REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JUNE 2, 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 Pastor Tom Nelson of First United Methodist Church

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

Vice Mayor Bastian made a motion to move item #10 to be heard before item #4. Second was made by Councilman Stiltner. Motion carried unanimously by voice vote.

PUBLIC HEARING

4. Second Reading - Ordinance No. 2015-7 - Amending Fire and Rescue Pension Fund

Mayor Green read Ordinance No. 2015-7.

ORDINANCE NO. 2015-7

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, PERSONNEL, ARTICLE IV, FIRE AND RESCUE PENSION FUND, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ORANGE; AMENDING SECTION 54-77, DEFINITIONS; AMENDING SECTION 54-91, MAXIMUM PENSION; AMENDING SECTION 54-102, PRIOR FIRE SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;

PROVIDING FOR SEVERABILITY OF PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-7 on second reading was made by Vice Mayor Bastian and Seconded by Councilman Ford.

Margaret Roberts, City Attorney, provided details of a minor change regarding formatting.

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

5. Second 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 approve Ordinance No. 2015-18 was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried 3-1 with Councilman Ford voting no.

6. Second Reading - Ordinance No. 2015-20 - Amending Police Pension Fund for Internal Revenue Code Compliance

Mayor Green read Ordinance No. 2015-20.

ORDINANCE NO. 2015-20

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE POLICE PENSION FUND TO PROVIDE FOR COMPLIANCE WITH SECTION 401(a) OF THE INTERNAL REVENUE CODE BY AMENDING SECTION 54-139(a)(14), INTERNAL REVENUE

CODE COMPLIANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-20 on first reading was made by Vice Mayor Bastian and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote after no public comments.

7. Second Reading - Ordinance No. 2015-21 - Amending City Code Section 18-230(5) to allow wrecker storage business within a seven-mile instead of five-mile radius of the City

Mayor Green read Ordinance No. 2015-21.

ORDINANCE NO. 2015-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 18-230 RELATING TO LOCATION OF WRECKER SERVICE PROVIDER IN RELATION TO CITY LIMITS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-21 on first reading was made by Vice Mayor Bastian and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote after no public comments.

8. Second Reading - Ordinance No. 2015-22 - Amending Sex Offender Residency Restriction

Mayor Green read Ordinance No. 2015-22.

ORDINANCE NO. 2015-22

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 46-63 RELATING TO SEX OFFENDER RESIDENCY RESTRICTION; AMENDING SECTION 46-64 RELATING TO EXCEPTIONS TO THE SEX

OFFENDER RESIDENCY RESTRICTION; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-22 on first reading was made by Vice Mayor Bastian and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote after no public comments.

AGENDA APPROVAL

Item #16 was pulled for further discussion.

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

BOARD APPOINTMENTS

9. Civil Service Board Appointment

Motion to re-appoint Wayne Wilcox to the Civil Service Board was made by Councilman Ford, and Seconded by Vice Mayor Bastian. Motion carried unanimously by voice vote.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

10. Port Orange Elementary Schools Art Contest Winners

Jerry Monahan, Police Chief, presented the art contest winners with their awards.

11. Financial Audit Presentation from James Moore

James Halleran, James Moore & Associates, provided details of the draft audit. The number of comments and their severity has decreased since 2013.

12. Report from Kemper Sports regarding Cypress Head Golf Course

Bob Duquette, General Manager, provided details of the financial reports for April 2015. The renovations are going well so far.

Mayor Green asked that the renovations be split into the course itself and the remodeling.

Councilman Ford advised that the issue with the course at this time is protecting the greens while they are growing in.

CITIZEN PARTICIPATION (Agenda)

13. Chrissy LoCurto - Request to reduce code enforcement fines on 5313 Christiancy Avenue

Geri Westfall, Listing Agent, requested a reduction in the code enforcement fines for lawn mowing issues. The charges are from prior to the bank owning the property.

Ms. Roberts advised that surplus funds are available and a claim will be filed with the Clerk of Court. She can provide information at a later date.

Councilman Stiltner wants a lien amnesty process before he makes a decision on any of the requests being presented to Council.

Vice Mayor Bastian and Councilman Ford agreed. Council wants a clear policy so it is fair for all. Mayor Green doesn't support reductions because it is not equitable.

Council did not agree to reduce the liens.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Edith Shelley, Halifax Health, addressed Council regarding the new playground at the Port Orange Pavilion.

Ted Noftall, citizen, addressed Council regarding the correct amount credited for the deletion of the berm and was the proper paperwork provided. He asked again what the roles are of the project managers and contract administrators of the City. Mayor Green said the roles are the responsibility of the City Manager. Mr. Harden said answers will be forthcoming as it is determined. Mr. Noftall asked if there is going to be a review of the recent increase in water rates. Mr. Harden is waiting on Council direction as to whether they want to revisit it or not. Mr. Noftall asked where the funding is coming from for the Capital Improvement Budget, as well as the Operating Budget.

Newton White, citizen, addressed Council regarding Public Works. He thanked them for their service on his recent concerns. He urged Council to consider an asset

management program. He also addressed his concerns regarding the outstanding audit comments from previous years.

Mark Schaefer, citizen, addressed Council regarding sewer issues resulting from the cleanout in his yard not being properly installed and priorities on repairs. He urged Council to prioritize in the upcoming year.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Councilman Ford asked to have the Building Department require the use of proper caps on clean outs. He believes the next several months will be rough while they start the budget process. He wants to bring employees' salaries to a competitive rate to avoid turnover. He asked for sufficient time to review the budget before making hard decisions.

Mayor Green asked if the budget time line matches the hiring of the new City Manager. Mr. Harden said that is why he has agreed to stay through August 2015. He is committed to staying until a new manager is hired.

Councilman Stiltner congratulated the graduates of 2015. He received a phone call regarding an issue at LaCosta Village. Public Utilities responded quickly and handled the problem for the homeowner who thanked their work. He asked which departments are not on time clocks. Mr. Harden said only the Fire Department is not tied into the City's central system. Councilman Stiltner said there was an issue in the Police Department several years ago with the time clock software. Mayor Green said it's not just the cost of the software, but the cost of training as well.

CONSENT AGENDA

15. Approval of Minutes
    a. May 19, 2015 - Regular City Council Meeting
    b. May 26, 2015 - City Council Workshop
16. Resolution No. 15-13 - Maximum Non-consensual Tow Rates Increase in Authorized Annual Spending Limit with Florida Detroit Diesel for Fire Station 73 Emergency Generator Fuel Tank Replacement
17. Increase in Spending Limit for Zev Cohen & Associates, Inc. for Professional Traffic Engineering Services for Traffic Control Improvements on Isabelle Avenue, Jackson Street, and Summer Trees Road
18. 2015-2016 Renewal of Pollution Liability Insurance Policy, Including a Waiver of Formal Bidding
19. Stormwater Maintenance Progress
20. Co-Sponsorship/Club Exchange Agreements Policy
    a. Resolution No. 15-31 - Parks and Recreation Donation Acceptance and Exchange Agreement Policy

b. Police Athletic League Exchange Agreement
c. Port Orange Youth Football Association "Pop Warner" Exchange Agreement

Motion to approve the Consent Agenda as modified was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

Item #16 - Resolution No. 15-13 - Maximum Non-consensual Tow Rates

Mayor Green read Resolution No. 15-13.

RESOLUTION NO. 15-13

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING RATES WHICH MAY BE CHARGED BY WRECKERS WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 15-13 was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner.

Mr. Noftall asked if there is a procedure set for monitoring the rates charged by the towing company.

Chief Monahan advised that the rates are stipulated in the contract. The audit he performed was based on a complaint from a customer. There was an administrative fee being charged that was legal but not addressed in the contract. The change has been addressed in the new resolution and contract.

Mr. Noftall believes the City should be proactive rather than reactive on monitoring the charges.

Councilman Ford would like to have a process. Ms. Roberts advised that the RFP can include a requirement for audits at the tow company's expense.

Matt Jones, Assistant City Attorney, advised that the RFP is already out and the contract addresses and allows for the City to perform audits. Mayor Green believes it is the City's responsibility to audit the records. The fees match the standards of the entire County.

Mr. White expressed concern regarding the extra fee for a flatbed truck being used.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

22. Monthly Financial Report for April 2015

Tracey Riehm, Finance Director, provided details from the April 2015 financial reports.

Councilman Stiltner pointed out that the YMCA has had a decline in memberships recently.

Mr. Noftall asked for detail regarding the new reports to be provided in mid-June as to financials. Ms. Riehm advised that the golf course cash statements have not been completed since the audit was not complete. During the closing process, the statements will be completed and provided. Mr. Noftall believes a balance sheet needs to be presented to Council on a regular basis.

Mr. Schaefer mentioned the swing of the final budget number in the CAFR vs. the monthly financial reports.

COMMENTS

23. City Attorney Comments

There was nothing further from the City Attorney.

24. Interim City Manager Comments

There was nothing further from the Interim City Manager.

COUNCIL COMMITTEE REPORTS

25. City Council Committee Reports
   a. River to Sea TPO Board – Councilman Ford had nothing to report.
   b. YMCA – Details were provided during the monthly financial report presentation.
   c. Police Pension Board – Vice Mayor Bastian reported on the numbers of the pension plan. Mr. Noftall asked what the status is of the actuarial report. The report is late and it is unacceptable. Vice Mayor Bastian will push for more timely reports in the future. A Special Meeting is scheduled for June 11, 2015.
   d. Fire Pension Board – Councilman Ford reported on the numbers of the pension plan. It is trending in the right direction.

e. General Employee's Pension Board – Councilman Stiltner reported that Kent Donahue will be taking Donna Steinebach's position on the Board. It is trending in the right direction as well, but the rate of return is not where he had hoped.

ADJOURNMENT: 8:08 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk