REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
MARCH 15, 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 - 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.

Mayor Green asked that Item #10 be moved up on the agenda.

AGENDA APPROVAL

Items pulled: 19, c, d and 15

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

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

5. Citizen Advisory Committee for TPO

Bobby Ball provided details from the most recent Citizen Advisory Committee meeting.

6. Youth Advisory Board Appointment

Motion to nominate Colin Johansson to the Youth Advisory Board was made by Councilman Burnette, and Seconded by Councilman Ford.

Colin Johansson introduced himself to Council.

Motion carried unanimously by voice vote.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

7. Fire Pension Plan Actuarial Report - Patrick Donlan

Patrick Donlan, Actuary, provided details of the actuarial report for the Fire Pension Plan. The annual rate of return is being reduced to 7.8%.

Councilman Ford advised Council that extra payments made by the City allowed the City to not go further in debt with this plan. He would like to discuss the option of combining administration of the plans to save money on administrative overhead.

Councilman Burnette asked what the target rate of return is for the board and wants to know how much the rate of return has averaged over the past 10 years. Mr. Donlan said the plan is probably averaging approximately 8% but it's been very volatile. Councilman Burnette asked Mr. Donlan to provide the actual average for the past 10 years and 20 years. He also asked what percentage is funded. Mr. Donlan said 60.5%.

Vice Mayor Bastian is happy to see the unfunded liability being reduced.

Councilman Stiltner asked if the reports show the rate of return from inception. Mr. Donlan said they only have information for the past 20 or so years since they have been administering the plan. Councilman Stiltner agreed with having the discussion regarding consolidating the administration of the plans.

8. Police Pension Plan Actuarial Report - Chad Little

Chad Little, Actuary, provided details of the actuarial report for the Police Pension Plan. The assumed rate of return is 7.75% for 2016 and will be 7.65% for 2017. He discussed the amortization payment schedule.

Vice Mayor Bastian asked how many employees are in the new tier 2 plan. Mr. Little will provide it to the Council.

Councilman Stiltner asked if the amortization payment schedule is changed as reality hits and the plan does not meet the assumed rate of return. Mr. Little said yes, it is reviewed every year.

Councilman Burnette thanked Mr. Little for the details and benchmarking given in the report.

Councilman Ford asked what can be done to refrain from obtaining more unfunded liability. Mr. Little said making extra payments each year helps.

9. General Employees' Pension Plan Actuarial Report - David Leonard

David Leonard, Actuary, provided details of the actuarial report for the General Employees' Pension Plan. The unfunded liability increased because the retiree benefits are greater than the contributions. The assumed rate of return is 7.5%. The Board is discussing a reduction to 7%.

Councilman Burnette said the Board feels they need to reduce the assumed rate of return and are trying to figure out the best reduction to make.

Vice Mayor Bastian is glad the plan is funded at over 80% even though it's not where it has been in years past.

Councilman Burnette wants to see all plans doing as well as the General Employees' Pension Plan.

Councilman Ford wants to continue the annual review with all of the actuaries.

Ted Noftall, citizen, expressed his concerns regarding the plans. He suggested an audit of the plans.

Councilman Stiltner asked that the City Manager meet with the Boards' Chairs to discuss combining the services. Mr. Johansson said Staff is already investigating that with other cities.

10. Special Recognition: Matthew Petkus.

Council recognized Matthew Petkus for saving the life of another patron at a local restaurant.

PUBLIC HEARING

11. Second Reading - Ordinance No. 2016-2 - Update Chapter 50 Code of Ordinances - Parks & Recreation

Mayor Green read Ordinance No. 2016-2.

ORDINANCE NO. 2016-2

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 50, ARTICLE I, SECTION 50-1 PROVIDING FOR DEFINITIONS; AMENDING SECTION 50-2 RELATING TO USE OF PARK PROPERTY AND EQUIPMENT; AMENDING SECTION 50-5 RELATING TO ANIMAL REGULATIONS AT RECREATIONAL FACILITIES; CREATING A NEW SECTION 50-6 ESTABLISHING PARK HOURS; AND SECTION 50-7 REGULATING CAMPING; AMENDING ARTICLE II, SECTION 50-31 RELATING TO PARKS AND RECREATION FACILITY USE; SECTION 50-32 RELATING TO ATHLETIC FACILITY USE; SECTION 50-33 RELATING TO PARKS AND RECREATION PARTNERS APPLICATIONS AND REVIEW; REPEALING SECTION 50-34 RELATING TO FACILITY USE CATEGORIES; SECTION 50-35 RELATING TO RENTAL FEES FOR ATHLETIC FACILITIES; SECTION 50-36 COMMUNITY CENTER RULES OF USE; SECTION 50-37 RELATING TO ATHLETIC FACILITY RULES OF USE; SECTION 50-38 RELATING TO NON-RESIDENT FEES; SECTION 50-39 RELATING TO KENNETH W. PARKER AMPHITHEATER AND COMMUNITY CENTERS USE POLICIES; AND SECTION 50-40 RELATED TO PROHIBITING TOBACCO USE AT YOUTH ATHLETIC ACTIVITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-2 on second reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Council wants to work with the lobbyists next year relating to the prohibition of smoking in public parks.

12. First Reading - Ordinance No. 2016-3 - Second Amendment to the Riverwalk Marina and Riverboat Master Development Agreement

Councilman Burnette asked that this item be moved after Item F so that the Town Center CRA can make their recommendation prior to the Council.

Councilman Ford asked if there is a difference between formal and informal public hearings in Florida. Margaret Roberts, City Attorney, discussed the procedure for public hearings that needs to be requested by City Staff or the applicant.

Motion to continue this item until after the Town Center meeting is held so that their recommendation can be considered by Council was made by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

Council recessed to hold the Town Center CRA meeting, minutes of which are under separate cover.

Council reconvened at 8:38 p.m.

Mayor Green read Ordinance No. 2016-3.

ORDINANCE NO. 2016-3

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE RIVERWALK MARINA AND RIVERBOAT MASTER DEVELOPMENT AGREEMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-3 on first reading was made by Vice Mayor Bastian consistent with the CRA's recommendation, and Seconded by Councilman Burnette.

Mike Gardner, citizen, expressed his concerns of the request.

Mr. Noftall asked if the public hearing is a quasi-judicial hearing or legislative hearing and asked if the witnesses would be sworn. Ms. Roberts said it is a quasi-judicial hearing and there was no request by the City or the applicant to have witnesses sworn. Members of the public who wish to speak will not be sworn. Mr. Noftall asked if citizens will be able to question the applicant. Ms. Roberts said no. Citizens can ask questions of the Council only, but cannot question the applicant. Mr. Noftall advised of a potential typo in the Public Participation Policy Resolution.

Motion carried unanimously by roll call vote.

Council recessed to hold the Eastport CRA meeting, minutes of which are under separate cover.

Council reconvened at 8:36 p.m.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. Noftall addressed Council regarding the meeting being scheduled on an election day. He asked for an update on the rebate regarding the stormwater charge. Mr. Johansson said it's being worked on. Mr. Noftall expressed his displeasure that the City is aggressively selling their land in the Eastport CRA.

COUNCIL COMMENTS

13. Comments/Concerns from Council Members

Councilman Ford asked for better agenda management so that they are all more moderate.

Councilman Burnette asked for an update on the bus bench issue. Mr. Johansson is discussing a plan with the County currently. He will bring the issue back during a workshop to get direction from Council on the options with the benches. May 24th is the fourth Tuesday of May, which would be a Council workshop night. He asked if Council would agree to move it to May 31 instead as the 24th is Baccalaureate for high school seniors.

Motion to move the May workshop to May 31, 2016 was made by Councilman Ford, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Vice Mayor Bastian asked for an update as to the Pie Guy. Wayne Clark, Community Development Director, advised that there is an Occupancy Certificate but they are working on expanding with other companies.

Councilman Stiltner asked for an update on the search for a Fire Chief. He asked the City Manager to research the transport option with the Fire Department.

CONSENT AGENDA

14. Approval of Minutes
    a. March 1, 2016 - Regular City Council Meeting
15. Resolution No. 16-14 - FDEP Grant Acceptance for White Acres Utilities Improvements.
16. Resolution No. 16-15 - Causeway Park Dock/Fishing Pier (West) FIND Grant Application.
17. Resolution No. 16-16 - Budget Appropriation

18. License Agreement – Lot 4, Sugar Grove Subdivision; 870 Sugar Grove Court
19. Bid Awards and Contract Items
    a. Extension of the Standard Contract for Services with Applied Aquatic Management, Inc.
    b. Amendment 3 to Volusia County School agreement
    c. Body Cameras and Electronic Control Devices (Tasers)
    d. First Amendment and Renewal to the Hunting Lease for Smokey Hunt Club, Inc.
    e. Amendment #1 to Interlocal Agreement for Jointly Owned Property

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

Item #15 - Resolution No. 16-14 - FDEP Grant Acceptance for White Acres Utilities Improvements.

Vice Mayor Bastian asked if there is a potential start date.

Andy Neff, Public Utilities Director, said there is a bid opening on Friday and the potential start time would be June or so.

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

Item # 19(c) - Body Cameras and Electronic Control Devices (Tasers)

Vice Mayor Bastian asked questions of the body cameras. Tom Grimaldi, Police Chief, advised that 70 cameras will be purchased for the patrol units.

Councilman Ford doesn't believe it is a sole source item. He asked that Staff come forward with a request to waive the bids rather than call it sole source.

Mr. Johansson advised that the request was made on quote wire but agreed a waiver of formal bid requirements would be appropriate.

Motion to waive the formal bid requirements and approve the purchase was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Motion carried unanimously by roll call vote.

Item #19(d) - First Amendment and Renewal to the Hunting Lease for Smokey Hunt Club, Inc.

Alan Rosen, Assistant City Manager, provided details of the request. Changes were made since the gun range is going in in that area.

Councilman Ford would like more control of the look of the hunt club. He said there's outside storage and people living on the site.

Mr. Noftall asked to allow the general public and citizens' access to the hunt club.

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

REGULAR AGENDA

20. Award bid for RFP #16-11 Insurance Brokerage Services

Mr. Johansson requested a continuance of this item to process the bid protest according to the purchasing guidelines.

Motion to continue was made by Councilman Stitlner, and Seconded Councilman Burnette. Motion carried unanimously by roll call vote.

21. Proposed projects for the River to Sea TPO 2016 Transportation Improvement Program Priority List

Tim Burman, Planner, discussed the TPO 2016 Transportation Improvement Program Priority list options and asked for support from Council.

Motion to approve was made by Councilman Ford, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call.

22. Task Authorization No. 5 to the Master Contract for Engineering Services dated March 17, 2015 between the City of Port Orange Quentin L. Hampton, Inc.

Mr. Neff explained the project under this task authorization.

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

23. Waiver of Bid Irregularity and award of Bid #16-04 Professional Landscape Maintenance Services, Scope D Class G and H only to Alland, Inc. for $40,687.96; Award of Bid #16-04, Scope A to Tif-Jen, Inc. for $337,846.00, Bid #16-04, Scope C to Yellowstone Landscape for $533,076.00 and Rejection of all bids for Scope B.

Tracey Riehm, Finance Director, provided details of the budget and contract pricing.

Branford Adumuah, Public Works Director, discussed the comparison of annual costs and workload for maintenance work.

Councilman Ford asked if the contract changes have been tightened up. Mr. Johansson said yes, the contract needs to be monitored. Mr. Adumuah advised that there are now two inspectors for the contract and terms changed some from previous contracts.

Councilman Stiltner wants to see improvements in the look of the City landscaping. He believes the contractors can meet the needs of the Council but there will be no excuses. Council's expectations are high and improvements are expected.

Mr. Johansson advised that this fiscal year's budget is in place, but next year's budget will be affected by this award.

Jack McConnell, citizen, agreed with Councilman Stiltner and would like to see improvements throughout the City.

Mr. Noftall asked if City Staff is cheaper than a private contractor.

Motion to approve as presented was made by Councilman Stiltner, and Seconded by Councilman Burnette. Motion carried 3-2 by roll call vote with Councilman Burnette and Vice Mayor Bastian voting no.

24. Authorization to Apply for Riverwalk Development Applications

Mr. Burman advised this item is similar to the Town Center CRA item but relating to the City owned property. It allows the City Manager to sign applications submitted by the City for their property.

Councilman Ford expressed concern regarding this request.

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

<u>COMMENTS</u>

25. City Attorney Comments

There was nothing further.

26. City Manager Comments

Mr. Johansson advised that Staff is wrapping up the CAFR and needs guidance on Council's intent regarding the golf course renovation funds. Does Council want to transfer the funds to the golf course or require repayment of a loan? If a loan is required, under what conditions?

Councilman Ford suggested a loan with zero percent interest rate.

> Motion to approve a zero percent loan was made by Councilman Ford, and Seconded by Councilman Burnette.

Mr. Noftall asked if there would be payment amounts and terms.

Council agreed to have the Water/Sewer loan serviced first over 20 years.

> Motion carried unanimously by voice vote.

Mr. Johansson asked Council to consider TIF sharing criteria. He offered to bring back options and details in a workshop. Council agreed to explore TIF incentives.

<u>COUNCIL COMMITTEE REPORTS</u>

27. City Council Committee Reports
    a. Arthaus – Councilman Burnette reported on current events of Arthaus.

b. Chamber of Commerce – Councilman Burnette reported on current events of the Chamber.

c. Roundtable of Elected Officials – Mayor Green reported that they presented information on homelessness but he was unable to attend.

d. Library Advisory Board – Vice Mayor Bastian reported on the recent meeting of the Board.

ADJOURNMENT: 10:08 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk