REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
MAY 3, 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 Rev. Tom Nelson of First United Methodist Church of Port Orange

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

Item(s) pulled: Mayor Green asked to pull item #31 to be discussed along with Item #14. Council agreed.

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

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

5. Carl F. "Buddy" Campbell Proclamation

Mayor Green read the proclamation to Carl "Buddy" Campbell. Council expressed their appreciation for Mr. Campbell's service.

6. 47th Annual Municipal Clerk's Week Proclamation

Mayor Green read the proclamation for Municipal Clerk's Week. Council thanked Robin Fenwick for her service.

7. Women's Lung Health Week Proclamation

Mayor Green read the proclamation for Women's Lung Health Week.

8. Presentation on Volusia County Mosquito Control and the Zika Virus

Jim McNelly, Director of Volusia County Mosquito Control, provided details of their program and information relating to the Zika Virus. Mr. Johansson advised that the Emergency Manager and other City Staff will contact the Volusia Health Department should any issues arise in Port Orange. Councilman Ford asked for protocols to take action of a City to prevent the development of these mosquitoes as they are only container borne. Mr. McNelly thanked Council for being proactive in educating their citizens.

9. Recognition of Public Utilities Garnsey Water Treatment Plant and supporting staff for earning the Florida Section/American Water Works Association 2015 Outstanding Water Treatment Plant Class A Award

Mayor Green presented the Public Utilities Staff with the award and Council thanked them for their service to the City.

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

Bob Duquette, General Manager, presented the reports for Kemper Sports Management and advised of upcoming events.

Mayor Green thanked the Atlantic High School Students from the Law & Government Academy for attending.

PUBLIC HEARING

11. Second 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.

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

12. Second 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 PLANNING; 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 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

13. Second 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 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

14. Second 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 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

15. Environmental Advisory Board Appointments

Motion to nominate Mr. LaMontange for re-appointment was made by Councilman Burnette, and Seconded by

Councilman Ford. Motion carried unanimously by roll call vote.

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

16. Environmental Advisory Board Report

Mr. LaMontange discussed details of the recent Board meeting. Councilman Ford asked that the Board consider the issue of septic tanks/systems in Port Orange, as well as drainage from the City's streets.

17. Parks & Recreation Advisory Board Appointment

Motion to nominate Julie Day was made by Councilman Burnette, and Seconded by Councilman Ford.

Motion to nominate Dennis Young was made by Mayor Green, and Seconded by Councilman Stiltner.

Motion to nominate Brian Syford was made by Councilman Stiltner, and Seconded by Councilman Burnette.

Motion to nominate John McClellan was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Council voted by ballot, which were announced by the City Clerk as follows:

Councilman Ford – Julie Day
Councilman Burnette – Julie Day
Councilman Stiltner – Brian Syford
Vice Mayor Bastian – John McClelland
Mayor Green – Dennis Young

Julie Day was appointed to the Parks & Rec Advisory Board to fill the unexpired term of Aime Bischoff.

18. Parks & Recreation Advisory Board Report

Jack Wiles, Chair, discussed details of the recent Board meetings.

Sarah Jones, citizen, reminded Council of her idea for a community swimming pool. She would like the Board to consider the idea. Mr. Johansson advised that the swimming pool at the YMCA is a community pool and membership is not required to use the pool. There is a pay as you go fee.

19. Golf Advisory Board Appointments

Motion to nominate Jane Taylor (fulfilling the requirement for a member of the Women's Golf Association) was made by Councilman Stiltner, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Motion to nominate Alan Angelone (fulfilling the requirement for a member of the Men's Golf Association) was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

Mr. Johansson advised that Richard Lee was nominated and recommended by the Cypress Head Golf Master Homeowners' Association. He has agreed to the nominated and submitted an application.

Dennis Flesch, citizen, introduced himself and advised that he does not believe there would be a conflict of interest for him to work for KemperSports and serve on this board but he would resign should there be a conflict.

Alan Angelone advised that Tony Delmonte is the President of one of the Cypress Head Board's (but not the Master Board.)

Susan Lovallo, Parks & Recreation Director, clarified the requirement regarding the Cypress Head Master Homeowner's Association. A board member is not required. The ordinance states a member of the Master HOA.

Motion to nominate Anthony Delmonte was made by Councilman Ford, and Seconded by Councilman Stiltner.

Motion carried unanimously by roll call vote.

Motion to nominate John Cameron was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call vote.

Motion to nominate Dennis Flesch was made by Mayor Green, and Seconded by Councilman Stiltner. Motion carried 3-2 by roll call vote with Councilmen Ford and Burnette voting no.

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

Council voted by ballot, which were announced by the City Clerk as follows:

Councilman Ford – Richard Lee
Councilman Burnette – Richard Lee
Councilman Stiltner – Joseph Longo
Vice Mayor Bastian – William Scheider
Mayor Green – Richard Lee

Richard Lee was appointed (3-2) to the Golf Advisory Board.

Motion to nominate Bob Ford was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Agenda)

20. Code Enforcement Lien Forgiveness for 48 Springwood Square - Brian Hopkins

Brian Hopkins, property owner, requested forgiveness of the code enforcement lien on 48 Springwood Square.

Mr. Johansson advised that the property owner was aware of the code lien prior to purchasing the property. The Special Magistrate determined that staff was not allowed to cut the grass so a fine was levied.

Ms. Roberts advised that the Lien Amnesty Program dictates 25% of the lien be paid after the County's auction. The proceeds from the auction were deducted from the lien amount and the 25% balance leaves a total due of $23,208.

Councilman Stiltner agreed with the Lien Amnesty Program and asked the City Attorney to clarify her recommendation. Ms. Roberts said the program was used as written and could be changed if Council so determines.

Vice Mayor Bastian asked if the $20,000+ should be applied after the 75% is deducted. Ms. Roberts said the program is written to deduct the surplus from an auction then calculate the 75% reduction.

Councilman Burnette is concerned with the precedent being set if this is granted.

Councilman Ford wants to help but wants it fair for everyone. He wants to consider applying the overage to the balance after the 75% reduction is made rather than the overage being applied prior to the reduction. Ms. Roberts said the current program authorizes the 75% reduction after any tax sale overage is applied but is subject to an amendment.

Councilman Stiltner would like to consider the market value of the property during the transaction. Councilman Burnette explained the issues with determining the market value of properties.

Ted Noftall, citizen, addressed Council regarding the 75% being an arbitrary number. He believes the intent of the lien amnesty program is to put properties on the tax roll. He encouraged Council to change the ordinance.

Councilman Ford would like to modify the ordinance. He believes the money coming to the City from a tax sale to be applied after the 75% is deducted. True city costs need to be re-captured.

Councilman Burnette agreed with Councilman Ford.

> Motion to deny with Mr. Hopkins being allowed to re-apply under the new ordinance was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

21. Code Enforcement Lien Reduction Request - 820 Sugar House Blvd.

Michael Slick, Attorney for property owner, Olga Sheynkman, explained the details surrounding the purchase of the property and the issues.

Carl Mueller, 827 Sugar House Drive, asked Council to consider the request to help the community.

Councilman Ford wants the City to foreclose on liens rather than let them sit and destroy neighborhoods.

Ms. Roberts suggested Council consider setting a cap on liens.

Councilman Burnette asked for more options from Staff. He wants Council to look at the big picture.

Mr. Noftall believes Council should write off the liens when they sell and come into compliance (other than real costs).

Councilman Ford doesn't agree with writing the whole lien off. It is there as a deterrent and needs to be in place.

> Motion to return the Lien Amnesty Program to Staff to find a better balance was made by Councilman Stiltner, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

Marlene Prouty, 832 Sugar House Blvd., encouraged Council to improve the program to help the community and property owners.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. Noftall addressed Council regarding follow-up from last week's meeting regarding the costs of landscaping. He also asked Council and the City Attorney to revisit the lien amnesty program as it relates to the 14th Amendment.

COUNCIL COMMENTS

22. Comments/Concerns from Council Members

Vice Mayor Bastian thanked Staff for having the wall at Yorktowne Blvd. fixed.

Councilman Ford asked if there is a fund for neighborhood repairs. Mr. Johansson said it was cut from the budget previously and will consider it through the budget process.

CONSENT AGENDA

23. Approval of Minutes
    a. April 19, 2016 - Regular City Council Meeting

24. Resolution No. 16-21 - LAP Agreement for design of the Victoria Gardens Boulevard Sidewalk

25. Resolution No. 16-22 - Calling a Primary, Regular and Special Election for the purpose of electing a Mayor and two (2) City Council members and providing for qualifying period

26. Resolution No. 16-23 - Approval of the Interlocal Agreement between the City of Daytona Beach, Florida and the City of Port Orange, Florida for potable water interconnects.

27. Write-off of Uncollectible Miscellaneous Accounts Receivable

28. Bid Awards and Contract Items
    a. Florida Health Care Insurance Renewal
    b. Florida Combined Life Dental Renewal

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

29. 2nd Quarter Strategic Plan Update

Alan Rosen, Assistant City Manager, provided details from the Strategic Plan Update for the second quarter.

30. Resolution No. 16-24 - Port Orange City Council Rules of Procedure

Mayor Green read Resolution No. 16-24.

RESOLUTION NO. 16-24

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING THE PORT ORANGE CITY COUNCIL RULES OF PROCEDURE; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-24 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Ford asked that the latest edition of the Roberts Rules of Order should be utilized and stated in the document. Council agreed to the amendment.

Motion carried unanimously by roll call vote.

31. Resolution No. 16-30 - Bond Refunding

Mayor Green read Resolution No. 16-30.

RESOLUTION NO. 16-30

A RESOLUTION OF THE CITY OF PORT ORANGE, FLORIDA, PROVIDING FOR THE ISSUANCE OF $14,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 OF THE CITY TO REFUND THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2006; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT FOR THE SALE OF THE BONDS; AUTHORIZING THE CITY MANAGER TO FIX THE DATE, MATURITIES, INTEREST RATES AND REDEMPTION PROVISIONS WITH RESPECT TO SUCH BONDS; AUTHORIZING THE PRELIMINARY AND FINAL OFFICIAL STATEMENTS; DESIGNATING THE PAYING AGENT, BOND REGISTRAR AND DISSEMINATION AGENT; AUTHORIZING THE APPROPRIATE OFFICIALS OF THE CITY TO TAKE NECESSARY ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-30 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Toby Wagner, Southeastern Investment Securities, advised Council that the bond rating was upgraded to AA2, which is a very strong but rare rating. He believes that is the highest rating in the county. The savings are in excess of $3 million.

Peter Dame, Bond Counsel, advised this resolution is refinancing the bonds at a lower interest rate to save money.

Motion carried unanimously by roll call vote.

COMMENTS

32. City Attorney Comments

There were no further comments.

33. City Manager Comments

Mr. Johansson advised of the opportunity of a cash sale of a small lot in Eastport. He requested authorization to contract between the listing price and the property appraiser's value using comparable values and other market drivers. An appraisal is not required because we have a broker. There has been no tax revenue since the City's purchase in 2007. The City Council will have final approval of the sale.

Motion to authorize the City Manager to negotiate with the City Council having final approval was made by Councilman Burnette, and Seconded by Vice Mayor Bastian.

Mr. Noftall doesn't agree with the City being in direct competition with private businesses and individuals with property sales.

Motion carried unanimously by roll call vote.

COUNCIL COMMITTEE REPORTS

34. City Council Committee Reports
    a. YMCA – There was nothing new to report.
    b. General Employees' Pension Plan – There was nothing new to report.
    c. River to Sea TPO – Councilman Ford reported on the recent meeting.

ADJOURNMENT: 9:29 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk