

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange  
2 City, Florida, held on Tuesday, March 27, 2007 at 7:00 p.m. in Council Chambers, 201 N.  
3 Holly Avenue, Orange City.

4  
5 **CALL TO ORDER**

6  
7 The Meeting was called to order at 7:00 p.m. by City Clerk Deborah Renner. Ms. Renner  
8 announced that both Mayor Erwin and Vice-Mayor Yebba were absent and that a presiding  
9 officer must be elected for the evening. City Attorney William Reischmann explained the  
10 procedure, citing the Council's Rules and Procedures.

11  
12 **Council Member Mahoney moved to nominate Council Member**  
13 **Don Sherrill to act as temporary Chairman for this council**  
14 **meeting, seconded by Council Member Storke and passed by a**  
15 **unanimous 4/0 voice vote of the Council.**

16  
17 The gavel was passed to Council Member Sherrill and roll call was taken.

18  
19 **PRESENT:** Council Members Jim Mahoney, Robert A. Storke, Donald C. Sherrill, Joelle  
20 DeVane; City Manager John. J. McCue; City Attorney William Reischmann;  
21 City Clerk Deborah Renner

22  
23 **ABSENT:** Mayor Albert T. Erwin; Vice Mayor Anthony R. Yebba, Council Member Jeff  
24 H. Allebach

25  
26 The Invocation was given by Chairman Sherrill, followed by the Pledge of Allegiance.

27  
28 **1. PRESENTATIONS:** Proclamation – Water Conservation Month  
29 Proclamation – Public Works Week  
30 State of the City Address

31  
32 **Proclamation – Water Conservation Month**

33  
34 Chairman Sherrill read a Proclamation into the record acknowledging April as Water  
35 Conservation Month and urged all citizens to practice water saving measures.

36  
37 **Proclamation – Public Works Week**

38  
39 Chairman Sherrill read a Proclamation into the record acknowledging the week of May 20-  
40 26, 2007 as National Public Works Week and urged citizens to recognize the contributions  
41 that public works officials make every day to health, safety, comfort and quality of life.

42  
43 **State of the City Address**

44  
45 Chairman Sherrill announced that the State of the City Address will be postponed to the next  
46 council meeting.

1     **2.     CITIZENS COMMENTS:**

2

3     Joan LaFleur, 20-A Azalea Drive came forward and thanked the Mayor for his vision, the  
4     City Clerk for her help and City officials for hosting the 125<sup>th</sup> celebration. She said it was a  
5     “huge” success.

6

7     Dorothy Pomeroy, 667 N. Leavitt Avenue came forward and agreed that the 125<sup>th</sup> birthday  
8     celebrations were successful. She thanked the committee and everyone involved and said it  
9     was a “fantastic job.” As President of the VIA Orange City Women’s Club, Ms. Pomeroy  
10    thanked the Council and the City for its assistance in moving and storing historic documents  
11    dating back to 1884 and stated that “at the age of 113 years old, we have a lot of homework.”

12

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

14

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

16

17        **A.     ORDINANCE NO. 300:** An ordinance of the City of Orange City, Florida,  
18        amending Section 8.3 of the City’s Land Development Code, said section  
19        being the official zoning map of the City of Orange City, Florida; said  
20        amendment changing the zoning classification of the Integra Landings  
21        (Strickland) property, consisting of approximately 55.59 acres of property  
22        generally located within the northeast quadrant of Veterans Memorial  
23        Parkway and East Rhode Island Avenue; from its present zoning classification  
24        of (MX-2) mixed use to (M-PUD) mixed use planned unit development;  
25        containing a repealer provision, a severability clause and providing for an  
26        effective date.

27

28                    **Council Member Mahoney moved to adopt Ordinance No. 300**  
29                    **on first reading, seconded by Council Member Storke.**

30

31    As point of order, City Attorney Reischmann advised Council that according to the City  
32    Charter, Section 2.8, a majority of the Council membership constitutes a quorum, and that  
33    the affirmative vote of four Council members shall be necessary to adopt any ordinance or  
34    resolution and not a majority vote of those present.

35

36    Jim Kerr, Assistant City Planner came forward and provided a PowerPoint presentation on  
37    the proposed rezoning classification of Integra Landings (a copy of which is attached and  
38    becomes a permanent part of these minutes). Referring to the proposed zoning map, he  
39    stated that the property is located on the northeast corner of Veterans Memorial Parkway and  
40    East Rhode Island Avenue and that staff and the Planning Commission have reviewed  
41    Section 3.5.2(f) of the Land Development Code and deemed this rezoning consistent and  
42    compatible. Staff is recommending approval of Ordinance No. 300.

43

44    Council Member Storke noted that on page 7 in the developer’s agreement the reference to  
45    Section 5.5.1 of the Land Development Code should read 5.1.1. Mr. Kerr agreed and said he  
46    would make the correction.

1                   **Motion to adopt Ordinance No. 300 on first reading passed by**  
2                   **unanimous 4/0 roll call vote of the Council.**  
3

4 Mr. Kerr advised that at the next meeting, staff will present this ordinance for the second and  
5 final reading and at the same meeting, staff will present the site plan for review and approval.  
6 He noted the site plans are available for pickup this evening.  
7

8 Council Member Mahoney commented that he would like to see commentary from the  
9 Planning Commission on this plan. Mr. Kerr responded there were several conditions and  
10 departures and that information is part of the site plan. The City Clerk apologized that the  
11 minutes were not ready for this meeting and stated they would be ready before the Planning  
12 Commission meeting next week.  
13

14 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**  
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- 16       **A. ORDINANCE NO. 301:** An ordinance of the City of Orange City, Florida,  
17 annexing certain portions of the right-of-way of Volusia Avenue (US 17-92)  
18 into the corporate limits of the City of Orange City, Florida; in accordance  
19 with the annexation provisions of Florida Statute 171.044; redefining the  
20 boundaries of the City of Orange City by amending the appropriate sections of  
21 the code of ordinances; containing a repealer provision, a severability clause  
22 and providing for an effective date.  
23

24                   **Council Member Storke moved to adopt Ordinance No. 301 on**  
25                   **second and final reading, seconded by Council Member**  
26                   **Mahoney.**  
27

28 Chairman Sherrill opened the Public Hearing by asking if anyone wished to speak in favor of  
29 or in opposition to the proposed ordinance. No one appeared. The Chairman closed the  
30 Public Hearing.  
31

32 Council Member Mahoney remarked that he read a memo from Marilyn Ann Connors,  
33 Deputy County Manager stating that the County does not support this annexation. Mr.  
34 McCue responded that Ms. Connors' correspondence alluded to the inclusion of county roads  
35 not state roads and noted this is a state road. He said the purpose of this ordinance is to clear  
36 up jurisdictional problems for Law Enforcement, Fire, EMS and the maintenance of the right  
37 of way. It is predominately a public safety issue and it is important for the public and the  
38 property owners to understand that this does not open the door for voluntary annexations.  
39 Mr. Reischmann confirmed and noted that Florida Statute 171.044. specifically states that  
40 annexation of the right of way does not act as the basis of contiguity. He reiterated this  
41 would settle some questions regarding jurisdiction in response to providing public safety  
42 services.  
43

44 Mr. McCue stated that in the past, roads were not included with an annexation and that has  
45 contributed to the jurisdictional problems the City is having with county and state roads in  
46 the city limits. He said that in order to provide services to citizens on these roads, the City  
47 has entered into various interlocal agreements with the county and the state. However, there

1 have been police cases turned over to the county and state after the police department had  
2 begun its investigation. Adopting this ordinance allows the City to provide Law  
3 Enforcement, Fire, and EMS services and empowers the city to enforce its codes on the road.  
4

5 **Motion to adopt Ordinance No. 301 on second and final**  
6 **reading passed by unanimous 4/0 roll call vote of the Council.**  
7

8 **6. RESOLUTIONS:** None at this time.  
9

10 **7. DISCUSSION AND ACTION:** None at this time.  
11

12 **8. REPORTS:**  
13

14 A. City Manager  
15

16 Mr. McCue advised that staff will be going to Tallahassee tomorrow to address the City's  
17 legislative concerns and summarized the issues to be discussed. He recapped the problems  
18 the City experienced during the Town Hall renovations and noted that staff will met with  
19 State representatives to discuss the difficulties with these grants.  
20

21 Mr. McCue said that staff would also be discussing the City's Closest Unit Response  
22 Agreement and the COPCN. He recalled the recent problems the city experienced with  
23 Volusia County while trying to get its COPCN. Mr. McCue stated that the State has criteria  
24 to use to determine if Orange City violated State law, but they do not have criteria to  
25 determine if the County violated state law. Staff will be meeting with legislators to have  
26 criteria identified that will determine when a county has violated State law. In addition, at  
27 the county level, a city will have certain criteria established in "statute or rule." Mr. McCue  
28 noted that the Interlocal agreement does not provide for default on the part of the County,  
29 making it unfairly one-sided.  
30

31 Mr. McCue reported staff would be talking with State representatives about the Department  
32 of Environmental Protection (DEP) permitting process for landfills. He said staff has asked  
33 the local DEP to revise the permit application to require property owners to obtain an  
34 affidavit from the local government that acknowledges that the landfill and the property  
35 owner are compliant with the land development regulations of that city. In response to a  
36 question from Council Member Mahoney, Mr. McCue said that he was optimistic about the  
37 DEP issue.  
38

39 B. Mayor/City Council  
40

41 There was no further report from the Council.  
42

43 C. City Clerk  
44

45 The City Clerk had no report.

46 D. City Attorney

1  
2 The City Attorney had no further report..

3  
4 **9. APPROVAL OF MINUTES:** March 13, 2007 Regular Council Meeting.

5  
6 **Council Member Storke moved to approve the minutes of the**  
7 **March 13th Regular Meeting, seconded by Council Member**  
8 **DeVane and passed by unanimous 4/0 voice vote of the**  
9 **Council.**

10  
11  
12 **10. COUNCIL COMMENTS**

13  
14 Council Member DeVane congratulated everyone on an “awesome” job on the 125<sup>th</sup>  
15 celebrations. She stated, “ I just want to applaud all of you and your hard work and  
16 dedication.”

17  
18 Council Member Mahoney also expressed thanks to those who participated in the 125<sup>th</sup>  
19 celebrations. He said, “It was quite an effort and very well received.”

20  
21 Council Member Storke agreed and said he enjoyed the week of festivities. He invited  
22 everyone to participate in the Safety Awareness Day on April 21<sup>st</sup> sponsored by the Volusia  
23 County MPO.

24  
25 Chairman Sherrill thanked and congratulated everyone who participated in the six days of  
26 activities for the 125<sup>th</sup> celebrations. He said “I was tickled to death to be a part of it.”

27  
28 BEGIN TAPE 1-B.

29  
30 **11. ADJOURNMENT**

31  
32 There being no further business, Chairman Sherrill adjourned the meeting at 8:35 p.m.

33  
34 **RESPECTFULLY SUBMITTED:**

**APPROVED ON**

35  
36  
37 Gloria Williams  
38 Deputy City Clerk

4/10/07

39