REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
FEBRUARY 16, 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

Silent Invocation

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.

AGENDA APPROVAL

Items pulled: none

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

STATE OF THE CITY ADDRESS

Kent Donahue, PIO/Grants Coordinator, presented the State of the City Address via video.

PUBLIC HEARING

5. First Reading - Ordinance No. 2016-1 - (Continued to date certain of February 16, 2016) for Rezoning, Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for Serenity Hills PUD; east side of Hensel Road, north of Hills Boulevard

Staff requested this item be withdrawn to be re-submitted after consideration by the Planning Commission.

6. Second Reading - Ordinance No. 2015-46 - Amending Section 2-241- Permitted Investments

Mayor Green read Ordinance No. 2015-46.

ORDINANCE NO. 2015-46

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, SECTION 2-241, RELATING TO PERMITTED INVESTMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-46 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

7. Citizen Advisory Committee for TPO

Bobby Ball was unable to attend the CAC meeting and will submit a written summary to Council as soon as he receives same.

8. Environmental Advisory Board Report

Newton White, Vice Chairman, provided an update to Council regarding the most recent meetings held by the Environmental Advisory Board.

9. Environmental Advisory Board Appointment

Motion to nominate Brian Syford to the Environmental Advisory Board was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call vote.

10. Police Pension Board Appointment

Brian Cobb introduced himself. Victor Joseph was unable to attend.

Motion to nominate Brian Cobb to the Police Pension Board was made by Vice Mayor Bastian, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

11. Parks & Recreation Advisory Board Appointment

Julie Day and Robert Maxwell introduced themselves.

Motion to nominate Robert Maxwell to the Parks & Recreation Advisory Board was made by Councilman Ford, and Seconded by Vice Mayor Bastian.

Motion to nominate Julie Day to the Parks & Recreation Advisory Board was made by Councilman Burnette, and Seconded by Vice Mayor Bastian.

Council voted by ballot, which were read by the City Clerk. Robert Maxwell was appointed 3-2.

12. Fire Pension Board Appointment (5th Member)

Motion to approve the appointment of Chris Taylor as the fifth member of the Fire Pension Board was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Agenda)

13. Request by Andy Clark to reduce the application fee to actual cost for a Land Development Code Text Amendment application

Andy Clark, applicant, addressed Council regarding his request for a reduction of the application fees for the text amendment.

Mayor Green does not agree with negotiating the fees. He believes the fees should be reviewed if they are not appropriate.

Councilman Stiltner asked what the past practice has been for this type of request. Wayne Clark, Community Development Director, advised there has not been a consistent practice from Council.

Mr. Clark advised that the hard costs have been paid by him but the costs for amending the LDC is what he is requesting a refund on. The refund amount is $5,370.

Councilman Burnette suggested a grant program for businesses on Ridgewood Avenue. He'd like to discuss it during the budget cycle.

Councilman Ford agreed with the Mayor but believes a refund for the Ridgewood area is a good idea. He wants to see the money go back into the business.

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

Mayor Green doesn't support a full refund.

Ted Noftall, citizen, agreed with the Mayor that the fees should be reviewed.

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

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. Noftall discussed his concerns with open government and public participation.

Mike Gardner, citizen, addressed Council regarding pension plan issues and unfunded liability.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Councilman Ford has received some complaints recently about flooding issues in the Ridgewood Avenue area east to the river. There is a lot of standing water along Halifax Drive near Palmetto. He thanked the City Manager for visiting Palmetto Street to view the issues. He asked that the issues be addressed in future workshops.

Councilman Burnette asked for an update on the selection for the Fire Chief position. Mr. Johansson advised that one of the external candidates needed to reschedule to the end of February. He hopes to have a selection shortly thereafter. Councilman Burnette asked for an update on the timing of lights on Dunlawton Avenue. Mr. Johansson said the County has adjusted the timing but more may be needed. Councilman Ford advised that TPO is looking for money for the updated technology of the lights. Councilman Burnette asked what the status is for the fountain at Dunlawton Avenue and Ridgewood Avenue. Mr. Johansson said staff is looking at the costs involved, as well as containing the water so those walking back don't get wet. Councilman Burnette said the timing of the light at Riverwalk is off. He asked Mr. Johansson to look into the dredging of the Nova Canal at Canal View by the County.

Vice Mayor Bastian advised that a former Port Orange Police Officer passed away recently. He read the obituary.

Councilman Stiltner thanked all involved for the work on the Freemanville ceremony.

Mayor Green spoke as to the original intent of the Dunlawton Avenue Pond and berm project.

CONSENT AGENDA

15. Approval of Minutes
    a. February 2, 2016 - Regular City Council Meeting
    b. February 9, 2016 - Special City Council Meeting
16. Crime Report
17. Resolution No. 16-12 - Investment Policy
18. Proposed License Agreement - 740 Commonwealth Blvd., Parcel No. 6310-13-02-0120
19. Historic Tree Removal Request - 3657 Nova Road / Cumberland Farms
20. Major Special Event Request – Remarkable River 5K @ Aunt Catfish Restaurant at 4009 & 4108 Halifax Drive and 4085 Ridgewood Avenue.
21. Bid Awards and Contract Items
    a. Contract for Sale and Purchase of Real Property at 415 Herbert Street
    b. Award Biological Consulting Services, Inc. Service Agreements for professional hydrological services.
    c. Change Order No. 3 to Construction Contract with Masci Corporation for Herbert Street Westbound Right Turn Lane
    d. Change Order No. 2 to Task Authorization No. 3 to the Master Contract for Engineering Services, Dated March 17, 2015, with Kimley-Horn and Associates, Inc.
    e. Ratify and confirm the decision of the City Manager for Final Change Order No. 3 to Sawcross Incorporated Contract for the Reclaimed Water Reservoir Outfall and Filtration Project Bid #15-09
    f. Change Order 1 to Commercial Construction Inc. (CCI) contract.

Motion to approve the Consent Agenda was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

REGULAR AGENDA

22. Resolution No. 16-11 - Homelessness

Mayor Green read Resolution No. 16-11.

RESOLUTION NO. 16-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, SUPPORTING THE IDEA FOR A PROPOSED CENTRALLY LOCATED VOLUSIA TRANSITIONAL SHELTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-11
was made by Councilman Burnette, and
Seconded by Vice Mayor Bastian.

Council supported the County taking the lead on this county-wide issue.

David Dollieslayer, citizen, provided details of the proactive outreach he is involved in with the Knights of Columbus with Our Lady of Hope Catholic Church.

Thomas Rebman, Homeless and Hungry, spoke regarding his experiences with homelessness and his work with homeless people. He doesn't believe Safe Harbor will help homeless people. He believes it is a jail diversion. He asked Council not to approve the resolution.

Lou and Kathleen Bartos, Port Orange business owner, supported Safe Harbor as it affects their business. Mr. Bartow encouraged Council to approve the resolution.

Carrie Rosolino, citizen, addressed Council regarding FAITH services.

Father Chris Hoffmann also addressed Council and asked for their support to help the homeless people in Volusia County.

Ronald Pasternak, citizen, asked Council to support Safe Harbor.

Mr. Noftall asked how a facility for 250 will address the 5,000 homeless people in Volusia County.

Mayor Green believes the money would work better to build small cottages rather than barracks style facilities.

Motion carried unanimously by roll call
vote.

23. Write-off of Uncollectable Utility Accounts Receivable

Tracey Riehm, Finance Director, discussed the write-off of uncollectable utility accounts receivable request. Council supported the write-offs.

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

24. FY 2015-16 Strategic Plan Quarterly Update

Alan Rosen, Assistant City Manager, presented details regarding Staff's efforts to move forward with the goals of the Council. Council thanked Mr. Rosen for bringing the update to them.

COMMENTS

25. City Attorney Comments

Matthew Jones, Assistant City Attorney, had nothing further to report.

26. City Manager Comments

Mr. Johansson apologized for the late notice of the letter from the Joint Legislative Auditing Committee received February 5, 2016. He recommended holding the reply until the audit is complete to see if the comment is repeated.

COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

a. Arthaus – Councilman Burnette reported on the recent events.

b. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette reported on the upcoming events.

c. Roundtable of Elected Officials – Mayor Green reported on the committee he serves relating to water. Driving on the beach is still an ongoing issue.

ADJOURNMENT: 8:54 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk