REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
FEBRUARY 3, 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 given by Pastor Scott Kirschner of Christ the King Community Church.

Corey Berman, citizen, objected to the invocation as he believes it is illegal.

Roll Call:	Present:	Councilman Bob Ford Councilman Donald Burnette Councilman Scott Stiltner Vice Mayor Drew Bastian Mayor Allen Green
	Also Present:	David Harden, Interim City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk

STATE OF THE CITY ADDRESS

Kent Donahue, Grants Coordinator and PIO, presented the State of the City Address video.

AGENDA APPROVAL

Mayor Green advised that there has been a request to pull Consent Agenda Items #9 and 14 for further discussion.

Councilman Burnette asked that Consent Agenda Item #12 be pulled for further discussion.

Item #8 was pulled by Staff and will be brought back at a later date.

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

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

4. Environmental Advisory Board Update

Newton White, Chairman, provided an update from recent board meetings. Mayor Green invited all to the Roundtable meeting being held on Wednesday, February 4, 2015.

CITIZEN PARTICIPATION (Agenda)

5. Port Orange Soccer Club

Mike Woelfle, President, addressed Council regarding the need for safe soccer fields in the City. Mr. Woelfle asked what the club can do to partner with the building of the facilities.

Ed Davidson, citizen, discussed the option for bringing an amateur soccer club to Port Orange but the facilities are preventing the agreement.

Mayor Green would like to include this discussion in the next budget cycle. He believes there are options.

Vice Mayor Bastian asked if the City Manager and Parks and Recreation Director could meet with the club to discuss what is needed.

Councilman Stiltner agreed with bringing the discussion back with more details about what is needed.

Councilman Burnette advised that the Parks & Recreation Board meeting is scheduled for Tuesday, February 17, 2015. The Council will be meeting with the Parks & Recreation Board to discuss the needs of the City. He asked for a status update of the Coraci field.

Councilman Ford urged Staff to move the Coraci project forward.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Matthew Burnette, Chairman, advised Council of their Youth Achievement Award and requested donations that can be delivered to the City Manager's Office. Councilman Burnette suggested they hold fundraisers as well.

Corey Berman, citizen, addressed Council regarding water deposits on homes in his name. The lenders that he works with have requested the utilities be in their name rather than in his company's name. Staff has informed him that a change in the account would result in a change in the deposit required. He was also advised that Staff combined all of Fannie Mae's accounts into a single account for all of the properties owned by one, and Staff is requiring payment for the first property that closes. He asked that the properties be kept separate. Mr. Harden advised that the Ordinance requires a deposit on every property. Tracey Riehm, Finance Director, advised Council that Mr.

Berman will be required to pay a specific deposit on all accounts. Mayor Green needs more information. Councilman Ford doesn't understand the issue. Mr. Berman explained that Ken Parker, former City Manager, and John Shelley, former Finance Director, allowed him to pay one deposit of $2,000 for all of his properties. Mayor Green is concerned with the ripple effect on others. Ms. Riehm agreed. Vice Mayor Bastian also needs more information. Councilman Stiltner requested written information. Mr. Harden will provide details at a later date.

Mike Gardner, citizen, asked Council for more information on items to be voted on. He believes the citizens should see the communications between the City Attorney and other staff meetings.

Ted Noftall, citizen, asked Council what is being said in private meetings with contractors/vendors that can't be said in a public meeting. He asked if the City is going on with edging along Dunlawton Avenue and the landscaping contractor. He believes it is included in the contract. He expressed concern with the occupancy number of Council Chambers with the number of citizens present for the soccer club presentation, and Council voting based on attendance for specific topics.

John Cheney, citizen, donated $150 to the Youth Board for the Youth Achievement Award. He asked about the City crews that were edging on Sunday afternoon. He believes the contractor needs to be held accountable.

<u>COUNCIL COMMENTS</u>

6. Comments/Concerns from Council Members

Councilman Stiltner believes the workshop was productive relating to the flooding, walklights, and gateway sign. He asked that Staff provide multiple options. He wants to hear what is needed from the Department Heads to get the issues handled.

Vice Mayor Bastian said City Hall renovations look great.

Councilman Burnette advised Council of the Freemanville Day event on Tuesday, February 10, 2015. He also asked that Staff contact the contractors working on Dunlawton Avenue to clean up the edging.

Councilman Ford believes there is a disconnect and miscommunication with Council. He believes Council has a vision regarding the look of the City to include buildings and landscaping. He wants the mowing within the city to be contracted out so that City Staff can concentrate on drainage.

Mayor Green disagreed with the FDOT installing wells along the medians on Dunlawton Avenue. He said renting a Gradall and training someone is not the right thing to do. He suggested it be contracted out.

TABLED ITEMS

7. Services Agreement with Port Orange/South Daytona Chamber **(Tabled 12/9/14)**

Motion to remove from the table and discuss item #7 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

Debbie Connors, Executive Director of Port Orange/South Daytona Chamber of Commerce, addressed Council regarding the agreement.

Councilman Ford believes the agreement is improved from the original proposed agreement. He would like the City to take a more active stand with what they want from the Chamber. He would like to add "recruit businesses for the Ridgewood Corridor". He would also like to add "help advertise properties in Eastport". Mayor Green said that is stated in item #3. Councilman Ford would like something more measureable included.

Councilman Burnette suggested doing a workshop with the Chamber regarding goal setting prior to the next contract.

Vice Mayor Bastian agreed it is much improved. He also agreed with a workshop to discuss strategies for meeting the goals of the Council.

Councilman Stiltner wants to see an agreement that changes every year and targets specific goals.

Mayor Green wants to make sure the targets are attainable. He asked that the Chamber keep detailed records.

Mr. Gardner expressed his concerns regarding the lack of verbiage regarding public records requirements in the contract. Margaret Roberts, City Attorney, advised that she includes that language in all contracts even though it is not required for all contracts. If the vendor objects, she removes it if it is not required by law. The Chamber did not agree to have it included.

Mr. Noftall asked if an RFP was published for these services. Mayor Green said no. Mr. Noftall asked if it is a sole source. He doesn't agree with the relationship between the Council and the Chamber. He is concerned that the public records compliance language is not in the contract. Mayor Green said it is not cost feasible for the Chamber.

Mr. Berman asked if the building is leased to the Chamber from the City. Mayor Green said the land is leased to the Chamber; the building is owned by the Chamber. Mr. Berman doesn't support the Chamber.

Mr. White doesn't believe the City needs to subsidize the Chamber any longer.

Councilman Ford believes the City benefits from having the Chamber of Commerce. He believes Council should discuss subsidizing events and organizations during the budget process.

Motion to approve the agreement with the Port Orange/South Daytona Chamber of Commerce was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

CONSENT AGENDA

8. Resolution No. 15-11 - ECHO Grant Application for Acquisition of the FEC Port Orange Train Depot
9. Ratification of Forfeiture Proceedings
10. Florida Power & Light (FPL) License Agreement
11. Award of RFSQ #14-02 - Continuing Surveying Services
12. Quentin L. Hampton Associates, Inc. Contract for Inspection Services Addenda No. 4 and 7
13. Award Contract for Executive Management Search Firm Services to The Mercer Group
14. Piggyback State Contract for Council Chambers Audio/Visual Upgrades
15. Update on Construction Projects from QLH

Motion to approve Consent Agenda Items 10, 11, 13, and 15 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

Item #9 – Ratification of Forfeiture Proceedings – Mr. Gardner asked for more information. Mr. Roberts explained the forfeiture process.

Mr. Noftall cautioned Council with moving forward with forfeiture proceedings as he doesn't believe it is the way most are going. Councilman Ford advised that it is perfectly legal and ethical.

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

Item #12 – Quentin L. Hampton Associates, Inc. Contract for Inspection Services Addenda No. 4 and 7 - Councilman Burnette asked if the firm inspecting is inspecting themselves. Mr. Harden said they are not.

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

Item #14 - Piggyback State Contract for Council Chambers Audio/Visual Upgrades – Mr. Gardner supports the upgrade.

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

REGULAR AGENDA

16. Approval of Minutes
    a. January 20, 2015 - Regular City Council Meeting Minutes

Mr. Harden advised that the City Clerk found that there was no motion made during the January 20, 2015 meeting for item #33. He asked for a motion to ratify the vote that appeared to be an approval of the item.

Motion to ratify item #33 – Atlantic Marine Site Improvement Agreement for property at Dunlawton Avenue and Lemon Street, west of FEC Railroad was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

Motion to approve City Council meeting minutes from January 20, 2015 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote after no public comments.

17. Emergency Ordinance No. 2015-4 - Extension for Non- Exclusive Roll Off Franchise Agreements

Mayor Green read Emergency Ordinance No. 2015-4.

<u>ORDINANCE NO. 2015-4</u>

AN EMERGENCY ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, EXTENDING THE TERM FOR THE NON-EXCLUSIVE FRANCHISES FOR ROLL-OFF CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF PORT ORANGE AS ADOPTED IN ACCORDANCE WITH ORDINANCE NO. 2013-18 AND EXTENDING THE RELATED AGREEMENTS TO MARCH 31, 2015 FOR THE FOLLOWING ENTITIES: WASTE PRO OF FLORIDA, INC., SOUTHEAST CONTAINER SERVICE, INC., SAMSULA WASTE, INC., AND F.S.I. ROLL OFF CONTAINER SERVICE; PROVIDING FOR WAIVER OF SECOND READING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-4 was made by Vice Mayor Bastian, and seconded by Councilman Burnette.

Mr. Noftall asked why roll off containers are going to be licensed. He would like to contract for dumpsters rather than having the City impose extra fees.

Motion carried 4-1 by roll call vote with Mayor Green abstained due to a conflict (Form 8B attached).

18. Discussion regarding Legislative Priorities

Councilman Burnette asked that the Halifax Hospital Taxing District be included in the list. Mayor Green said Daryl Tol wants to come speak to Council regarding this topic.

Council Members agreed to add the taxing district issue to the list.

Mayor Green wants to allocate funds to get projects "shovel-ready".

19. Offer to Purchase 15 acres at Williamson Business Park

Councilman Stiltner asked what the opportunities are for the first right to purchase Thompson Pumps by City Center Complex.

Vice Mayor Bastian supported the sale if it is a fair price. Mr. Harden advised that there was an appraisal done this week.

Mr. Harden said upon approval from Council, the City Attorney will prepare a contract.

Councilman Burnette believes it is a good opportunity to keep Thompson Pumps in Port Orange. He supports the sale.

Councilman Ford is pleased Thompson Pumps is planning to stay in Port Orange.

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

Mr. Noftall asked if the City is requiring Thompson Pump to begin within 24 months of closing. Mr. Harden said Mr. Thompson offered that language not the City.

Motion carried unanimously by voice vote.

<u>COMMENTS</u>

20. City Attorney Comments

There was nothing further.

21. Interim City Manager Comments

Mr. Harden advised Council that Tracey Riehm has accepted the Finance Director position permanently. Ms. Riehm introduced Michael Feng as the Customer Service Manager. Council welcomed Mr. Feng.

Councilman Burnette thanked the Atlantic High School students in attendance.

<u>ADJOURNMENT:</u> 8:54 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk