REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
FEBRUARY 17, 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 was given by Father Chris Hoffman of Our Lady of Hope Catholic Church.

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

Mayor Green asked Council to move the Golf Course Renovation discussion to be heard after Item #7. Council agreed.

PUBLIC HEARING

4. Second Reading - Ordinance No. 2014-32 - Comprehensive Plan Amendment (Small Scale) *Urban High Density Residential (8-16 units/acre)* to *Commercial* for 1040 Herbert St. Case No. 14-20000001

Mayor Green read Ordinance No. 2014-32.

Motion to approve Ordinance No. 2014-32 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Tim Burman, Planner, advised Council that Staff is requesting that items #4 and 5 be continued until March 3, 2015.

Motion to continue items #4 and 5 to March 3, 2015 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

5. Second Reading - Ordinance No. 2014-33 - Rezoning Multi-family High Density (R-3H) to Highway Commercial (HC) for property at 1040 Herbert St. Case No. 14-60000005

Item was continued until March 3, 2015.

AGENDA APPROVAL

Councilman Burnette asked that Consent Agenda items #10 & 16g be pulled for further discussion. Councilman Ford asked that Item #17 be pulled. Ted Noftall, citizen, asked that item #15 be pulled for further discussion.

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

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

6. Citizen Advisory Committee for TPO Report by Bobby Ball

Bobby Ball, citizen, was unable to attend the CAC meeting this month but will be able to take back questions or concerns from Council. There were none.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

7. Police Department Recognition Awards

Jerry Monahan, Police Chief, and Wayne Miller, Assistant Police Chief, provided awards to volunteers in the VIPS program.

Item #22 – Golf Course Renovations

Councilman Ford advised that the item being discussed tonight is to decide whether or not Council supports moving forward with advertising for bids on renovating the golf course greens. He supports the renovations to keep the course in good shape for the City and the neighborhood.

Councilman Burnette believes Council has a duty to maintain City assets. He believes the course needs to be renovated. He supports renovating the club as well.

Vice Mayor Bastian believes the golf course is an asset for the City and it should be revitalized. He would like to consider renting the restaurant out.

Councilman Stiltner also supports the renovation of the course. He suggested a workshop relating to the clubhouse plans.

Mayor Green supports re-investing in the asset of the City.

Bob White, President of the Cypress Head Master Homeowner's Association, encouraged Council to approve the renovations to the golf course.

Mike Gardner, citizen, discussed the financing of the golf course.

Ted Noftall, citizen, also discussed his concerns with the finances of the golf course.

Councilman Burnette asked for a renovation calendar to ensure the process is on time.

Motion to approve as presented to include a renovation calendar was made by Councilman Ford, and Seconded by Vice Mayor Bastian.

Council would like a workshop to plan out the full renovations, including the clubhouse.

Councilman Ford wants to discuss the soft costs as presented previously by Kemper Sports. He would like to cap the soft costs at $300,000. He agreed with a workshop as to the clubhouse plans. He wants a full plan before renovations are decided.

Council consensus was to cap the soft costs at $300,000 with a specific accounting of the costs. They will entertain moving that cap with proper justification.

David Harden, Interim City Manager, advised that the research is being done for the accounting but the historical knowledge is gone.

Councilman Ford believes the Council has been too trusting and now needs to verify what's happening in the Finance Department.

Mr. Noftall believes the soft costs need to be determined prior to the cap being determined. He doesn't agree with soft costs being rolled into the loan for renovations. He suggested Council ask the City Attorney what the contract states regarding soft costs.

Motion carried unanimously by roll call vote.

<u>CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)</u>

Mr. Noftall asked for an update on the berm item; Pegasus' review and the Police Chief investigation. Mr. Harden said Pegasus' review is partially complete, but he has had a hard time finding someone to perform an investigation. He has a few more meetings coming up. He believes the engineering report will be complete by the end of the week. Mr. Noftall asked that the forensic audit of the berm issue be done by an outside firm rather than in-house. He asked for a press table in the back of Council Chambers. Mayor Green asked the City Manager to review and report on the needs of Finance.

COUNCIL COMMENTS

8. Comments/Concerns from Council Members

Councilman Stiltner discussed the accomplishments of Brittney Vasile, who was recently crowned as Miss UCF 2015. He has invited her to be recognized by Council on March 17, 2015. He asked for an update on the draining issues discussed at the January workshop. Mr. Harden said Staff has reviewed the option of moving Public Works mowing crews to drainage. It will require purchasing additional equipment, as well as additional training of the crews. Staff believes it can be maintained once it is caught up. Staff recommends contracting out the cleaning of the drainage ditches to get caught up. Mayor Green suggested outsourcing the Gradall operations.

Vice Mayor Bastian agreed with utilizing a private contractor to get caught up on cleaning ditches. He suggested using prisoners to mow the City areas so that City workers can do other tasks relating to drainage relief. Mayor Green suggested talking to Holly Hill as they have a good program. Vice Mayor Bastian believes Council sent the wrong message to the Police and Fire personnel by opposing the legislation. Mr. Harden advised that the legislation was not good for municipalities. It increases the contribution.

Councilman Burnette asked that ditch cleaning be expedited because the rainy season is coming. He advised that he is opposed to the legislation because he resents the State telling him how to take care of staff. He advised that Volusia Days is March 25, 2015. He asked for a performance review of the City Attorney in May.

Councilman Ford advised that he met with citizens in Sleepy Hollow. They are upset as they don't believe anything is being done to help with the flooding. He asked for neighborhood meetings. He asked what the progress of the lake is. Margaret Roberts, City Attorney, advised that the contract for the aerators is underway. She wasn't sure of the movement on the dirt. Councilman Ford asked for an update at the next meeting. Ms. Roberts said the first report is due on March 15, 2015. Councilman Ford asked when the Dusk to Dawn will be demolished. Mr. Harden said the Fire and Police Departments are doing training. He will provide an update. Councilman Ford asked what the status is on the soccer fields. Mr. Roberts said the Richel field contract documents should be finalized by Wednesday, February 18, 2015. Councilman Ford asked that Council establish priorities.

Mayor Green cautioned Council on approving non-budgeted programs and projects outside of the budget cycle.

CONSENT AGENDA

9. Approval of Minutes
    a. January 29, 2015 - Special City Council Meeting

   b. February 3, 2015 - Regular City Council Meeting
10. Resolution No. 15-11 - ECHO Grant Application for Acquisition of the FEC Port Orange Train Depot
11. Resolution No. 15-12 - Land & Water Conservation Fund (LWCF) Grant Application – Riverwalk Park Phase I
12. December 2014 Project Manager's Report
13. Building Activity Report and Development Activity Report for January, 2015
14. Crime Report for Fourth Quarter 2014
15. Financial Report
16. Award of Bids and Contracts
    a. Piggyback State contract with Grainger, Inc. to purchase Maintenance, Repair and Operations materials and supplies.
    b. Sole Source agreement for services with Biological Consulting Services, Inc.
    c. Award of Bid B14-17 Garnsey Water Plant Large Meter Replacement and Upgrade Project with L7 Construction
    d. Piggyback South Daytona Electrical Service Contract with Giles Electrical Services
    e. Award of Bid #14-27 South Spruce Creek Rd Trail from Central Park Blvd North to Taylor Rd
    f. Award of Bid #14-29 Southwinds Sidewalk
    g. Wrecker Service Agreement Discussion
17. Deductive final change order to National Metering Services for Task Authorizations 1 and 2
18. Resolution No. 15-14 - Amendment 1 Funding Resolution

Motion to approve Consent Agenda item #9, 11-14, 16a-f, and 18 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Item #10 - Resolution No. 15-11 - ECHO Grant Application for Acquisition of the FEC Port Orange Train Depot

Councilman Burnette confirmed his understanding of the grant request. He asked what is being done with the building. Vice Mayor Bastian is concerned with the costs of moving the building. Mayor Green advised that Brendan Galbreath is interested in the building but is concerned with moving it. He will need a variance. Councilman Burnette supports applying for the grant but wants to put more thought into the vision before they make a decision. Ms. Roberts advised that returning a grant can have a negative impact.

Councilman Ford believes the City hasn't been diligent in preserving the City's heritage. He would like to help Mr. Galbreath in preserving it rather than the City doing it. He does not want to see the building destroyed. Mayor Green asked Mr. Galbreath to provide a plan to Council.

Vice Mayor Bastian also supports preserving it with Mr. Galbreath. He suggested moving forward with the grant application.

Shailesh Patel, DMC, advised Council that the building was originally planned to be used in phase 1 but the plan has changed and the idea is for it to go with phase 3 as an entry feature.

Councilman Stiltner would like to see Mr. Galbreath's plan.

Ms. Roberts suggested Council purchase the building and then sell it to the private sector with deed restrictions so that it is always preserved.

Mayor Green read Resolution No. 15-11.

Motion to approve Resolution No. 15-11
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried 3-2 by roll call vote with
Councilman Burnette and Councilman
Stiltner voting no.

Atlantic High School Law Academy Students introduced themselves.

Item #15 - Financial Report

Tracey Riehm, Finance Director, discussed the monthly financial report. Mayor Green thanked Ms. Riehm for her efforts. He asked that she ensure that her reports are accurate.

Councilman Stiltner asked if the billing dates have been changed yet. Ms. Riehm advised that the change is challenging because of the different cycles but they are working on it. The water rate increase will hit first.

Vice Mayor Bastian asked if funds are still coming in for ad valorem. Ms. Riehm said yes, it trickles in until the final due date.

Councilman Burnette asked for fund balances. Ms. Riehm said the fund balances will be provided once the audit is complete. It is scheduled to begin in March.

Councilman Ford asked that she provide warnings if she finds any issues even if she can't provide all of the details of the issues. He asked her to ask for additional help if she needs it.

Mayor Green encouraged her to ask for additional staff if needed.

Mr. Noftall believes Ms. Riehm is a hard worker but he is concerned with the issues in the department. He wants Council to provide more resources to help get things done.

Motion to accept the report as presented was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

Item #16g - Wrecker Service Agreement Discussion

Matt Jones, Assistant City Attorney, advised that Staff is recommending the City enter into an emergency agreement piggybacking from the County's contract with Universal Towing because of recent incidents with Fryer's Towing. Staff is not recommending Council extend the Fryer's Towing contract. The term is up at the end of February. The term with Universal Towing is through August, 2015.

Motion to approve an emergency agreement piggybacking the County's contract with Universal Towing was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Burnette supports piggybacking the County contract.

Newton White, citizen, supports piggybacking the County contract with Universal Towing. He asked why the contract was going to be extended without going out to bid.

Jerry Monahan, Police Chief, advised that Fryer's Towing outbid all other bids and there were very few issues throughout the year. They made all payments.

Motion carried unanimously by roll call vote.

Item #17 - Deductive final change order to National Metering Services for Task Authorizations 1 and 2

Andrew Neff, Public Utilities Director, provided details of the deductive final change order with National Metering Services. He advised there were issues with the contractor installing the meters. City crews can perform the work more efficiently.

Councilman Ford asked if National Metering installed large meters. Mr. Neff said they installed 1 ½ inch – 2 inch meters. Councilman Ford asked if the meters have been inspected because he was told they were installed improperly. Rick Wilson, Assistant Public Utilities Director, advised that they have documented proof that the meters were not installed incorrectly. Councilman Ford asked Mr. Neff to report to Council regularly regarding the replacement meter program. Mr. Neff advised that City crews have completed approximately 40% of the replacements. Crews are changing out 300-500 meters per month.

Councilman Burnette thought the contract with National Metering was to get caught up because City crews couldn't do it. He supports having City crews handle the installations.

Vice Mayor Bastian also supports the City crews handling the installations.

Councilman Stiltner asked if there is additional strain on the crews to get the change outs done. Mr. Neff said it is manageable at this time. Mr. Wilson advised Council that City crews installed 4,000 meters during the same time National Metering installed 4,500.

Mr. Gardner asked Council to provide information to the public relating to the agenda items. He would have liked to see the issues with National Metering included with the agenda materials. He asked to see the documentation regarding the installation of the meters.

Mr. Noftall asked who was tasked with monitoring the contract and was that person on top of the problems. Mayor Green asked Mr. Harden to provide an update.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

19. First Reading - Ordinance No. 2015-1 - Amending Fire and Rescue Pension Plan.

Mayor Green read Ordinance No. 2015-1.

ORDINANCE NO. 2015-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE IV, CODE OF ORDINANCES, CITY OF PORT ORANGE, FLORIDA, ENTITLED FIRE AND RESCUE PENSION FUND; AMENDING SECTION 54-82, REVISING THE EARLY RETIREMENT DATE; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-1 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

20. First Reading - Ordinance No. 2015-3 - Removing Whitepalm from the CBL/BM Port Orange West Community Development District

Mayor Green read Ordinance No. 2015-3.

ORDINANCE NO. 2015-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, GRANTING CONTRACTION OF THE ESTABLISHED CBL/BM PORT ORANGE WEST COMMUNITY DEVELOPMENT DISTRICT BOUNDARIES PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2014); PROVIDING FOR DESCRIPTION AND BOUNDARIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-3 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Ms. Roberts provided details of changes to the attachments on the ordinance. Mark Watts is representing the property owner. He was unable to attend the meeting but agreed to the changes as provided. The CDD provides for certain maintenance, which will continue.

Motion carried unanimously by roll call vote after no public comments.

21. First Reading-Ordinance No. 2015-5 - Extending Utility Bill Due Dates and Regarding Credits for Extraordinary Consumption

Mayor Green read Ordinance No. 2015-5.

ORDINANCE NO. 2015-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTIONS 74-31, 2-240, & 2-240.5 OF THE CODE OF ORDINANCES RELATED TO UTILITY BILLING, ADJUSTMENTS AND DELINQUENT ACCOUNTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-5 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

22. Golf Course Renovations

Discussed after item #7.

23. BB&T Bank's request to reduce the Code Enforcement fine for 5536 S. Ridgewood Avenue.

Mayor Green doesn't support a reduction of the fine. Council agreed.

Motion to deny the request was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

24. Budget Calendar

Councilman Burnette asked that the changes and additions be in red/bold so they stand out.

Mr. Harden asked Council to provide direction through strategic planning sessions. Council agreed to March 18, 2015 12-8 and March 20, 2015 from 5-9 p.m.

Mr. Noftall asked when the public gets to have input. He asked who the consultant will be for the strategic planning sessions. Mr. Harden said Marilyn Crotty is the consultant handling the strategic planning sessions. Public input will be received throughout the process but the strategic planning sessions are not for public input. They are for Council to give direction to Staff. The public is welcome to attend the meeting. There will be public input at the beginning of the meeting only. The budget calendar is the calendar for Staff to provide documents to Council and shows Staff meeting other legal deadlines. This calendar doesn't discuss public input.

Councilman Ford doesn't want to go into visioning again. It hasn't been working. He wants to get to the basics of what is going to be spent and on what.

Mr. Harden believes an outside facilitator is necessary and can be a great benefit to the Council.

Alan Rosen, Interim Assistant City Manager, advised that the Citizen Survey is available on the City's website for citizens to provide input and feedback on all of City Staff. The survey will close in mid-March. The survey will be used at the planning sessions.

COMMENTS

25. City Attorney request to authorize Special Legal Counsel

Ms. Roberts asked for additional legal counsel for special projects. She advised of a typo in the rate for Jennifer G. Gillikin. It should have been $125 rather than $100 per hour.

Mayor Green supports the additional help. He asked what the budget cap is. Ms. Roberts could not answer but she suggested a monthly report with the hours and money spent. She said the money is budgeted; she just needs authorization.

Councilman Ford isn't happy with the pace of the legal services. He believes we pay more than other comparable cities.

Councilman Burnette wanted to see measurable goals and work load. He declared a conflict as he has done business with one of the firms requested.

Vice Mayor Bastian supports the request because the money is budgeted.

Councilman Stiltner wants Staff to catch up and get moving in the right direction. He also supported it because it is in the budget already.

Mayor Green doesn't believe there has been this much turmoil and turnover in the past.

Motion to approve the additional resources as requested was made by vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried 4-0 by roll call vote, with Councilman Burnette abstaining.

26. Interim City Manager Comments

Mr. Harden advised of the most recent negotiation with the IAFF. There was progress made last week and another meeting is set for Friday, February 27, 2015.

COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

a. General Employee's Pension Board – Meeting is set for February 24, 2015.

b. YMCA – Meeting is scheduled for February 18, 2015.

c. Volusia League of Cities – Mayor Green reported

d. ArtHaus – Councilman Burnette reported Thursday at 6:00 p.m. is the annual meeting at ArtHaus.

e. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette reported there is an Afterhours at Venetian Bay on Thursday.

f. Elected Officials Roundtable – Mayor Green reported that transportation and water issues are going to be discussed.

ADJOURNMENT: 9:15 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk