

1 **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF**  
2 **ORANGE CITY**, held on Tuesday, March 25, 2008 at 7:00 p.m. in Council Chambers, 201 N. Holly  
3 Avenue, Orange City.

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5 **CALL TO ORDER**

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

8  
9 **ROLL CALL**

10  
11 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom  
12 Laputka, Tom Abraham, Don Sherrill, Donald Sandford; City Attorney William  
13 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, followed by the Pledge of Allegiance.

18  
19 Mr. McCue requested that Item 4-B be withdrawn from the Agenda.

20  
21 **1. PRESENTATIONS:** Proclamation – Water Conservation Month

22  
23 Council Member Laputka read a proclamation into the record declaring the month of April as “Water  
24 Conservation Month” in the City of Orange City.

25  
26 **State of the City Address**

27  
28 Mr. McCue read the entire State of the City address into the record (a copy of which is attached and  
29 becomes a permanent part of these minutes).

30  
31 **2. CITIZENS COMMENTS:**

32  
33 Al Blue, 447 N. Oak, came forward and thanked the City Manager for his report on the State of the  
34 City. Mr. Blue advised that he often purchases books from the John Knox Village (JKV) “Bargain  
35 Barn.” He said that when he went to the store a few weeks ago, it was shut down and has been since.  
36 Mr. Blue said that he began inquiring about what happened to the store and was told that there was an  
37 issue over using a certain street which resulted in the closure of the “Bargain Barn.” Mr. McCue  
38 responded that JKV security personnel were preventing access to Pine Forest Mobile Home Park,  
39 claiming that the road into the park belonged to JKV. He said that staff determined that was not the  
40 case. He said that subsequently, residents of Pine Forest reported the book store which was operating  
41 without zoning approval and was inconsistent with the land development code. Chief Baskoff  
42 advised that the “Barn” was operating as a “garage sale” and police staff were told that it was only  
43 open to JKV residents. The Chief said that JKV was given an opportunity to apply for a city license  
44 to operate their facility, but they decided to close it instead. Mr. Blue next inquired as to when the  
45 clock was going to be working. Mr. McCue responded that it is working now. He advised that it  
46 needs to be “tuned” often to keep proper time. Mr. Blue said that he could not hear the clock at his  
47 house.

1 Ron Saylor, 361 Dixson, came forward and said that he continues to be upset over the workshop on  
2 the utility code revisions. He said that he has talked with 48 people in his neighborhood who had no  
3 knowledge that the utility code exists. He advised that the general consensus among people who did  
4 read the proposed new code was that it sounded like a “dictatorship.” Mr. Saylor challenged Council  
5 to find people in their neighborhoods who were aware of the existence of this chapter of the code.  
6 Mr. Saylor said that he was glad to see the language in the code is more “user-friendly.” Mr. Saylor  
7 reported that he was the only person on his street who did not receive a water bill recently. He asked  
8 that before Council takes a final vote on this matter, they find out how many people have read the  
9 code or even know it exists.

10  
11 Robert Miller, 7A Azalea Drive, came forward. Mr. Miller said that he attended a meeting called the  
12 “Blue Spring Working Group” recently. He said that group was formed by a person who has been a  
13 consultant on water issues at University of Florida. Mr. Miller advised that someone from the  
14 County Council attended the meeting along with someone from the Water Management District. He  
15 said there was representation from the Manatee Club. Mr. Miller said that meetings will be held  
16 quarterly. He expressed his confidence that this group may “have the push to make some real things  
17 happen.” Mr. Miller recommended that Council follow this group.

18  
19 **3. CONSENT AGENDA:** None at this time

20  
21 **4. ORDINANCES - FIRST READING:**

- 22  
23 **A. ORDINANCE NO. 347:** An ordinance of the City Council of the City of Orange  
24 City, Florida, providing for a non-exclusive franchise to Orlando Waste Paper Co.,  
25 Inc., for the collection and disposal of commercial trash, garbage, recyclable materials  
26 and other refuse within the city limits; providing for definitions, terms condition, rates,  
27 compliance with laws, arbitration, standards of performance, collection, regulation  
28 operations, hours, routes, penalties, accounting, complaint resolutions; containing a  
29 repealer provision; a severability clause and providing for an effective date.

30  
31 **Council Member Sandford moved to adopt Ordinance No. 347,**  
32 **seconded by Council Member Laputka.**

33  
34 Christine Davis, Finance Director, came forward and said that the proposed ordinance will grant a  
35 one-year, non-exclusive commercial franchise contract with Orlando Waste Paper. Ms. Davis said  
36 that Orlando Waste dumpsters were seen by Code Enforcement and upon checking, it was discovered  
37 that they did not have a franchise agreement with the City. She explained that Orlando Waste is a  
38 “sister company” to Container Rental Corporation who has a franchise agreement. Ms. Davis said  
39 that Orlando Waste handles only recycling and under Florida law, they can not be imposed a  
40 franchise fee for this business activity. Staff determined that it would be best to get a franchise  
41 agreement in place with the agreement that as long as they continue as a recycler, they would not be  
42 subject to any franchise fees to the City. However, if services are expanded or changed, the vehicle  
43 would be in place for them to make their lawful payments to the City.

44  
45 Council Member Sandford noted that Item 22 of the agreement appears to require a “letter of credit”  
46 for \$20,000. Ms. Davis responded in the affirmative stating that was in the form of a performance  
47 bond and was a requirement in all such contracts.

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

- 2
- 3           **B.    ORDINANCE NO. 348:** An ordinance of the City of Orange City, Florida, annexing  
4 the Orange Commerce Park property into the corporate limits of the City of Orange  
5 City, Florida; said property being generally located on the east side of North Volusia  
6 Avenue approximately 300 feet north of Wisconsin Avenue, containing approximately  
7 11.05 acres; in accordance with the voluntary annexation provisions of Florida Statute  
8 171.044; redefining the boundaries of the City of Orange City by amending the  
9 appropriate sections of the code of ordinances; containing a repealer provision, a  
10 severability clause and providing for an effective date.

11

12 This item was removed from the agenda at the request of the City Manager.

13

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

- 15
- 16           **A.    ORDINANCE NO. 346:** An ordinance of the City of Orange City, Volusia County,  
17 Florida; amending Orange City Code Chapter 5.5, Fire Protection and Prevention,  
18 Article II, Fire Prevention Code, Section 5.5-16, Adoption of Life Safety Code and  
19 Standard Fire Prevention Code by Updating said Code consistent with State Law; and  
20 by deleting Section 5.5-17, Amendments to Standard Fire Prevention Code, in its  
21 entirety; providing for conflicts, severability, codification and effective date.

22

23           **Council Member Sandford moved to adopt Ordinance No. 346 on**  
24 **second and final reading, seconded by Vice Mayor Allebach.**

25

26 Mayor Strickland opened the public hearing by asking if anyone wished to speak in favor of or in  
27 opposition to the proposed ordinance. No one appeared. The Mayor closed the public hearing.

28

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

30

31       **6.    RESOLUTIONS:**

- 32
- 33           **A.    RESOLUTION NO. 467-08:** A resolution of the City Council of the City of Orange  
34 City, Florida, to approve a final master plan for the Treemonte Center at Orange City  
35 Business Planned Unit Development; repealing all resolutions or parts of resolutions  
36 in conflict herewith; and providing for an effective date.

37

38           **Council Member Sherrill moved to approve Resolution No. 467-08,**  
39 **seconded by Council Member Sandford.**

40

41 Elaine Wilson, Planning & Zoning Analyst, came forward and noted that Council had previously  
42 approved the preliminary plan for this project on January 8<sup>th</sup>. She said that the Developer had made  
43 the necessary changes and was now presenting the project for final approval. She said that the only  
44 outstanding issue is final approval of the Development Agreement and Cross Access Agreement by  
45 the City Attorney. Ms. Wilson advised that one pending issue is over a ten-foot, non-vehicular  
46 easement and the developer has vacated the easement with the provision that the developer will  
47 provide a one-foot, non-vehicular easement along Enterprise Road with the exception of the area

1 where the driveway will be located. She said that this will prevent any additional drives onto  
2 Enterprise Road from the development. Ms. Wilson said the project has three entrances, two of  
3 which are off from Treemonte Drive. She said that staff is recommending approval of this project  
4 with the stipulation previously mentioned.

5  
6 **Motion passed by unanimous 6/0 roll call vote of the Council.**

7  
8 **7. DISCUSSION AND ACTION:**

9  
10 **A. Post Audit Analysis 2006-2007 (Requested by Council Member Abraham)**

11  
12 Council Member Abraham said that following the presentation of the 2006-2007 Comprehensive  
13 Annual Financial Report (CAFR) by the auditors, he researched the CAFR of several other cities. He  
14 said that his motive is not to find fault with anyone, but that he wishes to help the citizens of Orange  
15 City. Council Member Abraham noted that it is the beginning of a new budget season in the City and  
16 the City Manager is looking forward to the future. He stated, "It is my feeling there is a time for goal  
17 setting and there is a time for budgeting, there is a time for auditing, and I have a feeling this Council  
18 should have a time for an audit analysis, a post audit analysis."

19  
20 Council Member Abraham said that he appreciated the questions from Council Member Mahoney  
21 regarding the audit, but that he needed more time to study the audit as five days was not enough. He  
22 stated that he had an observation he wished to present to the Council and would welcome comments  
23 from Mr. McCue and staff. Council Member Abraham noted that there is some form of auditing that  
24 takes place in many professions, including his own as a Nuclear Medical Technologist. He said the  
25 purpose of the City's audit is for clarification of certain issues for staff, the Council and the citizens.

26  
27 Council Member Abraham said that he has reviewed audits from all over the world on the internet  
28 and that there appears to be a "new concept" called "rotation." He explained that this means that the  
29 same auditor is not kept for eleven to fifteen years. Council Member Abraham noted that Orange  
30 City is "behind" on this concept. He stated, "2008 is giving us an opportunity for a better future with  
31 reconsideration of this same firm's continuation in Orange City." He said that he has spoken with  
32 several other firms and they have agreed that rotation is a good idea.

33  
34 Council Member Abraham advised that there were comments from the auditors in 1999 regarding  
35 cell phones and in 2000 regarding bank reconciliations, but that there have been no comments or  
36 suggestions since that time.

37  
38 Council Member Abraham said that he has reviewed the audit for the years 1998 to the present and  
39 that Orange City has never had a "financial emergency" which was reportable to the State Auditor  
40 General. He said that even during the year in which the fund balance was depleted to \$65,000, there  
41 was no report made to the Auditor General. Council Member Abraham stated, "We need to prepare  
42 ourselves for a very serious state audit anytime, especially in the background of our loss of some  
43 money in the form of interest to the bank in the Partnership Center."

44  
45 Council Member Laputka said that he thought rotation of auditing services was "sort of built-in."  
46 Mr. McCue responded that he believes Council Member Abraham is not requesting that an auditor be  
47 retained for only one year, but just not for fourteen years at a time. He said that it is "100% the call

1 of the City Council” as to how long an auditing firm is retained. Mr. McCue said that it makes no  
2 difference to him who the City Council hires to do the audit, as all auditors are performing the same  
3 function. He said that staff can bring forward a memorandum at the next meeting describing the  
4 current contract with Green Dycus. He said that he thought there was a commitment for one more  
5 year, but that he would identify options. Mr. McCue said that he could issue an RFP for auditing  
6 services if Council so directs. Mr. McCue cautioned that the key component of the auditing process  
7 is the scope of work the firm is hired to do. He explained that it is not the auditor’s job to examine or  
8 formulate opinions on policy decisions. He stated, “They only deal with the consequences, the  
9 financial consequences, that result from that policy and tell you whether or not we’ve recorded it  
10 appropriately, have we met all of our obligations.” Further, auditors do not generally examine  
11 performance. Mr. McCue advised that an auditor could be obtained to do a performance study for an  
12 additional cost. He said that he also received quotes for a 100% audit rather than a statistical  
13 sampling and the quotes from two or three different firms were in excess of \$100,000. Mr. McCue  
14 said that it makes no difference to him which firm the Council hires.

15  
16 Council Member Sandford asked whether there was an advantage or disadvantage to using the same  
17 firm for a number of years. Mr. McCue responded that every firm has their own way to conduct an  
18 audit. He said that the continuity has an importance to it, but is not so significant that it would  
19 damage the credibility of an audit report if the City were to switch firms. He said that by using the  
20 same firm the auditor can make quicker assessments of the City’s functioning because they are more  
21 familiar with the City’s practices.

22  
23 Mayor Strickland said that he would like to see the City explore “rotation.” He said that he had a  
24 copy of DeBary’s contract and audit report. He said that DeBary has a very different operation than  
25 Orange City and he felt that some of the auditor’s suggestions for DeBary would not apply to Orange  
26 City. He said that he did like the section of the report that included comments addressing specific  
27 issues.

28  
29 Council Member Sandford suggested including a section in the audit that has suggestions for  
30 improvements based on the auditor’s experience in other cities.

31  
32 Mr. McCue stated that every audit has a “management letter” which includes these types of  
33 comments. He said that the management letter in DeBary’s audit identified issues that needed to be  
34 addressed to make a better assessment of the CAFR. He said that this is the section of the audit  
35 where the auditor says “you’re messing up, you’re not doing the job properly.” He noted that DeBary  
36 had comments and issues going back a number of years. Mr. McCue said that Orange City’s audit  
37 did not have any comments this year because all of the auditor’s concerns have been resolved. He  
38 stated, “With that said, let me say this....that doesn’t mean a new auditor with new ideas coming in  
39 here isn’t going to give me a management letter at the end of their first year saying that ‘I think you  
40 should look at doing it this way versus that way’.” Mr. McCue said that staff would bring an agenda  
41 item in the near future which addresses the possibility of finding a new firm to do the annual audit.  
42 He added that there is the possibility that the current contract runs for one more year and whether, if  
43 that is the case, it can be broken without a penalty.

44  
45 Council Member Sherrill said that one reason he has confidence in the audit is because Mr. McCue at  
46 one time was the Chief Financial Officer for Osceola County. He said that Mr. McCue is very

1 knowledgeable and “probably knows more than the people that are auditing our books except the fact  
2 that state law won’t let him do it.”

3  
4 Council Member Sandford said that his business is subject to frequent FDA audits and that they could  
5 be closed down if severe violations were found. He stated, “I know about audits.”

6  
7 Vice Mayor Allebach said that it would have been nice to have all of the information Council  
8 Member Abraham had prior to this discussion taking place. He said that the City did not lose any  
9 money on the Partnership Center, rather the City invested in it and “didn’t get a return on it due to  
10 factors beyond our control.” Vice Mayor Allebach said that everyone was aware that the City would  
11 have to pay interest on the money involved. He suggested that at times risks are necessary. He  
12 advised that Orange City has never been reported to the auditor general because you must have  
13 problems for many years in a row for that to happen. He stated, “An unqualified audit means there’s  
14 nothing confusing in it.” Vice Mayor Allebach noted that just because the same firm has done the  
15 City’s audit for years, it does not mean the same person did the work.

16  
17 Mayor Strickland advised that it hasn’t been decided to switch auditors, but that Council was just  
18 requesting further information regarding its options.

19  
20 Council Member Abraham responded to Vice Mayor Allebach’s request for additional back up  
21 information by stating that the Vice Mayor has been on the Council for more years than he has and  
22 that the CAFR itself is the backup material.

## 23 24 **8. REPORTS:**

### 25 26 A. City Manager

27  
28 Mr. McCue said that the next West Volusia Summit meeting is scheduled for April 19<sup>th</sup> and that an  
29 agenda would be forthcoming. The meeting will be hosted by DeBary.

### 30 31 B. Mayor/City Council

32  
33 Vice Mayor Allebach reported on the MPO meeting, stating that the major topic of discussion was  
34 the Pioneer Trail interchange for I-95. He said that within the next two years, the 2035 plan must be  
35 developed and asked for Council’s input for that. Vice Mayor Allebach reported on a couple of  
36 issues. There will be a traffic shift April 1<sup>st</sup> on 17-92 in the area under construction near 472.  
37 Orange Camp Road will be closed for the weekend.

38  
39 Council Member Sherrill said that a new Executive Director was hired for WAV and she then quit  
40 the next day. Lindsay Roberts, Executive Director of the Volusia County Coalition for the  
41 Homeless, was hired as the replacement. Council Member Sherrill said that Ms. Roberts came from  
42 California with a background in water and “impeccable credentials.” Ms. Roberts will begin on  
43 June 1<sup>st</sup>.

44  
45 Council Member Laputka stated that he just received notice that Daytona Beach was withdrawing  
46 from WAV.

47

1 Mayor Strickland stated that he attended the VCOG meeting. He said that there are a number of  
2 unfunded mandates on the legislative agenda. Halifax Hospital Authority gave a presentation on  
3 where their funding goes. He said they have a number of good programs.

4  
5 C. City Clerk

6  
7 The City Clerk had no report. Mayor Strickland noted that the City Clerk has been working many  
8 hours attending additional meetings.

9  
10 D. City Attorney

11  
12 Mr. Reischmann reported on the Charter Review Committee's progress. He said that they are now  
13 considering districts and that Ann McFall, Supervisor of Elections will be in attendance at the  
14 meeting next Monday night. He noted that a map of proposed districts is available in the City  
15 Clerk's office. Mr. Reischmann said that the Committee made the decision that they want to move  
16 ahead with district elections.

17  
18 Mr. McCue said that the Mayor met with the County Chairman regarding an Interlocal Agreement  
19 for annexation of enclaves. He said that he would be meeting with the County Manager and County  
20 Attorney on Monday. Mayor Strickland said that Chairman Bruno was in favor of these  
21 annexations.

22  
23 **9. APPROVAL OF MINUTES:** March 11, 2008 Regular Council Meeting  
24 March 11, 2008 Budget Workshop

25  
26 **Council Member Laputka moved to approve the Minutes of the**  
27 **March 11, 2008 Regular Meeting and Budget Workshop, seconded**  
28 **by Council Member Sandford and passed by unanimous 6/0 voice**  
29 **vote of the Council.**

30  
31 **10. COUNCIL COMMENTS**

32  
33 Council Member Sandford noted there is a vacant corner lot near his house and he asked whether it  
34 could be considered for a community park. Mr. McCue said he would check into it.

35  
36 Council Member Laputka said that he attended the Charter Review Committee meeting and that the  
37 Committee had limited the length of meetings to one and a half hours. He said that he had his list of  
38 invitees to the goal setting workshop and asked if everyone else had theirs done.

39  
40 Vice Mayor Allebach noted that there have been a lot of meetings during the last month and stated  
41 that it "has been interesting and fun having the discussions." He said that he appreciates all of the  
42 interaction between the new Council Members and the old.

43  
44 Council Member Abraham noted that the news reported over the weekend that 4,000 U.S. troops had  
45 sacrificed their lives in Iraq for the sake of democracy in the world. He asked that Council pray for  
46 the families of our soldiers and asked for prayers for Emmett Laputka who is currently serving in

1 Iraq. He said that everyone must do what they can to improve the Nation's economy.

2

3 **11. ADJOURNMENT**

4

5 There being no further business, the meeting was adjourned at 8:57 p.m.

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7

8

9

10 Respectfully Submitted

Approved on

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12

13 \_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

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