

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, September 08, 2009 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange
3 City.

4
5 **CALL TO ORDER**

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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, Paul Rasch, Jim Mahoney; City Attorney William
13 Reischmann; Interim City Manager Chester Murray; City Clerk Deborah Renner

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15 The invocation was given by Solbrekken Selva, followed by the Pledge of Allegiance.

16
17 **I. SPECIAL PUBLIC HEARING AND ADOPTION OF THE BUDGET AND MILLAGE**
18 **RATE FOR FISCAL YEAR 2009/2010**

19
20 **MAYOR'S OPENING COMMENTS:**

21
22 Mayor Strickland read the following statement into the record. "The City of Orange City intends to
23 adopt a budget and millage rate for Fiscal Year 2009/2010. The proposed millage rate is 5.1953 mills
24 which represents the rolled back rate as provided by the Property Appraiser of Volusia County and does
25 not reflect an increase in ad valorem taxes."

26
27 **SPECIAL PUBLIC HEARING/SECOND READING**

28
29 **FINAL ADOPTION OF BUDGET AND MILLAGE RATE FOR FISCAL YEAR 2009/2010**

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31 **(1) Ordinance No. 404 (Millage Ordinance) is voted on**

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33 Vice Mayor Allebach read the title of Ordinance No. 404 into the record.

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35 **Council Member Laputka moved to adopt Ordinance No. 404 on first**
36 **reading, seconded by Council Member Mahoney.**

37
38 Mr. Murray advised that the proposed millage rate is the rolled-back rate and would generate the same
39 amount of ad valorem taxes that was collected for 2009. He noted new construction and annexations are
40 not included.

41
42 **Motion passed by a 7/0 roll call vote of the Council.**

43
44 **(2) Ordinance No. 405 (Budget Ordinance) is voted on**

45
46 **B. ORDINANCE NO. 405:** An ordinance of the City of Orange City,
47 Florida, adopting the annual budget for the 2009-2010 fiscal year
48 beginning October 1, 2009, and ending September 30, 2010; authorizing

1 subsequent amendments by resolution; repealing all inconsistent
2 ordinances or parts thereof; and providing for an effective date.

3
4 Vice Mayor Allebach read the title of Ordinance No. 405 into the record.

5
6 **Council Member Laputka moved to adopt Ordinance No. 405 on first**
7 **reading, seconded by Council Member Mahoney.**

8
9 Mayor Strickland opened the public hearing by asking if anyone wished to speak on either the budget or
10 the millage ordinance.

11
12 Gina Holmes, 670 Placid Avenue, came forward and said that she has been campaigning and talking
13 with citizens about the proposed City budget. She said that everyone that she spoke with felt the
14 Council does not represent them. She asked that Council remember the citizens they represent when
15 they vote on the proposed budget. Ms. Holmes concluded by stating, "They need to feel like they are
16 being voted for, not against."

17
18 Bill Crippen, 325 N Volusia Avenue, came forward and said that the new budget does not reflect
19 "conservatism" and "restraint." He said that deficits are still in the forecast and he does not agree with
20 tapping into the reserves at this time. Mr. Crippen asked Council to consider more fiscal constraints.

21
22 Henry Durica, 1310 Lansdowne, came forward and commended Vice Mayor Allebach for his comments
23 at the last meeting. Mr. Durica said that he is retired. During the last four years of his employment his
24 wages were frozen, his retirement contributions were stopped and he was required to pay more for
25 health care. However, he said, he had a job and the company survived by being proactive. Mr. Durica
26 said that retired people are faced with a two-year social security wage freeze. He stated, "Please take us
27 into consideration when you vote on taxes or other increases for the City because we will certainly
28 remember you when it is time to vote."

29
30 Mr. Durica asked Mr. Murray if any tax considerations such as rebates or abatements were given to any
31 new businesses. Mr. Murray responded that they were not. Mr. Durica asked how many people the City
32 employs. Mr. Murray responded that it is about 97 between the City and the Utility. Mr. Durica asked
33 how many employees own property in the City. Mr. Murray responded that he did not know. He stated
34 that residency is not a requirement to work in the City. Mr. Durica responded by stating, "In order for
35 them to feel my pain after they get a wage increase....." Mr. Murray asked, "Where is the tax increase,
36 Mr. Durica? There is no tax increase..... There is no tax increase." Mr. Murray acknowledged that the
37 tax rate had changed, but the amount of revenue generated is the same with the exception of people
38 covered by Save Our Homes. He noted that taxes went down substantially for people whose property
39 was not eligible for a homestead exemption. Mr. Durica asked, "So you're saying the City is not going
40 to raise the taxes?" Mr. Murray responded, "The taxes are not raised." Mr. Durica noted that his taxes
41 increased. Mr. Murray said that his assessment went down by \$50,000, but his taxes went up \$200. He
42 stated, "I feel your pain, too." Mr. Murray reiterated that the tax rate has not gone up. Mr. Durica
43 asked if that meant they are not going to go up. Mr. Murray responded that the tax rate is set by the
44 Council. Mr. Durica noted that social security wages were frozen for two years. He stated, "If the
45 individual getting a three or six percent raise doesn't live in Orange City and the taxes do go up, he's not
46 going to feel any pain." Mr. Murray responded, "So you prefer to do this to penalize the employee?
47 Then why else would it bother you so much that we're doing it? Why is the City not celebrating the fact
48 that we don't have to do that?" Mr. Murray said that the City is in "fine financial shape" and he
49 attributed that to the employees. Mr. Durica stated, "I just wanted to make sure we all feel the pain."

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Mr. Murray stated that he chose not to make \$900,000 in authorized expenditures to ensure that revenues would not be short of projections at the end of the year. He said that the new budget proposes to spend \$495,000 of that money in the next fiscal year for delayed expenditures that were not made this year. The overall budget has been reduced by over \$1 million. Mr. Murray stated that he was offering employees a 3% cost of living adjustment (COLA) and only half of the employees would receive a merit increase over the course of the year. He clarified that the largest increases would be 4.5% overall and that only half of the employees would receive that. Mr. Murray noted that still leaves the City with over 30% of its budget in reserves and that spending would be under budget by about \$150,000 at the end of the year.

Mr. Murray further noted that the election comes right during budget adoption and cautioned that “the biggest danger we can face is to see who can out cut who.” He stated, “And it’s for no good reason, there is no good, valid reason other than to be punitive toward the employees.” Mr. Murray stated that employees do not received bonus’ for doing well in government work like private industry does. He stated, “They chose the slow, steady, progress.” Mr. Murray stated, “I’ve taken \$188,000 away from these good people in benefits. \$188,000....now if we cut their COLA’s, you’re going to tack another \$130,000 on....for no reason, none, other than to be punitive. That’s how strongly I feel.”

Mr. Durica noted that Volusia County granted a 2% across the board increase. He questioned why Orange City has a higher proposed millage rate than Deltona or DeBary. Mr. Murray responded that the millage is “incidental.” He noted that the City’s tax base is largely commercial which only lost 8-10% in value as opposed to residential assessments which went down 30%. Mr. Murray advised that this is the first time he can recall that the millage rate increased to meet the rolled-back rate. Mr. Murray noted that Orange City’s millage rate has fallen through the years and the increases in revenue are a result of growth. He said that the money Orange City receives from the State accounts for 6.38% of its revenue, so even if it was cut off completely, the City could absorb the cut and continue to function. Mr. Murray reiterated that the City is not contemplating severe budget cuts because it is fiscally sound.

Council Member Mahoney discussed the City’s tax levy. He said the taxes the City is proposing have not increased, rather, the distributions have changed due to the diminished “Save Our Homes” subsidy. Council Member Mahoney read a report that he received with his tax notice that compares spending tax levies to a per capita income index (PCI), plus an allowance for new construction. It provided a chart that illustrates the property tax spending history of each of the taxing authorities in Volusia County from 2001 to 2008. Most municipalities far exceeded the PCI index during the "bubble and burst" real estate market. Pierson was the only municipality that was below the PCI index, while various other cities were well above, many in "double-digit" percentages. He said the City's tax assessment was just 3% above the PCI index. Council Member Mahoney noted that the proposed millage rate is the rolled back rate and stated, “We’re going to levy the same taxes that we did previously and the prior periods were not unreasonable. The tax rate that’s being proposed here is not unreasonable.” He noted that by reducing employee health insurance benefits, the city is trying to address an issue that has bankrupted many large companies. Council Member Mahoney expressed his frustration that no one seems to recognize that fact. In conclusion, Council Member Mahoney stated, “I really wished that when we had this it would be a discussion where we would look at all the facts and not just pick and choose those that suit our objectives.”

Council Member Rasch said Orange City has maintained it services to the satisfaction of its citizens. He said that he, too, is on a fixed income and his taxes increased. He stated, “We’re not in financial trouble,

1 there's no reason not to approve the budget exactly as it is right now. I think that it is the only way to
2 go.”

3
4 Council Member Abraham recalled that last year Council eliminated the City Manager position. He said
5 at that time, the former City Manager suggested the City could save money by eliminating positions and
6 that he offered to provide a list of employee positions that could be eliminated. Council Member
7 Abraham said that he did not request a reduction in staff. Instead, the City Manager “sacrificed himself”
8 to save the City money. He noted that this happened one year ago and stated, “Now, you are telling me
9 and the citizens ...we have less revenue and we don't have to eliminate any positions, we can simply
10 draw money from the fund balance which the former City Manager managed and put there.” Council
11 Member Abraham noted that the current City Manager is now proposing to give pay raises to the
12 employees and stated, “There is a big contradiction here.” Council Member Abraham said he has
13 observed how other cities are handling budget issues and asked, “Does it mean that other cities today are
14 not managing efficiently?” Mr. Murray responded, “That's exactly what it means.” Council Member
15 Abraham disagreed suggesting that other cities are managing more efficiently by laying off employees
16 and removing positions. He stated, “They are preparing for their future.” Council Member Abraham
17 noted that in India and China, the economy is not affected by the current recession. He stated, “Our
18 Manager is telling that Orange City is with India and China. I disagree.” Council Member Abraham
19 concluded by stating, “If you are going to respond to me, please respond more intelligently than what
20 you have been doing in all these workshops. Since April you are talking about strategic plan, vision,
21 mission, future of Orange City. I say, in this budget there is nothing to tell me that you are really
22 worried about the future of Orange City or Orange City's citizens.”

23
24 Vice Mayor Allebach said the City could reduce the millage rate by implementing a fire assessment fee
25 like Deltona did. He said a fire assessment fee could then be applied to tax-exempt, non-profit
26 organizations, such as churches. Vice Mayor Allebach expressed his concern that there is a “continued
27 hatred” towards government. He suggested it could be due to the media coverage of the “bi-partisan”
28 politics in Washington. Vice Mayor Allebach maintained that local governments are not wasteful as the
29 Federal government is. He said that Orange City is not being wasteful by providing its employees a
30 raise. Most City employee salaries are minimal with the exception of some long-term employees. The
31 Vice Mayor suggested that this attitude of hatred toward the employees was “inappropriate.” He also
32 spoke against rewarding lower-paid employees with a raise and penalizing those who have worked hard
33 for the City for many years. Vice Mayor Allebach noted that since 2002, the City has consistently put
34 money into its reserves each year. He said that it is recommended that cities carry reserves equal to 25%
35 of the budget, noting that Orange City has 30%. The past year was not normal for the City due to the
36 state of the economy and as a result, the City needs to use some of its reserves. Vice Mayor Allebach
37 noted that the City has been frugal by doing things like renovating Town Hall rather than building a new
38 one. Vice Mayor Allebach stated, “So, I think we are misguided to say that Orange City is not looking
39 out for the future or that Orange City is not taking care of the residents.” He suggested that people work
40 with the City to put together programs to benefit the community and not try to tear it down.

41
42 Council Member Abraham said that he met with the City Manager this morning and asked him what the
43 three highlights of the budget are. He stated, “Can I get an answer in this open meeting?” Mr. Murray
44 responded that the number one highlight is that there is no tax increase. The second is that there is no
45 reduction in services, the City is remaining intact and delivering the same level of services that it has
46 historically delivered. The third highlight is that the City is addressing capital items with one-time, non-
47 recurring funds. Mr. Murray said that the City is spending \$625,000 for capital purchases such as
48 vehicles, and that \$495,000 of that money will come from the reserve fund. He reiterated that the
49 reserve fund will not be used to fund salaries or recurring costs, only one-time expenses.

1 Next, Council Member Abraham questioned whether improvements had been made to the parking lot
2 behind City Hall in the last ten years. Mr. Murray responded "Yes, sir." He noted that the lot used to
3 be dirt. Council Member Abraham stated, "You tell me whether you forgot this Council's promise to the
4 citizens of Orange City that a safety complex will be built here. Did you forget that this morning and all
5 these days when you talk about capital improvement? What happened to your promise of the safety
6 complex? How are we going to face the big expenses of the litigation coming to us in the next few
7 months? Where is the money, sir? Mr. Murray responded, "It is budgeted sir, it is in this budget." Mr.
8 Murray further stated that the Council never promised a public safety complex, he said the concept was
9 presented to Council. Council Member Mahoney agreed, noting that Council never adopted the concept.
10 He stated, "Which is probably one of the reasons that we're sitting here today with the reserves and not
11 the infrastructure that some people or communities are now struggling to pay for."
12

13 Council Member Abraham continued, he questioned whether there are adequate parking spaces in the
14 City. He stated, "Let the Police Chief tell us whether they have a congested police station, or go to the
15 Planning Office and see the situation there...congested rooms. Do we take care of all this by drawing
16 from the fund balance or do we spend that fund balance without proper planning? Why are we taking
17 that fund balance and using for what capital improvement?" Police Chief Jeff Baskoff came forward
18 and said that the Police Department is not congested since the building renovation. He explained that
19 police officers are out in the field during their shifts. Council Member Abraham noted that recently the
20 Community Development Unit moved to another building, so the department may have gained
21 additional space that way. Council Member Abraham said that he discussed the ratio of police to the
22 population in Orange City with the City Manager. He questioned whether the City's ratio was higher
23 than most cities. Police Chief Baskoff stated, "Absolutely not." He explained that the City's ratio is
24 2.3, which is lower than most cities. Council Member Abraham said that he saw a report on a web site
25 that said that Orange City has a higher ratio. Chief Baskoff disagreed. He referred to the Florida
26 Department of Law Enforcement web site, stating that Orange City has one of the lowest ratios
27 statewide. The average ratio is 2.5 statewide. Council Member Abraham noted that Port St. Lucie's
28 ratio is 1.67, down from 1.75. Mr. Murray pointed out that the City's animal control and code
29 enforcement programs are handled by the police department which, therefore, increases the ratio. If
30 these programs were moved to another department, the City would still be required to provide additional
31 employees. While that would decrease the police ratio, it would also increase the cost of employees
32 overall. Mr. Murray restated his belief that the budget is well balanced. Council Member Abraham
33 concluded by stating that other Councils in other cities in Florida have spent hours discussing the budget
34 and the falling revenues and budget shortages. They have had to make some difficult decisions and have
35 "painfully eliminated" positions. He said that was not a happy experience for them. Council Member
36 Abraham expressed his opinion that Council had not spent much time to think about the future of
37 Orange City.
38

39 Mayor Strickland stated, "The budgetary process, for me, has been difficult and painful. Part of it is that
40 trying to figure out how the budget works and where the money comes from to me is mind-boggling."
41 He acknowledged that it is difficult for citizens to understand the budget and revenues of the City. The
42 Mayor said that he would like to have departmental presentations on the budget next year. Mayor
43 Strickland said that he did not want to "micro-manage" the budget, but that he wanted to be clear where
44 the money goes. He said he now has a "greater appreciation" of the job responsibilities of the City
45 Manager and the importance of preparing a balanced budget while continuing to provide for the needs of
46 the citizens.
47

48 There being no further requests to speak, the Mayor closed the public hearing.
49

1 **Motion passed by a 6/1 roll call vote of the Council, with Council**
2 **Member Abraham voting "no."**

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4 **C. ANNOUNCEMENT OF PROPOSED MILLAGE RATE**
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6 Mayor Strickland read the following statement into the record: The proposed millage rate for the City
7 of Orange City for Fiscal Year 2009-2010 is 5.1953 mils which represents the rolled-back rate as
8 provided by the Property Appraiser of Volusia County and does not reflect an increase in ad valorem
9 taxes.

10
11 **D. ANNOUNCEMENT OF THE DAY, TIME AND PLACE OF**
12 **SECOND PUBLIC HEARING AND FINAL ADOPTION OF**
13 **ABOVE ORDINANCES**
14

15 Mayor Strickland read the following statement into the record: Second Reading and Public Hearings for
16 Ordinance No.'s 404 and 405 will be held during the second regular City Council Meeting for the month
17 of September 2009 on Wednesday, September 23, 2009 at 7:00 p.m. in Council Chambers at 201 N.
18 Holly Avenue, Orange City, FL.

19
20 **1. ABSENCES:**

21
22 Shall the absence of Council Member Abraham at the August 25, 2009 meeting be excused?

23
24 **Vice Mayor Allebach moved that Council Member Abraham's absence from**
25 **the August 25, 2009 Regular Council meeting be excused, seconded by**
26 **Council Member Mahoney and passed by unanimous voice vote of the**
27 **Council.**
28

29 **2. PRESENTATIONS:**

Gail Computaro, Council on Aging

30
31 Ms. Gail Computaro, Director of the Council on Aging came forward and congratulated Council for
32 taking an interest in the senior citizens of Orange City. She said the Council on Aging has been
33 managing the Senior Center for several years. There are over 600 members at that location. Ms.
34 Computaro said the Council on Aging is managing five senior centers in Volusia County. Many local
35 governments are finding it is more cost effective for the Council on Aging to manage their senior
36 centers.

37
38 Ms. Computaro said that the Council on Aging is more than a senior center. She said that she provided
39 Council with census information from 2000 (a copy of which is attached and becomes a permanent part
40 of these minutes). She said that in 2000, Orange City had 2,500 people over the age of 60 which is a
41 little over 2% of all the seniors in Volusia County, but representing 38% of the population of the City.
42 Ms. Computaro said she hopes that everyone responds to the U.S. census. The Council on Aging
43 will be encouraging its members to respond. She described the services that are provided such as the
44 Meals on Wheels program and a congregate dining site at the First Congregational Church. She said
45 that last year, the Council on Aging served 4,700 homebound people in Volusia County at a cost of
46 \$2,000 per year, per senior. She said the program is funded with federal and state tax dollars and local
47 funding from the County, various cities and the United Way. Ms. Computaro said to reduce its
48 dependency on federal and state funding, the agency began to offer its services to the private sector. She
49 said that 85% of the assets in Volusia County belong to people over the age of 60.
50

Proclamation – Constitution Week

Council Member Laputka read a proclamation into the record proclaiming September 17 through 23 as Constitution Week and asked citizens to reaffirm the ideals the framers of the Constitution had in 1787.

3. CITIZENS COMMENTS: None at this time

4. CONSENT AGENDA: None at this time

5. ORDINANCES – FIRST READING: None at this time

6. PUBLIC HEARINGS:

- A. RESOLUTION NO. 562-09:** A resolution of the City of Orange City Florida, relating to the collection and disposal of solid waste in the City of Orange City, Florida; reimposing solid waste service assessments against assessed property located within the City of Orange City, Florida for the fiscal year beginning October 1, 2009; approving the rate of assessment; approving the Solid Waste Assessment Roll; and providing an effective date.

Council Member Laputka moved to adopt Resolution No. 562-09, seconded by Council Member Mahoney.

Mayor Strickland opened the public hearing.

Christine Davis, Finance Director, came forward and stated that Resolution No. 562-09 is the final step in implementing the solid waste assessment program for the coming year. She advised that this is the third year that the City has levied the solid waste fees as a non-ad valorem assessment on the tax rolls. The rate remains at \$259 annually as with the original levy in 2007. Ms. Davis advised that individuals who pay their tax bill early between November and February are eligible for the statutory discount. Ms. Davis reported that sixteen properties were added to the assessment roll this year. They were all issued a mailed notice. The number of billable units increased from 2,246 to 2,2262.

In response to a question from Council Member Abraham, Ms. Davis confirmed that this is the third year of billing garbage fees on the tax bill. She advised that the current contract is valid through December 31, 2011. Council Member Abraham noted that Emerald Waste Services (EWS) is paying a lower franchise fee to Orange City than to other municipalities is serves and asked whether that could be renegotiated. Mr. Reischmann responded that the City does not have a “most favored nation” agreement with EWS. He said that there are notice requirements within the franchise agreement if the City wants to renegotiate the contract. Ms. Davis said that this issue would be brought to Council in the latter part of 2010. Mr. Reischmann noted that the City’s original contract was with Waste Management which was subsequently sold to EWS. Ms. Davis said that staff did request that the garbage fees be lowered, however, that request was denied by EWS.

Council Member Abraham noted that EWS gave Volusia County a better rate than Orange City and stated, “So I am less convinced by these companies and their business practices.”

Council Member Laputka noted that EWS does not pay “tipping fees” when dumping waste for the County which allows them to charge a cheaper rate.

1 Council Member Rasch said that at the time a five-year contract seemed like a good deal. He stated,
2 “There are risks in a contract.”
3

4 Council Member Mahoney expressed his wish that the next contract be negotiated to include exclusive
5 service to both residential and commercial customers in the City. Mr. Murray concurred that this could
6 lower rates.
7

8 There being no further requests to speak, Mayor Strickland closed the public hearing.
9

10 **Motion passed by 7/0 roll call vote of the Council.**
11

- 12 **B. ORDINANCE NO. 397:** An ordinance of the City of Orange City, Volusia County,
13 Florida; adopting the 2009 International Property Maintenance Code with the exception
14 of certain amendments thereto: providing for conflicts, severability, codification and
15 effective date.
16

17 **Council Member Mahoney moved to adopt Ordinance No. 397 on**
18 **second and final reading, seconded by Council Member Laputka.**
19

20 Mayor Strickland opened the public hearing.
21

22 Sgt. Lariscy came forward and stated that this ordinance provides for a uniform property maintenance
23 code which would apply to all properties in the City, both commercial and residential. It provides for
24 life-safety issues and applies to multi-family residential units which are considered commercial.
25

26 Mayor Strickland asked where manufactured homes fit into these provisions of the code. Sgt. Lariscy
27 responded that it would be uniform across the board. Mr. Murray clarified that those types of structures
28 must meet DCA standards now.
29

30 There being no further requests to speak, Mayor Strickland closed the public hearing.
31

32 **Motion passed by unanimous 7/0 roll call vote of the Council.**
33

34 **7. RESOLUTIONS:**
35

- 36 **A. RESOLUTION NO. 563-09:** A resolution of the City Council of the City of Orange
37 City, Florida, supporting actions by the Florida Department of Environmental Protection
38 and the Environmental Regulation Commission to consider reasonable, science-based
39 amendments to the designated uses and classification system of surface waters; providing
40 for severability; and providing for an effective date.
41

42 **Council Member Laputka moved to adopt Resolution No. 563-09,**
43 **seconded by Council Member Sherrill.**
44

45 Mr. Murray explained that this is a “plea” in regard to an impending unfunded mandate. He explained
46 that every drainage ditch in the state is classified as “Class 3” waters which means that they are
47 swimmable and fishable. He said that the Federal Government is planning to put standards for discharge
48 on drainage areas to clean them to Class 3 standards. Mr. Murray said that the cost would be

1 “astronomical.” He advised that this resolution will be forwarded as a request not to adopt the pending
2 legislation.

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4 **Motion passed by unanimous 7/0 roll call vote.**

5
6 **8. DISCUSSION AND ACTION:** None at this time

7
8 **9. NEW BUSINESS:**

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10 Vice Mayor Allebach said that he would like staff to invite someone from the school board to come and
11 talk about the name for the new high school. Mr. Murray said that a ribbon cutting ceremony
12 celebrating the opening of Rhode Island and Sparkman Avenues is scheduled on September 28th. He
13 said that all the literature and speeches have included the term “Orange City High School”. The
14 scheduled opening date for the school is currently August 2010 and it is anticipated that it will open
15 without a senior class the first year. Mr. Murray said that he would work on inviting a school board
16 representative to come to a meeting to provide an update on the high school opening.

17
18 Council Member Laputka provided an update on the status of the artwork on the side of the Embarq
19 building. He said that artwork is being done by a local resident and is designed to “brand” Orange City
20 the home of the manatees. Embarq plans to have a “customer appreciation day” and to unveil and
21 donate the artwork to the City as a gift at that time. Mr. Murray said once the date is known, a
22 proclamation could be prepared and presented. Mayor Strickland noted that a proclamation for the
23 opening of Rhode Island and Sparkman would be prepared as well.

24
25 Council Member Rasch questioned the status of his request that staff investigate the possibility of
26 making the use of cell phones while driving a violation. Mr. Reischmann said that he has begun to
27 research the issue. He said he found an AGO opinion from some time ago that indicated that because
28 there is nothing specific in Chapter 316 of the Florida Statutes, any local regulation with regard to this
29 issue would not be preempted to the State of Florida. He said that it could be done but there might be
30 limitations.

31
32 **10. REPORTS:**

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34 A. City Manager

35
36 Mr. Murray said that Paul Johnson, Public Works Director would like to discuss a report on the new
37 draft water regulations from the St. John’s River Water Management District (SJRWMD). He asked
38 Mr. Johnson to come forward. Mr. Murray noted that Mr. Johnson discussed these new regulations at
39 the last Sustainable Water Committee meeting and he wanted Council to be apprised of the matter.

40
41 Mr. Johnson said that he previously provided Council copies of a report from the consultant
42 commissioned by the West Volusia Utilities Partners (Partners) to challenge SJRWMD modeling. He
43 said the model is up and running and is more precise than the one used by SJRWMD. For example, the
44 data inputted into the SJRWMD model is “static” while the Partners model is “transient” and more
45 flexible. The new model uses a 2500 sq. ft grid patterns while the Partners has 500 sq. ft. patterns and
46 contains impervious and land use planning data. Mr. Johnson noted that the new model indicated that
47 the aquifer levels are higher than what SJRWMD had indicated in the past. He stated, “That is good
48 news for us.”

49

1 Mr. Johnson said that in addition to the working on modeling, the consultant has estimated that if the
2 City were to retrofit 50% of its customers, the City could save 25% of its ground water pumping. Mr.
3 Johnson suggested that is an achievable number that would cost the City about \$10 million. He
4 reminded Council of the City's stormwater to reuse program stating that the consultant calculates that it
5 would require 8 million gallons of water a day (mgd) to service all of West Volusia. Mr. Johnson said
6 that originally the City calculated that it could provide one million gallons of stormwater. However, if
7 the City were to move forward with the proposed Miller Lake regional area, the City could provide an
8 additional million gallons of water. The Partners are considering drawing water from the river or other
9 lake bodies to supplement the remaining 6 million gallons of water required. Mr. Murray noted that
10 these figures do not include DeBary's 60 acre retention area. Mr. Johnson pointed out that DeLand has
11 an existing permit to withdraw two mgd from the river for augmenting reclaimed water. He said the
12 Partners are working on a monitoring plan for the springs. The City has a well in Country Village that is
13 not used and could donate it to the program to be used to monitor aquifer activities. It would be fitted
14 with automatic dead locking devices. The Partners are considering another four or five wells in
15 DeLand, Deltona and the south part of the County.

16
17 Mr. Johnson said that the draft implementation strategy for the Volusia County Groundwater Available
18 Assessment mandated that the City could not pump more than 600,000 gallons of water per day from the
19 ground the additional 2 mgd of water required would have to come from another source. Mr. Johnson
20 said the new study indicates that West Volusia may only have to reduce its pumping by 50%, which is a
21 big difference from the 80-90% reduction the SJRWMD originally mandated.

22
23 Council Member Mahoney questioned what the percentage would have to be if irrigation needs were not
24 included. Mr. Johnson responded that it would require more than a 50% reduction. He suggested that an
25 additional 25% reduction could be obtained by using reuse water for irrigation. Conservation efforts
26 could help to lower the gap, however, Mr. Johnson said he did not feel that it would ever completely
27 offset.

28
29 Mr. Johnson noted another interesting outcome of the study is that the Partners have begun to meet with
30 SJRWMD on a regular basis. He that SJRWMD has asked the Partners to work with them to develop
31 the 2010 water supply plan by providing alternative suggestions. Mr. Johnson noted that the new draft
32 regulations from the County now contain many of the issues that the Partners have been discussing such
33 as redistribution and ground water pumping, augmentation of reclaimed water systems, aquifer recharge
34 augmentation potentials, indirect portable reuse, mitigations of impacts, and additional conservation
35 issues, etc. Mr. Murray pointed out this is the first time that these items have appeared in SJRWMD
36 documents which shows a little flexibility on their part. Mr. Johnson noted that the choice of
37 desalination or surface water is missing from the document. Mr. Johnson concluded by stating that the
38 pressure has eased some and the SJRWMD is considering the fact that the water situation is probably
39 good until 2019. Both Mr. Murray and Mr. Johnson warned that the remedy will be costly no matter
40 what course is chosen. Mr. Murray suggested also that the east side could supply water to everyone.

41
42 In response to a question from Mayor Strickland, Mr. Johnson said the discussion at the Sustainable
43 Water Committee was very good and that there was a lot of give and take of information.

44
45 In response to a question from Council Member Mahoney, Mr. Murray said that it is premature to
46 "temper" the water fee that is being collected with the water bills. He said that the most the City is
47 going to generate is \$500,000 a year. No matter what solution is chosen to alleviate the water issues, it
48 is going to cost the City a minimum of \$10 million. Council Member Rasch questioned whether the

1 recent increase stimulated conservation efforts. Mr. Murray responded that staff has begun to see some
2 improvement.

3
4 Mr. Murray reported a meeting is scheduled for Friday afternoon to discuss the Miller Lake regional
5 area project with all the governments involved. He noted that this project would increase the City's
6 storage capacity.

7
8 In response to a question from Council Member Sherrill, Mr. Johnson said that the City already adopted
9 the WAV and Volusia County model irrigation ordinance.

10
11 B. Mayor /City Council

12
13 Council Member Sherrill reported there is a WAV Executive Board meeting tomorrow and another with
14 the overall board. He said that he anticipates the matter would be finalized within the next two weeks.

15
16 C. City Clerk

17
18 Ms. Renner provided an update on the upcoming elections noting that it is two weeks away. She
19 reminded Council that Canvassing Board training is scheduled for September 16th at 6:30 p.m. in
20 Council Chambers. The meeting is open to the public.

21
22 D. City Attorney

23
24 No further report.

25
26 **11. APPROVAL OF MINUTES:** August 25, 2009 Budget Workshop

27
28 **Council Member Laputka moved to approve the minutes of the August 25, 2009**
29 **Budget Workshop, seconded by Vice Mayor Allebach.**

30
31 Council Member Mahoney noted that on page 3, line 36 "cat bird seat relevant to" should be "cat bird
32 seat relative to." The minutes were approved as amended by a unanimous 7/0 voice vote.

33
34 August 25, 2009 Regular Meeting

35
36 **Council Member Laputka moved to approve the minutes of the August 25, 2009**
37 **Regular meeting, seconded by Vice Mayor Allebach and passed by a unanimous**
38 **7/0 voice vote of the Council.**

39
40 **12. COUNCIL COMMENTS:**

41
42 Vice Mayor Allebach noted that the football season started last night. He stated, "It was a pretty good
43 night."

44
45 Council Member Sherrill stated, "Go Miami."

46
47 Council Member Rasch said that he was happy the water bills would be printed on perforated paper.
48 Mayor Strickland congratulated the candidates for their efforts for the upcoming election. He
49 announced that the League of Women Voters of Volusia County is sponsoring a candidate forum

1 Thursday night at 7:00 P.M. in the Library Hall. He said a meeting is scheduled for tomorrow morning
2 at John Knox Village as well. Mayor Strickland thanked Aldon's Heating and Air for helping out the
3 Orange City Library Association with an air conditioning problem. He said the County has cut back on
4 its funding and there was no money to fund the repair. Mr. Aldon was able to fix the problem at no
5 cost.

6

7 **13. ADJOURNMENT**

8

9 There being no further business, Mayor Strickland adjourned the meeting at 8:38 p.m.

10

11 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

12

13

14 Deborah J. Renner, CMC

15 City Clerk

September 23, 2009

16

17