REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
DECEMBER 8, 2015

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 provided by Reverend Tom Olney

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

Items pulled: 14, 16, and 17

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. 2015-44 - 2015 Comprehensive Plan Capital Improvements Element (CIE) Annual Update; CASE NO. 15-27500001

Mayor Green read Ordinance No. 2015-44.

ORDINANCE NO. 2015-44

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE

PLANNING; PROVIDING FOR ADOPTION OF THE FY2016-2021 FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AS SET FORTH IN THE COMPREHENSIVE PLAN, CAPITAL IMPROVEMENTS ELEMENT AND SUPPORTING DATA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-44 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

6. First Reading - Ordinance No. 2015-45 - LDC Amendment/Chapters 17 and 18; Case No. 15-25000005

Mayor Green read Ordinance No. 2015-45.

ORDINANCE NO. 2015-45

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 17, SECTION 25 TO ADD FARMERS/FLEA MARKET AS A SPECIAL EXCEPTION USE IN THE RIDGEWOOD DEVELOPMENT (RD) ZONING DISTRICT; AMENDING CHAPTER 18, SECTION 3 TO ADD SPECIAL REQUIREMENTS FOR THE FARMERS/FLEA MARKET USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-45 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Tim Burman, Interim Community Development Director, explained the change to special exemption.

Council supported the requested change and feel it's a better use of the property. Citizens have asked that lights be shielded from the residential area.

Motion carried unanimously by roll call vote.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

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

Debbie Connors, Executive Director of the Chamber, discussed the activities and membership of the Chamber. They have maintained over 700 members for the year. The Chamber held a purchasing workshop with the community.

Councilman Burnette asked that information from the purchasing workshop be posted on their website.

CITIZEN PARTICIPATION (Agenda)

8. Water Use Policy - Ted Noftall

Ted Noftall, citizen, discussed his concerns relating to the back billing of the utility services at his business after a water leak. He provided documentation and asked Council to consider his five (5) points as listed below:

1) Water leak – the City did not contact him of the high water usage
2) Meter size & change out fee – Staff opinions vs. Code requirements.
3) Monthly bills do not add up month after month
4) Staff generated fees are unlawful – No taxation without representation.
5) Back billing resolution is unconstitutional

He addressed issues and concerns with the manager having Council approve far too much of his staff's work product; the length of the agenda packets and when they are distributed to Council for review; and implementing policies after Staff has established a past practice.

9. Utility Lien Reduction Request - Aaron Abdolahifard, 828 Wildwood Circle

Anthony Andreala, Wedgewood, Inc., asked for a reduction in the utility lien at 828 Wildwood Circle after obtaining the property through foreclosure.

Margaret Roberts, City Attorney, recommended that the Council collect the monies due since it is a utility lien. They live through foreclosures and bankruptcies.

Councilman Ford is hesitant to forgive water liens.

Consensus of Council was to collect the full amount of the utility lien.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Edith Shelley, Halifax Health, announced the grand opening of a Healthy Living Center at the Port Orange YMCA. It opens on Wednesday, December 9, 2015.

Robert Scott, citizen, addressed Council regarding his concerns on Coquina Cove Subdivision and Coraci Blvd. extension. He asked for assurance that the City is monitoring the projects to protect the citizens.

COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Councilman Ford asked that an assistance program be set up soon for those who cannot afford their bill due to leaks or other issues not in their control. He doesn't support "past practice". He wants written policies and procedures that Staff follows.

Councilman Burnette thanked the Parks & Recreation Department and all of Staff for their efforts over the weekend for the holiday events. He asked for an update on the lights on Dunlawton Avenue. Mr. Johansson will be meeting with the county again once they review the issue.

Vice Mayor Bastian also thanked Staff for the events.

Councilman Stiltner echoed thanks to Staff for the coordination of events.

Mayor Green asked for a status of the meter change out program and exception reports. Mr. Johansson advised that the meters transmit the information as requested but Staff is working on it. He also advised that "past practices" are currently being codified in policies, resolutions, and/or ordinances.

CONSENT AGENDA

11. Approval of Minutes
    a. December 1, 2015 - Regular City Council Meeting
12. Bid Awards and Contract Items
    a. Contract Piggyback Purchase of FY 2016 Fleet Vehicle and Equipment
    b. Seeking Council Approval for the purchase of new Self Contained Breathing Apparatus from Ten-8 Fire Equipment, Inc.
    c. Piggyback Agreement and spending authorization under Volusia County Bid #14-B-127KW for Cummins Power South
    d. Sole source contract for repairs with Menzi USA Sales Inc.
    e. Change Order #6 to Hall Construction
    f. License Agreement on Parcel 908 to Pioneer Community Development District constructing the South Williamson Boulevard Extension.
13. 2015 Annual Concurrency Management Report
14. Resolution No. 15-83 - Parks & Recreation Fees
15. 2016 Public Hearing & Development Review Calendars
16. Rejection of All Bids - Bid #16-01, Concrete Services
17. City Attorney's Report
18. CDBG required Analysis of Impediments (AI) to Fair Housing Choice

19. Public Employees Association (PEA) Contract Approval of 2015-2016 Wage Reopener for Article 24, Wages on the PEA 2014 - 2016 Collective Bargaining Agreement

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

Item #14 - Resolution No. 15-83 - Parks & Recreation Fees

Vice Mayor Bastian asked if the open gym fees can remain the same instead of being raised.

Susan Lovallo, Parks and Recreation Director, reviewed the fees and needs to adjust the amount to collect 100% of the adult programs and 50% of the youth programs.

Council supported the changes as presented.

Mayor Green read Resolution No. 15-83.

RESOLUTION NO. 15-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING REVISED FEES FOR PARKS AND RECREATION FACILITY USE, ATHLETIC PROGRAMS, SPONSORSHIPS, AND SERVICES; SUPERSEDING PRIOR RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 15-83 was made by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried 4-1 by roll call vote with Vice Mayor Bastian voting no.

Item #16 – Rejection of All Bids - Bid #16-01, Concrete Services

Mike Gardner, citizen, addressed Council regarding his concerns on the ambiguous specs of the bid.

Tracey Riehm, Finance Director, introduced Diana Fye, as the new Purchasing Manager. Ms. Fye advised that the bid form was list by unit price and there was no easy way to determine the lowest bidder. There was no stated intent as to awarding to one vendor vs. more than one. She recommends re-bidding. Mayor Green agreed that the vendors did not understand the bidding documents. They were too far off from each other.

Newton White, citizen, asked what direction Council will give Staff regarding sidewalk repairs while this is re-bid. Mayor Green said Sparks will continue to repair until it is re-bid.

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

Item #17 – City Attorney's Report

Councilman Burnette asked that a resolution be past for a quarterly report from the City Attorney's Office.

Motion to direct the City Attorney to provide quarterly reports was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

Motion to accept the City Attorney's Report was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

<u>REGULAR AGENDA</u>

20. Lobbying Services Contract for the 2016 and 2017 Legislative Years

Motion to reconsider the lobbying services contract was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 3-2 with Councilman Ford and Vice Mayor Bastian voting no.

Motion to approve the contract was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner.

Council asked that language be added to the contract to restrict the lobbyist from lobbying for the City on issues they have not approved.

Councilman Stiltner believes a lobbyist should only lobby on issues as directed by Council.

Councilman Burnette agreed with Vice Mayor Bastian and would like Sean Pittman to keep Council apprised on issues he hears in Tallahassee.

Councilman Ford doesn't support a lobbyist. He believes the City should have a Governmental Affairs Liaison on staff.

Mr. Noftall asked why Council will restrict the scope but raise the fees and why is it a two year contract. Mr. Johansson said the contract is for 18 months to cover the Legislative Session.

Mr. White asked Council how many lobbyists were interviewed. He asked that it be bid out.

Motion carried 3-2 by roll call vote with Councilman Ford and Vice Mayor Bastian voting no.

21. Contract Award to A.G. Pifer for YMCA Phase Three Renovations

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

Councilman Stiltner is concerned with only receiving one bid for this project. He wants to see more bids so it is more competitive. He asked what the "verbal agreement" was as presented in the agenda packet.

Ms. Riehm advised that she reviewed the lease and amendments and the funds (106 - Recreation Fund) which show a reserve. There is a portion reserved for the YMCA; one of which is the lease amount and the other which cannot be determined by written authority. She recommended an amendment of the lease to show both amounts.

Councilman Ford asked that Staff review the bidding process for improvement.

Mayor Green said there has been a problem with bidding in a lot of communities. He said it is easier to work on the private side than the public side.

Councilman Burnette asked where the budgeted amount was derived.

Ms. Lovallo advised the YMCA provided initial estimates. They were charged with hiring the architect originally. She believes now that it is a City project, costs are higher because of the need for more contractor time and work. There is a delay in payments when working with the City.

Motion failed unanimously by roll call vote.

22. First Reading - Ordinance No. 2015-47 - Relating to Bidding Requirements

Mayor Green read Ordinance No. 2015-47.

ORDINANCE NO. 2015-47

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, SECTION 2-267, RELATING TO BIDDING REQUIREMENTS FOR PURCHASES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-47 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

COMMENTS

23. City Attorney Comments
    a. Implementation of the Cody compensation study for the City Attorney

Ms. Roberts discussed the accomplishments of the City Attorney's Office through the years and asked for approval to implement the Cody compensation study pay rates to the midpoint.

Councilman Stiltner supports moving all of the employees into a competitive position. He would like to see the salaries for other City Attorney's in the surrounding area cities. He volunteered to gather the data and bring it back for discussion.

Vice Mayor Bastian would like to see data that is more current that the Cody Study.

Councilman Burnette asked Council to consider a partial increase now and re-visit it during the annual evaluation in May.

Councilman Ford is concerned with the message a 16.6% increase sends to other employees. He supported the same increase as other employees.

Mayor Green asked Councilman Stiltner to gather the data.

Sarah Jones, citizen, said the collective bargaining units should be settled before upper management receives a raise.

Mr. Noftall addressed his concerns with the implementation of the Cody Study.

Council agreed to revisit after more information is gathered by Councilman Stiltner.

Ms. Roberts asked Council for approval to close on a property donation of vacant land located on Reed Canal. It is commercial property annexed to the City in 1985. The donor would like to close prior to year-end. She recommended Council obtain marketable title before accepting the property, as well as an environmental report.

Council is interested if the title is clear and the land is clean.

Ms. Roberts advised that the Yorktowne Blvd. parcel bid is moving forward. Council did not want any further restrictions other than the current codes.

24. City Manager Comments

Mr. Johansson advised Council that a Special Meeting will be scheduled as soon as possible to discuss the IAFF Contract and budget resolution approving the funding for the tentative agreement that has been reached. The vote from IAFF is expected December 16, 17, and 18. The Special Meeting will be scheduled the week of December 21, 2015 if all paperwork is received in time.

He advised that bond reviews are coming up which require significant staff time. The 2009 Water/Sewer Revenue Bond in the principal amount of $205,000 plus $3,600 in interest. He asked for approval to place the total amount into an escrow account to relieve the administrative burden associated with a Finch review. The monies will come from fund balance. The Bond is not callable so it cannot be paid off at this time. Council agreed to review a resolution with further details in January. He will bring a resolution to Council in January.

<u>COUNCIL COMMITTEE REPORTS</u>

25. City Council Committee Reports

a. Arthaus – Councilman Burnette asked Mr. Johansson for feedback on his tour of Arthaus. Mr. Johansson found it very enlightening.

b. Port Orange/South Daytona Chamber of Commerce – Report given by Ms. Connors.

c. Roundtable of Elected Officials – Meets on Monday, December 14, 2015.

ADJOURNMENT: 8:44 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk