

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
AUGUST 18, 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 done by Rev. Christopher Bailey, Chaplain at Bert Fish Hospital

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

PUBLIC HEARING

4. Second Reading - Ordinance No. 2015-27 - Amending City Code Sec 2-262, Purchase and sales procedures

Mayor Green read Ordinance No. 2015-27.

ORDINANCE NO. 2015-27

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 PURCHASE AND SALES PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-27
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. 2015-29 - Adopting City Code Section 2-277
Bid protest

Mayor Green read Ordinance No. 2015-29.

ORDINANCE NO. 2015-29

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, OF THE CODE OF ORDINANCES TO ESTABLISH SECTION 2-277 REGARDING BID PROTEST; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-29
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. 2015-30 - Amending City Code Section 2-272 Alterations or modifications of contracts

Mayor Green read Ordinance No. 2015-30.

ORDINANCE NO. 2015-30

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-272 OF THE CODE OF ORDINANCES REGARDING ALTERATIONS OR MODIFICATIONS OF CONTRACTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-30
was made by Vice Mayor Bastian and
Seconded by Councilman Burnette.
Motion carried unanimously by roll call
vote after no public comments.

AGENDA APPROVAL

Items pulled: #13, 15, 18, 19, 22 (f), (h), and (k).

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

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

7. Citizen Advisory Committee for TPO

Bobby Ball was unable to attend the Council meeting and will reschedule at a later date.

8. Parks & Recreation Advisory Board Update

John Cameron, Vice-Chairman, provided details of the Board's most recent meeting. Trails were a big topic of the Board, as well as a community center and co-sponsored teams. The Board is still looking for direction on the Foundation. There was concern from residents regarding the launch at Spruce Creek Road.

Councilman Stiltner has found the opposite as far as Port Orange residents and their feelings on the launch at the end of Spruce Creek Road. He agreed with the comments regarding the enrollment of the programs.

Councilman Burnette asked for another joint meeting with the Parks Board to discuss goals.

Council thanked Mr. Cameron for his service.

E. CITIZEN PARTICIPATION (Agenda)

9. Spruce Creek High School Principal Todd Sparger

Mike Randow, Athletic Director, discussed their work on bringing football back to the school campus. He asked Council to consider helping them fund the games by waiving the fees for the police and fire services during games. The amount needed would be approximately \$550-600 per game. He feels they will give back to the community in economic development by staying in town. He also asked to utilize the portable signs and lights for the stands/parking lot.

Councilman Stiltner has been frustrated for years that the school hasn't been able to utilize their field. He is happy for this change and supports youth athletics. He also

supports this partnership. He supports making the signs and lights available if they are not being used for City obligations already.

Vice Mayor Bastian also supports Friday Night Lights in Port Orange. He asked if assistance is needed for the JV games. Mr. Randow is not asking for assistance with the JV games.

Councilman Burnette doesn't believe the School Board has pulled their weight for either Port Orange school. He suggested using the VIPs for traffic assistance.

Councilman Ford supports the use of public safety personnel for the games. He believes it is good for the community.

Mayor Green asked businesses to support the cause and donate through the school. He asked for a motion not to exceed \$4,500.

Motion to waive the fees for the police, medical, lights, and signs for one year was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Newton White, citizen, supported the request but asked Council to consider the small impact in sales tax to be collected for the City.

Motion carried unanimously by roll call vote.

Mayor Green asked that actual costs be tracked by Staff throughout the year.

10. Spruce Creek Rising - Robert Lloyd

Robert Lloyd, Co-Director of Spruce Creek Rising, discussed the issues with navigation at Spruce Creek. He advised Council of the mission statement, objectives and goals of Spruce Creek Rising. Mr. Lloyd asked Council for a resolution supporting the efforts of Spruce Creek Rising to mediate the issues at the railroad trestle.

Ed Donini, Co-Director of Spruce Creek Rising, provided details of the non-profit organization.

Mayor Green supported a resolution for the cause.

All Council Members agreed with their efforts.

Mayor Green asked for public comments; there were none.

Motion for Staff to work with Spruce Creek Rising to prepare a Resolution of support was made by Councilman

Burnette, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

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

Ted Nofall, citizen, addressed Council regarding budget issues. He asked Council to tighten up the budget. He discussed the overpayment to the unfunded liability. He also expressed his concerns with not having a specific budget on the public utilities accounts.

G. COUNCIL COMMENTS

11. Comments/Concerns from Council Members

Councilman Ford welcomed Mr. Johansson. He asked for a tour of the east side of the City with the City Manager.

Councilman Burnette asked for a workshop with the City Manager to develop goals for him. He asked that Mr. Johansson provide a flow loss ratio report from the meter replacement program. He expressed concerns with the temporary message board in front of the Police Department. It's been there too long to be a temporary board.

Vice Mayor Bastian asked that a camera be placed on the totem pole for protection in the event of vandalism. He believes the extra payments to the pension funds are a smart decision. He wants to continue making the extra payments to help buy down the debt.

Councilman Stiltner welcomed the new City Manager as well. He thanked Wawa for their spectacular grand opening. They have already jumped into the community with donations and support.

H. CONSENT AGENDA

12. Approval of Minutes
 - a. July 28, 2015 - City Council Workshop/Special Meeting
 - b. August 4, 2015 - Regular City Council Meeting
13. Resolution No. 15-45 - Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT)
14. Resolution No. 15-47 - Vacating Sanitary Sewer Easement, Lots 1 and 2, Baltzegar Subdivision; 3664 and 3674 Nova Road
15. Resolution No. 15-48 - Supporting Volusia County's Local Mitigation Plan
16. Resolution No. 15-49 - Budget Appropriations
17. July 2015 Project Manager's Report
18. Stormwater Maintenance Progress

19. Fee Waiver for Adult Activity Center for Annual Woodcarving Show
20. Transfer of K9 Lobo
21. Quarterly Crime Report
22. Bid Awards and Contract Items
 - a. Authorization of up to \$1,430,000 in Encumbrance for Landfill Tipping Fees in FY 2016
 - b. Piggyback through National IPA the City of Tucson contract with EZGO for purchase of Golf Carts
 - c. Change Order No 1 to the Standard Contract for Services with Upham, Inc.
 - d. Task Authorization No 3 to the contract for Engineering Services with Kimley-Horn and Associates, Inc.
 - e. Purchase of Auto Parts and Supplies for Fleet Maintenance for FY 2016
 - f. Interlocal Agreement with Volusia County for Traffic Signal Maintenance and Other Services
 - g. Authorization of Annual Fuel Purchases for City Vehicles and Equipment for FY2016
 - h. Award Wrecker/Towing Services Contract - Universal Towing
 - i. Authorization of \$37,265 in Encumbrance for Services by Giles Electric Company in FY2016
 - j. Piggyback on the Florida Sheriff's Association Contract # 15/17-07-0220 to Purchase Tires and Related Services
 - k. Approval of a Piggyback Agreement and Task Authorization No 1 with CDM Smith, Inc.

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 #13 – Resolution No. 15-45 – Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT)

Mayor Green read Resolution No. 15-45.

RESOLUTION NO. 15-45

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT; PROVIDING AN EFFECTIVE DATE.

Councilman Ford asked if there is anything Staff can do to help synchronize the traffic lights on Dunlawton Avenue. He also asked that other options be considered to determine if this is the best price for the maintenance.

Mr. White expressed concerns with the previous work on the traffic signals along Dunlawton Avenue specifically. He asked if it has been priced out.

Vice Mayor Bastian would like FDOT to revisit the timing of the lights on Dunlawton Avenue.

Motion to approve Resolution No. 15-45
was made by Councilman Ford, and
Seconded by Councilman Burnette.
Motion carried unanimously by roll call
vote.

Item #15 – Resolution No. 15-48 - Supporting Volusia County's Local Mitigation Plan

RESOLUTION NO. 15-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT
ORANGE, VOLUSIA COUNTY, FLORIDA, AUTHORIZING SUPPORT
FOR THE VOLUSIA COUNTY LOCAL MITIGATION STRATEGY;
PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 15-45
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.

Mike Gardner, citizen, asked for better transparency in the wording of agenda items.

Motion carried unanimously by roll call
vote.

Item #18 – Stormwater Maintenance Progress

Mr. Noftall asked if there is a plan relating to the move of employees from mowing to drainage.

Motion to accept the report was made
by Councilman Ford, and Seconded by
Vice Mayor Bastian. Motion carried
unanimously by roll call vote.

Item # 19 – Fee Waiver for Adult Activity Center for Annual Woodcarving Show

Mr. Gardner found the totem pole impressive but cautioned Council on waiving fees.

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

Item #22(f) – Interlocal Agreement with Volusia County for Traffic Signal Maintenance and Other Services

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

Councilman Ford asked what can be done to get a better result. Mayor Green doesn't know of anything different. Councilman Burnette would like to ask Staff to explore options.

Ms. Roberts suggested a one-year contract to allow Staff to check the competition.

Motion to Amend the Motion to change the agreement term to one-year was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion to amend carried unanimously by roll call vote.

Amended Motion for one-year agreement carried unanimously by roll call vote.

Councilman Stiltner asked for details on who owns what traffic signals.

Item 22h – Award Wrecker/Towing Services Contract - Universal Towing

Vice Mayor Bastian asked for details of the bidders. Mayor Green said the recommendation presented is in the documents. Universal Towing is the most cost effective bid received.

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

Item #22k – Approval of a Piggyback Agreement and Task Authorization No 1 with CDM Smith, Inc.

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

Mr. Nofall asked Council not to support this expenditure. He asked that Council require QLH to come discuss whether or not the permitted berm would have prevented flooding. He asked to insure the study would be independent of the other reports and Staff's opinions. He is concerned because CDM works with the other firms.

Mr. Gardner agreed with Mr. Nofall's comments. He asked if the evaluation will be done based on the original plans. Andy Neff, Public Utilities Director, advised that this item was developed based on Council's desire to answer questions relating to the berm effectiveness and impacts. This item is at the discretion of Council and will show modeling.

Mayor Green is concerned with flooding in other areas that may not currently flood if a berm is constructed.

Vice Mayor Bastian is concerned with spending this money on a study and modeling rather than just constructing the berm.

Councilman Burnette wants to know if the berm will be effective or not before he can support the construction.

Councilman Ford doesn't know why so many studies are needed. He sees berms around canals all over the world. He wants to give the engineers specific instructions. He wants them to talk with citizens in the area. He supports the study and modeling but he wants it guided for honesty and openness.

Mayor Green asked who did the original modeling. Mayor Green doesn't believe a 6" berm will help against the flooding. Mr. Harden advised that CDM has the original model and was involved in the original modeling project.

Vice Mayor Bastian suggested looking into FRWA for engineering services. Mr. Harden said they handle potable water only not stormwater.

Motion carried 3-2 by roll call vote with Vice Mayor Bastian and Mayor Green voting no.

I. REGULAR AGENDA

23. Pie Guy – Targeted Business Program Incentive Contract (Continued on August 4, 2015)

Keith Norden, President/CEO Team Volusia, asked Council if they have any questions regarding the contract presented.

Mayor Green doesn't agree to waive impact fees with water and sewer. Ms. Roberts advised that the City will pay the impact fee if it is waived.

Motion to approve as presented was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried 4-1 by roll call vote with Mayor Green voting no. There were no public comments.

24. First Reading - Ordinance No. 2015-28 - Enacting Section 2-276 Suspension and debarment

Mayor Green read Ordinance No. 2015-28.

ORDINANCE NO. 2015-28

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 TO ESTABLISH SECTION 2-276 REGARDING CONTRACTOR SUSPENSION AND DEBARMENT PROCEDURES AND CRITERION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-28 was made by Vice Mayor Bastian and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

25. First Reading - Ordinance No. 2015-32 - Police Pension change

Mayor Green read Ordinance No. 2015-32.

ORDINANCE NO. 2015-32

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE CODE OF ORDINANCES, CHAPTER 54, ARTICLE V, ENTITLED "POLICE PENSION FUND"; AMENDING SECTION 54-123, PARTICIPATION; PROVIDING AN OPTION PERMITTING THE POLICE CHIEF TO ELECT TO NOT PARTICIPATE IN THE POLICE PENSION FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-32
was made by Councilman Burnette and
Seconded by Councilman Ford.

Vice Mayor Bastian doesn't support this ordinance change as he did not support it for the Fire Department.

Motion carried 4-1 by roll call vote with
Vice Mayor Bastian voting no, after no
public comments.

26. First Reading - Ordinance No. 2015-33 - Increasing Police Pension Board Terms to Four Years

Mayor Green read Ordinance No. 2015-33.

ORDINANCE NO. 2015- 33

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE POLICE PENSION FUND TO PROVIDE FOR FOUR-YEAR TRUSTEE TERMS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-33
was made by Councilman Burnette and
Seconded by Vice Mayor Bastian.

Mayor Green doesn't support an extension.

Mr. Nofall expressed his concerns with the make-up of the Board Members. Ms. Roberts advised Mr. Nofall that he is off the agenda item on the floor.

Mr. White believes extending the term hinders Council's ability to change the composition of the Board.

Motion failed 1-4 by roll call vote with
Vice Mayor Bastian voting yes.

27. Council Meeting Schedule for September 2015

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

28. Halifax Paving Lake Excavation Contract Progress Report

Mr. Neff advised that the lake is dug out but there is still work to be done, including sloping of the edges and final as-builts. The project is set to be completed at the end of September 2015.

Mayor Green asked that Staff be very clear on the closing documents for this project.

Vice Mayor Bastian asked the Staff to invite Tad Durrance, Halifax Paving, to attend a Council meeting to discuss the project.

29. Options relating to 5126 Ridgewood Avenue (Nova One Tattoo/Johnson)

Ms. Roberts provided details relating to the costs expended by the City totaling \$2,821.46 plus the costs of the Code Enforcement Staff.

Mayor Green asked Council if they agree to waive a substantial amount of the liens. He cautioned Council with waiving costs.

Councilman Ford is concerned with the fairness of the transaction as a whole. He wants to see that all real costs to the City are paid and the property is cleaned up.

Councilman Burnette believes there have been some savings to the City already with this purchase.

Vice Mayor Bastian supports a deal because the City would have waived those fees had the City bought it. He agreed with collecting all direct costs.

Councilman Stiltner doesn't believe the \$700,000+ liens wouldn't pay for all of the direct costs with public safety costs and the like. He supported a structured plan to address these issues.

Ms. Roberts advised of the code personnel costs in the amount of \$833. The total due is approximately \$9,665. Councilman Ford asked that the buildings be removed within a certain amount of time. Ms. Roberts advised that 90 days was proposed.

Motion to approve an agreement of \$10,000 being paid to the City and removal of all of the buildings on the property was made by Councilman Ford, and Seconded by Councilman Burnette with the City Attorney and City Manager finalizing the contract.

Mr. Nofall doesn't support the waiver.

Raymond Adams, citizen, thanked Council and advised Staff they will not need to cite the property while he is the owner.

Motion carried unanimously by roll call vote.

J. COMMENTS

30. City Attorney Comments

There was nothing further from the City Attorney.

31. City Manager Comments

Mr. Johansson advised of the Joint Special Meeting of the Shareholders and Board of Directors of the Golf Course scheduled for Tuesday, August 25, 2015 at 5:00 p.m. prior to the Budget Workshop.

Mayor Green receives a lot of complaints about the meetings not running live when they are held at Lakeside Community Center. He asked for an update on the upgrades.

K. COUNCIL COMMITTEE REPORTS

32. City Council Committee Reports

- a. Volusia League of Cities – Nothing to report
- b. ArtHaus – Councilman Burnette reported sponsors are needed for the art festival during Family Days.
- c. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette reported on the legislative update to be held at breakfast on September 15, 2015 at 8:00 a.m. with Senator Dorothy Hukill.

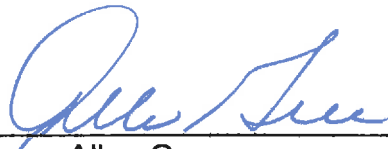
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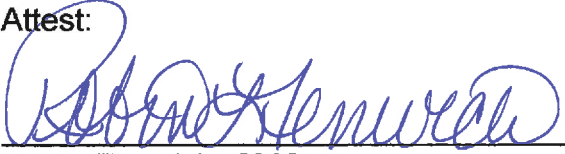
d. Roundtable of Volusia County Elected Officials – Mayor Green reported on the transportation and water quality discussions held by the elected officials.

ADJOURNMENT: 9:06 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, CMC
City Clerk

