

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
MAY 5, 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

B. PUBLIC HEARING

4. Woodland Center Replat, located at 1590 Dunlawton Avenue, Case No. 14-50000004

Tim Buman, City Planner, provided information regarding the request.

Councilman Stiltner asked about the parking spaces. Mr. Burman advised that there are plenty of parking spaces serving all uses.

Vice Mayor Bastian asked if the exit only access will change. Mr. Burman said no, it will not change. It will remain an exit only.

Councilman Burnette asked what the reason was for changing the retention pond into its own parcel. Mr. Burman advised that the original concept plan showed the separation. Staff was cleaning that up to match the concept plan. Councilman Burnette asked what the finds were for the transportation concurrency. Mr. Burman said the generation rate was less than 1% of the capacity of the roads so it was considered de minimis. There is sufficient capacity on the state road and county road. Councilman Burnette is concerned with the number of gas stations being opened along Dunlawton Avenue.

Councilman Ford asked if the buffers will remain. Mr. Burman said there will be a little trimming of trees but for the most part they will remain.

Motion to approve the replat was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 4-1 by roll call vote after no public comments. Councilman Burnette voted no.

5. Second Reading - Ordinance No. 2015-6 - Alcohol Permitting for Public and Private Events Held on Public Property

Mayor Green read Ordinance No. 2015-6.

ORDINANCE NO. 2015-6

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 6-3 RELATING TO DRINKING IN PUBLIC; AMENDING SECTIONS 50-31 AND 50-36 REGARDING COMMUNITY CENTER RESTRICTIONS ON ALCOHOL USE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-6 on second reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 4-1 by roll call vote after no public comments. Mayor Green voted no.

C. AGENDA APPROVAL

The following items were pulled from the Consent Agenda for further discussion: items #12, 14, and 15.

Item 8 was removed by the requestor

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

D. BOARD APPOINTMENTS, INTERVIEWS, REPORTS

6. Report from the Environmental Advisory Board

Newton White, Chairman, provided an update as to the most recent meetings of the Board. Mayor Green asked that the tree trimming be handled on City Center Complex to meet the hurricane standards.

Councilman Ford would like the Board to look at the direct drainage into the river, as well as Spruce Creek and Rose Bay.

Councilman Burnette thanked him for the update.

Vice Mayor Bastian advised that Volusia County Fire Station 12 will accept motor oil.

Councilman Stiltner suggested adding the drop off locations to the water bills.

E. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

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

Debbie Connors, Executive Director, provided information from the quarterly report of the Chamber, including membership numbers, community happenings, and ribbon cuttings. She also provided a summary relating to the contract services. Council thanked Ms. Connors and the Chamber for their work.

F. CITIZEN PARTICIPATION (Agenda)

8. City Center Market - Kelli Marks

Item pulled by Kelli Marks.

G. CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. White addressed Council regarding water bills and the recent increase. He believes the rates should have gone up for those who use more water rather than those with fixed incomes.

Mayor Green would like to address this at another meeting.

Ted Nofall, citizen, addressed Council regarding the biometric time clocks that were discussed previously. He believes they should be implemented.

H. COUNCIL COMMENTS

9. Comments/Concerns from Council Members

Councilman Ford discussed the flooding in Sleepy Hollow. He would like the ditches and pipes to be examined. Mr. Harden will look into it. He asked what the City's fluoride levels are. Mr. Harden said .7 as always. Councilman Ford asked about the status of

the purchase of the motel on Ridgewood Avenue. Mr. Harden said an appraisal has been ordered.

Councilman Burnette discussed the Relay for Life event from last Saturday. He encouraged Council to attend in the future. He asked that Ridgewood Avenue south of Fleming Avenue be maintained during the construction.

Vice Mayor Bastian received a few complaints on the medians in Town West recently. He asked that the sod be addressed in the upcoming budget. He said there are no bags in the dog posts around City Center.

Councilman Stiltner commended Chris Hutchison, Code Enforcement Supervisor, for his efforts on code violations. He received a complaint about sign spinners.

Mayor Green thanked the VIPs for their service especially at the boat launch.

I. CONSENT AGENDA

10. Approval of Minutes
 - a. April 21, 2015 - Regular City Council Meeting
11. Resolution No. 15-23 - Public Records Fees
12. Resolution No. 15-27 - Various Budget Items
13. License Agreement - Zantila Way, Waters Edge PUD, Phases VIII and XII
14. Award of Bid #15-17 Riverwalk Park Phase 1A
15. City of Port Orange Strategic Plan

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.

Item 12 – Resolution No. 15-27 - Various Budget Items

Mayor Green read Resolution No. 15-27.

RESOLUTION NO. 15-27

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING OPERATING FUNDS FOR REDUCTION/CLOSE OUT OF FDEP GRANT S0612, TREE MITIGATION, LAP AGREEMENT 433666-1-58/6801, AND TO REPURPOSE DRAINAGE FUNDS THAT ORIGINATED FROM THE GENERAL FUND; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 15-27
was made by Vice Mayor Bastian and
Seconded by Councilman Burnette.

Mark Schaefer, citizen, addressed his concerns regarding biometric time clocks.

Mr. Nofall discussed his concerns with the collective bargaining employees pay rates.

Margaret Roberts, City Attorney, advised the Mayor and Council to discuss only the employees that are not involved in the collective bargaining units since they are involved in negotiations.

Mr. Nofall would like to know what is being done for the others and where the money is coming from. Mayor Green advised that Council is negotiating with all of the collective bargaining units. Mr. Harden advised that the funding will be addressed during the budget and the negotiations. The wages have been discussed during shade meetings and it is not appropriate to discuss at this meeting. Mr. Nofall asked for a list of the shade meetings recently held relating to wages.

Motion carried unanimously by roll call
vote.

Item 14 – Award of Bid #15-17 Riverwalk Park Phase 1A

Mr. Nofall would like to see the budget for the Riverwalk Park.

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

Mr. Schaefer asked what the annual cost will be for the park.

Councilman Ford is hopeful that the TIF monies will pay for the maintenance of the park once there are TIF monies generated. Until then, it will need to be in the budget.

Ms. Roberts advised that the maintenance needs to be included in the CRA plan.

Motion carried unanimously by roll call
vote.

Item 15 – City of Port Orange Strategic Plan

Mr. Nofall addressed Council regarding minutes of the strategic planning. He objected to the meeting being held in the middle of the day with no recording.

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

J. REGULAR AGENDA

16. Code Changes from Purchasing

a. First Reading - Ordinance No. 2015-16 - Amending City Code Section 2-262 - Purchase and sales procedures and Establishing Section 2-275, Local Preference

Mayor Green read Ordinance No. 2015-16.

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-262 OF THE CODE OF ORDINANCES REGARDING LOCAL PURCHASING PREFERENCE; 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.

Ms. Roberts advised of the change made under page 2 (f).

Motion to adopt Ordinance No. 2015-16 as amended on first reading was made by Vice Mayor Bastian and Seconded by Councilman Burnette.

Councilman Stiltner asked for further details. He thanked Mr. Gomez for the updates and the speed of the updates, as well as his professionalism.

Joseph Gomez, Purchasing Manager, explained the need to dispose of broken calculators, old uniforms, etc. without going through the bidding or quote process.

Councilman Ford is nervous with the change because there was misuse in the past. Mr. Gomez said internal checks and balances can be developed for multiple approvals.

Mr. Nofall addressed Council with his concerns regarding internal controls.

Councilman Ford is also concerned with the City Manager's authority level being increased. He doesn't have faith in internal controls or policies and procedures.

Motion carried 4-1 by roll call vote with
Councilman Ford voting no.

b. First Reading - Ordinance No. 2015-17 - Amending City Code Section 2-265 - Waiver of Irregularities

Mayor Green read Ordinance No. 2015-17.

ORDINANCE NO. 2015-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-265, RELATING TO WAIVER OF IRREGULARITIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-17
on first reading was made by Vice
Mayor Bastian and Seconded by
Councilman Burnette. Motion carried
unanimously by roll call vote.

c. First Reading - Ordinance No. 2015-18 - Amending City Code Section 2-267 - Waiver of Bidding Requirements

Mayor Green read Ordinance No. 2015-18.

ORDINANCE NO. 2015-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY CODE CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-267, ESTABLISHING BIDDING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-18
on first reading was made by Vice
Mayor Bastian and Seconded by
Councilman Burnette.

Councilman Burnette wasn't clear on the purpose of this ordinance. Mr. Gomez advised that the ordinance is just clarifying the existing code. Councilman Burnette echoed Councilman Stiltner's kudos to Mr. Gomez.

Councilman Stiltner would like the renewals to come back to Council for discussion and review. Mr. Gomez advised that the renewal is not automatic. There is documentation that is needed.

Mayor Green asked Purchasing to track contracts so that they are renewed or bid out in a timely manner before they expire. Mr. Gomez agreed and advised that he is tracking the terms.

Councilman Ford is deeply concerned because of past issues. Ms. Roberts advised that the renewal is not automatic. The City Manager will need to approve the renewal after review of the evaluations and documentation.

Mr. Schaefer agreed with Councilman Ford. He believes Council needs to keep as much control as possible.

Councilman Stiltner would like to discuss this item in further detail at another time to discuss the contract renewal issue.

Motion to table was made by
Councilman Stiltner, and Seconded by
Councilman Burnette. Motion carried
unanimously by roll call vote.

d. First Reading - Ordinance No. 2015-19 - Amending City Code Section 2-271 - Emergency Purchases

Mayor Green read Ordinance No. 2015-19.

ORDINANCE NO. 2015-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE CITY CODE CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-271, RELATING TO EMERGENCY PURCHASES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-19
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.

17. Monthly Financial Reports - March 15

Tracey Riehm, Finance Director, provided an update on the City's financial position.

Councilman Ford asked if she sees any problems. Ms. Riehm said overtime has been over but the overall personnel budget is in line. Mr. Harden advised that an overtime report will be generated by Human Resources on a monthly basis that he will share with Council.

Councilman Burnette asked for an update on the CAFR. Ms. Riehm is hopeful to present the CAFR on June 2, 2015. Councilman Burnette asked for balance sheets quarterly. He is also concerned of the drop off of water/sewer of \$185,000 of revenue. Ms. Riehm explained the billing cycles. She has been comparing the cycles but believes it is just a timing issue. Mr. Harden advised that the weather affects the usage as well.

Vice Mayor Bastian asked if ad valorem taxes will still trickle in. Ms. Riehm said the collections are in line with previous years, but yes it will trickle in.

Councilman Stiltner asked Council to discuss the policy for the unassigned fund balances. He believes the policy of 15% needs to be raised but he'd like to also have a maximum range.

Mr. Nofall believes the report is incomplete and asked how the data is picked. He advised Council of the incomplete information provided regarding the golf course expenses.

Mayor Green wants an overview of the issues and the resolutions relating to the Finance Department. He wants to know that there is enough staff to handle the needs of the community. Mr. Harden's understanding of the golf expenses was not that they were not reported. The request was what the surcharges were spent on and that was produced. Ms. Riehm advised that her report is on what is provided by Kemper Sports.

Councilman Ford believes complete reports should be provided quarterly. Mr. Harden said Staff is working on providing balance sheets on a quarterly basis. He said the CAFR is not useful for management purposes. The balance sheets are what Staff needs. Ms. Riehm said the balance sheets are being delayed because of the audit delays.

Mr. Schaefer believes it would be nice to see what's actual vs. what was budgeted for each quarter.

Report accepted as presented.

K. COMMENTS

18. City Attorney Comments

There were no further comments.

19. Interim City Manager Comments

Mr. Harden advised Council that an internal affairs investigation was conducted after Mark Schaefer made comments at the January 6, 2015 Council meeting regarding the investigation of the burglary that occurred at his home in 2006. The internal affairs investigation found that the burglary investigation was conducted properly with all suspects arrested and all items returned. There was no misconduct.

He advised that Kemper Sports has no objection to withdrawing the restaurant from the contract. Alan Rosen, Interim Assistant City Manager, advised that a 25% reduction in the management fee. Council agreed to move forward with an RFP for a restaurateur.

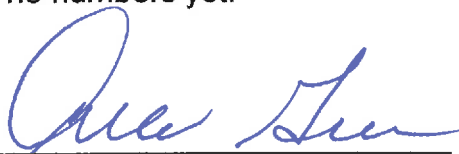
Mr. Harden advised that the tree lights at City Center will not be allowed year round without conduit to every tree at the estimated cost of \$120,000. Council does not want to spend the money on lights for year round usage.

L. COUNCIL COMMITTEE REPORTS

20. City Council Committee Reports

- a) River to Sea TPO Board - Councilman Ford reported that the TPO is developing their long range plan. He asked for road projects as the TPO has funds available. There is also money available for urban trails.
- b) General Employee's Pension Board - Councilman Stiltner reported the last quarter was not great but overall it is okay (7.9%).
- c) YMCA - Councilman Stiltner reported that the YMCA just had their community campaign but he has no numbers yet.

ADJOURNMENT: 8:25 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, CMC
City Clerk