REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
NOVEMBER 10, 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 presented by Pastor Rebecca Hyvonen of Venetian Bay United Methodist Church.

Roll Call:	Present:	Councilman Bob Ford Councilman Donald Burnette Vice Mayor Drew Bastian Mayor Allen Green
	Absent:	Councilman Scott Stiltner
	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. AGENDA APPROVAL

Item(s) pulled: 16(a)

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

C. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

5. Recognition Awards

Gerald Monahan, Police Chief, and Lt. Aaron McIlrath presented awards to citizens and employees. Incoming Police Chief, Thomas Grimaldi was also present to deliver the awards.

6. Environmental Advisory Board Update

Newton White, Chairman, provided details of the Board's recent meetings. He raised a concern about citizens not being able to use reclaimed water for pressure washing. He asked Staff to review the regulations.

D. PUBLIC HEARING

7. First Reading - Ordinance No. 2015-39 - LDC Amendment/Chapters 12, 17, and 18; Case No. 15-25000004

Mayor Green read Ordinance No. 2015-39.

ORDINANCE NO. 2015-39

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 12, SECTION 4 TO REVISE THE PARKING REQUIREMENT FOR MINI-WAREHOUSE USES; AMENDING CHAPTER 17, SECTION 22.5 TO ADD MINI-WAREHOUSE AS A SPECIAL EXCEPTION USE IN THE INTERCHANGE COMMERCIAL DEVELOPMENT (ICD) ZONING DISTRICT AND TO ADD OFFICE/WAREHOUSE FACILITY AS A PERMITTED USE WITH SPECIAL DEVELOPMENT REQUIREMENTS IN THE INTERCHANGE COMMERCIAL DEVELOPMENT (ICD) ZONING DISTRICT; AMENDING CHAPTER 18, SECTIONS 3 AND 4 TO ADD SPECIAL REQUIREMENTS FOR THE MINI-WAREHOUSE USE AND SPECIAL DEVELOPMENT REQUIREMENTS FOR OFFICE/WAREHOUSE FACILITY USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-39 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Tim Burman, Planner, discussed the details of the request. There are three amendments being requested as listed in the agenda materials.

Councilman Ford is concerned with the parking amendment. He asked if Staff is convinced it is enough. Mr. Burman said Staff has researched the usage and believes the parking is sufficient.

Council believes it is a good use of the property.

Pete Heebner, Attorney for Applicant/Developer, said it will be a light traffic project.

Motion carried unanimously by roll call vote.

8. First Reading - Ordinance No. 2015-40 - Seventh Amendment to the Amended and Restated Port Orange Gateway Center Master Development Agreement; Case No. 15-40000001

Mayor Green read Ordinance No. 2015-40.

ORDINANCE NO. 2015-40

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SEVENTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT FOR THE PORT ORANGE GATEWAY CENTER PLANNED COMMERCIAL DEVELOPMENT (PCD); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-40 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

E. CITIZEN PARTICIPATION

9. Adrienne Anello - 6068 Spruce Point Circle

Adrienne Anello asked Council for clarification on her previous request for a reduction of her utility lien. She understood the direction given to Staff differently than Staff understood it. She asked that the penalties and interest be waived as well as garbage fees. She believes they should pay the costs associated with the water only. She calculated a total due of $1,485.88 for water charges. She doesn't believe they should pay for the previous tenants' usage. She asked Council to approve an amount that is fair for both parties.

Mr. Johansson advised that Staff has offered an agreement based on Council's direction. There is no policy for waiving or reducing utility liens. He suggested changing the Lien Amnesty Program Ordinance to include utility liens if Council so chooses rather than just a one time reduction. He suggested a total due of $5,250.

Vice Mayor Bastian wants to help them since the property is vacant. He supports a change in the ordinance but wants the City to always be made whole.

Councilman Burnette supports waiving penalties and interest but not water that was used and not paid for.

Councilman Ford supports helping to get the property back on the tax rolls. Council needs to be consistent. He recommended real costs without fines.

Mayor Green believes the costs are associated with Staff working on this issue and providing the services.

Mr. Johansson said the utility bills equal $3,939, late charges total $2,819, plus lien fees in the amount of $62.00 and $685 for additional late fees minus $1,491.01 that has already been waived, the total due is $5,914.33. Minus another $664 for the garbage fee since no garbage was going into the dump, he suggested a total due of $5,250.00.

Motion to settle for utilities only was made by Vice Mayor Bastian subject to verification of the amount by Finance, and Seconded by Councilman Ford.

Ted Noftall, citizen, advised that the true costs is not the total water bill. That charge has a profit built into the water rate.

Motion failed 2-2 by roll call vote with Mayor Green and Councilman Burnette voting no.

Vice Mayor Bastian asked that it be revisited when Councilman Stiltner is present.

Margaret Roberts, City Attorney, advised Council if they want to consider discounting utility liens, they should set policy as they did in the code enforcement liens.

Motion to reconsider was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried 3-1 by voice vote with Mayor Green voting no.

Motion to approve $4,050 was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried 3-1 by roll call vote with Mayor Green voting no.

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

Mr. Noftall asked for a fluoride update. He asked for the savings calculations for the meter project as noted in an email to the City Manager. He said it is important for citizens to know what the reclaimed water program is to be used for. Mr. Johannson said Dr. Connett will be in front of Council on November 17, 2015 to discuss fluoride.

G. COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Councilman Ford asked to have the fountain fixed on Dunlawton Avenue. He said a group of citizens may volunteer to paint it. He'd like to see plantings as well. He asked for an update on the trailer for the Historical Trust. Mr. Johansson said it is currently on track for January move in.

Councilman Burnette asked if the workshop will include the financial issues with the meters. Mr. Johansson will double check with Finance. Councilman Burnette asked about the meeting with the County regarding timing of the traffic lights on Dunlawton. Mr. Johansson will provide a Staff Report to Council. The meeting was held today.

H. CONSENT AGENDA

11. Approval of Minutes
    a. November 3, 2015 - Regular City Council Meeting
12. Biketoberfest Report
13. Crime Report
14. Request to fill Accountant I/Payroll early
15. Resolution No. 15-81 - FIND Grant Acceptance for Riverwalk Park 1B
16. Bid Awards and Contract Items
    a. Legislative Services Agreement with Pittman Law Group
    b. Change Order No. 2 to the A.G. Pifer Construction Co., Inc. Contract for Riverwalk Park Phase 1A

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 #16(a) - Legislative Services Agreement with Pittman Law Group

Councilman Ford does not support the hiring of a lobbyist. He believes the Council Members should do the lobbying.

Mayor Green believes Pittman Law Group has kept him informed.

Councilman Burnette doesn't believe it would be a level playing field without a lobbyist.

Motion to approve was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion failed 2-2 with Councilman Ford and Vice Mayor Bastian voting no.

I. REGULAR AGENDA

17. Resolution No. 15-77 - Recommending Elimination or Limiting the Jurisdiction of the Volusia County Growth Management Commission

Mayor Green read Resolution No. 15-77.

RESOLUTION NO. 15-77

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REQUESTING THE VOLUSIA CHARTER REVIEW COMMISSION TO RECOMMEND AN AMENDMENT TO THE VOLUSIA COUNTY CHARTER EITHER ELIMINATING THE VOLUSIA GROWTH MANAGEMENT COMMISSION OR ALTERNATIVELY LIMITING THE JURISDICTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION TO ONLY CONDUCT REVIEWS AND HEARINGS OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS OF LOCAL GOVERNMENTAL ENTITIES WHEN AN OBJECTION TO A PROPOSED COMPREHENSIVE PLAN AMENDMENT IS FILED BY ANOTHER LOCAL GOVERNMENTAL ENTITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 15-77 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Kent Sharples, citizen, supported the Resolution. VGMC was needed at one time but it slows the development process. The Committee is made up of appointees, not elected officials.

Councilman Ford needs more time to think about this issue. He believes growth management is needed between the cities. Mr. Sharples agreed with the need for balanced growth. He asked Council if they want appointees making decisions on the growth of Port Orange rather than the Port Orange Council who was appointed.

Councilman Burnette is against the abolishment of the VGMC. He believes the group may need to be changed.

Vice Mayor Bastian suggested tabling the item for a full Council vote.

Debbie Connors, VGMC Representative, agreed to the need for more time to discuss this item. There is a lot of information to review and several projects would benefit from the Commission.

Motion to table until December 1, 2015 was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

18. Resolution No. 15-78 - Budget Encumbrances and Project Carry Over Appropriation

Mayor Green read Resolution No. 15-78.

RESOLUTION NO. 15-78

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING FUNDS FOR ADDITIONAL PROJECT CARRY OVER FUNDS FISCAL YEAR 2014-2015 TO FISCAL YEAR 2015-2016 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 15-78 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Tracey Riehm, Finance Director, provided details of the carry over funds.

Councilman Burnette asked what the $3,000 is for that is listed for the Cincinnati Zoo. Ms. Riehm said the 416 and 420 funds are forestry projects. She will provide further information. Councilman Burnette asked what the project is with the $646,000 earmarked in the 320 fund. Ms. Riehm said that is the Riverwalk project.

Councilman Ford hopes next year won't include so many carry overs.

Vice Mayor Bastian asked what the small amounts are for EJ Ward in the 401 funds. Ms. Riehm advised those are fuel expenses.

Motion carried unanimously by roll call vote.

19. Resolution No. 15-79 - FY15 Budget Execution Review

Mayor Green read Resolution No. 15-79.

RESOLUTION NO. 15-79

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING OPERATING AND CAPITAL FUNDS FOR VARIOUS CITY OPERATIONS; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 15-79 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no comments.

20. Resolution No. 15-80 - FY15 Budget Appropriations - Budget Additional Carry-forward

Mayor Green read Resolution No. 15-80.

RESOLUTION NO. 15-80

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING FUNDS FOR ADDITIONAL PROJECT CARRY OVER FUNDS FISCAL YEAR 2014-2015 TO FISCAL YEAR 2015-2016 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 15-80 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Ford said the policy states the unused funds are lost. He is concerned that the funds not used in the City Attorney's Office are being rolled over. Those funds should go back into the general fund.

Ms. Riehm explained that the City Attorney has asked for the roll over funds to help fund additional attorney's fees for litigation and labor negotiations.

Councilman Ford asked that all funds for the golf course be listed in one account. He agreed with the $10,000 for the maintenance of the golf course but he'd like it to be in the golf course account.

Ms. Roberts was unsure how the Cody Study would affect the Legal Department's salaries. Some of the funds being requested are for outside legal assistance with lawsuits and other items.

Motion carried 3-1 by roll call vote with Councilman Ford voting no.

J. COMMENTS

21. City Attorney Comments

There was nothing further to report.

22. City Manager Comments

Mr. Johansson advised that Staff is participating in the Feed the Need food drive along with the County and other cities. Food and money can be donated.

K. COUNCIL COMMITTEE REPORTS

23. City Council Committee Reports

a. ArtHaus – Councilman Burnette said the meeting is coming up Thursday.

b. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette reported on the Chamber After Hours from 5-7 at the YMCA on Thursday.

c. Roundtable – Mayor Green reported on the meeting. They discussed the homeless in the County.

ADJOURNMENT: 8:15 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk

REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

NOVEMBER 10, 2015

AGENDA

ALL CITIZENS DESIRING TO ADDRESS THE PORT ORANGE CITY COUNCIL DURING CITIZEN PARTICIPATION SHOULD COMPLETE A SPECIAL APPLICATION FORM WHICH IS LOCATED ON THE STANDS OUTSIDE THE COUNCIL CHAMBERS. AFTER COMPLETING THE FORM, PRESENT IT TO THE CITY CLERK.

A. OPENING

1. Pledge of Allegiance
2. Invocation - Pastor Rebecca Hyvonen - Venetian Bay United Methodist Church
3. Roll Call
4. Rules of Procedure

B. AGENDA APPROVAL

C. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

5. Recognition Awards
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D. PUBLIC HEARING

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20. Resolution No. 15-80 - FY15 Budget Appropriations - Budget Additional Carry-forward

J. COMMENTS

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22. City Manager Comments

K. COUNCIL COMMITTEE REPORTS

23. City Council Committee Reports
    a. ArtHaus
    b. Port Orange/South Daytona Chamber of Commerce
    c. Roundtable

L. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.