

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
APRIL 19, 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 by Chaplain Christopher Bailey of Florida Hospital/NSB

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

Item(s) pulled: #17(c) and 22.

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

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

5. Recognition of Service - Skip Irby, Fire Chief

Council thanked Chief Irby for his service to the City. Chief Irby thanked Council for the opportunity.

6. International Women's Motorcycle Club, Leather & Lace MC - Motorcycle Safety Awareness

Mayor Green read and presented a proclamation to the International Women's Motorcycle Club, Leather & Lace MC for Motorcycle Safety Awareness.

7. FY 15 CAFR Presentation

The audit report was presented by Zach Chalifour, CPA of James Moore & Company.

Councilman Stiltner thanked Mr. Chalifour for their work. He asked that the audit comments and recommendations be discussed over a workshop to plan goals.

Councilman Burnette is concerned that the bank reconciliation comment was repeated. He'd like to have further discussions regarding grant revenue recognition as well as the structure of the finance department.

Councilman Ford agreed with the need of a workshop to discuss the department and upcoming goals. He would like to see some extra training for Finance Staff to work on the specific deficiencies and comments from the audit. He appreciates the Finance Staff's hard work.

Mayor Green thanked James Moore & Company and City Staff for all of their work on the audit.

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

PUBLIC HEARING

8. Second Reading - Ordinance No 2016-4 - Chapter 50 Establishing Golf Advisory Board

Mayor Green read Ordinance No. 2016-4.

ORDINANCE NO. 2016-4

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING GOLF COURSE ADVISORY BOARD; AMENDING CHAPTER 50, CODE OF ORDINANCES, CITY OF PORT ORANGE FLORIDA, ENTITLED "PARKS AND RECREATION"; CREATING DIVISION 2 OF ARTICLE IV OF CHAPTER 50 TO BE ENTITLED "GOLF COURSE ADVISORY BOARD"; CREATING SECTION 50-106 TO PROVIDE FOR ESTABLISHMENT OF GOLF COURSE ADVISORY BOARD; CREATING SECTION 50-107 TO PROVIDE FOR PURPOSE, DUTIES AND FUNCTIONS OF THE BOARD; CREATING SECTION 50-108 TO PROVIDE FOR

COMPOSITION AND QUALIFICATIONS OF MEMBERS; CREATING SECTION 50-109 TO PROVIDE FOR APPOINTMENTS AND TERMS; CREATING SECTION 50-110 TO PROVIDE FOR VACANCIES AND REMOVAL OF MEMBERS; CREATING SECTION 50-111 TO PROVIDE FOR ORGANIZATION AND PROCEDURES OF THE BOARD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-4
made by Vice Mayor Bastian, and
Seconded by Councilman Ford. Motion
carried unanimously by roll call vote.

9. First Reading - Ordinance No. 2016-5 - Amendment to Fire and Rescue Pension Fund Ordinance - Chapter 54, Article IV of the Code of Ordinances

Mayor Green read Ordinance No. 2016-5.

ORDINANCE NO. 2016-5

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE IV, CODE OF ORDINANCES, CITY OF PORT ORANGE, FLORIDA, ENTITLED FIRE AND RESCUE PENSION FUND; AMENDING SECTION 54-84, DISABILITY BENEFITS; AMENDING SECTION 54-100, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 54-104, BENEFITS AND CONTRIBUTION FOR MEMBERS HIRED ON OR AFTER DECEMBER 4, 2012; AMENDING SECTION 54-105, STABILIZATION FUND; CREATING A NEW SECTION 54-106, SHARE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Margaret Roberts, City Attorney, advised that this first reading is a re-do because of an error.

Motion to adopt Ordinance No. 2016-5
made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried unanimously by roll call
vote.

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

Mayor Green read Ordinance No. 2016-1.

ORDINANCE NO. 2016-1

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY 82.2 ACRES LOCATED ON THE EAST SIDE OF HENSEL ROAD, NORTH OF HILLS BOULEVARD (ROLLING HILLS ESTATE SUBDIVISION) FROM RR (RURAL RESIDENTIAL) AND R-20-SF (SINGLE FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) AND APPROVING A MASTER DEVELOPMENT PLAN FOR THE SERENITY HILLS PUD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-1
on first reading was made by Vice
Mayor Bastian, and Seconded by
Councilman Stiltner.

Ms. Roberts advised of the proposed order of the hearing as agreed upon by the parties. She asked Council for their agreement as well. Council agreed unanimously by voice vote.

Tim Burman, Planning Manager, discussed the project and the use of PUDs within the City. On February 25, 2016, the Planning Commission recommended approval of the plan before Council.

Glen Storch, Attorney for the Developer, discussed the project being proposed, including the density, traffic, etc.

Frank Costa, Developer, thanked Staff for their work and discussed his plans and discussions with neighbors.

Dennis Bayer, Attorney for the STOP Serenity Hills group, discussed the negotiations between the parties. Zoning Petitions were presented as evidence and provided to the City Clerk.

Eric Gill, citizen, addressed Council regarding his concerns with Mr. Storch's comments specifically relating to the gate and connectivity, as well as the qualifications of Fara Rita Canterberry, Realtor, and Eric Olsen, Olsen Custom Home Builder.

Lisa Nunez, citizen, discussed her concerns with the size of the lots and homes.

Thad Crowe, Planner, addressed his opinions on the project as it relates to rezoning criteria, lot sizes, and compatibility.

Mr. Storch cross-examined Mr. Crowe.

Council recessed at 8:52 p.m. and reconvened at 8:59 p.m.

Citizens spoke regarding their concerns with the project including safety, traffic, property values, and compatibility.

Eric Olsen, Custom Home Builder, expressed his concerns regarding the issues raised against him.

Council discussed their concerns with the project.

Motion failed unanimously by roll call vote.

11. First Reading - Ordinance No. 2016-6 – Adoption of the 16-1 Comprehensive Plan Amendments/Martin Road; CASE NO. 15-20000002

Mayor Green read Ordinance No. 2016-6.

ORDINANCE NO. 2016-6

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLAN; AMENDING THE TRANSPORTATION MOBILITY ELEMENT OF THE COMPREHENSIVE PLAN, POLICY 3.2.5, TABLES 1 AND 3, AND FIGURES 2-2, 2-4, 2-8, AND 2-10, TO REMOVE MARTIN ROAD AS A PLANNED COLLECTOR ROAD; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-6 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

12. First Reading - Ordinance No. 2016-7 – 1st Amendment to the Woodhaven Master Development Agreement and Conceptual Development Plan; CASE NO. 16-40000002

Mayor Green read Ordinance No. 2016-7.

ORDINANCE NO. 2016-7

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-7 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

13. Citizen Advisory Committee for TPO

Bobby Ball provided details of the most recent CAC meeting.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. Nofall spoke regarding his concerns with the CAFR comments.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Vice Mayor Bastian asked when the wall on Yorktowne Blvd. will be fixed. Staff will find out the details. Vice Mayor Bastian is concerned with the traffic pattern come out of Wawa onto Yorktowne Blvd.

Councilman Stiltner thanked Staff for their work on the Lakeside Jazz Fest and complimented the police officers who participated in the Tour de Force.

CONSENT AGENDA

15. Approval of Minutes
 - a. March 29, 2016 - Special Meeting/Workshop
 - b. April 5, 2016 - Regular City Council Meeting
16. City Attorney's Report FY-16 Second Quarter
17. Bid Awards and Contract Items
 - a. Approval of Task Authorization No. 7 to the Master Contract for Engineering Services with Quentin L. Hampton Associates, Inc. for contract and grant administration and Engineer of Record services for White Acres Subdivision Utility Improvements Project Bid B16-07
 - b. Award Bid #16-07 White Acres Subdivision Utility Improvements Project to Hazen Construction, LLC.
 - c. Deductive Change Order No. 1 - Halifax Paving Inc., FY 2015 Paving Program
 - d. Change order #1 YMCA
18. Proposed License Agreement – Lot 10, Countryside PUD, Unit XII - B Subdivision; 3918 Oak Crest Circle
19. Proposed License Agreement – Lot 12, Countryside PUD, Unit XII - B Subdivision; 3922 Oak Crest Circle
20. Proposed License Agreement – Lot 22, Countryside PUD, Unit XII - B Subdivision; 3942 Oak Crest Circle
21. Proposed License Agreement – Lot 33, Countryside PUD, Unit XII - B Subdivision; 3937 Oak Crest Circle
22. Police Benevolent Association (PBA) Contract Approval of FY 2015-16 and FY 2016-17 Wage Reopener for Article 26, Wages on the PBA 2014 - 2017 Collective Bargaining Agreement

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 #17 (c) - Deductive Change Order No. 1 - Halifax Paving Inc., FY 2015 Paving Program

Mike Gardner, citizen, asked why there is a deductive change order. Mr. Johansson will provide information.

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

Item #22 - Police Benevolent Association (PBA) Contract Approval of FY 2015-16 and FY 2016-17 Wage Reopener for Article 26, Wages on the PBA 2014 - 2017 Collective Bargaining Agreement

Mr. Noftall asked if there was a budget impact statement done. He would like a copy.

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

REGULAR AGENDA

23. First Reading - Ordinance No. 2016-8 - General Obligation Refunding Bonds

Mayor Green read Ordinance No. 2016-8.

ORDINANCE NO. 2016-8

AN ORDINANCE OF THE CITY OF PORT ORANGE, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$14,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, TO REFUND THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2006; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-8 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

24. Resolution No. 16-19 - Intent to Adopt Moratorium - Adult Entertainment Establishments

Mayor Green read Resolution No. 16-19.

RESOLUTION NO. 16-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA ISSUING A NOTICE OF INTENT TO ADOPT A MORATORIUM ON

THE ISSUANCE OF DEVELOPMENT ORDERS, BUILDING PERMITS, ZONING VERIFICATION LETTERS, AND ZONING APPROVALS FOR BUSINESS TAX RECEIPTS FOR THE OPERATION OF ADULT ENTERTAINMENT ESTABLISHMENTS IN THE CITY OF PORT ORANGE, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-19 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

25. Award of Bid #15-30 421/Dunlawton Median Landscape Beautification – Phase 1 (Spruce Creek Road to Nova Road)

Bobby Ball, Zev Cohen & Associates, explained that a better price might be obtained by combining Phases 1-3 at a later time. Mr. Johansson said there may be some state funds available on July 1st, which would delay the project.

Councilman Stiltner explained his concerns with the bidding process and with delays on this project but all Council Members agreed to the delay for a better deal.

Motion to reject the bid and return for re-bidding was made by Councilman Stiltner, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call vote.

26. Amendment Number 23 to the Contract with Zev Cohen & Associates, Inc. (ZCA) for Professional Services for landscape design and permitting for the 421/Dunlawton Median Landscape Beautification – Phase 2 & 3 (Nova Road to Taylor Branch Road).

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

Mr. Ball advised that the updated amount is \$40,700 rather than what was presented in the agenda packet.

Motion carried unanimously by roll call vote.

J. COMMENTS

27. City Attorney Comments

There was nothing further from the City Attorney.

28. City Manager Comments

Mr. Johansson asked Council to review the draft CIP and asked for comments by May 27, 2016. Any questions should be provided to Alan Rosen, Assistant City Manager.

K. COUNCIL COMMITTEE REPORTS

29. City Council Committee Reports

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

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

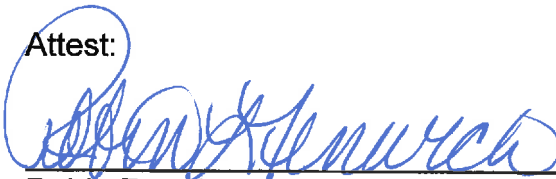
c. Roundtable of Elected Officials – Mayor Green reported on the most recent meeting which consisted of more discussions regarding the homelessness issues and water quality concerns from septic tanks.

ADJOURNMENT: 10:48 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, CMC
City Clerk