REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JULY 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

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

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

AGENDA APPROVAL

Items pulled: #14(a), (b), (i) and #16.

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

PUBLIC HEARING

5. First Reading - Ordinance No. 2016-10 - LDC Amendment (Chapters 2 and 17) - Allowing the use of MDA in the PC-A Workplace Zoning District, Case No. 16-25000002

Mayor Green read Ordinance No. 2016-10.

ORDINANCE NO. 2016-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND

DEVELOPMENT CODE; AMENDING CHAPTER 2, SECTION 2 TO REVISE THE DEFINITION OF A MASTER DEVELOPMENT AGREEMENT (MDA); AMENDING CHAPTER 17, SECTION 29 TO ALLOW THE USE OF MDA IN THE PLANNED COMMUNITY-AGRICULTURE (PC-A) WORKPLACE ZONING DISTRICT AND OUTLINING THE PROCEDURE THEREFORE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-10 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

6. Port Orange/South Daytona Chamber of Commerce Quarterly Report

Debbie Connors, Executive Director of the Chamber, provided details of their membership, events, and other happenings for the previous quarter.

7. Parks and Recreation Month Proclamation

Mayor Green read a proclamation in recognition of Parks & Recreation Month.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

8. Citizen Advisory Committee for TPO

Bobby Ball advised Council that the CAC did not meet in July due to vacations.

9. Golf Advisory Board Report

Chairman Al Angelone provided details of the Board's first few meetings. Council thanked the Board for their service and encouraged the Board to continue reporting.

10. Library Advisory Board Report

Stan Hetrick, Chairman, provided details of the Board's recent meetings. He asked Council to provide guidance and direction to the Board as they are not accomplishing anything currently and they would like to be productive.

Mr. Johansson spoke with Ken Parker, former City Manager, as to the history of the Library Advisory Board. The Board's responsibilities do not fit current conditions. He has been unable to determine a good way to utilize the Board members.

Councilman Burnette asked the Board to see about providing input to the County Board on a regular basis and thus, continue to meet. If they cannot provide input, the City Board may have run its course and sunset.

Councilman Ford believes the roll of the Board is to ensure the Port Orange Library is the very best for the Port Orange citizens. He said the Board Members are watchdogs for the citizens.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Robert Norville, citizen, thanked Council for the City's efforts in installing the traffic light at Crane Lakes.

Denise Davies, citizen, addressed Council regarding Penna Court. She would like an update as to moving forward. Mr. Johansson advised that the costs to demolish the structure and bring it up to code are estimated to be more than the property is worth. Staff recommends moving forward with demolition of the buildings. Councilman Burnette would like to allow the free market time to consider the costs involved. Mr. Johansson said there is a request for an extension on this agenda and there are many complaints from citizens, as well as police activity in the area.

COUNCIL COMMENTS

11. Comments/Concerns from Council Members

Councilman Ford urged citizens to thank law enforcement officers and reminded them how dry everything is right now.

Councilman Burnette is concerned with the City's inability to enforce State and Federal Laws relating to flag laws. He would like to know if the Council needs to take action to be able to enforce those laws. He asked Mr. Johansson if a sign can be posted for local traffic only at Madeline and Bruner. He would like Staff to check on the walklights along Dunlawton Avenue. He asked Margaret Roberts to move her seat so that all of Council can sit together. Council and Ms. Roberts agreed.

Vice Mayor Bastian thanked all of the City's first responders for their service to the community.

Councilman Stiltner updated Council on the officer injured last night. He is in good spirits. He asked for continued prayers for Dave Fouts and his recovery. He cautioned citizens of car burglaries and reminded all to lock their vehicles. He thanked City Staff and Parks and Recreation Department for the great 4th of July event. Councilman

Stiltner encouraged Council and citizens to watch the video of the Reclaimed Water Reservoir Outfall Project released recently.

CONSENT AGENDA

12. Approval of Minutes - June 21, 2016 - Regular City Council Meeting
13. Resolution No. 16-35 - Budget Appropriation

*Air Conditioner for Allen Green Center (Palmer Clinic) $40,000

14. Bid Awards and Contract Items

a. Extension of Contract Services for Bid 11-08 Collection and Disposal of Solid Waste, Yard Waste and Recyclable Materials with Waste Pro of Florida, Inc.

b. Award of ITB #16-19 City Hall Breakroom Remodeling and Pedestrian Bridge Repair to A.G. Pifer Construction Company, Inc.

c. Task Authorization No 10 under the Master Contract for Engineering Services with Quentin L Hampton Associates, Inc.

d. Change Order No 1 to the Standard Contract for Services with Samsula Waste, Inc, dated May 26, 2016

e. Task Authorization No 5 under the Master Contract for Engineering Services to Wade Trim, Inc. for the Onsite Wastewater Treatment System Evaluation Study

f. Award RFP #16-05 Virtual Desktop Infrastructure Solution to Extensys, Inc.

g. Service Contract with Halifax Humane Society

h. Change Order No. 1 to Vintage Painting, Inc. for Exterior Painting of Police Department Building Complex-OBM006

i. Contract Extension with Management Partners, Inc. for Strategic Planning Services

j. Assignment of Contract for Commercial/Industrial Realtor Services

k. Task Authorization No. 4 to the contract with Traffic Engineering Data Solutions, Inc. (TEDS) for design and permitting of the Victoria Gardens Sidewalk

15. Approval of Utilities Commission of New Smyrna Beach Interlocal Agreement
16. Resolution No. 16-36 – Easement Vacation – Lot 46, Hamlet Subdivision – First Addition
17. Resolution No. 16-37 - 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
18. Proposed License Agreement – Sawgrass Point PUD
19. Major Special Event Request - Volusia Flagler Family YMCA River Sprint Triathlon
20. City Attorney's Report FY16 - Third Quarter

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 #14 a. Extension of Contract Services for Bid 11-08 Collection and Disposal of Solid Waste, Yard Waste and Recyclable Materials with Waste Pro of Florida, Inc.

Councilman Burnette is concerned with extending for another five (5) years without going out for an RFP. He wondered if better rates and service can be obtained.

Councilman Ford is also concerned with the level of service. If the level of service remains where it is right now, he is okay with extending it.

Vice Mayor Bastian and Councilman Stiltner agreed with the concerns voiced.

Mr. Johansson spoke with management at Waste Pro when the complaints were received. New employees were assigned to the city and improvements were made.

Mike Gardner, citizen, had the same concerns discussed by Council.

Vice Mayor Bastian agreed with Mr. Johansson's comments regarding the service when complaints were reported.

Council would like to consider a one-year extension instead of five (5) years. Mayor Green is concerned with a one-year contract because of the costs to the vendor, which will be relayed to the rates.

Motion to table to August 2, 2016 was made by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

b. Award of ITB #16-19 City Hall Breakroom Remodeling and Pedestrian Bridge Repair to A.G. Pifer Construction Company, Inc.

Councilman Burnette asked why the pedestrian bridge repairs are not being done and wanted to ensure there are no safety issues. Branford Adumuah, Public Works Director, said there are no safety issues with the bridge and believes a closer look of the bridge is needed to get the most comprehensive plan for full repairs.

Councilman Ford asked what is included in the renovation of the snack room. Mr. Johansson said the ADA requirements are expensive.

Motion to approve was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried 4-1 by roll call vote with Councilman Ford voting no.

i. Contract Extension with Management Partners, Inc. for Strategic Planning Services

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

Item #16 - Resolution No. 16-36 – Easement Vacation – Lot 46, Hamlet Subdivision – First Addition

Margaret Roberts, City Attorney, advised Council of a minor correction to the resolution.

Mayor Green read Resolution No. 16-36.

RESOLUTION NO. 16-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF THE SIDEYARD AND READ YARD DRAINAGE AND UTILITY EASEMENTS LOCATED AT 632 DEVON STREET ON LOT 46 OF THE HAMLET SUBDIVISION – 1ST ADDITION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-36 with the correction as noted was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

REGULAR AGENDA

21. Spruce Creek Kayak Launch

Mr. Johansson advised Council that the area in Bonk's Landing is not recommended for a kayak launch. He believes there are other options for a more controlled area.

Mayor Green doesn't believe the neighborhood is a good fit for a kayak launch.

Councilman Stiltner suggested simply removing the "No Trespassing" signs so it can be utilized and accessed by taxpayers. He doesn't see any need or requirement for bathrooms or other development. He doesn't believe the outfall will be affected. Some minor trimming would be necessary.

Vice Mayor Bastian agreed it will be great to have access in that area as long as the sediment traps are protected.

Councilman Burnette doesn't want anything large either. He just wants access to the water.

Councilman Ford wants the signs taken down so there is access to the water without advertising the property. It can serve as a pocket park for the area.

Taryn Wiskirchen, 794 Hewitt Drive, thanked Staff and agreed that it should not be used by the public because it is not safe for kayakers.

Sarah Jones, citizen, supported taking the signs down and making it accessible to the public. She urged Council to find areas for the public to access the water.

Mr. Gardner doesn't believe the public property on Spruce Creek should be limited.

Jason Ness, citizen, wants Council to remove the signs. It is the only area close enough to walk or cycle to in the area.

Councilman Stiltner asked Ms. Roberts to look into the police response issues in the area. He suggested a mutual aid agreement for the Port Orange Police Department to respond to calls on the property. He wants Staff to advise how to move forward rather than how to not move forward. Council agreed.

22. Approval of Fiscal Year 2017 Strategic Plan

Jacquelyn McCray, PH.D., Management Partners, discussed the strategic plan as Council, Staff, and the public discussed at previous meetings. She will make the correction as Councilman Ford mentioned regarding the road extension at Madeline Avenue.

Motion to approve the FY2017 Strategic Plan as amended was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call vote.

23. First Reading - Ordinance No. 2016-12 - Code Enforcement Lien Reduction

Mayor Green read Ordinance No. 2016-12.

ORDINANCE NO. 2016-12

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 2, SECTION 2-214 OF THE CODE OF ORDINANCES RELATING TO CODE ENFORCEMENT FINES, TO IMPOSE A CAP ON CODE ENFORCEMENT FINES; AMENDING DIVISION 3, TO CREATE A LIEN REDUCTION PROCEDURE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-12
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.

Chris Hutchison, Code Compliance Manager, provided details of the proposed Ordinance. Council wants to ensure there are still "teeth" for enforcement. Mr. Hutchison believes this allows the Code Inspection Officers to move forward with cases but also help new owners.

Motion carried unanimously by roll call
vote.

24. Non Ad Valorem Assessment - Stormwater
    a. First Reading - Ordinance No. 2016-13 - Utilize Non Ad Valorem Assessments

Mayor Green read Ordinance No. 2016-13.

ORDINANCE NO. 2016-13

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA RELATING TO ARTICLE V, STORMWATER UTILITY; RESTATING AND AMENDING DEFINITIONS; ESTABLISHMENT OF THE STORMWATER DRAINAGE UTILITY, DUTIES, IMPERVIOUS SURFACE CALCULATION, APPEAL OF IMPERVIOUS SURFACE CALCULATION, UTILITY FEE, STORMWATER MANAGEMENT FUND AND FEE COLLECTION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-13
was made by Vice Mayor Bastian, and

Seconded by Councilman Burnette.
Motion carried unanimously by roll call vote.

b. Resolution No. 16-38 - Amending the Non Ad Valorem Assessment Roll

Mayor Green read Resolution No. 16-38.

RESOLUTION NO. 16-38

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING AN INCREASE OF $1.00 TO THE 2016 NON-AD VALOREM ASSESSMENT FOR STORMWATER DRAINAGE UTILITY FEE; RESTATING AND SPECIFYING THE UNIT OF MEASUREMENT FOR THE ASSESSMENT; SPECIFYING THE AMOUNT OF THE ASSESSMENT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-38 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 4-1 by roll call vote with Councilman Burnette voting no.

c. Volusia County Tax Collector Cost Reimbursement

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

d. Volusia County Property Appraiser Cost Reimbursement

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

COMMENTS

25. City Attorney Comments
    a. Yorktowne property transfer and proposed closing on or before July 26

Ms. Roberts updated Council on the vacant property behind Lowes Home Improvement (3875 Yorktowne Blvd.) The property was closed on July 15, 2016. The City received $1.3 million. She also provided updates regarding other City owned properties, including 4460 Eastport and the Port Orange Business Park property (in front of Raydon), which is under contract with Thompson Pump.

Councilman Burnette does not want to see more properties purchased or supplementing CRA's. Council agreed to applying the monies to debt.

Ms. Roberts provided a written timeline of events for development at Riverwalk. She asked for direction on August 2, 2016 to the questions provided.

26. City Manager Comments

Mr. Johansson reminded Council that they approved $700,000 from the Yorktowne property closing to the Riverwalk Park Phase 2. Council approved moving forward with that commitment.

Mr. Johansson advised Council that he has limited the use of the Council Chambers for non-City sponsored events. He suggested waiving the fee at Lakeside Community Center for upcoming candidate forums rather than Council Chambers. Council agreed. According to the City Attorney, pogTV is not available for use based on the current policy.

Motion to approve the use of Lakeside Community Center with a fee waiver as long as it is open to all Port Orange candidates made by Vice Mayor Bastian, and Seconded by Councilman Stiltner.

Ms. Jones is concerned with the sound system at Lakeside Community Center.

Motion carried unanimously by roll call vote.

Mr. Johansson met with Arcadis Consultants, Councilman Stiltner, and FDOT District 5 Representatives to discuss flooding issues on Dunlawton Avenue. Options will be coming forward to Council to mitigate those flooding issues.

COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

a. YMCA (Meeting held 6/15/16) – Councilman Stiltner reminded of the Triathlon coming up and the swim lessons over the summer.

b. River to Sea TPO (Meeting held 6/22/16) – Nothing new to report except that Port Orange is fairing okay with new sidewalks and other TPO monies.

c. ArtHaus – Councilman Burnette reported on upcoming events.

d. Chamber of Commerce – Report provided by Debbie Connors previously.

e. Roundtable of Elected Officials – No meeting held.

f. Library Advisory Board – Nothing new to report.

ADJOURNMENT: 9:08 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk