

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
OCTOBER 4, 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 given by Rev. Rebecca T. Hyvonen of Cross Creek 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

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

Mayor Green advised of the passing of Bud Harden who served the City for many years.

AGENDA APPROVAL

Items #6 and 7 were returned to Staff and will come back before Council in November 2016. Item #18 was pulled from the Consent Agenda for further discussion. Margaret Roberts, City Attorney, asked that Resolution No. 16-69 be added to the agenda.

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

Mayor Green read Resolution No. 16-69.

RESOLUTION NO. 16-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AUTHORIZING THE EMERGENCY MANAGEMENT DIRECTOR TO DECLARE A STATE OF LOCAL EMERGENCY COMMENCING OCTOBER 6, 2016 AT 6:00 P.M.; RATIFYING ALL ACTIONS, IF ANY, OF THE CITY IN THE RESPONSE TO THE LOCAL EMERGENCY COMMENCING ON OCTOBER 6, 2016; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 16-69
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.

Jake Johansson, City Manager, provided an update as to the storm preparations being done by City Staff and discussed the citizen call center. Councilman Ford reminded Mr. Johansson to have several spare tires on hand in the event vehicles pick up nails. Kudos was provided by Councilman Burnette for the hard work of Staff during the storm prep. He reminded all to re-fill prescriptions prior to the storm. Vice Mayor Bastian said winds over 50 mph will result in no emergency response because they will be locked down for safety reasons. Councilman Stiltner asked residents to take care of their properties to avoid further damage and extra clean-up efforts.

Motion carried unanimously by roll call
vote.

PUBLIC HEARING

5. Second Reading - Ordinance No. 2016-19 - LDC Amendments/Chapters 2, 17 and 18 - Craft Food and Beverage Producer, Brewery, and Microbrewery, Case No. 16-25000003

Mayor Green read Ordinance No. 2016-19.

ORDINANCE NO. 2016-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 2 TO ADD DEFINITIONS FOR CRAFT FOOD AND BEVERAGE PRODUCER, BREWERY, AND MICROBREWERY; AMENDING CHAPTER 17 RELATING TO PERMITTED USES TO ADD CRAFT FOOD AND BEVERAGE PRODUCER, BREWERY AND MICROBREWERY TO THE COMMUNITY COMMERCIAL (CC), HIGHWAY COMMERCIAL (HC), INTERCHANGE COMMERCIAL DEVELOPMENT (ICD), RIDGEWOOD DEVELOPMENT (RD), PLANNED COMMUNITYRIVERWALK (PC-R), AND MIXED-USE CENTER (MXC) ZONING DISTRICTS AS PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS, AND TO ADD BREWERY TO THE COMMERCIAL INDUSTRIAL (CI) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICTS AS A PERMITTED USE WITH SPECIAL DEVELOPMENT REQUIREMENTS; AMENDING CHAPTER 18 TO CREATE SPECIAL DEVELOPMENT REQUIREMENTS FOR CRAFT FOOD AND BEVERAGE PRODUCER, BREWERY, AND MICROBREWERY USES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;

PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-19
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried unanimously by roll call
vote.

6. Second Reading - Ordinance No. 2016-20 – Pinnacle PUD Small-Scale Comprehensive Plan Amendment; Case No. 16-20000001

Item was pulled and returned to Staff until November 2016.

7. Second Reading - Ordinance No. 2016-21 – First Amendment to the Pinnacle Master Development Agreement and Conceptual Development Plan; Case No. 16-40000004

Item was pulled and returned to Staff until November 2016.

8. First Reading - Ordinance No. 2016-22 - Moratorium on the issuance of development orders, building permits, zoning verification letters, and zoning approvals for business tax receipts for the operation of tattoo parlors in the City of Port Orange; Case No. 16-25000004

Mayor Green read Ordinance No. 2016-22.

ORDINANCE NO. 2016-22

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 TATTOO PARLORS 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. 2016-22
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried unanimously by roll call
vote.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

9. Police Department Recognition Awards

Thomas Grimaldi, Police Chief, presented two employees with Awards of Achievement.

10. Report from KemperSports on Cypress Head Golf Course

Bob Duquette, General Manager, provided details of August 2016 reports for Cypress Head Golf Course. Mayor Green asked KemperSports to adhere thoroughly to the contract. Council asked Mr. Duquette to keep communicating the improvements with the course conditions. Councilman Burnette asked for statistics on annual passes from year to year. Councilman Stiltner asked if there's a reason why the pine straw around the first cut of rough and the sidewalk near the third hole has been removed. He thinks it looked better with it. Mr. Duquette will check into it but they are planning to replace the pine straw.

TABLED ITEMS

11. Citizen request to reduce the work without permit late fee for a fence at 5930 Park Ridge Circle

Motion to remove item #11 from the table was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

Roger Thompson, citizen, asked for a reduction in the \$500 fine for working without a permit. Mr. Johansson advised that the citizen has paid for the permit fees and the fence has been inspected. He warned Council about reducing the fine and setting precedence. Discussion was held regarding the violations on working without a permit. Councilman Ford believes the \$500 fine is excessive and recommended doubling the permit fee.

Motion to charge \$110.00 and refund \$390 of the \$500 fine was made by Councilman Ford, and Seconded by Councilman Burnette. Motion denied 2-3 with Councilman Stiltner, Vice Mayor Bastian, and Mayor Green voting no.

CITIZEN PARTICIPATION (Agenda)

12. Citizen request for utility lien reduction - 3896 Esplanade Ave.

Michel LeRoux, owner of 3896 Esplanade Avenue, provided details of his request for a

reduction in the utility lien placed on the foreclosed property he purchased at an auction. He requested the penalty fees of \$280.67 be waived.

Motion to accept the recommendation to deny the request was made by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There was none.

COUNCIL COMMENTS

13. Comments/Concerns from Council Members

Council asked residents to be careful during the pending storm.

Councilman Stiltner thanked Family Days Executive Board and City Staff for their work on Family Days over the past weekend.

Mayor Green asked Council to consider re-doing the front entry into the City Hall building. Discussion was held regarding the availability of water/sewer where septic tanks have been used in the past. Council agreed with Staff's work regarding removing all septic tanks in the City as discussed by Mr. Johansson. They would like to see a timeline showing the conversion of those properties to the City's system.

CONSENT AGENDA

14. Approval of Minutes

a. September 20, 2016 - Special City Council Meeting

b. September 20, 2016 - Regular City Council Meeting

15. Award of RFSQ #16-36 - Continuing Architectural Services

16. Approval of Municipality/Transportation Planning Organization FY 2016/2017 Funding Agreement with the River to Sea Transportation Planning Organization (R2CTPO)

17. Resolution No. 16-67 - Ratifying and Accepting \$86,267.44 for Victims of Crime Act (VOCA) Grant

18. Major Special Event Request – First Turn Lounge – 5236, 5204, & 5164 South Ridgewood Avenue

19. Utility Billing and Miscellaneous Receivables Write-offs

20. City Attorney's Report FY16 - Fourth Quarter

21. Approval of Beville Settlement

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 #18 - Major Special Event Request – First Turn Lounge – 5236, 5204, & 5164 South Ridgewood Avenue

Councilman Burnette asked for confirmation regarding the additional hours and the waiver of the surety bond. Wayne Clark, Community Development, said the item as written does not waive the surety bond but does include additional days (not hours).

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

REGULAR AGENDA

22. First Reading - Ordinance No. 2016-17 - Revision to City Code Sec. 2-272 - Alterations or modifications of contracts

Mayor Green read Ordinance No. 2016-17.

ORDINANCE NO. 2016-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-272 OF THE CODE OF ORDINANCES REGARDING ALTERATIONS OR MODIFICATIONS OF CONTRACTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-17 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Burnette asked Council to consider the thirty days and wondered if it was the appropriate number of days. Mr. Johansson advised that he asks the same questions on "why the extension" that Council would ask normally. This will allow Staff to move projects quicker than waiting for Council meetings. Mr. Johansson will continue to provide information to Council as necessary. He offered to provide a report of the extensions granted. Council agreed to the report for accountability to be provided at the next Council meeting after the extension is granted.

Newton White, citizen, asked Council to limit the extension to one 30-day period. Mr.

Johansson said it is written that way as presented.

Motion carried unanimously by roll call vote, subject to the reporting as discussed.

23. First Reading - Ordinance No. 2016-18 - Correction to City Code Sec. 2-275 - Local purchasing preference

Mayor Green read Ordinance No. 2016-18.

ORDINANCE NO. 2016-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 TO ESTABLISH SECTION 2-275 REGARDING LOCAL PURCHASING PREFERENCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-18 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

24. YMCA Items

a. Amendment to YMCA Lease

Motion to approve the Lease Amendment as presented was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Ford agreed with Mr. Johansson's approach to be consistent with practice and the leases we have with the YMCA and others. Councilman Burnette believes it is a partnership with the YMCA.

Motion carried unanimously by roll call vote.

b. Assignment of YMCA Sublease

Motion to approve the attached Assignment and Amendment of the YMCA Sublease, with Genesis Health

Development, Inc. and HB Outpatient Rehabilitative Service, Inc. subject to assignee, HB Outpatient Rehabilitative Services, Inc. corporate registration with the State of Florida was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

COMMENTS

25. City Attorney Comments

There were none.

26. City Manager Comments

There were none.

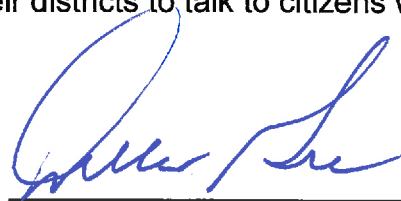
COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

- a. River to Sea TPO – Councilman Ford reported on the recent meeting held.
- b. YMCA – Councilman Stiltner had nothing to report.
- c. General Employees' Pension Plan – Councilman Stiltner reported on the recent meeting held.

Council said they are available for anything needed during and after the storm. Mr. Johansson asked Council to be available in their districts to talk to citizens with information being done by Staff.

ADJOURNMENT: 8:17 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, CMC
City Clerk