



REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

OCTOBER 18, 2016

AGENDA

ALL CITIZENS DESIRING TO ADDRESS THE PORT ORANGE CITY COUNCIL DURING CITIZEN PARTICIPATION SHOULD COMPLETE A SPECIAL APPLICATION FORM WHICH IS LOCATED ON THE STANDS OUTSIDE THE COUNCIL CHAMBERS. AFTER COMPLETING THE FORM, PRESENT IT TO THE CITY CLERK.

A. OPENING

1. Pledge of Allegiance
2. Invocation
3. Roll Call
4. Rules of Procedure

B. AGENDA APPROVAL

C. PUBLIC HEARING

5. Second Reading - Ordinance No. 2016-17 - Revision to City Code Sec. 2-272 - Alterations or modifications of contracts
6. Second Reading - Ordinance No. 2016-18 - Correction to City Code Sec. 2-275 - Local purchasing preference
7. Second Reading - Ordinance No. 2016-22 - Moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of tattoo parlors in the City of Port Orange; Case No. 16-25000004
8. Subdivision Variance for 870 Taylor Road; Case No. 16-90000005

D. BOARD APPOINTMENTS, INTERVIEWS, REPORTS

9. Citizen Advisory Committee for TPO

E. CITIZEN PARTICIPATION (Agenda)

10. Port Orange Stallions- Fee Waiver

F. CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

G. COUNCIL COMMENTS

11. Comments/Concerns from Council Members

H. CONSENT AGENDA

12. Approval of Minutes

- a. September 27, 2016 - City Council Workshop
- b. October 4, 2016 - Regular City Council Meeting
- c. October 10, 2016 - Special City Council Meeting

13. Bid Awards and Contract Items

14. Resolution No. 16-71 - Update and Ratify Ongoing Participation on Volusia County Water Compact

15. Major Special Event Request – Turkey Trot 5K at Aunt Catfish Restaurant located at 4009 & 4108 Halifax Drive and Panhead's Pizzeria located at 4085 Ridgewood Avenue

16. Major Special Event Request – Lighthouse Loop Half Marathon & 5K @ DJ's Deck at 79 E. Dunlawton Avenue, Aunt Catfish Restaurant at 4009 Halifax Drive and Panheads Pizzeria at 4085 Ridgewood Avenue.

17. Proposed License Agreement – Lot 32, The Woods of Port Orange Unit III Subdivision; 492 Spruceview Drive

I. COMMENTS

18. City Attorney Comments

- a. Update on Volusia County Agreement for Debris Management Site

19. City Manager Comments

J. COUNCIL COMMITTEE REPORTS

20. City Council Committee Reports

- a. ArtHaus
- b. Port Orange/South Daytona Chamber of Commerce
- c. Roundtable of Elected Officials

K. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO

ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

ANY INVOCATION THAT IS OFFERED BEFORE THE OFFICIAL START OF THE CITY COUNCIL MEETING SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE PERSON, TO AND FOR THE BENEFIT OF THE CITY COUNCIL. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE CITY COUNCIL OR THE CITY STAFF, AND THE CITY IS NOT ALLOWED BY LAW TO ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER. PERSONS IN ATTENDANCE AT THE CITY COUNCIL MEETING ARE INVITED TO STAND DURING THE OPENING INVOCATION AND PLEDGE OF ALLEGIANCE. HOWEVER, SUCH INVITATION SHALL NOT BE CONSTRUED AS A DEMAND, ORDER, OR ANY OTHER TYPE OF COMMAND. NO PERSON IN ATTENDANCE AT THE MEETING SHALL BE REQUIRED TO PARTICIPATE IN ANY OPENING INVOCATION THAT IS OFFERED. A PERSON MAY EXIT THE CITY COUNCIL CHAMBERS AND RETURN UPON COMPLETION OF THE OPENING INVOCATION IF A PERSON DOES NOT WISH TO PARTICIPATE IN OR WITNESS THE OPENING INVOCATION.



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: No

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**SUBJECT:** Second Reading - Ordinance No. 2016-17 - Revision to City Code Sec. 2-272 - Alterations or modifications of contracts

**DEPARTMENT:** Finance

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:** Move to approve on first reading Ordinance No. 2016-17 as attached.

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**SUMMARY:** This agenda request will amend City Code Sec. 2-272 - Alterations or modifications of contracts by revising verbiage in the last sentence of subsection (a)(4) to state "City Council approval shall be required for changes in project time over thirty (30) days.

Based on actual projects that have required short project time extensions due to minor set-backs, inclement weather, permitting issues, etc., the current ordinance has resulted in delays with completion of the projects which can become costly.

Upon discussion with City Departments, it has been requested to establish a threshold of thirty (30) days for any changes in project time requiring City Council approval. The City Manager will have authorization to approve change orders for project time up to the established threshold, thus reducing costly delays. Changes in project time over the thirty (30) day threshold will require City Council approval.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

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**ATTACHMENTS:**

|    |                                                              |                                                                   |
|----|--------------------------------------------------------------|-------------------------------------------------------------------|
| 1. | Ord. No. 2016-17                                             | Ord. No. 2016-17.pdf                                              |
| 2. | Revision for 2-272 Alterations or modifications of contracts | Revision for 2-272 Alterations or modifications of contracts.docx |

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Robin Fenwick

Created/Initiated - 10/04/2016

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## ORDINANCE NO. 2016-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-272 OF THE CODE OF ORDINANCES REGARDING ALTERATIONS OR MODIFICATIONS OF CONTRACTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city council has determined that it is in the best interest of the city to amend the procedure for alterations or modifications of contracts as set forth in this Ordinance; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends Chapter 2, Article VI, Division 2, Section 2-272 of the Code of Ordinances, to read as follows:

### **Chapter 2 – ADMINISTRATION**

#### **ARTICLE VI. - FINANCE**

#### **DIVISION 2. – PURCHASE AND SALE PROCEDURE**

#### **Sec. 2-272. - Alterations or modifications of contracts.**

(a)     *[Remain Unchanged]*

(1)     *[Remain Unchanged]*

(2)     *[Remain Unchanged]*

(3)     *[Remain Unchanged]*

(4)     *Scope and time.* City council approval shall be required for changes in project scope, defined as changes that materially alter or expand the original intent of the project, taking into consideration the details included in the advertisement and previous award approval by council, if applicable. City council approval shall be required for changes in project time over thirty (30) days.

- (b) Except as expressly modified in a change order, all other terms and conditions of the modified contract shall remain in full force and effect.

SECTION 2: CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: CODIFICATION

The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Port Orange and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4: SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_

Passed and adopted on second and final reading on the \_\_\_\_\_ day of \_\_\_\_\_

Reviewed and Approved: \_\_\_\_\_  
Margaret T. Roberts, City Attorney

Sec. 2-272. - Alterations or modifications of contracts.

- (a) Where in the opinion of the department head it becomes necessary for the prosecution of any work or improvement under contract to make alterations or modifications in such contract, such alterations or modifications may only be effected as follows:
- (1) *Unforeseen conditions allowance.* The city manager, or his or her designee as set forth in writing, shall have the authority to approve expenditures up to the total amount of the allowance for unforeseen conditions as established upon award of the contract.
  - (2) *Change orders by city manager authority.* The city manager, or his or her designee as set forth in writing, shall have the authority to approve change orders up to \$25,000.00 if an allowance is not included in the contract.
  - (3) *Emergency event.* The city manager, or his or her designee as set forth in writing, shall have the authority to approve and execute change orders that increase the contract price beyond the unforeseen conditions allowance only for an emergency event that occurs during the performance of the contract and requires immediate resolution to avoid one or more of the following: additional costs that were not reasonably anticipated; delay to the project that increases costs; or endangerment of the public. Each change order issued as a result of an emergency event shall be brought to city council for ratification at the next available meeting, if the approval authority of the city manager has been exceeded or if the allowance has been exceeded.
  - (4) *Scope and time.* City council approval shall be required for changes in project scope, defined as changes that materially alter or expand the original intent of the project, taking into consideration the details included in the advertisement and previous award approval by council, if applicable. City council approval shall be required for changes in project time over thirty (30) days.
- (b) Except as expressly modified in a change order, all other terms and conditions of the modified contract shall remain in full force and effect.

(Code 1981, § 8-37; Ord. No. 1997-22, § 8, 5-6-1997; Ord. No. 2004-15, § 7, 7-20-2004; Ord. No. [2015-30](#), § 1, 8-18-2015)



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: No

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**SUBJECT:** Second Reading - Ordinance No. 2016-18 - Correction to City Code Sec. 2-275 - Local purchasing preference

**DEPARTMENT:** Finance

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:** Move to approve on first reading Ordinance No. 2016-18 amending Section 2-275 - Local Purchasing Preference Subsection (c)(1)c to correct a misprint.

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**SUMMARY:** Ordinance No. 2016-18 will amend Section 2-275 - Local Purchasing Preference of the Code of Ordinances by correcting a misprint in Subsection (c)(1)(c).

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

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**ATTACHMENTS:**

|    |                                                 |                                                     |
|----|-------------------------------------------------|-----------------------------------------------------|
| 1. | Ord. No. 2016-18                                | Ord. No. 2016-18.pdf                                |
| 2. | Correction to 2-275 Local purchasing preference | Correction to 2-275 Local purchasing preference.doc |

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Robin Fenwick

Created/Initiated - 10/04/2016

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ORDINANCE NO. 2016-18

AN ORDINANCE OF THE CITY OF PORT ORANGE,  
VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2,  
ARTICLE VI, DIVISION 2 TO ESTABLISH SECTION 2-275  
REGARDING LOCAL PURCHASING PREFERENCE;  
PROVIDING FOR REPEAL OF CONFLICTING  
ORDINANCES; PROVIDING FOR CODIFICATION;  
PROVIDING FOR SEVERABILITY; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends Chapter 2, Article VI, Division 2 of the Code of Ordinances to establish a new Section 2-275 to read as follows:

**Chapter 2 – ADMINISTRATION**

**ARTICLE VI. - FINANCE**

**DIVISION 2. – PURCHASE AND SALE PROCEDURE**

**Sec. 2-275. – Local Purchasing Preference.**

(a) - (b)      [*Remain Unchanged*]

(c)      *Local preference process.* Except where federal or state law, or any other funding source, mandates to the contrary, the city shall give preference to local businesses in the following manner:

(1)      *Competitive bids.*

(a)      *Port Orange Business.* In any competitive bidding process where a bid submitted by a Port Orange Business is within eight percent (8%) of the lowest and best responsible bid submitted by a non-Port Orange Business, then the Port Orange Business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.

- (b) *Volusia County Business*. In any competitive bidding process where a Volusia County Business is within five percent (5%) of the lowest and best responsible bid submitted by a business other than a Port Orange Business or Volusia County Business, then the Volusia County Business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.
- (c) *Florida Business*. In any competitive bidding process where a ~~Volusia County~~ Florida business is within three percent (3%) of the lowest and best responsible bid submitted by a non-local business, then the Florida Business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.
- (d) *Tied Bid Preference*. In case of a tie between a local business and a non-local business, the local business shall prevail. In case of a tie between two or more local businesses, the following order of preference shall control: first priority to Port Orange Business, second priority to Volusia County Business, and third priority to Florida Business.

(2) [Remains Unchanged]

(d) – (e) [Remain Unchanged]

## SECTION 2: CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

## SECTION 3: CODIFICATION

The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Port Orange and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

## SECTION 4: SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the                      day of

Passed and adopted on second and final reading on the                      day of

Reviewed and Approved: \_\_\_\_\_  
Margaret T. Roberts, City Attorney

Sec. 2-275. - Local purchasing preference.

(a) *Purpose.* The city annually spends significant dollars on purchasing goods and services, and the dollars used in making those purchases are derived, in large part, from taxes, fees, and utility revenues paid by businesses located within the City of Port Orange. The city council has determined that funds generated in the community should, to the extent possible, be placed back into the local economy. Therefore, the city council has determined that it is in the best interest of the city to give a preference to local businesses consistent with the process set forth in this section.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Florida business* means a business having its headquarters and principal place of business within the State of Florida, and not within Volusia County, at least 12 months prior to the bid or proposal opening date, as evidenced by a valid business tax receipt or such other documentation, to the city's satisfaction, demonstrating the physical business presence of the firm within the limits of the State of Florida.

*Local business* means a Port Orange business, Volusia County business, or Florida business as defined herein.

*Port Orange business* means a business having its headquarters and principal place of business within the City of Port Orange at least 12 months prior to the bid or proposal opening date, as evidenced by a valid business tax receipt or such other documentation, to the city's satisfaction, demonstrating the physical business presence of the firm within the limits of the City of Port Orange.

*Principal place of business* means the nerve center or the center of overall direction, control, and coordination of the activities of the business. If the business has only one business location, such business location shall be its principal place of business.

*Volusia County business* means a business having its headquarters and principal place of business within the County of Volusia, and not within the City of Port Orange, at least 12 months prior to the bid or proposal opening date, as evidenced by a valid business tax receipt or such other documentation, to the city's satisfaction, demonstrating the physical business presence of the firm within the limits of Volusia County.

(c) *Local preference process.* Except where federal or state law, or any other funding source, mandates to the contrary, the city shall give preference to local businesses in the following manner:

(1) *Competitive bids.*

a. *Port Orange business.* In any competitive bidding process where a bid submitted by a Port Orange business is within eight percent of the lowest and best responsible bid submitted by a non-Port Orange business, then the Port Orange

business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.

- b. *Volusia County business.* In any competitive bidding process where a Volusia County business is within five percent of the lowest and best responsible bid submitted by a business other than a Port Orange business or Volusia County business, then the Volusia County business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.
  - c. *Florida business.* In any competitive bidding process where a ~~Volusia County~~ Volusia County Florida business is within three percent of the lowest and best responsible bid submitted by a non-local business, then the Florida business shall have the opportunity to submit, within five working days of the bid opening, a best and final bid equal to or lower than the amount of the original low bid. The bid shall then be awarded to the lowest and best responsible bidder.
  - d. *Tied bid preference.* In case of a tie between a local business and a non-local business, the local business shall prevail. In case of a tie between two or more local businesses, the following order of preference shall control: first priority to Port Orange business, second priority to Volusia County business, and third priority to Florida business.
- (2) *Request for proposals, qualifications or other qualitative submittals.* In any ranking conducted pursuant to a request for proposals, qualifications, or other qualitative submittals where the bidders are rated by a point system, local businesses shall be granted the following preference:
- a. Port Orange business shall be granted up to eight percent of the available points.
  - b. Volusia County business shall be granted up to five percent of the available points.
  - c. Florida business shall be granted up to three percent of the available points.
  - d. *Tied bid preference.* In case of a tie between a local business and a non-local business, the local business shall prevail. In case of a tie between two or more local businesses, the following order of preference shall control: first priority to Port Orange business, second priority to Volusia County business, and third priority to Florida business.
- (d) *Misrepresentation prohibited; penalty.* Any business that misrepresents the local preference status of its firm in a proposal or bid submitted to the city shall lose the privilege to claim preference status, and shall lose eligibility to claim local preference status for a period of one year.

- (e) *Local preference not required.* This section shall not be deemed to require the granting of a local preference, and nothing herein prohibits the award of a contract to a non-local business where such award is in the public interest.

([Ord. No 2015-16](#), § 2, 5-19-2015)



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: No

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**SUBJECT:** Second Reading - Ordinance No. 2016-22 - Moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of tattoo parlors in the City of Port Orange; Case No. 16-25000004

**DEPARTMENT:** Community Development

**GOAL:** N/A

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Move to approve Ordinance 2016-22, issuing a moratorium for 9-months on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of tattoo parlors in the City of Port Orange.

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**SUMMARY:** Planning Commission Action (9/22/16): Recommended Approval

At the direction of the City Council at their September 20, 2016 meeting, staff has prepared an ordinance imposing a 9-month moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of Tattoo Parlors within the City limits. If modifications are needed to maintain reasonable and uniform regulations for Tattoo Parlors that protect the health, safety and general welfare of the residents of Port Orange, amendments to the Code of Ordinances and Land Development Code will be prepared and brought before Council for review.

Currently, Tattoo Parlors are a Special Exception use within the Highway Commercial and Ridgewood Development zoning districts. In Port Orange, a Special Exception is reviewed by the Planning Commission and must be approved by the City Council. In addition to standard development requirements for all Special Exception uses (traffic generation, parking, landscaping, etc.), Tattoo Parlors must comply with specific development requirements. The special development requirements currently include: separation distance from residential uses, existing Tattoo Parlors, bars, schools, parks, and houses of worship. Landscape buffering from adjacent uses is also required.

Due to recent court findings related to zoning requirements for tattoo parlors, staff has prepared an ordinance imposing a 9-month moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of Tattoo Parlors within the City limits. If the amendment is approved, the proposed moratorium will allow staff to further research the Land Development Code regarding locations and development requirements for Tattoo

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Parlors.

Project            Funding Account  
No.:                No.:

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**ATTACHMENTS:**

|    |                       |                                             |
|----|-----------------------|---------------------------------------------|
| 1. | Ordinance No. 2016-22 | Ord. No. 2016-22.pdf                        |
| 2. | Staff Report          | Tattoo Parlor Moratorium - Staff Report.pdf |

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|               |                                |
|---------------|--------------------------------|
| Robin Fenwick | Created/Initiated - 10/04/2016 |
| Wayne Clark   | Approved - 10/04/2016          |
| Robin Fenwick | Final Approval - 10/04/2016    |

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ORDINANCE NO. 2016-22

AN ORDINANCE OF THE CITY OF PORT ORANGE,  
VOLUSIA COUNTY, FLORIDA; ESTABLISHING A  
MORATORIUM ON THE ISSUANCE OF DEVELOPMENT  
ORDERS, BUILDING PERMITS, ZONING VERIFICATION  
LETTERS, AND ZONING APPROVALS FOR BUSINESS  
TAX RECEIPTS FOR THE OPERATION OF TATTOO  
PARLORS IN THE CITY OF PORT ORANGE; PROVIDING  
FOR THE DURATION OF THE MORATORIUM; PROVIDING  
FOR INTERPRETATION; PROVIDING DEFINITIONS;  
PROVIDING FOR REPEAL OF CONFLICTING  
ORDINANCES; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR CODIFICATION; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, the City of Port Orange regulates the use of land through its Comprehensive Plan and the Land Development Code; and

WHEREAS, the Land Development Code must be reviewed and amended periodically in order to maintain effective regulations; and

WHEREAS, the City Community Development Department believes that review of the City's tattoo parlor zoning and regulations is needed to ensure effectiveness; and

WHEREAS, the City Council hereby determines that the zoning and regulations under review are of such gravity that issuing any development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for tattoo parlors would in all probability undermine the recommendations of the Community Development Department for revisions to zoning and regulations set forth in the Land Development Code and Code of Ordinances; and

WHEREAS, to protect, preserve, and effectuate the public safety and welfare, the City Council finds that a moratorium on the receipt of applications for and the issuance of

any development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for the operation of tattoo parlors is necessary for a limited duration and until regulations are codified in the Land Development Code and Code of Ordinances to address the concerns referenced above; and

WHEREAS, specific authority for this ordinance includes but is not limited to Article VIII, Section 2, Florida Constitution of 1968; Chapters 163 and 166, Florida Statutes; and Sections 163.3161, 163.3194, and 163.3201, Florida Statutes; and

WHEREAS, the Planning Commission, sitting as both the Local Planning Agency and the Planning Commission (hereinafter referred to as the "LPA"), has found this ordinance to be consistent with the Comprehensive Plan; and

WHEREAS, the LPA has determined that this ordinance is necessary to promote the economic order of the community by encouraging the proper regulation of tattoo parlors in the City of Port Orange; and

WHEREAS, the LPA finds that additional reasons necessary for imposing the moratorium in this ordinance include:

1. Preservation of the status quo in the community to avoid a crisis being created by the impact on abutting properties, property values and community/neighborhood preservation;
2. Preservation of the status quo in the community pending a determination by the City to adopt local regulations relating to tattoo parlors in the City of Port Orange;
3. Avoiding the creation of vested rights or nonconforming or inconsistent uses as a result of amended permitting systems and regulations;

4. Control of community development during the time period of the review and amendment of local regulations; and
5. Allowing a time period for comprehensive planning to proceed, if applicable; and

WHEREAS, the LPA finds that based on the foregoing reasons for the moratorium established by this ordinance, the moratorium will promote the public health, welfare, safety, aesthetics, and economic order of the community and the region; and

WHEREAS, the LPA has determined that a moratorium of nine (9) months in duration is the minimum reasonable period of time needed to review this issue and determine what amendments or modifications are needed; and

WHEREAS, the City Council hereby adopts the findings of the LPA as its own.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. Purpose and Intent.

The foregoing "WHEREAS" clauses are hereby ratified and affirmed as being true and correct and are incorporated herein by reference.

Section 2. Definitions.

*Tattoo parlor* shall mean a commercial establishment where people go to get tattoos.

Section 3. Moratorium Imposed.

a. The Land Development Code and Code of Ordinances are hereby amended by placing a moratorium on the issuance of any development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for the operation of tattoo parlors. For purposes herein, the term, "development order," shall have the

same meaning as that set forth in Section 163.3164, Florida Statutes.

b. Applications for issuance of development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for tattoo parlors shall be considered pursuant to the following requirements:

- (1) Applications received on or after the effective date of this ordinance may be received and reviewed. However, no development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts shall be issued in violation of the moratorium on the issuance of development orders, building permits, zoning verification letters, or zoning approvals for business tax receipts for the operation of tattoo parlors. If amendments to the Comprehensive Plan or the Land Development Code are adopted by the City Council on or before the expiration of the moratorium that revise the substantive or procedural legal requirements regarding the operation of tattoo parlors, any application not approved for issuance of a development order, building permit and zoning approval and submitted on or after the date of this ordinance, but before the expiration of the moratorium, shall be required to comply with the new substantive or procedural legal requirements.

c. The moratorium imposed by this ordinance shall expire within 9 months of the adoption of this Ordinance by the City Council, or the adoption of an ordinance amending the Comprehensive Plan or the Land Development Code regarding the zoning of or otherwise regulating tattoo parlors, whichever event shall first occur. The moratorium shall be deemed to be in effect over all of the geographic area of the City now existing or which may be hereafter annexed during the pendency of the moratorium. This ordinance shall be deemed to be pending on applications for tattoo parlors, within

the meaning of the term "pending ordinance" as that term is used in Smith v. City of Clearwater, 403 So.2d 407 (Fla. 1981).

d. During the pendency of this moratorium the City Manager and the Community Development Director shall proceed in good faith to undertake a planning study to determine appropriate amendments to zoning and development related ordinances, if any.

e. The Community Development Director shall make interpretations of this ordinance.

Section 4. Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. Codification.

It is the intention of the City Council for the City of Port Orange, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and Land Development Code; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

Section 7.    Effective Date.

This ordinance shall become effective immediately upon final passage by the City Council.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the       day of

Passed and adopted on second and final reading on the       day of

Reviewed and Approved: \_\_\_\_\_  
Matthew J. Jones, Deputy City Attorney



## **STAFF REPORT**

### **Moratorium – Tattoo Parlors**

**CASE NO. 16-25000004**

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**REQUEST:** To establish a 9-month moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of tattoo parlors in the City of Port Orange.

**APPLICANT:** City of Port Orange

**PLANNING COMMISSION RECOMMENDATION:** Approval

**RECOMMENDATION:** Approval

**STAFF CONTACT:** Tim Burman, Planning Manager (386)-506-5675

**CITY COUNCIL DATE:** October 4, 2016

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#### **DISCUSSION:**

The requested moratorium will allow staff to review the existing City requirements for Tattoo Parlors as part of an on-going maintenance effort. The Tattoo Parlors regulations in the Land Development Code have not been comprehensively updated since the early 2000's. If modifications are needed to maintain reasonable and uniform regulations for Tattoo Parlors that protect the health, safety and general welfare of the residents of Port Orange, amendments to the Code of Ordinances and Land Development Code will be prepared and brought before Council for review.

Currently, Tattoo Parlors are a Special Exception use within the Highway Commercial and Ridgewood Development zoning districts. In Port Orange, a Special Exception is reviewed by the Planning Commission and must be approved by the City Council. In addition to standard development requirements for all Special Exception uses (traffic generation, parking, landscaping, etc.), Tattoo Parlors must comply with specific development requirements. The special development requirements currently include: separation distance from residential uses, existing Tattoo Parlors, bars, schools, parks, and houses of worship. Landscape buffering from adjacent uses is also required.

Due to recent court findings related to zoning requirements for tattoo parlors, staff has prepared an ordinance imposing a 9-month moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of Tattoo Parlors within the City limits. If the amendment is approved, the proposed moratorium will allow staff to further research the Land Development Code regarding locations and development requirements for Tattoo Parlors.

**RECOMMENDATION:**

Approval of a 9-month moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of Tattoo Parlors in the City of Port Orange as part of an on-going maintenance effort to update the Land Development Code.



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: No

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**SUBJECT:** Subdivision Variance for 870 Taylor Road; Case No. 16-90000005

**DEPARTMENT:** Community Development

**GOAL:** N/A

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Move to approve Subdivision Variance for 870 Taylor Road.

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**SUMMARY: Planning Commission Action (09/22/16): Recommended Approval**

The applicant for the property owners, Joseph H. Hopkins, is proposing to submit a Minor Subdivision application to subdivide the property located at 870 Taylor Road into two lots. The property is approximately 7.88 acres with 495 feet of roadway frontage along Taylor Road. The applicant is proposing to subdivide the property to create a lot (3.70 acres) for the existing single-family home and accessory structures and a second lot (4.18 acres) for a proposed commercial kennel.

The subject property is zoned Agricultural (A), and both a single-family home and commercial kennel are permitted uses. Based on the size of the property, the Land Development Code (LDC) requires the applicant to subdivide the property through the final subdivision platting process. However, in the LDC there is an exception to the platting process that is available, provided that certain criteria can be met. The subject property meets all the criteria except the maximum 3-acre criteria. According to the applicant, the subdivision variance requested is to reduce the cost and time associated with subdividing the subject property and because services are available to the subject property and all subdivision platting requirements will be met.

If the subdivision variance is approved, the applicant would be required to apply for a minor subdivision, which is reviewed at the staff level and assures the proposed lots and remaining structures meet all of the requirements (e.g. tree preservation, setbacks, lot area and width, and connection to City water and sewer service) of the LDC.

|         |                 |
|---------|-----------------|
| Project | Funding Account |
| No.:    | No.:            |

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**ATTACHMENTS:**

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|    |              |                                   |
|----|--------------|-----------------------------------|
| 1. | Staff Report | Staff Report - 870 Taylor Rd..pdf |
|----|--------------|-----------------------------------|

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|                   |                                |
|-------------------|--------------------------------|
| Melanie Schmotzer | Created/Initiated - 10/10/2016 |
| Tim Burman        | Approved - 10/10/2016          |
| Wayne Clark       | Approved - 10/10/2016          |
| M. Jake Johansson | Approved - 10/13/2016          |
| Robin Fenwick     | Final Approval - 10/13/2016    |

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## STAFF REPORT

VARIANCE FROM LDC CHAPTER 5, SECTION 2 (b)(3)(a)  
CASE NO. 16-90000005

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|                                     |                                                                                                                     |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| REQUEST:                            | Subdivision variance from the Land Development Code (LDC) to waive the acreage requirement for a minor subdivision. |
| OWNER:                              | Susan Long, Cheryl Parks, Glenn Parsons and Harry Parsons                                                           |
| APPLICANT:                          | Joseph H. Hopkins, P.E., The Performance Group Inc.                                                                 |
| LOCATION:                           | 870 Taylor Road (See Figure 1)                                                                                      |
| PLANNING COMMISSION RECOMMENDATION: | Approval                                                                                                            |
| STAFF CONTACT:                      | Briana Conlan-King, Planner (386) 506-5676                                                                          |
| CITY COUNCIL DATE:                  | October 18, 2016                                                                                                    |

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### DISCUSSION:

The applicant for the property owners, Joseph H. Hopkins, is proposing to subdivide the property located at 870 Taylor Road. The property is approximately 7.88 acres with 495 feet of roadway frontage along Taylor Road. Based on the size of the property, the Land Development Code (LDC) requires the applicant to subdivide the property through the final subdivision platting process. However, in the LDC there is an exception to the platting process that is available, provided that certain criteria can be met. The subject property meets all the criteria except the maximum 3-acre criteria.

Approval of the subdivision variance from the acreage requirement would allow the applicant to subdivide the property through the minor subdivision process instead of the platting process. According to the applicant, the variance from the subdivision platting process is being requested to reduce the cost (application fee and preparing the plat) and time associated with subdividing the subject property.



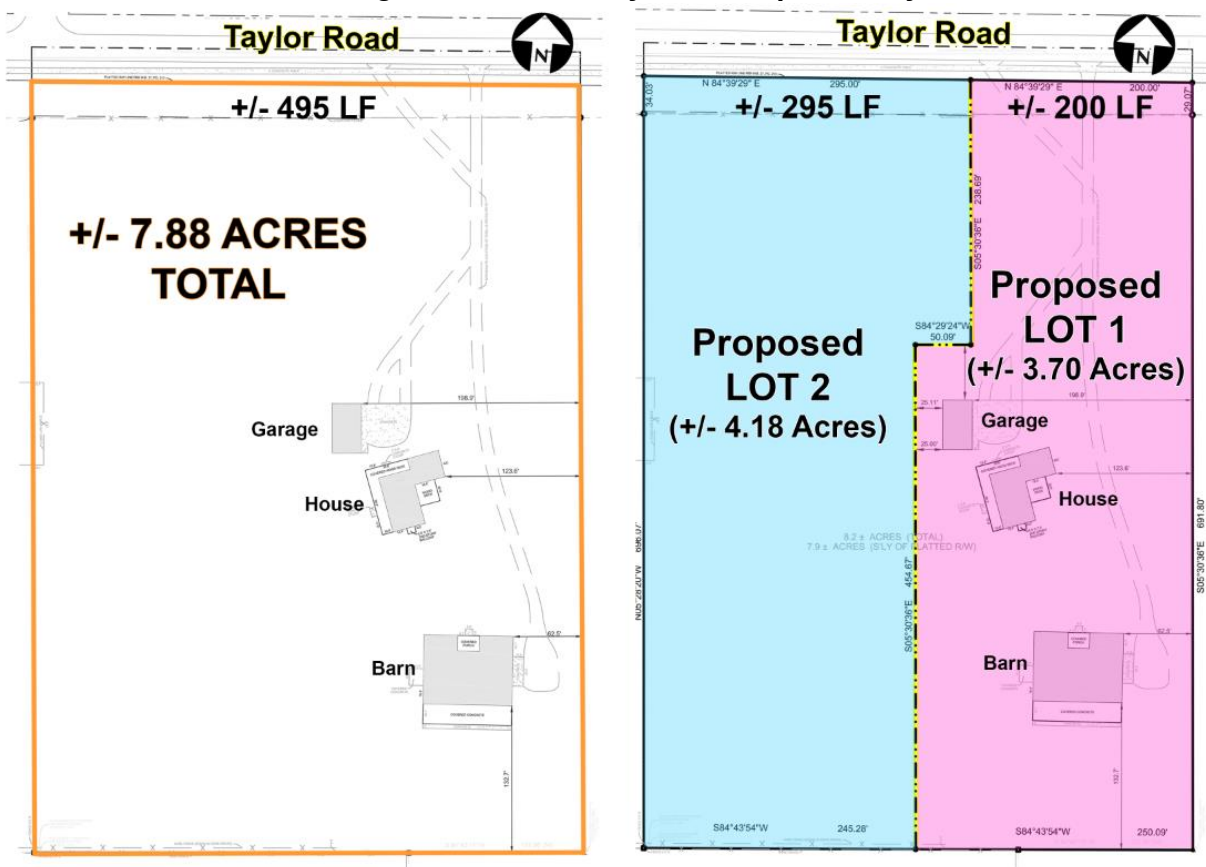
Figure 1. Location of Subject Property (870 Taylor Road)

The LDC requires a subdivision plat for the division of any real property into two or more lots unless otherwise exempted. The purpose of this requirement is to ensure that adequate services are available, that all required improvements are constructed to City standards, and to prevent the piecemeal subdivision of land, which often results in land-locked and remnant parcels. Because utility services are available to the subject property, the property fronts on an existing right-of-way, and the proposed subdivision would not result in any nonconforming lots.

If the subdivision variance is approved, the applicant is proposing to subdivide the property to create a lot for the existing single-family home and accessory structures and a second lot for a proposed commercial kennel. The subject property is zoned Agricultural (A), and both a single-family home and commercial kennel are permitted uses.

If the subdivision variance is approved, the applicant would be required to apply for a minor subdivision, which is reviewed at the staff level to assure the proposed lots and remaining structures meet all of the requirements (e.g. tree preservation, setbacks, lot area and width, and connection to City water and sewer service) of the LDC. If subdivided, the applicant then intends to submit a site plan for the commercial kennel. The proposed site plan will be required to meet all of the minimum development requirements, building setbacks, open space, building coverage, stormwater, utilities connections, parking lot standards, landscape buffers to provide visual screening, and architectural design standards of the LDC.

**Figure 2. Current Layout & Proposed Layout**



**REVIEW OF VARIANCE CRITERIA**

Chapter 5, Section 9 of the LDC identifies variance procedures and requirements for a subdivision variance. Variances from the plat and review process may be granted by the City Council upon recommendation from the Planning Commission. As such, the Planning Commission's vote on the subject variance is a recommendation to the City Council. These criteria, accompanied by staff's response, are as follows:

- a) *Required services are already available to the proposed lots without the construction of additional improvements.*

The Public Utilities Department has indicated that services are available within the Taylor Road right-of-way and adequate to serve the two proposed lots. The subject property fronts on Taylor Road and access to the proposed lots will be off that street. There is no anticipated impact to the City's drainage system from the proposed subdivision. Any future development on the proposed lots will be required to address stormwater in accordance with the City standards.

Based upon the responses received from Fire and Police, there is adequate capacity to accommodate the additional lot that would be created. Solid waste collection and disposal for the proposed lots would be by the City's solid waste private contractor.

- b) *Levels of service can be reasonably provided through the site development review process or residential site plan review process for individual lots.*

The proposed subdivision will create an additional lot that will increase impacts on roadways, potable water, sanitary sewer, and solid waste; however, capacity exists for the projected increases. Levels of service will be adequately addressed in the site plan review process that dictates access, utility connections, drainage, etc. will meet City standards.

- c) *Other methods can be arranged to assure construction of improvements, eliminating the need for a formal subdivision approval.*

The City Engineering Division and Public Utilities Department have indicated that no improvements would be required with the proposed subdivision. As part of the site development for the proposed kennel on Lot #2, the water and sewer lines in the Taylor Road right-of-way will need to be tapped and extended to serve the proposed lots.

According to the applicant, the subdivision variance is not requested because of a lack of improvements but because of the size of the current parcel and to reduce the cost and time associated with subdividing the subject property.

- d) *The granting of the variance is consistent with the overall intent of this Code, and will not be injurious to surrounding properties or detrimental to the public welfare.*

The property is zoned Agricultural (A) and the resulting lots of the proposed subdivision would exceed the minimum dimensional requirements set forth in the LDC.

The LDC requires a subdivision plat for the division of any real property into two or more lots unless otherwise exempted. The purpose of this requirement is to ensure that adequate services are available, that all required improvements are constructed to City standards, and to prevent the piecemeal subdivision of land, which often results in land-locked and remnant parcels.

Because utility services are available to the subject property, the property fronts on an existing right-of-way, and the proposed subdivision would not result in any nonconforming lots, this variance request is consistent with the overall intent of the Code. The variance is not being sought to avoid any required site improvements but to allow for a more efficient, less expansive process to subdivide the property. Therefore, granting this subdivision variance request will not be injurious to the surrounding properties or detrimental to the public welfare.

**RECOMMENDATION:**

Since the subdivision variance request meets the review criteria and general intent of the LDC, The Planning Commission recommends **approval** of the subdivision variance to waive the 3-acre maximum lot size requirement and allow the applicant to submit a minor subdivision application; subject to:

- Submittal of a minor subdivision exemption application to subdivide the property into two lots as generally depicted in Figure 2 of the staff report.



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: No

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**SUBJECT:** Port Orange Stallions- Fee Waiver

**DEPARTMENT:** Parks & Recreation

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:**

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**SUMMARY:** The Port Orange Stallions semi Professional football team appeared before City Council to present there organization and see if the City was willing to work with them on field space. Council referred them to staff to see if was feasible. Staff provided the attached invoice to the group and they are asking to be co-sponsored by the city similar to how youth sports are handled.

They would like to request a waiver of rental fees in the amount of \$2200 for FY17. The Stallions would have to provide insurance if the waiver is approved.

A representative is available to address the council as to their commitment to the community.

Project              Funding Account  
No.:                  No.:

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**ATTACHMENTS:**

|    |                   |                        |
|----|-------------------|------------------------|
| 1. | Staff Report      | Stallionsreport.docx   |
| 2. | Stallions invoice | stallions invoice.xlsx |

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Susan Lovallo  
Susan Lovallo  
Tracey Riehm  
M. Jake Johansson  
Robin Fenwick

Created/Initiated - 10/13/2016  
Approved - 10/13/2016  
Approved - 10/13/2016  
Approved - 10/13/2016  
Final Approval - 10/13/2016

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# Staff Report

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**Request:** Fee waiver for Port Orange Stallions

**Applicant:** Port Orange Stallions

**Staff Recommendation:**

**Staff Contact:** Susan L. Lovallo, Parks & Recreation Director

**City Council Date:** October 18, 2016

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**Introduction:** Groups and organizations will approach the city council to seek fee waivers or fee reductions in order to provide a benefit to the community. The waivers are generally for use of city facilities and staff cost associated with the function. In return the citizens get the opportunity to participate in the event or the community is a destination for outside people to visit causing an economic impact to our community. Since fees, for Parks & Recreation Facilities and programs, are set by resolution by the authority of the City Council they can only be waived by the council. The only exception is when an organization provides the Parks & Recreation Department with equal value of service or monetary donation in the same year can fees be exchanged. The fees have been set to recover a percentage of the direct cost of the facility operation.

**Discussion:** The Port Orange Stallions is an adult semiprofessional football team. They will play five home games and practice twice a week. Their games would be held at Coraci Park and practice sites would vary based on availability. Their season is during the off season for Pop Warner but during soccer season. Facility wear and tear is anticipated to be greater for adults then youth and may require additional turf replacement and maintenance.

**Recommendation:** If a fee waiver is granted staff would recommend that this program be evaluated at the conclusion of the season as it relates to field maintenance and conditions.





# CITY OF PORT ORANGE

*Parks & Recreation*

4655 City Center Circle, Port Orange, FL 32129

**Professional Football Group (practices and games)**

**Tuesday, October 11, 2016**

## Estimated Invoice

| RENTAL DATE | EST #<br>of ppl. | TIMES       | LOCATION | HOURS RENTED |        | AMOUNT (PER HOUR) |          |     | TOTAL    |
|-------------|------------------|-------------|----------|--------------|--------|-------------------|----------|-----|----------|
|             |                  |             | Gym      | Total        | Lights | Fields            |          | Gym |          |
|             |                  |             |          |              |        | W/O lights        | W/lights |     |          |
| Dec. 1      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Dec. 6      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Dec. 8      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Dec. 13     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Dec. 15     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Dec. 20     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Dec. 22     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Dec. 27     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Dec. 29     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 3      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 5      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 10     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 12     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 17     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 19     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 24     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 26     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Jan. 30     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Feb. 2      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Feb. 7      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Feb. 9      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Feb. 14     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Feb. 16     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Feb. 21     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Feb. 23     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Feb. 28     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 2      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 7      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 9      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 14     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 16     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 21     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 23     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 28     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Mar. 30     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Apr. 4      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Apr. 6      | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |
| Apr. 11     | 40               | 6:30-8:30pm |          | 2            | 2      |                   | \$ 25.00 |     | \$ 50.00 |

|           |    |             |                     |   |   |          |             |          |          |
|-----------|----|-------------|---------------------|---|---|----------|-------------|----------|----------|
| Apr. 13   | 40 | 6:30-8:30pm |                     | 2 | 2 |          | \$ 25.00    |          | \$ 50.00 |
|           |    |             | Field prep for game |   |   | \$ 10.00 |             | \$ 10.00 |          |
| Apr. 18   | 40 | 6:30-8:30pm |                     | 2 | 2 |          | \$ 25.00    |          | \$ 50.00 |
|           |    |             | Field prep for game |   |   | \$ 10.00 |             | \$ 10.00 |          |
| Apr. 20   | 40 | 6:30-8:30pm |                     | 2 | 2 |          | \$ 25.00    |          | \$ 50.00 |
|           |    |             | Field prep for game |   |   | \$ 10.00 |             | \$ 10.00 |          |
| Apr. 25   | 40 | 6:30-8:30pm |                     | 2 | 2 |          | \$ 25.00    |          | \$ 50.00 |
|           |    |             | Field prep for game |   |   | \$ 10.00 |             | \$ 10.00 |          |
| Apr. 27   | 40 | 6:30-8:30pm |                     | 2 | 2 |          | \$ 25.00    |          | \$ 50.00 |
|           |    |             | Field prep for game |   |   | \$ 10.00 |             | \$ 10.00 |          |
| Total     |    |             |                     |   |   |          | \$ 2,200.00 |          |          |
| Sales Tax |    |             |                     |   |   |          | Exempt      |          |          |
|           |    |             |                     |   |   |          |             |          |          |
| Credit    |    |             |                     |   |   |          |             |          |          |
|           |    |             |                     |   |   |          | na          |          | \$ -     |
| Tax       |    |             |                     |   |   |          |             |          |          |
| Total     |    |             |                     |   |   |          | \$ -        |          |          |
| Total Due |    |             |                     |   |   |          | \$ 2,200.00 |          |          |

**PLEASE REMIT BY December 1st 2016.**

*IF YOU ARE TAX EXEMPT, PLEASE ATTACH YOUR EXEMPT FORM TO THIS INVOICE.*

*TO HELP WITH BOOKKEEPING PLEASE ENCLOSE THIS INVOICE WITH PAYMENT.*

MAKE ALL CHECKS PAYABLE TO THE CITY OF PORT ORANGE

**SUBMIT PAYMENT IN PERSON OR OVER THE PHONE.**

**OFFICE HOURS 8AM-5PM MONDAY-FRIDAY, PHONE: 386-506-5851**

**4655 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129**

**PREPARED BY:**

**Josh Anderson**

**City of Port Orange Parks & Recreation**

**Athletics Supervisor**

CITY COUNCIL WORKSHOP MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
SEPTEMBER 27, 2016

THE CITY COUNCIL WORKSHOP of the City of Port Orange was called to order by Mayor Allen Green at 6:30 p.m.

Pledge of Allegiance

Silent Invocation

|            |               |                                                                                                                                |
|------------|---------------|--------------------------------------------------------------------------------------------------------------------------------|
| Roll Call: | Present:      | Councilman Bob Ford<br>Councilman Donald Burnette<br>Councilman Scott Stiltner<br>Vice Mayor Drew Bastian<br>Mayor Allen Green |
|            | Also Present: | Jake Johansson, City Manager<br>Margaret T. Roberts, City Attorney<br>Kelly McQuillen, Assistant City Clerk                    |

Portions of the Rules of Procedure as approved by City Council on May 3, 2016 were read by Kelly McQuillen, Assistant City Clerk.

DISCUSSION ITEMS

5. Floodplain Management Plan Annual Progress Report

Margaret Momberger, Construction & Engineering Manager, provided details of the report and discussed the purpose of it.

6. Sea level rise, coastal flooding and the environmental concerns associated with Septic Systems.

Clay Henderson, Executive Director of Stetson University's Institute for Water and Environmental Resilience, briefed Council and Staff on Sea Level Rise and Coastal Flooding. Mr. Henderson explained that this is an initiative to work together. He stated Florida is ranked 2<sup>nd</sup> overall in the number of impaired waterways.

Mr. Henderson explained the sea level rise. He presented photographs showing the levels in different areas. He expressed his appreciation to the City of Port Orange Staff for doing good work and being proactive with a lot of these issues.

Mayor Green shared his appreciation of Mr. Henderson, stating that he is an asset to this community.

Councilman Stiltner asked about the water pattern and flow affects. Mr. Henderson stated that they have altered the water shed, it's now draining an area much larger than before.

Councilman Burnette stated that a lot of these water issues can't be resolved by the City alone and also expressed his appreciation to Mr. Henderson for his work.

Councilman Ford stated that we need not just talk about this; we need to start our own action plan.

Jake Johansson, City manager, stated that they have tentatively planned a Water Summit. He stated that the Assistant City Manager, Alan Rosen, is coordinating this. He stated that he would like to have residents in Port Orange off of septic within the next three years.

#### 7. Dunlawton Avenue Flooding Update

Lynn Stevens, Public Utilities Director, discussed the Dunlawton Avenue stormwater pond and pumping operations, as well as storm preparation procedures and constraints of the system. Ms. Stevens provided a presentation that explained system operations; to include reclaimed water and the augmentation system. Ms. Stevens explained that storm water can be used to augment the reclaimed water system. Ms. Stevens stated that readiness is the key to performance.

Mayor Green expressed concerns about preparedness and readiness. Discussion ensued about staff understanding the operations of the facility.

#### 8. FDOT Halifax Canal Study

Frank O'Dea from FDOT District 5 discussed the results of an investigation into possible solutions to the flooding associated with the Halifax Canal in the low areas of Dunlawton Avenue, east of Spruce Creek Road. Seven alternatives were assessed and ranked.

Paul Rozar, citizen, of 607 Powers Avenue, expressed concerns about flooding and mentioned possible solutions referencing levies in a county-operated areas maintained by FDOT.

#### 9. Storm Water Drainage Improvements

Branford Adumuah, Public Works Director, presented information regarding completed, ongoing, and future programs and projects to improve storm water drainage city wide. Mr. Adumuah shared before and after photos on some of the projects. Mr. Adumuah addressed concerns and questions from Council and Staff.

Councilman Ford asked when Lucidity will be fully functional. Mr. Adumuah stated that it will be functional by next year.

Ted Nofall, citizen, of 857 Chickadee Drive, expressed concerns about the traffic due to the construction in the Briarwood neighborhood.

#### 10. Financial Report - August 2016

Tracey Riehm, Finance Director, provided details from the August Financial Report. Ms. Riehm explained the statement of revenue, expenditures and changes in the fund balance. Ms. Riehm presented the financial reports from the golf course, focusing on revenue from paid rounds. She explained we are generating around the same amount of revenue as last year.

ADJOURNMENT: 8:27 p.m.

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Mayor Allen Green

Attest:

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Robin L. Fenwick, CMC  
City Clerk

REGULAR CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
OCTOBER 4, 2016

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Allen Green at 6:30 p.m.

Pledge of Allegiance

Invocation given by Rev. Rebecca T. Hyvonen of Cross Creek Community Church

Roll Call:                      Present:                      Councilman Bob Ford  
                                                                                                 Councilman Donald Burnette  
                                                                                                 Councilman Scott Stiltner  
                                                                                                 Vice Mayor Drew Bastian  
                                                                                                 Mayor Allen Green

                                                                                                 Also Present:                      Jake Johansson, City Manager  
                                                                                                 Margaret T. Roberts, City Attorney  
                                                                                                 Robin Fenwick, City Clerk

Portions of the Rules of Procedure as approved by City Council on May 3, 2016 were read by Robin Fenwick, City Clerk.

Mayor Green advised of the passing of Bud Harden who served the City for many years.

AGENDA APPROVAL

Items #6 and 7 were returned to Staff and will come back before Council in November 2016. Item #18 was pulled from the Consent Agenda for further discussion. Margaret Roberts, City Attorney, asked that Resolution No. 16-69 be added to the agenda.

Motion to approve the agenda as amended was made by Vice Mayor Burnette, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

Mayor Green read Resolution No. 16-69.

RESOLUTION NO. 16-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AUTHORIZING THE EMERGENCY MANAGEMENT DIRECTOR TO DECLARE A STATE OF LOCAL EMERGENCY COMMENCING OCTOBER 6, 2016 AT 6:00 P.M.; RATIFYING ALL ACTIONS, IF ANY, OF THE CITY IN THE RESPONSE TO THE LOCAL EMERGENCY

COMMENCING ON OCTOBER 6, 2016; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 16-69  
was made by Vice Mayor Bastian, and  
Seconded by Councilman Burnette.

Jake Johansson, City Manager, provided an update as to the storm preparations being done by City Staff and discussed the citizen call center. Councilman Ford reminded Mr. Johansson to have several spare tires on hand in the event vehicles pick up nails. Kudos was provided by Councilman Burnette for the hard work of Staff during the storm prep. He reminded all to re-fill prescriptions prior to the storm. Vice Mayor Bastian said winds over 50 mph will result in no emergency response because they will be locked down for safety reasons. Councilman Stiltner asked residents to take care of their properties to avoid further damage and extra clean-up efforts.

Motion carried unanimously by roll call  
vote.

#### PUBLIC HEARING

5. Second Reading - Ordinance No. 2016-19 - LDC Amendments/Chapters 2, 17 and 18 - Craft Food and Beverage Producer, Brewery, and Microbrewery, Case No. 16-25000003

Mayor Green read Ordinance No. 2016-19.

#### ORDINANCE NO. 2016-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 2 TO ADD DEFINITIONS FOR CRAFT FOOD AND BEVERAGE PRODUCER, BREWERY, AND MICROBREWERY; AMENDING CHAPTER 17 RELATING TO PERMITTED USES TO ADD CRAFT FOOD AND BEVERAGE PRODUCER, BREWERY AND MICROBREWERY TO THE COMMUNITY COMMERCIAL (CC), HIGHWAY COMMERCIAL (HC), INTERCHANGE COMMERCIAL DEVELOPMENT (ICD), RIDGEWOOD DEVELOPMENT (RD), PLANNED COMMUNITY RIVERWALK (PC-R), AND MIXED-USE CENTER (MXC) ZONING DISTRICTS AS PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS, AND TO ADD BREWERY TO THE COMMERCIAL INDUSTRIAL (CI) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICTS AS A PERMITTED USE WITH SPECIAL DEVELOPMENT REQUIREMENTS; AMENDING CHAPTER 18 TO CREATE SPECIAL DEVELOPMENT

REQUIREMENTS FOR CRAFT FOOD AND BEVERAGE PRODUCER, BREWERY, AND MICROBREWERY USES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-19 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

6. Second Reading - Ordinance No. 2016-20 – Pinnacle PUD Small-Scale Comprehensive Plan Amendment; Case No. 16-20000001

Item was pulled and returned to Staff until November 2016.

7. Second Reading - Ordinance No. 2016-21 – First Amendment to the Pinnacle Master Development Agreement and Conceptual Development Plan; Case No. 16-40000004

Item was pulled and returned to Staff until November 2016.

8. First Reading - Ordinance No. 2016-22 - Moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of tattoo parlors in the City of Port Orange; Case No. 16-25000004

Mayor Green read Ordinance No. 2016-22.

ORDINANCE NO. 2016-22

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ESTABLISHING A MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS, BUILDING PERMITS, ZONING VERIFICATION LETTERS, AND ZONING APPROVALS FOR BUSINESS TAX RECEIPTS FOR THE OPERATION OF TATTOO PARLORS IN THE CITY OF PORT ORANGE; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR INTERPRETATION; PROVIDING DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-22 was made by Vice Mayor Bastian, and

Seconded by Councilman Burnette.  
Motion carried unanimously by roll call  
vote.

#### SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

##### 9. Police Department Recognition Awards

Thomas Grimaldi, Police Chief, presented two employees with Awards of Achievement.

##### 10. Report from KemperSports on Cypress Head Golf Course

Bob Duquette, General Manager, provided details of August 2016 reports for Cypress Head Golf Course. Mayor Green asked KemperSports to adhere thoroughly to the contract. Council asked Mr. Duquette to keep communicating the improvements with the course conditions. Councilman Burnette asked for statistics on annual passes from year to year. Councilman Stiltner asked if there's a reason why the pine straw around the first cut of rough and the sidewalk near the third hole has been removed. He thinks it looked better with it. Mr. Duquette will check into it but they are planning to replace the pine straw.

#### TABLED ITEMS

##### 11. Citizen request to reduce the work without permit late fee for a fence at 5930 Park Ridge Circle

Motion to remove item #11 from the  
table was made by Vice Mayor Bastian,  
and Seconded by Councilman Stiltner.  
Motion carried unanimously by voice  
vote.

Roger Thompson, citizen, asked for a reduction in the \$500 fine for working without a permit. Mr. Johansson advised that the citizen has paid for the permit fees and the fence has been inspected. He warned Council about reducing the fine and setting precedence. Discussion was held regarding the violations on working without a permit. Councilman Ford believes the \$500 fine is excessive and recommended doubling the permit fee.

Motion to charge \$110.00 and refund  
\$390 of the \$500 fine was made by  
Councilman Ford, and Seconded by  
Councilman Burnette. Motion denied 2-3  
with Councilman Stiltner, Vice Mayor  
Bastian, and Mayor Green voting no.

CITIZEN PARTICIPATION (Agenda)

12. Citizen request for utility lien reduction - 3896 Esplanade Ave.

Michel LeRoux, owner of 3896 Esplanade Avenue, provided details of his request for a reduction in the utility lien placed on the foreclosed property he purchased at an auction. He requested the penalty fees of \$280.67 be waived.

Motion to accept the recommendation to deny the request was made by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There was none.

COUNCIL COMMENTS

13. Comments/Concerns from Council Members

Council asked residents to be careful during the pending storm.

Councilman Stiltner thanked Family Days Executive Board and City Staff for their work on Family Days over the past weekend.

Mayor Green asked Council to consider re-doing the front entry into the City Hall building. Discussion was held regarding the availability of water/sewer where septic tanks have been used in the past. Council agreed with Staff's work regarding removing all septic tanks in the City as discussed by Mr. Johansson. They would like to see a timeline showing the conversion of those properties to the City's system.

CONSENT AGENDA

14. Approval of Minutes

a. September 20, 2016 - Special City Council Meeting

b. September 20, 2016 - Regular City Council Meeting

15. Award of RFSQ #16-36 - Continuing Architectural Services

16. Approval of Municipality/Transportation Planning Organization FY 2016/2017 Funding Agreement with the River to Sea Transportation Planning Organization (R2CTPO)

17. Resolution No. 16-67 - Ratifying and Accepting \$86,267.44 for Victims of Crime Act (VOCA) Grant

18. Major Special Event Request – First Turn Lounge – 5236, 5204, & 5164 South Ridgewood Avenue

19. Utility Billing and Miscellaneous Receivables Write-offs
20. City Attorney's Report FY16 - Fourth Quarter
21. Approval of Beville Settlement

Motion to approve the consent agenda as amended was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Item #18 - Major Special Event Request – First Turn Lounge – 5236, 5204, & 5164 South Ridgewood Avenue

Councilman Burnette asked for confirmation regarding the additional hours and the waiver of the surety bond. Wayne Clark, Community Development, said the item as written does not waive the surety bond but does include additional days (not hours).

Motion to approve as presented was made by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

#### REGULAR AGENDA

22. First Reading - Ordinance No. 2016-17 - Revision to City Code Sec. 2-272 - Alterations or modifications of contracts

Mayor Green read Ordinance No. 2016-17.

#### ORDINANCE NO. 2016-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-272 OF THE CODE OF ORDINANCES REGARDING ALTERATIONS OR MODIFICATIONS OF CONTRACTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-17 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Burnette asked Council to consider the thirty days and wondered if it was the appropriate number of days. Mr. Johansson advised that he asks the same

questions on “why the extension” that Council would ask normally. This will allow Staff to move projects quicker than waiting for Council meetings. Mr. Johansson will continue to provide information to Council as necessary. He offered to provide a report of the extensions granted. Council agreed to the report for accountability to be provided at the next Council meeting after the extension is granted.

Newton White, citizen, asked Council to limit the extension to one 30-day period. Mr. Johansson said it is written that way as presented.

Motion carried unanimously by roll call vote, subject to the reporting as discussed.

23. First Reading - Ordinance No. 2016-18 - Correction to City Code Sec. 2-275 - Local purchasing preference

Mayor Green read Ordinance No. 2016-18.

ORDINANCE NO. 2016-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 TO ESTABLISH SECTION 2-275 REGARDING LOCAL PURCHASING PREFERENCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-18 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

24. YMCA Items

a. Amendment to YMCA Lease

Motion to approve the Lease Amendment as presented was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Ford agreed with Mr. Johansson's approach to be consistent with practice and the leases we have with the YMCA and others. Councilman Burnette believes it is a partnership with the YMCA.

Motion carried unanimously by roll call vote.

b. Assignment of YMCA Sublease

Motion to approve the attached Assignment and Amendment of the YMCA Sublease, with Genesis Health Development, Inc. and HB Outpatient Rehabilitative Service, Inc. subject to assignee, HB Outpatient Rehabilitative Services, Inc. corporate registration with the State of Florida was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

COMMENTS

25. City Attorney Comments

There were none.

26. City Manager Comments

There were none.

COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

- a. River to Sea TPO – Councilman Ford reported on the recent meeting held.
- b. YMCA – Councilman Stiltner had nothing to report.
- c. General Employees' Pension Plan – Councilman Stiltner reported on the recent meeting held.

Council said they are available for anything needed during and after the storm. Mr. Johansson asked Council to be available in their districts to talk to citizens with information being done by Staff.

ADJOURNMENT: 8:17 p.m.

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Mayor Allen Green

Attest:

Regular City Council Meeting

October 4, 2016

Page 9 of 9

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Robin Fenwick, CMC

City Clerk

PORT ORANGE CITY COUNCIL  
SPECIAL MEETING MINUTES  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
OCTOBER 10, 2016

THE CITY COUNCIL SPECIAL MEETING of the City of Port Orange was called to order by Mayor Green at 6:30 p.m.

Pledge of Allegiance

Silent Invocation

PRESENT: Councilman Bob Ford  
Councilman Donald Burnette  
Councilman Scott Stiltner  
Vice Mayor Drew Bastian  
Mayor Allen Green

ALSO PRESENT: Jake Johansson, City Manager  
Matthew Jones, Deputy City Attorney  
Robin Fenwick, City Clerk

DISCUSSION ITEMS

4. Post Hurricane Matthew Update, Permit Fees & Repairs

Mayor Green read Resolution No. 16-70.

RESOLUTION NO. 16-70

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; PROVIDING FOR TEMPORARY WAIVER OF PERMIT FEES FOR REPAIRS RELATING TO STORM DAMAGE; RATIFYING EXECUTIVE ORDER NO. 1, DATED OCTOBER 9, 2016; PROVIDING FOR A CONTINUATION AND EXPANSION OF THE TEMPORARY PERMIT FEE WAIVER FOR STORM RELATED REPAIRS AND TREE REMOVAL PERMITS UNTIL DECEMBER 9, 2016 AT 11:59 PM; PROVIDING FOR DELEGATION OF AUTHORITY TO THE CITY MANAGER TO EXTEND THE TEMPORARY PERMIT FEE WAIVER PERIOD; AND PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 16-70  
was made by Vice Mayor Bastian, and  
Seconded by Councilman Burnette.



Matthew Jones, Deputy City Attorney, read Resolution No. 16-70 in its entirety.

Council supported the fee waiver to avoid fees being the cause of road blocks for citizens. Council would also like the permit process to be expedited; however, the proper documents still need to be submitted.

Councilman Burnette asked if the permit fee can also be waived for sign permits. Councilman Ford agreed that the fee waiver should extend to sign permits for commercial properties. Mayor Green suggested extended hours and/or working a few Saturdays to process the permits as quickly as possible. Mr. Johansson will work with the Community Development Director to ensure the proper hours and schedule are maintained to meet the needs of the community.

Motion amended to include the waiver of  
sign permit fees for commercial  
properties was made by Vice Mayor  
Bastian, and Seconded by Councilman  
Burnette.

Mr. Johansson asked if there were any other issues that Council would like to include. There were none.

Mr. Jones advised that Section 2 states "Other repairs requiring a permit caused by Hurricane Matthew" which could cover the sign permits but it can also be specifically stated in the Resolution. Council would like it to be specifically stated.

Motion to amend carried 4-1 by roll call  
vote with Mayor Green voting no.

Amended Motion carried unanimously  
by roll call vote.



Mr. Johansson provided details regarding strengths and weaknesses throughout the storm.



Alan Rosen, Assistant City Manager, provided an update as to the recovery efforts, as well as pre hurricane preparation, actions during the hurricane, and future post-storm actions.



Lynn Stevens, Public Utilities Director, provided information regarding changes made to the utilities systems to help prevent flooding, specifically with the Halifax Canal

and Dunlawton Pond. She thanked Staff for their work controlling the system. Water service was not interrupted at any time during the storm. Mayor Green thanked utilities Staff for their work.

 Larry Volenec, FPL Representative, provided information relating to power outages and lessons learned by FPL. He thanked Staff for their work. Council thanked FPL for the quick response from their workers.

 Debris removal was discussed by Ralph Dahlgren of AshBritt. Anne Cabrera, TetraTech Representative, said her role is to monitor and document everything for maximum FEMA reimbursement. AshBritt expects to deploy within a few days and believes it will take approximately a month to fully clean up the debris throughout the City. There are a lot of residents who have not cleaned their yards yet.

 Ken DeForest, Waste Pro Representative, explained the issues with garbage pick-up on Thursday which included early closures due to high winds. Regular Monday pick-ups were completed today. Waste Pro will pick up yard waste in bags and containers on Wednesday.

Mr. Johansson thanked City Staff for their hard work, as did all of Council.

 Ted Noftall, citizen, asked questions and discussed his concerns regarding debris cleanup and equipment to be used.

ADJOURNMENT – 8:36 a.m.

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Mayor Allen Green

Attest:

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Robin L. Fenwick, CMC, City Clerk



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: No

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**SUBJECT:** Resolution No. 16-71 - Update and Ratify Ongoing Participation on Volusia County Water Compact

**DEPARTMENT:** City Manager

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:** Move to approve Resolution No. 16-71 ratifying Ongoing Participation on Volusia County Water Compact

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**SUMMARY:**

Volusia County and the cities within its boundaries are interested in entering into a Water Resources Compact. This compact will present a united front in furthering the needs of this region including but not limited to water quality, potable water and re-use. This type of agreement may help in acquiring future funding for major projects that effect our city and its immediate surrounding area.

This compact does not require funding from the City of Port Orange. Nor does it limit the power of each government to govern its respective jurisdictional area.

This item was brought before Council on June 21, 2016, but no vote was taken. Staff is requesting a vote on this compact to ratify the Mayor's signature on the compact document on behalf of the City of Port Orange.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

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**ATTACHMENTS:**

|    |                 |                     |
|----|-----------------|---------------------|
| 1. | Reso. No. 16-71 | Reso. No. 16-71.pdf |
| 2. | Water Compact   | Signed Compact.jpg  |

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Alan Rosen  
Margaret Roberts  
M. Jake Johansson  
Robin Fenwick

Created/Initiated - 09/30/2016  
Approved - 10/13/2016  
Approved - 10/13/2016  
Final Approval - 10/13/2016

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**RESOLUTION NO. 16-71**

**A RESOLUTION OF THE CITY OF PORT ORANGE,  
VOLUSIA COUNTY, FLORIDA, RATIFYING AND  
APPROVING SUPPORT FOR THE VOLUSIA  
GOVERNMENTS' WATER RESOURCES COMPACT;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CONFLICTING RESOLUTIONS; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, each of the municipalities in Volusia County and unincorporated Volusia County have numerous water issues that are key to the sustainability and growth of Volusia County and each of its municipalities (hereinafter "Volusia Governments").

**WHEREAS**, the Volusia Governments face pressing water issues, including but not limited to those relating to septic tank replacements through sewer treatment expansion, wastewater and re-use water, potable water supply, water quality projects to protect the Indian River Lagoon, the Halifax River, the St. Johns River, and the Outstanding Florida Springs (Blue, DeLeon, Gemini).

**WHEREAS**, the Volusia Governments can most effectively address water issues together and with a united front to address the myriad common concerns shared by the Volusia Governments.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AS FOLLOWS:**

**Section 1.** That the City of Port Orange City Council hereby ratifies and approves support for the Volusia Governments' Water Resource Compact and will work with the other governments of Volusia County to effectuate such a compact for the benefit of all of Volusia County and its citizens.

**Section 2.** That the indication of support as set forth herein is contingent upon establishment of and City approval of an organizational structure and the adoption of the attached compact by the City Council of the City of Port Orange and the other governments in Volusia County, Florida.

**Section 3.** Severability. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

**Section 4.** Conflicting Resolutions. That all resolutions or parts thereof that are in conflict with this resolution are hereby rescinded or repealed.

**Section 5.** Effective Date. That this resolution shall take effect immediately upon its final adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

Reviewed and Approved: \_\_\_\_\_  
Margaret T. Roberts, City Attorney

A collection of 14 official seals of Florida municipalities, including Volusia County, arranged in a grid. The seals feature various local symbols like suns, palm trees, and water, along with the names of the cities and their founding years.

Signature: Don Blair ORANGE CITY  
Ed Kelley ORANGE JAIL  
Jack D. D. NEW STATEM. BENCH  
Y. King PAUSE JAIL  
Bonnie Blair Kingston Prison above

Christin Bauer Edgewater  
Sam Yahn Lake Helen

City of Dallas  
Dale Wilson Oak Hill  
mugshot  
J. Edgar  
Helen Herzberg Detroit  
German People's Republic  
Minsk Co



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: Yes

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**SUBJECT:** Major Special Event Request – Turkey Trot 5K at Aunt Catfish Restaurant located at 4009 & 4108 Halifax Drive and Panhead’s Pizzeria located at 4085 Ridgewood Avenue

**DEPARTMENT:** Community Development

**GOAL:** N/A

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Move to approve the Special Event request for the Turkey Trot 5K @ Aunt Catfish Restaurant at 4009 & 4108 Halifax Drive and Panhead’s Pizzeria at 4085 Ridgewood Avenue with the surety bond waiver.

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**SUMMARY:** Staff has received a repeat special event request for a 5K race from Joe Matuszczak, Race Director and representative for Red Pointer Running. The proposed hours of the event are from 7:00 a.m. until 11:00 a.m. on Thanksgiving Day, November 24, 2016. The proposed race route is entirely within the Port Orange City limits.

The 5K race will start at Panheads Pizzeria located at 4085 Ridgewood Avenue and proceed South on Halifax Drive turning around just South of Niver Street to proceed North on Halifax Drive, and finish at the garage entrance at 4108 Halifax Drive.

There will be an awards ceremony after completion of the race to be held at Panheads Pizzeria located at 4085 Ridgewood Avenue. The ceremony will include designated areas for refreshments, a live DJ, and three sponsor exhibit tents. There will be port-o-lets and trash receptacles on site for the ceremony events.

The event director has also requested the surety bond be waived. The cost of the surety bond is determined by the City Council as outlined in Chapter 58, Article III, of the City of Port Orange Code of Ordinances, and has generally been set at \$250 when required. This is the first major event in Port Orange for Red Pointer Running. Council has generally waived this bond for similar race events in the past. As a result, staff conditions allow the waiver. Should Council choose to require the bond, the conditions will need to be revised.

Project              Funding Account  
No.:                  No.:

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**ATTACHMENTS:**

|    |              |                               |
|----|--------------|-------------------------------|
| 1. | Staff Report | STAFF REPORT Turkey Trot.docm |
|----|--------------|-------------------------------|

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Amanda Bonin  
Wayne Clark  
M. Jake Johansson  
Robin Fenwick

Created/Initiated - 09/23/2016  
Approved - 09/23/2016  
Approved - 10/13/2016  
Final Approval - 10/13/2016

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# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: Yes

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**SUBJECT:** Major Special Event Request – Lighthouse Loop Half Marathon & 5K @ DJ's Deck at 79 E. Dunlawton Avenue, Aunt Catfish Restaurant at 4009 Halifax Drive and Panheads Pizzeria at 4085 Ridgewood Avenue.

**DEPARTMENT:** Community Development

**GOAL:** N/A

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Move to approve the Special Event for the Lighthouse Loop Half Marathon & 5K, subject to the conditions in the attached staff report.

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**SUMMARY:** City staff has received a special event request from Jennifer Florida, race director for the 5th Annual Lighthouse Loop Half Marathon and 5K. The proposed hours of the event are from 7:00 a.m. until 12:00 p.m. on October 30, 2016. The event is to raise money for the ten Volusia County High School athletic programs. The Lighthouse Loop Half Marathon race takes place in Port Orange, Daytona Beach Shores, and Ponce Inlet. The applicant has provided approvals from Daytona Beach Shores and Ponce Inlet to hold the event in their communities.

The half marathon will start at DJ's Deck located at 79 E. Dunlawton Avenue. Runners will proceed south to the Ponce Inlet Lighthouse and then will race back north and finish at Aunt Catfish Restaurant located at 4009 Halifax Drive. There will be an awards ceremony after the completion of the race at Panheads Pizzeria located at 4085 Ridgewood Avenue.

The 5K race will start at DJ's Deck located at 79 E Dunlawton Avenue, proceed West over the Dunlawton Bridge, head South on Halifax Drive, turn right on Katherine Street, Right on Palmetto Street, right on Fleming Avenue, and left on Halifax Drive, to finish at the garage entrance to Panhead's Pizza.

The ceremony will include designated areas for refreshments and buffet style food, a live DJ, and sponsor exhibit tents. There will be port-o-lets and trash receptacles on site for the ceremony events.

Additionally, the event director has also requested the surety bond be waived due to past good performance in clean up after prior year's event. The cost of the surety bond is determined by the City Council as outlined in Chapter 58, Article III, of the City of Port Orange Code of Ordinances, and has generally been set at \$250 when required. The surety bond was waived last year and as a result, staff conditions allow the waiver. Should Council choose to require the bond, the conditions will need to be revised. The proposed event is structured in the same way as the prior events approved for the

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Lighthouse Loop Half Marathon and 5K and qualifies for the repeat event reduced application fee of \$150. Staff is not aware of any concerns or issues with past events.

Project              Funding Account  
No.:                No.:

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**ATTACHMENTS:**

|    |              |                                               |
|----|--------------|-----------------------------------------------|
| 1. | Staff Report | STAFF REPORT Lighthouse Loop Marathon 16'.pdf |
|----|--------------|-----------------------------------------------|

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|                   |                                |
|-------------------|--------------------------------|
| Amanda Bonin      | Created/Initiated - 09/23/2016 |
| Wayne Clark       | Approved - 09/23/2016          |
| M. Jake Johansson | Approved - 09/23/2016          |
| Robin Fenwick     | Final Approval - 10/10/2016    |

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## STAFF REPORT

### MAJOR SPECIAL EVENT REQUEST

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**REQUEST:** Lighthouse Loop Half Marathon & 5K

**APPLICANT:** West Volusia Runners, Inc.

**PROJECT LOCATION:** DJ's Deck – 79 E. Dunlawton Avenue.  
Panheads Pizzeria – 4085 Ridgewood Avenue.

**STAFF CONTACT:** Amanda Bonin, Code Enforcement Officer

**CITY COUNCIL DATE:** October 18, 2016

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#### INTRODUCTION:

City staff has received a special event request from Jennifer Florida, race director for the 5<sup>th</sup> Annual Lighthouse Loop Half Marathon and 5K. The proposed hours of the event are from 7:00 a.m. until 12:00 p.m. on October 30, 2016. Setup will begin before the 7:00 a.m. race start. The event is to raise money for the ten Volusia County High School athletic programs. The Lighthouse Loop Half Marathon race takes place in Port Orange, Daytona Beach Shores, and Ponce Inlet. The applicant has provided approvals from Daytona Beach Shores and Ponce Inlet to hold the event in their communities.

The half marathon will start at DJ's Deck located at 79 E. Dunlawton Avenue. Runners will proceed south to the Ponce Inlet Lighthouse and then will race back north and finish at Aunt Catfish Restaurant located at 4009 Halifax Drive. There will be an awards ceremony after the completion of the race at Panheads Pizzeria located at 4085 Ridgewood Avenue.

The 5K race will start at DJ's Deck located at 79 E Dunlawton Avenue, proceed West over the Dunlawton Bridge, head South on Halifax Drive, turn right on Katherine Street, Right on Palmetto Street, right on Fleming Avenue, and left on Halifax Drive, to finish at the garage entrance to Panhead's Pizza.

The ceremony will include designated areas for refreshments and buffet style food, a live DJ, and sponsor exhibit tents. There will be port-o-lets and trash receptacles on site for the ceremony events.

#### BACKGROUND:

The subject proposal has been reviewed by the Police, Fire, Public Works, and Community Development Departments. The race director has received estimates from the Police and Public Works departments for staff overtime costs to assist the event with traffic control, barriers and safety issues within the City of Port Orange.

#### CODE VIOLATIONS

There were no apparent code violations on any of the proposed sites at the time of pre-inspection.

### **SPECIAL NOTES**

The race director has requested that the surety bond fee be waived since this is a charitable/fundraising event and due to past good performance in clean-up after the last four events. The cost of the surety bond is determined by the City Council as outlined in Chapter 58, Article III, of the City of Port Orange Code of Ordinances, and has generally been set at \$250 when required. **The surety bond was waived last year and as a result, staff conditions allow the waiver. Should Council choose to require the bond, the conditions will need to be revised.**

The proposed event is structured in the same way as the prior events approved for the Lighthouse Loop Half Marathon and 5K and qualifies for the repeat event reduced application fee of \$150. Staff is not aware of any concerns or issues with past events.

### **RECOMMENDATION**

Staff recommends approval of the Lighthouse Loop Half Marathon subject to the following conditions:

1. Hours of the event shall be from 7:00 a.m. until 12:00 p.m.
2. Access shall be maintained for all emergency vehicles.
3. Applicant shall coordinate all vehicular traffic patterns and pedestrian concerns with the City of Port Orange Police Department and be responsible for any charges for Police services.
4. Event organizers are required to delineate the event area from the vehicular driving and parking area with cones, ropes and/or barricades where necessary.
5. All areas used for this function shall be handicapped-accessible. Handicapped parking is to remain open and accessible for the event.
6. A temporary sign permit shall be required for the one banner permitted for this event. Application shall be submitted at least two weeks prior to the event for permit approval.
7. All trash generated along the running route must be picked up and disposed of at the end of the event along with any debris at the event sites.
8. Amplified speaker systems must comply with the City noise ordinance (Code of Ordinances, Chapter 42, Article IV, Section 42 Noise regulations).



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: Yes

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**SUBJECT:** Proposed License Agreement – Lot 32, The Woods of Port Orange Unit III Subdivision; 492 Spruceview Drive

**DEPARTMENT:** Community Development

**GOAL:** 2 - Quality of Life

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Move to authorize the Mayor and City Clerk to act on behalf of the City to execute a License Agreement for Lot 32, The Woods of Port Orange Unit III Subdivision.

---

**SUMMARY:** Staff has received a right-of-way License Agreement application for a portion of the Spruceview Drive right-of-way frontage of Lot 32 of the The Woods of Port Orange Unit III Subdivision. James R. Lang and Grace E. Lang, the property owners, have made this application in connection with a proposal to reconstruct the existing right-of-way driveway apron and the included portion of sidewalk with decorative pavers. A building permit application has been submitted for the proposal.

The applicants have been advised of applicable requirements and the License Agreement review process. The License Agreement has the effect of requiring the property owners to maintain and if necessary, replace these improvements per the accepted standard construction requirements of the City. Further, should the property owners fail to abide by this requirement, it provides the City with the ability to take necessary corrective actions at the expense of the property owners. City liability concerns are addressed by an indemnity statement in the License Agreement document. The property owners executed the original License Agreement document prior to the City Council meeting.

The License Agreement application has been reviewed for completeness and accuracy. City staff has reviewed the application and the area has been inspected with respect to City Codes and possible effects to adjacent properties resulting in no concerns.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

## ATTACHMENTS:

|    |                   |                                  |
|----|-------------------|----------------------------------|
| 1. | License Agreement | License Agreement w Exhibits.pdf |
| 2. | aerial            | woods aerial.pdf                 |
| 3. | location map      | woods location.pdf               |
| 4. | drawing           | woods drawing.pdf                |

---

|    |                   |                           |
|----|-------------------|---------------------------|
| 5. | legal description | woods legal.pdf           |
| 6. | specs and photo   | woods specs and photo.pdf |

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|                   |                                |
|-------------------|--------------------------------|
| Chip Glor         | Created/Initiated - 09/28/2016 |
| Wayne Clark       | Approved - 09/28/2016          |
| Margaret Roberts  | Approved - 10/13/2016          |
| M. Jake Johansson | Approved - 10/13/2016          |
| Robin Fenwick     | Final Approval - 10/13/2016    |

---

Return Recorded Document to:  
Attention: Records Clerk  
1000 City Center Circle  
Port Orange FL 32129

This Document Prepared by:

Margaret T. Roberts  
City Attorney  
1000 City Center Circle  
Port Orange, FL 32129

**Parcel No.: 6322-07-03-0320**

*This Space Reserved for Recording Data*

## **LICENSE AGREEMENT**

THIS **LICENSE AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Port Orange, Florida, a chartered municipal corporation ("City"), 1000 City Center Circle, Port Orange, FL 32129, ("Licensor"); and James R. Lang and Grace E. Lang, husband and wife, whose mailing address is 492 Spruceview Drive, Port Orange, FL 32127, ("Licensees").

### **PREMISES**

WHEREAS, the City Council of the City of Port Orange has adopted Resolution No. 95-64, which establishes City policy regarding improvements within City rights-of-way by private citizens, homeowners associations, and developers; and

WHEREAS, the City and the Licensees have agreed on an improvement plan and specifications, as described on **Exhibit "A,"** attached hereto and incorporated herein by reference; and

WHEREAS, the Licensees hereby warrant to the City that the Licensees have full power and authority to enter into this Agreement, and that the Licensees agree to be bound by the terms and conditions hereof is in compliance with and shall remain in compliance with any declaration of covenants and restrictions, as may exist and as may be amended from time to time; and

WHEREAS, the Licensees are the owners of real property located in The Woods of Port Orange Unit III subdivision, recorded in Map Book 34, Page 199, Public Records of Volusia County, Florida, hereinafter the "Subject Property", described on **Exhibit "B;"**; and

WHEREAS, the Licensees hereby acknowledge that the City public utilities are located within the right-of-way, including but not limited to locations beneath the proposed Improvements.

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, the parties agree as follows:

1. The City hereby grants to the Licensees a license to enter upon and to utilize the right-of-way known as Spruceview Drive located and situated in Port Orange, Volusia County, Florida, adjacent to the Subject Property, as depicted on **Exhibit "B"** for the purpose of placing decorative pavement over the driveway apron and sidewalk area adjoining the Subject Property (hereinafter "Improvements") approved by the City as depicted on **Exhibit "A."**

2. All improvements, uses and activities shall comply with the policies established in Resolution No. 95-64 and with the terms and conditions of this License Agreement and exhibits hereto.

3. The Licensees jointly and severally assume all responsibility for the maintenance and, if necessary, replacement of all Improvements depicted on **Exhibit "A."**

4. The Licensees agree, upon thirty (30) days written notice from the City, to maintain, repair or replace all Improvements which require maintenance, repair or replacement. If no remedy is made within the specified time, the City reserves the right to remove all Improvements without further notice to the Licensees and at the sole cost and expense of the Licensees.

5. The City reserves the right to request removal of the Improvements depicted on **Exhibit "A"** in the event that the City needs to utilize the property for City purposes, such as road, bike path, public utility installation or maintenance, drainage improvement or other public uses. The City shall endeavor to give at least thirty (30) days prior notice to the Licensees. If the Improvements are not removed within the time specified by the City or in cases where emergency work by the City becomes necessary the City may remove or cause to be removed the Improvements without any liability to the City or obligation to replace same upon completion of the City project. The Licensees may replace the Improvements after the City repair or maintenance; and the Licensees shall be responsible for any and all expenses of the replacement of Improvements.

6. The Licensees agree that no improvements shall be made or altered in the right-of-way except as depicted on **Exhibit "A"** or subsequently approved amendments thereto. However, the Improvements may be maintained, repaired, replaced and removed.

7. The license granted by this License Agreement shall be effective during the period from the date of execution by both parties until terminated in accordance with the provisions specified herein.

8. Any party may terminate this License Agreement upon giving thirty (30) days prior written notice to the other party, after which time this License Agreement shall be of no force and effect. Upon termination by any party, the City shall have the option of requiring all Improvements to be removed or abandoned in place by the Licensees or maintained in their present state by the City and without further right or obligation by the Licensees. If the Licensees terminate this Agreement or otherwise fail to remain in good standing and in compliance with this Agreement, the City may maintain and repair the Improvements and the City shall not be obligated to either maintain or repair the Improvements and the City shall not be liable for either undertaking or failing to maintain or repair the Improvements. All costs and expenses of the City resulting from maintenance or repair of the Improvements, including administrative expenses, attorney's fees and costs, and expenses incurred in establishing and

operating a special district, shall be chargeable to and assessed by the City jointly and severally against all lots located within the development, subdivision or project located within the property described in **Exhibit "B"**. The City shall have the right to enforce collection of assessments for such costs and expenses by a lien jointly and severally against the lots, which lien shall include interest at the then highest lawful rate of interest and attorneys' fees and costs for collection thereof. The City shall have the right to establish a special district and to utilize any methods or procedures provided by law or ordinance for imposition and collection of the assessments described herein.

9. This license is given to the Licensees as an accommodation to the Licensees without any consideration. The Licensees acknowledge the legal title of the City to the right-of-way property described herein and agree never to deny such title or to claim title in the Licensees' name.

10. The license is personal to the Licensees and shall not inure to the successors or assigns of the Licensees. The rights, privileges and permission granted herein shall not be assignable by the Licensees in whole or in part. Upon the sale or transfer by the Licensees of title to the real property adjoining the right-of-way upon which the Improvements are located, the City shall have the immediate right to remove the improvements for which this license is granted; subject, however, to application made by the successor property owner for and due diligence in obtaining approval by the City of a new license agreement for the existing Improvements to remain in the right-of-way.

11. The Licensee shall exercise the rights, privileges and permission granted herein at the Licensee's own risk. Licensee shall make monthly inspections of the paver surface within the right-of-way, including the driveway apron and sidewalk areas; and shall immediately repair any deviation in the surface. The Licensee shall not claim any damages from the City for any injuries or damages in connection with or on account of the exercise of such rights, privileges or permission, the condition of the City's property, or the use of the property. Licensee agrees to maintain homeowner's general liability insurance including contractual liability and having a minimum coverage of **Twenty Five Thousand Dollars (\$25,000.00)**. Licensee shall provide to the City a certificate of insurance identifying the City of Port Orange as an additional insured within ten (10) business days after City Council's approval of this License Agreement. The certificate of insurance shall be provided to the Community Development Department, Engineering Division and shall thereafter be submitted annually by the Licensee each year the license remains in effect. Failure to maintain the required insurance or provide proof thereof may result in the immediate termination of this License Agreement. In the event that the Licensee allows the required general liability insurance to elapse or expire, the City may remove all Improvements after thirty (30) days prior written notice to Licensee that the insurance had elapsed or expired. Further, the Licensee shall indemnify and hold harmless the City, its officers, employees and agents, from and against all claims, damages, losses and expenses, attorneys' fees and costs, arising out of, resulting from, or in any way connected with the condition of the City's property, the use of the property by Licensee, his invitees and members of the public, the exercise of the license granted by this License Agreement, the failure on the part of the Licensee to comply with any of the provisions specified herein, or the City's removal of any Improvements depicted in **Exhibit "A"** or otherwise permitted by this License Agreement. The City shall not be liable to the Licensee if for any reason the Licensee's use of the Subject Property is hindered or disturbed.

12. All notices required to be given by any party shall be in writing, addressed to all other parties, and delivered by certified mail, telegram or in person to: City Manager, City of Port Orange, 1000 City Center Circle, Port Orange, Florida 32129, for the City; and to James R. and Grace E. Lang, 492 Spruceview Drive, Port Orange, Florida 32127, for the Licensees, or as otherwise designated in writing to all respective parties.

13. This Agreement shall be recorded in the Public Records of Volusia County, Florida. Upon execution of this Agreement, the Licensees agree to pay the City an amount equal to the applicable cost of recording this Agreement in the Public Records of Volusia County, Florida.

14. This License Agreement constitutes the entire agreement between the parties. There are no further or other agreements or understandings, written or oral, in effect between the parties, relating to the subject matter hereof. This License Agreement may be amended or modified only by an instrument of equal formality signed by the respective parties.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]

**IN WITNESS WHEREOF**, the parties hereto have executed this License Agreement on the respective dates below.

WITNESSES:

LICENSOR:

\_\_\_\_\_  
Printed Name:\_\_\_\_\_

**CITY OF PORT ORANGE, FLORIDA**  
a chartered municipal corporation

\_\_\_\_\_  
Printed Name:\_\_\_\_\_

By:\_\_\_\_\_  
Allen Green, Mayor

\_\_\_\_\_  
Printed Name:\_\_\_\_\_

Attest:\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

\_\_\_\_\_  
Printed Name:\_\_\_\_\_

(SEAL)

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Allen Green, as Mayor of the City of Port Orange, Florida, who acknowledged that he is duly authorized to execute the foregoing LICENSE AGREEMENT on behalf of the **CITY OF PORT ORANGE, FLORIDA**, a chartered municipal corporation, and who ☐ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed name, commission and expiration:*

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Robin L. Fenwick, as the City Clerk of the City of Port Orange, Florida, who acknowledged that she is duly authorized to execute the foregoing LICENSE AGREEMENT on behalf of the **CITY OF PORT ORANGE, FLORIDA**, a chartered municipal corporation, and who ☐ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed name, commission and expiration:*

WITNESSES:

LICENSEES:

Printed Name: \_\_\_\_\_

James R. Lang \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Grace E. Lang \_\_\_\_\_

Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, James R. Lang, who is authorized to execute the foregoing LICENSE AGREEMENT, and who ☐ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed name, commission and expiration:*

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, Grace E. Lang, who is authorized to execute the foregoing LICENSE AGREEMENT, and who ☐ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed name, commission and expiration:*

EXHIBIT "A"



**Application for Driveway Pavers**

Homeowner Name: James and Grace Lang

Paver Manufacturer: Belgard Pavers

Paver Style: Appian Stone

Paver Color: Amaretto

Paver Pattern: Random

Paver Border: Appian Stone in Amaretto

Paver Min. Compaction Strength: 7200 PSI

Paver Bedding and Joint Filler: Crushed Concrete Base DOT White Sand

Paver Base Material, Thickness, & Compaction Requirement: Same Material as above, 4" to 6", compacted to 97%

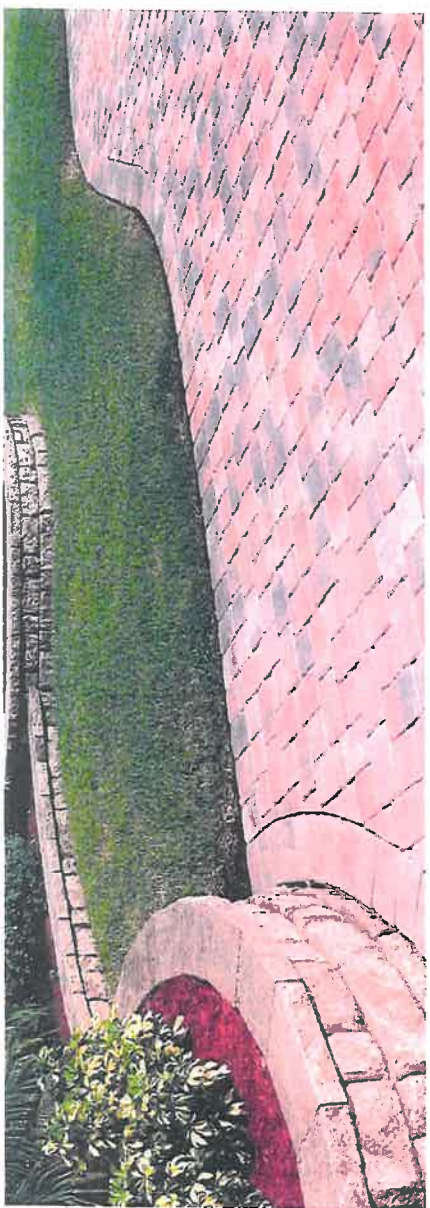
Paver Subgrade Compaction Requirement: 97%

2 PIECE 60MM

6 x 6 x 2 3/8

6 x 9 x 2 3/8





## **EXHIBIT "B"**

### **LEGAL DESCRIPTION**

Lot 32, The Woods of Port Orange Unit III, as per Map Book 34, Page 199, Public Records of Volusia County, Florida.



Google earth

feet 100  
meters 30





**Case No.:** 16-97500011

**Applicant:** James R. Lang and Grace E. Lang,  
property owners

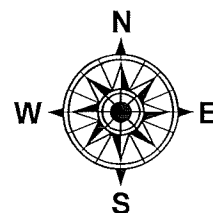
**Location:** Lot 32, The Woods of Port Orange  
Unit III Subdivision; 492 Spruceview  
Drive

**Requested Action:** To approve and authorize  
the execution of a right-of-  
way license agreement for  
the construction of a  
decorative paver driveway  
apron and the included  
portion of sidewalk in the  
Spruceview Drive  
right-of-way



## Location Map CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



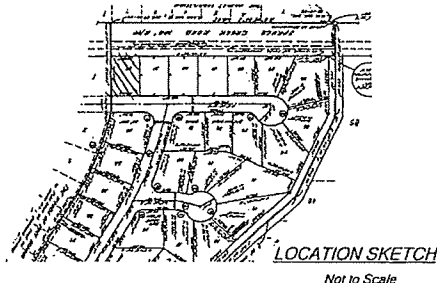
# EXHIBIT "A"

370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691 • sandpsurveying@gmail.com

Lot 32, THE WOODS OF PORT ORANGE UNIT III, according to the plat thereof, as recorded in Map Book 34, Page(s) 199, of the Public Records of Volusia County, FL.

Community number: 120313 Panel: 0526  
 Suffix: G.F.I.R.M. Date: 4/15/2002 Flood Zone: AE  
 Date of field work: 8/14/2009 Completion Date: 8/17/2009

Certified to:  
 James R. Lang; Grace E. Lang; Secured Lending Services; First American Title Insurance Company; Bank of America, its successors and/or assigns.

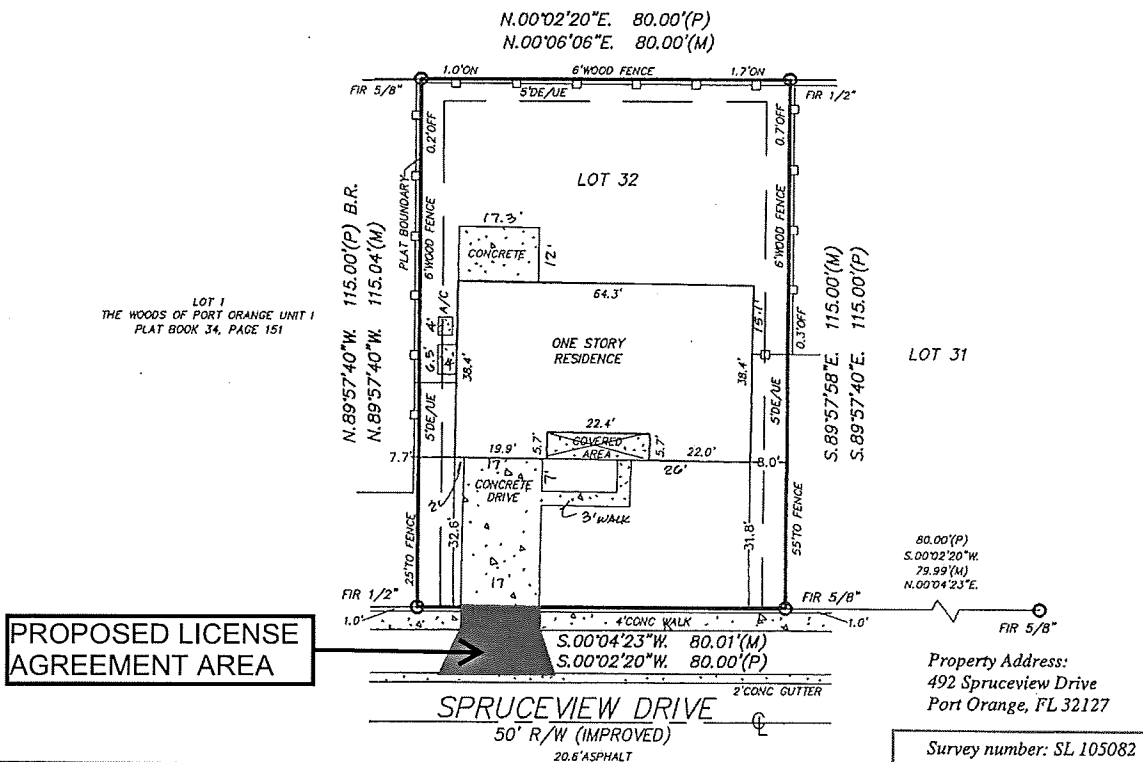


SPRUCE CREEK ROAD

100' R/W (IMPROVED)

SCALE: 1"=30'

PER PLAT



## LEGEND

|     |                         |          |                              |        |                            |
|-----|-------------------------|----------|------------------------------|--------|----------------------------|
| 0-0 | Wire Fence              | D.U.E.   | Drainage & Utility Easement  | P.E.   | Pool Equipment             |
| 0-0 | Wood Fence              | D/W      | Driveway                     | P.O.B. | Point of Beginning         |
| 0-0 | Overhead Utilities      | ESMT     | Easement                     | P.O.C. | Point of Commencement      |
| 0-0 | Purwar Pole             | E.O.P.   | Edge of Pavement             | P.C.C. | Point of Compound Curve    |
| 0-0 | Water Meter             | E.O.W.   | Edge of Water                | P.C.   | Point of Curvature         |
| 0-0 | Asphalt                 | ENCR     | Encroachment                 | P.I.   | Point of Intersection      |
| 0-0 | Block Wall              | F        | Field                        | P.R.C. | Point of Reverse Curvature |
| 0-0 | Brick/Pavers            | FD       | Found                        | R.T.   | Point of Tangency          |
| 0-0 | Concrete                | FO N&D   | Found Nail & Disk            | R.O.L. | Point on Line              |
| 0-0 | Covered Area            | FC.M.    | Found Concrete Monument      | P.L.   | Property Line              |
| 0-0 | Centerline              | FLP      | Found Iron Pipe              | R.     | Record                     |
| 0-0 | Central Angle/Delta     | FLR      | Found Iron Rod               | R.W.   | Right of Way               |
| 0-0 | Line Break Not to Scale | L        | Length                       | S.L.R. | Set Iron Rod & Cap         |
| 0-0 | A/C                     | L.B.     | Licensed Business            | SWK    | Sidewalk                   |
| 0-0 | B.R.                    | M        | Field Measure                | TEL    | Telephone Facilities       |
| 0-0 | B.M.                    | M.H.     | Manhole                      | T.O.B. | Top of Bank                |
| 0-0 | CATV                    | N&D      | Nail & Disk                  | TYP.   | Typical                    |
| 0-0 | C                       | O.R.B.   | Official Records Book        | U.E.   | Utility Easement           |
| 0-0 | C.L.F.                  | ONPL     | On Property Line             | W.F.   | Wood Fence                 |
| 0-0 | CH                      | PG       | Page                         | W.C.   | Witness Corner             |
| 0-0 | C.B.                    | P.V.C.   | Vinyl Fence                  |        |                            |
| 0-0 | CDNC                    | P.V.M.T. | Pavement                     |        |                            |
| 0-0 | C.M.                    | P.C.P.   | Permanent Control Point      |        |                            |
| 0-0 | COV                     | P.R.M.   | Permanent Reference Monument |        |                            |
| 0-0 | D.                      | P        | Plat                         |        |                            |
| 0-0 | D.E.                    | P.B.     | Plat Book                    |        |                            |

## GENERAL NOTES

1. Legal description provided by others.
2. There may be additional easements and/or restriction either recorded or unrecorded not shown hereon that may affect this property.
3. Underground portions of footings, foundations or other improvements were not located.
4. Building ties are to the face of the wall.
5. Only visible encroachments located.
6. No identification found on property corners unless noted.
7. Dimensions shown are plat and measured unless otherwise noted.
8. This is a BOUNDARY SURVEY unless otherwise noted.
9. Not valid unless sealed with the signing surveyors embossed seal.
10. No title commitment used in the preparation of this document unless noted otherwise.
11. All lines are not radial unless otherwise noted.
12. This survey is not to be used as a site plan for construction of any kind.
13. Reidentification does not indicate an update.
14. Unless otherwise noted, flood zone information provided by others.
15. Septic tank and drainfields shown hereon are approximate only and are based upon visual location only. No attempt has been made to verify their location. Client must consult with the appropriate utility location company to confirm the actual location.
16. The closure of structures may not be precise due to building imperfections and decorative finishes.
17. Pools and/or patios may be drawn as an approximation and not fully dimensioned due to irregular shape.
18. Fence locations along property line may be as-apportioned for clarity.
19. The nature, extent or existence of riparian rights is not addressed hereon.
20. This survey meets or exceeds the Minimum Technical Standards promulgated by the Florida Board of Professional Land Surveyors, Chapter of the Florida Administrative Code Section 473.227, F.S. Statutes.
21. This survey is not to be used as a site plan for construction of any kind.

I hereby certify that this survey is a true and correct representation of a survey performed under my direction.

Ralph Swardloff  
 Raymond Paul Sutherland

Registered Land Surveyor No. 3411  
 Registered Surveyor No. 6477

L.B. 7132

## **EXHIBIT "B"**

### **LEGAL DESCRIPTION**

Lot 32, The Woods of Port Orange Unit III, as per Map Book 34, Page 199, Public Records of Volusia County, Florida.



## Application for Driveway Pavers

Homeowner Name: James and Grace Lang

Paver Manufacturer: Belgard Pavers

Paver Style: Appian Stone

Paver Color: Amaretto

Paver Pattern: Random

Paver Border: Appian Stone in Amaretto

Paver Min. Compaction Strength: 7200 PSI

Paver Bedding and Joint Filler: Crushed Concrete Base DOT White Sand

Paver Base Material, Thickness, & Compaction Requirement: Same Material as above, 4" to 6", compacted to 97%

Paver Subgrade Compaction Requirement: 97%

2 PIECE 60MM

6 x 6 x 2 3/8

6 x 9 x 2 3/8







# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: No

---

**SUBJECT:** Update on Volusia County Agreement for Debris Management Site

**DEPARTMENT:** City Attorney

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:**

---

**SUMMARY:**

|         |                 |
|---------|-----------------|
| Project | Funding Account |
| No.:    | No.:            |

---

**ATTACHMENTS:**

---

Robin Fenwick

Created/Initiated - 10/13/2016

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# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/18/2016

Consent item: No

---

**SUBJECT:** City Manager Comments

**DEPARTMENT:** City Manager

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:**

---

**SUMMARY:** Update on Hurricane Matthew Debris Removal.

Update on Alternative DMS Site.

Council discussion on Payment options.

Council discussion on how much cost the city is willing to bear to clean private areas should FEMA not approve for reimbursement (Private subdivisions and MHPs mainly).

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

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Robin Fenwick  
M. Jake Johansson  
Robin Fenwick

Created/Initiated - 10/13/2016  
Approved - 10/13/2016  
Final Approval - 10/13/2016

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