

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
OCTOBER 18, 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

Councilman Burnette asked that the City Manager Comments be moved to the beginning of the meeting, as well as remove Item #13 as there is nothing to be considered.

Motion to approve the agenda with the changes mentioned above was made by Councilman Burnette and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

Mayor Green read a Proclamation for Florida City Government Week.

PUBLIC HEARING

5. Second 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 approve Ordinance No. 2016-17 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

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

7. Second 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 approve Ordinance No. 2016-22 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

8. Subdivision Variance for 870 Taylor Road; Case No. 16-90000005

Tim Burman, Planner, provided details of the variance request.

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

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

9. Citizen Advisory Committee for TPO

Bobby Ball was unable to attend the meeting but will forward the summary to Council through the City Clerk.

CITIZEN PARTICIPATION (Agenda)

10. Port Orange Stallions- Fee Waiver

Lilly Wiggins and Derrick Clark addressed Council regarding their request for a fee waiver to use City fields for practice and games.

Susan Lovallo, Parks & Recreation Director, provided details of the meeting held with the City Manager and the Stallions. There is space available for their needs but they are

here to request a fee waiver. Adult football has not been done in Port Orange before. Maintenance costs are unknown until usage is complete. Mayor Green would like to see the team provide maintenance help of the fields. Mr. Clark agreed to the maintenance help.

Councilman Stiltner has concerns regarding maintenance costs due to the size of the adults playing. He asked if there would be 50% Port Orange players. Mr. Clark is unsure of the roster at this time. Councilman Stiltner asked them to find a corporate sponsor. He is extremely concerned with field space. They will request a donation but cannot charge a fee to attend or park because the field was funded with ECHO grants.

Vice Mayor Bastian likes the idea and believes it has potential.

Councilman Burnette is supportive of the idea but wants to see the give back from the team.

Councilman Ford is concerned with the financial burden on the Parks & Recreation Department. Ms. Lovallo provided some information but is unsure since this is a new concept. The Parks & Recreation Advisory Board would like to hear a presentation from the group before Council votes. Council agreed to discuss this with the Parks & Recreation Advisory Board on October 25, 2016.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There were none.

COUNCIL COMMENTS

11. Comments/Concerns from Council Members

Councilman Ford announced the passing of Michael Sheridan, former Police Commander. He was a great person and employee. He has been impressed with assistances provided to those in need after the hurricane. He thanked Chase Tramont for his work in the community.

Councilman Burnette agreed and also thanked City Staff for the extra hours worked to get things back to normal. He announced that Mark Gieselman passed recently. He was a long time teacher at Atlantic High School.

Vice Mayor Bastian echoed the kudos to City Staff and the community as a whole.

Councilman Stiltner spoke highly of Michael Sheridan's work for the community. He also congratulated Kim Kilpatrick to the promotion of Captain. He reminded residents that the permit fees are being waived for storm related permit needs.

Mayor Green warned residents against hiring non licensed contractors.

CONSENT AGENDA

12. Approval of Minutes
 - a. September 27, 2016 - City Council Workshop
 - b. October 4, 2016 - Regular City Council Meeting
 - c. October 10, 2016 - Special City Council Meeting
13. Bid Awards and Contract Items – (Item removed at Staff's request)
14. Resolution No. 16-71 - Update and Ratify Ongoing Participation on Volusia County Water Compact
15. Major Special Event Request – Turkey Trot 5K at Aunt Catfish Restaurant located at 4009 & 4108 Halifax Drive and Panhead's Pizzeria located at 4085 Ridgewood Avenue
16. Major Special Event Request – Lighthouse Loop Half Marathon & 5K @ DJ's Deck at 79 E. Dunlawton Avenue, Aunt Catfish Restaurant at 4009 Halifax Drive and Panheads Pizzeria at 4085 Ridgewood Avenue.
17. Proposed License Agreement – Lot 32, The Woods of Port Orange Unit III Subdivision; 492 Spruceview Drive

Item #13 was removed at Staff's request.

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.

COMMENTS

18. City Attorney Comments
 - a. Update on Volusia County Agreement for Debris Management Site

Margaret Roberts, City Attorney, cautioned Council with waiving code requirements. She would prefer to amend the code.

19. City Manager Comments

Jake Johansson, City Manager, provided an update as to the debris removal occurring in the City. Staff is working with FDEP, FDEM, SHPO, and FEMA on an alternate debris management site at Shunz Road. The debris contractor does not believe the Shunz Road will provide more efficiency at this time but Staff is moving forward to have the site approved. Riverwalk Park phase 1B area is also being considered for a debris management site, which will increase efficiency. The construction of phase 1B at Riverwalk Park would continue east of the debris and chipping site.

He asked Council if they would like to entertain the request to clean storm debris from mobile home parks and gated community where the roads are private. This service may not be reimbursed by FEMA and would be the responsibility of the City. He suggested that the City ensure those properties do not have debris removal insurance first. The City should also obtain Right of Entry and Hold Harmless Agreements prior to commencing work. The cost to remove debris in these areas is estimated to cost \$1.2-1.9 million. There is no time line for receiving approval from FEMA.

Council is concerned with the length of time it will take to pick up all debris. Councilman Burnette would like to discuss employing a street sweeper after the majority of the debris is picked up. He is pleased with City Staff for their efforts before, during, and after the storm. Councilman Stiltner asked Mr. Johansson to consider concentrating on the east side of the city, specifically east of the railroad tracks.

Motion to approve debris removal in private subdivisions and mobile home parks subject to the Right of Entry Agreements being entered was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Mr. Johansson discussed the costs that will be incurred and the reserve balance, which is approximately 30%. Tracey Riehm, Finance Director, provided information regarding reserve balance and the Council's Fund Balance Policy. There are adequate funds to pay for this emergency.

Mike Gardner, citizen, agreed with the accolades given to those who have worked during the recovery process. He would like to see more concentration on the east side. He believes the City dodged a bullet with this storm. He asked what the savings would be if we didn't follow FEMA's regulations for reimbursement. Mr. Johansson said it could be \$10 million in reimbursement lost if FEMA regulations are not followed.

Kevin Lewis, citizen, doesn't believe information has been forthcoming from the City regarding debris removal. He'd like some focus on the east side.

Mark Dickinson, citizen, asked for small canals to be cleaned out. Mr. Johansson said those areas are being reviewed and worked on.

Motion regarding debris removal carried unanimously by roll call vote.

J. COUNCIL COMMITTEE REPORTS

20. City Council Committee Reports

a. Arthaus – Councilman Burnette reported on the upcoming events. The sidewalk painting fundraiser was a success but a little behind last year.

Regular City Council Meeting

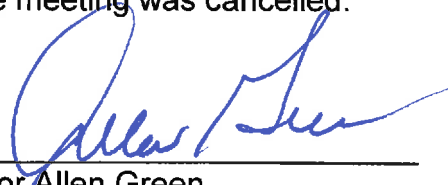
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b. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette reported on the upcoming events of the Chamber.

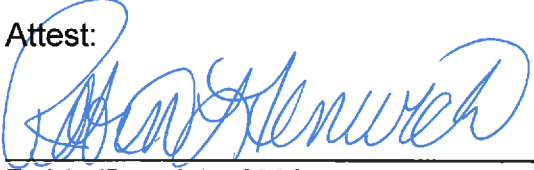
c. Roundtable of Elected Officials – The meeting was cancelled.

ADJOURNMENT: 8:34 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, CMC
City Clerk