REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

NOVEMBER 5, 2014

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. Silent Invocation
3. Roll Call

B. SPECIAL PRESENTATIONS, AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

4. Citizen Police Academy
5. Recognition Awards

C. PUBLIC HEARING

6. Second Reading - Ordinance No. 2014-25 - Amendment to Police Pension Ordinance - Section 54-134 of Article V of Chapter 54 of the Code of Ordinances

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

E. COUNCIL COMMENTS

7. Comments/Concerns from Council Members

F. CONSENT AGENDA

8. Approval of Minutes
    a. October 7, 2014
9. Crime Report

G. ORDINANCES

10. Emergency Ordinance No. 2014-29 - Extension for Roll-Off Franchise Agreements

H. COMMENTS

11. City Attorney Comments
12. Interim City Manager Comments

I. 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.

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE **11/05/2014**

Consent item: No

SUBJECT: Citizen Police Academy

DEPARTMENT: Police Services

RECOMMENDED MOTION:

SUMMARY: Officer Serena Besuden will make a presentation on the Citizen Police Academy

Project No.:	Funding Account No.:

ATTACHMENTS:

Grabowski, Debbie	Created/Initiated - 10/20/2014
Monahan, Gerald	Approved - 10/20/2014
Harden, David	Final Approval - 10/20/2014

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE **11/05/2014**

Consent item: No

SUBJECT: Recognition Awards

DEPARTMENT: Fire/Rescue Services

RECOMMENDED MOTION:

SUMMARY: The Police Department will present awards to employees and citizens.

Project No.:	Funding Account No.:

ATTACHMENTS:

Grabowski, Debbie	Created/Initiated - 10/16/2014
Monahan, Gerald	Approved - 10/16/2014
Harden, David	Final Approval - 10/16/2014

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE **11/05/2014**

Consent item: No

SUBJECT: Second Reading - Ordinance No. 2014-25 - Amendment to Police Pension Ordinance - Section 54-134 of Article V of Chapter 54 of the Code of Ordinances

DEPARTMENT: Administrative Services

RECOMMENDED MOTION: To adopt Ordinance No. 2014-25, amending Section 54-134 of Article V of Chapter 54 of the Code of Ordinances.

SUMMARY: The attached ordinance has been prepared by the Attorney for the Police Pension Fund, Mr. Ken Harrison, to enhance investment opportunities for the Police Pension Board of Trustees. The proposed ordinance modifies language relating to the percentage of assets that may be invested in domestic stocks and foreign securities. The proposed language also modifies the measurement basis to "market" rather than "cost". The Police Pension Board recommended approval of these proposed amendments at their meeting of August 22, 2014. An actuarial impact statement of the proposed ordinance, dated September 28, 2014, has been prepared by the Police Pension Fund's Actuary, Mr. Chad M. Little, and is attached for review.

Project No.:	Funding Account No.:

ATTACHMENTS:

1.	Ordinance No. 2014-25	Ordinance No 2014-25.pdf

Fenwick, Robin Created/Initiated - 10/24/2014

ORDINANCE NO. 2014-25

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE POLICE PENSION FUND TO PROVIDE ENHANCED INVESTMENT OPPORTUNITIES BY AMENDING SECTION 54-134, BOARD OF TRUSTEES TO INCREASE THE EQUITY INVESTMENT LIMIT, CHANGE VALUATION TO "AT MARKET" AND TO INCREASE THE INTERNATIONAL INVESTMENT LIMIT; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange Police Pension Fund diligently monitors the fund's assets and investment in a manner to maximize returns on said assets and investments by utilizing professional advisors with expertise in such areas, and

WHEREAS, said advisors have recommended revising specific limitations on assets and investment that will better position the fund's portfolio to achieve improved future returns, and

WHEREAS, the trustees of the City of Port Orange Police Pension Fund has requested and approved such amendments as being in the best interests of the participants and beneficiaries as well as improving the administration of the plan, and

WHEREAS, the City Council has received and reviewed an actuarial impact statement related to this change and attached as such; and

WHEREAS, the City Council deems it to be in the public interest to provide this change to the retirement plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AS FOLLOWS:

Section 1. Section 54-134, Board of Trustees, of the City of Port Orange Police Pension Fund is hereby amended as follows:

> *Duties.* The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:
>
> (e) To invest and reinvest such funds as are not necessary for current expenditures or liquid reserves, as the board may from time to time determine, in a manner consistent with the investment policies or guidelines adopted by the board, provided that pension fund investments in common stocks shall not exceed ~~60~~ <u>sixty-five</u> percent <u>(65%)</u> of the value of the pension fund investment portfolio, at ~~cost~~ <u>market value</u>. The board of trustees may sell, exchange or otherwise dispose of such investments at any time, and from time to time, as determined appropriate by the board. The board of trustees shall have the authority, in respect to any stocks, bonds or other property, real or personal, held by the board, to exercise all such rights, powers and privileges as may be lawfully exercised by any person owning similar stocks, bonds or other property in his own right. Notwithstanding the above, no more than ~~ten~~ <u>twenty-five</u> percent <u>(25%)</u> of fund assets may be invested in foreign securities.

<u>Section 2.</u> Specific authority is hereby granted to codify and incorporate this ordinance in the existing Code of Ordinances of the City of Port Orange.

<u>Section 3.</u> All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

<u>Section 4.</u> If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provision or applications of this ordinance which can be given effect without the invalid provision or application, and to this and the provisions of this ordinance are declared severable.

Section 5 This ordinance amendment shall take effect on adoption.

____
MAYOR ALLEN GREEN

ATTEST:

____
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the _____ day of ______________, 2014.

Passed and adopted on second and final reading on the _____ day of _________________, 2014.

Reviewed and Approved:________________________________
Margaret T. Roberts, City Attorney

FLA
FREIMAN LITTLE ACTUARIES

September 28, 2014

Karan Rounsavall
Pension Administrator
City of Port Orange Police Officers' Pension Fund
3695 Indian River Drive
Cocoa FL 32926

Re: Impact of Proposed Ordinance Regarding Investments

Dear Karan:

This letter is being written to provide a statement of no impact with regard to the attached proposed ordinance for the City of Port Orange (the City) Police Officers' Pension Fund (the Plan) which provides language related to investments.

Summary of Changes

Section	Amendment
54-134(e)(10), Board of Trustees, Duties	Modifies language relating to the percentage of assets that may be invested in domestic stocks and foreign securities. Modifies the measurement basis to "market" rather than "cost".

Actuarial Impact

The liability of the Plan is not anticipated to be materially affected by these changes in Plan provisions. We have assumed that the investment portfolio will continue to target a return greater than or equal to the assumed rate.

Please let us know if you have any questions or need additional information.

Sincerely,

Chad M. Little, ASA, EA
Partner, Consulting Actuary

4105 SAVANNAHS TRAIL, MERRITT ISLAND, FL, 32953-8607 • OFFICE (321) 453-6542 • FAX (321) 453-6998 • MOBILE (321) 591-8265 • chad@flactuaries.com • www.flactuaries.com

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
OCTOBER 7, 2014

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 Drew Bastian Councilman Dennis Kennedy Vice Mayor Donald Burnette Mayor Allen Green
	Also Present:	David Harden, Interim City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk

Mayor Green asked to move the soccer club discussion on fields up (item #8) on the agenda. Council agreed and the item was heard first.

Tracey Riehm, Interim Finance Director, introduced Lori Wolfe, Accounting Manager, and Lori Bockelman, Compliance Manager.

<u>SPECIAL AWARDS, REPORTS, RECOGNITION, AND PROCLAMATIONS</u>

4. pogTV 2014 Film Festival Winners

Kent Donahue, Grants Coordinator/PIO, announced the winners of the 2014 pogTV Film Festival and presented them with their awards.

5. Staff Report on Flooding Issues

David Harden, Interim City Manager, asked Wayne Clark, Community Development Director, to discuss overall flooding in the City. Mr. Clark provided details of the damage from the September 24, 2014 rain event. There were 70 structures impacted by water, with approximately 15 duplicate structures impacted in 2009.

Councilman Ford asked if Staff can continue to look into what’s causing the flooding issues. He wants a long range plan for fix the issues.

Vice Mayor Burnette suggested looking at the code to require stormwater retention when changes and improvements are made. Mr. Clark said the shopping center by Sleepy Hollow didn't require stormwater retention because they didn't make enough changes nor add impervious surfaces. Vice Mayor Burnette is disappointed that the City Staff is in a reactive mode rather than proactive, as well as the lack of communication. The Department Directors need to be more involved during emergencies. He asked how long it will take to get the automatic sensor fixed in the Dunlawton Pond. Brad Blais, Quentin L. Hampton Associates, advised that the automatic sensor can be replaced within a week or two. The part is still under warranty. Vice Mayor Burnette would like a follow up report with timeframes provided. He agreed with the recommendation regarding formal pre-disciplinary investigation. He wants a follow up with timelines. Vice Mayor Burnette supports direction to the City Manager to solicit a proposal from one of the City's engineering consultants to do a thorough inflow/infiltration study of the sanitary sewage collection system.

Mayor Green believes the communication mechanism was lost with the loss of emergency management to the County.

Mr. Blais asked Council if they want the system to be automatic or have it set up for Staff to have control of the system. (No response)

Councilman Ford asked if the water could be pumped to the wellfields as an additional option. Mr. Harden said that's an option Staff has looked at already. Mr. Blais said this project is currently being worked on.

Vice Mayor Burnette restated his support for the recommendations from Mr. Harden and would like a timeframe.

Councilman Bastian thanked Mr. Harden for his report. He asked if the City owns any property in the areas flooded. Mr. Harden said the drainage plan from 1999 needs to be updated. It needs to be addressed systematically.

Councilman Kennedy is also disappointed in the flooding issues. He supported an update to the drainage plan. Andrew Giavanni, Quentin L. Hampton, explained that the sensor part was on order prior to the storm.

Mayor Green believes the neighboring cities need to do more to push water out.

Councilman Ford requested that Mr. Harden and Staff provide a complete emergency management plan with protocols and direction. He wants checks of the outfalls in the City. He wants Staff to be proactive.

Vice Mayor Burnette asked for the impact map from 2009 to compare with this rain event.

Mayor Green asked for public comments.

Jim Meadows, citizen, addressed Council regarding the flooding at his house in Sleepy Hollow. He said the ditch hasn't helped. He said the streets were so flooded citizens couldn't get out of the neighborhood. He supports a fix to the flooding problems.

Margaret Preston, citizen, said the culvert on Palmetto Avenue has failed and should be removed. The culverts at Norman Avenue are clogged.

Mike Gardner, citizen, addressed Council regarding the flooding. He thanked Mr. Harden for the timely report. He doesn't agree with all of the statements from Mr. Harden relating to the Dunlawton Avenue project. He doesn't believe it is the fault of the homeowner's.

Debbie Callahan, citizen, addressed Council with her concerns with the flooding at her house. She said the road is falling into the canal. She asked that someone look into it.

Wayne Wilcox, citizen, thanked Mr. Harden for his report and asked to get protocols in place.

Lana Loss, citizen, would like something to be done in Sleepy Hollow to help with the flooding. She provided pictures of her home.

Paul Rozar, citizen, also discussed his concerns about the flooding. He suggested a 2-3 foot high natural berm at Spruce Creek Road and Dunlawton Avenue.

Vice Mayor Burnette thanked Mr. Rozar for his work cleaning out drains in the neighborhood.

David Carnagie, citizen, discussed his problems with flooding. His home has flooded three times. He believes it's going to happen again and he wants Council to help.

Michelle Simpson, citizen, also has flooding issues on Moonstone Court. She asked Council for help with the flooding problems in the area.

Ted Noftall, citizen, would like to hear how the Dunlawton Pond project was supposed to work. He asked if a more extensive report or a Special Meeting to discuss the flooding issues in more detail. He would like to know where the department directors were during the storm.

Mark Tomlinson, citizen, is concerned with the flooding.

Mayor Green asked for a Special Meeting with all the necessary people.

Motion to direct the City Manager to solicit a proposal from one of the City's engineering consultants to do a thorough inflow/infiltration study of the sanitary sewage collection system was made by Vice Mayor Burnette, and Seconded by Councilman Bastian. Motion carried unanimously by roll call vote.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

6. Parks & Recreation Advisory Board Report

Jack Wiles, Chairman, provided details of the Board's most recent meeting. The Board supported competitive bidding of the golf course renovations. The Board will meet again in February 2015 where they will discuss the FY16 budget. He suggested a joint meeting with Council in April. He asked Council to keep in mind the recommendation for a Community Center.

Mayor Green would like to have a meeting with the Parks Board and Finance to prioritize.

CITIZEN PARTICIPATION

7. Kyle Brayman – Requested to thank City Council

Kyle Brayman thanked Council for the opportunity to work for Port Orange. He is saddened that he is unable to provide for his family by staying with the City.

8. Soccer Club – Request to discuss additional fields

Mike Woelfle, President of The Port Orange Soccer Club, addressed Council regarding their need for additional fields and the maintenance of the existing soccer fields.

Susan Lovallo, Parks & Recreation Director, provided details of the Coraci field construction. Southwinds fields will be renovated in 2015. Fields are limited. She and her Staff are doing their best to schedule all who want to use the fields.

Mayor Green said partners are needed to get a sports complex.

Councilman Bastian asked about lights at the Southwinds fields. Ms. Lovallo advised that there is an agreement with the homeowner's association to not put lights up. She will be happy to discuss it with the current homeowner's association to see if they will be in agreement to have lights added.

Vice Mayor Burnette said baseball fields are being used for soccer and there's no rest time for any of the fields. More fields are definitely needed. He'd like to see some recreation grants help with funding.

Councilman Ford wants to get serious about making progress on fields. He supports making funding available for fields. The 22 acres behind Sumter Hardware could be looked at for fields. He is committed to building a complex west of I-95. He would like the City Manager to provide a plan for short term and long term fixes for fields.

Mayor Green asked for a schedule of the Southwinds fields renovations.

9. Friends Carving Club – Co-Sponsor and Fee Waiver Request

John Carlton, Friends Carving Club, asked Council to co-sponsor their woodcarving show and waive the fee of the building.

Motion to co-sponsor the woodcarving show and waive the fee of the building was made by Councilman Ford, and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

10. Brandon & Tasha LaVelle – Request to waive utility lien

Tasha LaVelle, citizen, asked Council to waive the utility lien on a home they are hoping to purchase. Mr. Harden suggested Council vote on this circumstance and also discuss and provide direction on this issue overall. The City has not spent any money on this home directly.

Motion for a policy to waive soft costs for foreclosure properties and shortsales for those buyers who will live in the property, not investors was made by Councilman Ford, and Seconded by Councilman Kennedy.

Corey Berman, property owner, promised to sue the City if they approve this waiver. He believes he has paid over $100,000 in fees on properties he has listed. He does not support a waiver.

Councilman Bastian wants to help Mr. and Mrs. LaVelle.

Councilman Kennedy wants to help to transfer the cost to the previous owner.

Mayor Green said there used to be a fund provided by donors to help in situations like this.

Shawn Goepfert, citizen/Realtor/Insurance Agent, advised that insurance companies are not providing insurance if the water or electric is not turned on for the inspections. He cautioned Council on opening the flood gate by waiving fees on a short sale property.

Margie Padgett, citizen/Title Agent, suggested a comprehensive review of the water utility billing policies. She believes it violates a person's right to contract if there are outstanding water bills after a closing. She believes the person who gets the water service from the City is responsible for the payments.

Ms. LaVelle advised that she is currently paying on a home where she and her family have been living but they are unable to afford the mortgage at that home since her husband graduated school. She understands both sides but would request help to get this house on the tax roll. Brandon LaVelle advised they are a family trying to close on the house. They are not investors.

Mayor Green would consider carrying a note and increase the monthly water bill.

Councilman Ford would like advice from the City Attorney. He believes it is more complex than originally thought.

Vice Mayor Burnette would like Council to discuss this as a policy issue.

Councilman Bastian wants to help this situation.

Councilman Kennedy would like more information as well.

Motion withdrawn by Councilman Ford, and Second was also withdrawn by Councilman Kennedy.

Margaret Roberts, City Attorney, advised that the City does not collect monies owed against the owner for a tenant's charges. That is a violation of Florida Statute and Staff is aware of that. She advised that the utility revenues are bonded revenues and are essential to the operation. She said an incentive program could be utilized but would take time to implement.

No decision was made on the request at hand.

11. UPS Request to use Golf Carts in Residential Communities from 10/15–12/31/2014

Robbie Monroe, UPS Daytona Beach, discussed golf cart usage during peak holiday times and asked for Council's approval.

Jerry Monahan, Police Chief, said they have the right to use the golf carts if they meet with requirements of the Statutes. Officers can inspect on site if issues are observed.

Mr. Berman addressed his concern with the trailers not having any lights. He is also concerned with the storage of the packages at homes without having a business license. He believes there should be an ordinance to not allow UPS to utilize golf carts.

Newton White, citizen, is concerned with the golf carts limited speed of 20 mph. He doesn't support the use of golf cart. He suggested an Ordinance restricting the use on roads with 35 mph or higher speeds.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. Noftall asked for an update relating to VCOG. Mayor Green said VCOG is shutting down. He recommends funding a new position for the City Clerk's Office with the refund from VCOG.

Mr. Berman addressed Council regarding the condition of Lafayette between Herbert Road and Dunlawton Avenue from the run off of the church. He asked that Staff ask them to fix the road again. Councilman Ford advised they have applied for a permit and will be paving the parking lot soon.

John Cheney, citizen, addressed Council regarding his concerns with the insurance certificates and the bidding process problems. Councilman Ford asked that the policies be changed or followed. Mr. Harden advised that the Purchasing Manager provided an explanation. He said there are some language changes coming as well. Councilman Ford said an insurance agent who called him said there are some problems with the insurance being provided.

COUNCIL COMMENTS

12. Council Member Comments

There were none.

CONSENT AGENDA

13. Approval of Minutes
    a. September 16, 2014 – Regular City Council Meeting
14. Construction Activity Report
15. Special Event Request – First Turn Steakhouse & Lounge, 5236 S. Ridgewood Avenue & 5204 S. Ridgewood Avenue
16. City Center Farmer's Market Contract
17. Law Enforcement Mutual Aid Agreement
18. Interlocal Agreement with State Attorney's Office

19. Wrap Around Contract from the State of Florida contract to purchase tires for Fleet vehicles and equipment for FY 2015
20. Waiver of the appraisal requirement for Section 2-274(c) of the City of Port Orange Code of Ordinances for Parcel No. 6303-11-02-0031
21. Purchase of Dusk to Dawn Motel (4545 Ridgewood Avenue)
22. City of Port Orange's Piggyback Agreement on the National Joint Powers Alliance (NJPA) contract with Triple Crown Auto Parts to purchase parts and supplies for Fleet vehicles and equipment
23. Acceptance of Settlement in the Case of Janice Kelb vs. the City of Port Orange, Case no. 2013-31705 CICI
24. Police Benevolent Association (PBA) 2014-2017 Collective Bargaining Agreement
25. Police Benevolent Association – Lieutenants (PBA Lts.) 2014-2017 Collective Bargaining Agreement
26. Public Employees Association (PEA) 2014-2016 Collective Bargaining Agreement
27. Quentin L. Hampton Associates, Inc. Contract for Inspection Services – FY15 Spending Authorization
28. Amendment #1 to the Software License and Services Agreement and Software Maintenance Agreement with SunGard Public Sector, Inc.

Vice Mayor Burnette asked that Item #15 be pulled for further discussion. Item #26 was pulled by Councilman Bastian for further discussion. Councilman Ford asked that item #28 be pulled for discussion.

Motion to approve Consent Agenda Items #13, 14, 16-25, and 27 was made by Vice Mayor Burnette, and Seconded by Councilman Kennedy. Motion carried unanimously by voice vote.

Item #15 – Vice Mayor Burnette advised that the surety bond is being waived. He would suggest the item be approved without the surety bond waiver.

Motion to approve Consent Agenda Item #15 excluding the waiver of the surety bond was made by Vice Mayor Burnette, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

Item #26 – Mr. Noftall objected to a 3% across the board pay raise. He asked that raises be looked at differently.

Motion to approve Consent Agenda Item #26 was made by Vice Mayor Burnette, and Seconded by Councilman Kennedy. Motion carried unanimously by roll call vote.

Item #28 – Mark Schaefer, citizen, asked if the purchasing module is being returned. Mr. Harden said yes, it was not what was promised. Ms. Riehm supports this return so that other items can be implemented with the current system.

Motion to approve Consent Agenda Item #28 was made by Vice Mayor Burnette, and Seconded by Councilman Kennedy. Motion carried unanimously by roll call vote.

REGULAR AGENDA

29. Special Event Request – The Squeeze in Pub, 5934 S. Ridgewood Avenue

Motion to approve the Special Event request from the Squeeze in Pub for the official days of Biketoberfest (to wit: October 16, 2014 – October 19, 2014) with the exception of the waiver of the surety bond subject to the 26 conditions outlined on the Staff Report was made by Vice Mayor Burnette, and Seconded by Councilman Kennedy. Motion carried unanimously by voice vote after no public comments.

30. Special Event Request – The Last Resort Bar, 5812 S. Ridgewood Ave., Best Cars, 5816 S. Ridgewood Ave.; and Hunt for Cars, 5796 S. Ridgewood Ave.

Motion to approve the Special Event request from the Last Resort Bar for the official days of Biketoberfest (to wit: October 16, 2014 – October 19, 2014) with the exception of the surety bond waiver subject to the 26 conditions outlined on the Staff Report was made by Vice Mayor Burnette, and Seconded by Councilman Kennedy. Motion carried unanimously by voice vote after no public comments.

ORDINANCES

31. First Reading – Ordinance No. 2014-19 – Award of Non Exclusive Franchise for Roll-Off Containers (Bid No. 14-33)

Mayor Green read Ordinance No. 2014-19.

ORDINANCE NO. 2014-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO EACH OF THE FOLLOWING ENTITIES: SOUTHEAST CONTAINER SERVICE, INC., SAMSULA WASTE, INC., AND F.S.I. ROLL OFF CONTAINER SERVICE FOR PROVIDING ROLL-OFF CONTAINER COLLECTION AND DISPOSAL OF WASTE WITHIN THE CITY OF PORT ORANGE; OUTLINING FRANCHISEES' DUTIES; PROVIDING TERMS AND CONDITIONS UNDER WHICH SUCH FRANCHISEES SHALL OPERATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2014-19 on first reading was made by Vice Mayor Burnette, and Seconded by Councilman Kennedy.

Mr. Noftall asked why this is regulated with a franchise. Mr. Harden said he has been in communities without regulation and damage has been done by uninsured companies. Mr. Noftall would like to see more fairness on the payment of garbage pick-up including roll-offs.

Motion carried 4-1 by roll call vote with Councilman Ford voting no.

32. First Reading – Ordinance No. 2014-20 – Amendment to Police Pension Ordinance Sections 54-122 & 54-139 of Article V of Chapter 54 of the Code of Ordinances

Mayor Green read Ordinance No. 2014-20.

ORDINANCE NO. 2014-20

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE

POLICE PENSION FUND TO PROVIDE FOR COMPLIANCE WITH SECTION 401(a) OF THE INTERNAL REVENUE CODE BY AMENDING SECTION 54-122, DEFINITIONS, SECTION 54-139(a), (c), and (d), INTERNAL REVENUE CODE COMPLIANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2014-20 on first reading was made by Vice Mayor Burnette, and Seconded by Councilman Kennedy. Motion carried unanimously by roll call vote after no public comments.

RESOLUTIONS

33. Resolution No. 14-62 - Joint Project Agreement with County of Volusia for South Atlantic Avenue Sidewalk/Roadway/and Water System Improvements in Wilbur-by-the-Sea

This item was pulled off the agenda by Staff and will be brought back on October 21, 2014.

Motion to table Resolution No. 14-62 until October 21, 2014 was made by Vice Mayor Burnette, and Seconded by Councilman Kennedy. Motion carried unanimously by voice vote.

COMMENTS

34. City Attorney Comments

There were none.

35. Interim City Manager Comments

Mr. Harden advised that #1, 2, 3, 4, and 7 of his report will be implemented by the next City Council meeting, and #5 and 6 will involve other parties. He will provide a timetable.

He agreed with Mr. Wiles' comments regarding projects and funding. He suggested Council consider bonding the funds to complete the projects more quickly.

ADJOURNMENT: 9:47 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE **11/05/2014**

Consent item: Yes

SUBJECT: Crime Report

DEPARTMENT: Fire/Rescue Services

RECOMMENDED MOTION:

SUMMARY: The Police Department will present a report which details criminal activity in the last quarter.

Project No.:	Funding Account No.:

ATTACHMENTS:

1.	Crime Report	Crime Report 3rd Quarter 2014.pdf

Grabowski, Debbie	Created/Initiated - 10/16/2014
Monahan, Gerald	Approved - 10/16/2014
Harden, David	Final Approval - 10/17/2014

PORT ORANGE POLICE DEPARTMENT

QUARTERLY UCR YEARLY COMPARISON

UCR	DESCRIPTION	Jul-13	Aug-13	Sep-13	Total 2013	Jul-14	Aug-14	Sep-14	Total 2014	Difference
0110	HOMICIDE	0	0	0	0	0	0	0	0	0
0200	RAPE	0	0	0	0	0	0	0	0	0
0300	ROBBERY	1	0	0	1	0	0	0	0	-1
0410	AGGRAVATED ASSAULT	4	2	6	12	2	0	3	5	-7
0411	STALKING: AGGRAVATED STALKING	0	0	0	0	0	1	0	1	1
0510	BURGLARY - FORCIBLE ENTRY	17	15	11	43	9	9	2	20	-23
0520	BURGLARY-NONFORCED ENTRY	5	8	7	20	3	13	9	25	5
0610	LARCENY: POCKET PICKING	0	0	1	1	0	0	0	0	-1
0620	LARCENY: PURSE SNATCHING	1	2	0	3	0	0	0	0	-3
0630	LARCENY: SHOPLIFTING	27	32	15	74	11	17	18	46	-28
0640	BURGLARY TO AUTO	22	28	43	93	11	27	0	38	-55
0650	LARCENY: AUTO PARTS & ACCESSORIES	6	3	2	11	0	1	15	16	5
0660	LARCENY: FROM BUILDINGS	13	24	20	57	9	9	5	23	-34
0670	LARCENY: FROM COIN-OPERATED MACHINES	0	0	0	0	0	0	2	2	2
0680	LARCENY: BICYCLE	3	5	9	17	2	2	2	6	-11
0690	LARCENY: ALL OTHER LARCENY	17	15	14	46	27	16	17	60	14
0710	MOTOR VEHICLE THEFT: AUTOMOBILE	2	8	3	13	1	1	4	6	-7
0720	MOTOR VEHICLE THEFT: TRUCK/BUS	2	2	2	6	1	0	1	2	-4
0740	MOTOR VEHICLE THEFT: MOTORCYCLE	0	1	0	1	1	1	0	2	1
0790	MOTOR VEHICLE THEFT: ALL OTHER MOTOR VEHICLES	0	0	0	0	0	0	0	0	0
0810	SIMPLE ASSAULT: SIMPLE PHYSICAL ASSAULT	31	44	30	105	32	31	23	86	-19
0811	STALKING: SIMPLE STALKING	0	0	0	0	0	0	0	0	0
0812	SIMPLE ASSAULT: THREAT/INTIMIDATION	0	0	0	0	0	0	0	0	0
0830	SIMPLE ASSAULT: SIMPLE PHYSICAL ASSAULT SEXUAL MOTIVE	0	0	0	0	0	0	0	0	0
0890	SIMPLE ASSAULT: ALL OTHER SIMPLE ASSAULT	0	0	0	0	0	0	0	0	0
	TOTAL	151	189	163	503	109	128	101	338	-165

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE **11/05/2014**

Consent item: No

SUBJECT: Emergency Ordinance No. 2014-29 - Extension for Roll-Off Franchise Agreements

DEPARTMENT: Public Works

RECOMMENDED MOTION: Staff recommends adopting Ordinance No. 2014-29 on an emergency basis and waive second reading.

SUMMARY: The City Manager and City Attorney recommend approval of the ordinance as drafted. The ordinance will provide additional time for City Council to contract for FY-2015 roll-off services while providing for continued service by existing vendors with insurance protection of the City. This Ordinance requires an affirmative two-thirds vote to pass on an emergency reading.

Project No.: Funding Account No.:

ATTACHMENTS:

1.	Ordinance No. 2014-29	Ordinance No 2014-29.pdf

Fenwick, Robin Created/Initiated - 11/03/2014

ORDINANCE NO. 2014-29

AN EMERGENCY ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, EXTENDING THE TERM FOR THE NON-EXCLUSIVE FRANCHISES FOR ROLL-OFF CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF PORT ORANGE AS ADOPTED IN ACCORDANCE WITH ORDINANCE NO. 2013-18 AND EXTENDING THE RELATED AGREEMENTS TO JANUARY 31, 2015 FOR THE FOLLOWING ENTITIES: WASTE PRO OF FLORIDA, INC., SOUTHEAST CONTAINER SERVICE, INC., SAMSULA WASTE, INC., AND F.S.I. ROLL OFF CONTAINER SERVICE; PROVIDING FOR WAIVER OF SECOND READING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, each year the City Council considers non-exclusive franchise agreements with one or more vendors who provide roll-off container services within the City of Port Orange; and

WHEREAS, the non-exclusive franchise agreements for roll-off container services were extended by Ordinance 2014-8 pursuant to the request of the City Manager; and

WHEREAS, the City Council has adopted this Ordinance by a two-thirds majority vote; and

WHEREAS, the City Council has determined that another extension is in the best interests of the citizens of the City of Port Orange.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, FLORIDA, as follows:

Section 1. The City Council of the City of Port Orange hereby approves an extension of Ordinance No. 2013-18, as previously amended, and the related agreements until January 31, 2015 for the following vendors: Waste Pro of Florida, Inc., Southeast Container Service, Inc. and F.S.I. Roll Off Container Service, subject to the written acknowledgment of each vendor and the vendor's delivery of the required insurance certificate to the Purchasing Manager on or before September 30, 2014.

Section 2. The City Council hereby waives the second reading and adopts this Ordinance in accordance with emergency procedures.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective on an emergency basis on November 5, 2014.

____
MAYOR ALLEN GREEN

ATTEST:

____
Robin L. Fenwick, CMC, City Clerk

Passed and adopted on emergency first reading on the day of ___________, 2014.

Reviewed and Approved : ____________________
City Attorney