

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City,
2 Florida, held on Tuesday, October 23, 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; Donald
12 C. Sherrill, Joelle DeVane, Jeff H. Allebach; Robert A. Storke; City Attorney
13 William Reischmann; City Manager John McCue, City Clerk Deborah Renner
14

15 **ABSENT:** Council Member Jim Mahoney
16

17 The Invocation was given by Jim Kerr, City Planner, followed by the Pledge of Allegiance.
18

19 1. **PRESENTATIONS:** None at this time
20

21 2. **CITIZENS COMMENTS:**
22

23 JoAnne Brown, 2438 Montauk Court, came forward to advise Council of a problem she has had with
24 her water bill. She said that she had received a late notice before she received her bill and that
25 attempts to have the late fee removed were not satisfactory. Ms. Brown stated that a customer's
26 payment history should be a consideration and that customers should have the opportunity to pay the
27 water bill online. Mr. McCue stated that the Utility is negotiating with a software company that
28 would allow customers to make online credit card payments. He commented that he would review
29 Ms. Brown's case with Christine Davis, Finance Director, and give her a call.
30

31 3. **CONSENT AGENDA:** None at this time
32

33 4. **ORDINANCES - FIRST READING:** None at this time
34

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

38 6. **RESOLUTIONS:**
39

40 **A. RESOLUTION No. 429-07:** A resolution of the City Council of the City of Orange
41 City, Florida, acknowledging and approving the site plan for the Saxon Crossings
42 development, to be constructed on a 17.73 acre parcel, located in the northeast
43 quadrant of Enterprise Road and Saxon Boulevard, Orange City, Florida; repealing all
44 resolutions or parts of resolutions in conflict herewith; and providing for an effective
45 date.
46

1 **Council Member Sherrill moved to adopt Resolution No. 429-07,**
2 **seconded by Council Member Storke.**
3

4 Jim Kerr, City Planner, came forward and advised that in 2005 Council had approved the Saxon
5 Crossings B-PUD. He explained that this agenda item is for approval of the site plan for phase I of
6 the project. Referring to this PowerPoint presentation (a copy of which is attached and becomes a
7 permanent part of these minutes) he said that LA Fitness is the main anchor for this development.
8 He discussed the placement of the buildings and drawings depicting the elevations. Mr. Kerr said
9 that staff is recommending the approval of Resolution No. 429-07 approving the site plan for Saxon
10 Crossings phase I subject to 12 recommended conditions and four code departures. He discussed the
11 conditions and departures and said that the developer has agreed to them.
12

13 In response to a question from Council Member Storke about departure #2, Mr. Kerr replied that the
14 2004 hurricanes destroyed the trees on the parcel. Council Member Storke inquired about the
15 landscaping around the retention pond. Chester Murray, Development Services Director, came
16 forward and advised that the Saxon Trace Apartment Complex owns the retention pond. He said
17 that the City could not require that this developer landscape the retention pond, but the developer has
18 agreed to do it.
19

20 Mayor Erwin inquired about the building elevation. He said that the roof needed more elevation to
21 comply with the land development code. Mr. Murray explained the code requirement. He said that
22 the linear line of a structure must be broken at least every 100 ft. This building is approximately 215
23 ft. and with the two elevated structures in the middle, the line is broken. He said this plan
24 “technically” complies with the code. Mayor Erwin felt that staff should not accept minimum
25 compliance with the code. Mr. Murray said that another portion of the code states that a building
26 should attempt to blend with surrounding architecture and that this plan complies with that
27 requirement. He said that staff feels that this plan meets the intent and spirit of the code. Mayor
28 Erwin stated, “I think it is an ugly building and I would rather see some more work put into the
29 elevation to make it more attractive.”
30

31 **Motion passed by a 6/1 roll call vote of the Council with Mayor Erwin**
32 **voting “no.”**
33

34 **7. DISCUSSION AND ACTION:**
35

36 **A. Yankee Lake Alternative Water Source Option**
37

38 Mr. McCue reported that the Saint John’s River Water Management District (SJRWMD) has
39 mandated that municipalities on the west side of Volusia develop alternative water sources to
40 supplement current ground water withdrawals. He discussed the mandate and said that by the year
41 2023 ninety percent of the water delivered to utility water customers must come from the river and
42 not the aquifer. Mr. McCue said that a regional partnership has formed to review viable options. He
43 discussed the options and stated that he brought the Yankee Lake Alternative Water Source option
44 before Council this evening because the city must enter into a Non-Binding Letter of Intent with
45 Seminole County in order to pursue this option later. Mr. McCue stated that at this time the city is
46 not required to expend any resources. He cautioned that if the City does not make this commitment

1 now, the city would have to buy in or become a consumer in the future. He felt that a partnership
2 would provide the city a better rate structure for the acquisition of supplemental water in the future.
3 Mr. McCue advised Council that this is not the single or sole-source project being considered to
4 supplement water in Orange City. He said that this is a commitment to “stay at the table” and work
5 with Seminole County, and that it does not commit any finances. Staff recommends that the Council
6 authorize the City Manager to execute this agreement.

7
8 In response to a question from Council Member Storke, Mr. McCue stated that nine communities
9 have already signed the letter of intent.

10
11 Council Member Allebach remarked that it seems counterproductive to have a number of entities
12 drawing from the same river. Mr. McCue agreed and replied that this will affect the environmental
13 integrity of the ecosystem around the river. He implied that when that happens there would be
14 regulations decreasing the amount of water withdrawn from the river. Mr. McCue remarked that
15 this is not a 100-year plan or an effective approach, “It’s just the only approach that we have...”

16
17 Mayor Erwin agreed. He said potential partners are needed right now and that the city can back out
18 at any time. Mayor Erwin expressed concerns that this plan does not address the long-term issue.
19 He said SJWMD is “short changing” everyone in their approach.

20
21 Council Member Yebba commented that the river water levels fluctuate frequently. He felt that
22 SJWMD would not allow cities to draw water from the river when the levels are too low. Mayor
23 Erwin advised that part of the proposal requires that storage tanks are available and that when it is
24 not possible to draw from the river, the city can draw from the tanks. He said that building these
25 storage tanks would be a multi-million dollar project and that the city would not recoup its
26 investment. Mayor Erwin predicted that in the next 10-15 years Florida will have water shortages
27 and may not be able to supply potable water to its citizens. He expressed concern that SJWMD is
28 not taking a long-range approach.

29
30 **Council Member Sherrill moved that the City Council authorize the City**
31 **Manager to execute a Non-Binding Letter of Intent with Seminole County**
32 **for the purpose of potential design and cost estimating for a Saint Johns**
33 **River Water Treatment Plant at Yankee Lake, seconded by Council**
34 **Member Allebach.**

35
36 Council Member DeVane remarked that this agreement is “weak”, but that it is better to be involved.
37 Mayor Erwin agreed and stated, “We need to be at the table.”

38
39 **Motion passed by a 6/0 roll call vote of the Council.**

40
41 **8. REPORTS:**

42
43 A. City Manager

44
45 Mr. McCue reported that phase I of the landscaping project on 17-92 has been completed. He stated
46 that part of the agreement is that the contractor is responsible for maintaining the foliage for one

1 year. He advised that staff issued a RFP for phase II of the landscaping project.

2
3 Mr. McCue discussed the repairs to the town hall clock. He said that the hands are off by a minute
4 or two because of the gears at its remote location but that it is on time and ringing. He said that the
5 vendor that worked on the clock did a great job and that a maintenance agreement would be
6 forthcoming. He said phase I of the clock project is completed.

7
8 Mr. McCue said that he has received notice that the Village Improvement Association (VIA) has
9 outgrown the space allotted in Albertus Cottage. He said that the Volusia Tourism Association,
10 which rented the first floor, has moved and that he recommends allowing the VIA use both floors of
11 the cottage.

12
13 **Vice Mayor Yebba moved that the City Manager begin negotiations with**
14 **the VIA to find them a permanent location, seconded by Council Member**
15 **Allebach.**

16
17 Dorothy Pomeroy, VIA came forward to thank the Council for its generosity.

18
19 Mayor Erwin spoke in favor of the VIA Orange City Women's Club using Albertus Cottage. He
20 cited its various accomplishments and remarked that the VIA always worked toward the betterment
21 of Orange City. He stated, "This is a small token of repayment that we can do for a group that has
22 been so faithful to the city."

23
24 **Motion passed with a 6/0 voice vote of the Council.**

25
26 Council Member Sherrill read a proposed mobile home policy statement prepared by a group of
27 mobile home owners and the Florida League of Cities. Council Member Sherrill explained the need
28 for the statement. He said that it was designed to preserve and protect the property rights of mobile
29 home owners. At the next legislative session, the Florida League of Cities will lobby for procedures
30 and statutes that local governments can use to address problems associated with mobile home park
31 rezoning based on land development regulations. Council Member Sherrill advised that Mr.
32 Reischmann prepared a resolution supporting the Florida League of Cities efforts and that it would
33 come before the Council in November. He predicted that this would become a statewide effort and
34 asked for the Council's support. Council Member Sherrill thanked Mr. Reischmann for his
35 assistance with preparing the resolution. Mr. McCue advised that Mayor Erwin would solicit
36 assistance from the Volusia Council of Government (VCOG). He implied that an endorsement from
37 VCOG would "carry a little more weight."

38
39 **B. Mayor/City Council**
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41 Mayor Erwin reported that at the last WAV meeting there was discussion of the Yankee Lake
42 Alternative Water Source Project. He said much of the discussion was about the additional water
43 supply figures provided by SJWMD. He explained that two studies, one by the Water Authority in
44 2002 and another by the Water Alliance in 2005, indicated that by the year 2025 Volusia County
45 would need an additional 15-20 million gallons of potable water. Mayor Erwin said that recently
46 SJWMD conducted a study that contradicts previous projections. This report indicates that Volusia

1 County will need 30-54 million gallons of water per day. He remarked that 54 million gallons is
2 more than all the utilities combined are currently withdrawing from the aquifer. He said most
3 agreed that the model used was appropriate but there were concerns about the integrity of the data
4 and the assumptions used to analyze that data. He said WAV members have decided to do an
5 independent study.

6
7 TAPE 1-B
8

9 Mayor Erwin reported on the Smart Growth Committee. He said the committee agreed that the final
10 draft of Map "A" should be density neutral. Most of the land in Map "A" is public domain or under
11 an easement but there are still a considerable amount of private owners whose property rights must
12 be protected.

13
14 Mayor Erwin reported that at the last VCOG meeting, the Volusia Tax Reform Coalition did a
15 presentation on its approach to tax reform. He said that at the last legislative session this group
16 prepared a proposal that was very credible. Mayor Erwin said that he made a motion to join with the
17 Volusia Tax Reform Coalition to support true tax reform and that the motion was adopted
18 unanimously. He said, "I honestly felt that we broke new ground as far as cooperation between
19 government and groups."

20
21 Council Member Allebach commented that the definition of reform has changed. He said that for
22 the last six months reform has been nothing but cut.

23
24 C. City Clerk
25

26 Debbie Renner advised that this is the last meeting before the election. She said that normally there
27 is a swearing in ceremony for the new officials at a special meeting at 6:00 p.m. before the regular
28 meeting. Then a break for a brief reception with refreshments and begin the regular meeting at 7:00
29 p.m. Council agreed with this schedule.

30
31 In response to a question from Ms. Renner, Mayor Erwin advised that new appointments for the
32 representatives to the Planning Commission should be made at the second meeting in November.

33
34 D. City Attorney
35

36 The City Attorney had no report.

37
38 9. **APPROVAL OF MINUTES:** October 11, 2007 Regular Meeting
39

40 **Council Member DeVane moved to approve the minutes of the**
41 **October 11th City Council Meeting seconded by Vice Mayor Yebba**
42 **and passed by unanimous 6/0 voice vote of the Council.**
43

44 **10. COUNCIL COMMENTS**
45

46 Council Member Storke commented on the drought situation in Georgia. He felt that it is a preview

1 of what is to come in Florida and stated, “We should seriously think about how we are going to get
2 through the next 100 years.”

3
4 Council Member Allebach thanked the Public Works Department. He said that he made suggestions
5 to the Public Works department about the edging on some of the medians in the city and that staff
6 complied. He said, “I appreciate the efforts...” Council Member Allebach encouraged every one to
7 “Vote, Vote, Vote on November 6th.”

8
9 Council Member Sherrill reminded everyone that on November 8th and 9th the Florida League of
10 Cities is having a legislative conference at the Orlando Hyatt at the airport. He said that “City
11 Attorney of the Year” would be chosen at the luncheon on Friday at the conclusion of the
12 conference. Council Member Sherrill said that Bill Reischmann is a finalist and he encouraged
13 Council Members to attend and support the city attorney.

14
15 Council Member DeVane advised that this is her last official meeting as a member of the city
16 council. She stated that she and her successor, Mr. Laputka, would be switching seats at the next
17 meeting. Council Member DeVane said that she grew up in Orange City and that “this is home.”
18 She said that five years ago there were things going on in the city that she did not agree with she so
19 decided to run for office. She voiced concerns that most people do not realize that being a Council
20 Member is a difficult job. Council Member DeVane stated that it is not easy to make decisions that
21 everyone will be happy with but that she always tried to make the best choice that would
22 accommodate the majority. She spoke about the team dynamic of this City Council and said, “I
23 can’t put my finger on one particular thing and say I did it, I can put my finger on everything and say
24 I’m a part of it.” Council Member DeVane congratulated Mr. Laputka. She remarked that he had
25 unsuccessfully run for a council seat before and noted that since that time he has been at all the
26 meetings and workshops showing his interest and dedication to the city. She expressed sadness that
27 the other candidates were not consistently present and involved. Council Member DeVane said,
28 “thank you very much for allowing me to be part of this.”

29
30 Vice Mayor Yebba agreed with Council Member DeVane’s comments. He said that it has been his
31 pleasure to work with the Council for the last five years. He recalled former Vice Mayor Chuck
32 Abell who passed away last year and congratulated his replacement for taking over. Vice Mayor
33 Yebba thanked the Mayor and stated, “...It has been a pleasure serving with you and the rest of you.
34 Good luck and I do appreciate what you did, all you up here, I do.”

35
36 **11. ADJOURNMENT**

37
38 There being no further business, Mayor Erwin adjourned the meeting at 8:06 p.m.

39
40 **RESPECTFULLY SUBMITTED:** **APPROVED ON**
41
42
43 Gloria Williams _____
44 Deputy City Clerk