

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, August 22, 2006, at 7:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, Orange City.

4
5 **CALL TO ORDER**

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

8
9 **ROLL CALL**

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

15
16 The Invocation was given by Vice Mayor Abell, followed by the Pledge of Allegiance.

17
18 Mayor Erwin advised that there was a request to add Resolution No. 365-06 to the agenda as Item
19 6-B. He noted that Section 2 B of the Council Rules and Procedures provides for such action so
20 long as the addition is made before the first order of business and that it is made by motion and
21 second approved by a supermajority of the Council.

22
23 **Council Member Yebba moved to add Resolution No.**
24 **365-06 to the Agenda, seconded by Vice Mayor Abell and**
25 **passed by unanimous 7/0 voice vote of the Council.**

26
27 **1. PRESENTATIONS: VIPS Awards**

28
29 Mayor Erwin announced the names of the City's Volunteers in Police Service (VIPS) (a copy of the
30 list of names is attached and becomes a permanent part of these minutes) and their achievement.
31 Each volunteer came forward to receive their award. The Mayor was assisted in the presentation of
32 awards by Officer Greg Lariscy, Code Enforcement Supervisor.

33
34 **2. CITIZENS COMMENTS:**

35
36 Ron Saylor, 361 Dixson St., came forward and stated that he was representing a group of local
37 veterans who had taken up a collection to purchase a "Brick of Honor" for two veterans who are
38 buried in Hollywood Cemetery and who were former Mayors of Orange City. Mr. Saylor asked that
39 the Mayor decide whether the service as Mayor should be noted on the bricks as well as the military
40 service of these individuals. Mayor Erwin responded that he did not see any problems
41 accommodating Mr. Saylor's request.

42
43 **3. CONSENT AGENDA: None at this time.**

44
45 **4. ORDINANCES – FIRST READING:**

46
47 **A. ORDINANCE NO. 279:** An ordinance of the City of Orange City, Volusia County,

1 Florida; amending Orange City Code Appendix A, Zoning Ordinance as adopted by
2 Ordinance No. 157, amending Chapter 2, Section 2.2, Specific Terms Defined,
3 amending the definition of "Hotel" to delete the reference to "Tourist Court" and to
4 create a new definition "Tourist/Travel Court"; amending Section 8.6.1, schedule of
5 zoning district permitted and conditional uses; providing for conflicting ordinances
6 and setting an effective date.

7
8 **Council Member Sherrill moved to adopt Ordinance No. 279**
9 **on first reading, seconded by Vice Mayor Abell.**

10
11 Chester Murray, Development Services Director, came forward and stated that this item was being
12 presented to Council at their direction. He advised that staff had spent a great deal of time with the
13 City Attorney and the Planning Commission on the proposed ordinance. He stressed that there is no
14 way to predict the "unintended consequences" that may arise as a result of the ordinance.

15
16 Council Member Sherrill voiced his support for the proposed ordinance and stated that he felt the
17 Hill's Bed & Breakfast (B&B) was a compliment to the City.

18
19 Council Member Mahoney said that initially he had reservations about enacting an ordinance for the
20 benefit of "one party." However, once he read the regulations for the Office Transitional (OT)
21 zoning district, he felt that the Hill's proposed expansion to their B&B did not seem in conflict with
22 those at all. He said that he began to view the proposed revisions as refining the words in the
23 definition for additional clarity. Council Member Mahoney stated, "I'm a lot more comfortable with
24 it going through the actual intent of the Office Transitional zoning."

25
26 Mr. Reischmann commended the Planning Commission for their input on the proposed ordinance.
27 He noted that the use of a Travel/Tourist Court is only allowed as a conditional use in the OT zoning
28 district. Mr. Reischmann advised that Planning Commission approval is contingent on compliance
29 with Sections 8.68 and 8.71 of the Land Development Regulations (LDR). These two sections place
30 limitations on what can be done with this particular land use.

31
32 Mayor Erwin stated that he felt comfortable with the proposed ordinance. He did express his
33 concern over whether the conditional use, once granted, could be transferred to a new owner if the
34 property were sold. Mr. Murray responded that the conditional use is granted to the owner of the
35 property and if that property is sold to a new owner, they must apply for their own conditional use.
36 Mayor Erwin suggested that there should be a time limit, such as seven nights, on length of stay at
37 the B&B, stating, "I don't want it to turn into a boarding house." Mr. Reischmann responded by
38 stating that language could be added to the definition of a "Tourist/Travel Court" which would
39 limit the length of stay to a week, similar to the limitation in the definition of a "Hotel." Mr. McCue
40 advised that limitations could be included by the Planning Commission at the time the conditional
41 use is granted and that this would not require a modification to the Code. He conceded that there is a
42 risk that the owner of the B&B could try to rent the accessory structures on a more long-term basis
43 in order to maintain a certain cash flow from the property and maintained that the best way to
44 counter this is through the Planning Commission and conditional use stipulations. Mayor Erwin
45 asked, "What assurance do we have that that will be done in the future?"

46 Mr. Reischmann advised that if substantive changes are made to the Ordinance after tonight, it
47 would have to return to Council as a first reading. He discussed the process required to change the

1 ordinance stating that a motion for an amendment containing the desired new language would have
2 to be made and passed. In response to a request from Mayor Erwin, Mr. McCue suggested the
3 following language: "...overnight lodging, not to exceed seven days, and....".

4
5 Vice Mayor Abell said that he felt one week was "a little too restrictive" and suggested broadening it
6 to two weeks. Council Member Yebba concurred with the Vice Mayor. Mayor Erwin maintained
7 that a B&B has a connotation of a short-term stay of a night or two, not as a vacation destination.
8 Council Member Allebach concurred with Vice Mayor Abell and stated, "I can't believe that on an
9 ordinance level, that Orange City would put themselves in a position to state that we don't want
10 anybody to stay longer than a week or two weeks or thirty days." Mayor Erwin responded that the
11 City has hotels and motels for that. Mr. McCue noted the importance of including some regulation
12 of length of stay in the ordinance. Council Member Yebba stated that, "I don't have a problem with
13 what we're trying to do. I just think a week is too short, that's all."

14
15 Mr. Reischmann noted that in reviewing the definitions in Section 2.2 of the LDR, the differentiation
16 seems to be based on how the guests are charged. Some are charged on a weekly basis while some
17 are listed as "overnight lodging" with a nightly charge. He said that staff was approaching this
18 amendment as a hotel or nightly rentals as opposed to a business that rents by the week or month.
19 Mr. McCue shared his interpretation of the definitions by stating that a stay of a week or more
20 constitutes a rooming or boarding house. He said that the matter would then become a code
21 enforcement issue. Mr. McCue stated that he felt the proposed definition accomplishes what
22 Council is requesting, noting the differences between the definitions of hotel, multiple family
23 dwellings, and rooming or boarding houses where rentals are for a period of a week or longer.

24
25 Mayor Erwin expressed his concern over protecting the residential neighborhood, given the B&B is
26 located in the OT zoning district. Council Member Mahoney concurred with Mayor Erwin, stating
27 that the fact that OT is primarily residential requires consideration in evaluating the content of the
28 ordinance. Mr. Reischmann stated that from a legal perspective, he would prefer to have a specific
29 limitation as to length of stay in the definition.

30
31 Mr. Murray suggested that this item be withdrawn and returned to the Planning Commission for
32 further refinement of the definition. He said that it could be brought back before Council at the
33 second meeting in September for first reading. Mayor Erwin concurred, noting that no action had
34 been taken on the ordinance by the Planning Commission. He noted that the normal procedure is for
35 the Planning Commission to complete review on a proposed amendment to the LDR and then
36 provide a recommendation to City Council on the ordinance.

37
38 Mr. McCue summarized his understanding of Council's direction by stating, "What the Council is
39 looking for is some reasonable limitation on the amount of time an individual or somebody can stay
40 in this, is that correct, where we're trying to go with the P&Z's input?"

41
42 **It was the consensus of Council that Ordinance No. 279 be**
43 **returned to the Planning Commission for further**
44 **refinement as to the length of stay.**

45 Gerald Hill, 215 E. French Avenue, came forward and identified himself as the owner of the Alling
46 House Bed & Breakfast. Mr. Hill said that his property is bordered on three sides by rental
47 properties which he described as "trashy." He said that he must maintain his property in order to

1 ensure that his guests return.

2
3 **5. PUBLIC HEARINGS – ORDINANCES – SECOND & FINAL READING:**

4 None at this time

5
6 **6. RESOLUTIONS:**

7
8 **A. RESOLUTION NO. 364-06:** A resolution of the City Council of the City of Orange
9 City, Florida, adopting a revised rate and fee structure for water and wastewater
10 services provided by Orange City Utilities; providing for conflicts; providing for
11 severability; and providing an effective date.

12
13 **Vice Mayor Abell moved to approve Resolution No. 364-06,**
14 **seconded by Council Member Allebach.**

15
16 Mark Rynning, Tetra Tech HAI, came forward along with Christine Davis, Finance Director and
17 Paul Johnson, Public Works Director.

18
19 Mr. Johnson noted some omissions in “Exhibit A” to Resolution No. 364-06 as follows:
20 Page 26 – Deposits $\frac{3}{4}$ inch – owner: The amount in the “Proposed” column should be \$100.
21 Page 26 – Deposits Irrigation: The amount in the “Proposed” column should be \$0

22
23 BEGIN TAPE 1-B

24
25 Page 27 – Returned Check: The amount in the “Proposed” column should be “Per Florida State
26 Statute”

27
28 Mr. Rynning began a power point presentation (a copy of which is attached and becomes a
29 permanent part of these minutes) by noting that Orange City’s rates are among the lower rates in the
30 County. He commended the City for keeping rates affordable since it acquired the water system in
31 1987. He noted that Orange City has one of the smallest service areas in the County, yet has
32 continued to expand and add new service areas and wells through the use of impact fees. Mr.
33 Rynning noted that the City contracts with Volusia County for wastewater treatment. The City is
34 charged on a bulk rate basis by the County, and has not always kept up with the increases the County
35 has charged. Mayor Erwin said that his recollection was that for the past few years, the City has
36 passed through to the customer any increases by the County for wastewater. He asked if this is still
37 being done. Mr. Johnson responded in the affirmative. Mr. Rynning clarified that he was referring
38 to increased pumping and collection costs. Mr. McCue stated, “The pass through costs that go up in
39 the County wastewater system are not keeping pace with our increased expenses to operate our
40 wastewater system.” He clarified that this has necessitated the proposed increase in wastewater
41 rates.

42
43 Mr. McCue noted that the City has used operating revenues to fund the utility’s renewal and
44 replacement (R&R) fund for many years. He said that this method has been inadequate and that a
45 large portion of the proposed rate increase would be used for this purpose. Mr. Johnson stated that
46 the cost to replace all of the lines in the system and bring them up to current standards would be
47 about \$6 million. Mr. McCue noted that the water rates in the past had not been designed to fund

1 R&R needs and that is the basis for the revenue sufficiency study. Mr. Rynning advised that the
2 two-inch pipes currently in use have become inadequate for service to customers as well as for use
3 by the Fire Department in the event of a fire.

4
5 Mayor Erwin questioned the proposed 2.74% inflation factor stating that he thought there was
6 currently a 3% automatic increase in place. Ms. Davis confirmed that the increase is variable and
7 that the current inflation factor is 2.5%. Ms. Davis said that the average increase has been 2.74%,
8 which is why that amount is being proposed.

9
10 Mr. McCue emphasized that there is no proposed increase in the transfer to the general fund, rather
11 the money will be used for R&R purposes.

12
13 Mr. Rynning discussed the proposed rate increases stating that the first year increases would be
14 14.44% for water and 5.90% for wastewater. These increases would then level off to 2.74% for
15 water and 2.90% for wastewater each year through 2009/10.

16
17 In response to a question from Mayor Erwin, Mr. Rynning stated that the City's conservation levels
18 are in compliance with the requirements of the Water Management District.

19
20 Mayor Erwin asked how the cities used in the "Rate Comparison" chart were selected. Ms. Davis
21 responded that they are the same cities used in the last rate study in 2003. Mayor Erwin advised that
22 at the WAV meetings he has attended, Orange City is known for having the lowest rates and the
23 highest consumption. He said that he felt this characterization is unfair since tens of thousands of
24 people come to Orange City each day for commercial services while in cities like Deltona, most
25 people leave and are gone all day. Mr. Johnson advised that 36% of the City's water consumption is
26 used by commercial customers. The Mayor Erwin noted that the City's mission has always been to
27 provide its customers with quality water at a low rate.

28
29 Mr. Rynning concluded his presentation by outlining the following recommendations:

- 30 1. Continue to adjust annually for inflation and Volusia County increases in wastewater fees
31 2. Transfer 5% of prior year's revenues to the R&R fund per the City's bond resolution
32 3. Adopt the proposed miscellaneous charges.

33
34 Laura Kerben, 566 E. Wisconsin Avenue, came forward, and said that she was recently late with her
35 water bill payment and was charged a \$15 late fee. Ms. Kerben said she thought this was
36 "heavy-handed". She urged the Council to include a payment envelope with the water bill as this
37 would cut down on tardiness. She said that she would rather pay a higher rate than to have a late fee
38 attached to the bill. Ms. Kerben further discussed her recent late payment situation and the fees and
39 increased deposits that were assessed stating that for a \$15 water bill, she accumulated \$180 worth of
40 charges. She stated, "It almost sounds like we're running a loan shark business here rather than a
41 utilities company." Ms. Kerban said that there should be some means by which the City can
42 acknowledge extenuating circumstances. She stated, "I think if you're looking at increasing rates, I
43 think we need to look at the billing, how it's being billed and the professionalism of it." She also
44 requested that some form of electronic payment be offered.

45
46 Vice Mayor Abell asked which customers in the City were paying a bulk rate for their water. Mr.
47 Johnson stated, "Land 'O Lakes, Sunburst RV and Blue Springs Landing."

1
2 Council Member Allebach asked how many residents have usage at the Block 3 level. Mr. Johnson
3 responded that it is mostly commercial accounts or users who do not have irrigation meters. Ms.
4 Davis advised that roughly 15% of the City's residential customers reach Block 3.
5

6 Vice Mayor Abell asked how it would affect the budget if the increase was averaged over a
7 three-year period as opposed to having such a large increase in the first year. Mr. McCue responded
8 that staff had not included the increases in the proposed budget for FY 06/07. He stated that the
9 issues with the utility system at this time are undersized lines, old calcified lines, and coloration of
10 the water, etc. Mr. McCue said that the increase could be delayed, however, it will also delay the
11 time required to secure an active renewal and replacement plan. In response to a further question
12 from the Vice Mayor, Mr. Johnson emphasized that the improvements need to be done soon before
13 the City begins to have compliance issues with DEP. Vice Mayor Abell expressed that 14.4% seems
14 to be a large increase. He stated, "It seems to me that any way we can reduce the excessiveness of
15 such a large rate would come in handy to the pocketbooks of the citizens of Orange City right now."

16 Mr. Johnson responded that the R&R program will cost \$6 million and that the rates will continue to
17 increase. He stated, "If we don't start getting aggressive on it now, this is really going to cost us in
18 the future." Mr. McCue observed that the current R&R program is basically crisis management. He
19 said that the proposed increase will allow the City to begin to take a proactive approach to needed
20 improvements. Mr. McCue said that if the increase is spread over a period of time it will not cause
21 the current quality of water to degrade, but it would be postponing the inevitable.
22

23 Council Member Sherrill noted that there had just been an 80% increase in water rates three years
24 ago. At that time, an automatic increase was included in the rates. Ms. Davis corrected that the
25 increase was 25%. Council Member Sherrill said that he felt the increase should not be delayed as
26 improvements are needed now.
27

28 Mayor Erwin expressed his opinion that Port Orange has one of the best Utility systems in the
29 County and noted that Orange City's rates would only be \$1 per month more than theirs with the
30 proposed increase.
31

32 Council Member Allebach said that it is difficult to make an equitable comparison of rates among
33 the cities in Volusia County as each one is structured differently. He stated, "It's not about a
34 comparison to other cities necessarily, it's about the viability of our enterprise fund." Council
35 Member Allebach noted that if the increase is not applied soon, the Utility will get into a situation
36 where non-customers will be subsidizing the operation.
37

38 Council Member Yebba concurred that the Enterprise Fund is a business and must be treated as such.
39

40 Mr. McCue stressed that the low balances shown in the Enterprise Fund at the end of the year
41 indicate that all of the income is being used for capital and maintenance. He said that over the next
42 five to seven years, there will be quality issues with the water if something is not done soon. In
43 regard to the increase, Mr. McCue stated, "The Council would not be wrong to spread it out, but it
44 would just prolong the inevitable."
45

46 Mayor Erwin recessed the meeting at 8:30 p.m., reconvening at 8:40 p.m.
47

1 BEGIN TAPE 2-A

2
3 In regard to the proposed increase, Council Member Mahoney stressed that it will all be used for
4 system improvements and stated, "The driver behind the rate increase is the transfer to earnings and
5 that's what John's saying when he's saying we're investing in the asset. If we don't have that, you
6 don't have to have a rate increase, but you're going to have a day of reckoning like what Council
7 Member Sherrill alluded to." Mayor Erwin concurred and noted that Ormond Beach has reached
8 that point right now.

9
10 Vice Mayor Abell said that after listening to Council's discussion, he sees the merit in the proposed
11 increase.

12
13 Mayor Erwin said that he felt the rates in Block 2 and Block 3 should be higher than proposed,
14 stating that it will encourage conservation efforts. He suggested increasing Block 2 and Block 3 by
15 an additional 50¢ per thousand gallons. Council Member Yebba disagreed.

16
17 Council Member Mahoney asked whether new projections based on a 50¢ increase would reflect the
18 supposed decreased consumption. Mayor Erwin responded, "I doubt it."

19
20 Mr. Reischmann advised that any changes to "Exhibit A" would have to be done formally by a
21 motion to amend. In response to a question from Ms. Davis, Mr. McCue said that the changes to
22 "Exhibit A" that were indicated earlier would not be subject to a motion as they were done before the
23 motion was made. Mr. Reischmann stated, "I would want the record to be very clear at this point
24 what is in the motion that is different than what is in the resolution as originally drafted and in the
25 agenda and whether there's been any changes to "Exhibit A" that are included in the motion that
26 were not included in "Exhibit A" as it was originally attached to the original resolution. So the
27 record is clear what the motion currently is addressing."

28
29 Mayor Erwin stated that the motion currently under consideration is acceptance of the Resolution
30 which includes the water rates as presented. Mr. McCue said that what is being referred to is the
31 numbers Mr. Johnson announced earlier that had been omitted from the rate study prior to the
32 motion being made. He stated, "You guys made those changes in there so when the motion was
33 made it had to assume those changes were in there unless the Council would have told us
34 differently." Mr. Reischmann stated, "I just want to make sure the record is clear." Mayor Erwin
35 asked, "Those were included in the motion?" Mr. McCue responded, "Yes, they were." In response
36 to a further question from Mayor Erwin, Mr. McCue stated that the amount of the fees is being
37 amended in Resolution No. 364-06, while the way those fees are applied will be handled by an
38 amendment to the code. He said that the issue appears to be that staff has no flexibility in assessing
39 late fees, etc. and that this situation will be addressed by a future amendment to the code.

40
41 Council Member Yebba said that this is the first time since he has been on the Council that he saw
42 Council ask for fees that were higher than those requested by staff.

43
44 Mayor Erwin reiterated his position that the rates should be higher in Blocks 2 and 3.

45
46 **Council Member Allebach moved amend the rates in**
47 **Schedule A, Blocks 2 and 3 for all customer classes to**

1 **increase the proposed rates by 10%, Mayor Erwin passed**
2 **the gavel to the Vice Mayor and seconded the motion.**

3
4 Mayor Erwin said that he felt the changes should only apply to residential, commercial and irrigation
5 classes, not bulk rate.

6
7 Council Member Yebba spoke against the additional increase stating that the public had been made
8 aware of a certain rate and it was not fair to change that rate without their knowledge.

9
10 Council Member Mahoney noted that Block 2 residential rates are already 30% higher than Block 1
11 rates and Block 3 rates are 42% greater than Block 1 rates. He stated, "There are conservation
12 incentives in these Block rates already."

13
14 **Motion failed by 2/5 roll call vote of the Council with**
15 **Council Members Yebba, Sherrill, DeVane, Abell, and**
16 **Mahoney voting "no."**

17
18 **Motion to adopt Resolution No. 364-06 passed by**
19 **unanimous 7/0 roll call vote of the Council.**

20
21 Vice Mayor Abell returned the gavel to Mayor Erwin.

- 22
23 B. **RESOLUTION NO. 365-06:** A resolution of the City Council of the City of Orange
24 City, Florida, requesting that the Volusia County Council amend its five-year road
25 program to include the extension of Rhode Island Blvd. from the West Volusia
26 Partnership Center to Normandy Blvd. in Deltona; and providing for an effective
27 date.

28
29 **Council Member Allebach moved to approve Resolution No.**
30 **365-06, seconded by Vice Mayor Abell.**

31
32 Vice Mayor Abell advised that he was unable to attend the MPO meeting today due to car trouble.
33 The Vice Mayor said that the funds are very badly needed on this side of the County.

34
35 Mayor Erwin clarified that this Resolution originated in Deltona and that they are asking that the
36 money be diverted from the Doyle Road widening project to fund the Rhode Island Avenue
37 Extension. The Mayor reported that the area on Doyle Road to be improved is mostly located in the
38 City of Deltona. He noted that Doyle Road is the most heavily traveled two-lane road in the County
39 road system.

40
41 Council Member Yebba noted that the Doyle Road project costs less than the Rhode Island project.
42 Mayor Erwin said that the funds earmarked for Doyle Road would not be enough to finish the Rhode
43 Island project and that the County is very short on funds for roads.

44
45 Council Member Yebba said that this issue has also been discussed by the Partnership Center
46 Committee and suggested checking with them before sending the Resolution to the County.

47

1 **Motion passed by unanimous 7/0 roll call vote of the Council.**
2
3

4 **7. DISCUSSION AND ACTION:** None at this time
5

6 **8. REPORTS:**
7

8 **A. City Manager**
9

10 Mr. McCue reported that he initiated PBA negotiations today and things went “quite nicely.” The
11 votes for continuing with the union will be opened Thursday in Tallahassee. If the City’s police
12 officers voted to discontinue the contract with the PBA, negotiations will be over.
13

14 Mr. McCue said that there have been eleven drug arrests in the past ten days and six prostitution
15 arrests.
16

17 Mr. McCue advised that staff met yesterday with representatives from DOT regarding the 17-92
18 streetscape project. Planning for the project is well under way. The landscape plan has been
19 developed and the project will cost \$177,000 which will be paid over a two-year period. The first
20 year’s allocation is \$40,000 and work will begin in the southern end of the City. Mr. McCue said
21 that staff will be tracking the DOT budget to make sure the funding stays in there. He suggested that
22 some of the work on the project could be done by City staff, thereby reducing the required budget.
23 Mr. McCue said that planting should start in the next two to three months.
24

25 Mr. McCue asked Council if they wanted to participate in Volusia Days this year as the time is
26 approaching to make hotel reservations.
27

28 Mr. McCue said that the Mayor was seeking input from the Council regarding the important vote
29 tomorrow on whether to disband WAV. He expressed his opinion by stating, “I think that the
30 Manager’s Advisory Committee (MAC) has neutered WAV, made it from an operational and capital
31 project oriented organization to a planning and grant administrator.” Mr. McCue said that he would
32 recommend continued support and participation only if the Interlocal Agreement reflects that the
33 purpose of the organization is to construct alternative water sources and other capital projects. He
34 expressed his concern over entering into large capital commitments under the current agreement
35 stating that if cities end up leaving the organization, then Orange City and the remaining partners
36 will be responsible for their share of the costs. Mayor Erwin concurred with the City Manager
37 stating, “To reduce WAV back to a planning organization, we’ve retreated at least ten years.” The
38 Mayor noted that over \$2 million in tax dollars has been spent on studies and developing programs.
39

40 Mayor Erwin requested Council’s input regarding the upcoming vote.

41 Council Member Yebba referenced the upcoming Charter Amendment which charges the County
42 with developing a water plan. He asked how the WAV membership felt about that. Mayor Erwin
43 responded that if the amendment passes, the County could take over water management.
44

45 BEGIN TAPE 2-B
46

47 Mayor Erwin said that this issue would be discussed further at an upcoming summit meeting to be

1 hosted by Orange City.
2

3 **It was the consensus of Council that Mayor Erwin cast his**
4 **vote at the WAV meeting in accordance with the positions**
5 **expressed in the previous discussion.**
6

7 Mr. McCue noted that a meeting was held last week regarding the proposed Volusia County Charter
8 Amendments. He said that it is the consensus of all of the cities in the County to argue against the
9 first four amendments being recommended by the Charter Review Committee because they impinge
10 on the City's home rule authority. Mr. McCue said that if the City wishes to expend funds to further
11 its position in the matter, a resolution would have to be adopted. He said that if Council wishes to
12 formally oppose amendments 1 through 4, staff would prepare the necessary resolutions. Mayor
13 Erwin noted that in response to impending growth some ten or twelve years ago, Orange City
14 developed a concept of how growth would be managed in the City. He said that the concept closely
15 follows the precepts of smart growth today.
16

17 Mr. McCue suggested that Council appoint a representative to work with him and Ms. Smith. He
18 said that he felt it necessary to take a firm stand on this matter so as not to erode home rule authority.
19 Council Member Yebba volunteered to work with Mr. McCue on this matter.
20

21 **B. Mayor/City Council**
22

23 Mayor Erwin said that he had intermingled his report with the City Manager's report.
24

25 Vice Mayor Abell asked whether the Council had an official position regarding financial support to
26 non-profit organizations. Mr. McCue responded that the policy during his tenure has been that the
27 City does not grant funds for such purposes.
28

29 Council Member Yebba reported on the Partnership Center, stating that soil samples have come back
30 clear.
31

32 **C. City Clerk.**
33

34 The City Clerk had no report.
35

36 **D. City Attorney**
37

38 Mr. Reischmann noted that there is an important hearing tomorrow night before the VGMC at which
39 approval is needed to move the comprehensive plan (comp plan) amendment forward.
40

41 A hearing regarding the City's petition for an injunction against the GEL Corporation is scheduled
42 for Thursday at 1:30 p.m. in DeLand in Room 4A.
43

44 **9. APPROVAL OF MINUTES:** August 8, 2006 Regular Meeting
45

46 **Vice Mayor Abell moved to approve the minutes of the August**
47 **8, 2006 Regular Meeting, seconded by Council Member**

1 **Mahoney and passed by unanimous 7/0 voice vote of the**
2 **Council.**

3
4 **10. COUNCIL COMMENTS:**

5
6 Council Member Sherrill said that he attended the employee appreciation luncheon last Friday and
7 stated that he thought it was a good thing to recognize the staff.

8
9 Council Member Allebach said that is was good that a “lively discussion on issue” could take place
10 without any personal attacks.

11
12 Council Member Yebba said that he also attended the luncheon on Friday and said that the food was
13 great.

14
15 Council Member Mahoney stated, “Let’s hope the next two days go our way.”

16
17 Mayor Erwin also said that the luncheon on Friday was good.

18
19 **11. ADJOURNMENT**

20
21 There being no further business, Mayor Erwin adjourned the meeting at 9:46 p.m.

22
23 **RESPECTFULLY SUBMITTED:**

APPROVED ON

24
25
26
27 Deborah J. Renner, CMC
28 City Clerk

_____ 9/12/06