

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
FEBRUARY 21, 2017

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

Pledge of Allegiance

Silent Invocation

Roll Call:	Present:	Councilman Chase Tramont Councilman Drew Bastian Councilman Scott Stiltner Vice Mayor Bob Ford Mayor Don Burnette
	Also Present:	Jake Johansson, City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

Vice Mayor Ford pulled item #7(b) for further discussion, as well as item 7(d).

5. Agenda Approval

There were no agenda modifications requested.

6. Approval of Minutes

a. February 7, 2017 - Regular City Council Meeting

7. Bid Awards and Contract Items

a. Deductive change order (CO) to Quentin L. Hampton Associates for Virginia Avenue and Monroe Street Drainage Improvements Design Services

b. Award RFP #17-05 Road Pavement Inventory and Condition Evaluation

c. Contract award to Sunshine State Officials Inc.

d. Task Authorization to DMC

8. Resolution No. 17-7 - Approving the Renewal of FDOT Memorandum of Agreement

9. Resolution No. 17-8 - 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

10. Resolution No. 17-9 - Budget Appropriation - Police Grant
*\$8,652 Florida Department of Law Enforcement (FDLE) 2016 Edward Byrne Memorial Justice Assistance Grant (JAG)

11. Report of Hurricane Matthew Leak Adjustments
12. Major Special Event Request - Hold Fast Tattoo - 5153 South Ridgewood Avenue
13. Major Special Event Request – The Boat of Port Orange – 5395 South Ridgewood Avenue
14. Major Special Event Request - The Last Resort Bar - 5812 South Ridgewood Avenue
15. Major Special Event Request – First Turn Steakhouse & Lounge – 5236, 5204, & 5164 South Ridgewood Avenue
16. Approval to apply for an FDOT Grant

Motion to approve the Consent Agenda as amended was made by Vice Mayor Ford, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

Item 7(b) - Award RFP #17-05 Road Pavement Inventory and Condition Evaluation

Vice Mayor Ford doesn't believe this is necessary and believes the money would be better placed repairing the roads.

Motion to approve was made by Vice Mayor Ford, and Seconded by Councilman Bastian.

Councilman Bastian was concerned with the company being from Illinois. Mr. Johansson said the project was competitively bid.

Councilman Stiltner said many years have gone by without a paving program and he doesn't know that the institutional knowledge is with current staff. He believes a current study is needed for a starting point.

Councilman Tramont is also concerned with the amount being spent but believes the starting point is needed. Mayor Burnette agreed.

Motion carried 4-1 by roll call vote with Vice Mayor Ford voting no.

Item 7(d) - Task Authorization to DMC

Vice Mayor Ford would like to know the estimated costs to repair the docks. He is concerned with the design costs, which he believes should not be greater than 8-9% of the total cost of the project. Susan Lovallo, Parks & Recreation Director, said the scope of the work is for design and construction management. The total cost of the project is \$1.2 million, which puts the design costs at approximately 5%.

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

CITIZEN PARTICIPATION (Agenda)

17. 3893 Sunset Cove Drive-Requesting a reduction of high unexplained water consumption.

Mr. Johansson believes this water issue has been resolved. He will confirm and re-schedule if needed.

18. 3116 S. Peninsula Dr. – reconsider Hurricane Matthew leak adjustment

Doris Latinsky, property owner, requested an adjustment of her water bill that was high because of a leak due to Hurricane Matthew. She doesn't believe the four (4) days granted was enough. She believes they did everything possible to remedy the issue as quickly as possible.

Mr. Johansson said there were other homes in a similar situation that were granted only the four (4) days.

Vice Mayor Ford would like more information as to others that would be affected if they grant this request. Mayor Burnette believes each case should be taken separately because circumstances are different in each situation.

Motion to reduce the amount due by 50% was made by Councilman Bastian, and Seconded by Vice Mayor Ford.

Lori Clark asked how many properties were on beachside that had a mandatory evacuation.

Motion carried unanimously by voice vote.

Council agreed to grant a payment plan, if not and asked that her water not be shut off.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Deb Cheslow and Brendan Galbreath, Aunt Catfish Restaurant, asked Council for forgiveness in not meeting the deadline for a permit for a 5K race. They believe it will have little impact. Ms. Cheslow said Final Mile will not be involved in the permitting in the future. Mayor Burnette asked if City Staff can accommodate this race. Mr. Johansson said no, additional people will have to be assigned because most staff will be working race traffic.

Motion to approve the request for a race permit for this weekend was made by Vice Mayor Ford, and Seconded by Councilman Tramont. Motion carried unanimously by voice vote.

COUNCIL COMMENTS

19. Comments/Concerns from Council Members

Councilman Tramont spoke regarding Mary Templeton who passed away this week. She invested her life in the community and was a teacher for 45 years. Vice Mayor Ford concurred.

Councilman Bastian said there is a hole in the wall behind BJ's Wholesale Club due to an accident. He asked Staff to work with the owner for quick repairs.

Mayor Burnette asked for a list of who's on the lists for the Wall of Honor and Veteran's Park so Council can nominate others as needed.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

20. Youth Advisory Board Appointment

Nicolas Franzini and Emma Dominguez introduced themselves.

Councilman Stiltner asked them to consider how the City can encourage teens to volunteer at events throughout the City, such as Family Days, etc.

Motion to nominate both to the Youth Advisory Board was made by Councilman Bastian, and Seconded by Councilman Tramont. Motion carried unanimously by voice vote.

21. Citizen Advisory Committee for TPO

Bobby Ball provided details from the meeting held recently. March 31, 2017 is the deadline for projects to be added to the list.

REGULAR AGENDA

22. First Step Shelter brief from Rev. Dr. L Ronald Durham, Daytona Beach Community Relations Manager

Rev. Dr. L. Ronald Durham thanked Council for their assistance last year and explained the need for further financial assistance for a comprehensive solution to the

homelessness. He asked Council to appoint one of them to the Board to help ensure this vision becomes a reality.

Councilman Tramont is not opposed to appointing a member but wants to ensure that doesn't require a financial contribution. He is concerned with individuals taking advantage of the facility and not going in with a desire to change. Councilman Stiltner suggested a Staff member serve on the Board rather than a Councilmember due to time constraints.

Vice Mayor Ford believes this issue needs to be funded by the County. He's concerned with the operating costs.

Jim Cameron, Daytona Regional Chamber, encouraged Council to address the issue. He believes the program has merit.

Mr. Johansson believes a Staff member could serve on the Board if Council is so inclined. Homeless issues in Port Orange are growing.

23. Intent to Award ITN No. 16-09 Biosolids Stabilization and Disposal Services to Shelley's Environmental Systems

Motion to approve was made by
Councilman Bastian, and Seconded by
Vice Mayor Ford.

Lynn Stevens, Public Utilities Director, explained how and why Shelley's Environmental Systems was chosen by the committee to award this bid.

Motion carried unanimously by roll call
vote.

24. Request to create new part-time, no benefit positions in Parks & Recreation

Motion to approve was made by Vice
Mayor Ford, and Seconded by
Councilman Bastian.

Ms. Lovallo provided details of the request for new positions. These positions are currently seasonal positions, hired by a temp agency. Staff's analysis shows a reduction in costs by making these positions part-time, no benefit positions in the Parks & Recreation Department. Savings in the first year will be approximately \$9,000.

Motion carried unanimously by roll call
vote.

25. License Agreement - Lot 2, Block 15, Deep Forest Village Subdivision; 954 Sandle Wood Drive

Motion to approve was made by Vice Mayor Ford, and Seconded by Councilman Stiltner.

Mr. Johansson advised that the recommendation from Staff is to deny the requests because of the increased risk.

Vice Mayor Ford asked what the difference is in the City's risk between pavers and citizens mowing the parkage.

Margaret Roberts, City Attorney, advised that the License Agreement the City uses runs with the person in the agreement, not the property. She does not believe the City's best interest is served and protected if the License Agreement runs with the property. Ms. Roberts has used the conservative method to allow permission to use the City's property but has not given any interest in the property to the property owner.

Mayor Burnette believes there is a way to make it go from person to person. Council wants to figure out a way to protect the City's interests but allow property owners to beautify their property.

Ms. Roberts explained the administrative side that is not being done because it is a burden on Staff. Each time the property changes ownership, the City should be contacting the new owner for a new License Agreement.

Councilman Stiltner is concerned with the pavers on the sidewalks because of the uneven surface for walkers, skateboards, etc. Councilman Tramont agreed.

Vice Mayor Ford doesn't believe this risk is more than the risk with faulty sidewalks. He asked if there have been any lawsuits. Ms. Roberts said no, not due to pavers.

Motion to table as the property owner is not present was made by Vice Mayor Ford, and Seconded by Councilman Tramont. Motion carried unanimously by voice vote.

26. License Agreement - 1263 Harbour Point Drive

Motion to approve was made by Vice Mayor Ford, and Seconded by Councilman Bastian.

Ralph Perez, contractor, spoke as to what other cities are doing for paver aprons and sidewalks. Port Orange is the only City having such a complex process. He provided

Council with the Release/Hold Harmless Agreement from the County of Volusia. He believes this Agreement will work for the City of Port Orange as well.

Dwight Black, property owner, explained his request due to cracks in his driveway.

Citizens spoke regarding their concerns with the City's process. Ms. Roberts advised that Council can move forward with status quo until a workshop is held to determine any changes Council may wish to do. Council agreed.

Motion carried unanimously by roll call vote.

27. License Agreement - 1261 Harbour Point Drive

Motion to approve as presented was made by Councilman Tramont, and Seconded by Vice Mayor Ford. Motion carried unanimously by roll call vote.

Motion to remove Item #25 from the table was made by Councilman Bastian, and Seconded by Vice Mayor Ford. Motion carried 4-1 by roll call vote with Councilman Stiltner voting no.

Motion to approve Item #25 - License Agreement - Lot 2, Block 15, Deep Forest Village Subdivision; 954 Sandle Wood Drive was made by Vice Mayor Ford, and Seconded by Councilman Tramont. Motion carried 3-2 by roll call vote with Councilman Stiltner and Mayor Burnette voting no.

28. City Manager Evaluation Discussion

Mayor Burnette laid the ground rules for the evaluation process. Councilman Bastian suggested a final evaluation at the April 4, 2017 meeting. Council agreed and wants to have one on one meetings with the City Manager before that meeting.

29. Financial Report-December 2016

Tracey Riehm, Finance Director, provided details of the Financial Report for December 2016. Increases were primarily related to Hurricane Matthew. She also discussed the Consolidated Golf Course Report.

COMMENTS

30. City Attorney Comments

Ms. Roberts announced the promotion of Grace Stewart as the City's Risk Manager.

31. City Manager Comments

Mr. Johansson asked Council if they would like to reschedule the workshop scheduled for March 14, 2017 relating to the feral cat program. They rescheduled the meeting to March 27, 2017.

COUNCIL COMMITTEE REPORTS

32. City Council Committee Reports

- a. Arthaus – Vice Mayor Ford was unable to attend the meeting.
- b. Port Orange/South Daytona Chamber of Commerce – Mayor Burnette reported on the most recent meeting held.
- c. Roundtable of Elected Officials – Mayor Burnette provided details from the meeting.

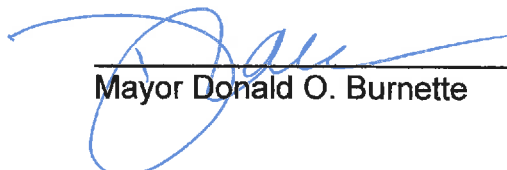
Councilman Bastian reported on the Police Pension Board meeting. Vice Mayor Ford reported on the Fire Pension Board meeting held this month.

ADJOURNMENT: 10:06 p.m.

Attest:



Robin Fenwick, CMC
City Clerk



Mayor Donald O. Burnette