

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, February 13, 2007 at 7:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, Orange City.

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5 **CALL TO ORDER**

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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 Anthony R. Yebba, Council Members Jeff H.
12 Allebach, Donald C. Sherrill, Jim Mahoney; Robert A. Storke; City Manager John. J.
13 McCue; City Attorney William Reischmann; City Clerk Deborah Renner

14
15 **ABSENT:** Council Member Joelle R. DeVane

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

18
19 **1. PRESENTATIONS:** None at this time

20
21 **2. CITIZENS COMMENTS:**

22
23 Tim England, 2061 Friar Tuck Lane, came forward and questioned why his sewer bill is so much
24 higher than his water bill. He said that he was told by the City’s Utilities Department that the reason
25 was because it’s more expensive to process wastewater. Mayor Erwin responded that wastewater
26 rates are set by the County and are beyond the City’s control. Mr. McCue suggested that Mr.
27 England contact Paul Johnson, Public Works Director, to see if the City could offer any assistance.
28 Mr. England advised that he moved to Orange City from DeBary where garbage service is on the tax
29 bill. He said that he has never received a bill from Waste Management since he moved to Orange
30 City and that he assumed the fees were included on his tax bill. He asked, “I wonder how many
31 others out there might be in the same boat?”

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

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35 **4. ORDINANCES - FIRST READING:**

36
37 **A. ORDINANCE NO. 298:** An ordinance of the City Council of the City of Orange
38 City, Florida, providing for a non-exclusive franchise to Sunshine Recycling Inc. for
39 the collection and disposal of commercial trash, garbage, recyclable materials and
40 other refuse within the city limits; providing for definitions, terms, conditions, rates,
41 compliance with laws, arbitration, standards of performance, collection, regulation,
42 operations, hours, routes, penalties, accounting, complaint resolution; containing a
43 repealer provision; a severability clause and providing for an effective date.

44
45 **Council Member Sherrill moved to adopt Ordinance No. 298**
46 **on first reading, seconded by Council Member Storke.**

1 Mr. McCue advised that Sunshine Recycling is currently providing commercial trash pickup within
2 the City.

3

4 Al Blue, 447 N. Oak, came forward and clarified that both exclusive and non-exclusive franchises
5 exist within the City. He discussed the differences between the two types of agreements. Mr. Blue
6 noted that the City has the prerogative to determine whether a specific franchise must be exclusive
7 or non-exclusive. He further noted that the franchise agreement is between the City and a service
8 provider without the involvement of the citizens. Mr. Reischmann responded that was correct and
9 advised that regulations regarding a business' relationship with their customers were governed by
10 Chapter 6 of the Code. Mr. Blue stated, "If a service is not franchised, then any licensed provider
11 can do it." Mr. Reischmann responded by noting that the Charter requires that franchises be adopted
12 by ordinance. Mr. Blue asked why the City would franchise a service to a contractor. Mr. McCue
13 responded that the primary reason would be to impose regulatory components upon the service
14 provider and to generate some amount of revenue. Mr. Blue asked whether a franchise could be
15 established without any fee. Mr. McCue responded in the affirmative. Mr. Blue questioned how
16 medical, biological and toxic wastes are disposed of in the City as they were not referenced in the
17 franchise agreement. Mr. McCue responded that these materials were disposed of by the State
18 Department of Health.

19

20 **Motion passed by 6/0 roll call vote of the Council.**

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22 **B. ORDINANCE NO. 299:** An ordinance of the City Council of the City of Orange
23 City, Florida, amending the exclusive franchise contract with Waste Management,
24 Inc. of Florida, a private corporation, for the collection and disposal of residential
25 solid waste, yard waste, and curbside recyclable materials within the city limits;
26 providing for definitions, terms, conditions, rates, compliance with laws, arbitration,
27 standards of performance, collection regulation operations, hours, routes, penalties,
28 accounting, complaint resolution; providing for conflicts; containing a severability
29 clause, a repealer provision, and providing for an effective date.

30

31 **Vice Mayor Yebba moved to adopt Ordinance No. 299 on first**
32 **reading, seconded by Council Member Mahoney.**

33

34 Mr. McCue advised that the ordinance has been rewritten to reflect the direction of Council at the
35 last meeting to lower the monthly fees. He advised that the inclusion of options 1 and 2 would
36 reduce the monthly charge to \$23.19 effective April 1st. If ad valorem collection of the fees is
37 implemented the rate would be further reduced to \$21.64 next fiscal year. Mr. McCue said that staff
38 recommends approval of the ordinance.

39

40 Mr. Reischmann clarified that Ordinance No. 299 is an amendment to the existing contract with
41 Waste Management.

42

43 Al Blue, 447 N. Oak, came forward and said that he found many problems with the contracts. He
44 noted that residents of the unincorporated area are billed for garbage service on their ad valorem tax
45 bills. He stated, "If they don't pay that garbage bill, the home goes up for tax lien sale in thirty days.
46 We're not the County. We are the City. We have home rule. We have our own codes and we have

1 our own ordinances. The more we turn over to the County, the more we lose our identity.” Mr.
2 Blue noted that it has been reported that the level of “bad debt” in the City related to garbage service
3 is in the neighborhood of \$87,000. He advised that there are remedies in the existing ordinance for
4 payment delinquencies. Mr. Blue said that the reply he received when he requested information
5 regarding the \$87,000 in bad debt was that no such records exist. He suggested that since the City
6 has not been made aware of the delinquencies, the \$87,000 is “a bogus number.” In conclusion, Mr.
7 Blue stated, “To make us pay for a contractor’s inability to perform is wrong. To put garbage fees
8 on our tax bill because the contractor can’t perform, or won’t perform, is wrong. To have anyone’s
9 home go up for tax sale because of unsubstantiated accusations is wrong.”

10
11 Mayor Erwin referenced page 20 of the agreement, Sections 34, 35 and 36 and expressed his hope
12 that more attention would be paid to enforcement of these Sections. Mr. McCue responded that in
13 the past, these clauses have not been enforced. He said that he did plan to implement the provisions
14 of Section 35 which calls for a committee tasked with reviewing the quality of the services provided
15 for in the contract. Mr. McCue noted that in the past, complaints were made directly to Waste
16 Management, leaving the City unaware. He stated that the processes in these Sections would be
17 implemented during the contract period.

18
19 Council Member Mahoney noted that it was not clear in the contract that the revision of service
20 levels from 2/1/1 to 1/1/1 would take effect April 1, 2007. He said that he received a complaint
21 regarding recycling services and said that the City should assess the response that citizens are given
22 by Waste Management in terms of what the contract requirements state. Mr. McCue said that he has
23 been addressing this issue.

24
25 In response to Council Member Mahoney’s question regarding the April 1st effective date for the
26 new service levels, Mr. Reischmann suggested that Section 22 A. (1) of the contract be revised to
27 clarify the date.

28
29 **Council Member Storke moved to amend Section 22 A.(1) to reflect**
30 **that the residential collection schedule of once per week shall begin**
31 **April 1, 2007, seconded by Council Member Sherrill.**

32
33 Council Member Mahoney asked if it would be appropriate for the contract to include the day of the
34 week garbage pick up will be made. Mr. Reischmann responded that the current language in the
35 contract provides that the pickup will be made on a mutually agreed upon day. Mr. McCue said that
36 pickup would continue to be made on Mondays.

37
38 **Motion to amend passed by 6/0 roll call vote of the Council.**

39
40 **Motion to adopt Ordinance No. 299 on first reading as amended**
41 **passed by unanimous 6/0 roll call vote of the Council.**

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43 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:** None at this
44 time
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1 **6. RESOLUTIONS:**

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- A. RESOLUTION NO. 385-07:** A resolution of the City Council of the City of Orange City, Florida, appointing David Seaman to Seat #07 on the Orange City Planning Commission; repealing all resolutions in conflict herewith and providing for an effective date.

Council Member Allebach moved to adopt Resolution No. 385-07, seconded by Council Member Mahoney.

Mr. Seaman said that he was pleased to represent the City on the Planning Commission.

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

Mr. Seaman came forward and the City Clerk administered his Oath of Office.

- B. RESOLUTION NO. 386-07:** A resolution of the City Council of the City of Orange City, Florida, amending the classification and pay plan for the City of Orange City; containing a repealer provision, a severability clause and providing for an effective date.

Council Member Sherrill moved to adopt Resolution No. 386-07, seconded by Council Member Mahoney.

Mr. McCue recalled that the Police Department voted to leave the union last year. He said that at that time, negotiations had begun for a new three-year contract. Because the vote regarding the union had not been completed at budget time, staff did not recommend a change to the pay plan at that time. At this time, the pay plan that was last adopted under the PBA contract is being brought forward for adoption into the City's Salary Classification and Pay Plan. Mr. McCue said that he is also recommending an increase to the starting pay for police officers from \$12.21 per hour to \$13.01 per hour. The increase is being recommended as a means to boost recruitment efforts by being more competitive with surrounding jurisdictions. Mr. McCue noted that improvements to the benefits package approved by Council have had a positive impact on recruitment, however, the base pay has not been adjusted since 2003 and the adjustment needs to be made now to remain current with the job market. Mr. McCue advised that the average starting pay for police officers is \$13.76, but that he felt the recommended increase would have a positive impact on hiring. He clarified that an increase in the starting pay in the step plan would result in an adjustment for each succeeding step. As the pay plan is adjusted, each officer's pay would be adjusted within their new step as necessary.

Vice Mayor Yebba said that he would have like to have had a comparison of the starting pay for other cities in the County for the purpose of comparison. Commander Thomas said that the City's current starting rate ranks it second from the bottom, while the proposed rate would rank eighth out of fourteen or fifteen.

Council Member Sherrill spoke in support of the increase, recalling that a few years ago, the City's turnover rate for officers was very high. He discussed the importance of recognizing the City's law

1 enforcement officers, noting that several of them have received state-wide recognition.

2
3 Council Member Allebach noted that even if the police department had stayed in the union, they
4 would have been trying to negotiate a salary increase comparable to the proposed rate. Mr. McCue
5 said that it would have been considerably more since they were only granted a 3% cost of living
6 adjustment (cola) in the first year of their three-year contract. Mr. McCue noted that there are a
7 number of advancement opportunities available within the department for the police officers, as well
8 as an excellent benefits package. In response to a question from Council Member Allebach, Mr.
9 McCue advised that he did not feel that he could have reached an agreement in salary negotiations
10 with the union.

11
12 Vice Mayor Yebba questioned why the Police Department chose to decertify the union if they could
13 have had a chance at a higher increase that they are currently proposed to receive. Mr. McCue
14 responded that just because the police would have made a higher request, it did not guarantee that
15 they would receive it. He stated, "What I believe changed the opinion of the police officers was
16 their respect for what the City Council and City Administration has been doing for that department
17 over the last three or four years." Commander Thomas agreed stating that the trust level between the
18 employees has increased. Vice Mayor Yebba stated, "It's always more than just money."
19 Commander Thomas stated that raising the starting salary will improve hiring efforts, and that
20 the existing benefits will provide for retention of new hires.

21
22 In response to a question from Council Member Mahoney, Commander Thomas said that union dues
23 were \$30 per month.

24
25 George Stone, 107 W. Highland, came forward and said that he read about this issue in the
26 newspaper. He noted that the officers in Orange City deal with the same situations as officers in the
27 larger cities such as Orlando, and asked, "So why are we treating them different that they're being
28 treated in other cities?" Mr. Stone expressed that \$13.01 starting pay is not enough and suggested
29 that the starting pay should be \$14 or \$15 per hour. He said that Orange City's officers are forced to
30 work a second job just to make ends meet.

31
32 **Motion passed by 6/0 roll call vote of the Council.**

33
34 Mr. McCue advised that he and the City Attorney believe that Council should consider Agenda Item
35 7-B prior to acting on Resolution No. 387-07.

36
37 **It was the consensus of Council to consider Item 7-B at this time.**

38
39 **7. B. Settlement Agreement – Production Wells 8 and 9**

40
41 Mr. McCue advised that he had previously discussed the problems with the contractor drilling
42 production wells 8 and 9. He said that it was staff's opinion that the problem was a combination of
43 the contractor and the geological conditions at the well site. Mr. McCue said he and Paul Johnson,
44 Public Works Director, have discussed the problems with the contractor a number of times and that
45 he suggested to Mr. Johnson that it was time for the City to invoke the contractor's performance
46 bond. He said that they considered pursuing termination of the contract for default. Mr. McCue

1 discussed the technical issues related to the problems with the well, noting that it kept filling with
2 sand. Mr. McCue said that subsequent to their discussions, he, Mr. Johnson and the City Attorney
3 felt that rather than trying to find the contractor in default, it would be more cost effective to
4 negotiate a settlement with the well drilling contractor and to hire a new contractor to complete the
5 job. Mr. McCue noted that the biggest consideration in resolution of this issue is time as initiating a
6 default proceeding could take a lengthy amount of time which could jeopardize the City's permit
7 from the Water Management District. He said that he negotiated a settlement with the contractor
8 from \$190,000 to \$82,000 based on the amount of hours they had spent on the job. He
9 recommended that Council enter into the settlement agreement so that a new contractor could be
10 retained to complete the job expeditiously.

11
12 Vice Mayor Yebba asked whether the current contractor had executed the settlement agreement yet.
13 Mr. McCue said that the agreement had been negotiated by the contractor's corporate attorney and
14 Mr. Reischmann. Vice Mayor Yebba asked what would happen if Council authorizes the settlement
15 agreement but the contractor then refuses to sign it.

16
17 BEGIN TAPE 1-B

18
19 Mr. McCue responded that even if the current contractor refuses to negotiate the settlement
20 agreement, he does not want to wait to put another contractor to work on the job. He strongly
21 recommended awarding the contract proposed in Resolution No. 387-07 tonight regardless of the
22 outcome of the settlement agreement.

23
24 Council Member Mahoney stated that the absolute worst case scenario would be that the City would
25 pay another company to drill the wells and still have to pay Layne, the present contractor, if the City
26 were to lose the case in court.

27
28 Mr. Reischmann expressed his confidence that based on his discussions with them, Layne is willing
29 to resolve the matter for the \$82,000 proposed in the settlement agreement. He outlined their changes
30 to the agreement as follows: (1) they made the release reciprocal and (2) added some "whereas"
31 clauses for clarification of cause so as to remove an implication that they were in breach of the
32 contract. He stated that they agreed to "walk away from the contract" for \$82,000. Mr. Reischmann
33 advised that the \$82,000 figure was provided by the City's engineer as the amount that Layne had
34 earned to-date.

35
36 In response to a question from Mayor Erwin, Mr. Johnson said that the original contract with Layne
37 was in the amount of \$262,297. Mayor Erwin noted that the proposed arrangement will cost the City
38 an additional \$50,000 and stated, "It just irks me to no end." He said that he understands the need,
39 and stated, "That doesn't make it any more pleasant."

40
41 Mr. Reischmann discussed the issues considered by staff before the agreement was presented to
42 Council. One of the issues was that time concern was not being addressed to the satisfaction of staff.
43 Additionally, an argument could be made that the problems were not the fault of the contractor, but
44 were a result of the geological conditions at the well site. Based upon the advice of the City's
45 engineering firm, a decision was made that the most prudent action at this time to expedite the
46 drilling of the wells was to cancel the contract with Layne and hire a new contractor.

1 Mayor Erwin asked what the new contractor would do differently to avoid similar problems.

2
3 Jerry Thompson, Thompson Wells, came forward. Mr. McCue noted that Thompson is drilling the
4 wells at the new high school. Mr. Thompson said that his company would use a different
5 construction method that would involve installation of the surface casing by air hammer rather than
6 cement which would allow them to go deeper in the event of the intrusion of sand. Once the surface
7 casing has been inserted successfully, the inner casing is cemented in.

8
9 **Vice Mayor Yebba moved to authorize the City Manager to execute**
10 **the settlement agreement with Layne Christensen, seconded by**
11 **Council Member Allebach, and passed by unanimous 6/0 voice vote of**
12 **the Council.**

- 13
14 C. **RESOLUTION NO. 387-07:** A resolution of the City Council of the City of Orange
15 City, Florida, authorizing the City Manager to enter into an agreement with
16 Thompson Well and Pump, Inc.; repealing all resolutions or parts of resolutions in
17 conflict herewith; and providing for an effective date.

18
19 **Council Member Allebach moved to adopt Resolution No. 387-07,**
20 **seconded by Council Member Storke.**

21
22 Council Member Mahoney expressed that he would prefer to see the execution of the Settlement
23 Agreement prior to authorizing a new contract with Thompson. Mr. McCue recommended that
24 Council not do that. He expressed his concern that a delay could jeopardize the City's permits with
25 the Water Management District. He further expressed his concern that a delay could result in
26 mobilization costs with Thompson if they move on from their work at the schools before beginning
27 the City's wells. Council Member Mahoney asked, "If everyone is so motivated, how much time are
28 we talking?"

29
30 Council Member Sherrill noted that the settlement agreement has been approved and asked how long
31 it would take to have it executed. Mr. Reischmann noted that Council has approved the City's
32 execution of the settlement agreement which provides that the City is to make payment by February
33 23rd. He said that if the agreement is executed by the City Manager tonight, he can deliver it to
34 Layne tomorrow.

35
36 Council Member Mahoney noted that the amendment of the agenda tonight to consider the
37 authorization of the settlement agreement means to him that one contract should be settled before
38 entering into another. He stated, "What we're suggesting now is inconsistent with that."

39
40 Mr. McCue said that he would withdraw his recommendation and stated, "Point well taken." He
41 said that if Council wants to amend the recommendation regarding the new contractor, staff would
42 get it done. He stated, "I just hate to give Layne an opportunity, and that's what we're doing, is
43 we're giving them an opportunity."

44
45 Mayor Erwin said that he did not have any objections with moving forward as time is an element due
46 to the City's permits with St. Johns. He noted that Layne would not be able to start on the job for

1 another two weeks. He spoke in support of moving forward with Thompson and dealing with Layne
2 if necessary. Mr. Reischmann advised that if Layne refuses the settlement agreement, the City
3 would declare them in default and make a claim on the bond. The Mayor noted that it would not
4 look good for Layne to have default proceedings in the public record.

5
6 Council Member Allebach expressed his confidence that Layne would sign the agreement since the
7 City would not bring them back to complete the job in any case. Mayor Erwin concurred.

8
9 In response to a question from Vice Mayor Yebba, Mr. Reischmann said that the City's actions
10 toward execution of the settlement agreement will not be affected in any way by entering into a new
11 agreement with Thompson Wells. He said that he will either be executing the settlement agreement
12 or taking up the matter in court. Mr. Reischmann stated that the current contract with Layne has
13 provisions for termination and that the City would simply be executing those. He reiterated his
14 confidence that Layne would have no objections to executing the settlement agreement and that to
15 them it represented "sterilizing" the termination by making it a mutual agreed-upon decision.

16
17 **Motion passed by unanimous 6/0 roll call vote of the Council.**

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19 **D. RESOLUTION NO. 388-07:** A resolution of the City Council of the City of Orange
20 City, Florida, urging members of the Florida Legislature to support certain issues
21 during the 2007 legislative session; and providing for an effective date.

22
23 **Council Member Allebach moved to adopt 388-07, seconded by Vice**
24 **Mayor Yebba.**

25
26 Angel Smith, Community Relations Coordinator, came forward and stated that the Florida League of
27 Cities has been assembling issues for the 2007 legislative session which could have an affect on
28 Volusia County and its municipalities. The key issues adopted in the legislative conference address
29 county charter relations, affordable housing, and property tax reform.

30
31 Mr. McCue noted that Vice Mayor Yebba is on one of the legislative planning committees. He said
32 that the proposed resolution of support adds support to the League's lobbying process. He advised
33 that the issues addressed in the Resolution are fairly broad in scope as opposed to being specific to
34 Orange City.

35
36 Mayor Erwin said that he has no problem endorsing the legislative position of the League. He
37 expressed that this would be a critical year because of the taxation issues before the legislature
38 which could have a serious financial impact on the cities. He warned that if passed, these measures
39 could result in a serious reduction in municipal service levels.

40
41 Mr. McCue discussed some of the tax reduction proposals in detail and the deleterious effect they
42 could have on the City if adopted by the legislature. Mayor Erwin talked about the importance of
43 having representation on behalf of the municipalities when these issues are debated by the
44 legislature. Mr. McCue noted that in addition to the cuts in ad valorem taxes being discussed by the
45 legislature, they are also discussing cuts to the City's traditional alternative revenue streams such as
46 utility taxes and franchise fees.

1 Mr. McCue said that he has already scheduled appointments with legislators during this year's trip to
2 Tallahassee to discuss issues directly affecting the City such as DEP permitting, criteria for historic
3 preservation grants and closest unit response. He said that he will begin forwarding emails that he
4 receives from the Florida League of Cities regarding the progress on issues during the session.

5
6 Vice Mayor Yebba noted that Counties and School Boards will also be affected by the proposed tax
7 cuts. Mr. Reischmann noted that Senate Bill 360 regarding concurrency which has already been
8 adopted by the Legislature has a profound limiting effect on a municipality's ability to grow.

9
10 **Motion passed by unanimous 6/0 roll call vote of the Council.**

11
12 **7. DISCUSSION AND ACTION:**

13
14 A. Police Recruit Sign On Bonus

15
16 Mr. McCue stated that the sign on bonus is being proposed in order to be competitive in recruiting
17 new police officers. The bonus would be paid out in two installments: \$500 upon completion of
18 field training and \$500 upon completion of probationary period and the execution of an employment
19 agreement. Mr. McCue said that Orange City would be the only city in the County to offer such an
20 agreement.

21
22 In response to a question from Mayor Erwin, Mr. McCue said that the bonus program would be
23 effective with the next group of police department recruits. In response to a further question from
24 Mayor Erwin, Commander Thomas stated that the Department's turnover rate has declined. He said
25 that once recruits are hired, they tend to stay. The number of new hires has been averaging about
26 three or four per year. The Commander said that the last new hire was January 4th. Mayor Erwin
27 expressed his concern regarding recent new hires that would not be eligible and resentful when they
28 learned of the newly implemented bonus. Mr. McCue said that the bonus would be effective only to
29 new hires after tonight.

30
31 Vice Mayor Yebba asked whether pro-rating the bonus was considered based on how long someone
32 stays. He expressed his concern over the disruption of having a disgruntled employee remaining on
33 the force only to get the bonus before leaving. Mr. McCue responded that the probation period is a
34 year. Mayor Erwin expressed that pro-rating the bonus would diminish the intended effect.

35
36 BEGIN TAPE 2-A

37
38 In response to concerns raised by Council Member Mahoney, Mr. McCue said that the bonus would
39 represent \$500 the first year and an additional \$500 at the beginning of the second year. He
40 concurred with the Mayor that pro-rating the bonus would severely impact its intended purpose.

41
42 In response to a comment from Vice Mayor Yebba, Mr. McCue said that he has instructed the
43 Human Resources Director to look into some similar measures for the Fire Department, specifically
44 related to the base pay.

45
46 In response to a question from Council Member Allebach, Commander Thomas said that the Police

1 Officers are provided with all of the equipment they need to perform their job. Mr. McCue
2 discussed the progress that has been made in equipping both departments.

3
4 **Council Member Mahoney moved to approve the City Manager to**
5 **implement the recruitment bonus program for the Police Department,**
6 **seconded by Vice Mayor Yebba and passed by 6/0 unanimous voice**
7 **vote of the Council.**
8

9 **8. REPORTS:**

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11 A. City Manager

12
13 Mr. McCue advised that he has been keeping Council apprised of the developments with the closest
14 unit response (CUR) agreement via emails. He said that nothing has changed since his last
15 communication. He said that he is trying to schedule a meeting for next week.

16
17 A. Mayor/City Council

18
19 Mayor Erwin reported that the Smart Growth Committee met for the second time last week. He said
20 that things are moving well and the Committee approved the depiction of the environmental corridor
21 in Map A. The designated land use will not be affected by annexation. The Committee requested
22 that the maps be enlarged and that jurisdictional boundaries be included. Mayor Erwin advised that
23 Map A includes areas which may be environmentally sensitive, but which could be developed on a
24 limited basis. He said that if Map B was used as the full environmental corridor, it would not be
25 financially feasible to purchase the land needed to create an environmental easement. Map B would
26 allow for some development. There have been discussions regarding the creation of a Map C which
27 would include any land not in Map A or Map B. Mayor Erwin expressed his optimism that an
28 agreement could be reached on the maps, however, he noted that there must be an agreement
29 between the cities and the County in order to move to implementation. The Committee has agreed
30 to a self-imposed deadline of the end of April to present a proposal to the County for their action.

31
32 Mayor Erwin referenced correspondence from the City of Deltona regarding possible
33 partnership opportunities. He said that he had not responded to the letter as yet and asked for
34 input from Council prior to doing so. He said that his response was to let them know that
35 Orange City wants to consider all options available and is not interested in a partnership
36 venture at this time, although he would not rule out something in the future. Mayor Erwin
37 advised that prior to entering an inter-jurisdictional project, "Make sure your partners are
38 stable."

39
40 B. City Clerk

41
42 The City Clerk provided an update on the plans for the 125th anniversary celebration. Ms. Renner
43 announced that tickets are now on sale for the Community Dinner to be held on March 17th
44 following the parade. The turkey dinner will held at the Volusia County Baptist Church. Tickets for
45 the dinner are \$2 and will be available at all City offices. Also for sale in the Clerk's office are
46 commemorative license plates, t-shirts and posters. Joan and Bob LaFleur have been coordinating

1 the historic tour. Ms. Renner said that the Committee will be enlisting volunteer support for the
2 tour. Mayor Erwin noted that there will be a rededication of Town Hall at 2:00 prior to the tour. A
3 commemorative history booklet has been developed and should be available March 1st. Ms. Renner
4 expressed her hope that there will be a good attendance at the events and that everyone will have a
5 good time. In response to a question from Vice Mayor Yebba, Angel Smith, Community Relations
6 Coordinator, stated that at this time, a little over \$40,000 has been received in sponsorships. She
7 said that sponsorship opportunities will be advertised in the upcoming newsletter. Vice Mayor
8 Yebba asked that Ms. Smith notify Ken Ma, Orlando Sentinel reporter of the total amount of
9 sponsorship so that he could publish a retraction of his earlier story. Mayor Erwin said that it was
10 hoped that the City would receive at least fifty percent of the total cost of the events in sponsorships.
11

12 Council Member Allebach said that he has been receiving positive comments regarding the headline
13 band for the Birthday Party celebration at Valentine Park.
14

15 Mayor Erwin explained that the Committee is trying to keep advertising on a local basis to
16 accommodate all of the residents from Orange City who would like to attend.
17

18 D. City Attorney

19
20 The City Attorney had no report.
21

22 **9. APPROVAL OF MINUTES**
23

24 **Council Member Allebach moved to approve the minutes of**
25 **the January 23, 2007 Workshop Meeting and the minutes of**
26 **the January 23, 2007 Regular Council Meeting minutes,**
27 **seconded by Council Member Sherrill.**
28

29 Council Member Mahoney noted a clarification to the regular meeting minutes on Page 6, second
30 paragraph, should read, "...inconsistent with what I just heard was you want the lowest price."
31

32 **Motion passed by unanimous 6/0 voice vote of the Council and**
33 **the minutes were approved as amended.**
34

35 **10. COUNCIL COMMENTS**
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37 Vice Mayor Yebba referenced the Strategic Plan booklet that was mailed to all City residents and
38 recalled that a comment was made that "you'd be better off sending out toilet paper" and that the
39 booklet was hard to understand. He expressed his disagreement with those statements, noting that
40 the City has received praise from around the County for the report.
41

42 Council Member Sherrill stated, "City Hall sure is looking good." He noted that the City Clerk's
43 office is finally being painted inside.
44

45 Council Member Allebach said that the City has been receiving a lot of "attacks". He expressed his
46 appreciation to City staff who provided support during the Manatee Festival. He said that over

1 6,000 people attended the Festival and over 170 manatees were in the Spring on Saturday. Council
2 Member Allebach stated, "With all the trials and tribulations, things are really pretty good in
3 Southwest Volusia and I hope we continue to look for the good."

4
5 Council Member Storke thanked Mr. Seaman for agreeing to serve on the Planning Commission.
6 He noted that there is still an opening to represent the City on the Bicycle/Pedestrian Taskforce of
7 the MPO. He stated, "If somebody is interested in outdoors, or just interested in cycling, or walking,
8 it's a great group to get with." He encouraged anyone interested to pick up an application in the City
9 Clerk's office.

10
11 Council Member Mahoney stated, "I, too, am disappointed with the outcome of the Partnership
12 Center. However, I don't believe it serves anyone's purpose to be critical of Deltona."

13
14 Mayor Erwin commented on the City's Strategic Plan stating that all cities engage in annual goal
15 setting sessions, however, Orange City decided to approach it by designing a long-term vision with
16 the steps necessary to achieve that vision each year along the way. Mayor Erwin said that at the
17 time Orange City decided to engage in long-term strategic planning, they were the only City in
18 Volusia County to use that approach. The Mayor noted that other cities are beginning to adopt the
19 practice and that Volusia County adopted it last year. The new concurrency laws mandate that by
20 2008, all local jurisdictions must have a strategic plan as part of their growth management plan.
21 Mayor Erwin said that Orange City's plan was used as an example at a recent VCOG meeting.

22
23 **11. ADJOURNMENT**

24
25 There being no further business, Mayor Erwin adjourned the meeting at 9:08 p.m.

26
27 **RESPECTFULLY SUBMITTED:**

28
29
30 Deborah J. Renner, CMC
31 City Clerk

APPROVED ON
