

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,  
2 Florida, held on Tuesday, July 24, 2007 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,  
3 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 McCue; City Attorney William Reischmann; City Clerk Deborah  
14 Renner

15  
16 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.

17  
18 1. **PRESENTATIONS: Police Department Response to Citizen's Accusation**

19  
20 Mayor Erwin read a statement into the record as follows: "At our last Council Meeting during  
21 citizen's comments, serious accusations were made regarding our Police Department. These  
22 accusations upset me greatly. Over the last several years, we have made an exerted effort to  
23 continuously improve services to our citizens, not only our Police services, but all services supplied  
24 by the City. Our Police Department has received numerous state-wide awards, commendations and  
25 recognition for its effort, as well as national recognition. We have set high standards for ourselves  
26 and expect them to be met on a daily basis. The next day I asked our City Manager that a full  
27 investigation of these accusations be made. At this time, our Chief of Police, Jeff Baskoff, will  
28 make that report."

29  
30 Chief Baskoff came forward and read a statement into the record (a copy of which is attached and  
31 becomes a permanent part of these minutes). The Chief stated that he researched the incident  
32 brought to Council's attention by Hugh Strickland at the June 26, 2007 Council Meeting. He noted  
33 that Mr. Strickland stated that the Orange City Police Department refused to assist the Volusia  
34 County Sheriff's office while one of its deputies was involved in a vehicle pursuit. Chief Baskoff  
35 said that Mr. Strickland stated that "the word on the street is that Orange City will not back you up."  
36 The Chief reported that his investigation showed that the pursuit involved a Sheriff's Deputy and  
37 was initiated in the City of Deltona. He said that two of Orange City's officers were monitoring the  
38 pursuit and were poised to assist if need be. Chief Baskoff advised that he has records of forty-six  
39 incidents where they assisted an outside law enforcement agency. The Chief stated, "To say Orange  
40 City does not back up other agencies is a complete falsification of the facts and is slanderous to the  
41 Department." He noted that Mr. Strickland did not attempt to speak with him to verify the  
42 accusations. Chief Baskoff stated, "Personally, I was appalled that a citizen of Orange City would  
43 take the word of others, address Council with this information before verifying that information."  
44 The Chief concluded by reading a letter into the record from Chief Bill Lee, Volusia County  
45 Sheriff's Office(a copy of which is attached and becomes a permanent part of these minutes) stating  
46 that Orange City has an excellent working relationship with them.

1 Captain Osowski, Volusia County Sheriff's Department, came forward and verified the report that  
2 Chief Baskoff gave previously.

3  
4 Mr. McCue stated that the retention rate among Orange City's police officers has been very high.  
5 He said that he wanted to set the record straight so that there would not be any doubt in the citizen's  
6 eyes about the City's police protection. He reiterated that the City has a good working relationship  
7 with the Sheriff's Department.

8  
9 Vice Mayor Yebba said that he is a volunteer with the Sheriff's Department "Citizens on Patrol" out  
10 of the DeLand district. He said that in the four years he has been there he has never heard anything  
11 about the Orange City Police Department from anyone at the Sheriff's Office.

12  
13 Mayor Erwin stated, "We welcome and encourage reports of situations that cast a questionable eye  
14 on operations of the City and help us to take the necessary corrective action when these situations  
15 occur, but when someone blows smoke and misrepresents the facts, you have caught my attention  
16 and I will react to defend the City and its employees. It also puts into question the credibility of  
17 those making such statements."

18  
19 Mr. McCue referenced a "Letter to the Editor" that appeared in *The Beacon* newspaper addressed  
20 toward the "tax and spend liberals" of Orange City, and the staff and their inability to maintain fiscal  
21 accountability. He noted that Orange City was one of two Cities in Volusia County that were not  
22 required to lower their tax rate beyond 2006/2007 levels and, in fact, was allowed to increase  
23 revenues by about 11% higher than the roll back rate due to new revenue. He advised that the State  
24 used the millage rate adopted by local governments as the criteria for determining where they must  
25 set the upcoming millage in accordance with the recent tax reform adopted by the State Legislature.  
26 Mr. McCue reviewed the City's ad valorem tax assessment, noting that it was reduced in 2004 from  
27 5.2 mills to 4.8 mills and has remained at that level since. Even while maintaining this reduced tax  
28 levy, the City has completed a number of major capital improvement projects without assuming any  
29 debt or increase in the tax rate. Mr. McCue stated, "So you see, I get a little upset when I get false  
30 accusations, misrepresentation and uneducated diatribe about the taxing authority of this Council  
31 and this City and the commitments that this Council and the staff have to ensure fiscal  
32 accountability. It's been recognized by the State, it's been recognized by our counterparts, and it's  
33 what's making us a leader in Volusia County."

#### 34 35 Gateway Center for the Arts

36  
37 Sandra Wilson, Gateway Center for the Arts, came forward and stated that there would soon be a  
38 groundbreaking for the project. She stated, "We're back to invite you to partner with us." Ms.  
39 Wilson advised that ten children from Orange City participated in their summer program. Ms.  
40 Wilson introduced Beth Ann Collins, newly hired Director of the Gateway Center for the Arts.

41  
42 Ms. Collins came forward and made a power point presentation on the Center and the many  
43 programs that would be provided there (a copy of which is attached and becomes a permanent part  
44 of these minutes). Ms. Collins concluded her presentation by asking for the Council's support.

45  
46 Mayor Erwin thanked Ms. Wilson and Ms. Collins for their presentation and advised them that there

1 would be a public workshop on the budget on August 7<sup>th</sup> at 6:30 p.m. He said that right now, the  
2 City is not planning on adding any capital projects due to the uncertainty of the tax reform  
3 movement in Tallahassee.

4  
5 **2. CITIZENS COMMENTS:**

6  
7 Ron Saylor, 361 Dixon, came forward and noted that “cost of living” increases have been reduced  
8 over the course of the year. Mr. Saylor advised that he has been having trouble with rust in his  
9 water, noting that the water mains are being flushed once a month. He noted that he recently read in  
10 the paper about a proposed “city campus” that would be paid for by bonds and expressed his hope  
11 that the bond issue would be approved by the tax payers at a referendum. He said the plans were “a  
12 little fancier than what the City can afford.”

13  
14 Mr. McCue responded to Mr. Saylor’s concerns by stating that the plans for the City campus were a  
15 minimum of five years away. He said that the plans are strictly conceptual at this stage. Mr. McCue  
16 advised that the City is undertaking a major renewal and replacement program in the water  
17 department and, in fact, two items are on the agenda tonight to begin this process. Mr. McCue said  
18 that in the past, Orange City Utilities did not retain any earnings to maintain such a program. The  
19 rate increase adopted about a year ago will generate the necessary funds to embark on a renewal and  
20 replacement program to upgrade and repair all of the City’s water lines. Mr. Saylor said that he  
21 didn’t mind paying a higher rate in order to have new water lines that will eliminate his rust  
22 problems.

23  
24 **3. CONSENT AGENDA:** None at this time

25  
26 **4. ORDINANCES - FIRST READING:** None at this time

27  
28 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

29  
30 **6. RESOLUTIONS:**

- 31  
32 **A. RESOLUTION NO. 415-07:** A resolution of the City Council of the City of Orange  
33 City, Florida, acknowledging and approving the final subdivision plat for the West  
34 Volusia Towne Centre property, consisting of a 40.81 acre parcel, generally located  
35 on the northwest corner of Veterans Memorial Parkway and Harley Strickland  
36 Boulevard, Orange City, Florida; repealing all resolutions in conflict herewith and  
37 providing for an effective date.

38  
39 **Council Member Mahoney moved to adopt Resolution No. 415-07,**  
40 **seconded by Vice Mayor Yebba.**

41  
42 Jim Kerr, Assistant City Planner, came forward and provided a power point presentation on the  
43 proposed development (a copy of which is attached and becomes a permanent part of these minutes).  
44 He advised that the Planning Commission recommends City Council approval of the final  
45 subdivision plat subject to the conditions contained in the resolution.

46  
47 **Motion passed by unanimous 7/0 roll call vote of the Council.**

1           **B. RESOLUTION NO. 416-07:** A resolution of the City Council of the City of Orange  
2 City, Florida, acknowledging and approving the preliminary subdivision plat for  
3 Stonebridge subdivision, thereby dividing a 5.0 acre parcel into twelve residential  
4 lots, said parcel generally located on the north side of East University Avenue  
5 approximately 800 feet east of North Leavitt Avenue, Orange City, Florida; repealing  
6 all resolutions or parts of resolutions in conflict herewith and providing for an  
7 effective date.

8  
9           **Council Member Storke moved to adopt Resolution No. 416-07,**  
10 **seconded by Council Member Sherrill.**

11  
12 Mr. Kerr came forward and stated that his presentation covers both Resolution numbers 416-07 and  
13 417-07, the preliminary subdivision plat and the site plan. Mr. Kerr advised that the proposed  
14 project is located between University and French Avenues just north of the First Baptist Church.  
15 The property contains the home of former Mayor Alex Chumley. Mr. Kerr noted that the builder for  
16 this project, Ehret and Welch, were grand award winners for the Parade of Homes in 2005 and 2006.  
17 Mr. Kerr stated that staff recommends that the City Council approve the plat and site plan subject to  
18 the five conditions noted in the subdivision plat.

19  
20 Council Member Storke noted that the tree preservation area will be the responsibility of the  
21 individual property owners and asked whether this was unusual as tree preservation areas are  
22 generally in the common areas. Mr. Kerr responded that this is addressed in the declaration of  
23 covenants.

24  
25 Council Member Mahoney asked the City Attorney whether he reviews the covenants for both form  
26 and content. Mr. Reischmann responded that he reviews the covenants to make sure they will be  
27 enforceable with a focus on the structure of the Homeowners Association. He advised that he  
28 reviews the covenants for compatibility with the City's code, as well as any other legal requirements.  
29 Council Member Mahoney noted that his copy of the subdivision plat does not indicate approval by  
30 the City Engineer, which is one of the requirements.

31  
32 BEGIN TAPE 1-B

33  
34 Mr. Kerr responded that the drawings will be executed by all parties prior to being recorded. He  
35 advised Council Member Mahoney that the Engineer has provided his comments and the plat is now  
36 being revised to reflect them.

37  
38 Council Member Allebach questioned why the City is approving new subdivisions and allowing land  
39 to be cleared when the market is so slow. Mr. McCue responded that the real estate market for  
40 residential sales in Orange City has not slowed down much. Mayor Erwin noted that Volusia  
41 County as a whole is still experiencing a net immigration of 8,600 people per year.

42  
43           **Motion passed by unanimous 7/0 roll call vote of the Council.**

44  
45 Mayor Erwin noted that he had overlooked a request to speak during citizen comments. He  
46 apologized and recognized Mr. Thomas Abraham.

1 Thomas Abraham, 1065 S. Volusia Avenue, B-5, came forward and read a statement into the record  
2 (a copy of which is attached and becomes a permanent part of these minutes). Mr. Abraham noted  
3 that Orange City is often referred to as "the heart of southwest Volusia". He stated that on June 30<sup>th</sup>,  
4 the City Council and Parks and Recreation staff did a good job making the park the very heart of  
5 southwest Volusia. Mr. Abraham noted that over 59,000 U.S. troops lost their lives in the Vietnam  
6 War and over 1,000,000 communists were also lost in the war. Mr. Abraham said that he has heard  
7 a great deal of conflict from veterans of past wars and stated, "The ultimate question before us is  
8 whether sentimental expressions of Vietnam veterans park and patriotic days will bring veterans  
9 unity in the U.S. or merely give a thrill to a few City officials and with them their Deltona patriotic  
10 singer Mr. Marcus dominating the stage control as usual?"  
11

12 **C. RESOLUTION NO. 417-07:** A resolution of the City Council of the City of  
13 Orange City, Florida, acknowledging and approving the site plan for Stonebridge  
14 Subdivision, consisting of twelve lots on a 5.0 acre parcel, generally located on the  
15 north side of East University Avenue approximately 800 feet east of North Leavitt  
16 Avenue, Orange City, Florida; repealing all resolutions or parts of resolutions in  
17 conflict herewith; and providing for an effective date.  
18

19 **Council Member Sherrill moved to adopt Resolution No. 417-07,**  
20 **seconded by Vice Mayor Yebba.**  
21

22 Mr. Kerr reiterated that approval would be subject to the five conditions listed in the attachment to  
23 Resolution No. 417-07.  
24

25 Vice Mayor Yebba referenced the park equipment in Condition 4 and questioned where it would be  
26 installed. He said that he could not identify a park area in the project drawings. Mr. Kerr advised  
27 that the park area was not very large and he noted on the site plan where it would be placed.  
28

29 Vice Mayor Yebba asked whether the street would be improved, noting that it meets two  
30 unimproved streets. Mr. Kerr responded that the Developer would extend University Avenue for  
31 access. The other side is gated for emergency access only. The Vice Mayor noted that there has  
32 been talk of developing this parcel of land for quite some time and that he was happy to see it finally  
33 happen.  
34

35 Council Member Storke commended the engineers for this project stating that they had promptly  
36 answered a number of questions that he had.  
37

38 Council Member DeVane commented that she and her neighbors were happy to see the emergency  
39 access gate as there are a number of children on the street and the families had concerns about  
40 increased traffic.  
41

42 **Motion passed by unanimous 7/0 roll call vote of the Council.**  
43

44 **D. RESOLUTION NO. 418-07:** A resolution of the City Council of the City of Orange  
45 City, Florida, acknowledging and approving the preliminary subdivision plat for  
46 Shadow Ridge Subdivision Phase II, thereby dividing a 32.7 acre parcel into 77

1 residential lots, said parcel located immediately north of Shadow Ridge Subdivision  
2 Phase I, Orange City, Florida; repealing all resolutions or parts of resolutions in  
3 conflict herewith; and providing for an effective date.

4  
5 **Council Member Allebach moved to adopt Resolution No. 418-07,**  
6 **seconded by Council Member Storke.**  
7

8 Mr. Kerr came forward and advised that his presentation would cover both Resolution No. 418-07  
9 and 419-07. He advised that Phase I of Shadow Ridge Subdivision was started in 1990 and that  
10 Phase II was supposed to have been done a couple of years later, but was never started. Mr. Kerr  
11 provided a power point presentation depicting the location of the proposed Phase II (a copy of which  
12 is attached and becomes a permanent part of these minutes). Access to Phase II will be via Leavitt  
13 Avenue, but will also have two additional access roads. Mr. Kerr stated that staff recommends City  
14 Council approval of the preliminary subdivision plat and site plan for Shadow Ridge Subdivision  
15 Phase II, subject to the four conditions listed in Exhibit B to Resolution No. 418-07.  
16

17 Council Member Mahoney stated that he lives in Shadow Ridge Phase I and that he has received  
18 questions regarding the Homeowners Association for Phase II. He advised that after making  
19 inquiries, he has discovered that the covenants for Phase I of Shadow Ridge do not apply to Phase II.  
20 He asked, "Who decides that it's a separate Homeowners Association?" Mr. Reischmann responded  
21 that it is not uncommon to have one Association in a multi-phased subdivision because they usually  
22 share common elements. He noted that this is not the case with Shadow Ridge. In addition, there  
23 are two separate developers for Phase I and Phase II, making it impossible to amend the existing  
24 covenants and restrictions. Therefore, these are actually two different developments.  
25

26 Council Member Mahoney noted that all references related to the Homeowners Association for this  
27 project should specifically indicate Phase II to avoid any ambiguity. Mr. Reischmann said that he  
28 found this to be the case during his review of the covenants and restrictions for the project.  
29

30 Council Member Allebach noted that the project would generate increased traffic on Elm Street and  
31 questioned whether the road could accommodate the increase. Mr. Kerr responded that he would be  
32 surprised if the majority of people use Elm as opposed to Iris for access. He said that both roads are  
33 constructed to standards which would allow that.  
34

35 Mayor Erwin noted that Iris is a County road and the roads in Shadow Ridge Phase I are dedicated to  
36 the City as will be the roads in Phase II.  
37

38 Council Member Mahoney stated his understanding that construction vehicles will use Leavitt for  
39 access and asked whether staff anticipates that the residents of Phase II will want to use Leavitt to  
40 access Veterans Memorial. Mr. Kerr responded that once construction is completed, access on  
41 Leavitt will be blocked leaving the main access from Elm Drive. Council Member Mahoney stated,  
42 "We're clear that the construction equipment, the access is north via Leavitt off Rhode Island." Mr.  
43 Kerr responded, "That is correct."  
44

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

1           **E.     RESOLUTION NO. 419-07:** A resolution of the City Council of the City of Orange  
2           City, Florida, acknowledging and approving the site plan for Shadow Ridge  
3           Subdivision Phase II, consisting of 77 lots on a 32.7 acre parcel, located immediately  
4           north of Shadow Ridge Subdivision Phase I, Orange City, Florida; repealing all  
5           resolutions or parts of resolutions in conflict herewith; and providing for an effective  
6           date.

7  
8           **Council Member DeVane moved to adopt Resolution No. 419-07,**  
9           **seconded by Vice Mayor Yebba.**

10  
11          Mr. Kerr noted that there are three conditions placed on the site plan as attached to the above  
12          Resolution.

13  
14          Council Member Mahoney stated that his concerns regarding the site plan were the calculations  
15          regarding the tree preservation area. He advised that there were a number of residents of his  
16          community who were concerned about the preservation of trees. Council Member Mahoney noted  
17          that the density of trees located on the building sites was nearly three times higher than the density in  
18          the tree preservation area where the basis for the tree replacement is calculated. He stated, "When  
19          you make a density calculation, you should do so in an area where the trees are going to be  
20          maintained, not an area where they're going to be cleared. The reason that would be a concern to me  
21          is we all know what's happened with the hurricanes. I expected, I'll use the term 'forest' that the  
22          density of trees is greatest in the forest. So from my perspective, there would be a bias in the  
23          calculation." Council Member Mahoney said that he discussed this concern with Mr. Kerr and was  
24          assured that it was being addressed in the conditions and that the calculation would be based on the  
25          actual number of trees.

26  
27          Council Member Storke noted that there was nothing on any of the drawings showing landscaping  
28          requirements around the transformers in the development. He expressed that it should be mentioned.  
29          Mr. Kerr said that there is a note on one of the site plan sheets showing that they must be screened  
30          on three sides (excluding the front).

31  
32                 **Motion passed by unanimous 7/0 roll call vote of the Council.**

33  
34           **F.     RESOLUTION NO. 420-07:** A resolution of the City Council of the City of Orange  
35           City, Florida, adopting a proposed millage rate for the 2007-2008 fiscal year;  
36           establishing the date, time, and place for a public hearing on the proposed millage rate  
37           and the tentative budget; directing communication; expressing legislative intent;  
38           repealing all resolutions in conflict herewith and providing for an effective date.

39  
40           **Vice Mayor Yebba moved to adopt Resolution No. 420-07, seconded**  
41           **by Council Member Storke.**

42  
43          Mr. McCue advised that the State Legislature has mandated a roll back millage rate of 4.3 mills. The  
44          current tax rate is 4.8 mills. He stated that the Legislature requires that for any local government to  
45          adopt a final millage rate above 4.3, it must be by unanimous vote. In addition, any rate above the  
46          current 4.8 rate would require a referendum. He noted that the rate being set tonight is the maximum

1 rate that can be set, and that it could be lowered prior to final adoption of the millage. Mr. McCue  
2 said that staff is recommending a "maintenance of current level of service" budget. He said that  
3 there is enough excess revenue from new developments, increased property values and annexations  
4 to pay for expenses while keeping the roll back rate. Mr. McCue said that there would be no capital  
5 projects in the proposed budget. He said that the roll back rate has forced the City to operate on the  
6 same revenues as last year, even though the cost of goods and services has increased. Mr. McCue  
7 recommended establishing the maximum millage rate at 4.5 mills which would give about \$85,000  
8 in revenue to designate toward capital projects if Council so desires. If Council decides to adopt the  
9 4.5 rate as the final millage in September, it will require a unanimous vote to do so.

10  
11 Mayor Erwin stated that at times, people get confused between the general fund and the enterprise  
12 fund (water company). He clarified that the millage rate applies to the general fund only and that no  
13 money from property taxes goes into the enterprise fund. The Mayor further clarified that there will  
14 be no capital projects funded through the general fund, however, the utility improvements previously  
15 discussed will still be done and will be funded through the water rate increase of last year. Mr.  
16 McCue added that some of the projects that were funded in the general fund last year will be carried  
17 forward to the new budget year.

18  
19 Council Member Mahoney noted that the difference between the two rates only equals \$85,000 in  
20 additional revenue.

21  
22 **Motion passed by unanimous 7/0 roll call vote of the Council.**

23  
24 Mayor Erwin stated, Resolution No. 420-07 establishing a maximum mill rate of 4.5 mills for fiscal  
25 year 2007/2008 passes.

- 26  
27 **G. RESOLUTION NO. 421-07:** A resolution of the City of Orange City, Florida,  
28 relating to the collection and disposal of solid waste in the incorporated areas of  
29 Orange City, Florida; describing the method of assessing solid waste costs against  
30 assessed property located within the City of Orange City, Florida; determining the  
31 solid waste cost and the initial solid waste service assessments; directing the  
32 preparation of an assessment roll; authorizing a public hearing and directing the  
33 provision of notice thereof; and providing an effective date.

34  
35 **Council Member Sherrill moved to adopt Resolution No. 421-07,**  
36 **seconded by Council Member Allebach.**

37  
38 Christine Davis, Finance Director, came forward and introduced the City's consultants from  
39 Government Services Group (GSG), and Nabors Giblin & Nickerson who were present to address  
40 questions. Ms. Davis explained that the purpose of Resolution No. 421-07 is to adopt an initial  
41 assessment resolution which sets a cap on the amount that each parcel of land will be assessed. The  
42 cap is currently set at \$260 per year. Ms. Davis advised that the Council has agreed to fund \$78,000  
43 of the assessment to keep the rate at \$259.60. In accordance with State Statute, a public notice will  
44 be advertised on August 7<sup>th</sup> and all of the affected properties will receive a mailed notice as well. A  
45 final public hearing will be held on August 28<sup>th</sup>. The final assessment roll must be certified to the  
46 Property Appraiser by September 15<sup>th</sup>. Ms. Davis said that staff recommends Council approval of

1 Resolution No. 421-07.

2

3 In response to a request for clarification from Council Member DeVane, Ms. Davis stated that  
4 Ordinance No. 299 set forth two phases to reduce the original amount to be charged for solid waste  
5 disposal. The final amount to be assessed on the tax roll was to be \$21.64 per month. This equals  
6 \$259.68 per year. Of the \$78,000 that Council has agreed to fund to remain at the agreed-upon  
7 assessment, \$36,000 will be paid out of the current year's budget with the balance being funded in  
8 2007/2008.

9

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

11

12 **H. RESOLUTION NO. 422-07:** A resolution of the City Council of the City of  
13 Orange City, Florida describing the real property to be located within the  
14 proposed commercial corridor street lighting capital and maintenance  
15 assessment area; determining that such real property will derive a special  
16 benefit from construction of the commercial corridor street lighting local  
17 improvements and the maintenance of such improvements; determining the  
18 estimated construction and maintenance cost of the commercial corridor street  
19 lighting local improvements; directing the assessment coordinator to prepare a  
20 tentative capital assessment roll and a tentative maintenance assessment roll  
21 based upon the methodology set forth herein; establishing a public hearing to  
22 consider imposition of the proposed capital and maintenance assessments and  
23 the method of their collection; directing the provision of notice in connection  
24 therewith; providing for severability and providing an effective date.

25

26 **Council Member Allebach moved to adopt Resolution No. 422-07,**  
27 **seconded by Vice Mayor Yebba.**

28

29 Mr. McCue said that Angel Smith, Community Relations Coordinator, is working with the Chamber  
30 of Commerce regarding the safety campaign involving the street lighting district. This resolution  
31 represents the next step in setting up the assessment. Paul Davis, Public Works Superintendent  
32 stated that the capital cost for this project is \$248,504 and maintenance is \$112,000. Volusia  
33 County's portion of the capital costs is about \$50,000.

34

35 Council Member Mahoney noted that a correction needs to be made on page 18 of the Resolution by  
36 adding the words "of buildings" as follows: "(B) The Square Footage Factor is determined by  
37 dividing (a) the amount of square footage of buildings attributable to such Tax Parcel by (b) the total  
38 amount of square footage of buildings attributable to all Tax Parcels....."

39

40 Council Member Mahoney referenced page 19, paragraph (B) and requested clarification regarding  
41 the terminology "Temporary Original Obligations." Christie Carey, Nabors, Giblin & Nickerson,  
42 came forward and responded that the language in this section is related to the fact that the City will  
43 be financing the project with bonds.

44

45 Council Member Mahoney noted a typographical error on page 24, section 4.07, Paragraph (A), in  
46 line 4, the in the phrase "...upon payment of an amount equal to....", the words "equal to" are

1 repeated.

2

3 Mayor Erwin asked what type of lights would be used. Mr. McCue responded that staff has not  
4 chosen the lights as yet. The Mayor said that he wants decorative period lights used in the project.  
5 Mr. McCue responded that they would be of a decorative style, but must also conform to DOT  
6 standards. Mayor Erwin asked if the light poles would have brackets suitable for seasonal  
7 decorations. Paul John, Public Works Director, said that would be addressed when the lights are  
8 chosen.

9

10 Vice Mayor Yebba asked if Council would be involved in the final selection of the light style. Mr.  
11 McCue responded in the affirmative. Mr. Johnson advised that the poles would be of different  
12 composition depending on the specific requirements in the zone where they are placed.

13

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

15

16 **7. DISCUSSION AND ACTION:**

17

18 A. Freedom Festival Survey Results

19

20 Mr. McCue requested that Angel Smith, Community Relations Coordinator and James Moltz, Parks  
21 and Recreation Superintendent, come forward. He advised that they would address both Items 7-A  
22 and 7-B at this time. Mr. McCue advised that Orange City was in charge of plans for the Freedom  
23 Festival this year. He said that the scope of the Festival was changed with an eye toward reducing  
24 the cost and to keep the cost within the budget. Ms. Smith was requested to conduct a survey to  
25 determine the overall satisfaction of guests who attended the activities. Mr. McCue noted that the  
26 budget for the event was reduced by about half from last year.

27

28 Ms. Smith advised that a detailed budget report would be provided at a later date. She said that  
29 funding for a few areas of the program such as the musical entertainment were reduced. Ms. Smith  
30 said that the survey results indicated that people who attended the event included those from areas  
31 other than West Volusia. The number of new attendees were about the same as the number of those  
32 who had attended in previous years. Most people attend for the fireworks and children's games.  
33 Ms. Smith advised that the overall rating for the event was "meets expectations." In response to a  
34 question from Mayor Erwin, Mr. McCue said that staff had not determined an accurate count of  
35 attendees at the event, but would do so next year. He suggested that the heavy rain this year was a  
36 deterrent on attendance. In response to a further question from the Mayor, Mr. McCue advised that  
37 the police estimated about 2,000 cars. He said the traffic flow was greatly improved this year.

38

39 Mr. Moltz came forward and provided a brief report on the City's annual "Patriotic Picnic." He  
40 noted that the weather was bad this year, but there was a good crowd in spite of that. Mr. Moltz  
41 thanked Vice Mayor Yebba for his assistance planning the event this year and said that a volunteer  
42 from the Council would be needed to plan next year's event. He said that a number of people  
43 remarked that the City's event would be their only opportunity to visit the Vietnam Wall.

44

45 Council Member Mahoney noted that next year is the presidential election and suggested that the  
46 picnic be centered around a celebration of democracy.

1 B. Report on Patriotic Picnic  
2

3 This item was combined with Item 7-A.  
4

5 C. Bid Award – N. Orange Avenue Water Main Replacement  
6

7 Paul Johnson, Public Works Director, came forward and stated that staff is moving forward with the  
8 strategic plan goals and objectives to refurbish some of the older, substandard water lines throughout  
9 the City. Mr. Johnson noted that there were quite a few bidders on this project, and a wide range of  
10 costs. He attributed this to a slow-down in the marketplace from which the City can benefit. Mr.  
11 Johnson noted that J.D. Weber Construction Company was the low bidder for this project, however,  
12 he advised that he had requested a list of references from them to specifically include government  
13 references, but he did not receive it until after the agenda was published. He said that the list did not  
14 include any government references as a lead contractor. He noted that J.D. Weber has only been in  
15 business for two years. Mr. Johnson said that staff is recommending that the bid be awarded to  
16 Bruce McGonigal, Inc., advising that the City has worked with them successfully in the past.  
17

18 Council Member Mahoney noted that McGonigal did not list a sub-contractor for the sod work and  
19 questioned whether they understood that this would be a requirement of the job. Mr. Johnson  
20 responded that they would be doing that work themselves.  
21

22 **Council Member Storke moved to accept staff's recommendation**  
23 **to award the bid for the N. Orange Avenue Water Main**  
24 **Replacement to Bruce McGonigal, seconded by Vice Mayor Yebba**  
25 **and passed by unanimous 7/0 roll call vote of the Council.**  
26

27 D. Bid Award – Howard Avenue Water Main Replacement  
28

29 Mr. Johnson noted that this replacement is in an area of the City that has very low water pressure.  
30 He said that a couple of new fire hydrants would also be added as part of the project. Mr. McCue  
31 advised that that this would result in lower homeowner's insurance premiums for homes in this area.  
32 Mr. Johnson stated that four bids were received for this project with McMahan Construction  
33 submitting the low bid. Staff is recommending that the contract for the Howard Avenue Water Main  
34 Replacement be awarded to McMahan Construction.  
35

36 In response to a question from Mayor Erwin, Mr. McCue stated that both of these contracts fall  
37 within the funds designated in the budget for these projects.  
38

39 **Council Member Allebach moved to authorize the City Manager**  
40 **enter into an agreement with McMahan Construction for the**  
41 **Howard Avenue Water Main Replacement, seconded by Vice**  
42 **Mayor Yebba and passed by unanimous 7/0 voice vote of the**  
43 **Council.**  
44

45 E. Paving of a portion of Lansdowne Avenue  
46

1 Mr. McCue recalled that this project had been discussed previously with Council, however, no cost  
2 estimates were available at that time. Mr. Johnson stated that the cost for that portion of Lansdowne  
3 is \$13,000. There is a cost savings involved in that the Contractor has agreed not to charge a  
4 "mobilization fee". In response to a question from Mayor Erwin, Mr. Johnson advised that this  
5 contract would deplete the City's capital improvement funds for the current fiscal year.

6  
7 Council Member Mahoney clarified that the cost for this project would be \$50,000, not the \$60,000  
8 identified in the agenda item cover memo.

9  
10 **Vice Mayor Yebba moved to approve the repaving of the first 650**  
11 **feet of East Lansdowne Avenue, seconded by Council Member**  
12 **Allebach and passed by unanimous 7/0 voice vote of the Council.**

13  
14 **8. REPORTS:**

15  
16 A. City Manager

17  
18 Mr. McCue reported that Mr. Johnson has recommended that Rick Brzezinski be promoted to fill the  
19 vacancy in the Superintendent position in Public Works. Mr. Johnson and Mr. Brzezinski came  
20 forward. Mr. McCue noted that Mr. Hargrove, who had previously held this position, was ill with  
21 Leukemia and would be unable to return to the job. He said that Mr. Johnson's committee had  
22 conducted interviews with outside applicants and that the Committee recommended Mr. Brzezinski  
23 for the job. Mr. Johnson discussed Mr. Brzezinski's qualifications and stated, "I'm looking for great  
24 things out of him." Mayor Erwin recognized Mr. Brzezinski's artistic capabilities.

25  
26 Mr. McCue said that one of the issues that came up at the last strategic planning session was that the  
27 City should hold more "Town Hall" meetings. In response to this mandate, Mr. McCue said that he  
28 wants to conduct a citizens academy bus tour. He said the program would be a "mini citizens  
29 academy on wheels." Mr. McCue noted that this would be a public meeting which would be duly  
30 noticed. He encouraged Council to attend the tour and described how the day would flow. During  
31 the bus portion of the tour, Mr. McCue said that he would point out new development and answer  
32 questions from participants. He said to contact Ms. Smith for details of the tour.

33  
34 Council Member Storke noted that there are some discrepancies between the code and the newly  
35 adopted franchise agreement with Waste Management. He said it did not appear that the code had  
36 been updated since the City adopted a "contract" arrangement for garbage service. Mr. Reischmann  
37 said that Chapter of the code had been reviewed previously. He said that most of Chapter 6 deals  
38 with permits, adding that those regulations do not apply to contracts, or franchise agreements. Mr.  
39 McCue suggested amending the code to say that garbage service could only be provided under a  
40 franchise agreement and omitting the permit process. Mr. Reischmann noted that this portion of the  
41 code was adopted in 1976. Council Member Storke suggested eliminating this section of the code.  
42 Mr. McCue concurred that the code does not apply to garbage service in the City.

43  
44 B. Mayor/City Council

45  
46 Mayor Erwin reported that the County Council adopted Map A as presented by the Smart Growth

1 Committee as the conservation area for future growth. Mayor Erwin expressed his belief that all but  
2 four or five cities have adopted the map. Mayor Erwin characterized this as “the first step” and  
3 stated that the next challenge will be how the conservation area will be preserved.

4  
5 The Mayor stated that there was no VCOG meeting this month.

6  
7 Mayor Erwin noted that he had distributed a copy of the summary from the WAV report and advised  
8 that would serve as his report about WAV for this month.

9  
10 The Mayor said that he received a request from DBCC to support their efforts to establish a  
11 Bachelor of Science in Education degree program. The program will cover a number of areas and  
12 will be considerably less expensive than a four-year university. He recommended that the City  
13 adopt a resolution supporting this.

14  
15 C. City Clerk

16  
17 The City Clerk had no report.

18  
19 D. City Attorney

20  
21 The City Attorney had nothing further to report.

22  
23 **9. APPROVAL OF MINUTES: June 26, 2007 Regular Council Meeting**

24  
25 **Council Member Allebach moved to approve the minutes of the June**  
26 **26<sup>th</sup> Regular Meeting, seconded by Council Member Mahoney and**  
27 **passed by unanimous 7/0 voice vote of the Council.**

28  
29 **10. COUNCIL COMMENTS**

30  
31 Council Member Mahoney said that the Vietnam Wall was “awesome” and said the whole event was  
32 one of the finest city-sponsored events he ever attended. Council Member Mahoney stated, “Not  
33 because of the food, not because of the music, both were good....but because of the theme;  
34 remembrance, education, honor. We don’t hear enough of that.” Council Member Mahoney  
35 commended Ms. Elaine Wilson and Mr. Jim Kerr for their work on the Shadow Ridge Phase II  
36 project.

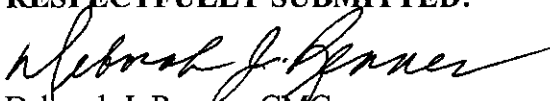
37  
38 Council Member Storke noted that most of the final plats and site plans that come before Council do  
39 not contain all of the required signatures from the engineers and surveyors. He expressed that by the  
40 time it gets to Council these should all be signed off. He stated, “It’s just a personal thing.”

41  
42 Council Member Allebach said that he was unable to attend the City’s picnic in the park, however,  
43 he did attend the parade in Lake Helen. He said that he was pleased with the turnout. He said that  
44 he has received a few complaints from people who have been pulled over for speeding by Orange  
45 City police officers. He said that he applauds the police for their efforts and that it keeps people  
46 safe.

1 Mayor Erwin noted that the City received second prize for its float in the July 4<sup>th</sup> Parade.  
 2  
 3 Council Member Sherrill thanked staff for their work on the Freedom Festival activities. He spoke  
 4 in support of continuing the bus tours stating that he has received a lot of positive feedback.  
 5  
 6 Council Member DeVane complimented staff and Vice Mayor Yebba for their work on the freedom  
 7 festival. She said that she was impressed that Orange City was able to secure the wall for the event.  
 8 Council Member DeVane said that it has been a pleasure being part of the Council and that she is  
 9 proud to live here.  
 10  
 11 Vice Mayor Yebba thanked Mr. Moltz and Ms. Hart for their work on the "Patriotic Picnic." He  
 12 commended all of the staff members who worked at the wall while it was here. Council Member  
 13 Yebba thanked Chief Baskoff and Mr. McCue for addressing the remarks made by a citizen. The  
 14 Vice Mayor noted that the Orlando Sentinel refers to Deltona as the "second largest city in the  
 15 Orlando-metro area" and stated that he likes being part of Volusia County and that being Orange  
 16 City is better than being the "Orlando metro-area."  
 17  
 18 Mayor Erwin announced that he will run for Seat #5 in the upcoming election as it is a two-year seat.

19  
20 **11. ADJOURNMENT**

21  
22 There being no further business, Mayor Erwin adjourned the meeting at 8:40 p.m.

23  
 24 **RESPECTFULLY SUBMITTED:**  
 25   
 26  
 27 Deborah J. Renner, CMC  
 28 City Clerk  
 29

**APPROVED ON**  
 \_\_\_\_\_