

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JUNE 21, 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: Alan Rosen, Assistant City Manager
Margaret T. Roberts, City Attorney
Robin Fenwick, City Clerk

Portions of the Rules of Procedure as approved by City Council on May 3, 2016 were read by Robin Fenwick, City Clerk.

AGENDA APPROVAL

Mayor Green asked that item (c) under City Attorney Comments for PFM Investments be added. Council agreed.

Items pulled for further discussion: #11(a), 11 (d), 11(e), 14 & 15.

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

PUBLIC HEARING

5. Second Reading - Ordinance No. 2016-9 - 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; Case No. 16-25000001

Mayor Green read Ordinance No. 2016-9.

ORDINANCE NO. 2016-9

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ESTABLISHING 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; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR INTERPRETATION; PROVIDING DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-9 on second reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Mayor Green asked that Item #20 be moved up to accommodate a guest speaker. Council agreed.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

6. Citizen Advisory Committee for TPO

Bobby Ball provided details of the recent CAC meeting.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Denise Davies, citizen, addressed Council regarding the demolition of Penna Court Motel. She would like to expand her pet grooming business and potential day care and doesn't want Penna Court Motel demolished. Mayor Green asked her to meet with the City Manager to discuss options and allow for due diligence.

COUNCIL COMMENTS

7. Comments/Concerns from Council Members

Councilman Burnette has received noise complaints regarding the construction at Madeline Avenue, specifically the truck sizes through the residential neighborhood between Nova Road and Bruner Road. He also asked for an update regarding timing of the budget review and approval.

Councilman Ford is not opposed to alternate uses of the Penna Court Motel. He does have an issue with the length of time it takes for things to get accomplished within the City, specifically why the motel isn't already demolished.

CONSENT AGENDA

8. Approval of Minutes
 - a. June 7, 2016 - Regular City Council Meeting
 - b. June 14, 2016 - City Council Workshop
9. Resolution No. 16-33 – Right-of-Way Vacation – Martin Road
10. Resolution No. 16-34 - Adopting Inventory List of Municipal Property
Appropriate for Use as Affordable Housing
11. Bid Awards and Contract Items
 - a. Provide authority to the City Manager authorizing the sale of brass components from meters salvaged from the meter replacement program for estimated revenue in an excess of \$25,000
 - b. Award of RFP #16-20, Disaster Debris Monitoring Services
 - c. Change Order No. 1 to Piggyback Agreement with Sparks Concrete, LLC
 - d. Change Order No 1 to the Standard Contract for Services with Sunstate Meter & Supply, Inc.
 - e. Extend Piggyback Agreement - Quentin L. Hampton Associates, Inc., Storm Water Drainage Improvements in the Monroe Street and Virginia Avenue Areas.
12. 1-year Lease Extension with ArtHaus Foundation, Inc. for the City-owned property located at 3840 Ridgewood Avenue
13. National Night Out
14. Council on Aging License Agreement
15. First Amendment and Renewal to the Hunting Lease for Smokey Hunt Club, Inc.
16. Amendment #1 to Interlocal Agreement with Volusia County for Jointly Owned Property
17. Concurrency and Fair-Share Agreement for the Sanctuary at Westport Apartment Site Plan - Case No. 16-80000001
18. Proposed Settlement for IAFF Grievance Regarding Compensatory Time

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 # 11(a) - Provide authority to the City Manager authorizing the sale of brass components from meters salvaged from the meter replacement program for estimated revenue in an excess of \$25,000

Alan Rosen, Assistant City Attorney, advised that the price for the metals changes daily. Staff is looking for authorization to waive sealed bids and allow approval of bids over \$1.50 per pound.

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

Item #11(d) - Change Order No 1 to the Standard Contract for Services with Sunstate Meter & Supply, Inc.

Councilman Burnette asked why additional meters are needed. Mr. Rosen said Staff is ahead of schedule on the meter replacement.

Rick Wilson, Interim Public Utilities Director, said they are ahead of schedule and they want to keep the project moving next year as well.

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

Item #11(e) - Extend Piggyback Agreement - Quentin L. Hampton Associates, Inc., Storm Water Drainage Improvements in the Monroe Street and Virginia Avenue Areas

Mr. Rosen provided additional information regarding the project. The extension is being requested based on the contractor's request due to unforeseen circumstances including loss of staff members and delays from subcontractors. The contract expired in January 2016 but invoices were processed after January 2016. He provided additional options that may be considered by Council and potential delays.

Andrew Gianinni, Quentin L. Hampton Associates, Inc., advised that they are waiting on the survey from Sliger & Associates. The data collection took longer than originally anticipated. They are ready to go as soon as the survey is completed.

Council wants to see Staff do a better job with staying on track with projects.

Councilman Ford is concerned that payment was made after the contract expired.

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

Item #14 - Council on Aging License Agreement

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

Item #15 - First Amendment and Renewal to the Hunting Lease for Smokey Hunt Club, Inc.

Mr. Rosen explained some changes made to the Hunting Lease after the agenda packet was released. The items related to Primitive Hunting and increases to the rent.

Councilman Ford is concerned with what is being allowed on the property.

Ted Nofall, citizen, doesn't believe there should be special access. The property is City land and should be open to all citizens.

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

REGULAR AGENDA

19. Resolution No. 16-32 - Budget Appropriation

Mayor Green read Resolution No. 16-32.

RESOLUTION NO. 16-32

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING OPERATING FUNDS PREVIOUSLY FUNDED IN THE 317 GENERAL CAPITAL FUND TO THE GENERAL FUND FOR THE PURCHASE OF ITEMS FOR THE RELOCATION OF THE EMERGENCY OPERATIONS CENTER, ADDITIONAL EQUIPMENT AND UNIFORMS IN ATHLETICS, MOVEMENT OF EXPENSES FROM RECREATION TO ATHLETICS TO CORRECT A MERCHANT FEE CHARGE, FOR THE CONVERSION OF THE MICROFILM AND RETRIX RECORDS MANAGEMENT CONVERSIONS, FOR THE JAG GRANT TO PURCHASE HANDGUN MOUNTED LIGHTS, FOR THE LOCAL AGENCY PROGRAM (LAP) AGREEMENT ON VICTORIA GARDENS SIDEWALK, FOR RECLASSIFIED EXPENSES RELATED TO THE S. ATLANTIC JPA WITH

VOLUSIA COUNTY AND FOR THE DISBURSEMENTS OF FUNDS RELATED TO THE REGIONAL COMMUNICATIONS CENTER CLOSEOUT; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-32
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried unanimously by roll call
vote.

20. Volusia Governments Water Resources Compact Ratification

Heidi Herzberg, City of Deltona Commissioner and President of Volusia League of Cities, encouraged Council to approve the compact.

Councilman Ford is concerned with Port Orange being represented fairly.

COMMENTS

21. City Attorney Comments
a. Riverwalk Development Update

Ms. Roberts explained the priorities regarding Riverwalk documents.

Discussion was held regarding concerns on Economic Incentive Agreements being tailored to certain developers and projects. Ms. Roberts advised of the legal confines based on law and ordinances for different projects. Council wants a time limit on the agreements.

Mike Gardner, citizen, addressed his concerns regarding the project and the lack of public participation during staff meetings with the developer. Mayor Green assured Mr. Gardner that each item will be discussed with the public once the documents are complete.

Mr. Nofall asked why the City is vacating ownership of the road to the developer.

Ms. Roberts reminded Council they approved the Deed of Dedication in this project at their meeting in April 2016.

b. Lien Amnesty Progress Report

Ms. Roberts will provide an Ordinance regarding lien amnesty on July 19, 2016 for first reading.

Councilman Burnette believes there is a potential loophole relating to ownership transfers.

c. PFM Investment

Ms. Roberts advised Council that PFM Investment Company is a professional services agreement that is under the City Manager's authority for approval. Staff is recommending approval of the renewal by the City Manager and Ms. Roberts wanted to ensure Council was aware.

22. City Manager Comments

Mr. Rosen asked Council for an extension as to the demolition of Penna Court Motel. Councilman Ford asked Staff to consider the effects of dog kennels in the area as far as noise levels. Mayor Green believes there are code issues with the motel but would like to allow time for Ms. Davies to do her due diligence. Council is open to other options for the building. Council agreed to an extension of days, not months. They believe the building needs to be demolished but are willing to allow an extension. The item will be brought back on July 19, 2016 to discuss Ms. Davies' findings and the proposed demolition.

Mr. Rosen advised that the contract for strategic planning will expire on June 30, 2016. He asked for Council authorization to have the contractor present to Council on July 19, 2016, as well as consider the extension of their contract on the same agenda. Council agreed.

Mr. Rosen advised that Staff is working on amending the ordinance regarding extension of time on contracts. Changes in the contracts may come regarding the burden for requesting an extension. Ms. Roberts offered her services to track contracts because she has the software already available but she will need additional support personnel. Staff is working on the best solution to ensure contracts are tracked properly.

Mr. Rosen advised of the flood in the Human Resources/City Clerk's areas. An emergency purchase order will be entered because of the damage to property and the disruption to the City's operations.

The City Manager is working on reports regarding Bonk's Landing, as well as urban chickens.

J. COUNCIL COMMITTEE REPORTS

23. City Council Committee Reports

a. ArtHaus – Councilman Burnette reported on the recent and upcoming activities.

b. Chamber of Commerce - Councilman Burnette reported on the recent and upcoming activities.

c. Roundtable of Elected Officials – Mayor Green reported on the topics discussed at the recent meeting.

ADJOURNMENT: 8:10 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, CMC
City Clerk