REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
OCTOBER 6, 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:	Jake Johansson, City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk

PUBLIC HEARING

4. Second Reading - Ordinance No. 2015-34 - LDC Amendment/Medical Marijuana Related Uses; Case No. 15-25000002

Mayor Green read Ordinance No. 2015-34.

ORDINANCE NO. 2015-34

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 2 TO ADD DEFINITIONS RELATED TO MEDICAL MARIJUANA; AMENDING CHAPTER 12 TO ADD PARKING REQUIREMENTS FOR MEDICAL MARIJUANA RELATED USES; AMENDING CHAPTER 16 TO ADD MARIJUANA RELATED USES TO THE LIST OF PROHIBITED HOME OCCUPATIONS; AMENDING CHAPTER 17 TO ADD MEDICAL MARIJUANA DISPENSARIES AS A SPECIAL EXCEPTION USE IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT; TO ADD MEDICAL MARIJUANA CULTIVATION AND MEDICAL MARIJUANA PROCESSING FACILITIES AS SPECIAL EXCEPTION USES IN THE COMMERCIAL INDUSTRIAL (CI) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICTS; AMENDING CHAPTER 18 TO ADD

SPECIAL REQUIREMENTS FOR THESE SPECIAL EXCEPTION USES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-34 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 4-1 by roll call vote with Mayor Green voting no.

AGENDA APPROVAL

Items pulled: #22 and 23

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

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

5. The 8th Annual pogTV Film Festival Awards.

Kent Donahue, Grants Coordinator/PIO, announced the winners of the 8th Annual pogTV Film Festival.

6. Report from Kemper Sports Management regarding Cypress Head Golf Course

Bob Duquette, General Manager, provided details of the status of the golf course, which is set to reopen on October 30, 2015. The grow-in of the greens is on schedule.

CITIZEN PARTICIPATION (Agenda)

7. Request for the City to process an amendment to the Gateway Center PCD zoning to remove the maximum building size restriction

Penny Cruz, Planner, explained the details of the request.

Mr. Patel advised Council that he has been involved in this type of project before. Council supported the idea of the change and project but want to see the specific plans.

Margaret Roberts, City Attorney, advised that an ordinance change is needed and will be brought back.

Ms. Cruz advised the request is for direction to Staff to bring the amendment forward since the property is owned by the City. Council agreed.

8. ADA 800 Walk - Ormond Strong

Ken Parker, citizen, provided details of the ADA 800 Walk to be held on October 24, 2015 at the Port Orange bridge. He will work with Parks and Recreation to coordinate the event. Susan Lovallo, Parks & Recreation Director, asked Council for direction regarding liability insurance requirements. Council directed Staff to work with Mr. Parker on the event.

9. Atlantic High School - Athletic Director Zach Rigney to address EMT Fees

Zach Rigney, Athletic Director, asked Council to consider waiving EMT fees for football games. They have five home games. Council supports the waiver of the fees for the football games. Mayor Green asked that the costs be monitored throughout the year so the costs can be budgeted next year.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Sue Avella, citizen, asked Council to reduce the code enforcement lien against her property. Mayor Green asked the City Manager to review the issue and report back.

Monica Jones, citizen, asked Council to reduce her excess bill for a leak under her mobile home. Mayor Green asked the City Manager to review the issue without shutting her water off.

Ted Noftall, citizen, expressed concerns with the process for working with citizens on excessive fines, liens, and water bills. He asked Council to address transparency within the City specifically the read file.

COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Mayor Green asked for the Council Comments to be moved to the end of the meeting as it used to be. Councilman Ford disagreed. He wants to ensure citizens are still in attendance and Council is not rushed to leave.

Councilman Ford asked for a Comprehensive Plan for the Dunlawton Corridor. He asked for a volunteer from Council to be the coordinator.

Councilman Burnette asked for a report on the timing of the lights on Dunlawton Avenue. He advised that the City Center Market will begin setting up in the mornings and evenings on Thursdays. He said the level of service on Clyde Morris Blvd. from the

County is not good enough. He would like the service augmented by the City. He asked for the water loss flow report. Mr. Johansson said it is scheduled to be ready in November.

Vice Mayor Bastian thanked Staff for the Family Days event over the weekend.

Councilman Stiltner agreed; and thanked the volunteers and the Family Days Board. He supports more events in the City. He complimented the City Manager's work minimizing the impact on neighbors of new building.

Mayor Green suggested stacking lanes along Dunlawton Avenue to help with traffic flow.

<u>TABLED ITEMS</u>

11. Proposed License Agreement for Waters Edge at Port Orange Homeowners Association, Inc. (Tabled from September 22, 2015)

Motion to pull Item #11 from the table for further discussion and vote was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

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

<u>CONSENT AGENDA</u>

12. Approval of Minutes
    a. September 22, 2015 - Regular City Council Meeting
13. <u>Resolution No. 15-68</u> - Florida City Government Week
14. <u>Resolution No. 15-69</u> - Encouraging Congress to fund the Community Development Block Grant Program
15. <u>Resolution No. 15-70</u> - Voting Rights Act 50th Anniversary
16. <u>Resolution No. 15-72</u> - ICMA-RC Manager 401(a) Retirement Plan
17. <u>Resolution No. 15-74</u> - Lien Amnesty Program
18. FY 2016 Expenditure Authorization for AT&T Mobility Wireless Communication Services & Equipment
19. FY 2016 Expenditure Authorization for Level 3 Communications (Formerly Time Warner Telecom, Inc.)
20. FY 2016 Expenditure Authorization for SunGard Public Sector, Inc.
21. FY2016 Spending Authorization and Amendment for Aaron's Backflow Services, Inc.

22. Joint Project Agreement with Pioneer Community Development District for utility relocates for Williamson Blvd. Widening
23. Infrastructure Accounting Procedure
24. Proposed Write off of Bad Debts (Miscellaneous Receivables)
25. Utility Billing back-billing policy
26. Bid Awards and Contract Items
    a. Street Sweeping Services Contract with USA Services of Florida, Inc. via Piggyback of Pinellas County Contract 134-0287-B (LN)
    b. Change Order No 1 to Task Authorization No 3 to the contract for Engineering Services with Kimley-Horn and Associates, Inc.
    c. Piggyback City of Lakeland Contract with SiteSecure, LLC for Security Systems Repairs, Maintenance, and Upgrades and approve Task Authorization No 1 Public Utilities Security System Upgrade.
    d. Task Authorization No. 3 to the Contract for Engineering Services with Wade Trim, Inc. for Spruce View Way Water Main Design and Permitting
    e. Change Order No 1 to Task Authorization No 1 to the contract for Engineering Services with Wade Trim, Inc.
    f. Award RFP #15-31 for Commercial/Industrial Realtor Services
    g. Change Order No 1 to Task Authorization No 4 to the contract for Engineering Services with Kimley-Horn and Associates, Inc.
27. FY 15/16 Edward Byrne Memorial Justice Assistance Grant (JAG) Countywide Program Support

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

Item #22 - Joint Project Agreement with Pioneer Community Development District for utility relocates for Williamson Blvd. Widening

Vice Mayor Bastian asked for further clarification. Ms. Roberts advised the utilities need to be moved because they are in the County's right of way and will be developed for the Woodhaven Subdivision.

Mayor Green said there is almost always an issue that comes up with utility projects. He asked if the unforeseen allowance is listed by unit pricing.

Councilman Ford believes the unforeseen conditions allowance amount is too high for a project manager. Rick Wilson, Assistant Director Public Utilities, advised that the City Manager would have to approve any expenditures.

Councilman Burnette prefers the unforeseen conditions allowance being at 15% rather than 33%. He asked what the impact is for the 403 fund for this project. Mr. Johansson will provide that information to Council.

Derek LaMontange, citizen, addressed his concerns regarding the project. He does not support it.

Motion to approve the agreement without an unforeseen allowance was made by Councilman Ford, and Seconded by Councilman Burnette. Motion carried 4-1 by roll call vote with Councilman Burnette voting no.

Item #23 - Infrastructure Accounting Procedure

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

Tracey Riehm, Finance Director, advised that the procedure moves away from the modified accrual process based on the Auditor's comment that Staff should begin depreciating infrastructure assets over their useful lives. Most municipalities use the standard process Staff is recommending.

Mr. Noftall asked what level the City currently meets as far as asset tracking documentation. He asked why the City chose not to go to longer depreciation terms.

Motion carried unanimously by voice vote.

REGULAR AGENDA

28. Cypress Head Clubhouse Alteration Request

Susan Lovallo, Parks & Recreation Director, asked for Council approval regarding the request from Cypress Greens for a new sign. The sign will follow all permitting requirements of the City.

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

29. First Reading - Ordinance No. 2015-36 - Amending Chapter 50 of the Code of Ordinances Regarding the Golf Course

Mayor Green read Ordinance No. 2015-36.

ORDINANCE NO. 2015-36

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 50, ARTICLE IV, DIVISION 1, OF THE CODE OF ORDINANCES REGARDING THE MUNICIPAL GOLF COURSE; AMENDING SECTION 50-81 MODIFYING DEFINITIONS; AMENDING SECTION 50-83 REGARDING FEES; AMENDING SECTION 50-84 ESTABLISHING RULES FOR LEGACY PASSES; AMENDING SECTION 50-85 ESTABLISHING RULES FOR CYPRESS PASSES AND DELETING DISCOUNT CARDS; REMOVING SECTION 50-80.5 REGARDING PLAY CARDS; AMENDING SECTION 50-86 TO REMOVE FOUNDERS CLUB RULES AND ESTABLISH AMENDED PLAY CARD RULES; AMENDING SECTION 50-87 REGARDING NONRESIDENT FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-36 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Ford said the Golf Board supports the annual pass idea.

Councilman Burnette asked why the Parks & Recreation Director's approval authority was removed for certain situations. Ms. Lovallo is not comfortable with the authority and does not feel she needs that authority.

Motion carried unanimously by roll call vote.

30. Resolution No. 15-73 - Half Cent Sales Tax for Transportation

Mayor Green read Resolution No. 15-73.

RESOLUTION NO. 15-73

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, TO SUPPORT THE DEVELOPMENT OF LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES; IDENTIFYING A NEED TO CONDUCT A SURVEY TO DETERMINE COMMUNITY INTERESTS AND PRIORITIES REGARDING TRANSPORTATION SYSTEMS AND FUTURE FUNDING; AND PROVIDING AN EFFECTIVE DATE.

Ms. Roberts asked for a contribution amount to be determined before the motion.

Councilman Burnette does not support the resolution. He knows there is a need for money for transportation. He doesn't believe Port Orange gets their fair share.

Councilman Ford also does not support spending taxpayer's money in a political campaign. He doesn't believe there is enough information.

Mr. Johansson advised Council that the County is asking if Council will pay for a survey to determine what projects are important to citizens.

> Motion to approve Resolution No. 15-73 with a $1.00 contribution from each Council Member was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

31. Financial Report- August 31, 2015

Ms. Riehm provided details of the financial report for the period ending August 31, 2015.

Mr. Noftall objected to the presentation. He believes it should be a complete report rather than the "cherry-picked" information provided by Staff. He asked that financial reports be provided every month of the year. He also voiced his concerns regarding the payroll issues with exempt employees.

> Motion to accept was made by Vice Mayor Bastian, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

COMMENTS

32. City Attorney Comments

Agreement for 5126 Ridgewood Avenue

Ms. Roberts advised Council of the agreement with Mr. Adams for 5126 Ridgewood Avenue. Mr. Adams has moved forward with his promises as discussed with Council.

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

Mr. Noftall asked Council to set criteria for reducing liens.

Motion carried unanimously by roll call vote.

Ms. Roberts advised Council that an actuarial report has been requested but is exempt. She asked Council if they would like to release it.

Motion to release the report was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner.
Motion carried 4-1 by roll call vote with Mayor Green voting no.

33. City Manager Comments

Mr. Johansson advised Council that deadlines have changed for the legislative agenda to be delivered to the Volusia Legislative Delegation. He asked Council to provide feedback prior to October 16, 2015. It is subject to change at the October 20, 2015 meeting.

Councilman Burnette would like to see flood control projects included.

Councilman Ford believes elected officials need to meet with elected officials. He agreed with adding flood control projects.

Mr. Johansson congratulated the Finance Department on their recent award for last year's budget.

COUNCIL COMMITTEE REPORTS

34. City Council Committee Reports

a. General Employee's Pension Board – Councilman Stiltner reported that the quarter was not great. The year has positive gains though.

b. River to Sea TPO – Councilman Ford reported they are preparing for the major study.

c. YMCA – Report was provided by Ms. Riehm with the Financial Report.

ADJOURNMENT: 8:56 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk