REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
MARCH 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

Silent Invocation

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

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 (Continued from 2/17/15)

Mayor Green read Ordinance No. 2014-32.

ORDINANCE NO. 2014-32

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE DESIGNATION FROM URBAN HIGH DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2014-32 on second reading 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 (continued on 2/17/15)

Mayor Green read Ordinance No. 2014-33.

ORDINANCE NO. 2014-33

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING APPROXIMATELY 0.68 ACRES LOCATED AT 1040 HERBERT STREET FROM HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R-3H) TO HIGHWAY COMMERCIAL (HC); AUTHORIZING REVISION OF OFFICIAL ZONING ATLAS; AND PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2014-33 on second reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

6. Second 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 second reading was made by Vice Mayor Bastian, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote after no public comments.

7. Second 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 OF PORT ORANGE, 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.

Margaret Roberts, City Attorney, advised that she received a Maintenance Agreement earlier today. She advised that the original CDD provided for maintenance obligations along the right-of-way to include parkage, sidewalks, and walk lights and the electricity for those walk lights. Once the CDD is contracted the maintenance obligation will not be in place. The normal ordinance would still be in place. The maintenance agreement will considered during the March 17, 2015 meeting.

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

Mark Watts, Attorney for the applicant, advised Council that the only standard is the City's standard. He advised that nothing will change with the petition to contract. He asked that the Ordinance not be tabled and have a further discussion regarding the maintenance. He has been told that the request for a maintenance agreement is above the standards in the Code and that is applied to all the other properties in the area. The draft maintenance agreement includes the standard in the Code. He asked Council to consider a broader discussion relating to the maintenance standard for all property owners in the area.

Council prefers to see the agreement together with the second reading.

Mr. Watts advised that the standard for maintenance is what is in the City's Code.

Vice Mayor Bastian asked if the LDC requires the new developer to install and maintain walk lights. Ms. Roberts said it is not in the agreement. Mr. Watts said they are working with the County regarding the right-of-way. The walk lights are metered to the property owners and are part of their power bill. They agreed to replace lights as they burn out.

Vice Mayor Bastian doesn't want the liability if the lights go out. He wants to make sure the lights stay lit.

Mary Lou Doepker, citizen, is concerned with the zoning and density. Mr. Watts advised that the zoning will not change with this ordinance. He said this property was not included in the density of the White Palms Apartment project.

Motion carried unanimously by roll call vote.

Motion to continue until March 17, 2015 was made by Vice Mayor Bastian and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

8. Second 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 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 second reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

AGENDA APPROVAL

Items pulled from the Consent Agenda include items #14(e), 12(b), 12(c), 13, 14(d) and 18.

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

9. Parks & Recreation Advisory Board Update

Jack Wiles, Chairman, provided details of the Board's recent meetings. He advised Council that there are enough fields to accommodate the recreation players and the soccer club practices, but not the games for the competitive leagues. He requested a joint meeting with the City Council to discuss the Board's ideas. Council agreed to a joint meeting. Mr. Wiles advised that their meeting schedule changed to the second meeting of the month. Mr. Harden suggested a meeting date of March 24, 2015. Council agreed.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Vito Evola, Atlantic High School Student, announced a fundraiser for the school and asked for support. Other Atlantic High School students introduced themselves.

Ted Noftall, citizen, asked for an update on the Halifax Paving project. David Harden, Interim City Manager, advised that they started hauling dirt this week. Mr. Noftall believes the flooding on Dunlawton was an error in engineering rather than operator error. He asked for the status of the investigation on the berm. Mr. Harden said the investigator should begin soon.

COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Councilman Ford discussed the Pegasus Engineering report relating to the berm issue. Mr. Harden advised that he has asked a representative from Pegasus to attend the March 17th meeting. Councilman Ford asked that Staff look at the Halifax Canal south of Dunlawton. Ms. Roberts contacted an owner regarding a structure in the canal that was reported by Public Works. Councilman Ford also asked when the drainage atlas will be complete. Mr. Harden said it is complete. Councilman Ford asked for the status of Virginia Avenue. Mr. Harden said the City's Right of Way Agent is contacting the owners. Mike Silvey, Interim Public Works Director, advised that he is working to hire a surveyor to survey the pipe, and then he can get the release from the owners. The project can begin within a few weeks from then. Councilman Ford complimented the Police Department for recent work on issues on Ruth Street, as well as work at Buschman Park.

Councilman Burnette agreed with Councilman Ford about the Police Department's work with recent issues. He also asked Council to think about the quality of the City's soccer fields. He asked Staff to keep Council informed of issues after they approve items.

Vice Mayor Bastian advised that there are openings on the Youth Advisory Board for 7th through 12th graders.

Councilman Stiltner reminded all of the upcoming Family Days event, Thursday – Sunday, March 5-8. He asked that the entry way into the City Center Complex be cleaned up before the event. He asked to have someone tasked with driving the main roads every morning (Monday through Friday) to clean up the roadways. He provided a copy of a letter from a citizen with a concern regarding sign spinners. Ms. Roberts advised that there are things they can do to regulate. Visibility issues are a concern. She can bring information back to Council. Councilman Stiltner asked that Staff monitor contracts.

Mayor Green said they need to be more aggressive regarding the flooding issues coming from the north. He believes there may be a negative effect to anything done relating to flooding issues because the water has to go somewhere. He believes those who have provided adequate retention should pay less than those businesses that have not. He asked Mr. Harden to look into the ordinance establishing the fees.

<u>CONSENT AGENDA</u>

11. Approval of Minutes
    a. February 17, 2015 - Regular City Council Meeting
    b. February 24, 2015 - Council Workshop
12. Special Event Requests
    a. Remarkable River Racing Series - 5k, 10k, and 15k Races
    b. Bike Week – First Turn Steakhouse & Lounge, 5204 and 5236 South Ridgewood Ave
    c. Bike Week – The Last Resort Bar at 5812 South Ridgewood Ave
13. Victory Police Motorcycle Purchase
14. Bid Awards and Contracts
    a. Piggyback Volusia County Contract for Backflow Device Testing and Certification Services with Aaron's Backflow Services, Inc.
    b. Change Order #1, to Latour Enterprizes, Inc. d/b/a Economy Electric Company
    c. Extend Landscape Contract with Tif-Jen Inc. (Bid 11-11)
    d. Approval of Change Order No. 1 to the Contract for Services with Flowers Chemical Laboratories
    e. Bid Award 15-09 Reclaimed Water Reservoir Outfall and Filtration Project to Sawcross, Inc.
15. Purchase of Ammunition under State Contract
16. January 2015 Project Manager Summary Report
17. St. Johns River Water Management District Cost-Share Grant Application: White Acres Utilities Improvement Project
18. Staff Update Regarding Ditch Cleaning Backlog

Motion to approve Consent Agenda as amended was made by Vice Mayor Bastian, and Seconded by Councilman

Burnette. Motion carried unanimously by voice vote.

Item #12 (b) - Bike Week – First Turn Steakhouse & Lounge, 5204 and 5236 South Ridgewood Ave
And (c) - Bike Week – The Last Resort Bar at 5812 South Ridgewood Ave

Councilman Burnette doesn't agree with waiving the surety bond and also doesn't agree with extending the extra hour of music for The Last Resort.

Motion to approve without the waiver of surety bond was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried 4-1 by roll call vote after no public comments. Vice Mayor Bastian voted no.

Item #13 – Victory Police Motorcycle Purchase

Vice Mayor Bastian asked when this will move forward. He asked if maintenance can be done at the Indian dealership in Daytona. Mike Silvey, Interim Public Works Director, will have to check into the maintenance question.

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice call vote after no public comments.

Item #14(d) – Approval of Change Order No. 1 to the Contract for Services with Flowers Chemical Laboratories

Councilman Stiltner asked for clarification on the wording in the summary relating to the amount needed and why. Andy Neff, Public Utilities Director, advised that one lab previously used had quality control issues and Staff recommends changing to Flowers Chemical Laboratory.

Motion to approve was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by voice call vote after no public comments.

Item #14(e) - Bid Award 15-09 Reclaimed Water Reservoir Outfall and Filtration Project to Sawcross, Inc.

Mr. Noftall asked who is supervising this project. Mr. Neff said Quentin Hampton is the engineer on the project but inspections are being done by in-house staff. Mr. Noftall asked what guarantee there is that this project will work when the last one failed. Fred Griffith, City Engineer, provided details of the project. He said this design will pump water from the lake to a filter, which is similar to what has been used successfully at the reclaimed water plant. It will create 200 million gallons of storage capacity in the reservoirs.

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

Item #18 – Councilman Stiltner asked when the contract will be awarded. Mr. Silvey advised that Staff has found additional funds and will put an RFP out as soon as possible. Councilman Stiltner asked for an update on the timeline.

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

<u>REGULAR AGENDA</u>

19. <u>First Reading - Ordinance No. 2015-9</u> - Roll-off Container Non-exclusive Franchise Ordinance

Mayor Green read Ordinance No. 2015-9.

Motion to approve Ordinance No. 2015-9 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote with no public comments.

20. <u>First Reading - Ordinance No. 2015-10</u> - Amending Chapter 74, Utilities, of the City Code

Mayor Green read Ordinance No. 2015-10.

Motion to approve Ordinance No. 2015-10 was made by Vice Mayor Bastian,

and Seconded by Councilman Burnette.
Motion carried 4-1 by roll call vote with
Councilman Ford voting no; there were
no public comments.

21. Architectural Service for remodeling Cypress Head Club House (RFSQ 15-04)

Motion to approve was made by Councilman Burnette, and Seconded by Mayor Green. (Mayor Green passed the gavel to Vice Mayor Bastian to preside.)

Vice Mayor Bastian asked what the construction costs will be. Mr. Harden said that won't be known until the architect begins working. There is a budget of $500,000.

Councilman Stiltner doesn't believe the timing is right for this item. He wants the workshop to come first.

Mayor Green believes the club house needs to be renovated. The kitchen is too small and needs to be updated. He wants it to be a community restaurant.

Councilman Burnette doesn't want the budget to drive the project. He wants a vision from Council to drive it. He would like to see an outdoor area that is covered. He believes the architect should be included in the workshop to help finalize their vision.

Councilman Ford believes a business plan is needed and this is ahead of where they are right now with the renovations of the club house. He wants the workshop first so they can figure out what their vision is and then bring the architect in to discuss costs.

Vice Mayor Bastian would like to lease the building out and then renovations be considered with that restaurant business.

Ms. Roberts advised that a contract has not been prepared for this service. She suggested not authorizing the work to start until the vision is complete.

Councilman Burnette suggested approving the selection but waiting on the contract.

Councilman Ford doesn't believe it's a good way to do business.

Mr. Noftall asked when the budget moved to $500,000. Tracey Riehm, Finance Director, advised that the CIP included $500,000 for the club house.

Motion to table was made by
Councilman Burnette, and Seconded by
Councilman Stiltner.

Councilman Stiltner is concerned with the length of time to table the item.

Susan Lovallo, Parks & Recreation Director, advised Council that there is a tight schedule. Tabling the item will cost more and delay the project timeline.

Motion carried 4-1 by roll call vote with
Mayor Green voting no.

I. COMMENTS

22. City Attorney Comments

There were none.

23. Interim City Manager Comments

Mr. Harden advised Council that the Fitch Rating Agency has confirmed the AA- bond rating for the City. Storm water drainage atlas maps are available. He discussed the use of the golf course club house renovations in Delray Beach. The New Smyrna Beach restaurant is completely separate from the golf operations.

J. COUNCIL COMMITTEE REPORTS

24. City Council Committee Reports

a. City Investment Report - Meeting held 2/25/15 – Councilman Stiltner reported that the investments are in good shape.

b. River to Sea TPO Board - Meeting held 2/25/15 – Councilman Ford reported that development is continuing. Trail work is being done. Prioritization is being done relating to studies.

c. Municipal Firefighter's Pension Board - Meeting held 2/23/15 – Councilman Ford reported that there are more changes to the Ordinance coming. The fund is moving toward 60% funded. They have diversified the investments to include real estate, which has worked well so far.

d. Municipal Police Officer's Pension Board - Meeting held 2/20/15 – Vice Mayor Bastian reported on the fund as of February 13, 2015: the balance is $29,199,314. YTD earnings: 3.1%. Gross of fees last year was 8.37% and net was 7.5. The plan is close to 60% funded. The 2014 evaluation is not complete yet. There was some questionable data provided that they are verifying. The unfunded liability is dropping.

e. General Employee's Pension Board - Meeting held 2/24/15 – Councilman Stiltner reported on the fund. The overall yearly rate of return was good. There will be new mortality tables to be implemented soon.

f. YMCA - Meeting held 2/18/15 – Vice Mayor Bastian advised that the YMCA is working to raise $70,000 to be used by the Port Orange YMCA for scholarships. The YMCA paid nearly $250,000 in scholarships last year for people to use that Port Orange YMCA.

ADJOURNMENT: 8:45 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk