

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,  
2 held on Tuesday, August 12, 2008 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange  
3 City.

4  
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 Laputka,  
12 Tom Abraham, Don Sherrill, Jim Mahoney; City Attorney William Reischmann; City  
13 Manager John McCue, City Clerk Deborah Renner

14  
15 **ABSENT:** Council Member Donald Sandford

16  
17 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.  
18

19 1. **PRESENTATIONS:** Hometown Hero Award – Riverside Bank

20  
21 Sandy Brophy, Pat Sentell and Daniel Bokuniewicz, representatives from Riverside Bank, came forward  
22 and presented a “Home Town Hero” Award to Sergeant Jason Sampsell for his work in apprehending  
23 the suspect in a recent series of car jackings. Ms. Sentell read a bio of Sergeant Sampsell into the record  
24 highlighting some of his many outstanding achievements.  
25

26 2. **CITIZENS COMMENTS:**

27  
28 Emmett Laputka, 345 N. Oak Avenue, came forward and presented Council with the flag of the United  
29 States and a plaque which certified that on July 7<sup>th</sup> the flag had been flown over the Al Flaw Palace,  
30 Camp Victory, Headquarters of the Multi-National Corps. in Iraq in appreciation of the donations sent  
31 by the City via the “We Care Program.” Oh behalf of the City Council, Mayor Strickland thanked Mr.  
32 Laputka and said that the care packages sent were a “real morale booster” for the soldiers.  
33

34 Bill DeVane, 459 East University Avenue, came forward and commented that he has lived in Orange  
35 City for 30 years and is “so happy” to see the decisions the City Council have made since being elected.  
36 He praised Mr. McCue for his work as City Manager, and stated, “The City looks absolutely fantastic.”  
37 Mr. DeVane thanked everyone in the City for their work.  
38

39 Dr. Roger Accardi, owner of a local business, came forward and thanked everybody in the City for their  
40 work. He said the City runs “wonderful” and that Mr. McCue is a man of “integrity and vision.”  
41

42 Heather Williams, 973 Greenleaf Gardens Ct., came forward and stated that her husband was a former  
43 employee of the City, working as a Crew Leader for Public Works. Ms. Williams maintained that her  
44 husband was terminated because he was not one of the “clique” and that he was given an “unfair  
45 grievance process” upon his termination. She alleged that during her husband’s termination, the City  
46 Manager yelled at him and told him he would never work for another municipality again. She stated  
47 that certain staff members “play by their own rules.” Ms. Williams alleged that members of this  
48 “clique,” which consists of, among others, the City Manager, Public Works Director and Public Works

1 Superintendent, use their city vehicles to go to the bar and “that’s okay.” Ms. Williams further alleged  
 2 that the splash pad was opened before it was completed because the opening had been advertised. She  
 3 said that the Public Works Director maintained that the pad was not officially opened, it was just a “test  
 4 run.” In conclusion, Ms. Williams stated, “That’s just another very tiny example of how they like to  
 5 play this game. They do exactly what they want to do, when they want to do it, and with who they want  
 6 to do it. And if you’re in the way, they are going to push you out. Something needs to be checked into  
 7 and something needs to be done about it.”

8  
 9 **3. CONSENT AGENDA:** None at this time

10  
 11 **4. ORDINANCES – FIRST READING:** None at this time

12  
 13 **5. PUBLIC HEARINGS/ORDINANCES – SECOND & FINAL READING:** None at this time

14  
 15 **6. RESOLUTIONS:**

16  
 17 **A. RESOLUTION NO. 489-08:** A resolution of the City Council of the City of Orange  
 18 City, Florida, authorizing the City to enter into a business relationship with Florida Safe  
 19 to provide investment banking services for the City; repealing all resolutions in conflict  
 20 herewith and providing for an effective date.

21  
 22 **Council Member Sherrill moved to approve Resolution No. 489-08,**  
 23 **seconded by Council Member Laputka.**

24  
 25 Christine Davis came forward and made a presentation on the proposed resolution noting that it meets  
 26 the charter requirement that banking relationships be initiated by resolution. She reminded Council that  
 27 the City had money invested in BB&T, an interim account setup after the problems with the SBA. Half  
 28 of the funds in that account would be transferred to the Florida Safe (FLSAFE) Local Government  
 29 Investment Pool (LGIP) and the remainder into an AIM investment account, at a later time.

30  
 31 In response to a question from Council Member Laputka, Ms. Davis said that approximately \$3,000,000  
 32 is currently in the BB&T account. She reiterated that those funds would be divided and transferred into  
 33 a FLSAFE and an AIM investment account. Mr. McCue noted that once the funds in the SBA are freed,  
 34 those funds would also be transferred into either or both accounts.

35  
 36 **Motion passed by a 6/0 roll call vote of the Council.**

37  
 38 **B. RESOLUTION NO. 490-08:** A resolution of the City Council of the City of Orange  
 39 City, Florida, authorizing the City Manager to execute a funding agreement with the  
 40 Volusia County Metropolitan Planning Organization for Fiscal Year 2008/2009,  
 41 repealing all resolutions or parts of resolutions in conflict herewith; and providing for an  
 42 effective date.

43  
 44 **Council Member Laputka moved to approve Resolution No. 490-08,**  
 45 **seconded by Council Member Mahoney.**

46  
 47 Council Member Abraham questioned a recent \$50,000 assessment paid by the City to the Volusia  
 48 County Metropolitan Planning Organization (MPO). Mr. McCue noted that assessment was for a  
 49 transportation study of traffic patterns and its impact on the roads and infrastructure in southwest

1 Volusia. He said every city and county in southwest Volusia as well as the MPO contributed funds. Mr.  
2 McCue remarked that Orange City's commercial development has a larger impact on traffic patterns in  
3 this area, but that the contribution to the study was divided equally among all the municipalities. The  
4 end result would be that all municipalities would be using the same transportation analysis and formula  
5 for comp plan amendments and development activities. He suggested that would reduce the traffic  
6 concerns identified by the Volusia Growth and Management Commission (VGMC) each time the City  
7 submits a development plan.

8  
9 Mayor Strickland noted that the MPO is a long-range planning organization. He said it is important that  
10 the City remain a member in order to receive funding for transportation enhancements to the City.

11  
12 Vice Mayor Allebach agreed with Mayor Strickland's comments, noting that a membership in the MPO  
13 is the only way that City would receive federal funds to build roads. He said the MPO reduced their  
14 fees by 10% to help the cities that have lost funding, noting that the MPO is actively working on the  
15 "light rail" project.

16  
17 **Motion passed by a 6/0 roll call vote of the Council**

- 18  
19 **C. RESOLUTION NO. 491-08:** A resolution of the City Council of the City of Orange  
20 City, Florida, approving the terms and conditions of an Interlocal Agreement between the  
21 City of Orange City and the County of Volusia, for emergency medical services;  
22 authorizing execution by the city manager; providing for severability, providing for  
23 conflicts, providing for implementing actions; and providing for an effective date.

24  
25 **Council Member Mahoney moved to approve Resolution No. 491-08,**  
26 **seconded by Vice Mayor Allebach.**

27  
28 Mr. McCue announced that the County has approved the City's Interlocal Agreement. He said Orange  
29 City is the only city in the County that has a clause in its Interlocal Agreement that provides for payment  
30 for services. In addition, Mr. McCue announced that the City's Certificate of Public Convenience and  
31 Necessity (COPCN) had been approved and the Fire Department should be able to provide Advanced  
32 Life Support (ALS) services within two weeks. He advised that medical supplies and all terrain  
33 equipment is needed to better access the unincorporated areas and that a budget request would be  
34 forthcoming. Mr. McCue stated that this is the initial phase of a regional approach to fire rescue service.

35  
36 Mr. Reischmann discussed the issues surrounding the City's efforts to have its ALS COPCN reinstated.  
37 He said that as directed by Council, a dispute resolution meeting between the two administrative heads  
38 was held on July 22<sup>nd</sup> and that the City was successful in having the Closest Unit Response (CUR)  
39 agreement amended. The County agreed to amend Section 11.3 of the Interlocal Agreement to include  
40 language that will allow the City to continue to provide first unit response to the unincorporated areas  
41 without the financial risk of not being reimbursed.

42  
43 Council Member Laputka expressed his concerns with how the County handled the City's ALS  
44 agreement. He thanked staff for their efforts in getting this matter resolved.

45  
46 Fire Chief Hoffman came forward and in response to a question from Mayor Strickland, stated that staff  
47 began reviewing the City's service area some time ago, in anticipation of the City receiving its ALS  
48 COPCN. He said that maps of the various access points were distributed and that contact had been  
49 made with the County to acquire keys to the various access points. In addition, the City will be a part of

1 the computer assisted dispatch (CAD) system with Deltona and that information has been “plugged”  
2 into the County’s system to determine who would be closest in what areas. For the last few months, the  
3 Fire Fighters/EMT’s have been getting acquainted with the areas that they would be required to respond  
4 to.

5  
6 In response to a question from Council Member Abraham, Chief Hoffman responded that Dr. Peter  
7 Springer, the medical director for the County will supervise the paramedics. Council Member Abraham  
8 questioned if the Fire Fighters/EMT’s receive continuing education hours. Chief Hoffman responded in  
9 the affirmative and said that the Fire Fighters/EMT’s also take continuing education courses from  
10 certified trainers at Daytona State College.

11  
12 Referring to Section 11.3 of the Interlocal Agreement, Council Member Mahoney questioned if the City  
13 would retain its ALS designation if the county were to terminate the agreement. Mr. Reischmann  
14 responded that this agreement is mandated by County code for the issuance of a COPCN and if the  
15 County chose to terminate service, this agreement would continue. Mr. McCue agreed noting that  
16 previous versions of the contract would have required that the City continue to provide service without  
17 reimbursement. Next, Council Member Mahoney questioned the frequency of reporting data. He  
18 observed that in Section 3.13 and Section 8.2 there is mention of a monthly reporting frequency but that  
19 Section 3.23 discusses a quarterly reporting frequency. Chief Hoffman said that it is the consensus of  
20 the various agencies involved that data would be reported quarterly. Mr. Reischmann advised that the  
21 motion needs to be amended to reflect that data reporting would be quarterly.

22  
23 **Vice Mayor Allebach moved to amend the main motion to provide that in**  
24 **Section 3.13 the reports to the County shall be quarterly rather than**  
25 **monthly, seconded by Council Member Sherrill and passed by an**  
26 **unanimous 6/0 roll call vote of the Council.**

27  
28 Mayor Strickland congratulated the Council for its insistence that the City exercise its rights and approve  
29 the filing of the F.S. Chapter 164 Dispute Resolution process. He stated, “I think it is absolutely the  
30 thing that seemed to really work.”

31  
32 **Main motion passed by a 6/0 roll call vote of the Council.**

33  
34 **7. DISCUSSION AND ACTION:**

35  
36 **A. Micro managing as reported in the newspaper (requested by Council Member Abraham)**

37  
38 Council Member Abraham stated, “I initiated this discussion because I read something in the newspaper  
39 on July 23<sup>rd</sup> after our last Council meeting. I thought this is very important for us as a Council because  
40 this is all about our leadership and our credibility. How we function, what we do, especially certain  
41 words and lack of clarity in the news which I read really bothered me. I promised a certain ethical  
42 standard for our Council. So I really believe this is about our own leadership. We are leaders for  
43 tomorrow’s Orange City, not past. How we think and act today is very important for our future  
44 generation. We are policy makers; we need to be very, very, very clear when we work for the safety,  
45 welfare and health of our citizens. We have to get clarity. So I am asking a few questions to Vice  
46 Mayor Allebach who was involved in the news interview.”

47  
48 Council Member Abraham requested that Vice Mayor Allebach discuss the meaning of “micro  
49 managing” as quoted in the newspaper. Vice Mayor Allebach responded that comment was made in

1 regard to a statement made by the Mayor at the last Council meeting about Mr. McCue looking for  
2 another job. He defined micro managing and spoke about the “tumultuous time” in 2001 when Mr.  
3 McCue was fired by that Council. He stated, “That’s the only comment about that. It was nothing to do  
4 with right now. It was the surprise of the announcement that was made by the Mayor about John  
5 looking for another job.”

6  
7 Council Member Abraham stated, “When the people at large read that piece of news they don’t  
8 understand all this which Mr. Allebach is telling this Council at this time. I wished the Vice Mayor had  
9 brought this up before the Council first and then talk to the newspaper in a very elaborate manner, it  
10 would have helped us a little better. Now that our image is tarnished a little bit, some of the citizens out  
11 there may misunderstand and think we are micro managing.”

12  
13 Mr. McCue stated, “I can clear this up very easily, I am not being micro managed, I clearly made a  
14 mistake in some way I explained something to the Mayor, it’s water under the bridge, I’ve told the press  
15 that, I’ve told the Mayor that.” “My staff does not feel antagonized, they do not feel harassed, I do not  
16 feel harassed. I think what some of the things citizens were saying earlier, some of the things that are  
17 going on in this community; this City Council is working as effectively as any City Council that I have  
18 ever worked for as a legislative body for a local community.”

19  
20 Council Member Abraham questioned Mr. McCue’s reasons for talking about resigning. Mr. McCue  
21 stated, “It was a misunderstanding, I must not have explained myself properly to the Mayor, but I think  
22 that is a moot point now...and over, I do not plan on resigning.”

23  
24 Council Member Laputka thanked Council Member Abraham for clarifying the matter. He stated, “I  
25 think that is the most important part of this Council’s progress...the clarification amongst ourselves.”

26  
27 Vice Mayor Allebach said that he did not seek out the newspaper; they asked a question and he  
28 responded. He stated, “What the newspaper writes, I cannot control. I can tell them one thing and they  
29 can write something else.” The Vice Mayor stated, “So, I apologize if the newspaper got it wrong and if  
30 you have any questions, any time, I’m free to discuss it with anybody.”

31  
32 **B. Basketball Court Lighting**

33  
34 Mr. McCue advised Council that the basketball court has been moved to the front of Valentine Park near  
35 French Avenue to accommodate the girl’s softball field. He said staff obtained information on three  
36 lighting options which are detailed in the agenda memorandum. Options 2 and 3 are “green compliant”  
37 however Option 1 is not because Progress Energy does not yet have the technology. He remarked that  
38 would account for the variance in the prices quoted. Mr. McCue advised that as a result of the extreme  
39 costs of “green compliant” lighting, staff is recommending Option 1. He suggested that the “green  
40 approach” be revisited when the technology and cost are more accessible.

41  
42 Council Member Laputka commented that the relocation of the basketball court was an “excellent idea.”  
43 He questioned how the old basketball field lights were activated. Paul Johnson, Director of Public  
44 Works, came forward and responded that the lights were automatically turned on and off by computer.  
45 He said the proposed lights are photo sensor lights and would come on at dusk and go off in the  
46 morning.

47  
48 Council Member Mahoney pointed out that the time value of money was not reflected in the  
49 calculations. He suggested that the if a 3% return were applied to the \$20,000 quoted in Option 2, the

1 monthly yield and simple interest would be over \$50 and could pay for the monthly fee quoted in Option  
2 1. Mr. McCue agreed, noting that a flat line calculation was applied. Mr. Johnson said that the  
3 annualized cost is not significantly different but that it would be 20 years before the City could break  
4 even on the proposal. Council Member Mahoney maintained that is without recognizing the investment  
5 earnings of the additional initial outlay.

6  
7 Council Member Laputka questioned if the resurfacing issues had been addressed. Mr. McCue said that  
8 the “bad spots” were cut out and that the ground was resurfaced. Council Member Laputka confirmed  
9 that the thickness criteria of the code had been met. Mr. McCue responded in the affirmative.

10  
11 Vice Mayor Allebach spoke in favor of going with Option 1, installing the lights at minimum cost and  
12 revisiting “green complaint” lights at a later time. Mr. McCue said that he met with representatives  
13 from Progress Energy and that Progress Energy anticipates “green compliant” lighting being available in  
14 about 5 years.

15  
16 **It was the consensus of Council to go with Option 1 – Progress Energy**  
17 **for the lighting for the basketball court.**

18  
19 C. Waste Management Assignment Request

20  
21 Mr. Reischmann advised that the purpose of this agenda item is to seek direction from the Council with  
22 regard to Waste Management’s (WM) assignment request. WM has a pending sale agreement with  
23 Emerald Waste Services (EWS) and pursuant to Section 11 of the Franchise Agreement the City has the  
24 right of first refusal to purchase that sale agreement. Should the City decide not to purchase the sale  
25 agreement, WM is requesting that pursuant to Section 6 of the Franchise Agreement, the City approve  
26 the assignment request. He said the assignment would be done by resolution at the next Council  
27 meeting.

28  
29 Mr. McCue advised that the purchase agreement is a \$41,000,000 package that includes various  
30 municipalities and that the City does not have the capability to purchase only the City’s portion of the  
31 agreement. He said it could potentially cost the City millions of dollars to set up a solid waste collection  
32 system, cut a deal with the County for landfill access and create an Enterprise fund that must fund itself.  
33 He said it is a big capital investment with a “very, very” long term return on that investment.

34  
35 **It was the consensus of the Council that the City NOT get into the**  
36 **garbage business.**

37  
38 Mr. Reischmann noted that the record would reflect that and that staff will prepare the necessary  
39 documentation to inform WM and EWS that Orange City will not pursue its right of first refusal. Mr.  
40 Reischmann advised that the next step is to address the assignment. He said that WM provided the City  
41 with timely notice of the sale to EWS in accordance with the franchise agreement. He read from Section  
42 6 of the Franchise Agreement which provides that the “Franchise Rights granted herein to Waste  
43 Management shall not be assigned by Waste Management except with the express approval of the City,  
44 which approval may not be unreasonably withheld, but which shall be reflected by a resolution of the  
45 City.” He said that staff is seeking direction in order to bring back the appropriate resolution and or  
46 forms that will be signed by EWS and WM confirming their continuing responsibilities under this  
47 section.  
48

1 Vice Mayor Allebach spoke in favor of the assignment noting that if this sale were happening on Wall  
2 Street the City would have no recourse. Mr. Reischmann said that staff researched EWS' ability and  
3 history of providing similar services to other local governments, noting that information is included in  
4 the agenda documentation.

5  
6 Mayor Strickland asked about the method of billing the City has with WM. He said that he had received  
7 numerous complaints that the City had taken over the billing responsibility of the private company and  
8 noted he would like to see the non ad-valorem solid waste assessment removed from the tax roll. Mr.  
9 Reischmann advised that EWS would receive the contractual rights and responsibilities as it currently  
10 exists, noting that includes the current method of billing. He said the term of the contract expires in  
11 2011 and that the method of billing could be addressed during the renegotiations. Mr. McCue reiterated  
12 that the terms and conditions of the contract must be maintained. He said the method of payment could  
13 not be addressed during the assignment process.

14  
15 In response to a comment from Mayor Strickland, Mr. Reischmann said there is nothing in Section 11 of  
16 the Franchise Agreement that would authorize the City to make right of first refusal conditional. He  
17 advised that EWS is aware of the Council's concern and that would be discussed when a new contract is  
18 negotiated. Mayor Strickland remarked that the Council would like the task accomplished as soon as  
19 possible.

20  
21 **Vice Mayor Allebach moved that the City will not pursue right of first**  
22 **refusal, seconded by Council Member Laputka and passed by a 6/0**  
23 **voice vote of the Council.**  
24

25 Mr. Reischmann advised that a resolution will be placed on the next agenda to confirm the transfer of  
26 ownership, as mandated by Section 6 of the franchise agreement.

27  
28 **8. REPORTS:**

29  
30 **A. City Manager**  
31

32 Mr. McCue discussed the recent lightning damage to various locations in the City. He said that the  
33 pump at the main well at the Utility Plant was hit by lightning. He said the cost to repair the pump was  
34 \$7,088.00. Another \$5,000 was expensed to repair the gate valves at the main treatment plant. In  
35 response to a question from Mayor Strickland, Mr. McCue said that the City is doing well on insurance  
36 recoveries and that he would forward the information to Council. Mr. McCue said that he has been  
37 talking with a company that will produce videos promoting the City which could then be streamed on  
38 the website. The videos would be updated annually over the course of a three-year contract. Mr.  
39 McCue said that the service is provided at no cost to the City and that he investigated thoroughly to  
40 ensure that there are no hidden charges. He said that he would begin the process this week. Mr. McCue  
41 reported that the City phone system and the security system at the Police Department was affected by a  
42 lightning strike and was inoperable for ten plus days, but is back up and running to full capacity.  
43 Council Member Sherrill questioned whether there are precautions that could be taken to prevent or  
44 minimize these lightening strikes. Mr. McCue advised that he would be meeting with representatives  
45 from Progress Energy to discuss the City's participation in a lightning suppression system and that staff  
46 is investigating the use of lightning rods. Mr. McCue congratulated Mayor Strickland, Council Member  
47 Laputka and the Parks and Recreation Department for their efforts in soliciting a donation of \$3,000  
48 from Volusia County Baptist Church to construct a basketball court in Mill Lake Park (off Orange  
49 Avenue.) He said that the City will host a "grand opening" ice cream block party.

1  
2 Council Member Abraham questioned whether Mr. McCue wanted to respond to comments previously  
3 made by Ms. Williams. He said that he had heard similar allegations from another employee who was  
4 fired from the City. Mr. Reischmann questioned whether there are any pending legal matters regarding  
5 this issue. Mayor Strickland responded that “there may well be” and suggested that discussion be  
6 limited. Mr. McCue stated that “anybody who is terminated is not happy about their termination.” He  
7 said that the employee does not always tell the truth. Mr. McCue assured the Council that there were no  
8 liability issues with the termination. In conclusion, Mr. McCue stated, That is a private matter and I  
9 won’t discuss it in a public arena.” Council Member Abraham clarified that his concern was that there  
10 is a “due process” procedure in place regarding terminations. Mr. McCue responded that there is ample  
11 “due process” provided for in the personnel policies. Mr. Reischmann concurred and stated that his  
12 office has reviewed the policies to ensure that process is provided. He said that when the policies are  
13 reviewed prior to any amendment, they are reviewed against existing case law and the Florida Statutes,  
14 as well as federal labor laws. He stated, “Council Member Abraham, I do want you to know that there  
15 is absolutely a set of policies that this City must follow.” The Mayor requested that a copy of the  
16 personnel policies be provided to Council. Mr. McCue said that he would make sure that everyone  
17 receives an electronic version of the manual. He noted that the City’s liability insurance carrier is  
18 always involved in advance of any disciplinary action taken on any city employee.  
19

20 Council Member Mahoney recalled that at the last Council meeting, Council Member Abraham  
21 discussed the possibility of adopting a lower millage rate and requested that staff provide examples of  
22 what services a lower millage rate would provide. He said that he would also like to see such examples.  
23 Council Member Mahoney requested that Mr. McCue distribute a spreadsheet of summary costs by line  
24 item for the overall budget. Council Member Mahoney clarified his request by stating that when  
25 Council had discussed the tentative millage rate, the comment was made that it is a maximum rate that  
26 could be lowered. However, if the rate was lowered, there would be corresponding cuts in service. He  
27 suggested that it would be beneficial to quantify what the cuts would be so that Council could make “an  
28 informed choice.” Mr. McCue responded, “Okay, let me translate that for you. You want me to  
29 arbitrarily pick a millage rate out.” He noted that the proposed budget was prepared based on a millage  
30 rate of 4.7 mills and stated, “If you’re telling me you want variations on that theme, what you’re telling  
31 me is to pick a millage rate, find out what money would be generated, that’s how you prepare a budget  
32 in the public sector.” Council Member Mahoney suggested that each line item be examined for possible  
33 reductions. Mr. McCue responded, “I’ll give you the line items and then you can give me direction on  
34 where you want to end, but I will tell you right now that if I go down the path you’re doing, I am  
35 definitively being directed to pick an arbitrary millage rate.” Council Member Mahoney clarified that  
36 he was not suggesting that Council “play with the input to pick a number that sounds good and then  
37 make up numbers that support that.” He said what he is looking for is clarification as to what is being  
38 spent for each different line item and then translating that into what the impact on the budget would be if  
39 certain items were not budgeted. Mr. McCue responded by stating, “You want me to go through, and  
40 I’m going to use the word again because that’s what you’re proposing, just so you understand from my  
41 perspective, you are proposing for me to go through a budget and make a recommendation to the  
42 Council to cut certain services.”  
43

44 Mr. McCue said that he had previously noted that there is “no real movement” in the budget. He  
45 explained that the revenue generated by ad valorem taxes generates about \$3,000,000 which doesn’t  
46 even cover the expenses of the Police and Fire departments. He stated, “Now you’re asking me to go  
47 back and cut expenses which, in effect, cuts the revenue.” Mr. McCue reiterated that the budget is  
48 driven by the revenue calculations. Council Member Mahoney responded, “That’s the objective.” Mr.  
49 McCue stated, “Give me some direction.” Mayor Strickland asked the City Manager what the budget

1 would look like if the millage was kept at the same level as last year. Council Member Mahoney said  
2 that he supported setting the tentative millage at the maximum rate because it “gives room.” He said  
3 that he would like to see what the potential cuts would be if the existing millage rate was carried  
4 forward to next fiscal year. Mr. McCue stated that he was not the one who determines which areas of  
5 the budget to cut. He suggested that was the purpose of the public workshops. Mr. McCue stated, “My  
6 recommendation is very clear—I don’t believe this City needs to cut services to be responsive in the tax  
7 environment we are and I prepared a budget to that.” Mr. McCue said that he needs direction from  
8 Council on where to make cuts as he didn’t propose to cut anything. He stated, “You’re going to have  
9 to give me some direction on where you want me to cut. I don’t propose to cut anything. And you’re  
10 asking me to propose to cut something then I want you to give me some direction on where you want me  
11 to hit it. Fire? Police? Public works? Where do you want me to cut?” Mr. McCue further stated,  
12 “Your questions are right on target, but I don’t believe it’s fair of you to ask me to make the  
13 determination on where service reductions are going to go when I proposed a budget to you guys that  
14 says you don’t have to cut it, to maintain and actually enhance your service levels.”  
15

16 Mr. McCue said that, at the request of Council Member Mahoney, he would be delivering spreadsheets  
17 that combine line items costs for each department into one lump sum per line item.  
18

19 **B. Mayor/City Council**  
20

21 Council Member Sherrill reported on the recent consumptive use permit (CUP) granted to the Niagara  
22 Bottling Co. in Lake County by St. John’s Water Management District (SJWMD). He said that the  
23 counties and cities in the State of Florida are concerned that SJWMD is allowing a company to draw  
24 water, bottle it and ship it out of the state while requiring the municipal entities to conserve water. As a  
25 result, many of the cities in the State have prepared resolutions against the action taken by the SJWMD.  
26 He said that WAV would be representing the municipalities of Volusia County and requested that the  
27 City Council direct the City Manager to prepare a resolution in support of WAV’s efforts. He predicted  
28 there may be court challenges, and a lot of politics involved but that it is not going to cost the City  
29 anything. Mr. McCue advised it would be a consumptive use permit hearing and that the City would not  
30 be a party to it.  
31

32 **It was the consensus of the Council that the City Manager provide a**  
33 **resolution formalizing the City’s position on this issue**  
34

35 Council Member Sherrill said that WAV has agreed to become a \$10,000 partner of a movement in  
36 Flagler County to build a desalination plant. He said the membership does not provide voting privileges  
37 but that if WAV does not become a share partner at this time, there would not be an opportunity at a  
38 later date. Mr. McCue advised that there is no expense to Orange City for this project.  
39

40 **C. City Clerk**  
41

42 No further report.  
43

44 **D. City Attorney**  
45

46 No further report.  
47

48 **9. APPROVAL OF MINUTES**  
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1           **Council Member Laputka moved to approve the minutes of the July 22, 2008**  
2           **Regular Council Meeting, seconded by Council Member Mahoney and passed**  
3           **by a unanimous 6/0 voice vote of the Council.**

4  
5   10.    **COUNCIL COMMENTS**  
6

7   Council Member Laputka expressed his pride that his son was able to present the United States flag to  
8   the City. He discussed his son's experience in the war in Iraq. He stated that recently his son was  
9   driving back from Barberville and had an attack of fear as he realized that he was alone and he did not  
10   have his rifle with him." He stated, "The reflection was that this stuff follows them. I just want to make  
11   the comment so you appreciate the kinds of things that these young man and women are going through  
12   when they are not working. I thought it was interesting, it was a passing comment but it was very real."

13  
14   Council Member Sherrill congratulated Sergeant Jason Sampsell for the "Home Town Hero" Award that  
15   he received this evening. He praised the Police, Fire and Public Works Departments and stated, "There  
16   is just no end the accolades that I'd love to be able to reap on these people."

17  
18   Vice Mayor Allebach remarked that the "tough stance" that the Council took paid off. He said that he  
19   was glad to have ALS back.

20  
21   Council Member Abraham thanked Council Member Mahoney for bringing up the issue about sample  
22   scenarios about services that would be cut if a lower millage rate was adopted. He said that he looks  
23   forward to the budget workshop to find ways to lower the tax burden for the citizens.

24  
25   Mayor Strickland said that he had numerous positive comments about the kids playing on the splash pad  
26   from various sources. He stated, "Well, as soon as they go back to school I want to have it so that some  
27   of us old folks can get out there too. He suggested that the surface of the splash pad be softer. Mr.  
28   McCue responded that is in the works.

29  
30   **11.    ADJOURNMENT**  
31

32   There being no further business, Mayor Strickland adjourned the meeting at 8:50 p.m.

33  
34   **RESPECTFULLY SUBMITTED:**

**APPROVED ON:**

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36  
37  
38   Gloria Williams  
39   Deputy City Clerk  
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