REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
DECEMBER 1, 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 Pastor 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.

AGENDA APPROVAL

Items pulled: #19 and 20 (b)

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.

SPECIAL REPORTS AND PRESENTATIONS

5. Nancy Keefer - Daytona Regional Chamber of Commerce

Nancy Keefer spoke regarding things happening with the Daytona Regional Chamber of Commerce. Council thanked Ms. Keefer for the presentation.

PUBLIC HEARING

6. Second Reading - Ordinance No. 2015-38 - Police Pension Benefits

Mayor Green read Ordinance No. 2015-38.

ORDINANCE NO. 2015-38

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE V, CODE OF ORDINANCES, ENTITLED AMENDING THE CITY OF PORT ORANGE POLICE PENSION FUND; AMENDING SECTION 54-130 TO IMPOSE ANNUAL MAXIMUM ON BENEFITS PAYABLE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-38 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

7. Second 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 approve Ordinance No. 2015-39 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

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

9. First Reading - Ordinance No. 2015-41 – Annexing approximately 5 acres of property located at 1780 Taylor Road into the City of Port Orange.
Case No. 15-10000001

Mayor Green read Ordinance No. 2015-41.

ORDINANCE NO. 2015-41

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING APPROXIMATELY 5 ACRES OF PROPERTY LOCATED AT 1780 TAYLOR ROAD; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-41 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Penny Cruz, Planner, provided details of the requested voluntary annexation.

Motion carried unanimously by roll call vote.

10. First Reading - Ordinance No. 2015-42 - Small-Scale Comprehensive Plan Amendment changing the Future Land Use (FLU) designation for 1780 Taylor Road from Volusia County Urban Low Intensity (ULI) to City of Port Orange Suburban Residential (2-4 units/acre).
CASE NO. 15-20000001

Mayor Green read Ordinance No. 2015-42.

ORDINANCE NO. 2015-42

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY. FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE DESIGNATION FROM VOLUSIA COUNTY URBAN LOW INTENSITY (ULI) TO CITY OF PORT ORANGE SUBURBAN RESIDENTIAL (2-4 UNITS/ACRE); PROVIDING FOR CONFLICTING ORDINANCES. SEVERABILITY AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-42 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Ms. Cruz provided details of the request and answered questions of Council.

Motion carried unanimously by roll call vote.

11. First Reading - Ordinance No. 2015-43 – Rezoning and 1st Amendment to the Amended and Restated Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Crane Lakes Planned Unit Development (PUD).
CASE NO. 15-40000002

Mayor Green read Ordinance No. 2015-43.

ORDINANCE NO. 2015-43

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +/-5 ACRES ADJOINING THE CRANE LAKES DEVELOPMENT FROM VOLUSIA COUNTY R-2 TO CITY OF PORT ORANGE PLANNED UNIT DEVELOPMENT (PUD) AND APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR THE CRANE LAKES PLANNED UNIT

DEVELOPMENT (PUD); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-43 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Ms. Cruz provided details of the last step for the project.

Mike Gardner, citizen, asked who is representing the City in negotiations for the City with the Crane Lakes project.

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

12. Special Exception for a Mini-Warehouse Facility at 5811 S. Williamson Blvd. Case no. 15-70000001

Tim Burman, Planner, advised Council that the applicant is asking Council for a special exception to develop a mini-warehouse facility within the Interchange Community Development (ICD) zoning district. If the request is approved, the applicant will have to submit a site plan for staff review and proposed development will be required to meet all City Codes.

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

Peter Heebner, Attorney for developer, asked Council to waive the requirement to have a vertical wall and allow landscaping to be used for buffering instead.

Mr. Burman said the landscaping meets the code for buffering.

Council agreed to the landscaping instead of a wall.

Motion amended to approve the request subject to the landscape buffering instead of a wall was made by Vice Mayor Bastian, and Seconded by Councilman Ford.

Motion to amend carried unanimously by voice vote.

Amended Motion carried unanimously by roll call vote.

Council recessed at 7:13 p.m. to hold a Town Center CRA Meeting, minutes of which are under separate cover.

Council reconvened at 7:15 p.m.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

13. Citizen Advisory Committee for TPO

Bobby Ball provided details of the recent CAC meeting. Councilman Ford asked for an update on the grant request for the walklights on Dunlawton Avenue. Mr. Ball will find out and advise Council.

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

Bob Duquette, General Manager, provided details on the golf course for the month of October 2015.

CITIZEN PARTICIPATION (Agenda)

15. Cameron McClelland-Spruce Creek High School Fastpitch Coach

Cameron McClelland requested a partial fee waiver for Coraci Park for the Spruce Creek High School's Fastpitch Team. The request is to waive $1,000 for this year as they did last year. They agree to continue to help put the fence up and reduce the fee of the concession stand to $50.00. Mr. Johansson advised that there is a lot of payment in kind from the team. He supported the request. Council agreed to the request.

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

16. Volusia's Best Presentation - Ned D. Harper, Small Business Development Center

Ned Harper addressed Council regarding Volusia's Best program which provides a personalized training program for local companies and businesses, identifying areas that need improvement, then providing training to turn those weaknesses into strengths. Mr. Harper asked Council for a donation to the company. Mr. Johansson will bring information back to Council regarding surrounding cities opinions and options.

Councilman Ford is concerned with the other organizations that will come forward asking for money if they give to this one. Council agreed.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Ted Noftall, citizen, addressed Council regarding water leaks. He is concerned with the agreement made with a 74 year old woman who advised Council she cannot afford the payments. He believes the actions of the City Attorney's Office should be of concern to Council. He asked Council to complete the tower read computer integrated real time measurement of water use to notify customers of high reads. He also asked Council to include a donation option on the water bills.

Edith Shelley, Halifax Health Representative, addressed Council regarding a health survey. Councilman Burnette asked that a PSA announcement be played on pogTV.

COUNCIL COMMENTS

17. Comments/Concerns from Council Members

Councilman Ford attended training for pensions and asked the City Attorney to look into share plans. He said the Fire Pension (excluding the unfunded liability) is fully funded for new tier 2 employees. He asked for a status update on the bus benches. He would like a few benches installed each year based on needs. Councilman Ford would like to honor Charlie Ragio for his service to the community. Mr. Ragio passed away recently.

Councilman Burnette provided details of the holiday events for this weekend.

Vice Mayor Bastian asked Mr. Johansson to bring back options regarding a lobbyist for the City.

Councilman Stiltner agreed with options for a lobbyist. He asked that Mr. Ragio be honored by rebuilding the VIP program.

CONSENT AGENDA

18. Approval of Minutes

a. November 10, 2015 - Regular City Council Meeting
b. November 17, 2015 - City Council Workshop

19. Resolution No. 15-82 - Budget Appropriation
20. Bid Awards and Contract Items

a. Ratify and confirm the decision of the City Manager for Change Order No. 5 to McMahan Construction Contract for the Williamson Blvd. Regional Lift Station Project

b. Laundering/Dry Cleaning Service for Police and Fire Personnel

c. Renewal of Piggyback Agreement with Phillips and Jordan Inc. for Debris Removal, Reduction and Disposal

d. Award Bid #B16-03 to Meeks Plumbing, Inc. for Digester Cleaning

e. Renewal of Piggyback Agreement with AshBritt Inc. for Debris Removal, Reduction and Disposal

f. Renewal of Piggyback Agreement with Crowder-Gulf Joint Venture Inc. for Debris Removal, Reduction and Disposal

g. Approval of Municipality/Transportation Planning Organization FY 2015/2016 Funding Agreement

h. Change Order No. 2 to Sawcross Incorporated Contract for the Reclaimed Water Reservoir Outfall and Filtration Project Bid #15-09

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

Item #19 - Resolution No. 15-82 - Budget Appropriation

Mayor Green read Resolution No. 15-82.

RESOLUTION NO. 15-82

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

Motion to approve Resolution No. 15-82 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Burnette believes option #2 is better than option #1 as recommended by Staff so that the loan amount can be paid back into the fund paying for the repair.

Tracey Riehm, Finance Director, advised that Staff recommended option #1 because the 412 fund doesn't have a lot of extra cash.

Councilman Ford agreed with Councilman Burnette. He wants to see the expenses accounted for more clearly.

Councilman Stiltner is concerned with spending this money to repair the machine rather than replacing the machine with a new one. He asked if rental equipment can be used when the machine is down.

Motion to amend the motion to approve Resolution No. 15-82 to include option #2 was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

Motion to approve Resolution No. 15-82 to include option #2 was made by Councilman Burnette, and Seconded by Councilman Ford.

Mr. Noftall asked if the internal accounting procedures have been changed so that monies are being tracked in the drainage fund. He is concerned with the funds being used outside of drainage projects. Mr. Johansson advised that the drainage staff is still working on drainage projects when the Menzi Muck machine is down. He said staff is working to get the clarity being requested.

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

Item #20(b) - Laundering/Dry Cleaning Service for Police and Fire Personnel

Councilman Ford would like these services to be opened in two (2) years so that Port Orange businesses can attempt to serve the City.

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

<u>TABLED ITEMS</u>

21. <u>Resolution No. 15-77</u> - Recommending Elimination or Limiting the Jurisdiction of the Volusia County Growth Management Commission (Tabled November 10, 2015)

Motion to remove from the table for further discussion was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 4-1 by roll call vote with Councilman Ford voting no.

Mayor Green read Resolution No. 15-77.

<u>RESOLUTION NO. 15-77</u>

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

Councilman Stiltner believes it needs to be eliminated or restructured.

Mr. Johansson said the State still has the ability to monitor the projects.

Councilman Ford doesn't believe it delays projects more than a month or two. He doesn't want to see it eliminated. He thinks it's a good process.

Councilman Burnette doesn't support eliminating the Commission. He wants it back to the way it was established.

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

REGULAR AGENDA

22. Investment Policy

Ms. Riehm discussed the changes being recommended to the City's Investment Policy.

Council agreed with the need for changes and supported the recommendations. They would like to keep investments conservative.

Motion to approve the investment policy for the asset backed securities was made by Councilman Burnette, and Seconded by Councilman Ford. Motion and Second withdrawn.

Motion to approve all recommendations except the section regarding A-rated Corporate Notes was made by Councilman Burnette, and Seconded by Vice Mayor Bastian.

Mr. Gardner is concerned with investing in overseas debt and banks. He expressed concerns with A-rated bonds.

Motion carried 4-1 with Councilman Ford voting no.

COMMENTS

23. City Attorney Comments

There was nothing further to report.

24. City Manager Comments

Mr. Johansson advised that the bus bench plan is being worked on now. Staff is working with the County to determine which benches need to be installed first. Mr. Johansson introduced Cindy DePina as the new Administrative Services Director.

COUNCIL COMMITTEE REPORTS

25. City Council Committee Reports

a. ArtHaus – Councilman Burnette - Laurie Ring will be hosting the City Manager and Assistant City Manager for a tour of the facility this week.

b. River to Sea TPO – Councilman Ford –TPO discussed their budget, as well as project lists.

c. General Employees' Pension Plan – Councilman Stiltner had nothing to report.

d. YMCA – Councilman Stiltner asked about Phase III of the renovations. Ms. Roberts advised there is an agenda item on the December 8, 2015 agenda for Council consideration.

e. Police Pension Plan – Vice Mayor Bastian reported on the performance from last year. So far this year, the plan is up almost 3.5%.

f. Fire Pension Plan – Councilman Ford reported on the performance of the Fire Pension Plan. New actuarial age charts are coming from the State.

Mr. Noftall expressed his concerns with amounts paid on the pension plans. Mayor Green asked Staff to review Mr. Noftall's calculations provided a few months ago. Mr. Noftall will provide same to Mr. Johansson.

<u>ADJOURNMENT:</u> 8:53 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk