13 Administrative code, and Section 17 of the applicant's handbook; consumptive uses of
14 water, regarding irrigation scheduling and the permitted use of reclaimed water for
15 irrigation; directing the City Clerk to provide a copy of this resolution to St. Johns river
16 Water Management District; and providing for an effective date.

17
18 **Council Member Laputka moved to approve Resolution No. 493-08,**
19 **seconded by Council Member Sherrill.**

20
21 Council Member Mahoney questioned the implications of this rule for the City. Mr. McCue advised
22 there would be no direct impact to the City. Paul Johnson, Public Works Director, came forward and
23 advised that this resolution was prepared in opposition to the proposed amendments to the Florida
24 Administrative Code requested by the SJWMD. The proposed revision changes the rules for reclaimed
25 water to be the same as groundwater which does not allow for times when there is an excess of water
26 that must be disposed of. Mr. McCue said that a primary objective of the SJWMD is restrict the
27 drawing of water out of the aquifer, noting that is the reason restrictions were placed on the timeframes
28 for irrigation. He said the communities have begun using reclaimed water for irrigation and SJWMD is
29 prohibiting that effort.

30
31 **Motion passed by a 5/0 roll call vote of the Council.**

- 32
33 **c. RESOLUTION NO. 494-08:** A resolution of the City of Orange City, Florida,
34 expressing the City's commitment to participate in a process to seek efficiencies in Fire,
35 EMS and related services through interlocal cooperation with the cities and county of
36 Volusia.

37
38 **Council Member Laputka moved to approve Resolution No. 494-08,**
39 **seconded by Vice Mayor Allebach.**

40
41 Council Member Mahoney expressed concerns about the wording "current economic conditions" in the
42 second "Whereas" clause in the resolution. He felt that regardless of the economic conditions, local
43 governments should always look for the most cost effective ways of providing services. Mr. McCue
44 suggested the wording be removed.

45
46 **Vice Mayor Allebach moved to amend the second "Whereas" clause in**
47 **Resolution No. 494-08 to read, "Whereas, local governments look for the**
48 **most cost efficient ways to provide their citizens with the levels of service**

1 **they currently experience,” seconded by Council Member Laputka, and**
2 **passed by 5/0 roll call vote of the Council.**

3
4 **The main motion, as amended, passed by 5/0 roll call vote of the Council.**

5
6 **d. RESOLUTION NO. 496-08:** A resolution of the City Council of the City of Orange
7 City, Florida, relating to the collection and disposal of solid waste in the incorporated
8 areas of Orange City, Florida; approving the assignment of exclusive franchise for the
9 collection and disposal of residential solid waste, yard waste, and curbside recyclable
10 materials (“franchise agreement”); and authorizing the city manager of the City of
11 Orange City, to execute a consent to assignment of the franchise agreement pursuant to
12 section 6 of the franchise agreement; repealing all resolutions in conflict herewith,
13 providing for severability and an effective date.

14
15 Mr. Reischmann advised that an older version of Exhibit A was attached to Resolution No. 496-08. He
16 explained that the form had been prepared and submitted for the agenda. However, yesterday he
17 received a “slightly different” form noting that it legally acceptable. Mr. Reischmann suggested that a
18 motion to approve the new Exhibit A is required.

19
20 **Council Member Mahoney moved to approve Resolution 496-08 with**
21 **the new Exhibit A, seconded by Council Member Laputka and passed**
22 **by unanimous voice call vote of the Council.**

23
24 **4. ORDINANCES – FIRST READING:**

25
26 **A. ORDINANCE NO. 357:** An ordinance of the City of Orange City, Florida, adopting the
27 Evaluation and Appraisal report for the Orange City Comprehensive Plan; stating the
28 intent of the Council to amend the Comprehensive Plan based upon recommendations
29 contained in the report; approving the transmittal of the report to the Department of
30 Community Affairs in accordance with Section 163.3191, Florida Statutes; providing a
31 conflicts clause and severability clause and providing an effective date.

32
33 **Council Member Mahoney moved to adopt Ordinance No. 357 on first**
34 **reading, seconded by Council Member Laputka.**

35
36 *******SPECIAL PUBLIC HEARING*******

37 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
38 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.
39 Chester Murray, Development Services Director came forward and stated the purpose of this ordinance
40 is to seek authorization to transmit the City’s Evaluation and Appraisal Report (EAR) to the Department
41 of Community Affairs (DCA). At the request of Mayor Strickland, Mr. Murray explained the purpose
42 of the EAR. He advised that according to Florida Statutes, every seven years the City is required to file
43 an EAR. The Planning Commission reviews the Comprehensive Plan and identifies required changes
44 based on trends, objectives and consistency with State requirements. Mr. Murray stated that a public
45 hearing was held on August 6th and no changes were recommended. He said the transmittal will be
46 submitted to the DCA for approval and returned to the City within 45 days. Staff will incorporate the
47 DCA’s comments and present the revised plan to the Council for adoption. Upon final adoption, the
48 Comp Plan will be resubmitted to the DCA for final approval. In addition, staff will review and

1 recommend changes to the Land Development Code (LDR) to further allow the interpretation and
2 enforcement of the Comprehensive Plan.

3
4 **Motion passed by a 5/0 roll call vote of the Council**

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

- 7
8 A. **ORDINANCE NO. 330:** An Ordinance of the City Of Orange City, Florida, amending
9 Ordinance 90-05-08, as amended, said ordinance being Orange City's Comprehensive
10 Plan; transmitting and thereafter adopting an administrative amendment to the City Of
11 Orange City Comprehensive Plan for the purpose of improving the coordination and
12 planning of public school facilities as required by chapter 163, F.S. the amendment
13 consists of revisions to Section 2: the Future Land Use Element; revisions to Section 8:
14 the Intergovernmental Coordination Element; revisions to Section 9: the Capital
15 Improvements Element; revisions that add a new Section 9: Public School Element
16 Goals, Objectives And Policies; and revisions that renumber existing Section 9 To 10,
17 existing Section 10 To 11, existing Section 11 To 12 and existing Section 12 To 13;
18 providing a conflicts clause and severability clause and providing an effective date.
19

20 Vice Mayor Allebach read the title of Ordinance No. 330 into the record.

21
22 **Council Member Laputka moved to adopt Ordinance No. 330 on**
23 **second and final reading, seconded by Council Member Mahoney.**
24

25 Chester Murray, Development Services Director, came forward. He noted that this item had previously
26 been presented to Council on first reading. He said that the amendment was transmitted to the
27 Department of Community Affairs (DCA) for review.
28

29 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in
30 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.
31

32 Mr. Murray resumed his presentation, stating that this amendment was required by the DCA as part of
33 the requirements related to the state mandated school concurrency element of the comprehensive plan.
34 The amendment was reviewed by the DCA and returned with their comments. Mr. Murray said that
35 staff feels that the changes do not really affect the City, it just unifies the language in the comp plan with
36 that found in the plans of other cities. If the Ordinance No. 330 is adopted by Council, it will be
37 transmitted to the DCA for permanent incorporation into the City's comprehensive plan.
38

39 Vice Mayor Allebach noted that this amendment was required by the legislature to ensure that local
40 governments not allow too many houses to be built, thus overloading the existing schools. Mr. Murray
41 noted that Council had previously approved an interlocal agreement with the School Board which
42 provides for close cooperation between the cities and the School Boards that will eventually result in a
43 non-voting position being created on the Planning Commission which will be filled by a representative
44 from the schools. The agreement will require that any development in excess of ten homes must first
45 receive approval from the School Board prior to commencement of development. In response to a
46 question from Council Member Laputka, Mr. Murray said that the new requirement goes into effect
47 after the first of 2009.
48

1 Mayor Strickland stated, "I guess I should vote for this thing. It just really galls me in terms of more
2 and more unfunded mandates and here's another example." The Mayor noted that Manatee Cove
3 Elementary, Orange City's new elementary school, had just lost their Title I funds. The Mayor stated,
4 "I'm just objecting, I understand we have to do it, but I don't have to like it and I think it puts an
5 unnecessary burden on us." He said that he felt it was important to acknowledge that the City is not in
6 complete support of the new requirements.

7
8 **Motion passed by 4/1 roll call vote of the Council with Mayor**
9 **Strickland voting, "no."**

10
11 **6. RESOLUTIONS:**

12
13 ******* SPECIAL PUBLIC HEARING*******

- 14 A. **RESOLUTION NO. 495-08:** A resolution of the City of Orange City, Florida, relating
15 to the collection and disposal of solid waste in the City of Orange City, Florida;
16 reimposing solid waste service assessments against assessed property located within the
17 City of Orange City, Florida, for the fiscal year beginning October 1, 2008; approving the
18 rate of assessment; approving the solid waste assessment roll; and providing an effective
19 date.

20
21 **Vice Mayor Allebach moved to adopt Resolution No. 495-08, seconded**
22 **by Council Member Sherrill.**

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 resolution.

26
27 Al Blue, 447 N. Oak, came forward and noted that there are several ordinances and resolutions
28 associated with this item. He referenced Resolution No. 421-07 and read the definition for a "dwelling
29 unit." He noted that this definition does not include mobile homes, however, it does include duplexes.
30 Mr. Blue advised that he has a friend who owns a duplex and that he has been paying double for the last
31 two years. Mr. Blue further noted that Council was adopting the tax roll via this resolution and he
32 questioned how many Council Members had seen it. Council Members Laputka and Mahoney indicated
33 that they had not, nor had they seen the changes to the tax roll. Mr. Blue questioned how the Resolution
34 495-08 could be adopted when Council had not seen the tax roll or the changes to it. He suggested
35 postponing the vote on this item until September 9th.

36
37 Council Member Mahoney questioned whether there is time to do that. Mr. McCue responded that the
38 tax roll is "a significant document." He said that it could be emailed to Council for their review. Mr.
39 McCue advised that there were less than thirty changes to the tax roll from last year. Christine Davis,
40 Finance Director, questioned whether Council had reviewed the tax roll last year. Mr. Reichmann
41 clarified that the tax roll in question only includes those properties subject to the solid waste assessment
42 pursuant to Ordinance No. 211 and the subsequent resolutions. He explained that the City contracts with
43 Government Services Group (GSG), a consultant, to provide the notice to the affected parties. GSG is
44 also responsible for analyzing the tax roll and determining to whom the assessment is applicable.

45
46 Council Member Mahoney asked whether any new properties subject to the assessment have already
47 been added to the list. Mr. McCue responded that they are on the list. Mr. Reichmann noted that
48 someone from GSG had signed an affidavit certifying that the notices were sent. Mr. Blue suggested

1 that the tax roll should have been examined by Council for compliance with the City's ordinance prior to
2 voting. He noted that there were no headings on last year's list and no page numbers. Mr. Blue stated,
3 "If there were some changes, I would think if I were sitting up here I would want to know what the
4 changes were." In response to a question from Mayor Strickland, Mr. Blue recommended that Council
5 delay action on the resolution until the September 9, 2008 regular council meeting. He reiterated the
6 areas of the tax roll that he felt needed verification.

7
8 Mr. Reischmann asked that the Finance Director verify whether the September 15th deadline could still
9 be met if action were delayed to September 9th. Ms. Davis responded that it could possibly be delayed.
10 She clarified that the tax roll is still changing. She said that the roll is being evaluated by the
11 consultants, legal staff, finance staff, and development services staff. Mr. McCue advised that he felt
12 delaying action on this item would be "a risky move." He questioned the purpose and benefit of
13 waiting, noting that if it becomes too late, the City will be responsible for the fees.

14
15 Vice Mayor Allebach noted that the City has secured experts to refine the tax roll and he expressed his
16 confidence in them and the property appraiser's office. He said that he was ready to vote on the issue.

17
18 Council Member Mahoney asked what would happen if a property that shouldn't be on there appeared
19 on the list. Mr. McCue said that the City is notified and the property is removed from the assessment
20 list. Ms. Davis cited several examples where disputes have occurred and been resolved.

21
22 Council Member Sherrill expressed his confidence that disputes could be resolved throughout the year
23 as they occur.

24
25 Mr. Blue stated, "Just be aware, you're passing a tax roll that you haven't seen."

26
27 **6. DISCUSSION AND ACTION:**

28
29 A. Discuss City Manager

30
31 *This item was removed at the request of Mayor Strickland.*

32 B. Discuss Draft of Charter Referendum Ordinance (No. 360)

33
34 Mr. Reischmann advised that this agenda item incorporates the proposed Charter revisions into a
35 Referendum Ordinance. He said as directed, the original language with the strike thru/underline has
36 been removed, a title and summary has been added for each amendment and a reference that the Charter
37 Referendum will be done by mail in ballot has been added. He advised that staff is awaiting further
38 input from the Council regarding the ballot summaries and language.

39
40 Council Member Mahoney said that he received an email from a member of the Charter Review
41 Committee regarding the language in Charter Amendment 8. He said the committee member requested
42 and he agrees that the criteria for a runoff election be more specific and include verbiage that discusses
43 what happens if there are multiple candidates and no one achieves the required the 50% + 1 votes
44 required to win. Mr. Reischmann asked that Council Member Mahoney forward the email to him and
45 he would incorporate the verbiage.

46
47 Council Member Mahoney questioned when would be the appropriate time to address the grammatical
48 issues with the proposed language. Mr. McCue responded that there would be an opportunity to discuss

1 the matter at the first reading of the ordinance. Mr. Reischmann suggested that Council Member
2 Mahoney send him an email with suggested changes.

3
4 Mayor Strickland questioned what would be the best way to inform the public about the Charter
5 Referendum. Mr. McCue advised that when the Charter was last amended, the City Clerk prepared a
6 booklet that explained the changes. In addition, the Mayor, the City Clerk, and various Council
7 Members visited home owner associations and special meetings to present the information and answer
8 questions. He remarked that effort was very successful. Mayor Strickland asked about the cost
9 associated with the referendum. Mr. Reischmann advised that the City Clerk had researched the costs
10 for the mail out ballots noting that it is around \$8,000. Mr. McCue advised that the total cost of the
11 Charter Referendum would be approximately \$20,000 and that the money would be transferred from
12 various line items such as Travel and Training. He said a budget amendment would be forthcoming.

13
14 Mayor Strickland clarified that there is no further direction required from the Council. He said that he
15 would send his concerns to Mr. Reischmann.

16
17 **7. REPORTS:**

18
19 A. City Manager

20
21 In response to a question from Council Member Laputka, Mr. McCue advised that the Advanced Life
22 Support (ALS) program is on line at the present time. He noted that the resolution approved tonight is
23 something that the Mayors and Managers are working on to develop a regional approach to service
24 delivery. Chief Hoffman advised that the City has submitted its application for ALS and are awaiting a
25 reply from the state. Council Member Laputka stated, "In plain language, you heard us, those that
26 attended these meetings earlier that we were without our Advanced Life Support license in the City.
27 And we have ten paramedics that can perform those things. We did not have the capacity to use those
28 things. Now we do and that's the change. And that's online any day now."

29
30 B. Mayor/City Council

31
32 Mayor Strickland had no further report.

33
34 C. City Clerk

35
36 The City Clerk had no further report.

37
38 D. City Attorney

39
40 The City Attorney had no further report.

41
42 **8. APPROVAL OF MINUTES:** August 12, 2008 Regular Council Meeting

43
44 **Council Member Laputka moved to approve the minutes of the August 12,**
45 **2008 Regular Council Meeting, seconded by Council Member Mahoney and**
46 **passed by a unanimous 5/0 voice vote of the Council.**
47

9. COUNCIL COMMENTS

Council Member Mahoney commented that “government exists to provide services.” He stated, “This evening we had a lot of people come before us impacted by the storm and they spoke very highly about the City Manger, the City and the organization, well done John, well done staff. Thank you.”

Council Member Laputka stated, “I’m satisfied with how the City performed during the recent rains.” He commended the City for its quick response.

Council Member Sherrill said that WAV is producing a calendar that uses pictures and drawings from students in the elementary and middle schools in the County. He presented Mayor Strickland with a copy of the calendar, noting that additional copies are on order. Council Member Sherrill said “kudos” to the City Manager and the City staff involved in Tropical Storm Fay. He said it was “a super job.”

Vice Mayor Allebach said that the idea of a call center during emergency situations sounded very appropriate. He said that he was present at the hospital during the storm and there was nothing that could be done with the water. He said the water from Threadgill Place looked like a “Caribbean mud slide coming down towards the hospital. The amount of water was just unworldly.”

Mayor Strickland announced that early voting started at the Orange City library instead of Wava Hall. He said a large turnout is expected for the November election and that Police assistance will be needed for parking and traffic control. Mr. McCue advised the Police Department has been notified.

10. ADJOURNMENT

There being no further business, Mayor Strickland adjourned the meeting at 9:50 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON:

Gloria Williams
Deputy City Clerk
