

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, February 27, 2007 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 Anthony R. Yebba, Council Members Jeff H.
12 Allebach, Donald C. Sherrill, Joelle DeVane, Jim Mahoney, Robert A. Storke; City
13 Manager John. J. McCue; City Attorney William Reischmann; City Clerk Deborah
14 Renner

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

- 17
18 **1. PRESENTATIONS:** Certificates of Commendation
19 State of the City & Strategic Plan 1st Qtr. Performance Reports

20
21 Mayor Erwin announced that both the Certificates of Commendation and the State of the City &
22 Strategic Plan 1st Qtr Performance Reports presentations have been postponed and advised that the
23 Community Relations Coordinator will give a recap on the new property tax proposals.

24
25 Angel Smith, Community Relations Coordinator, came forward and reported that a Florida League
26 of Cities (FLC) poll conducted in February 2007 showed that voters feel that local taxes should be
27 kept local and that a sales tax is fairer than a property tax. The poll also revealed that citizens do not
28 want to see cuts in services provided by their local governments.

29
30 Ms. Smith reported that she and Mayor Erwin attended the 2007 Legislative Issues and Advocacy
31 Training provided by FLC. Ms. Smith distributed a copy of a PowerPoint presentation and the
32 Legislative Alert update on Property Tax reform received at that training (a copy of which is
33 attached and becomes a permanent part of these minutes). She recalled that there were four action
34 items on the FLC 2007 Legislative Agenda previously presented to Council; (1) Charter County
35 Relations, (2) Property Tax Reform, (3) Affordable Housing and (4) Growth Management. Ms.
36 Smith advised that that the FLC has added the issues of Water and Sewer, Transportation
37 Funding/Planning, Traffic Enforcement, Cable Franchising, Worker's Comp for 1st Responders, and
38 Emergency Management Preparedness to the Agenda. Ms. Smith said that the training summarized
39 the issues, solutions and the current status of the legislative actions. The FLC will be advocating for
40 legislation that is currently being filed to return home rule authority to cities and counties. Ms.
41 Smith said that information has been provided to Council regarding the property tax reform issue,
42 noting that the FLC will be opposing current legislation capping revenue and expenditures related to
43 property taxes. Ms. Smith continued her presentation by providing an update on the status of each
44 of the issues FLC is actively monitoring.

45
46 Ms. Smith advised that staff has been in contact with the offices of every Volusia County delegate

1 and have three tentative appointments scheduled. All other meetings will be made one and a half
2 weeks prior to visiting Tallahassee. She said that the three issues staff will be addressing which are
3 specific to Orange City are Historical Preservation Grants, the COPCN and Department of
4 Environmental Protection (DEP) and landfill issues.

5
6 Mr. McCue gave a brief history of those issues specific to Orange City. In regard to the COPCN
7 issue, he said staff will be addressing changes to the legislative authority given to counties to grant a
8 COPCN to its cities. He noted that this statute has not been reviewed since 1973. In response to a
9 question from Vice Mayor Yebba, Mr. McCue said that he did not know if any other county has
10 denied a city's COPCN under the statute. Regarding the landfill issue, Mr. McCue explained that
11 the City is asking the State legislature to enact regulation that would require the regional offices of
12 DEP to obtain an affidavit from local communities that affirms that the landfill meets local land use
13 laws including a permit from the Water Management District. He stated, "That would avoid the
14 situation that Orange City is in today for future communities." Mr. McCue said that the final issue
15 deals with the restrictive covenants of Historical Preservation Grant awards and the way the State
16 Historical Preservation Architects deal with the communities and the approval process of these
17 projects. Mr. McCue reiterated that some of the issues are specific to Orange City while there are
18 common issues such as property tax reform that will affect all cities and counties in the state and that
19 all cities and the FLC will be lobbying on behalf of those.

20
21 Mayor Erwin remarked that two-thirds of the informational session was spent on tax reform and
22 noted there are several processes being considered. The bill currently drawing the most discussion is
23 regarding property taxes and will affect those citizens who currently receive a homestead exemption
24 and the benefit of the "save our homes" act. Mayor Erwin suggested that there are a lot of inequities
25 in the tax program in Florida that need to be addressed and suggested that a better way to address the
26 issue is to establish a tax reform study group that would study the best way to proceed and present
27 "solid reform" that would be beneficial to everyone.

28
29 Mr. McCue expressed his concern with the proposed bill, noting that these are not insignificant
30 issues. The proposed new legislation would reduce revenues by as much as 25% and cap
31 expenditures at previous year levels. He discussed the devastating impact this measure would have
32 on Orange City's ability to provide services such as public safety. If adopted, the law could reduce
33 the City's ad valorem revenue by over \$750,000. He urged everyone to watch what is happening
34 and make phone calls to elected officials in Tallahassee. Mr. McCue advised that next year's
35 operating budget would be prepared based on potential cuts to ad valorem tax revenues and that the
36 budget would not be generated by growth, but by the State Legislature.

37

38 **2. CITIZENS COMMENTS:**

39

40 Robert Shirk 2872 Doe Run Trail, came forward and discussed the construction on Enterprise Road
41 in front of the Fawn Ridge subdivision. He noted that the area in front of the silt fencing is
42 overgrown and is an eyesore. He asked that it be cleaned up. Mr. McCue responded that the City's
43 land development code requires a landscape buffer along the outside boundary of the development.
44 He assured Mr. Shirk that it would be done.

45

46 **3. CONSENT AGENDA:**

- 1 **a. RESOLUTION NO. 389-07:** A resolution of the City Council of the City of
- 2 Orange City Florida, reappointing James Rader to Seat #06 on the Historic
- 3 Preservation Board of the City of Orange City, repealing all resolutions in conflict
- 4 herewith and providing for an effective date.
- 5
- 6 **b. RESOLUTION NO. 390-07:** A resolution of the City Council of the City of
- 7 Orange City Florida, reappointing Gerald Morin to Seat #07 on the Historic
- 8 Preservation Board of the City of Orange City, repealing all resolutions in conflict
- 9 herewith and providing for an effective date.
- 10
- 11 **c. RESOLUTION NO. 391-07:** A resolution of the City Council of the City of
- 12 Orange City Florida, reappointing Bob Reid to Seat #05 on the Historic
- 13 Preservation Board of the City of Orange City, repealing all resolutions in conflict
- 14 herewith and providing for an effective date.
- 15
- 16 **d. RESOLUTION NO. 392-07:** A resolution of the City Council of the City of
- 17 Orange City Florida, reappointing Marilyn Meyers to Seat #02 on the Historic
- 18 Preservation Board of the City of Orange City, repealing all resolutions in conflict
- 19 herewith and providing for an effective date.
- 20
- 21 **e. RESOLUTION NO. 393-07:** A resolution of the City Council of the City of
- 22 Orange City Florida, reappointing Linda Higgins to Seat #01 on the Historic
- 23 Preservation Board of the City of Orange City, repealing all resolutions in conflict
- 24 herewith and providing for an effective date.
- 25

26 **Councilmember Allebach moved to adopt the Consent Agenda,**
 27 **seconded by Vice Mayor Yebba and passed by unanimous 7/0**
 28 **roll call vote of the Council.**

29

30 Mr. Rader and Ms. Higgins were present and came forward and were administered their oaths of
 31 office by the City Clerk.

32

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

- 34
- 35 **A. ORDINANCE NO. 302:** an ordinance of the City of Orange City, Volusia County,
- 36 Florida, approving and authorizing the lease between the City of Orange City and
- 37 DeShields Transport, Inc. and Eugene J. Kocol of a portion of the Orange City Public
- 38 Works yard; providing for purpose, description, term, and consideration; providing
- 39 for conflicting provisions; providing for severability; providing an effective date.
- 40

41 **Councilmember Sherrill moved to adopt Ordinance No. 302 on first**
 42 **reading, seconded by Councilmember Allebach.**

43

44 Mr. McCue stated that the purpose of this ordinance is to request City Council authority to enter into
 45 a lease agreement with DeShields Transport and Eugene J. Kocol allowing them the use of city
 46 property located across from the Public Works main facility to store asphalt millings. He noted that

1 in exchange, the City will have free access to the millings, as well as the service of trucking the
2 millings to the job site. Mr. Paul Johnson, Public Works Director came forward and noted that
3 Public Works has been using a large amount of asphalt millings in parking lots throughout the city
4 and on dirt roads for stabilization and to reduce maintenance. Mr. Johnson said that the agreement
5 allows the City fifty yards of millings per month, noting that the City is currently paying \$1,200 for
6 this amount of product which does not include the cost to transport the millings to the job site.

7
8 Vice Mayor Yebba questioned how high the mound of millings would be. Mr. Johnson said that Mr.
9 Kocol would agree to any limit set by the City, but was requesting about 1,000 yards or fifty truck
10 loads which would make the mound about nine feet high. Mr. McCue noted that the City currently
11 stores a dirt pile there which is about twenty-five feet high and that the storage area is not visible
12 from the road.

13
14 In response to a question from Council Member Sherrill, Mr. Johnson said that the term of the
15 agreement is for six months with an option for renewal. Mr. Reischmann said that the agreement
16 was revised to limit the amount of material that can be stored at the site to 1,200 yards. Mr. McCue
17 distributed a copy of the revised agreement. Mr. Reischmann advised that if Council wants to adopt
18 the revised agreement, a motion to amend the ordinance was in order.

19
20 In response to a question from Council Member Mahoney, Mr. Johnson stated that the proposed
21 storage area is separate and apart from the old Orange City trash site. Council Member Mahoney
22 asked whether there is an odor associated with the asphalt millings. Mr. Johnson responded in the
23 negative.

24
25 **Council Member Mahoney moved to adopt the amended Lease**
26 **Agreement with DeShields Transport which limits the amount of**
27 **millings stored to a maximum of 1,200 yards at any given time,**
28 **seconded by Council Member Sherrill and passed by unanimous 7/0**
29 **roll call vote of the Council.**

30
31 Council Member Mahoney cautioned that the Lease be clear on the location of the storage area to
32 avoid any confusion with the old landfill area.

33
34 **Motion to adopt Ordinance No. 302 on first reading as amended**
35 **passed by unanimous 7/0 roll call vote of the Council.**

36
37
38 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

39
40 **Vice Mayor Yebba moved to table Ordinance No.'s 293, 294, 295, 296**
41 **and 298, motion died for lack of a second.**

42
43 Mayor Erwin noted that there are negotiations taking place which could have an impact on these
44 ordinances.

45
46 **Vice Mayor Yebba moved to table Ordinance No.'s 293, 294, 295, 296**
47 **and 298, seconded by Council Member Sherrill and passed by**

1 **unanimous voice vote of the Council.**

2
3 **BEGIN TAPE 1-B**

4
5 **A. ORDINANCE NO. 293:** An Ordinance of the City Council of the City of Orange
6 City, Florida, providing for a non-exclusive franchise to Waste Management for the
7 collection and disposal of commercial trash, garbage, recyclable materials and other
8 refuse within the city limits; providing for definitions, terms, conditions, rates,
9 compliance with laws, arbitration, standards of performance, collection, regulation,
10 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
11 repealer provision; a severability clause, and providing for an effective date.

12 **Postponed on 1/23/07**

13
14 **B. ORDINANCE NO. 294:** An Ordinance of the City Council of the City of Orange
15 City, Florida, providing for a non-exclusive franchise to Container Rental Company,
16 Inc. for the collection and disposal of commercial trash, garbage, recyclable materials
17 and other refuse within the city limits; providing for definitions, terms, conditions,
18 rates, compliance with laws, arbitration, standards of performance, collection,
19 regulation, operations, hours, routes, penalties, accounting, complaint resolutions;
20 containing a repealer provision; a severability clause, and providing for an effective
21 date.

22 **Postponed on 1/23/07**

23
24 **C. ORDINANCE NO. 295:** An Ordinance of the City Council of the City of Orange
25 City, Florida, providing for a non-exclusive franchise to Waste Services for the
26 collection and disposal of commercial trash, garbage, recyclable materials and other
27 refuse within the city limits; providing for definitions, terms, conditions, rates,
28 compliance with laws, arbitration, standards of performance, collection, regulation,
29 operations, hours, routes, penalties, accounting, complaint resolutions; containing a
30 repealer provision; a severability clause, and providing for an effective date.

31 **Postponed on 1/23/07**

32
33 **D. ORDINANCE NO. 296:** An Ordinance of the City Council of the City of Orange
34 City, Florida, providing for a non-exclusive franchise to Waste Pro for the collection
35 and disposal of commercial trash, garbage, recyclable materials and other refuse
36 within the city limits; providing for definitions, terms, conditions, rates, compliance
37 with laws, arbitration, standards of performance, collection, regulation, operations,
38 hours, routes, penalties, accounting, complaint resolutions; containing a repealer
39 provision; a severability clause, and providing for an effective date.

40 **Postponed on 1/23/07**

41
42 **E. ORDINANCE NO. 298:** An ordinance of the City Council of the City of Orange
43 City, Florida, providing for a non-exclusive franchise to Sunshine Recycling Inc. for
44 the collection and disposal of commercial trash, garbage, recyclable materials and
45 other refuse within the city limits; providing for definitions, terms, conditions, rates,
46 compliance with laws, arbitration, standards of performance, collection, regulation,

1 operations, hours, routes, penalties, accounting, complaint resolution; containing a
2 repealer provision; a severability clause and providing for an effective date.

3
4 **F. ORDINANCE NO. 299:** An ordinance of the City Council of the City of Orange
5 City, Florida, amending the exclusive franchise contract with Waste Management,
6 Inc. of Florida, a private corporation, for the collection and disposal of residential
7 solid waste, yard waste, and curbside recyclable materials within the city limits;
8 providing for definitions, terms, conditions, rates, compliance with laws, arbitration,
9 standards of performance, collection regulation operations, hours, routes, penalties,
10 accounting, complaint resolution; providing for conflicts; containing a severability
11 clause, a repealer provision, and providing for an effective date.

12
13 Mayor Erwin opened the public hearing on Ordinance No. 299 by asking if anyone wished to speak
14 in favor of or in opposition to the proposed ordinance.

15
16 Al Blue, 447 N. Oak, came forward and noted what he considers to be inconsistencies in the
17 ordinance. He noted that the proposed contract is in conflict with City code and stated, "In other
18 words, the contract takes precedence over City code." Mr. Blue said that the \$87,000 in bad debt
19 reported by staff is "a bogus number" which can't be justified and that the extremely high bad debt
20 ratio reported is "a false accusation." Mr. Blue advised that there are 1,560 pick up sites in the City,
21 not the 1,300 previously reported, stating that this has resulted in an under payment by the contractor
22 of fees due to the City. Mr. Blue said that he has more specifics that he would be happy to provide if
23 anyone is interested. He stated, "It appears the contract should be terminated for cause." Mr. Blue
24 suggested that the City explore "piggybacking" on the County's trash pickup contract for \$13 per
25 month, noting that a number of other contracts were handled this way. He further suggested
26 utilizing a non-exclusive contract as is used for commercial pickup, or that the City consider
27 providing trash pick up on its own. Mr. Blue requested that action on this item be postponed. In
28 conclusion, Mr. Blue stated, "Unless you give the homeowners a fair shake, you will be faced with
29 possible recall or redress action and I expect that none of you will be unopposed in the next
30 election."

31
32 Robert Shirk, 2872 Doe Run Trail, came forward and said that when he and some of his neighbors
33 called to complain to Waste Management, they were told the problems were the City's fault. He
34 questioned what recourse the City has at this point. Mr. McCue responded that the City Council
35 could cancel the contract and start the process all over again. Council Member Mahoney noted that
36 the City has a signed contract with Waste Management. Mr. McCue said that he was referring to the
37 amendment. Council Member Mahoney clarified that the two options available are to continue with
38 the original contract at \$30 per month which people said they couldn't afford, or to reduce the level
39 of services to bring the cost down. Mr. McCue said that there is a lot of "misinformation" in the
40 community regarding this matter. He said that the City can not "piggyback" on the County's
41 contract because the County would not allow it. He stated that Council's decision to award the
42 contract was based on a bid, not on a bad debt estimate. Mr. McCue said that Waste Management
43 allowed the City to negotiate the cost down after the contract was signed and that he is pursuing
44 another avenue for further cost reductions. He said that the proposed amendment will reduce the
45 cost to \$21.64 once tax roll billing is implemented and that he hopes to have a further discount by
46 the second meeting in March. Mr. McCue said that he is following up on the recent complaints

1 regarding recycling pickups and that he has Code Enforcement looking into the matter. He also said
2 that he is going to implement the three-member committee provided for in the contract.
3 Additionally, there is a form on the City's web site to make anonymous complaints so they can be
4 tracked by the City.

5
6 Randall Johns, 418 S. Carpenter, came forward and thanked Council and staff for working with
7 Waste Management to reduce the garbage rates.

8
9 No one else appeared. The Mayor closed the Public Hearing.

10
11 **Council Member Sherrill moved to adopt Ordinance No. 299 on**
12 **second reading, seconded by Council Member Allebach.**

13
14 Council Member Mahoney asked whether the final version of the ordinance contains the revision
15 that notes the date the 1/1/1 service will begin as April 1, 2007. Mr. McCue responded in the
16 affirmative.

17
18 Council Member Allebach noted that Orange City's contract does not include a fuel surcharge as
19 does the contract of a number of other cities. He said that he spoke with someone from Port Orange
20 where the rate is \$20 per month, however, he was told their bills are running over \$30 per month
21 after application of the fuel charge.

22
23 **Motion passed by unanimous 7/0 roll call vote of the Council.**

24
25 **6. RESOLUTIONS:**

26
27 **SPECIAL PUBLIC HEARING**

- 28
29 **A. RESOLUTION NO. 383-07:** A resolution of the City of Orange City, Florida
30 electing to use the uniform method of collecting non-ad valorem special assessments
31 levied within the incorporated area of the city; stating a need for such levy; providing
32 for the mailing of this resolution; and providing for an effective date.

33
34 Mayor Erwin opened the Public Hearing by asking if anyone wished to speak in favor of or in
35 opposition to the proposed resolution. No one appeared. The Mayor closed the Public Hearing.

36
37 **Council Member Allebach moved to adopt Resolution No. 383-07,**
38 **seconded by Council Member Storke.**

39
40 Mr. McCue advised that this Resolution is required in order to implement the ad valorem method of
41 collection and serves as a notice to the Tax Collector and Property Appraiser.

42
43 Council Member Mahoney cautioned staff to be meticulous in the implementation of this process.

44
45 **Motion passed by unanimous 7/0 roll call of the Council.**
46

1 **B. RESOLUTION NO. 395-07:** A resolution of the City Council of the City of
2 Orange City, Florida, appointing Paul DeSilva to Seat #04 on the Orange City
3 Planning Commission; repealing all resolutions in conflict herewith and
4 providing for an effective date.

5
6 **Council Member Sherrill moved to adopt Resolution No. 395-07,**
7 **seconded by Vice Mayor Yebba.**
8

9 Council Member Sherrill advised that he and staff met with Mr. DeSilva after he submitted an
10 application to serve on the Planning Commission. He said that he is submitting Mr. DeSilva for
11 appointment to Seat #04 on the Commission.

12
13 **Motion passed by unanimous 7/0 roll call vote of the Council.**
14

15 Mr. DeSilva came forward and the City Clerk administered his oath of office.

16
17 **7. DISCUSSION AND ACTION:**

18
19 A. Orange City Little League Contract
20

21 Mr. McCue recalled that in years past, this has been a contentious issue in the City and he
22 commended James Moltz, Parks and Recreation Superintendent, and the parents of the Little League
23 for the current positive working relationship between the League and the City.

24
25 In response to a question from Mayor Erwin, Mr. Moltz confirmed that this contract is the same as
26 last year's.

27
28 **Council Member Sherrill moved to approve the Orange City Little**
29 **League contract, seconded by Vice Mayor Yebba.**
30

31 Council Member Allebach praised the folks at Little League for their efforts. He said that he has
32 heard reports that there have been break-ins at the park. Mr. McCue responded that the Sheriff's
33 Office patrols the park. Council Member Allebach asked whether there was anything the City could
34 do to help secure the buildings at the park. Mr. Moltz said that Public Works has worked to help
35 reduce opportunities for access to the buildings. Mr. McCue said that it has been an ongoing process
36 at the park.

37
38 Council Member Storke noted that Exhibit A, the map, was missing from his copy of the contract.

39
40 **Motion passed by unanimous 7/0 voice vote of the Council.**
41

42 B. Hazardous Tree Survey
43

44 Mr. McCue reported that in response to concerns issued by Council Member Sherrill several months
45 ago, staff commissioned an arborist to conduct a survey of potentially hazardous trees located on
46 City right of ways, as well as to initiate code enforcement action against trees located on private

1 property. Mr. McCue said that there was an incident in the past where a tree fell from an alleyway
2 and crushed a building on private property. He said that the City's insurance company would not
3 pay the claim because it was an unknown liability to the City and, therefore, they were not
4 responsible for covering it. He said that now that the survey has been completed, any further
5 damage to private property would be covered under the City's liability insurance.

6
7 Council Member Mahoney questioned whether the City would incur liability by knowing about a
8 hazard but doing nothing to correct it. Mr. McCue responded that the City's risk would be that if the
9 tree falls on someone's property, the liability insurance would have to cover it. Council Member
10 Mahoney stated, "I'm not advocating this...if we did nothing in response to this, we are aware, we
11 don't act in a prudent manner and a tree falls and crushes a house. We expect our liability coverage
12 to cover it despite the fact that we were aware of the hazard and did nothing?" Mr. McCue
13 responded that the insurer doesn't require the City do anything about the hazard. He said that
14 Council would see a request for future funding to incrementally eliminate the hazards identified in
15 the report.

16
17 Council Member Allebach asked whether the trees would be replaced as they are removed. Mr.
18 McCue responded that the trees could be replaced, however, he would not recommend using laurel
19 oaks in the future. He said they would recommend using low profile trees.

20
21 Vice Mayor Yebba noted that there are a number of trees around Blue Springs Villas which are in
22 need of immediate attention.

23
24 Mr. McCue said that the tree identified in Rotary Park has already been removed. In response to a
25 question from Council Member Storke, Mr. McCue said that in the cases where the dangerous trees
26 are located on private property, the owners would receive notification to remedy the situation.

27
28 Mayor Erwin noted that the cost of \$1,000 per tree to remove the trees identified in the report
29 appeared to be reasonable. He asked whether the City could allow private property owners to have
30 their trees removed at the same cost while the City's trees were being removed. Mr. McCue said
31 that he would explore that with the contractor.

32
33 **Council Member Allebach moved to accept the tree survey and**
34 **the recommendations of staff to implement the survey to**
35 **correct the problems, seconded by Vice Mayor Yebba and**
36 **passed by unanimous 7/0 voice vote of the Council.**

37
38 **8. REPORTS:**

39
40 A. City Manager

41
42 Mr. McCue said that he previously forwarded communication regarding the recent COPCN
43 investigation which showed that the City was cleared and no violation was found. He said that he is
44 meeting tomorrow morning with County staff regarding the COCPN and it appears the matter has
45 been resolved with the exception of one item giving the County the authority not to fund the
46 agreement in any fiscal year. He said that he wants a clause which prohibits the County from

1 canceling the City's COPCN in the event the agreement is not funded. Mr. McCue clarified that if
2 the County does not fund the agreement, the City would still be required to provide first response
3 without compensation or lose its COPCN license. He advised that he told Ms. Connors if that clause
4 is not removed, he will not recommend approval of the Interlocal Agreement to the City Council.
5 Mr. McCue stated that he does not care that Orange City is the only City that hasn't signed the
6 agreement, but stated that he will recommend that Council authorize it if the above referenced
7 change is made, and then litigate the matter in the courts.

8
9 Mayor Erwin suggested that after the agreement is signed, the City should bring the matter before
10 VCOG.

11
12 Vice Mayor Yebba asked whether a traffic light was still planned for Harley Strickland Blvd.
13 Chester Murray, Development Services Director, came forward and stated that a light was planned at
14 the hospital entrance. An additional light is planned at Threadgill. Mr. McCue expressed his
15 opposition to having three lights between Veterans Memorial and Threadgill, however, he did say
16 that a light is needed between the Kohls' property and the hospital. In response to a question from
17 Mayor Erwin, Mr. Murray said that decel lanes were also planned at Kohls. He noted that cross
18 access agreements were in place which would allow someone to travel the entire Kohls development
19 to the water plant without entering Harley Strickland.

20
21 BEGIN TAPE 2-A

22
23 Vice Mayor Yebba asked for an update on bus shelters, noting that he has noticed a number of
24 people waiting at the stops either sitting on the sidewalk or in wheelchairs. Mr. Murray responded
25 that he has been working with the hospital to install a shelter on their property. Mayor Erwin noted
26 that there were problems with obtaining right of way to install the shelters. Mr. Murray said that
27 new commercial developments are required to install a shelter if requested by the City. Vice Mayor
28 Yebba spoke in support of having more shelters on 17-92.

29
30 Mayor Erwin asked for an update on the splash pads in Rotary Park. Mr. Johnson said that staff is
31 currently in the process of securing an engineer for the design services. Mayor Erwin recalled that
32 Council had authorized the purchase of the parts some six months ago. Mr. Johnson said that staff
33 did not purchase the parts because they wanted the engineering completed first. Mayor Erwin asked
34 how this would affect the price. Mr. McCue said that it would not because the price is fixed in the
35 contract. Mr. Johnson confirmed that the contract price is secured for a year. Mr. McCue said that
36 staff has not been able to find an engineer because the job is small. Mayor Erwin suggested asking
37 the County for one of their engineers. Mr. McCue responded that the County adds 38% for
38 overhead to the cost of any service they provide to the City. He advised that the City does not use
39 the County's services any more. Mr. Johnson recalled that the cost the City paid for the entire
40 contract to install the sewer lines on Veterans Memorial was less than what the City's share of the
41 engineering costs only would have been.

42
43 B. Mayor/City Council

44
45 Mayor Erwin recalled that a vote was taken in January to restructure WAV, however, there have
46 been questions raised by some of the city managers involved. The Mayor noted that each time a

1 change is made, the final vote is delayed for sixty days.

2

3 Mayor Erwin advised that he has attended a number of meetings during which the proposed tax
4 reform was discussed. He expressed his concern over the “band-aid” approach currently being
5 considered and stressed the need for a complete revision.

6

7 The next Smart Growth meeting is scheduled for March 12th. He said that the group has agreed not
8 to change the land use on any property on Map A in the event of annexation. A program is being
9 developed regarding rural land stewardship. The Committee’s goal is to have a presentation ready
10 for VCOG by the end of April. He expressed his confidence that that goal would be met. The report
11 would then be forwarded to the County Council. The Chairman of the Growth Management
12 Commission has been invited to the March 12th meeting.

13

14 Mayor Erwin said that plans for the 125th anniversary celebration are progressing. Donations have
15 reached about \$50,000.

16

17 Mayor Erwin noted that the city of Port Orange is engaging in a strategic planning process.

18

19 Vice Mayor Yebba advised that he attended an MPO meeting during which an agreement between
20 the Brevard MPO and the Volusia County MPO was discussed, noting a trails agreement between
21 the two counties. The Vice Mayor noted a discussion regarding the traffic lights on U.S. 92 in
22 Daytona Beach, stating that it was reported that the lights were synchronized only on the way out of
23 town and not on the way in.

24

25 Mayor Erwin noted that Tom Laputka, the City’s representative on the Citizens Advisory Committee
26 (CAC) had turned in a report on their latest meeting. The Mayor thanked Mr. Laputka for the report.

27

28 C. City Clerk

29

30 The City Clerk had no report.

31

32 D. City Attorney

33

34 The City Attorney had no report.

35

36 **9. APPROVAL OF MINUTES:** February 13, 2007 Regular Council Meeting

37

38 **Vice Mayor Yebba moved to approve the minutes of the February**
39 **13th Regular Meeting, seconded by Council Member Allebach and**
40 **passed by unanimous 7/0 voice vote of the Council.**

41

42 **10. COUNCIL COMMENTS**

43

44 Council Member Sherrill expressed his hope that the Veterans Memorial relocation to Rotary Park
45 will be complete in time for the 4th of July celebration. Mr. McCue assured him that it would.

46

1 Council Member Storke discussed a request for funding from a local group and expressed his
2 concern that there is no extra funding available at this time. Mayor Erwin said that it is not the
3 policy of Council to approve funding to private organizations.

4
5 Council Member Mahoney stated, "I heard about 9:00 meetings when I ran over a year ago. I think
6 this is the first one."

7
8 Vice Mayor Yebba recalled a recent incident on I-4 involving a murder during which they were
9 searching for the gun used in the crime. He noted that just down the road from where they were
10 searching, a crew from the local prison was working and recalled that it reminded him of a scene
11 from the movie "Cool Hand Luke."

12
13 **11. ADJOURNMENT**

14
15 There being no further business, Mayor Erwin adjourned the meeting at 9:08 p.m.

16
17 **RESPECTFULLY SUBMITTED:**

18
19
20 Deborah J. Renner, CMC
21 City Clerk
22

APPROVED ON
