

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held on
2 Tuesday, April 25, 2006, 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 Erwin and roll call was taken.
7

8 **ROLL CALL**

9
10 **PRESENT:** Mayor Albert T. Erwin; Vice Mayor Chuck Abell; Council Members Donald C. Sherrill, Jim
11 Mahoney, Joelle R. DeVane, Jeff H. Allebach, City Manager John J. McCue; City Attorney
12 William E. Reischmann; City Clerk Deborah Renner.
13

14 **ABSENT:** Council Member Anthony R. Yebba
15

16 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.
17

18 **1. PRESENTATIONS:** Proclamation – Volunteer Appreciation Week
19

20 Mayor Erwin read a proclamation into the record declaring the week of April 23rd through April 29th as
21 “Volunteer Appreciation Week” in the City of Orange City and asked all citizens to join in thanking the
22 many volunteers who give of their time to make Orange City a better place to live and work.
23

24 Proclamation – Communities for a Lifetime
25

26 Mayor Erwin read a proclamation into the record proclaiming support for the Department of Elder Affairs’
27 Communities for a Lifetime Initiative.
28

29 **2. CITIZENS COMMENTS:**
30

31 No one appeared.
32

33 **3. CONSENT AGENDA:** None at this time
34

35 **4. ORDINANCES – FIRST READING:** None at this time
36

37 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:** None at this
38 time.
39

40 **6. RESOLUTIONS:**
41

- 42 **A. RESOLUTION NO. 353-06:** A Resolution of the City Council of the City of Orange City,
43 Florida, acknowledging and approving the acceptance of the streets and stormwater conveyance
44 system for the Blue Springs Villas Planned Unit Development (PUD), located on the west side
45 of Leavitt Avenue bordered on the north by East Blue Springs Avenue and on the south by East
46 Ohio Avenue, Orange City, Florida; repealing all resolutions or parts of resolutions in conflict
47 herewith; and providing for an effective date.

1
2 **Vice Mayor Abell to approve Resolution No. 353-06, seconded by**
3 **Council Member DeVane.**
4

5 Elaine Wilson, Planning & Zoning Analyst, came forward and stated that staff has repeatedly inspected the
6 infrastructure at Blue Springs Villas and that they are recommending that Council accept it at this time. Ms.
7 Wilson advised that she is in possession of a maintenance bond presented by America's First Homes. The bond
8 has been reviewed by the City Attorney and a change resulting from that review has been made.
9

10 Council Member Mahoney noted that the bond is not mentioned in the resolution. Mr. Reischmann advised
11 that it is included by reference to Section 6.6.4.
12

13 Council Member Sherrill asked whether all of the problems at the development have been rectified. Ms.
14 Wilson responded in the affirmative and stated that the bond covers landscaping which has been an ongoing
15 concern there.
16

17 Mayor Erwin noted that there had been stormwater issues in the development. Ms. Wilson responded that the
18 City Engineer's report indicates that all of their issues have been corrected, however, they did recommend that
19 one final inspection of the stormwater system be done before releasing the bond and that the system be cleaned.
20 Mayor Erwin questioned how anything could get into the system when the drains are blocked off. Ms. Wilson
21 responded that the shields are being removed except for the lots that have not been sodded yet.
22

23 In response to a question from Council Member DeVane, Ms. Wilson stated that about fifteen homes are
24 incomplete and have not been issued their CO's yet and that two have not been started yet.
25

26 **Motion passed by unanimous 6/0 roll call vote of the Council.**
27

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

30 **A. Well Easement Agreement – Production Wells #8 & #9**
31

32 Mr. Reischmann stated that the agreement has been reviewed by staff. The agreement provides for both
33 temporary construction easements and permanent easements. The term of the agreement is until cancelled
34 by mutual agreement of the parties. Mr. Reischmann noted that the construction of the wells is in
35 accordance with the provisions of the first amendment to a 1989 Interlocal Agreement between Orange City
36 and Volusia County. In response to a question from Mayor Erwin, Mr. Reischmann advised that the
37 Agreement was provided to Volusia County late last week. He said that he has discussed it with the County
38 Attorney's office and that they have indicated that they will forward it to the County Council for their
39 consideration. Mr. Reischmann stated that if the County made changes to the agreement, it would be
40 brought back to the Council. Mayor Erwin asked whether County staff was prepared to recommend that the
41 County Council accept the agreement. Mr. Reischmann responded that he did not know. Mr. McCue noted
42 that Mr. Reischmann has been working with the County in the development of the agreement. Mr.
43 Reischmann reassured the Mayor that if the County proposed any changes to the document, it would have to
44 come back to the Council for approval.
45

46 Vice Mayor Abell noted the stipulation for fencing at the sites required only six-foot chain link fence, while
47 City code requires vinyl coated chain link fencing in all commercial areas. He asked whether this would be

1 treated as an exception. Mr. Reischmann responded that what is in the agreement is the minimum
2 requirement and noted that the wells are on County property. Paul Johnson, Public Works Director, came
3 forward and noted that there would be well houses on each side and that the sites would also include
4 landscape buffering. He said that the work would be completed to City standards.
5

6 Council Member Mahoney asked if the reason the City was not concerned about contamination issues with
7 the wells is because of the direction of the water flow. Mr. McCue responded in the affirmative. Council
8 Member Mahoney clarified that the effective date of the agreement is when it is signed by both parties. Mr.
9 McCue said that as soon as the County Council approves the agreement, drilling can commence the
10 following day.
11

12 **Council Member Sherrill moved to authorize the City Manager**
13 **to enter into an Easement Agreement with Volusia County for**
14 **the purpose of obtaining permanent and temporary easements**
15 **for the construction and maintenance of potable water wells #8**
16 **and #9, seconded by Vice Mayor Abell and passed by 6/0 voice**
17 **vote of the Council.**
18

19 **B. Amendment to City Manager's Employment Agreement**
20

21 Mayor Erwin noted that this item was discussed at the last meeting and the City Attorney was requested to
22 draft a resolution amending the Manager's contract in regard to compensation for the use of his personal
23 vehicle for City business. The Mayor advised that the City Attorney had developed two agreements, one of
24 which provides that the City will reimburse Mr. McCue for all maintenance costs including fuel and repairs
25 for his personal vehicle. The alternate agreement provides for an increase in the monthly vehicle allowance
26 from \$300 to \$600.
27

28 Council Member DeVane said that she did not recall Council agreeing to replace the City Manager's
29 vehicle. She stated her understanding that repair and maintenance were to be performed by the City's
30 mechanic. She stated that if the work was being performed by the City, as well as the City providing the
31 fuel, there should not be any reimbursement. Mr. Reischmann clarified that the first resolution provides that
32 in addition to the \$300 monthly allowance, the City will reimburse Mr. McCue for the cost of maintenance,
33 operation (including fuel) and repairs for his vehicle or its replacement. He stated, "This resolution will not
34 in any way require the City to buy a replacement vehicle for Mr. McCue."
35

36 Mr. McCue suggested that the language read "the City shall provide all maintenance" as opposed to "the
37 City shall reimburse the employee..." He said that his intent was for the City mechanic to work on the
38 vehicle, not for him to have the work done at a dealership and then bring the bill to the City for
39 reimbursement.
40

41 Council Member Sherrill said that what Mr. McCue was describing was his intent when he brought this
42 issue up at the last meeting.
43

44 Mayor Erwin voiced his opposition to having the vehicle repaired by City employees, stating, "Just the
45 perception of it alone sends a chill down my back and the City Attorney acknowledged at the last meeting, I
46 believe, that there's a liability in case any of these repairs failed, that the City would be liable for it. There's
47 no way I could vote for a resolution including a City employee working on another City employee's vehicle.

1 To me, it's just the perception alone and, in many cases, perception is reality.”

2

3 Vice Mayor Abell said that he shared the Mayor's concerns.

4

5 Mayor Erwin said that a survey of other cities in the County regarding vehicle allowances had been done
6 and that “there is nobody that gets \$600 a month.” The Mayor stated, “I can't agree to a \$600 allowance for
7 automobile when that would be the highest in the County and we're one of the smaller cities.” He said that
8 he could not agree to either resolution as written.

9

10 **Vice Mayor Abell moved to amend the resolution to change the vehicle**
11 **allowance from \$600 to \$500 per month, seconded by Council Member**
12 **Allebach.**

13

14 Mayor Erwin noted that when the City Manager was first hired, he was offered the option of receiving a
15 monthly allowance for use of his personal vehicle or being provided with a City vehicle and that he chose
16 the allowance. The Mayor acknowledged that at the time Mr. McCue was first hired, the City was not in a
17 strong financial position and that Mr. McCue had not wanted to place the burden of purchasing a vehicle on
18 the City. Mayor Erwin said that he could support a temporary increase until the new budget is adopted, at
19 which time the City could purchase a vehicle for the Manager's use.

20

21 Council Member Mahoney stated, “As far as the comparison to Deltona, my first reaction is that it's
22 incomplete to look at just one piece. Yes, is \$600 more than \$500, yes. Is the current maximum that we see
23 on this sheet \$500, yes. You need to take a whole bunch of other elements of compensation into
24 consideration before you determine whether just one piece appears excessive. You look at the salaries, you
25 look at what John does for the community. Look at some of the other City Manager's salaries here....that's
26 all I'll say to that.” Council Member Mahoney said that \$600 per month should be enough to cover
27 payments on a vehicle and gas while \$500 won't.

28

29 Mayor Erwin said that when comparing the Manager's compensation, it should be compared to cities of
30 comparable size such as Holly Hill and Edgewater, not cities like Deltona and Port Orange which are larger.
31 He noted that Mr. McCue's salary is larger than the Manager for either Edgewater or Holly Hill. The Mayor
32 stated, “I don't feel that he's being shortchanged by any means on his salary.”

33

34 Council Member Mahoney stressed the importance of not being “penny wise and pound foolish.” He stated
35 that Mr. McCue “does a wonderful job in his capacity as City Manager for Orange City.”

36

37 Council Member Allebach spoke in support of an increase in the monthly allowance to \$500 as opposed to
38 having the vehicle worked on by City employees in order to avoid the appearance of impropriety. He
39 suggested that the City Attorney be instructed to amend the resolution to increase the vehicle allowance to
40 \$500 a month and that it be placed on the next agenda since it was just listed as a discussion and action item
41 tonight. Mr. Reischmann advised that since it was an agenda item, Council could take action this evening
42 if that is their wish.

43

44 Council Member DeVane noted that other employees receive mileage reimbursement when they are
45 required to travel out of town on City business and asked whether Mr. McCue received that compensation.
46 Mr. McCue responded that he receives mileage reimbursement for travel outside the County. Council
47 Member DeVane stated that when Mr. Miller was the Interim City Manager, he received a car allowance

1 and mileage reimbursement and was paid to travel from his home in Ormond Beach to Orange City daily.
2 The Mayor disagreed and said that he did not think that was the case.
3

4 Mr. McCue stated that he is happy with his compensation package and that he did not base his value on what
5 other people get paid. He said that the only reason he brought up the issue of his car allowance was because
6 it was still at the same rate he negotiated six years ago. He noted that things have significantly changed and
7 stated, "That's the only motivation for me bringing this issue up." Mr. McCue then stated, "You have to
8 understand, with a car allowance, I get \$300 but I'm taxed at 25% on it because it's part of my income tax
9 obligations." The Mayor suggested that Mr. McCue switch to mileage reimbursement because that is not
10 taxable. Mr. McCue responded "Yes it is. It's a 1099 if anything else, it's taxable income." He said that
11 whatever Council's decision is would be fine with him.
12

13 Mr. McCue said that he reviewed his contract and noted some contradictions since the Charter change in
14 2004. He said that he would like the opportunity to clarify some of those by amending the contract
15 accordingly. Mayor Erwin stated his understanding that the Charter now reads that the City Manager is
16 retained through an open-ended contract. Mr. McCue concurred and suggested that the portion of the
17 contract relating to "Term" should be rewritten to read "It's an open-ended agreement that can be
18 renegotiated at any time by mutual consent of the two parties."
19

20 Vice Mayor Abell noted that the issue at hand is the City Manager's auto allowance, but the discussion was
21 expanding to include the Charter and the Manager's contract. Mayor Erwin concurred.
22

23 **Motion passed by unanimous 6/0 voice vote of the Council.**
24

25 BEGIN TAPE 1-B
26

27 Mr. Reischmann stated that any contract with the City Manager can not be inconsistent with the Charter. He
28 clarified that there are two issues raised by the change in the Charter. The original contract provided for a
29 two year term, however, under the new Charter, the Manager's contract has no term. He advised that the
30 termination and severance clause in the contract may also need to be clarified.
31

32 **It was the consensus of Council that Mayor Erwin, Mr. McCue and Mr.**
33 **Reischmann review the Manager's contract and prepare a**
34 **recommendation for the Council.**
35

36 **C. RFP for Auditing Services**
37

38 The City Clerk advised that she had put together the packet on the RFP for auditing services for Council's
39 consideration. She noted that there was a timeline for the selection process at the back of the agenda item
40 and advised that she would welcome any input from Council.
41

42 **Vice Mayor Abell moved to proceed with RFP for auditing services as**
43 **presented by the City Clerk, seconded by Council Member DeVane.**
44

45 Council Member Mahoney noted a correction required in Sections 1.3 and 2.2 B; changing the ending date
46 for the term of the contract from September 30, 2009 to September 30, 2008 to properly reflect the three-
47 year term being proposed.

1 Vice Mayor Abell restated his motion as follows:
2

3 **Vice Mayor Abell moved to instruct the City Clerk to proceed with the**
4 **RFP for auditing services as presented with the exception of the**
5 **correction of the ending date of the engagement, and following the time**
6 **schedule as presented, Council Member Allebach.**
7

8 In response to a request from the City Clerk for clarification, the Mayor stated that the contract could be
9 negotiated at a Special Meeting on June 27, 2006 prior to the regular meeting scheduled for that night.
10

11 **Motion passed by unanimous 6/0 voice vote of the Council.**
12

13 **D. Bid Award – Rotary park Bathroom and Pavilion Roof Repairs.**
14

15 Mr. McCue stated that staff is recommending that the roof on the pavilion be replaced and a “hip-style” roof be
16 constructed over the bathrooms in order to comply with City Code. He stated that staff received two bids for
17 these projects. Mr. McCue advised that staff is recommending that one job be awarded to each of the two
18 bidders. He explained that the roofs on the projects will be dark green aluminum. Mr. McCue noted that the
19 volunteer appreciation picnic was scheduled to be held in the park this weekend and said that he would have
20 the roof patched for that event.
21

22 Council Member Mahoney noted a discrepancy between the amount listed on the estimate from C&R Roofing
23 for roof repair on the pavilion and the amount stated on the agenda memorandum for that item. He asked
24 which number was correct. James Moltz, Parks Superintendent, responded that the \$4,955 amount was correct
25 and that there was an error on the memo. He noted that he had originally received an estimate of \$4,120 a year
26 ago, however, that cost was now \$4,955 and he had neglected to reflect that in the memo. Council Member
27 Mahoney questioned whether it was worth dealing with two contractors for a difference of \$400. Mayor Erwin
28 concurred with Council Member Mahoney’s question. Mr. McCue responded that he did not feel there was a
29 difference whether dealing with one contractor or two. Mr. Moltz advised that he had solicited bids for the roof
30 from eight companies, but only two submitted a bid. Mr. Johnson said that the only potential advantage was
31 the possibility of having both jobs done simultaneously, so having two contractors would be the preferable
32 option.
33

34 In response to a question from Mayor Erwin, Mr. Johnson said that improvements to the pump house were
35 included in order to achieve continuity of all of the structures in the park. Mr. McCue advised that the ultimate
36 plan is to have all of the pump houses look alike. Mr. Johnson said that these jobs are within staff’s approval
37 authority, but the reason it is being brought to Council is because staff was not successful in obtaining the three
38 bids required by the purchasing code. Mr. McCue said that if it is the desire of Council, staff would proceed
39 with improvements to the pump house at this time as well. Mayor Erwin expressed his support of that. Vice
40 Mayor Abell concurred. Mr. McCue stated, “Consider it done.” He said that it would only be brought back to
41 Council if staff was not able to get three bids for the project.
42

43 **Council Member Allebach moved to authorize the City Manager to enter**
44 **into an agreement with C&R Roofing for the repair of the Rotary park**
45 **pavilion roof and an agreement with Pro-Services for the Rotary Park**
46 **bathroom roof upgrade, seconded by Council Member Mahoney.**
47

1 Council Member DeVane noted that the difference between the two bids is only \$434 and questioned why staff
2 was not considering contracting with one company for both jobs. Council Member Allebach responded,
3 “Because we’re saving \$430 and they just told us they’d rather work with two different people to get it done at
4 the same time.” Mr. Johnson responded that “due diligence” requires that if all things are equal, staff should
5 take the low bidder. He reiterated that staff felt that the work could be expedited by having two contractors
6 working at the same time.

7
8 Mayor Erwin noted that the purchasing policies used to provide for a preference for local contractors.
9 Mr. McCue responded that under the current code, that could be a consideration, but not as the single reason
10 for awarding a contract. Council Member DeVane noted the advantages of having a single contractor to do all
11 of the work. Mr. McCue suggested that in the interest of time, the City contract with both firms as
12 recommended and attempt to negotiate an agreement for the pump house.

13
14 **Council Member DeVane moved to amend the motion on the floor to**
15 **allow the City Manager to have the discretion to decide whether to split**
16 **the jobs or award the bid based on time and consideration, seconded by**
17 **Council Member Allebach and passed by 5/1 voice vote of the Council**
18 **with Council Member Mahoney voting “no.”**

19
20 Council Member Allebach noted that the reason he is in support of the action on the floor is because it is
21 within staff’s approval authority, and had only been brought to Council because of the difficulty in obtaining
22 the required bids.

23
24 **Motion as amended passed by unanimous 6/0 voice vote of the Council.**

25
26 **E. Household Garbage Franchise**

27
28 Mr. McCue began his presentation by stating that he had been instructed by Council to meet with Waste
29 Management to obtain a quote to continue our franchise agreement with them. He said that staff did meet
30 with them and another service provider as well. He speculated that only these two companies would
31 respond to a request for bids. He noted that the second firm had indicated to him that they would not be
32 adding any additional trucks to service Orange City in the event they were awarded the contract. He stated,
33 “Just simply going out to bid ain’t going to be like it used to be in the past. We’re not going to have a real
34 bidding process where we can expect the bid process to give us a competitive pricing strategy. It just isn’t
35 going to work that way any more.” Mr. McCue asked whether Council wanted him to negotiate a contract
36 with Waste Management or solicit bids for the service.

37
38 Mayor Erwin stated that he found the information in the agenda packet to be somewhat confusing. Mr.
39 McCue clarified that the bid results included in the packet were from other cities. Christine Davis, Finance
40 Director, came forward and stated that the City had not received bids for garbage service, what is included is
41 bids from other cities. Ms. Davis advised that Waste Management’s current offer is \$20 to \$23. The recap
42 contains information from other governmental agencies that had recently requested bids. Mr. McCue
43 directed the Mayor’s attention to the page in the packet which contained the information for Orange City’s
44 quote from Waste Management.

45
46 Vice Mayor Abell asked whether Council was being asked to accept the proposal from Waste Management
47 tonight, stating that he had a number of questions. Mr. McCue responded, “No, we’re here to get the full

1 breadth and scale of what you all are looking for in this franchise agreement in the future. So we're wanting
2 direction from you on all those issues."
3

4 Council Member Allebach stated that a decision must be made as to whether the City is going to renegotiate
5 a contract with Waste Management or solicit bids. He suggested that issuing a request for bids would result
6 in higher increases for the City while stating that if the City enters into negotiations with Waste
7 Management, it should be done in private discussions by staff.
8

9 Council Member Mahoney said that he concurred with Mayor Erwin's opinion regarding the information in
10 the agenda packet. He stated that he was not "comfortable at all" with a lot of the information that was
11 included. He advised that he had requested that the City Clerk call some of the nearby cities to see what
12 they were currently paying for garbage service. He noted that the increase proposed by Waste Management
13 along with the increase to 100% of the CPI was "substantial," but conceded that he thought the service was
14 "very good." Mr. McCue noted that most of the costs on the survey were two years old and stated that what
15 must be considered is whether the City is being charged an appropriate fee for the services being delivered.
16 He said that he did not think the increases were "out of whack with what else is going on." He expressed his
17 concern that Waste Pro may not have an adequate number of vehicles to maintain the service level the City
18 is used to receiving. Mr. McCue said that his goal is not to give 100% of the CPI, especially in light of a
19 possible fuel charge. He stated, "If we go into negotiations, whoever the firm is, you know what my
20 position going into that negotiation is going to be, and it is not to just accept this proposal. Nor do I believe
21 Waste Management ever expected this to be something that you're throwing out here and hoping to get this
22 awarded tonight. That's not what the intent of it was." Mr. McCue advised that if Council chose to go out
23 for bids, the most they would likely receive would be three, but the expectation would be two.
24

25 Council Member Allebach spoke in support of negotiating a new contract with Waste Management.
26

27 Vice Mayor Abell stated that Waste Management has "served us well" and also spoke in support of staff
28 negotiating a contract with them. He said that he did not support fuel adjustment charges, stating that
29 companies do not give raises to their employees for gas even though it is costing them more to get to work.
30

31 Council Member Sherrill concurred with authorizing the City Manager to negotiate a contract with Waste
32 Management.
33

34 **It was the consensus of Council that staff negotiate a contract**
35 **with Waste Management.**
36

37 Council Member DeVane stated that she had met with the City Manager this afternoon and that he is aware
38 of the changes she is looking for in the contract.
39

40 Dorothy Pomeroy, 667 N. Leavitt, came forward and urged that for the sake of the senior citizens, the
41 garbage fees not be collected on the tax bills. She stated that it is much easier to pay quarterly than all at
42 once. She also asked that the rates be kept as low as possible as seniors' incomes don't go up. She told the
43 Council they were doing a good job and thanked them.
44

45 **8. REPORTS:**
46
47

A. City Manager

1
2
3 Mr. McCue noted that Sgt. Melvin was awarded a \$48,000 fully equipped Ford Explorer. He said that he
4 would be recognizing Sgt. Melvin as he has brought \$96,000 worth of equipment into the City in the last twelve
5 to fourteen months.

6
7 Mr. McCue stated that staff has placed a video camera on public works property across from the GEL facility.
8 The camera is filming the service entrance and the mound. He said that DEP has not believed the City's reports
9 regarding activity at GEL and stated that they needed photographic evidence. Mr. McCue said that he found
10 out yesterday that GEL refused to let the St. Johns stormwater inspectors on their property. He reported that
11 there have also been traffic enforcement problems in the area and that trucks have been running over the City's
12 "No Parking" signs. He noted that trucks have been coming in and uncovering their load before entering the
13 landfill which has accounted for all of the debris on the side of the road in that area. Mr. McCue advised that
14 the cameras can be monitored over the internet in Chief Baskoff's office as well as by every Shift Sergeant on
15 patrol.

16
17 BEGIN TAPE 2-A

18
19 Vice Mayor Abell noted that Florida Recycling is bringing construction debris into the facility "truck after
20 truckload" every day. Mr. McCue responded that Mr. Allen Watts was being retained to look into the
21 expansion of the non-conforming use.

22
23 Council Member DeVane asked whether the City could issue tickets for violations in the vicinity of the dump
24 by taking pictures of license plates. Mr. McCue responded that he would check with the Chief.

25
26 Mayor Erwin asked whether the camera was revolving or fixed. Mr. McCue responded that it had some level
27 of movement.

28
29 Council Member Mahoney asked for a status report on the fountains. Mr. McCue responded that they had been
30 ordered and are being constructed.

31
32 Council Member Sherrill said that at the meeting at John Knox Village last week, the issue of barking dogs
33 came up. He said that it appeared the disturbance was coming from the vicinity of the Trentham Well Drilling
34 property. Mr. McCue responded that he would investigate first thing in the morning.

B. Mayor/City Council

35
36
37
38 Mayor Erwin reported that he attended the bi-monthly Mayor's Meeting in Daytona yesterday during which a
39 presentation by MyRegion.com was made. He said that a great deal of time has been spent by MyRegion
40 gathering information. Unfortunately, very few people have been exposed to it. There will be a county-wide
41 public meeting on Wednesday, May 10th at 6 p.m. at Daytona USA to give an overview of the process. This
42 will be followed by two workshop meetings, one on the west side on Wednesday, May 17th at 6 p.m. at the
43 Holiday Inn in DeLand and one on the east side of the County on Monday, May 22nd at 6 p.m. at Daytona
44 Beach Community College, Building 100. The Mayor recommended attending the meeting in DeLand as a
45 minimum.

46
47 At the VCOG meeting last night, a presentation was made by Jerry Britton on impact fees and gas tax as they

1 affect road building in the County. The Mayor noted that an extra 5¢ gas tax was adopted several years ago and
2 that the County borrowed money against that to expedite the road improvement program. Due to the rapidly
3 rising cost of completing the work, funding capacity over the next ten years has diminished by half. The
4 County is now looking for additional funding sources to complete the work. The Mayor noted that a year ago,
5 asphalt was \$40 per ton and that it is now \$60 per ton or higher. Mayor Erwin stated, "That gives you an idea
6 why the road program within the County right now is in big trouble." He said that the County is considering
7 proposing a ½ ¢ sales tax increase, however, they will not consider that option without the support of all of the
8 cities.

9
10 Vice Mayor Abell said that he attended the MPO meeting today and that they discussed the same topics the
11 Mayor just reported on. Another topic of discussion was the proposed toll road.

12
13 Council Member Mahoney stated, "With respect to the City's ten percent operating expense on the garbage
14 franchise, would that be applicable to the surcharge?" He said that he would prefer that it didn't as he did not
15 want the City to be accused of "enriching it's coffers." Council Member Mahoney stated that if Waste
16 Management has done its pricing accordingly, then the increase could be reduced by ten percent.

17 18 C. City Clerk

19
20 The City Clerk reminded everyone about the volunteer picnic on Saturday.

21 22 D. City Attorney

23
24 The City Attorney had no report.

25 26 9. APPROVAL OF MINUTES:

27
28 **Council Member DeVane moved to approve the minutes of the April 11, 2006**
29 **Regular Meeting, seconded by Vice Mayor Abell, and passed by unanimous 6/0**
30 **voice vote of the Council.**

31 32 10. COUNCIL COMMENTS

33
34 Council Member Allebach said that it appears that Bill 949 appears to have died during the legislative session.
35 The term limit extension and a number of tax rebates seem to have also suffered the same fate. Council
36 Member Allebach stated, "We were a force up there at Volusia Days. There were over twenty-twenty five
37 State Legislators who showed up Thursday night. I spoke personally to our delegation that came, plus a
38 number of other Legislators from the Orlando area and pleaded our case as far as the cities are concerned. I
39 think it was functional, we hit the offices of Pat Patterson and Joyce Cusak and signed in that we were there."

40
41 Council Member Sherrill reported that this past Monday, the City Manager, the two Chiefs were invited to
42 speak at John Knox Village. He said that it "went over real well." The two Chiefs talked about their
43 departments and other things that are going on in the City and the accolades the two departments have received
44 lately. A lot of good questions were fielded during the session. Council Member Sherrill stated, "They're just
45 tickled to death about being a part of Orange City." Council Member Sherrill noted that John Knox Village is
46 among the top three taxpayers in the City.

47

1 **11. ADJOURNMENT**

2
3 There being no further business, Mayor Erwin adjourned the meeting at 8:50 p.m.

4
5
6
7 **RESPECTFULLY SUBMITTED:**

APPROVED ON

8
9
10 Deborah J. Renner, CMC
11 City Clerk
