

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, September 25, 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; Jim
12 Mahoney, Donald C. Sherrill, Jeff H. Allebach; Robert A. Storke; City Manager John
13 McCue; City Attorney William Reischmann; City Clerk Deborah Renner

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

16
17 The Invocation was given by Jim Kerr, City Planner, followed by the Pledge of Allegiance.

18
19 Mayor Erwin noted that if anyone wished to request information on the comprehensive plan
20 amendment to be considered later on the agenda, they should put their information on the sign-up
21 sheet located in the back of the room.

22
23 **I. SPECIAL PUBLIC HEARING AND FINAL ADOPTION OF THE BUDGET AND**
24 **MILLAGE RATE FOR FISCAL YEAR 2007/2008**

25
26 **MAYOR'S OPENING COMMENTS:**

27
28 Mayor Erwin read the following statement into the record. "The City of Orange City intends to
29 adopt a budget and millage rate for Fiscal Year 2007/2008. The proposed millage rate is 4.38237
30 mills which represents the rollback rate as certified by the Property Appraiser of Volusia County and
31 is the maximum millage rate the City of Orange City may levy by a majority vote for the 2007-2008
32 fiscal year."

33
34 **SPECIAL PUBLIC HEARING/SECOND READING**

35
36 **A. ORDINANCE NO. 325:** An ordinance of the City of Orange City,
37 Florida, certifying the millage rate for fiscal year 2007-2008 on all taxable
38 property located within the City of Orange City, Volusia County, Florida;
39 containing a repealer provision; a severability clause and providing for an
40 effective date.

41
42 **B. ORDINANCE NO. 326:** An ordinance of the City of Orange City,
43 Florida, adopting the annual budget for the 2007-2008 fiscal year
44 beginning October 1, 2007, and ending September 30, 2008; authorizing
45 subsequent amendments by resolution; repealing all inconsistent
46 ordinances or parts thereof; and providing for an effective date

1 Mayor Erwin opened the public hearing by asking if anyone wished to speak on either the budget or
2 millage ordinances.

3
4 **CLOSE SPECIAL PUBLIC HEARING**

5
6 No one appeared. The Mayor closed the public hearing.

7
8 **FINAL ADOPTION OF BUDGET AND MILLAGE RATE FOR FISCAL YEAR 2007/2008**

9
10 **(1) Ordinance No. 325 (Millage Ordinance) is voted on**

11
12 **Council Member Mahoney moved to adopt Ordinance No. 325 on**
13 **second and final reading seconded by Vice Mayor Yebba.**

14
15 Mr. McCue noted some "misinformation" in the community regarding the impact of tax reform and
16 the amount of taxes paid by individuals. Mr. McCue advised that the average taxpayer in Orange
17 City pays \$502 per year to Orange City, or \$1.37 per day. He asserted that some of the remarks
18 being made lately were inaccurate.

19
20 **Motion passed by unanimous 6/0 roll call vote of the Council.**

21
22 **(2) Ordinance No. 326 (Budget Ordinance) is voted on**

23
24 **Council Member Sherrill moved to adopt Ordinance No. 326 on**
25 **second and final reading, seconded by Council Member Mahoney and**
26 **passed by unanimous 6/0 roll call vote of the Council.**

27
28 Mr. McCue requested that Agenda Item 6-A, Resolution No. 429-07, be withdrawn from the agenda.
29 There being no objections, Mr. McCue's request was granted.

30
31 **1. PRESENTATIONS:** Proclamation – Fire Prevention Week

32
33 Mayor Erwin read a proclamation into the record declaring October 7-13, 2007 as Fire Prevention
34 Week in the City of Orange City. Lt. Ronnie Long, came forward and accepted the proclamation on
35 behalf of the Fire Department.

36
37 **2. CITIZENS COMMENTS:**

38
39 There were no requests to speak.

40
41 **3. CONSENT AGENDA:**

- 42
43 **a. RESOLUTION NO. 433-07:** A resolution of the City Council of the City of
44 Orange City, Florida, determining the necessity and public purpose for a drainage
45 improvement project, authorizing Volusia County to acquire the property necessary
46 for the drainage improvement project in fee simple by eminent domain or negotiation

and authorizing County Attorneys to initiate eminent domain proceedings to acquire designated parcels, and providing an immediate effective date.

b. RESOLUTION NO. 434-07: A resolution of the City Council of the City of Orange City, Florida, authorizing a Joint Project Agreement with Volusia County for road and drainage construction; repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

c. RESOLUTION NO. 435-07: A resolution of the City Council of the City of Orange City, Florida, authorizing a Joint Project Agreement for road and utility construction between the City of Orange City and Volusia County repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

d. RESOLUTION NO. 436-07: A resolution of the City Council of the City of Orange City, Florida, rescheduling the regularly scheduled meeting of October 9, 2007; repealing all resolutions in conflict herewith and providing for an effective date.

There were no requests to remove any of the items from the consent agenda. Mayor Erwin read the titles of the four resolutions on the consent agenda into the record.

Council Member Allebach moved to adopt the consent agenda, seconded by Vice Mayor Yebba and passed by unanimous 6/0 roll call vote of the Council.

4. ORDINANCES - FIRST READING:

*******SPECIAL PUBLIC HEARING*******

A. ORDINANCE NO. 315: An ordinance of the City of Orange City, Florida transmitting an administrative amendment to the City of Orange City Comprehensive Plan for the purpose of improving the coordination of water supply and land use planning as required by Chapter 163, F. S. The amendment consists of revisions to the Future Land Use element; Sanitary Sewer, Solid Waste, Storm Water Management, Potable Water and Natural Ground Water Recharge element; Conservation element; Intergovernmental Coordination element; and the Capital Improvements element; providing for conflict and severability and providing an effective date.

Mayor Erwin opened the public hearing by asking whether anyone wished to speak in favor of or in opposition to the proposed Ordinance. No one appeared. Mayor Erwin closed the public hearing.

Council Member Sherrill moved to adopt Ordinance No. 315 on first reading, seconded by Council Member Mahoney and passed by unanimous 6/0 roll call vote.

*******END SPECIAL PUBLIC HEARING*******

1 **B. ORDINANCE NO. 323:** An ordinance of the City of Orange City, Florida,
2 amending Section 8.3 of the City's Land Development Code, said section being the
3 Official Zoning Map of the City of Orange City, Florida; said amendment changing
4 the zoning classification of the Villa Grande property, consisting of approximately
5 8.17 acres of property generally located within the northeast quadrant of Saxon
6 Boulevard and South Volusia Avenue; from its present zoning classification of (R-
7 PUD) Residential Planned Unit Development (condominiums) to (R-PUD)
8 Residential Planned Unit Development (adult apartments); containing a repealer
9 provision, a severability clause and providing for an effective date.

10
11 **Council Member Storke moved to adopt Ordinance No. 323 on first**
12 **reading, seconded by Vice Mayor Yebba.**
13

14 Jim Kerr, City Planner, came forward and provided a presentation on the proposed Villa Grande
15 development. He noted the location of the property on a site map and identified surrounding
16 developments. Mr. Kerr said that Council would be considering a request for a rezoning from
17 R-PUD (Condominiums) to R-PUD (Adult Apartments). He advised that staff finds the project to be
18 in compliance with the City's codes and recommends approval of the requested rezoning.

19
20 In response to a question from Council Member Allebach, Mr. Kerr advised that the number of units
21 in the proposed development still equals 120.

22
23 Council Member Storke questioned why this project had to be brought back for Council's approval
24 again when it had been previously approved in its present form as condominium units. Mr. Murray
25 responded that the site plan is "very different overall" and there will be different stipulations
26 involved in this iteration of the project.

27
28 **Motion passed by unanimous 6/0 roll call vote of the Council.**
29

30 **C. ORDINANCE NO. 327:** An ordinance of the City of Orange City, Florida, vacating
31 and abandoning a certain portion of the Silverstone Subdivision plat and returning
32 said plat to acreage, consisting of 5.69 acres, located immediately east of the John
33 Knox Village Assisted Living Facility, Orange City, Florida; containing a repealer
34 provision, a severability clause and providing for an effective date.

35
36 **Council Member Mahoney moved to adopt Ordinance No. 327 on first**
37 **reading, seconded by Council Member Storke.**
38

39 Mr. Kerr explained that this item involves vacating of the subdivision plat and some easements on
40 the property. He said that drainage that was part of the easements would be relocated to another part
41 of the property.

42
43 Mayor Erwin noted that the City is not giving up any property in this transaction, that only the lot
44 layout is involved.

45
46 **Motion passed by unanimous 6/0 roll call vote of the Council.**

1 **D. ORDINANCE NO. 328:** An ordinance of the City Council of the City of Orange
 2 City, Florida, authorizing a loan from Branch Banking and Trust Company in an
 3 aggregate principal amount not to exceed \$800,000; authorizing the execution and
 4 delivery of a loan agreement; authorizing the execution and delivery of a note to
 5 evidence the City’s obligation under the loan agreement, such note to be a limited
 6 obligation of the City payable from legally available designated revenues as defined
 7 herein; providing for the rights and securities of the owner of the note; designating
 8 the note as a bank qualified tax-exempt obligation within the meaning of the internal
 9 revenue code; ratifying and confirming the Council’s authority to execute the
 10 commitment letter with the bank; making certain other covenants and agreements in
 11 connection therewith; and providing for an effective date.

12
 13 **Council Member Mahoney moved to adopt Ordinance No. 328 on first**
 14 **reading, seconded by Council Member Sherrill**

15
 16 Mr. McCue requested that now that the budget has been adopted, the maximum amount authorized
 17 for the loan be reduced to \$400,000. He said that the remaining \$400,000 will be paid from general
 18 revenues.

19
 20 **Council Member Mahoney moved to amend the maximum amount of**
 21 **the loan to \$400,000, seconded by Council Member Allebach and**
 22 **passed by unanimous 6/0 roll call vote of the Council.**

23
 24 Council Member Allebach noted that the City is able to pay for half of this project due to the
 25 implementation of local road impact fees. Mr. McCue noted that the Rhode Island project is being
 26 funded by Orange City, Volusia County, a private developer, and the School Board. He said that the
 27 amount to be financed is being reduced because there is funding in the road impact fee fund to pay
 28 for a portion of the project.

29
 30 Mr. Reischmann noted that the Interlocal Agreement which was approved on the consent agenda
 31 details the City’s part in this joint project.

32
 33 Mr. McCue advised that an additional agreement approved on the consent agenda approves the water
 34 and sewer lines to the proposed new school. He stated, “So we’re not going to have competing
 35 contractors on the same site for our needs and their needs.”

36
 37 **Motion to approve Ordinance No. 328 as amended passed by**
 38 **unanimous 6/0 roll call vote of the Council.**

39
 40 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:**

41
 42 **A. ORDINANCE NO. 318:** An ordinance of the City of Orange City, Florida,
 43 amending ordinance 90-05-08, said ordinance being the Comprehensive Plan; and the
 44 Future Land Use Map of the Future Land Use Element of the Comprehensive Plan;
 45 changing the future land use designation of a certain John Knox Village Silverstone
 46 parcel, consisting of approximately 0.35 acres generally located on the southwest

1 corner of South Silverstone Court and West Silverstone Court; from its present future
2 land use designation of Volusia County (ULI) Urban Low Intensity to a future land
3 use designation of (MX) Mixed Use; containing a repealer provision, a severability
4 clause and providing for an effective date.

5
6 Mayor Erwin opened the public hearing for Ordinance No. 318. No one appeared. The Mayor
7 closed the public hearing.

8
9 **Council Member Storke moved to adopt Ordinance No. 318 on second**
10 **reading, seconded by Council Member Allebach and passed by**
11 **unanimous 6/0 roll call vote of the Council.**

- 12
13 **B. ORDINANCE NO. 316:** An ordinance of the City of Orange City, Florida,
14 amending Section 8.3 of the City's Land Development Code, said section being the
15 official zoning map of the City of Orange City, Florida; said amendment changing the
16 zoning classification of the John Knox Village property, consisting of approximately
17 5.69 acres of property generally located east of the John Knox Village Assisted
18 Living Facility; from its present zoning classification of (R-3) Urban Single Family
19 Residential and (M-2) Mixed Use to (R-PUD) Residential Planned Unit
20 Development; containing a repealer provision, a severability clause and providing for
21 an effective date.

22
23 Mayor Erwin opened the public hearing for Ordinance No. 316. No one appeared. The Mayor
24 closed the public hearing.

25
26 **Council Member Mahoney moved to adopt Ordinance No. 316 on**
27 **second reading, seconded by Council Member Allebach and passed by**
28 **unanimous 6/0 roll call vote of the Council.**

29
30 **6. RESOLUTIONS:**

- 31
32 **A. RESOLUTION NO. 429-07:** A resolution of the City Council of the City of
33 Orange City, Florida, acknowledging and approving the site plan for the Saxon
34 Crossings development, to be constructed on a 17.73 acre parcel, located in the
35 northeast quadrant of Enterprise Road and Saxon Boulevard, Orange City, Florida;
36 repealing all resolutions or parts of resolutions in conflict herewith; and providing for
37 an effective date.

38
39 This item was withdrawn at the request of staff.

- 40
41 **B. RESOLUTION NO. 437-07:** A resolution of the City Council of the City of Orange
42 City, Florida, acknowledging and approving the Master Development Plan,
43 Developer Agreement and Site Plan for the John Knox Village Silverstone (R-PUD)
44 Residential Planned Unit Development, to be constructed on a 5.69 acre parcel,
45 located immediately east of the John Knox Village Assisted Living Facility, Orange

1 City, Florida; repealing all resolutions or parts of resolutions in conflict herewith; and
2 providing for an effective date.

3
4 **Council Member Sherrill moved to adopt Resolution No. 437-07,**
5 **seconded by Council Member Mahoney.**
6

7 Jim Kerr, City Planner came forward and identified the location of the proposed project on an area
8 map. Mr. Kerr advised that the proposed development would be an addition to the John Knox
9 Village development and that staff is recommending approval of the project.

10
11 Mr. Reischmann advised that the effective date of the resolution should read “upon the final vacating
12 of the prior plat and easement as provided by Ordinance No. 327.”
13

14 **Council Member Sherrill moved to amend the effective date of**
15 **Resolution No. 437-07 to read “upon the final vacating of the prior**
16 **plat and easement as provided by Ordinance No. 327,” seconded by**
17 **Council Member Allebach and passed by unanimous 6/0 roll call vote**
18 **of the Council.**
19

20 **Main motion to adopt Resolution No. 327-07 as amended, passed by**
21 **unanimous 6/0 roll call vote of the Council.**
22

23 **7. DISCUSSION AND ACTION:**
24

25 None at this time.
26

27 **8. REPORTS:**
28

29 A. City Manager
30

31 Mr. McCue advised that there will be a meeting of the Florida Legislative Council in Orlando on
32 November 6-9. He announced that Mr. Reischmann is a finalist for the Florida League of Cities,
33 “Cities of Excellence” awards for the category “City Attorney of the Year.” Mr. McCue said that
34 Council would receive an email shortly regarding their attendance at the awards banquet and the
35 Conference.
36

37 Mr. McCue said that he and Public Works Director Paul Johnson attended a meeting today with the
38 Managers and Public Works Directors of Deltona, DeLand, and Volusia County. The meeting was
39 attended by Kirby Green and members of his staff at the Water Management District (SJRWMD).
40 Discussions were held regarding alternative water supply sources. A study will be commissioned by
41 and paid for by the SJRWMD to determine the cost to the citizens for alternate water supply
42 projects. Mr. McCue said that it has been predicted that by the year 2024, eighty percent of Orange
43 City’s water will be drawn from the St. Johns River and that water must be treated in order to be
44 potable. He said that these mandates can be attributed to the Manatees. Mr. McCue said that the
45 issue would be discussed further at the West Volusia Summit Meeting on Saturday.
46

1 Mayor Erwin interjected that no one on the Council received official notification of the Summit
2 Meeting. Mr. McCue said that the meeting is being hosted by Deltona and that he would call them
3 first thing in the morning to see why no agenda had been received.

4
5 Mayor Erwin noted that water supply is a “statewide issue” and suggested that the State should be
6 responsible for ninety-percent of the funding for the project.

7
8 Council Member Storke noted that Council was to discuss proposed new names for the Feaser
9 property. Mr. McCue said that staff is not normally involved in choosing names for parks. Mr.
10 McCue suggested that the park be incorporated into Mill Lake park.

11
12 BEGIN TAPE 1-B

13
14 He said that he would bring back an agenda item on an upcoming agenda recommending this course
15 of action. Vice Mayor Yebba said that he did not support the idea because people would be
16 confused and go to the wrong side of the park. Mr. Johnson said that he received a suggestion of
17 “Lakeside Park” which he rather liked. Mayor Erwin suggested “Veterans’ Field.” Mr. McCue said
18 that he would present a list of options for the Council to consider.

19
20 B. Mayor/City Council

21
22 Mayor Erwin reported that a Mayor’s meeting was held in Daytona Beach during which the
23 discussion centered around continuing service delivery in light of decreasing revenues. He spoke in
24 support of the exploration of joint service delivery among the cities in an effort to reduce costs.

25
26 Mayor Erwin reported on the VCOG meeting stating that the organization’s new web site is nearly
27 complete. The web address is www.VCOGinc.com. There was also a presentation on Orange
28 County becoming a “green” county. The Mayor said that he would bring a resolution at the last
29 meeting in October signifying Orange City’s support for “green” principles.

30
31 Mayor Erwin reported that at the last WAV meeting, the goals and strategies for next year were
32 discussed and it was agreed that the focus will be on conservation. He said that Council should have
33 received a copy of the draft of that document.

34
35 Vice Mayor Yebba said that he attended an MPO meeting during which there was a lengthy
36 discussion regarding the placement of an I-95 Interchange at Pioneer Trail. This has been a
37 controversial topic of discussion. Action on this item was delayed pending completion of a study on
38 the matter after the first of the year.

39
40 Council Member Allebach noted that the State Legislature created a task force last year to develop
41 “green standards” which would be imposed on local governments. Some of the parties involved in
42 the study are the Florida Building Commission, the Homebuilder’s Associations, the League of
43 Cities and League of Counties. Council Member Allebach said that he was selected to be the Florida
44 League of Cities Representative on the “green building” taskforce. He advised that these standards
45 will significantly inflate construction costs.

46

1 C. City Clerk

2
3 The City Clerk advised that this will be the last Council meeting before the primary election on
4 October 9th. She stated, "I urge everyone to get out and vote."

5
6 D. City Attorney

7
8 The City Attorney announced that a circuit court judge has ruled that the ballot summary for the
9 question regarding homestead exemption changes does not meet the standards regarding clarity and
10 conciseness, therefore, at this time, the matter will not be scheduled for the ballot in January. Of
11 course the matter is not final, and the City Attorney advised all to stay abreast of the situation.

12
13 Mr. Reischmann announced that there will be a meeting on October 24th at which the VGMC will
14 consider changes to their Rules & Procedures. He said that this is an important meeting at which the
15 City should have representation.

16
17 Mayor Erwin said that recently he saw Representative Pat Patterson and Senator Carey Baker and
18 that he "chastised" both of them telling them they have been "putting band-aids on broken legs."
19 The Mayor suggested that what is needed is a comprehensive review of all the taxing schemes used
20 in the state at the present time with a recommendation to follow.

21
22 Mayor Erwin advised that there is a smart growth committee which formed at the first of the year
23 made up of representatives of the cities, the School Board, and Volusia County and this committee
24 did discuss the VGMC. He said that the committee requested an opportunity to complete their study
25 and make a proposal. Mayor Erwin stated, "The VGMC issue is still alive in the smart growth
26 arena."

27
28 Council Member Sherrill announced that he serves on the Florida League of Cities Municipal
29 Services Delivery Council which addresses attainable housing and mobile homes, as well as
30 homeless issues. He said that he serves on a special committee studying mobile homes. The
31 committee is looking for protections for mobile home owners when the owner of the park where
32 they live decides to sell the land for development. The committee has come up with thirteen
33 recommendations which Council Member Sherrill outlined. One of the main issues is whether the
34 owner of the park has an obligation to pay a portion of the relocation costs in the event the land is
35 sold for development, and if so, how much. Council Member Sherrill advised that selling these
36 parks creates homelessness and that it should not be allowed. He discussed the remaining issues at
37 length and said that the Committee is trying to provide some type of protection for people living in
38 these communities.

- 39
40 9. **APPROVAL OF MINUTES:** September 6, 2007 Workshop Meeting
41 September 11, 2007 Regular Meeting
42 September 12, 2007 Budget Hearing

43
44 **Vice Mayor Yebba moved to approve the minutes of the September**
45 **6th, 11th and 12th City Council Meetings, seconded by Council Member**
46 **Allebach and passed by unanimous 6/0 voice vote of the Council.**

1 **10. COUNCIL COMMENTS**

2
3 Council Member Sherrill urged everyone to vote in the October 9th primary election.

4
5 **11. ADJOURNMENT**

6
7 There being no further business, Mayor Erwin adjourned the meeting at 8:10 p.m.

8
9 **RESPECTFULLY SUBMITTED:**

APPROVED ON

10
11
12 Deborah J. Renner, CMC
13 City Clerk

10/11/07