

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, May 8, 2007 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3  
4 **CALL TO ORDER**

5  
6 The Meeting was called to order at 7:00 p.m. by Vice Mayor Yebba and roll call was taken.

7  
8 **PRESENT:** Vice Mayor Anthony R. Yebba, Council Members; Jeff H. Allebach, Donald C. Sherrill,  
9 Robert A. Storke, Jim Mahoney, Acting City Manager Chester Murray; City Attorney  
10 Katherine Reischmann; City Clerk Deborah Renner

11  
12 **ABSENT:** Mayor Albert T. Erwin; Council Member Joelle DeVane; City Manager John McCue

13  
14 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

15  
16 **1. PRESENTATIONS:** None at this time

17  
18 **2. CITIZENS COMMENTS:**

19  
20 Thomas Abraham, 1065 S. Volusia Avenue, came forward and read a statement into the record (a copy  
21 of which is attached and becomes a permanent part of these minutes). Mr. Abraham discussed the  
22 importance of having a “mantra” and suggested that the mantra for governmental bodies should be the  
23 health, safety and welfare of the people. He stressed the necessity of staying focused on the mantra and  
24 the benefits that it will reap.

25  
26 Ray Blanchard, 526 Lynn Avenue came forward and expressed his concerns with the dangers of talking  
27 on cell phones while driving. He inquired about the possibility of the city adopting a cell phone usage  
28 law. Attorney Reischmann advised that traffic code is preemptive to the state. Vice Mayor Yebba asked  
29 that the City Manger and City Attorney research the options available to the City.

30  
31 **3. CONSENT AGENDA:** None at this time.

32  
33 **4. ORDINANCES - FIRST READING:**

34  
35 **A. ORDINANCE NO. 304:** An ordinance of the City of Orange City, Florida,  
36 amending Chapter 8 Licenses, Section 8-13 Taxes Specified, by revising the fee  
37 schedule set forth in Section 8-13; containing a severability clause, a repealer  
38 provision, and providing for an effective date.

39  
40 **Council Member Allebach moved to adopt Ordinance No. 304 on first**  
41 **reading, seconded by Council Member Storke.**

42  
43 Council Member Mahoney commented, “I’m surprised it wasn’t brought forth a year ago.”

44  
45 **Motion to adopt Ordinance No. 304 on first reading passed by unanimous 5/0**  
46 **roll call vote of the Council.**  
47

1           **B. ORDINANCE NO. 305:** An ordinance of the City of Orange City, Florida,  
2           annexing the John Knox Village property into the corporate limits of the City of  
3           Orange City, Florida; said property being generally located on the northwest  
4           corner of West Silverstone Court and Silverstone Drive, containing  
5           approximately 0.35 acres; in accordance with the voluntary annexation  
6           provisions of Florida Statute 171.044; redefining the boundaries of the City of  
7           Orange City by amending the appropriate sections of the code of ordinances;  
8           containing a repealer provision, a severability clause and providing for an  
9           effective date.

10  
11           **Council Member Sherrill moved to adopt Ordinance No. 305 on first**  
12           **reading, seconded by Council Member Allebach.**

13  
14           Jim Kerr, Assistant Planner, came forward and presented a PowerPoint presentation (a copy of which is  
15           attached and becomes a permanent part of these minutes). Referring to the presentation, Mr. Kerr  
16           pointed out the location of the .35 acre property on the map and said that the surrounding lots (on three  
17           sides) are within the city's jurisdiction. He said John Knox Village plans to erect 14 units on the  
18           property. Staff is currently reviewing the site plan and the PUD.

19  
20           Chester Murray, Acting City Manager, noted that John Knox Village has stated its intent to acquire all  
21           the surrounding properties and to amend their existing PUD to add more units. He said that the request  
22           before Council this evening is to annex the most recently purchased property into city limits. Staff is  
23           recommending adoption of this ordinance.

24  
25           In response to a question from Council Member Allebach, Mr. Kerr said that the John Knox Village  
26           property is vacant and that the houses being built on the surrounding lots are about 90% developed.

27  
28           **Motion to adopt Ordinance No. 305 on first reading passed by unanimous**  
29           **5/0 roll call vote of the Council.**

30  
31           **C. ORDINANCE NO. 306:** An ordinance of the City Council of the City of  
32           Orange City, Florida, providing for a non-exclusive franchise to Waste  
33           Management for the collection and disposal of commercial trash, garbage,  
34           recyclable materials and other refuse within the city limits; providing for  
35           definitions, terms condition, rates, compliance with laws, arbitration, standards  
36           of performance, collection, regulation operations, hours, routes, penalties,  
37           accounting, complaint resolutions; containing a repealer provision; a  
38           severability clause and providing for an effective date.

39  
40           **Council Member Mahoney moved to adopt Ordinance No. 306 on first**  
41           **reading, seconded by Council Member Storke.**

42  
43           Mr. Murray advised Council that this and the following ordinances are for non-exclusive commercial  
44           garbage franchises. He said these agreements are for one year and would be renewed annually. Staff  
45           plans to renew these agreements annually for five years and then consider an exclusive consolidated bid  
46           for both commercial and residential garbage pickup in the city. He said this will comply with State laws

1 that address the existing commercial franchises. Staff recommends approval of these ordinances.

2  
3 Christine Davis, Finance Director came forward and in response to a question from Council Member  
4 Allebach noted these agreements are all identical, the only difference from the previous version is that  
5 they are for one year.

6  
7 **Motion to adopt Ordinance No. 306 on first reading passed by unanimous**  
8 **5/0 roll call vote of the Council.**

9  
10 **D. ORDINANCE NO. 307:** An ordinance of the City Council of the City of  
11 Orange City, Florida, providing for a non-exclusive franchise to Container  
12 Rental Company for the collection and disposal of commercial trash, garbage,  
13 recyclable materials and other refuse within the city limits; providing for  
14 definitions, terms condition, rates, compliance with laws, arbitration, standards  
15 of performance, collection, regulation operations, hours, routes, penalties,  
16 accounting, complaint resolutions; containing a repealer provision; a  
17 severability clause and providing for an effective date.

18  
19 **Council Member Allebach moved to adopt Ordinance No. 307 on first**  
20 **reading, seconded by Council Member Mahoney, and passed by unanimous**  
21 **5/0 roll call vote of the Council.**

22  
23 **E. ORDINANCE NO. 308:** An ordinance of the City Council of the City of  
24 Orange City, Florida, providing for a non-exclusive franchise to Waste Services,  
25 Inc. for the collection and disposal of commercial trash, garbage, recyclable  
26 materials and other refuse within the city limits; providing for definitions, terms  
27 condition, rates, compliance with laws, arbitration, standards of performance,  
28 collection, regulation operations, hours, routes, penalties, accounting, complaint  
29 resolutions; containing a repealer provision; a severability clause and providing  
30 for an effective date.

31  
32 **Council Member Storke moved to adopt Ordinance No. 308 on first**  
33 **reading, seconded by Council Member Allebach.**

34  
35 Council Member Mahoney inquired about the one year term and the expiration date of the franchises.  
36 He noted the agreements would not be effective until May 22<sup>nd</sup> and would expire December 31, 2007.  
37 Ms. Davis responded that the reason those dates were selected is because staff wanted all of the  
38 agreements to expire annually in December. She noted that all of the franchisees have been operating  
39 without an agreement for some time, however, they have been paying their 20% franchise fees. Ms.  
40 Davis advised that the proposed franchise agreements will bring all of the providers into compliance.

41  
42 **Motion to adopt Ordinance No. 308 on first reading passed by unanimous**  
43 **5/0 roll call vote of the Council.**

44  
45 **F. ORDINANCE NO. 309:** An ordinance of the City Council of the City of  
46 Orange City, Florida, providing for a non-exclusive franchise to Waste Pro for

1 the collection and disposal of commercial trash, garbage, recyclable materials  
2 and other refuse within the city limits; providing for definitions, terms  
3 condition, rates, compliance with laws, arbitration, standards of performance,  
4 collection, regulation operations, hours, routes, penalties, accounting, complaint  
5 resolutions; containing a repealer provision; a severability clause and providing  
6 for an effective date.

7  
8 **Council Member Mahoney moved to adopt Ordinance No. 309 on first**  
9 **reading, seconded by Council Member Storke, and passed by unanimous**  
10 **5/0 roll call vote of the Council.**

11  
12 **G. ORDINANCE NO. 310:** An ordinance of the City Council of the City of  
13 Orange City, Florida, providing for a non-exclusive franchise to Sunshine  
14 Recycling for the collection and disposal of commercial trash, garbage,  
15 recyclable materials and other refuse within the city limits; providing for  
16 definitions, terms condition, rates, compliance with laws, arbitration, standards  
17 of performance, collection, regulation operations, hours, routes, penalties,  
18 accounting, complaint resolutions; containing a repealer provision; a  
19 severability clause and providing for an effective date.

20  
21 **Council Member Allebach moved to adopt Ordinance No. 310 on first**  
22 **reading, seconded by Council Member Mahoney and passed by unanimous**  
23 **5/0 roll call vote of the Council.**

24  
25 **H. ORDINANCE NO. 311:** An ordinance of the City Council of the City of  
26 Orange City, Florida, providing for a non-exclusive franchise to Volusia Waste,  
27 Inc. for the collection and disposal of commercial trash, garbage, recyclable  
28 materials and other refuse within the city limits; providing for definitions, terms  
29 condition, rates, compliance with laws, arbitration, standards of performance,  
30 collection, regulation operations, hours, routes, penalties, accounting, complaint  
31 resolutions; containing a repealer provision; a severability clause and providing  
32 for an effective date.

33  
34 **Council Member Mahoney moved to adopt Ordinance No. 311 on first**  
35 **reading, seconded by Council Member Allebach, and passed by unanimous**  
36 **5/0 roll call vote of the Council.**

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

39  
40 **6. RESOLUTIONS:** None at this time.

41  
42 **7. DISCUSSION AND ACTION:**

43  
44 **A Increasing Contribution to Freedom Festival**

45  
46 Angel Smith, Community Relations Coordinator, came forward to address Council. She said that staff  
47 is seeking approval to increase Orange City's contribution to the West Volusia Freedom Festival to

1 \$5,000. In the past the city has contributed \$2,000. Referencing a Transaction Detail of sponsors that  
2 was provided to Council (a copy of which is attached and becomes a permanent part of these minutes),  
3 Ms. Smith said as of today \$45,000 has been collected and/or pledged and that the total amount needed  
4 is approximately \$60,000. Many of the local businesses had contributed to the birthday celebrations in  
5 Orange City and DeLand and are not able to contribute to this festival. Ms. Smith explained the steps  
6 the committee took to review the budget and reduce the cost.

7  
8 Council Member Sherrill said that Orange City has participated in this event for many years and spoke  
9 in favor of approving additional funding.

10  
11 In response to a question from Council Member Storke regarding the use of low altitude fire works, Ms.  
12 Smith said it would depend on the weather conditions. Mr. Murray advised that the drought situation  
13 would dictate if fireworks were permitted, and noted that there are options.

14  
15 Council Member Mahoney referenced the next item dealing with a grant submission for Fire Act Grant  
16 funds. The grant involves a commitment from the City of matching funds and he noted that staff is  
17 recommending that the grant be withdrawn in the event that legislative action regarding tax reform is  
18 adopted. He stated, "If money is actually that tight, I would forgo additional funds on the Freedom  
19 Festival before I would forego funds on this Fire Act Grant submission."

20  
21 Chester Murray noted there are adequate funds to address both issues. He advised that the city had  
22 committed to the festival before staff was aware of the upcoming property tax reform. He assured  
23 Council that there would be adequate funding.

24  
25 Vice Mayor Yebba inquired if the total amount included activities in each city. Ms. Smith replied that it  
26 is for the main event at the fairgrounds. Vice Mayor Yebba clarified that each city would have to fund  
27 events in its own community. Mr. Murray explained there will be additional expenses for local events in  
28 Orange City but that funds had been budgeted for that.

29  
30 **Council Member Sherrill moved to increase the Freedom Festival**  
31 **contribution to \$5,000, seconded by Council Member Mahoney, and passed**  
32 **by a 5/0 voice vote of the Council.**

33  
34 **B. Fire Act Grant Submission**

35  
36 Captain Rick Beauregard came forward and announced that the Fire Department had submitted two  
37 Federal Fire Act Grants. He said that one grant is for self-contained breathing apparatus which would  
38 include tools and software for repair. Currently repairs are outsourced and the ability to make repairs on  
39 site will improve turnaround time and keep costs low. In addition, it will help with the department's  
40 compliance with National Fire Protection Agency (NFPA) recommendations. The Federal  
41 government's share of the grant is \$124,629 and the City's share would be \$6,559. The second grant is  
42 for a Brush Attack Unit. He noted that a loaner brush truck was returned to the Florida Department of  
43 Agriculture & Consumer Services Division of Forestry (FDACS) and that FDACS does not have  
44 another truck that would fit the city's needs. The Federal government share of this grant would be  
45 \$54,055 and the City's contribution would be \$2,845. He concluded by stating that with this equipment,  
46 the department would be able to provide a better front line of protection for the residents and visitors of

1 Orange City. Pending approval at the federal level, staff will return to council for approval of the  
2 monies.

3  
4 Council Member Allebach clarified that the city invests \$10,000 and get \$175,000 in equipment.  
5 Captain Beauregard responded in the affirmative.  
6

7 In response to a question from Vice Mayor Yebba, the Captain said a timeline was not provided because  
8 staff does not know when the grants will be reviewed. He explained there are different stages to the  
9 approval process.

10  
11 Council Member Sherrill commented that with the fires burning in the state, the number-one piece of  
12 equipment used is the brush truck. He recalled the fires around the golf course and that it was a brush  
13 truck that "saved our neck". This equipment could be used to assist other communities in battling fires.

14  
15 Council Member Storke inquired if the city had the capability of filling the ~~two~~ tanks, Captain  
16 Beauregard responded in the affirmative. Council Member Storke stated that the brush truck is  
17 something that is needed. He said the smaller trucks are able to get to the fire before it gets out of  
18 control and that is definitely a bonus.

*Amended on 5/22/07*

19  
20 **Council Member Allebach moved to approve the submission of the**  
21 **two Federal Fire Act Grants, seconded by Council Member Sherrill,**  
22 **and passed by a 5/0 voice vote of the Council.**

### 23 24 C. Results of Mold Testing in Town Hall

25  
26 Paul Johnson, Public Work Director, came forward and reported on the results of the mold testing for  
27 town hall. He said that under the supervision of Fred Beiser, Capital Projects Manager, Lamphier tested  
28 the walls and that the results were very encouraging. Mr. Johnson advised that the industry standard of  
29 15% or less of moisture content is adequate for painting and that all the areas tested were 14% or lower.  
30 He remarked that the areas with mold were scraped and tested and it was determined that the moisture  
31 was lower on the inside of the wall. This is an indication that the walls are drying from the inside out.  
32 He said that Lamphier complimented the contractor who did the renovations and recommended no  
33 further remedial action at this time.

## 34 35 8. REPORTS:

### 36 A. City Manager

37  
38 Mr. Murray reported that the Mayor, City Manager, City Attorney, and other staff members were in  
39 Tampa at the Bureau of Emergency Medical Services meeting with the Rules Making Committee. In  
40 response to a question from Council Member Allebach, Mr. Murray explained the functions of the  
41 Bureau. He said that reports received indicate that staff were received well by the committee and are  
42 expecting positive results.

43  
44 Council Member Sherrill inquired about the Veteran's Memorial. Mr. Johnson responded that the  
45 ground has been leveled and that staff is working on the walkways. The monument will be completed

1 before the end of the month and that will give a full 30 days for the sod to adhere before the Freedom  
2 Festival.

3  
4 B. Mayor/City Council

5  
6 Vice Mayor Yebba reported on the festivities for the July 4<sup>th</sup> celebration in Orange City, stating that  
7 activities are being planned and he would report back to Council once the details are resolved.

8  
9 Vice Mayor Yebba reported that he and Council Member Storke attended both the high school and  
10 middle school ground breaking ceremonies today. He said the School Board thanked Orange City and  
11 Volusia County for working together to put in the infrastructure (roads and sidewalks) and for  
12 supporting it through this endeavor. The Vice Mayor remarked that the high school was built to  
13 resemble a rendering of Orange City Town Hall and that it will be used as a prototype at other locations  
14 throughout the county.

15  
16 C. City Clerk

17  
18 The City Clerk had no report.

19  
20 D. City Attorney

21  
22 The City Attorney had no report.

23  
24 **9. APPROVAL OF MINUTES:** April 24, 2007 Regular Council Meeting

25  
26 **Council Member Sherrill moved for the approval of the April 24, 2007**  
27 **Regular Meeting Minutes seconded by Council Member Allebach and**  
28 **passed by unanimous 5/0 voice vote of the Council.**

29  
30 **10. COUNCIL COMMENTS**

31  
32 Council Member Allebach recalled previous discussions about WAV and the need to provide alternative  
33 sources for water. Referencing an article he read, he said that Seminole County is starting a surface  
34 water plant and implied that Volusia County should do the same thing. Endorsing the decision for  
35 Orange City to remain a part of WAV, Council Member Allebach said, "I'm glad that we are doing that,  
36 there is a lot of stuff going on that we really need to be leading the way in..." He thanked staff for  
37 keeping council informed of the "goings on."

38  
39 Council Member Sherrill reported that helmets were donated for each council member. He remarked it  
40 would be nice to wear these helmets during the July 4<sup>th</sup> celebrations both in Orange City and at the  
41 Freedom Festival.

42  
43 **ADJOURNMENT**

44  
45 There being no further business, Vice Mayor Yebba adjourned the meeting at 7:55 p.m.

46

1 **RESPECTFULLY SUBMITTED:**

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3

4

5

6 \_\_\_\_\_  
7 Gloria Williams  
Deputy City Clerk

**APPROVED ON**

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