

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JANUARY 5, 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 presented by Pastor Scott Kirschner of Christ the King 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

Rules of Procedure as approved by City Council on December 2, 2014, specifically page 3, portions of letter (e) and #9 (a-e) were read by Robin Fenwick, City Clerk.

5. Election of Vice Mayor

Councilman Burnette nominated Councilman Ford for Vice Mayor, Seconded by Councilman Stiltner.

Councilman Ford nominated Vice Mayor Bastian, and Seconded by Councilman Stiltner. Councilman Ford yielded his nomination to Vice Mayor Bastian.

Nomination of Drew Bastian as Vice
Mayor carried unanimously by roll call
vote.

6. Appointments to Council Committees for 2016

No changes to committees:

Arthaus – Councilman Burnette
City Investment Committee – Councilman Stiltner
General Employees Retirement Trust Fund – Councilman Stiltner
Golf Course Board of Directors – Councilman Ford
Library Advisory Board – Vice Mayor Bastian

Transportation Planning Organization – Councilman Ford

Municipal Firefighters Pension Board – Councilman Ford

Municipal Police Officers Retirement Trust – Vice Mayor Bastian

Port Orange/South Daytona Chamber of Commerce – Councilman Burnette

Roundtable of Elected Officials – Mayor Green

Volusia League of Cities – Mayor Green

YMCA – Councilman Stiltner

Added: Youth Advisory Board – Vice Mayor Bastian

Motion to maintain the same committees was made by Councilman Stiltner, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

AGENDA APPROVAL

Motion to add proclamations for retirees and first responders was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

Mayor Green read proclamations to Ken Burgman, Paul Riley, Wayne Miller, and Lee Miller and thanked all for their service to the City of Port Orange.

Items pulled – #26 and move up items #18-21 on the agenda.

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

PUBLIC HEARING

7. Second Reading – Ordinance No. 2015-44 - 2015 Comprehensive Plan Capital Improvements Element (CIE) Annual Update; CASE NO. 15-27500001

Mayor Green read Ordinance No. 2015-44.

ORDINANCE NO. 2015-44

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; PROVIDING FOR ADOPTION OF THE FY2016-2021

FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AS SET FORTH IN THE COMPREHENSIVE PLAN, CAPITAL IMPROVEMENTS ELEMENT AND SUPPORTING DATA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-44
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.

Vice Mayor Bastian expressed a concern regarding the price tag on the Coraci Blvd. extension. He wanted confirmation that it is not a commitment to build the road. Mr. Johansson confirmed same.

Motion carried unanimously by roll call
vote.

8. Second Reading - Ordinance No. 2015-45 - LDC Amendment/Chapters 17
and 18; Case No. 15-25000005

Mayor Green read Ordinance No. 2015-45.

ORDINANCE NO. 2015-45

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 17, SECTION 25 TO ADD FARMERS/FLEA MARKET AS A SPECIAL EXCEPTION USE IN THE RIDGEWOOD DEVELOPMENT (RD) ZONING DISTRICT; AMENDING CHAPTER 18, SECTION 3 TO ADD SPECIAL REQUIREMENTS FOR THE FARMERS/FLEA MARKET USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-45
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried unanimously by roll call
vote.

9. Second Reading - Ordinance No. 2015-47 - Relating to Bidding Requirements

Mayor Green read Ordinance No. 2015-47.

ORDINANCE NO. 2015-47

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, SECTION 2-267, RELATING TO BIDDING REQUIREMENTS FOR PURCHASES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-47
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried 4-1 by roll call vote with
Councilman Ford voting no.

10. Special Exception for Farmers/Flea Market at 5001, 5005, and 5013
Ridgewood Ave.; Case No. 15-70000002

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

Tim Burman, Interim Community Development Director, advised that the special exception meets all requirements except the landscaping.

Andy Clark, All Aboard Properties, advised that there are gaps in landscaping along Ridgewood Avenue that he will fill in. The back of the property is where he is requesting the variance. There will be no more sun shades/tents on the property. He is looking to improve the property by removing the bar.

Mayor Green said be careful with the lighting and make sure the noise level is controlled. Mr. Clark said they have moved the lights to face down.

Council agreed with the improvements as discussed.

Motion carried unanimously by roll call
vote.

ANNUAL MEETINGS OF CORPORATIONS

11. Port Orange Property Development, Inc. Joint Annual Meeting of the
Members and Directors

Council recessed at 7:27 p.m. to hold the Joint Annual Meeting of the Port Orange Property Development, Inc., minutes of which are under separate cover.

Port Orange Property Development, Inc. meeting adjourned at 7:30 p.m.

12. Design Review Board for Port Orange Property Development, Inc.

The Annual Meeting of the Design Review Board was held, minutes of which are under separate cover.

The Design Review Board meeting adjourned at 7:32 p.m.

13. City Center Corporate Park Property Owner's Association, Inc. Joint Annual Meeting of Members and Directors

The Joint Annual Meeting of City Center Corporate Park Property Owners Association was held, minutes of which are under separate cover.

The City Center Corporate Park Property Owner's Association meeting adjourned at 7:34 p.m.

14. Golf Club at Cypress Head, Inc. Joint Annual Meeting of Shareholders and Directors

The Joint Annual Meeting of the Golf Course at Cypress Head, Inc. was held, minutes of which are under separate cover.

Ted Nofall, citizen, asked that the Board reconsider the appointment of the Directors so that two members of Council are appointed as the Board of Directors rather than the City Manager. Councilman Ford advised that a review of the Golf Course Board is forthcoming and the potential re-structure will come up.

The Golf Course at Cypress Head, Inc. meeting adjourned at 7:40 p.m.

15. Port Orange Business Park Property Owner's Association, Inc. Joint Annual Meeting for Members and Directors

The Joint Annual Meeting of the Port Orange Business Park Property Owner's Association, Inc. was held, minutes of which are under separate cover.

The Port Orange Business Park Property Owner's Association, Inc. meeting adjourned at 7:43 p.m.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

16. Reports from Kemper Sports Management regarding Cypress Head Golf Course

Bob Duquette, General Manager, provided financial details of the golf course for November, 2015. They were \$23,000 over in revenue.

Ted Nofall, citizen, expressed his issues with the reports. He asked for combined set of numbers from the City and KemperSports. He believes there should be concern for the financials of the golf course.

Motion to accept the report was made by Councilman Stiltner, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

F. BOARD APPOINTMENTS, INTERVIEWS, REPORTS

17. Fire Pension Plan Appointment

Motion to nominate Jim Reardon for re-appointment to the Fire Pension Board was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

G. CITIZEN PARTICIPATION (Agenda)

18. Bully Me Now - Victor Ezeir

Victor Ezeir, Owner of Bully Me Now Mixed Martial Arts School, introduced himself and his company. Bully Me Now is an MMA school for children aged 4-17 offering a variety of classes from kickboxing, grappling, and MMA that are self-defense based. He and a partner are starting the Port Orange Wrestling Program.

19. Happy Wanderers - Elaine Brayton

Elaine Brayton requested a fee waiver to use the Lakeside Community Center in February. The total cost of the waiver is \$426.00.

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

20. Special Olympics Fee Waiver Request

Sarah Harper, Director of Special Olympics, requested a fee waiver for use of the Port Orange Gym for a tournament to be held on January 9, 2016. The total fee of the waiver is \$1,083.00. There are over 400 participants in Volusia County. The athletes do not have to pay any fees to participate.

Motion to approve the waiver in the amount of \$600 for the facility fee was made by Councilman Ford, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

21. Lauren Valle - Volleyball Co-Sponsor Request

Lauren Valle asked Council to co-sponsor a youth volleyball program through the Parks & Recreation Department.

Susan Lovallo, Parks & Recreation Director, advised Council that the Parks & Recreation Advisory Board supports the request. The volleyball program would follow the same criteria of all of the other co-sponsor groups.

Motion to approve the co-sponsorship a youth volleyball program was made by Councilman Ford, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call vote.

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

Mr. Noftall advised that Monica Jones' water bill has been paid in full through donations. He asked that Council implement humane water breakage policies. He also discussed the City Manager's quote in the NewsJournal.

Phil Klema, citizen, addressed Council regarding the events happening with the Port Orange Historical Trust.

Robert Reinhagen, citizen, discussed water billing issues at mobile home parks. He recommended installing a master meter.

Mike Gardner, citizen, discussed water billing issues and back charges.

Jim Cameron, Daytona Regional Chamber of Commerce, discussed changes to the Volusia Days plans.

Jimmy Scott, citizen, spoke regarding the Coraci Blvd. extension. He requested that the extension be reconsidered.

I. COUNCIL COMMENTS

22. Comments/Concerns from Council Members

Vice Mayor Bastian asked for an update on the White Acres project.

Councilman Stiltner thanked Sheriff Ben Johnson for his service and would like to invite him for recognition by Port Orange. He has been working on pulling numbers regarding the City Attorney's salary. He will provide the data to Council for their review soon. He announced that Saturday, January 9, 2016 is the Coffee with a Cop event with the Police Department.

Councilman Burnette would like to see the projects in purchasing move forward, specifically Dunlawton Avenue medians. He asked for an update on the street paving project and the street and sidewalk study.

Councilman Ford invited the Police Department to District 1 for Coffee with a Cop. He asked for an early start on the budget with a workshop regarding retaining employees and expectations.

Mayor Green asked each Council Member to provide Mr. Johansson with a list of their own priorities and goals for the year.

J. CONSENT AGENDA

23. Approval of Minutes

- a. December 8, 2015 - Regular City Council Meeting
- b. December 22, 2015 - Special City Council Meeting

24. Council Meeting Schedule for 2016

25. Resolution No. 16-1 - Budget Appropriation

26. Resolution No. 16-3 - Sanctuary Traffic Enforcement Agreement

27. Resolution No. 16-4 - 2015 Edward Byrne Memorial Justice Assistance

Grant (JAG) Program

28. Ratify and confirm the decision of the City Manager for Emergency Waters Edge Force Main Cleaning to Professional Piping Services, Inc.

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 #26 - Resolution No. 16-3 - Sanctuary Traffic Enforcement Agreement

Mr. Noftall asked what the expected costs would be per month. Margaret Roberts, City Attorney, advised that the services would be requested by the association. There is no cost for routine traffic enforcement. The agreement covers anything above routine.

Mayor Green read Resolution No. 16-3.

RESOLUTION NO. 16-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING A TRAFFIC ENFORCEMENT AGREEMENT WITH THE SANCTUARY ON SPRUCE CREEK HOMEOWNERS ASSOCIATION, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE TRAFFIC ENFORCEMENT AGREEMENT ON BEHALF OF THE CITY OF PORT ORANGE; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-3
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried unanimously by roll call
vote.

K. REGULAR AGENDA

29. Resolution No. 16-2 - Utility Billing Adjustments

Mayor Green believes this should be handled at a workshop and should start today, no back billing to the customers. He wants to move forward with the corrective action without the back billing.

Councilman Ford agreed. He would like to move forward as well without back billing.

Mr. Johansson agreed with moving forward when the City is in error with all billing (not just utility). There are some exceptions, for example gross negligence of employees, which he will handle; gross negligence of customers (which will also be handled). He explained the way water is calculated and charged.

Mr. Gardner believes the City should be charging for a gallon of water no matter the size of the meter.

Andy Neff, Public Utilities Director, said there is a flow rate through the meter that is charged by the gallon.

Mr. Noftall said there are over 100 rates per gallon in the City.

Sarah Jones, citizen, said the City Manager provided a good explanation of the charges and flow meters.

Council agreed to hold a workshop. They do not agree with back billing for City errors.

30. Financial Report- Nov 15

Tracey Riehm, Finance Director, provided details from the October and November 2015 financial reports.

31. Discussion Regarding Palmer College Lease Agreement

This item has been removed by Staff.

32. Discussion regarding YMCA Phase Three Renovations

David Ogle, Architect, is available for questions, as well as the contractor and Frank Flagg, Facilities Manager.

Councilman Stiltner wants to see the City get more attractive and therefore, receive more bids.

Motion to reconsider the contract award with A.G. Pfifer was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 3-2 by roll call vote with Councilman Burnette and Stiltner voting no.

Motion to approve contract based on the total project cost of \$208,938 as presented was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried 4-1 by roll call vote with Councilman Stiltner voting no.

L. COMMENTS

33. City Attorney Comments - Howard Porter v. City of Port Orange

Ms. Roberts asked for Council's approval to allow Staff to accept service on behalf of the City.

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried 4-1 by roll call with Councilman Ford voting no.

34. City Manager Comments

There were none.

M. COUNCIL COMMITTEE REPORTS

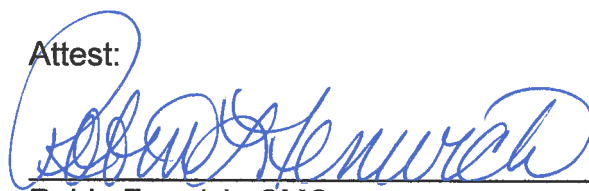
35. City Council Committee Reports
- a. River to Sea TPO – No meetings
 - b. General Employee's Pension Board – Councilman Stiltner reported that the board will be considering a recommendation to lower the assumed rate of return.
 - c. YMCA – Reported by Tracey Riehm above.

ADJOURNMENT: 9:34 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, CMC
City Clerk