REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
OCTOBER 20, 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 provided by Rev. Calvin Gittner of Port Orange Presbyterian Church.

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

Rules of Procedure as approved by City Council on December 2, 2014, specifically page 3, portions of letter (e) and #9 (a-e) were read by Robin Fenwick, City Clerk.

B. PUBLIC HEARING

5. First Reading - Ordinance No. 2015-37 - Amendment to Chapter 42 of the Code of Ordinances to provide procedures to secure and demolish unsafe structures in the City

Mayor Green read Ordinance No. 2015-37.

ORDINANCE NO. 2015-37

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 42, ARTICLE V, TO ESTABLISH A NEW DIVISION 3 RELATING TO THE ABATEMENT OF UNSAFE STRUCTURES, PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-37 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Ted Noftall, citizen, supported the ordinance.

Motion carried unanimously by roll call vote.

6. Second 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.

Tom Menocal, citizen, is opposed to the different types of passes. He believes there should only be one type for all who want a pass.

Motion carried unanimously by roll call vote.

C. AGENDA APPROVAL

Item #10 was deleted by the requestor.

Items pulled: 13, 15, 16, 19 (a), (b), (c), (f), and (h).

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

D. BOARD APPOINTMENTS, INTERVIEWS, REPORTS

7. Civil Service Board Appointment

Motion to appoint Sarah Jones to the Civil Service Board was made by Vice Mayor Bastian, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

8. Construction Regulation Board Appointment

Motion to appoint Darrel Bofamy to the Construction Regulation Board was made by Vice Mayor Bastian, and Seconded by Councilman Ford.

Darrel Bofamy introduced himself to Council and provided his background.

Motion carried unanimously by voice vote.

E. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

9. Proclamation - Grace Episcopal Church

Mayor Green read the proclamation to Grace Episcopal Church.

F. CITIZEN PARTICIPATION (Agenda)

10. Derek LaMontagne - "Save Spruce Creek"

Derek LaMontagne cancelled his time slot prior to the meeting.

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

Mr. Noftall asked for an update on urban chickens and the historical trust. Mr. Johansson advised that the schedule shows the move for the historical trust to occur at the end of the year or beginning of next year. Mr. Noftall is impressed with the turn-out at the local football games being held at the schools and doesn't believe a complex is necessary.

Mr. Menocal asked what the status is for using TIFF and specifically as it relates to Riverwalk.

H. COUNCIL COMMENTS

11. Comments/Concerns from Council Members

Councilman Stiltner asked the City Manager to look at the water tower in the back of Water's Edge Subdivision. He would like it to be a bit more attractive. He encouraged all to read an article in the newspaper regarding super volunteers.

Vice Mayor Bastian explained his position regarding the denial of a half-cent sales tax to fund a study. He would rather see it on the ballot for voters to decide.

Councilman Burnette asked if Madeline Avenue could be posted for no large trucks. The road is too narrow for large trucks. He also reminded all of the ADA 800 Bridge Walk on Saturday at 6:00 p.m.

Councilman Ford asked that Staff consider CDBG funds for an on-going project to stabilize the US 1 Corridor. He also would like Council to direct where projects go when they ask for subsidies.

Mayor Green would like specific areas addressed along the US 1 Corridor. The City will need to invest in the area.

Councilman Ford thanked the volunteers at Sugar Mill Gardens and encouraged citizens to volunteer.

Mayor Green read a Proclamation regarding Native Plant Month. He believes the sidewalk repair code/policy is incorrect. He asked that the documents be changed to reflect past practice of the use of rebar. He also asked that handymen be licensed and insured.

I. CONSENT AGENDA

12. Approval of Minutes
    a. October 6, 2015 - Regular City Council Meeting
13. Resolution No. 15-71 - Spruce Creek Rising, Inc.
14. Resolution No. 15-75 - Acceptance of the FY 2015 CDBG grant funding.
15. Resolution No. 15-76 - Cypress Head Golf Course Fees
16. Approval of the Public Utilities Department reorganization
17. Notification of Emergency Replacement of Storm Water Drainage Pipe Along Riverside Drive for Cost Exceeding $25,000.00

18. Special Events

a. Major Special Event Request – Christmas Tree Sales at Dunlawton Square Shopping Center located at 3813 Nova Road

b. Major Special Event Request – Lighthouse Loop Half Marathon & 5K @ DJ's Deck at 79 E. Dunlawton Avenue, Aunt Catfish Restaurant at 4009 Halifax Drive and Panheads Pizzeria at 4085 Ridgewood Avenue.

19. Bid Awards and Contract Items

a. Approval of Task Authorization No 5, to the Master contract for Engineering Services with Kimley-Horn and Associates, Inc.

b. Approval of a Standard Contract for Services with Insight and Beyond, Inc. for Future Leadership Development and Succession Planning and grant application to CareerSource Flagler/Volusia for partial funding support for this initiative.

c. Approve the two year option for insurance coverage for property, crime, excess crime, inland marine and equipment breakdown

d. Piggyback Agreement and Purchase Order for Ten-8 Fire Equipment

e. Ratify purchases against Purchase Order No 069715 for Florida Detroit Diesel-Allison c/o Stewart & Stevenson.

f. Change Order No 1 to the Standard Contract for Services with Rexel, Inc. dated 2/10/2015

g. Award Bid #15-32 to MCG Services for Mockingbird Drive Pipe Replacement in Cypress Cove Subdivision

h. Task Authorization No 1 under the Master Contract for Engineering Services with Arcadis U.S., Inc. for the Water Master Plan

i. Change Order No. 1 to Sparks Concrete, LLC contract for S. Spruce Creek Road Shared Use Path

j. Task Authorization No. 3 to the contract with Traffic Engineering Data Solutions, Inc. (TEDS) for design and permitting of the McDonald Road sidewalk.

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 #13 - <u>Resolution No. 15-71</u> - Spruce Creek Rising, Inc.

Mayor Green read Resolution No. 15-71.

<u>RESOLUTION NO. 15-71</u>

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; SUPPORTING THE EFFORTS OF SPRUCE CREEK RISING, INC., A NONPROFIT ORGANIZATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 15-71 was made by Vice Mayor Bastian, and Seconded by Councilman Ford.

Robert Lloyd and Ed Donini thanked Council for their support.

Motion carried unanimously by roll call vote.

Item #15 - Resolution No. 15-76 - Cypress Head Golf Course Fees

Mayor Green read Resolution No. 15-76.

RESOLUTION NO. 15-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING REVISED CHARGES AND FEES RELATING TO MUNICIPAL GOLF COURSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 15-76 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Mr. Menocal asked for clarification regarding the transferable clause. Mayor Green said the pass can be transferred for those who purchased passes when the course first opened.

Motion carried unanimously by roll call vote.

Item #16 - Approval of the Public Utilities Department reorganization

Mr. Noftall asked if the reorganization is a Council function or if the City Manager has the authority to organize the departments as he sees fit. Mr. Johansson said the ordinance is vague and he feels more comfortable obtaining Council approval. He will work on changing the ordinance if necessary after reviewing it with the Council and Staff. Mr. Noftall asked if Council understands the changes being recommended. Mr. Johansson said it was brought to Council during complex discussions over the budget review.

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

Item #19 (a) - Approval of Task Authorization No 5 to the Master contract for Engineering Services with Kimley-Horn and Associates, Inc.

Mike Gardner, citizen, doesn't understand exactly what is being done with the study. He asked if Staff could give an update periodically. He asked if there are sufficient CAD and GIS files to provide. He asked for a copy of the I & I report.

Councilman Ford believes Staff should know the system better than outside consultants.

Councilman Burnette supports providing the blueprint for Staff.

Mayor Green believes the study can be done at a lower price. Mr. Johansson advised that the lowest bid is not always the best bid. Staff is trying to think outside the box.

Andy Neff, Public Utilities Director, advised that the consultants will be using the GIS information. The I&I Study can be provided and Staff would like to have a workshop to discuss the plan with Council. He believes the price is fair and has been negotiated pursuant to policy. He said the investment is for a plan not another study. The last master plan was prepared in 2005.

Councilman Ford would like to invest in City employees to prepare plans and studies. Mr. Neff advised that a new set of eyes on an issue will provide a new perspective. Staff will be trained on the models for further use.

Mr. Noftall does not believe there is a plan for action after the study is complete.

Mr. Menocal believes money should be used internally to train Staff rather than on outside consultants.

Motion to table the item until a workshop relating to the I&I Study is discussed by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

Item #19 (b) - Approval of a Standard Contract for Services with Insight and Beyond, Inc. for Future Leadership Development and Succession Planning and grant application to CareerSource Flagler/Volusia for partial funding support for this initiative.

Mayor Green advised that the change in this item as emailed by the City Clerk prior to the meeting is for a motion to approve a waiver of formal bidding procedures.

Motion to approve item to include waiving formal bidding procedures was

made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.

Mr. Neff explained the need for training relating to HR policies, core competencies, leadership, etc. The quote was posted expecting a price of less than $25,000; however, the only quote received was for more than $25,000.

Mayor Green asked if it is open to all employees. Mr. Neff said it is limited to mid-level managers. He said the leadership training from Insight & Beyond will be half day trainings with the other half of the day being City specific training.

Councilman Ford would like it to be City-wide training in the future. He asked if monies would come back through a grant. Mr. Neff said yes.

Councilman Burnette is impressed with Mr. Neff's commitment to Staff.

Mr. Gardner is concerned with Department Heads going through the training, as well as the wage comment in the grant application.

Mr. Noftall said this same program was done with Finance and Fire in the past and he doesn't believe it went well.

Mr. Menocal supported the training. He believes it is important for employees to know what others are doing.

Motion carried 4-1 by roll call vote with
Mayor Green voting no.

Item #19 (c) - Approve the two year option for insurance coverage for property, crime, excess crime, inland marine and equipment breakdown

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

Item #19 (f) - Change Order No 1 to the Standard Contract for Services with Rexel, Inc. dated 2/10/2015

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

Item #19 (h) - Task Authorization No 1 under the Master Contract for Engineering Services with Arcadis U.S., Inc. for the Water Master Plan

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

Mr. Gardner doesn't support this study.

Councilman Ford doesn't believe this study is needed since a rate study was recently done.

Motion to table until after a workshop can be held regarding the I & I Report from Arcadis was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call vote.

J. REGULAR AGENDA

20. Victoria Gardens Boulevard Sidewalk TPO Project

Tim Burman, Planner, asked for direction to fund the project and move forward with design or withdraw the project from the projects ready for funding list.

Councilman Stiltner does not want to withdraw the project. Sidewalks are needed in the Victoria Gardens Blvd. area.

Vice Mayor Bastian agreed. Councilman Burnette didn't agree with the cost of the sidewalk but believes it is needed because of the school in the vicinity.

Motion to move forward with the project was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

Port Orange/South Daytona Chamber of Commerce Leadership Class introduced themselves.

K. COMMENTS

21. City Attorney Comments

Ms. Roberts asked Council for direction regarding Mr. Patel's interest in the Yorktowne property owned by the City. She asked Council if they would like to process the property as surplus property. She said there may be competition for the property. Mayor Green would like a competitive bid and would like the purchase price to be used for additional properties within the US 1 Corridor. Councilman Stiltner and Vice Mayor Bastian agreed with competitive bidding. Ms. Roberts said an appraisal will be done and a reserve will be determined. Councilman Burnette supported declaring it surplus. Councilman Ford agreed with Mayor Green to have a rolling fund for revitalizing US 1. Ms. Roberts will bring back a resolution for surplus property and the City Manager will move forward with appraisals.

22. City Manager Comments

Mr. Johansson advised Council that Staff has done research for others in the situation as those citizens who have complained of large water bills due to leaks, etc. Staff has handled those accounts in accordance with City policies and codes. He advised that he is unable to waive fees and/or costs. He is following the code as approved by Council but there are several who still cannot pay.

L. <u>COUNCIL COMMITTEE REPORTS</u>

23. City Council Committee Reports

a. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette advised that the "Doing Business with Port Orange" is scheduled for Thursday, October 29, 2015 at 8:00 a.m. He asked all to invite those interested. Business after hours is next month at the YMCA.

b. Arthaus – Councilman Burnette reported on the sidewalk art festival from Family Days.

c. Roundtable of Elected Officials – Mayor Green reported on the discussions regarding homelessness, water, transportation, and beach driving. They would like to set up training.

<u>ADJOURNMENT:</u> 8:25 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk