

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JULY 21, 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. 2015-25 - Residency requirements for Administrative Officials

Mayor Green read Ordinance No. 2015-25.

ORDINANCE NO. 2015-25

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; AMENDING THE CODE OF ORDINANCES, SECTION 2-168 RELATING TO THE RESIDENCY REQUIREMENT FOR ADMINISTRATIVE OFFICIALS AND RECOGNIZING FEDERAL AND STATE GOVERNING LAWS; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-25 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

5. First Reading – Ordinance No. 2015-26 – Amended and Restated Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for Town Park Planned Commercial Development (PCD); northeast corner of Williamson Blvd. and Madeline Ave.

Mayor Green read Ordinance No. 2015-26.

ORDINANCE NO. 2015-26

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) FOR THE TOWN PARK PLANNED COMMERCIAL DEVELOPMENT (PCD); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-26 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Tim Burman, Planner, provided details of the changes to the MDA.

Mayor Green received numerous phone calls asking about hours of operation. Mr. Burman said it would have to meet current codes.

Councilman Burnette thanked Community Development for their work with the applicant on the uses for the property.

Paul Momberger, Zev Cohen & Associates, discussed the need for the changes in the type of uses. There is no specific plan for the property at this time.

Ann Wagoner, Town Park citizen, thanked all for listening to the residents' requests to eliminate some of the usage types.

Motion carried unanimously by roll call vote.

AGENDA APPROVAL

Item(s) pulled: 14.

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

Bobby Ball advised that there was no meeting held in July.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

7. Sign Spinner Committee Update - Newton White

Newton White provided the update to City Council from the committee working with the Port Orange/South Daytona Chamber of Commerce. The Committee's guidelines were read by Mr. White and provided to the City Clerk.

Councilman Ford suggested monitoring the informal agreement.

Councilman Burnette is of mixed feelings to the sign holders as he knows they are a benefit to the businesses.

Vice Mayor Bastian asked if the committee agreed to three sign holders per corner or per intersection. Mr. White said per corner to accommodate all businesses. Vice Mayor Bastian is concerned with a 15 square foot sign.

Councilman Stiltner doesn't believe the businesses need the signs to be successful but he understands the desire from the business standpoint. He is also concerned with the number at each intersection.

Mayor Green doesn't support sign holders at all. He believes there are other things the businesses can do to get exposure.

Phil Madson, Anytime Fitness, believes self-regulation has worked already. He doesn't believe there will ever be twelve on any intersection because they will get lost. He thanked Council for their support on the issue.

Chris McKenna, McKenna's Place, agreed that the business community has successfully self-regulated to address the concerns of Council. They are involved in the community in other ways as well.

David Potochnik, owner of local McDonald's Restaurants, participated in the committee in opposition of the sign holders. He is concerned with an outside business having a sign holder in our City.

Councilman Ford said it can always be revisited.

Motion to accept the report was made
by Councilman Ford, and Seconded by
Vice Mayor Bastian.

Motion to amend the motion to include a revisit of the issue in 120 days was made by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried 4-1, with Mayor Green voting no.

Motion to accept the report and revisit the issue in 120 days was made by Councilman Ford, and Seconded by Vice Mayor Bastian. Motion carried 4-1 with Mayor Green voting no.

CITIZEN PARTICIPATION (Agenda)

8. Traffic Signage at schools in Port Orange - Jeff LaCour

Jeff LaCour, citizen, discussed his concerns with the traffic signage at the schools in Port Orange. He believes the citations issued in the area constitute child endangerment. He suggested more signs and/or a flashing light on McDonald Street.

Councilman Stiltner disagreed with Mr. LaCour's suggestion for more signs. He doesn't believe signs help deter.

Councilman Ford agreed with Councilman Stiltner. He has conducted research on speeders and the only thing that works is enforcement. He would agree to look at the signage placement but doesn't want to clutter the neighborhoods when it doesn't have any effect.

Councilman Burnette supports the enforcement by the Police Department in the school zones. There won't be speeders on Charles Street because of the entrance into the school.

Vice Mayor Bastian agreed with the comments from Council.

Mr. LaCour believes the enforcement is entrapment. He is disappointed that Council doesn't see the need for more signs to help the citizens.

Mr. Harden advised that most of the schools are on county roads and the City has no control over signage. He also advised that the City does not receive a large amount from the payment of these tickets. The majority of the tickets go to the court costs and the state treasury.

Mark Schaeffer, citizen, believes a few more signs and a flashing light would be helpful.

Ray Tabach, citizen, would like to see an officer near Booth's Bowery.

Ann Pintiliano, 58 Spinnaker Circle, doesn't believe more signs are needed. There are plenty of signs and cops present.

9. Edward Utter - Maintenance on Service Drive behind 714 Normandy Blvd.

Edward Utter, citizen, asked Council to have the service drive behind his home at 714 Normandy Blvd. maintained.

Mayor Green advised that the issue has been discussed in the past and it was determined that the easements are private. Margaret Roberts, City Attorney, advised that the easements only serve the property that adjoins on Normandy Blvd. She advised that the drive is private property and Council is not permitted to use public funds on private property. She doesn't believe there is enough property to meet codes if the City were to obtain it from the private residents.

Councilman Ford cautioned Council with letting parts of the City decline. He would like Staff to discuss a Neighborhood Grant. He believes the condition of the service roads is not good for the City.

Councilman Burnette would like to know how many private roads are in the area that need work. He would like all of them addressed holistically.

Vice Mayor Bastian agreed to see if something that can be done.

Councilman Stiltner agreed with all of the comments of Council.

Mayor Green agreed to research the issue but cautioned that it will be a big undertaking.

Council agreed to look into acquiring rights-of-way from the property owners throughout the Commonwealth Mobile Home Park and seeking grant funds so that all the service drives could be resurfaced and maintained by the City.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Ella Warren, President of the Cemetery Association, asked Council to consider replacing the black screening on the fence of the Public Works compound in the back of Woodland Cemetery. Mayor Green thanked Ms. Warren for her work at the Woodland Cemetery.

Roger Branch, citizen, addressed Council regarding water charges for a property that does not have water or sewer hook-up. The property is located at 5564 W. Magnolia Ave. He asked for the charges to be dropped because the lot has not been improved. Mr. Harden asked for an opportunity to research the issue and get back with Mr. Branch.

COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Councilman Ford expressed his disappointment with the scheduling of a special meeting regarding the proposed millage rate. He asked for Staff to look at the fence at Coraci fields. It appears to be too close to the roadway. Bobby Ball, Zev Cohen & Associates, advised that there are issues with the corner of the field but bollards will be installed to protect the fence. Councilman Ford discussed drainage issues on Riverside Drive. He would like Public Works to see what can be done since other properties and the road have been built above the elevation of some of the older properties. He thinks there was a swale in the area at one time and may need to be reestablished.

Councilman Burnette asked for more information on the plans regarding annexing enclaves that are serviced by Port Orange, specifically west of Crane Lakes with an ICI project. He also asked Staff to have the lights on Dunlawton Avenue checked for better flow.

Vice Mayor Bastian announced the blood drive on Thursday, July 30, 2015. He asked that the fence adjacent to Intercoastal Village and phase 1 of the park at Riverwalk be beige rather than white.

Councilman Stiltner has received compliments regarding the sidewalk on Spruce Creek Road. He discussed issues with the speed of sidewalk repairs. He asked Council to consider changes to the process.

Mayor Green asked Tim Burman to discuss the Goodwill signs. Mr. Burman advised that the signs meet the code requirements. Vice Mayor Bastian asked why Goodwill is able to have such a large sign. Mr. Burman advised that the limit was lifted several years ago. Vice Mayor Bastian is concerned with the size for the area. Wayne Clark, Community Development Director, discussed the changes made relating to size limits. Staff will double check the size.

CONSENT AGENDA

11. Approval of Minutes

- a. July 7, 2015 - Regular City Council Meeting
- b. July 11, 2015 - Special City Council Meeting
- c. July 14, 2015 - Special City Council Meeting/Workshop

12. Resolution No. 15-38 - Tree Conservation Easement Vacation, 6076 Spruce Point Circle

13. Resolution No. 15-39 – Ratifying Application and Accepting Grant Funds from Florida Municipal Insurance Trust

14. Ratify Emergency Repair of YMCA Pool

15. Resolution No. 15-40 - Budget Appropriations

16. Resolution No. 15-41 - LAP Supplemental Agreement - Herbert Street Westbound Right Turn Lane at Clyde Morris Blvd.

17. Bid Awards and Contract Items
 - a. Award Bid #15-15 Herbert Street Westbound Right Turn Lane at Clyde Morris
 - b. Award of RFSQ #15-16 Professional CEI Services: Herbert Street Westbound Right Turn Lane at Clyde Morris
 - c. Piggyback Agreement with Carl Eric Johnson, Inc. and waiver of formal bidding for purchase of certain sole source water & wastewater treatment plant pumps, tanks, parts and services.
 - d. Second Extension to the Amended and Restated Agreement for Services with Danus Utilities, Inc. for sanitary sewer rehabilitation.
 - e. Piggyback Agreement with Diversified Drilling Corporation on Tampa Bay Water Contract.
 - f. Service Agreement with Biological Consulting for monitoring Receiving Wetland per Environmental Protection Permit (DEP) FL0020559, monitoring requirement #13 and 14
 - g. Amendment to Extend the Waverly Media, LLC Contract for an Additional 60 Days
 - h. Gym Scoreboard purchase
 - i. Extension of Piggy-Back on Volusia County Agreement with Universal Towing
18. June 2015 Project Manager's Report
19. Stormwater Maintenance Progress
20. Proposed License Agreement – Lot 17, Summer Trees Unit III-C Replat Subdivision; 107 Grey Branch Road
21. Approve the White Acres Project Area CDBG Income Survey Results.

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

Item #14 – Vice Mayor Bastian asked for an update on the project. Susan Lovallo, Parks & Recreation Director, provided details of the pool issues.

Motion to approve item #14 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

REGULAR AGENDA

22. Halifax Paving Lake Excavation Contract - Progress Report Update

Andy Neff, Public Utilities Director, provided an update on the excavation of Lake A by Halifax Paving. Staff met with Tad Durrance of Halifax Paving after sending a letter of

concern regarding the project as directed by Council. The excavation should be completed in time but it will be very close. Council is still worried about on time completion.

Mr. Schaeffer said there is progress. He asked for an open house or other community event once it is complete. Mayor Green supported a ribbon cutting.

23. Riverwalk Design Review

Councilman Burnette asked for further discussion. He asked about the liability of a splash pad. Ms. Lovallo advised that there have been no claims of liability at the splash pad at the All Children's Park. She advised that there are slip and falls at the skate park, ball fields, and other city facilities.

Mayor Green doesn't support the splash pad at this location. He believes it should be in a different area of Riverwalk. He believes there is a better way to use the property.

Councilman Stiltner asked what the better way is for the property. Mayor Green explained performance areas that were in the original plans. Councilman Stiltner discussed his findings regarding splash pads in other cities. He did not find any that were a liability issue. They were very popular and drew people to the areas where they are located. He said there is still plenty of room for an event area. He asked Staff to consider a lightening detector for safety. He supported the splash pad as designed.

Vice Mayor Bastian believes the property is being beautified and will be family friendly. He also supported the splash pad as designed.

Councilman Ford is not opposed to the splash pad but believes it should be somewhere different in the Riverwalk area. He believes the area is too small. He wants the event field as open as possible.

Mayor Green believes it would fit better in phase 1 near the kayak launch.

Mr. Schaeffer agreed with the Mayor and Councilman Ford.

Shailesh Patel, DMC, disagreed with Mayor Green's position. The workshop with the citizens considered the placement of the splash pad. He said moving it is not as easy as just moving it. The design provided visibility of the splash pad from Ridgewood Avenue. The location of the events has been spread out to accommodate safety issues.

Phil Klema, citizen, doesn't believe much will be gained by moving the splash pad to another area.

Motion to continue with the current design was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried 3-2 by roll call

vote with Mayor Green and Councilman
Ford voting no.

COMMENTS

24. City Attorney Comments

There was nothing further from the City Attorney.

25. Interim City Manager Comments

Mr. Harden advised Council that the contract with Bolerjack has been extended another four weeks. Staff has inquired of the County Staff regarding the plans for a campground at Rose Bay but they have not seen anything yet.

Mr. Harden discussed budget hearing dates in September. Council agreed to September 9 and September 22.

COUNCIL COMMITTEE REPORTS

26. City Council Committee Reports

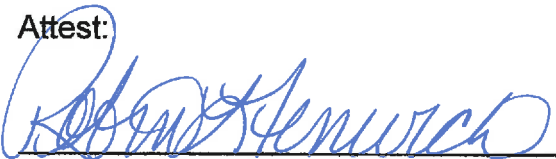
- a. Volusia League of Cities – Mayor Green reported that the dinner is scheduled for Thursday, July 23, 2015.
- b. Arthaus – Councilman Burnette reported that planning has begun for the sidewalk art festival. Sponsors are needed and welcomed.
- c. Port Orange/South Daytona Chamber of Commerce – Item skipped but will be brought back on August 4, 2015.
- d. Roundtable of Volusia County Elected Officials – Mayor Green reported that the Roundtable group is discussing enclaves and water issues.

ADJOURNMENT: 8:46 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, CMC
City Clerk

