



REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

MARCH 1, 2016

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
3. Roll Call
4. Rules of Procedure

B. AGENDA APPROVAL

C. BOARD APPOINTMENTS, INTERVIEWS, REPORTS

5. Youth Advisory Board Appointment
6. Youth Advisory Board Report

D. CITIZEN PARTICIPATION (Agenda)

7. Request by R. Anthony Tobie to waive the application and advertisement fees for a variance application and the fee for an after the fact building permit for a recently constructed 6' fence.
8. Tavern at Cypress Head

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

F. COUNCIL COMMENTS

9. Comments/Concerns from Council Members

G. CONSENT AGENDA

10. Approval of Minutes

- a. February 16, 2016 - Regular City Council Meeting
- b. Council Workshop - February 23, 2016

11. Major Special Event Request - First Turn Steakhouse & Lounge, 5236 S. Ridgewood Ave., 5204 S. Ridgewood Ave., 5164 S. Ridgewood Ave.

12. Major Special Event Request - The Last Resort Bar at 5812 South Ridgewood Ave., Best Cars - 5816 S. Ridgewood Ave., and Hunt for Cars - 5796 S. Ridgewood Ave.

13. FY 16-17 Budget Calendar

H. REGULAR AGENDA

14. Parks & Recreation Code Discussion

15. First Reading - Ordinance No. 2016-2 - Update Chapter 50 Code of Ordinances- Parks & Recreation

I. COMMENTS

16. City Attorney Comments

17. City Manager Comments

J. COUNCIL COMMITTEE REPORTS

18. City Council Committee Reports

- a. River to Sea TPO
- b. General Employee's Pension Plan
- c. YMCA

K. 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 03/01/2016

Consent item: No

SUBJECT: Youth Advisory Board Appointment

DEPARTMENT: City Clerk

GOAL:

OBJECTIVE:

RECOMMENDED MOTION: Move to appoint Michal Carll to the Youth Advisory Board.

SUMMARY: Michael Carll has submitted his application to service on the Youth Advisory Board. His application is attached for review. There are several openings on the Board.

Project	Funding Account
No.:	No.:

ATTACHMENTS:

1.	Michael Carll application	Michael Carll application.pdf
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Fenwick, Robin

Created/Initiated - 02/18/2016

CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

- | | |
|---|---|
| ☐ Environmental Advisory Board | ☐ Library Advisory Board |
| ☐ Construction Regulation Board* | ☐ Parks and Recreation Board |
| ☐ Code Enforcement Board* | ☐ Planning Commission* |
| ☐ Charter Review Board | ☐ City Manager Selection Committee |
| ☐ Civil Service Board | ☐ Audit & Budget Advisory Board |
| ☐ Districting Commission | ☒ Youth Advisory Board |

CRA Boards

- ☐ Eastport Community Redevelopment Agency*
- ☐ Town Center Community Redevelopment Agency*

Pension Boards

- ☐ General Employees*
- ☐ Police*
- ☐ Fire*

ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

1. PERSONAL

Name Michael Carl Date of Birth 04/03/2000

Address 1791 Arash Circle Port Orange, Florida

Home Telephone 386-492-5582

E-Mail Address mcarl1@aol.com

Business Telephone _____

Are you a registered voter in Port Orange? _____ Yes ☒ No

City Council District _____

How long have you been a resident of Port Orange? 8 years

Are you currently serving on a City Board? NO

Have you ever served on a City Board? NO

If yes, when and which Board? _____

RECEIVED

FEB 18 2016

CITY OF PORT ORANGE
CITY CLERK

2. **REFERENCES** – Please list three references (business and/or personal)

Kevin Fox, 1820 Forough Cir., 845-8007-9347
Name, address, and telephone number

Condie Ross, 201 Taylor Rd. Port Orange, FL, 386-322-6272
Name, address, and telephone number

Joseph Vandenburg, " " , 386-322-6272
Name, address, and telephone number

3. **EDUCATION**

High School Spruce Creek High Date Graduated

College Date Graduated Degree

4. **WORK EXPERIENCE**

N/A

5. **INTERESTS/ACTIVITIES**

Martial Arts

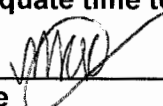
6. **COMMUNITY INVOLVEMENT**

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

I want to be a greater part of my
community and help with positive changes.

8. **A resume or separate sheet with additional information should be included.**

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Signature 

Date 2/16/16

Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to:

Robin Fenwick, CMC, City Clerk,
1000 City Center Circle
Port Orange, Florida 32129

10th grade



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 03/01/2016

Consent item: No

SUBJECT: Request by R. Anthony Tobie to waive the application and advertisement fees for a variance application and the fee for an after the fact building permit for a recently constructed 6' fence.

DEPARTMENT: Community Development

GOAL: N/A

OBJECTIVE: N/A

RECOMMENDED MOTION: Denial

SUMMARY:

R. Anthony Tobie requests that the City Council waive the fees associated with a variance application and building permit (Exhibit A).

In the fall of 2015, Mr. Tobie (868 Millers Way) had a fence constructed without a building permit. On December 3, 2015, Code Enforcement notified the property owner that a building permit for the fence was required. In December 2015, the property owner met with staff to review the necessary building permit application and staff identified that the 6' fence that had been constructed did not meet the required 30' setback from the Boggs Ford Road right-of-way.

Mr. Tobie's lot is located at the corner of Boggs Ford Road and Millers Way (Exhibit B). According to the Land Development Code, any portion of a lot that abuts a right-of-way is considered a front yard and a 6' tall fence is to be located beyond the front yard setback line. The setback requirement for a 6' fence is intended to provide the homes adjacent to a corner lot with adequate sight lines of the right-of-way from their home. The Land Development Code does allow a 4' tall fence within the front yard setback because adequate sight lines of the right-of-way can still be met. The 6' tall fence Mr. Tobie had installed is located approximately 5' from Boggs Ford Road right-of-way and would have to be approximately 30' from the right-of-way to meet code requirements (Exhibit C).

At the front corner of Mr. Tobie's lot there is a small parcel of land owned by the City of Port Orange that is a location of the utility lift station. The 6' fence installed around the lift station is allowed, according to the City screening standard for lift stations, and is located outside the 25' visual clearance triangle measured at the intersection of Boggs Ford Road and Millers Way (Exhibit B). According to Public Utilities Department Staff, there are only a few locations in the City where a lift station parcel is located in the front yard of a residential lot.

In order to comply with the requirements of the Land Development Code, the property owner can replace the portion of the 6' fence in the setback area with a 4' fence, relocate the 6' fence at the required setback from Boggs Ford Road, or apply for a variance to reduce the required setback for a 6' fence.

According to Mr. Tobie, if Council approves his fee waiver request, he intends to submit a variance application to request the reduced setback for a 6' fence and apply for a building permit for the 6' fence.

The estimated fees associated with a variance application and building permit when work has been done prior to receiving approval is \$2,900. The following is a breakdown of the fees:

- Variance Application Fee \$1,800 - Variance fee is double because work has been completed and a building permit was not issued.
- Variance Advertisement Fee \$600 - Estimate for the two newspaper ads required per the LDC. The estimate is based on recent advertisement fees for a similar variance request.
- Building Permit Fee \$500 - Estimated \$50.00 building permit fee plus the penalty for working without a permit.

The estimated fees associated with a variance application and building permit when work has not been done prior to receiving approval is \$1,550. The following is a breakdown of the fees:

- Variance Application Fee \$900
- Variance Advertisement Fee \$600 - Estimate for the two newspaper ads required per the LDC. The estimate is based on recent advertisement fees for a similar variance request.
- Building Permit Fee \$50 - Estimated building permit fee

For reference, the attached chart summarizes recent fee reductions/waiver requests considered by City Council related to development items processed by the Community Development Department (Exhibit D).

Project	Funding Account
No.:	No.:

ATTACHMENTS:

1.	Exhibit A	Exhibit A.pdf
2.	Exhibit B	Exhibit B.pdf
3.	Exhibit C	Exhibit C.pdf
4.	Exhibit D	Exhibit D.pdf

Burman, Tim
Clark, Wayne
Johansson, M. Jake

Approved - 02/24/2016
Approved - 02/24/2016
Final Approval - 02/24/2016

Burman, Tim

Subject: FW: Request to reduce fees - March 1 City Council Agenda

From: R. Anthony Tobie [mailto:rollintobie@hotmail.com]
Sent: Thursday, February 11, 2016 4:49 PM
To: Burman, Tim <tburman@port-orange.org>
Subject: Re: Request to reduce fees - March 1 City Council Agenda

Hi Tim,

Thank you for getting back to me. All of the figures submitted are astronomical! As I had mentioned to you previously, I am a fully disabled veteran on VA Disability and Social Security. I cannot afford these fees. I would like to humbly request that all fees be waived. I take full responsibility for not having taken out the permit. I was under the impression that if the homeowner made the improvements, there would be no need. How do I go about this? You guys will not take the application without collecting a fee. Please advise.

Sincerely,

R. Anthony Tobie
 LCPL USMC Veteran

On Feb 11, 2016, at 4:35 PM, Burman, Tim <tburman@port-orange.org> wrote:

The following is the fee associated with the variance and building permit for the fence installed at 868 Millers Way.

Variance Application Fee \$1,800	Per the fee resolution - variance fee is double since work has been completed and building permit was not issued
Variance Advertisement Fee \$600	Two newspaper ads per the Land Development Code
Building Permit Fee \$500	Penalty fee for doing work without a permit

Estimated cost due to work without permit: **\$2,900.00**

Are you intending to requesting all fees be waived or just the penalty fees associated with the variance and building permit?

Estimated Cost with penalty - \$2,900
 Estimated Cost without penalty - \$1,500

For your City Council agenda item I'll need to know how much you are requesting to be waived. Also will need an email/letter from you requesting why you believe the City should waive/reduce the fees. Also please note that if the Council would reduce the variance fee, the variance application would still need to be submitted and go before the Planning Commission. At the Planning Commission Meeting, the variance could be either be approved or denied.

Please find attached information requested. Thanks!



This picture was taken prior to the fence being put up. If you notice the white privacy fence to the far right of the above picture, you will have a better appreciation for the location of the lift station cutout. You'll also notice the awkwardness of such a lift station taking up a huge portion of the side yard, not to mention the blocking of the incoming intersection traffic. This is well before any fence changes.



This is a more recent picture close-up of the lift station that was fenced in with the new fence in the background showing the rear of the property.



As you can see, the new fence is more of an aesthetic match to the lift station to the far right of the above picture, behind the oak tree.



This side view shows how the fence was put up flush with the lift station fence. Neighbors have all complimented me on how nice the fence came out and how much better it looks than previously (where the lift station was separate from the fence).



Another view of the fence in question. As you can see, it goes right alongside the fence put up by the county. I believe it to be unreasonable to allow the county to stick out that far out and expect the homeowner to have to deal with the eyesore.



This is a view of the collector access road Boggsford Rd running alongside the fence and the lift station. Please note the issue of privacy and security.



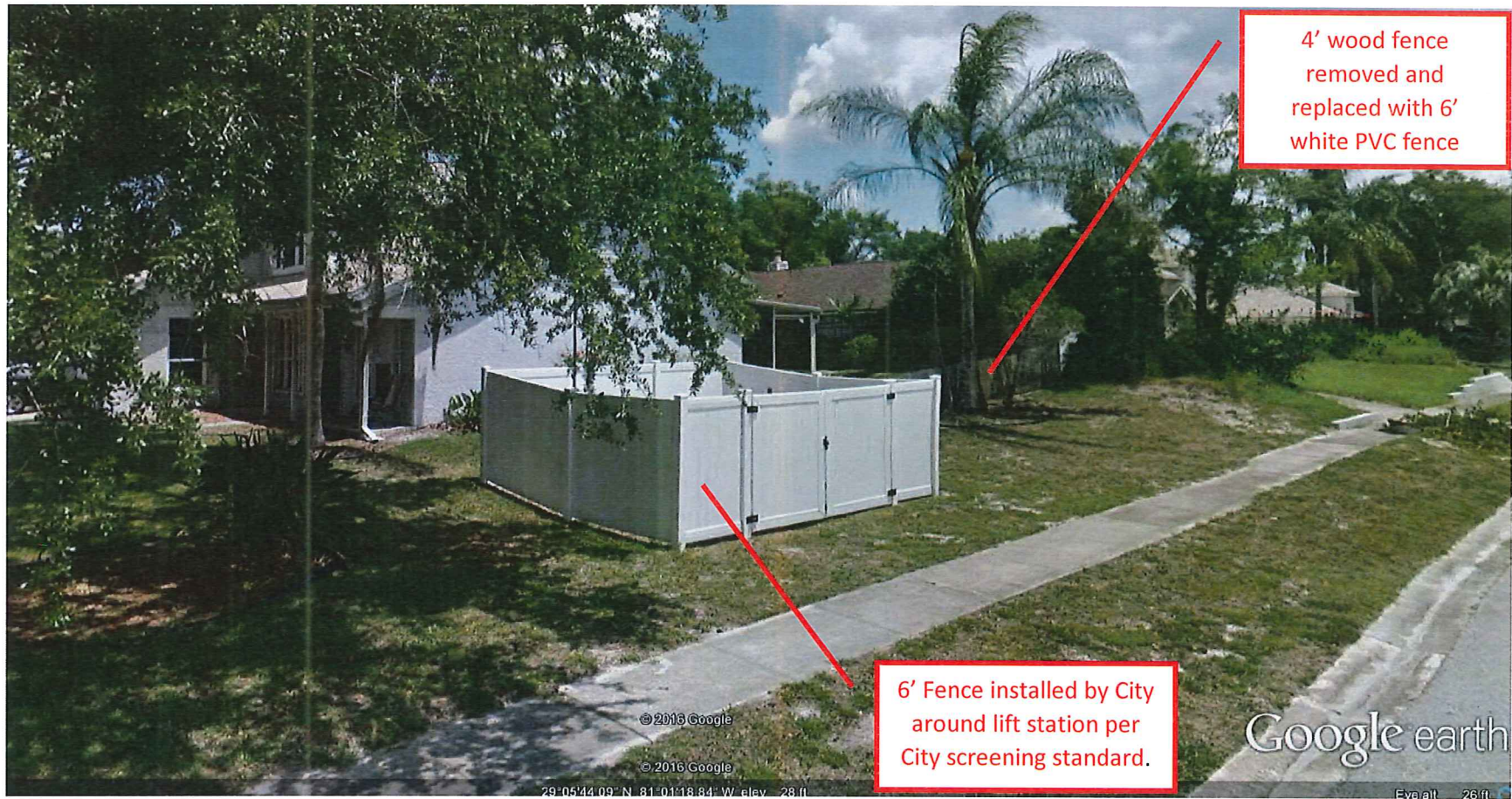
Not only was our dog able to easily clear the 4' fence with no effort, but several sections of the fence were rotting off and exposed rusty nails and falling panels were a hazard to my children as well. You could literally push on the planks and they would crumble off, leaving a gap in the fence big enough for either the dog or my kids to run out into the busy Boggs Ford traffic.

Sincerely,

R. Anthony Tobie
LCPL USMC Veteran
(386) 216-7741



View of former 4' fence from Boggs Ford Road (southbound).



View of former 4' fence from Boggs Ford Road (northbound).



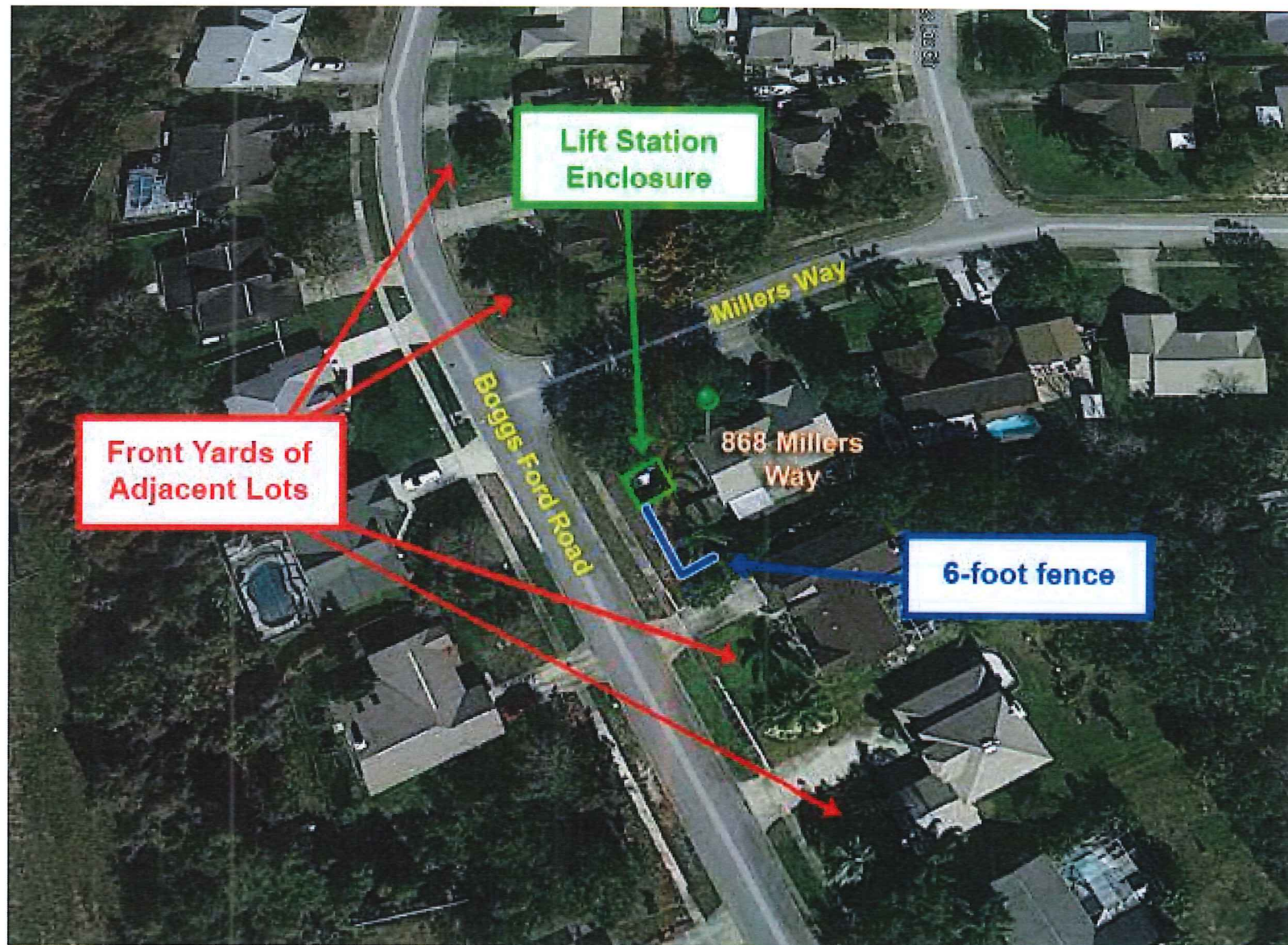


EXHIBIT D

Year	Property Owner	Development	Development Application	Fee Amount	Amount of Fee Requested to be Waived or Refunded	Amount Waived or Refunded by Council	Percent of Fee Council Agreed to Waived or Refunded
2009	Winston James Development Inc.	Royal Palm Subdivision	Minor Subdivision	\$2,000	\$1,650	\$1,650	83%
2009	Winston James Development Inc.	Royal Palm Subdivision	Minor Subdivision	\$2,000	\$1,650	\$0	0%
2013	Andy Clark	Nova Depot PCD	PCD Amendment	\$6,500	\$6,500	\$6,500	100%
2014	Chapel of Faith Church *	Chapel of Faith Church	Rezoning	\$7,900	\$7,250	\$7,250	92%
2015	Stephen Gaddis**	The Canal House/Rose Bay Outfitters	Site Plan	\$4,000	N/A**	N/A**	N/A*
2016	Andy Clark	Port Orange Flea Market	LDC Text Amendment	\$6,000	\$5,370	\$5,370	90%
Total Fees Waived						\$20,770	

* Council approved the request to reduce the application (\$6,500) and advertisement fee (\$1,400) to a total of \$650

** Council approved the request to reduce the \$4,000 site plan review fee to the actual costs. The site plan has not been submitted and the actual cost are not known at this time.

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
FEBRUARY 16, 2016

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

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: none

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

STATE OF THE CITY ADDRESS

Kent Donahue, PIO/Grants Coordinator, presented the State of the City Address via video.

PUBLIC HEARING

5. First Reading - Ordinance No. 2016-1 - (Continued to date certain of February 16, 2016) for Rezoning, Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for Serenity Hills PUD; east side of Hensel Road, north of Hills Boulevard

Staff requested this item be withdrawn to be re-submitted after consideration by the Planning Commission.

6. Second Reading - Ordinance No. 2015-46 - Amending Section 2-241-Permitted Investments

Mayor Green read Ordinance No. 2015-46.

ORDINANCE NO. 2015-46

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, SECTION 2-241, RELATING TO PERMITTED INVESTMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-46 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

7. Citizen Advisory Committee for TPO

Bobby Ball was unable to attend the CAC meeting and will submit a written summary to Council as soon as he receives same.

8. Environmental Advisory Board Report

Newton White, Vice Chairman, provided an update to Council regarding the most recent meetings held by the Environmental Advisory Board.

9. Environmental Advisory Board Appointment

Motion to nominate Brian Syford to the Environmental Advisory Board was made by Councilman Burnette, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call vote.

10. Police Pension Board Appointment

Brian Cobb introduced himself. Victor Joseph was unable to attend.

Motion to nominate Brian Cobb to the Police Pension Board was made by Vice Mayor Bastian, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

11. Parks & Recreation Advisory Board Appointment

Julie Day and Robert Maxwell introduced themselves.

Motion to nominate Robert Maxwell to the Parks & Recreation Advisory Board was made by Councilman Ford, and Seconded by Vice Mayor Bastian.

Motion to nominate Julie Day to the Parks & Recreation Advisory Board was made by Councilman Burnette, and Seconded by Vice Mayor Bastian.

Council voted by ballot, which were read by the City Clerk. Robert Maxwell was appointed 3-2.

12. Fire Pension Board Appointment (5th Member)

Motion to approve the appointment of Chris Taylor as the fifth member of the Fire Pension Board was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Agenda)

13. Request by Andy Clark to reduce the application fee to actual cost for a Land Development Code Text Amendment application

Andy Clark, applicant, addressed Council regarding his request for a reduction of the application fees for the text amendment.

Mayor Green does not agree with negotiating the fees. He believes the fees should be reviewed if they are not appropriate.

Councilman Stiltner asked what the past practice has been for this type of request. Wayne Clark, Community Development Director, advised there has not been a consistent practice from Council.

Mr. Clark advised that the hard costs have been paid by him but the costs for amending the LDC is what he is requesting a refund on. The refund amount is \$5,370.

Councilman Burnette suggested a grant program for businesses on Ridgewood Avenue. He'd like to discuss it during the budget cycle.

Councilman Ford agreed with the Mayor but believes a refund for the Ridgewood area is a good idea. He wants to see the money go back into the business.

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

Mayor Green doesn't support a full refund.

Ted Nofall, citizen, agreed with the Mayor that the fees should be reviewed.

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

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. Nofall discussed his concerns with open government and public participation.

Mike Gardner, citizen, addressed Council regarding pension plan issues and unfunded liability.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Councilman Ford has received some complaints recently about flooding issues in the Ridgewood Avenue area east to the river. There is a lot of standing water along Halifax Drive near Palmetto. He thanked the City Manager for visiting Palmetto Street to view the issues. He asked that the issues be addressed in future workshops.

Councilman Burnette asked for an update on the selection for the Fire Chief position. Mr. Johansson advised that one of the external candidates needed to reschedule to the end of February. He hopes to have a selection shortly thereafter. Councilman Burnette asked for an update on the timing of lights on Dunlawton Avenue. Mr. Johansson said the County has adjusted the timing but more may be needed. Councilman Ford advised

that TPO is looking for money for the updated technology of the lights. Councilman Burnette asked what the status is for the fountain at Dunlawton Avenue and Ridgewood Avenue. Mr. Johansson said staff is looking at the costs involved, as well as containing the water so those walking back don't get wet. Councilman Burnette said the timing of the light at Riverwalk is off. He asked Mr. Johansson to look into the dredging of the Nova Canal at Canal View by the County.

Vice Mayor Bastian advised that a former Port Orange Police Officer passed away recently. He read the obituary.

Councilman Stiltner thanked all involved for the work on the Freemanville ceremony.

Mayor Green spoke as to the original intent of the Dunlawton Avenue Pond and berm project.

CONSENT AGENDA

15. Approval of Minutes
 - a. February 2, 2016 - Regular City Council Meeting
 - b. February 9, 2016 - Special City Council Meeting
16. Crime Report
17. Resolution No. 16-12 - Investment Policy
18. Proposed License Agreement - 740 Commonwealth Blvd., Parcel No. 6310-13-02-0120
19. Historic Tree Removal Request - 3657 Nova Road / Cumberland Farms
20. Major Special Event Request – Remarkable River 5K @ Aunt Catfish Restaurant at 4009 & 4108 Halifax Drive and 4085 Ridgewood Avenue.
21. Bid Awards and Contract Items
 - a. Contract for Sale and Purchase of Real Property at 415 Herbert Street
 - b. Award Biological Consulting Services, Inc. Service Agreements for professional hydrological services.
 - c. Change Order No. 3 to Construction Contract with Masci Corporation for Herbert Street Westbound Right Turn Lane
 - d. Change Order No. 2 to Task Authorization No. 3 to the Master Contract for Engineering Services, Dated March 17, 2015, with Kimley-Horn and Associates, Inc.
 - e. Ratify and confirm the decision of the City Manager for Final Change Order No. 3 to Sawcross Incorporated Contract for the Reclaimed Water Reservoir Outfall and Filtration Project Bid #15-09
 - f. Change Order 1 to Commercial Construction Inc. (CCI) contract.

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

REGULAR AGENDA

22. Resolution No. 16-11 - Homelessness

Mayor Green read Resolution No. 16-11.

RESOLUTION NO. 16-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, SUPPORTING THE IDEA FOR A PROPOSED CENTRALLY LOCATED VOLUSIA TRANSITIONAL SHELTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-11
was made by Councilman Burnette, and
Seconded by Vice Mayor Bastian.

Council supported the County taking the lead on this county-wide issue.

David Dollieslayer, citizen, provided details of the proactive outreach he is involved in with the Knights of Columbus with Our Lady of Hope Catholic Church.

Thomas Rebman, Homeless and Hungry, spoke regarding his experiences with homelessness and his work with homeless people. He doesn't believe Safe Harbor will help homeless people. He believes it is a jail diversion. He asked Council not to approve the resolution.

Lou and Kathleen Bartos, Port Orange business owner, supported Safe Harbor as it affects their business. Mr. Bartow encouraged Council to approve the resolution.

Carrie Rosolino, citizen, addressed Council regarding FAITH services.

Father Chris Hoffmann also addressed Council and asked for their support to help the homeless people in Volusia County.

Ronald Pasternak, citizen, asked Council to support Safe Harbor.

Mr. Noftall asked how a facility for 250 will address the 5,000 homeless people in Volusia County.

Mayor Green believes the money would work better to build small cottages rather than barracks style facilities.

Motion carried unanimously by roll call
vote.

23. Write-off of Uncollectable Utility Accounts Receivable

Tracey Riehm, Finance Director, discussed the write-off of uncollectable utility accounts receivable request. Council supported the write-offs.

Motion to approve as presented was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

24. FY 2015-16 Strategic Plan Quarterly Update

Alan Rosen, Assistant City Manager, presented details regarding Staff's efforts to move forward with the goals of the Council. Council thanked Mr. Rosen for bringing the update to them.

COMMENTS

25. City Attorney Comments

Matthew Jones, Assistant City Attorney, had nothing further to report.

26. City Manager Comments

Mr. Johansson apologized for the late notice of the letter from the Joint Legislative Auditing Committee received February 5, 2016. He recommended holding the reply until the audit is complete to see if the comment is repeated.

COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

- a. Arthaus – Councilman Burnette reported on the recent events.
- b. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette reported on the upcoming events.
- c. Roundtable of Elected Officials – Mayor Green reported on the committee he serves relating to water. Driving on the beach is still an ongoing issue.

ADJOURNMENT: 8:54 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk

CITY COUNCIL WORKSHOP MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
FEBRUARY 23, 2016

THE CITY COUNCIL WORKSHOP 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

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.

DISCUSSION ITEMS:

5. Possible options for use of \$1.3 million to be received from the sale of City property behind Lowes (3875 Yorktowne Blvd. Lot 8, Port Orange Gateway Center Replat for proposed Assisted Living Facility)

Wayne Clark, Community Development Director, discussed the options available to Council. The funds are not restricted.

Council Members discussed their thoughts on the options presented and other options they would like Council to consider.

Yorktowne extension was not a top priority of Council. Flooding and drainage were a high priority interest. Council would like to see Phase 1B of Riverwalk fully funded.

6. Administration of Solid Waste Collection Services

Branford Adumuah, Public Works Director, provided background details regarding the current level of service being provided relating to the solid waste contract with Waste Pro. Mr. Adumuah explored the option of outsourcing the service. He is looking for a staff member who can perform daily inspections and audits of routes to ensure garbage, recyclable material, bulk items, and yard waste have been properly and timely collected. He wants this position to address and follow up on all customer complaints and concerns. This position will also utilize the asset management software, among other

duties, including verification of the number of commercial roll-off dumpsters in the field. He also wants the new person to handle public education, organize hazardous material collections, and update the solid waste ordinances.

Mr. Adumuah does not recommend outsourcing the services discussed above. The consultant is more expensive and will provide fewer services. He would then need someone to manage the contract with the consultant.

Council agreed to move forward with the hiring of an in-house Solid Waste Manager. Council asked that Staff ensure the position is classified correctly.

Ted Nofall, citizen, addressed Council regarding his concerns with contract administration within the City.

7. Discussion on options and procurement strategy for biosolids management at the Reclaimed Water Plant

Andy Neff, Public Utilities Director, provided background of the current biosolids management, the need for options centered on long term cost control and risk management. He explained the stabilization levels that can be employed to reduce public health concerns for disposal. The City currently has no process for stabilization. He discussed his concerns with the current contractor, as well as contract issues.

Diana Fye, Purchasing Manager, discussed the idea to issue an Invitation to Negotiate instead of a Request for Proposal. Staff requested Council consensus to proceed with an ITN procurement process for potential biosolids management solutions and determine optimum solution for biosolids management. Mr. Neff advised that an ITN is not listed in the current purchasing ordinances, which would also need to be updated.

Council agreed to the recommendations as presented.

8. Monthly Financial Report

Tracey Riehm, Finance Director, provided details of the financial report for January 2016. She asked Council to clarify the monies provided to the golf course for the renovations. She needs to provide further details to the auditor.

Mr. Nofall addressed his concerns regarding the golf course. He encouraged Council to privatize the pro shop because it is losing money every month. He believes the financial report needs to be more comprehensive rather than "cherry picked".

Mr. Johansson asked Council to clarify their request with the actuaries presenting reports vs. joint meetings with the pension plans. Council would like the actuaries to present their reports to Council on the same night if they are available. Council also requested that the Chairman of each pension plan be present.

Special City Council Meeting
February 23, 2016
Page **3** of **3**
ADJOURNMENT: 8:22 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, City Clerk



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 03/01/2016

Consent item: Yes

SUBJECT: Major Special Event Request - First Turn Steakhouse & Lounge, 5236 S. Ridgewood Ave., 5204 S. Ridgewood Ave., 5164 S. Ridgewood Ave.

DEPARTMENT: Community Development

GOAL: N/A

OBJECTIVE: N/A

RECOMMENDED MOTION: Move to approve the Special Event request for First Turn Steakhouse & Lounge located at 5236 S. Ridgewood Avenue, 5204 S. Ridgewood Ave., and 5164 S. Ridgewood Ave subject to twenty-seven (27) conditions outlined in the attached report.

SUMMARY: Mr. Rick Hilliard, owner of First Turn Steakhouse & Lounge, requests approval of a Special Event to be held during Bike Week 2016. The proposed event is planned for a ten (10) day period from Friday, March 4, 2016 through Sunday, March 13, 2016. The proposed hours for the event are from 11:00 a.m. until 2:00 a.m., daily. This will be the first Special Event for the First Turn Steakhouse & Lounge in 2016.

This property owner did not request the waiver of the \$250 surety bond. The cost of the surety bond is determined by City Council as outlined in Chapter 58, Article III of the City of Port Orange Code of Ordinances, and has generally been set at \$250 when required for past events. City Council has required staff to secure payment of the surety bond in recent years and the staff conditions require it. If City Council prefers to waive the surety bond, the conditions would need to be modified.

Project	Funding Account
No.:	No.:

ATTACHMENTS:

1.	Staff Report	Staff Report - First Turn - Bike Week '16.pdf
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Bonin, Amanda
Clark, Wayne
Johansson, M. Jake

Created/Initiated - 02/23/2016
Approved - 02/23/2016
Final Approval - 02/23/2016



STAFF REPORT

Major Special Event Request

REQUEST: Major Special Event – Bike Week 2016

OWNER/APPLICANT: Rick Hilliard

EVENT LOCATION: First Turn Steakhouse and Lounge – 5236 S. Ridgewood Ave., 5204 S. Ridgewood Ave., and 5164 S. Ridgewood Ave.

STAFF CONTACT: Deborah Faircloth, Code Enforcement Officer

CITY COUNCIL DATE: February 22, 2016

INTRODUCTION:

Rick Hilliard, owner of First Turn Steakhouse & Lounge requests approval for a Special Event to be held during Bike Week 2016. The proposed event is planned for a ten (10) day period from Friday, March 4, 2016 through Sunday, March 13, 2016, inclusive. The requested hours for the event are from 11:00 a.m. to 2:00 a.m., daily. The event is planned for the property currently occupied by First Turn Steakhouse & Lounge along with two adjacent properties owned by Mr. Hilliard.

CASE BACKGROUND:

Normal operations of First Turn Steakhouse & Lounge will continue. Twelve (12) vendors have been requested and may be in place throughout the site. Vendors are required to obtain a Temporary Merchant License from the City for \$250 to participate in this event. The outdoor activities for this event, intended to target the crowd attending Bike Week 2016, include the sale of T-shirts, leather, bike accessories, food, and alcohol. Other outside activities proposed for the event include live outdoor music until 10:00 p.m., daily. Six (6) Port-o-let facilities are proposed for the event, along with private security provided by the Bar. The proposed event activities have been consistent for at least the past decade.

Chapter 42, Article IV, Noise Regulations, Section 42-80. General Restrictions of the *City of Port Orange Code of Ordinances* describe the acceptable sound level limit dBA. It shall be the responsibility of the permit holder to monitor for noise violations. First Turn Steakhouse &

Lounge shall take care in the placement of speakers for amplified music by adjusting them away from residential areas. A warning may be issued and if not corrected or the violation recurs, the Special Event may be terminated. All previous noise violations will be taken into account before permitting future events.

DISCUSSION/ANALYSIS:

The subject proposal has been reviewed by the Police, Fire, Public Works and Community Development departments.

This event is being held in conjunction with the community-wide special event, Bike Week 2016, with recognized dates Friday, March 4, 2016 through Sunday, March 13, 2016. This is the first Special Event for First Turn Steakhouse & Lounge in 2016.

Port Orange Code of Ordinances prohibits the serving of alcohol outdoors and indoors past 2:00 a.m.

CODE VIOLATIONS:

There were no apparent code violations at the time of pre-inspection.

Staff recommends approval of First Turn Steakhouse & Lounge Special Event request, subject to the following twenty-six (27) conditions:

1. Hours for the event shall be from 11:00 a.m. to 2:00 a.m. First Turn Steakhouse & Lounge also shall not serve alcohol indoors or outdoors past 2:00 a.m., as required by *Port Orange Code of Ordinances*.
2. Where fences are required to delineate outdoor alcohol serving areas, as well as parking areas for automobiles, motorcycles and the handicapped, a four (4)-foot high orange construction fence shall be erected to enclose the event area. All fencing must be in place prior to the site inspection for the event.
3. All outdoor cooking equipment involving liquefied petroleum gas and/or storage cylinders shall comply with *NFPA #58 Liquefied Petroleum Gas Code* and be approved by the Fire Marshal.
4. A copy of First Turn Steakhouse & Lounge's liquor license for outdoor sales of alcohol during this event shall be obtained from the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, prior to the event.
5. First Turn Steakhouse & Lounge shall be responsible for all participating vendors with respect to any permit conditions or compliance with applicable state, county and city laws, rules, regulations, codes and ordinances. Therefore, First Turn Steakhouse & Lounge must screen all participating vendors to ensure compliance with but not limited to the following:

- a. *Article VI, Chapter 18, Port Orange Code of Ordinances*, relating to peddlers and transient merchants.
 - b. Temporary event permits issued by the Department of Business and Professional Regulation, Division of Hotels and Restaurants for all food vendors.
 - c. Required liquor license for a temporary event shall be obtained from the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.
 - d. Coordination with the Port Orange Police Department, Volusia County and/or the Florida Department of Transportation with respect to traffic control devices or plans.
 - e. Provisions and Standards of the City's *Body Art Ordinance*.
 - f. Provisions and Standards of the City's *Sexually Oriented Businesses Code*.
 - g. *Special Event Fee Resolution* establishing Temporary Merchant Fee.
- 6. Tents or canopies being used in association with this event shall comply with the requirements set forth in *NFPA 101 Chapter 11.11 (Tents) Standards for Tents and Membrane Structures*. Tents or canopies cannot be erected more than forty-eight (48) hours prior to the event, and must be removed within twenty-four (24) hours after the duration of the event. All tents/canopies must maintain at least two (2) exit ways in an unobstructed fashion to allow for a continuous path of travel.
 - 7. If any outdoor lighting or other structural features are to be installed in association with this event, First Turn Steakhouse & Lounge shall obtain the proper Building Permits from the Community Development Department. Such lighting must be a minimum of twenty (20) foot candles to provide a safe environment at night.
 - 8. Temporary electrical wiring shall be installed by a certified electrician and shall comply with Article 590 of the current adopted *NFPA #70 National Electrical Code*. This includes (F) Lamp protection. Any temporary lamps shall be protected from accidental contact or breakage by a suitable fixture or lamp holder with a guard.
 - 9. Fire extinguishers shall be provided as outlined in accordance with the *NFPA #10, Standard for Portable Fire Extinguishers*.
 - 10. All exits and means of egress shall remain accessible and unobstructed and it shall be the responsibility of First Turn Steakhouse & Lounge to maintain access for emergency vehicles.
 - 11. First Turn Steakhouse & Lounge shall provide six (6) port-o-let facilities, with three (3) for females and three (3) for males during the event. A minimum of five percent (5%) of the

portable toilets, but no less than one (1) shall comply with *Section 603 of FBCA as required per Section 213.2 FBCA for handicapped-accessible facilities*.

12. All areas being used for this special event shall be handicapped-accessible. Handicapped parking is to remain open and accessible for this event.
13. Tripping hazards shall be removed or isolated from pedestrian traffic. Vehicle areas, including parking, shall be physically separated from pedestrian areas.
14. Based on the City Council's previous approvals for Biketoberfest, it is staff's understanding that all outdoor music shall cease by 10:00 p.m. First Turn Steakhouse & Lounge shall take care in the placement of speakers for amplified music by adjusting them away from residential areas.
15. If there are calls for police service, or if security threats develop, the Police Department may require additional officers to provide security for this event. The additional officers will be hired at the expense of First Turn Steakhouse & Lounge at the rate of \$40.00 per hour with a minimum of three hours.
16. First Turn Steakhouse & Lounge shall hire a police officer to cross pedestrians and monitor congestion during periods of heavy traffic flow, if an event traffic plan is in operation. The anticipated dates, times, and charges for such detail and traffic control devices will be agreed upon by The First Turn and the Police Department and paid to the City prior to issuance of the permit.
17. The City's *Code of Ordinances* prohibits the exposure of any sexual organs at commercial establishments that serve alcoholic beverages. Furthermore, *Florida Statutes* prohibit any type of public nudity at such an event.
18. A temporary sign permit shall be required for the one (1) banner permitted for this event.
19. No trees shall be removed and care shall be taken to protect landscaped areas.
20. First Turn Steakhouse & Lounge shall contact the Community Development Department to schedule an inspection of the property prior to the start of the event to ensure that the construction fence and any canopies or tents are well secured, and that all other safety measures are in place.
21. Any disturbance of public right-of-way shall be the sole responsibility of First Turn Steakhouse & Lounge.
22. It is First Turn Steakhouse & Lounges' responsibility to contact the Community Development Department for an inspection of debris removal within 48 hours after the event.
23. No more than the requested twelve (12) vendors shall be on this site.

24. First Turn Steakhouse & Lounge shall comply with the approved maximum capacity occupancy requirements within the confines of the facility.
25. Camping on premises prohibited by code; includes, but not limited to, tents, motor homes, travel trailers, or other vehicles.
26. The \$250.00 surety bond must be paid in full before the issuance of the permit.
27. 5204 Ridgewood Avenue is not incorporated in the alcoholic beverages license for The First Turn Steakhouse nor is 5164 Ridgewood Avenue. These properties are only used for additional parking. Signs stating "No Alcoholic Beverages Beyond This Point" shall be placed between 5204 and 5236 Ridgewood Avenue.

DISTRIBUTION LIST

Bryan Smith, Interim Deputy Chief
Thomas Grimaldi, Police Chief
Sgt. Steven Braddock, Police Dept.
Kerry Leuzinger, Building Official
Gwen Perney, Planner
Branford Adumuah, Public Works Director
Mike Silvey, Assistant Public Works Director
Chris Barnes, Public Works
Sue Lovallo, Parks & Recreation Director
File



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 03/01/2016

Consent item: Yes

SUBJECT: Major Special Event Request - The Last Resort Bar at 5812 South Ridgewood Ave., Best Cars - 5816 S. Ridgewood Ave., and Hunt for Cars - 5796 S. Ridgewood Ave.

DEPARTMENT: Community Development

GOAL: N/A

OBJECTIVE: N/A

RECOMMENDED MOTION: Move to approve the Special Event request for The Last Resort Bar located at 5812 S. Ridgewood Ave., 5816 S. Ridgewood Ave., and 5796 S. Ridgewood Ave., subject to twenty-six (26) conditions outlined in the attached report.

SUMMARY: : Mr. Al Bulling, owner of The Last Resort Bar, requests approval of a Special Event to be held during Bike Week 2016. The proposed event is planned for a six (6) day period from Monday, March 10, 2016 through Saturday March 12, 2016. The proposed hours for the event are from 11:00 a.m. to 2:00 a.m., daily. This will be the first Special Event for the Last Resort Bar in 2016.

Mr. Bulling is requesting a time extension for outside music on Friday and Saturday nights of the event. If the Council grants this extension, outside music would cease at 11:00 p.m. City Council has not approved this extension for past events, and the attached conditions do not permit the extra hour.

The property owner did not request the waiver of the \$250 surety bond. The cost of the surety bond is determined by City Council as outlined in Chapter 58, Article III of the City of Port Orange Code of Ordinances, and has generally been set at \$250 when required for past events. City Council has required staff to secure payment of the surety bond in recent years and the staff conditions require it. If City Council prefers to waive the surety bond, the conditions would need to be modified.

Project	Funding Account
No.:	No.:

ATTACHMENTS:

1.	Staff Report	Staff Report - Last Resort - Bike Week '16.pdf
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Bonin, Amanda

Created/Initiated - 02/23/2016

Clark, Wayne
Johansson, M. Jake

Approved - 02/23/2016
Final Approval - 02/23/2016



STAFF REPORT

Major Special Event Request

REQUEST: Major Special Event – Bike Week 2016

OWNER/APPLICANT: Al Bulling

EVENT LOCATION: The Last Resort Bar - 5812 South Ridgewood Ave.
Best Cars - 5816 South Ridgewood Ave.
Hunt for Cars - 5796 South Ridgewood Ave.

STAFF CONTACT: Deborah Faircloth, Code Enforcement Officer

CITY COUNCIL DATE: February 22, 2016

INTRODUCTION:

Al Bulling, owner of The Last Resort Bar, 5812 South Ridgewood Avenue, requests approval for a Special Event to be held during Bike Week 2016. The proposed event is planned for a six (6) day period from Monday, March 10, 2016, through Saturday, March 12, 2016, inclusive. The requested hours for the event are from 11:00 a.m. to 2:00 a.m., daily. The event is planned for the property currently occupied by The Last Resort Bar, Best Cars at 5816 S. Ridgewood Avenue, and Hunt for Cars at 5796 S. Ridgewood Avenue.

CASE BACKGROUND:

Normal operations of The Last Resort Bar will continue. Twenty (20) vendors have been requested and may be in place throughout the site. Vendors are required to obtain a Temporary Merchant License from the City for \$250 to participate in this event. The outdoor activities for this event, intended to target the crowd attending Bike Week 2015, include the sale of T-shirts, leather, bike accessories, food, and alcohol. Other outside activities proposed for the event include live outdoor music and creamed corn wrestling, which will be held on Thursday, March 10, 2016. An all-day Chopper show is proposed for Saturday, March 12, 2016. Port-o-let facilities are proposed for the event, along with private security provided by the Bar. The proposed event activities have been consistent for at least the past decade.

Chapter 42, Article IV. Noise Regulations, Section 42-80. General Restrictions of the *City of Port Orange Code of Ordinances* describe the acceptable sound level limit dBA. It shall be the responsibility of the permit holder to monitor for noise violations. The Last Resort Bar shall take care in the placement of speakers for amplified music by adjusting them away from residential areas.

A warning may be issued and if not corrected or the violation recurs, the Special Event may be terminated. All previous noise violations will be taken into account before permitting future events. Based on the City Council's previous approvals for Bike Week, it is staffs' understanding that all outdoor music shall cease by 10:00 p.m.

DISCUSSION/ANALYSIS:

The subject proposal has been reviewed by the Police, Fire, Public Works and Community Development departments.

This event is being held in conjunction with the community-wide special event, Bike Week 2016, with recognized dates Friday, March 4, 2016, through Sunday, March 13, 2016. This is the first Special Event for The Last Resort Bar in 2016.

Port Orange Code of Ordinances prohibits the serving of alcohol outdoors and indoors past 2:00 a.m.

ADDITIONAL REQUEST:

Mr. Bulling is requesting a time extension for outside music on Friday and Saturday nights of the event. If the Council grants this extension, outside music would cease at 11:00 p.m. City Council has not approved this extension for past events, and the attached conditions do not permit the extra hour.

CODE VIOLATIONS:

There were no apparent code violations at the time of pre-inspection.

Staff recommends approval of The Last Resort Bar Special Event request, subject to the following twenty-six (26) conditions:

1. Hours for the event shall be from 11:00 a.m. to 2:00 a.m. The Last Resort Bar also shall not serve alcohol indoors or outdoors past 2:00 a.m., as required by *Port Orange Code of Ordinances*.
2. Where fences are required to delineate outdoor alcohol serving areas, as well as parking areas for automobiles, motorcycles and the handicapped, a four (4)-foot high orange construction fence shall be erected to enclose the event area. All fencing must be in place prior to the site inspection for the event.
3. All outdoor cooking equipment involving liquefied petroleum gas and/or storage cylinders shall comply with *NFPA #58 Liquefied Petroleum Gas Code* and be approved by the Fire Marshal.

4. A copy of The Last Resort Bar's liquor license for outdoor sales of alcohol during this event shall be obtained from the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, prior to the event.
5. The Last Resort Bar shall be responsible for all participating vendors with respect to any permit conditions or compliance with applicable state, county and city laws, rules, regulations, codes and ordinances. Therefore, The Last Resort Bar must screen all participating vendors to ensure compliance with but not limited to the following:
 - a. *Article VI, Chapter 18, Port Orange Code of Ordinances*, relating to peddlers and transient merchants.
 - b. Temporary event permits issued by the Department of Business and Professional Regulation, Division of Hotels and Restaurants for all food vendors.
 - c. Required liquor license for a temporary event shall be obtained from the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.
 - d. Coordination with the Port Orange Police Department, Volusia County and/or the Florida Department of Transportation with respect to traffic control devices or plans.
 - e. Provisions and Standards of the City's *Body Art Ordinance*.
 - f. Provisions and Standards of the City's *Sexually Oriented Businesses Code*.
 - g. *Special Event Fee Resolution* establishing Temporary Merchant Fee.
6. Tents or canopies being used in association with this event shall comply with the requirements set forth in *NFPA 101 Chapter 11.11 (Tents) Standards for Tents and Membrane Structures*. Tents or canopies cannot be erected more than forty-eight (48) hours prior to the event, and must be removed within twenty-four (24) hours after the duration of the event. All tents/canopies must maintain at least two (2) exit ways in an unobstructed fashion to allow for a continuous path of travel.
7. If any outdoor lighting or other structural features are to be installed in association with this event, The Last Resort Bar shall obtain the proper Building Permits from the Community Development Department. Such lighting must be a minimum of twenty (20) foot candles to provide a safe environment at night.
8. Temporary electrical wiring shall be installed by a certified electrician and shall comply with Article 590 of the current adopted *NFPA #70 National Electrical Code*. This includes (F) Lamp protection. Any temporary lamps shall be protected from accidental contact or breakage by a suitable fixture or lamp holder with a guard.

9. Fire extinguishers shall be provided as outlined in accordance with the *NFPA #10, Standard for Portable Fire Extinguishers*.
10. All exits and means of egress shall remain accessible and unobstructed and it shall be the responsibility of The Last Resort Bar to maintain access for emergency vehicles.
11. The Last Resort Bar shall provide five (5) port-o-let facilities, with two (2) for females and two (2) for males during the event. One (1) handicapped-accessible port-o-let will also be provided. *A minimum of five percent (5%) of the portable toilets, but no less than one (1), shall comply with Section 603 of FBCA as required per Section 213.2 FBCA for handicapped-accessible facilities.*
12. All areas being used for this special event shall be handicapped-accessible. Handicapped parking is to remain open and accessible for this event.
13. Tripping hazards shall be removed or isolated from pedestrian traffic. Vehicle areas, including parking, shall be physically separated from pedestrian areas.
14. Based on the City Council's previous approvals for Biketoberfest, it is staff's understanding that all outdoor music shall cease by 10:00 p.m. The Last Resort Bar shall take care in the placement of speakers for amplified music by adjusting them away from residential areas.
15. If there are calls for police service, or if security threats develop, the Police Department may require additional officers to provide security for this event. The additional officers will be hired at the expense of The Last Resort Bar at the rate of \$40.00 per hour with a minimum of three hours.
16. The Last Resort Bar shall hire a police officer to cross pedestrians and monitor congestion during periods of heavy traffic flow, if an event traffic plan is in operation. The anticipated dates, times, and charges for such detail and traffic control devices will be agreed upon by The Last Resort and the Police Department and paid to the City prior to issuance of the permit.
17. The City's *Code of Ordinances* prohibits the exposure of any sexual organs at commercial establishments that serve alcoholic beverages. Furthermore, *Florida Statutes* prohibit any type of public nudity at such an event.
18. A temporary sign permit shall be required for the one (1) banner permitted for this event.
19. No trees shall be removed and care shall be taken to protect landscaped areas.
20. The Last Resort Bar shall contact the Community Development Department to schedule an inspection of the property prior to the start of the event to ensure that the construction fence and any canopies or tents are well secured, and that all other safety measures are in place.

21. Any disturbance of public right-of-way shall be the sole responsibility of The Last Resort Bar.
22. It is The Last Resort Bars' responsibility to contact the Community Development Department for an inspection of debris removal within 48 hours after the event.
23. No more than the requested twenty (20) vendors shall be on this site.
24. The Last Resort Bar shall comply with the approved maximum capacity occupancy requirements within the confines of the facility.
25. Camping on premises prohibited by code; includes, but not limited to, tents, motor homes, travel trailers, or other vehicles.
26. The \$250.00 surety bond must be paid in full before issuance of permit.

DISTRIBUTION LIST

Bryan Smith, Interim Deputy Chief
Thomas Grimaldi, Police Chief
Sgt. Steven Braddock, Police Dept.
Kerry Leuzinger, Building Official
Gwen Perney, Planner
Branford Adumuah, Public Works Director
Mike Silvey, Assistant Public Works Director
Chris Barnes, Public Works
Sue Lovallo, Parks & Recreation Director
File



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 03/01/2016

Consent item: No

SUBJECT: FY 16-17 Budget Calendar

DEPARTMENT: Finance

GOAL:

OBJECTIVE:

RECOMMENDED MOTION: Move to adopt the FY16-17 Budget Calendar.

SUMMARY: The FY 16-17 Budget calendar is proposed as a planning document.

Project	Funding Account
No.:	No.:

ATTACHMENTS:

1.	FY16-17 Budget Calendar	FY 16-17 Budget Calendar.pdf
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Riehm, Tracey
Riehm, Tracey
Johansson, M. Jake

Created/Initiated - 02/20/2016
Approved - 02/20/2016
Final Approval - 02/25/2016

FY 16-17 Budget Calendar

Date	Action
Friday, February 12	Finance Distributes CIP documents to Departments.
Monday, February 15	Human Resources sends current Personnel Roster to Departments.
Tuesday, February 16	Finance Distributes Budget Calendar to Council.
Early March (TBD)	Council Strategic Planning Session. A summary of what is discussed at this session will be provided to Departments for guidance while developing their budget.
Monday, March 14	Community Development provides a list of new development, for revenue estimating purposes, to Finance.
Wednesday, March 16	Departments submit CIP requests to Finance. Finance and internal service departments review CIP requests. All requests should tie to the Strategic Plan.
Tuesday, March 15	Departments verify and submit current personnel rosters to Human Resources.
March 15 – April 1	Departments work with Human Resources to develop additional personnel recommendations. All requests for additional personnel should tie to Strategic Plan.
Wednesday, March 23	Finance meets with Departments to Review Budget Process and distribute Budget Packets.
Wednesday, March 30	HTE opens to Departments.
March 30 – April 15	Departments develop new program requests. All requests should tie to Strategic Plan.
March 30 – April 22	Finance Meets with Departments to provide assistance with Budget.
Friday, April 1	Departments submit new personnel requests to Human Resources, copying Finance. Related forms requesting Fleet and IT equipment for additional positions must be completed.
Monday, April 11	Finance finalizes initial CIP review and sends to City Manager for review.
April 11 th – 15 th	City Manager reviews CIP requests with Finance and Departments.
Friday, April 15	Departments submit new program requests to Finance. Departments must remember to put these requests in the HTE system as part of their budget as well.
April (TBD)	Council formally adopts mission, vision, values, goals, and objectives.
Tuesday, April 17	Finance sends draft CIP to City Manager and City Council (3 months prior to adoption)
Friday, April 22	HTE system closed for department line item entries

April 15 th – May 6 th	Finance/HR/Fleet/IT work together to review new position and program requests.
Monday, May 9	Finance submits consolidated position/position program requests to City Manager.
May (TBD)	Tentative Workshop for the CIP.
May 9 th – May 13 th	City Manager and Finance review new position/program requests with Departments.
May 13 th – June 30 th	Finance creates preliminary draft budgets.
Friday, June 3	Finance submits preliminary revenue estimates to City Manager
Thursday, June 30	Finance submits preliminary draft budget to City Manager and departments.
July 1 st – 8 th	City Manager reviews preliminary operating and capital budgets with Department Heads.
Friday, July 1	Property Appraiser releases preliminary tax roll. Form DR420
July 11 th – 13 th	Council provides City Manager guidance.
July 14 th – 15 th	Finance adjusts budget as needed.
Friday, July 15	Preliminary proposed budget submitted to City Manager
Tuesday, July 19	Finance distributes proposed budget to City Council via City Manager. • City Council sets proposed millage rate. • City Council sets public hearing dates for tentative and final adoption (1st hearing date must be within 80 days after certification of values and cannot conflict with County or School Board hearing dates). City Council reviews CIP.
Tuesday, July 26	Workshop/Special Meeting for the Budget • City Council adopts CIP (must be done before 8/15/16).
Monday, August 1	• Deadline for submitting proposed millage rate to Property Appraiser, and time, date and place of 1st Public Hearing to Property Appraiser (Form DR-420).
Friday, August 26	Post proposed budget on website.
Early September	1 st Public Hearing to adopt tentative millage (must be within 80 days but no earlier than 65 days after certification of values, 09/3-09/18, cannot conflict with County or School Board hearing dates)
Friday, September 9	Advertise 2 nd Public Hearing with Budget Summary (within 15 days after the tentative budget hearing)
Tuesday, September 13	Public Hearing to adopt final budget and millage resolutions (Must be within 20 days of first Public Hearing and cannot conflict with County or School Board hearing dates)



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 03/01/2016

Consent item: No

SUBJECT: Parks & Recreation Code Discussion

DEPARTMENT: Parks & Recreation

GOAL:

OBJECTIVE:

RECOMMENDED MOTION: Discussion item only

SUMMARY: Chapter 50 of the Code of Ordinances relating to Parks and Recreation has not been comprehensively updated since its adoption in 1981. Most changes are simply clean ups in the code and combining sections that were duplicated. These changes are shown by striking out what was eliminated and underlining what was added. For example instead of separating out the amphitheater we combined with recreation facilities. The most noticeable changes will be section 50-35 relating to non-resident fees and section 50-40 related to prohibiting tobacco use at youth activities and parks. The non resident fee is applied to anyone living outside the city limits of Port Orange, for program registrations, however when we agreed to accept Volusia ECHO dollars it prohibits us from charging this fee for programs using those facilities. The tobacco use section violates State law therefore we must repeal it. Any changes to the code must appear before council for two readings. First reading has been tentatively scheduled for March 1, 2016.

Project	Funding Account
No.:	No.:

ATTACHMENTS:

Fenwick, Robin
Lovallo, Susan
Johansson, M. Jake

Created/Initiated - 01/18/2016
Approved - 02/10/2016
Final Approval - 02/23/2016



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 03/01/2016

Consent item: No

SUBJECT: First Reading - Ordinance No. 2016-2 - Update Chapter 50 Code of Ordinances- Parks & Recreation

DEPARTMENT: Parks & Recreation

GOAL:

OBJECTIVE:

RECOMMENDED MOTION: Move to approve Ordinance No. 2016-2.

SUMMARY:

Chapter 50 of the Code of Ordinances relating to Parks and Recreation has not been comprehensively updated since its adoption in 1981. Most changes are simply clean ups in the code and combining sections that were duplicated. These changes are shown by striking out what was eliminated and underlining what was added. The changes reflect one of three categories; Administrative changes that will clean up the code to meet the current practices and delete any duplication, Enforcement that will strengthen our code to make infractions more enforceable and Regulatory which will align our code with State and County regulations. The Parks and Recreation advisory board held a special meeting on February 16, 2016 to discuss the proposed changes. The Board moved to accept the changes and asked for an alternative sign to be used in place of the no smoking signs.

Project	Funding Account
No.:	No.:

ATTACHMENTS:

1.	Ord. No. 2016-2	Parks and Rec Code MJ 2.5.16.pdf
2.	Staff Report	Staffreportcodes.pdf
3.	Alternative sign	SIGN.pdf

Lovallo, Susan
Lovallo, Susan
Jones, Matthew
Roberts, Margaret
Johansson, M. Jake

Created/Initiated - 08/27/2015
Approved - 08/27/2015
Approved - 02/23/2016
Approved - 02/23/2016
Final Approval - 02/23/2016

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 50, ARTICLE I, SECTION 50-1 PROVIDING FOR DEFINITIONS; AMENDING SECTION 50-2 RELATING TO USE OF PARK PROPERTY AND EQUIPMENT; AMENDING SECTION 50-5 RELATING TO ANIMAL REGULATIONS AT RECREATIONAL FACILITIES; CREATING A NEW SECTION 50-6 ESTABLISHING PARK HOURS; AND SECTION 50-7 REGULATING CAMPING; AMENDING ARTICLE II, SECTION 50-31 RELATING TO PARKS AND RECREATION FACILITY USE; SECTION 50-32 RELATING TO ATHLETIC FACILITY USE; SECTION 50-33 RELATING TO PARKS AND RECREATION PARTNERS APPLICATIONS AND REVIEW; SECTION 50-38 RELATING TO NON-RESIDENT FEES; REPEALING SECTION 50-34 RELATING TO FACILITY USE CATEGORIES; SECTION 50-35 RELATING TO RENTAL FEES FOR ATHLETIC FACILITIES; SECTION 50-36 COMMUNITY CENTER RULES OF USE; SECTION 50-37 RELATING TO ATHLETIC FACILITY RULES OF USE; SECTION 50-39 RELATING TO KENNETH W. PARKER AMPHITHEATER AND COMMUNITY CENTERS USE POLICIES; AND SECTION 50-40 RELATED TO PROHIBITING TOBACCO USE AT YOUTH ATHLETIC ACTIVITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 50 of the Code of Ordinances relating to Parks and Recreation has not been comprehensively updated since its adoption in 1981; and

WHEREAS, amendments to Chapter 50 of the Code of Ordinances are necessary to maintain consistency with current policies and procedures; and

WHEREAS, the Parks and Recreation Board has reviewed and approved the proposed amendments contained herein; and

WHEREAS, for purposes of this Ordinance text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text;

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

SECTION 1. The City Council of the City of Port Orange, Florida hereby amends Section 50-1 of the Code of Ordinances to read as follows:

Sec. 50-1. - ~~Property and equipment~~—Use of Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Athletic facility means fields, courts or gymnasiums owned and operated by the city, including but not limited to the field/court of play, sidelines and bleachers, where sporting events, practices and games are routinely held.

Parks and recreation partner means a non-profit organization dedicated to extending physical, cultural or social activities to the community while utilizing recreation facilities or athletic facilities in accordance with a written agreement approved by the city manager.

Permit means the approved application returned to the applicant or other instrument prepared by the recreation department indicating the applicant has successfully applied and been granted limited use of an athletic or recreation facility.

Recreation department means the parks and recreation department in and for the City of Port Orange.

Recreation facility means a building, park or amphitheater owned and operated by the city and primarily used for recreational activities, community gatherings and special events.

Service animal means a dog of any breed that is individually trained to do work or perform tasks for people with disabilities.

~~It shall be unlawful for any person to use or occupy buildings, tables, chairs, or other property situated in or on the public parks owned by the city, other than for the purposes for which the property was constructed and placed in, and intended to be used in the parks.~~

SECTION 2. The City Council of the City of Port Orange, Florida hereby amends Section 50-2 of the Code of Ordinances to read as follows:

Sec. 50-2. – ~~Same-Injuring~~ Property and equipment.

(a) ~~It shall be unlawful for any person to use or occupy buildings, tables, chairs, or other property situated in or on any athletic or recreation facility, other than for the purposes for which the property was constructed and placed in, and intended to be used at the facility.~~

(b) It shall be unlawful to injure or destroy any of the buildings, tables, chairs or other property owned by the city and situated in or on any athletic or recreation facility ~~the public parks.~~

SECTION 3. The City Council of the City of Port Orange, Florida hereby amends Section 50-5 of the Code of Ordinances to read as follows:

Sec. 50-5. - Animals prohibited.

(a) ~~The terms used in this section, other than those defined in section 50-1, shall have the same meaning as set forth in section 10-3 of this Code.~~

(b) ~~No person having charge, care, custody or control of any domestic animal or wildlife shall permit, any such animal to be at large, upon any public property (except in the case of dogs for city established and approved off-leash dog parks). Provided however, no domestic animal or wildlife shall be allowed indoors~~

at any city facility or onto any athletic field, splash pad or playground. This section shall not apply to police K-9 units used for law enforcement, or service animals.

- (c) Any violation of this section shall be addressed in accordance with section 10-17 of this Code, and shall be punishable as provided in section 10-18 of this Code.

~~It shall be unlawful to bring dogs, cats or other pets, or other animals, upon the parks, playgrounds, recreational facilities or other similar city property except for approved permitted animal shows, K-9 dogs used for law enforcement, and Seeing Eye dogs.~~

SECTION 4. The City Council of the City of Port Orange, Florida hereby amends Chapter 50, Article I of the Code of Ordinance to establish a new Section 50-6 to read as follows:

Sec. 50-6. – Park hours.

- (a) Athletic and recreation facilities shall be open to the public as indicated by the established hours posted on buildings or entrance areas.
- (b) Any section or part of any athletic or recreation facility may be declared closed to the public at any time or limited to certain users or times as public interests demand or safety and security indicates. In addition, all or part of an athletic or recreation facility may be closed to the general public during the use of the facility for city sponsored programs or events and the parameters and times of closure is posted at the facility.
- (c) It shall be unlawful to enter any athletic or recreation facility or remain therein:
- (1) Beyond the established facility hours as posted; or
 - (2) During a temporary closure as set forth in subsection (b) above.

SECTION 5. The City Council of the City of Port Orange, Florida hereby amends Chapter 50, Article I of the Code of Ordinance to establish a new Section 50-7 to read as follows:

Sec. 50-7. – Camping; exception.

- (1) For the purpose of this section, the term “camping” means:

- (a) Sleeping or otherwise being in a temporary shelter out-of-doors; or
 - (b) Sleeping out-of-doors; or
 - (c) Cooking over an open flame or fire out-of-doors.
- (2) No person shall engage in camping on public property except as may be specifically authorized by the appropriate governmental authority by ordinance, rule, regulation or permit.
- (3) The act of sleeping while on public property in and of itself shall not provide a basis for a violation of this section. In order to find a violation of this section, an officer shall determine, at a minimum, that:
 - (a) The person is occupying public property, to wit, property either deeded, or dedicated to or leased by a governmental agency or unity, and
 - (b) The violator is inside a tent or sleeping bag, or is covered by materials such as blankets, newspapers, cardboard, or is inside some form of temporary shelter, or
 - (c) The violator has built a campfire, or
 - (d) The violator is asleep and when awakened he/she volunteers that he/she has no home or other permanent shelter.
- (4) Prior to citing an individual for a violation of this section, if such person is homeless he/she shall be given an opportunity to enter a homeless shelter or alternative shelter, if available. If no such shelter is available, no citation shall be issued. If such shelter is available, and the violator refuses to relocate to an available shelter, a citation may be issued for violation of this section.

SECTION 6. The City Council of the City of Port Orange, Florida hereby amends

Section 50-31 of the Code of Ordinances to read as follows:

Sec. 50-31. - ~~Community centers; objects, permits, restrictions.~~ Recreation facilities.

- (a) Recreation facilities shall be used primarily for physical, social and cultural activities for youths and adults directly under the operating responsibility of the recreation department. Recognizing that suitable indoor facilities for meetings and activities are extremely limited in the city, these facilities may be made available when not in conflict with the department's activities to help ensure that

the facilities are fully utilized. The recreation facilities are designed for multi-purpose use and not as a designated permanent site for continuous rentals by any single individual, group or organization. The recreation department encourages facility use according to the following priority:

- (1) Recreation department operations.
- (2) Parks and recreation partners.
- (3) Non-profit organizations (i.e Scouts) open to citywide membership, without regard to religious or other membership requirements, aimed at promoting and facilitating physical, social or cultural activities for the community.
- (4) Private individuals, groups or organizations utilizing the facility for a non-profit-generating recreational or social activity.
- (5) Private individuals, groups or organizations utilizing the facility for a profit-generating activity (i.e. personal trainers or instructors).

~~The object of the facility policies related herein is to define the purpose for which the recreation facilities under the jurisdiction of the recreation department may be used and the organized groups which may use the facilities.~~

(b) Recreation facility use for organized activities and events requires a permit. Application for any recreation facility use permit shall be made with the recreation department.

~~(c)(b)~~ All permits for use of the facilities will shall be restricted to responsible individuals, groups or organizations and recognized organizations under the provisions outlined in this policy section.

~~(d)(c)~~ Applicants for facility use permits shall be must satisfy the issuing office of the recreation department that they will be personally responsible for proper use of the facility or that they represent local organizations that will be responsible for the proper use of the facility, and applicants shall further will guarantee orderly behavior at the facility, and will shall assume strict liability for any damage to city property arising out of their use of the facility.

~~(e)(d)~~ Applicants shall be responsible for any negligent acts arising out of their use of the facility and liability will shall be assumed by the recipient of the permit in regard to any such personal injury or property damage claims.

- (f) Permits are not transferable to any other individual, group or organization.
- (g) Rental fees and charges for recreation facilities shall be established by resolution of the city council. All rental rates are subject to state tax. Rental rates may include fees for city staff (including, but not limited to the following personnel: parks and recreation, police, fire, and public works), city services and city contractors. Rental times shall include the time necessary for set-up and clean-up.
- ~~(h)(e)~~ Facilities may be reserved no more than 12 months in advance of the scheduled use and shall require the applicant to place a deposit in an amount established by resolution of city council.
- (i) Any individual, group or organization desiring to use any facility shall not be allowed to rent the facility if, at the time of application, such person or organization is delinquent in payment of any money due to the city.
- ~~(j)(f)~~ Payment of all rental fees and charges for use of facilities, less any deposited amount, shall be made at the issuing office prior to issuance of the permit ~~at the time the permit is issued~~, and shall be at least 14 days ~~48 hours before~~ prior to the scheduled use. ~~Permits not called for at least 48 hours before scheduled use will be void.~~
- ~~(k)(g)~~ Cancellations may be initiated by renter party 30 days ~~48 hours~~ prior to scheduled use with a full refund of the deposit ~~without liability~~. Cancellations made by the renter within 30 days of the scheduled use shall result in forfeiture of the entire deposited amount. The department will issue notices as far in advance as possible, but reserves the right to make later cancellations in the case of extreme necessity or unforeseen circumstances. Notwithstanding the foregoing, the city's liability for cancellation of any facility use shall be limited to the return of deposited funds along with any other applicable rental fees and charges paid by the applicant in anticipation of the use.
- (l) Upon approval of an application for facility use and prior to use of the facility, a facility use agreement shall be signed by the applicant. The facility use agreement shall not be deemed to be a lease. The city does not relinquish the right to control the management of the facility, or to enforce all necessary laws,

rules and regulations. Duly authorized representatives of the city may enter the premises at any time, and all areas shall be under the control of the city. The city retains the right to cause the interruption or termination of any performance or event in the interest of public safety and likewise cause the termination of any performance or event when in the sole judgment of the city any federal, state or local law has been or is likely to be violated, or such termination is otherwise necessary to protect public interest.

(m) The facility use agreement shall require the applicant to:

- (1) Provide a deposit in an amount established by resolution of the city council;
- (2) Provide insurance with the city named as additional insured, with the amount of coverage acceptable to the city, which shall be in a minimum amount of \$1,000,000.00 for bodily injury and \$500,000.00 for property damage; provided, however, that the city's risk manager may require these amounts to be increased for activities involving greater risk;
- (3) Indemnify the city;
- (4) Refrain from making alterations to the electrical, lighting, sound and structural components of the facility without prior written consent of the facility supervisor; and
- (5) Comply with the requirements of this section and the policies and procedures implementing this section promulgated by the city council and recreation department.

(n) No admission charges shall be permissible at any recreation facility except as expressly authorized by the city council.

~~(o)(h)~~ Any activity in which the department's facilities are utilized ~~will~~ shall be conducted according to law and will conform with the lawful standards of the city. ~~No meetings or entertainment will be held for the purpose of advancing any doctrine or theory subversive to the United States or for any immoral or illegal purpose.~~

~~(p)(i)~~ Alcoholic beverages shall not be possessed or consumed in or on any of the municipal facilities operated by the parks and recreation department, unless expressly permitted in accordance with section 6-3 of the Code.

- (j) ~~Application for a permit for use of the various facilities shall be made at the recreation department main office.~~

SECTION 4. The City Council of the City of Port Orange, Florida hereby amends Section 50-32 of the Code of Ordinances to read as follows:

Sec. 50-32. - Athletics/sports.

- (a) As a matter of policy, athletic facilities ~~athletic and sports fields~~ under the operating responsibility of the recreation department are intended primarily for public recreation use in connection with the recreation department's programs. The athletic facilities are not intended to be used as a designated permanent site for continuous rentals by any single individual, group or organization. ~~When these facilities are not in use for these activities, the~~ The recreation department encourages use of the athletic facilities ~~fields~~ according to the following priority:
- (1) Recreation department operations.
 - (2) ~~Co-sponsored programs~~ Parks and recreation partners.
 - (3) Non-profit organizations (i.e. Scouts) open to citywide membership, without regard to religious or other membership requirements, aimed at promoting and facilitating physical, social or cultural activities for the community.
~~Community, semipublic agency programs such as Scouts and other groups open to citywide membership without regard to religious or other membership requirements; civic and other community organizations.~~
 - (4) Private individuals, groups or organizations utilizing the facility for a non-profit-generating recreational, social or cultural activity.
 - (5) Private individuals, groups or organizations utilizing the facility for a profit-generating activity (i.e. personal trainers or instructors).
- (b) Athletic facility use for organized activities and events requires a permit. Application for any athletic facility permit shall be made with the recreation department.

~~All athletic/sport facilities under the jurisdiction of the department will be scheduled on a permit basis by contacting the athletic office.~~

- (c) Athletic facilities shall be used for games, sports and other athletic activities. Those requesting a facility for other uses must obtain written permission from the parks and recreation department.
- (d) Rules and regulations adopted by the recreation department shall be adhered to at all times, and any infraction of these rules or city ordinances may cause cancellation of the event in-progress as well as hinder the ability to obtain permits for future events.
- (e) No admission charges shall be permissible at any recreation facility except as expressly authorized by the city council.
- (f)(e) The following regulations apply to the rental of athletic and sport facilities:

 - (1) Reservation of fields or courts and payment of the applicable fees shall be made in person at the recreation department and must be at least 5 days in advance of and no earlier than six months prior to the scheduled athletic activity athletic office.
 - (2) For regular practice sessions without lights, reservation of fields or courts shall be made on a first-come, first-served basis. Reservations open each Monday for the week.
 - (3) For practice sessions with lights, reservation of fields shall be made as follows:

 - a. No later than noon on the day of the practice session.
 - b. No later than 3:00 p.m. on Friday preceding any weekend practice session.
- (43) In the event of rain during a reserved time, the recreation department athletic office may:

 - a. Issue a new reservation upon presentation of the original permit; or
 - b. Refund the rental fee for the unused field or court.
- (54) For a reservation to be effective, the permit shall be in the possession of an individual or team at the field or court during the time of use.

- (65) Reserved field rentals do not include field preparation bases, lines or maintenance. Field preparation services may be requested upon payment of the corresponding fee established by resolution of the city council.
- (76) No refund or credit shall be allowed for field preparation once the labor has been completed.
- (7) No signs shall be erected without written permission from the recreation department.
- (8) Individuals, groups or organizations holding permits shall assume full responsibility for any damage to properties of the city and for the negligent conduct of those in the group or organization using the athletic facility.
- (9) Rental fees, charges and deposits for athletic facilities shall be established by resolution of the city council, and shall be paid at least 5 days prior to the rental date.
- (10) A facility use agreement shall be required for any athletic facility rental that is open to the public. The facility use agreement shall require the applicant to:
 - a. Provide insurance with the city named as additional insured, with the amount of coverage acceptable to the city, which shall be in a minimum amount of \$1,000,000.00 for bodily injury and \$500,000.00 for property damage; provided, however, that the city's risk manager may require these amounts to be increased for activities involving greater risk;
 - b. Indemnify the city;
 - c. Refrain from making alterations to the electrical, lighting, sound and structural components of the facility center without prior written consent of the facility supervisor; and
 - d. Comply with the requirements of this section and the policies and procedures implementing this section promulgated by the city council and recreation department.

~~(g)(d)~~ The following additional regulations apply to the rental of athletic facilities for tournaments and all-day use:

- ~~(1) Facilities may not be used for private tournaments organized for private financial gain.~~
- ~~(2) Facilities may be used for tournaments planned for the financial benefit of nonprofit charitable organizations.~~
- ~~(13)~~ A request for each tournament shall be submitted in writing to the recreation department director prior to the reservation of any dates.
- ~~(24)~~ The request shall include the following information:
 - a. Purpose of the tournament.
 - b. Names and telephone numbers of the organizers.
 - c. Prospective dates of the tournament.
 - d. Name and address of the ~~benefitting~~ sponsoring organization.
- ~~(35)~~ If the organizers are not employees of the ~~benefitting~~ sponsoring organization, the request shall include a letter of acknowledgment and approval from the organization.
- ~~(46)~~ A facility use agreement shall be executed and submitted to the recreation department athletic office at least 30 days ~~two weeks~~ prior to the anticipated dates.
- ~~(5)~~ The facility use agreement shall require the following from the applicant:
 - a. Provide a deposit in an amount established by resolution of the city council;
 - b. Provide insurance with the city named as additional insured, with the amount of coverage acceptable to the city, which shall be in a minimum amount of \$1,000,000.00 for bodily injury and \$500,000.00 for property damage; provided, however, that the city's risk manager may require these amounts to be increased for activities involving greater risk;
 - c. Indemnify the city;
 - d. Refrain from making alterations to the electrical, lighting, sound and structural components of the facility center without prior written consent of the facility supervisor; and

e. Comply with the requirements of this section and the policies and procedures implementing this section promulgated by the city council and recreation department.

- (6) Cancellations may be initiated by renter party 14 days prior to scheduled use with a full refund of the deposit. Cancellations made by the renter within 14 days of the scheduled use shall result in forfeiture of the entire deposited amount. The recreation department will issue notices as far in advance as possible, but reserves the right to make later cancellations in the case of extreme necessity or unforeseen circumstances. Notwithstanding the foregoing, the city's liability for cancellation of any athletic facility use shall be limited to the return of deposited funds along with any other applicable rental fees and charges paid by the applicant in anticipation of the use.

~~A nonrefundable deposit equal to one-half of the total fees due shall be paid at the time the facility use agreement is submitted. The balance of all fees due shall be paid prior to the issuance a reservation contract.~~

- (78) No dates shall be reserved prior to the execution of the facility use agreement.
- (89) Field rentals for tournaments do not include bases, lines field preparation or maintenance. Field preparation services may be requested upon payment of the corresponding fee established by resolution of the city council.

~~(e) The following regulations apply to the rental of athletic and sport equipment:~~

- ~~(1) Rental of equipment shall be approved in conjunction with rental of a field where appropriate.~~
- ~~(2) No rental of equipment shall exceed two days use.~~
- ~~(3) All equipment shall be rented from and returned to the athletic office weekdays during normal business hours.~~
- ~~(4) Any equipment rented shall require a security deposit and rental fee for each item.~~

- ~~(5) Failure to return equipment within the time specified shall result in forfeiture of the security deposit as follows:
 - ~~a. Ten dollars of the deposit on the first day late.~~
 - ~~b. The balance of the deposit on the second day late.~~~~
- ~~(6) The cost of repair or replacement of equipment that is returned broken shall be deducted from the security deposit.~~
- ~~(7) At the time the equipment is rented, the person renting the equipment shall:
 - ~~a. Present a valid Florida driver's license; and~~
 - ~~b. Pay all applicable deposits and rental fees.~~~~
- ~~(8) No refund shall be allowed for loss of use of equipment due to unfavorable weather conditions. The athletic office may issue a credit for future use of the equipment.~~

SECTION 5. The City Council of the City of Port Orange, Florida hereby amends Section 50-33 of the Code of Ordinances to read as follows:

Sec. 50-33. - ~~Special interest club co-sponsorship groups~~ Parks and recreation partners policies.

- (a) Any organization seeking to become a parks and recreation partner shall apply to the recreation department and shall meet the following minimum eligibility requirements:
 - (1) Must be a non-profit organization registered with the Florida Department of State, Division of Corporations.
 - (2) Must undergo background screening for all adults who will be working with children in the organization in accordance with Sections 934.0438, 435.03, and 435.04, Florida Statutes, as may be amended from time to time.
 - (3) Must offer physical, social or cultural activities for the community.
 - (4) Must have city residents for at least 50 percent of its participants.

~~Misunderstandings and conflicts often develop in the sponsorship relationship between recreation departments and special interest clubs when there is only an~~

~~oral discussion between the staff member and the club president or representative. To offset this possibility, it behooves the department to develop a written policy of understanding, with a copy to be inserted in the minutes of the club meeting.~~

- (b) The following factors shall be considered in determining whether to approve or deny a parks and recreation partner request:

~~The city may sponsor certain recreation organizations on the following considerations:~~

- (1) ~~There is an existing~~ The existing need for the services offered by the applicant organization and its services.
- (2) The services offered by the applicant do not result in the unnecessary duplication of services already being offered by the recreation department or others. Duplication of services may be acceptable depending on supply and demand for a particular service.

~~Consideration will be given as to possible duplication of the organization's services with other services offered by other local organizations, and with similar activities conducted by the department.~~

- (3) The quality of services offered ~~organization membership must be open to residents of the city.~~

- (c) Applications for parks and recreation partners shall be processed as follows:

- (1) Applicant for parks and recreation partner shall submit an application, in writing, to the recreation department.
- (2) The parks and recreation director, or his or her designee, shall review the application for completeness and minimum eligibility requirements, and may reject any applications which are incomplete or do not meet the minimum eligibility requirements.
- (3) The parks and recreation director shall forward those completed applications which meet the minimum eligibility requirements to the Parks and Recreation Advisory Board with a recommendation of approval or denial.

- (4) The Parks and Recreation Advisory Board shall review the application and the recommendation from the recreation director, and hear the presentation of the applicant at a regularly scheduled meeting.
- (5) The Parks and Recreation Advisory Board shall make a recommendation to the city manager of approval or denial based on the criteria set forth in subsection (b).
- (6) Prior to review by the city manager, the applicant shall execute the parks and recreation partner agreement which shall become effective upon approval by the city manager.
- (7) The city manager shall either approve or deny the application, in writing, upon consideration of the recommendations of the recreation director and Parks and Recreation Advisory Board, and based on review of the criterion set forth in subsection (b).
- (8) The applicant may appeal a denial by the city manager to the city council by filing written notice of appeal with the city clerk within 10 days of the city manager's written denial. Such notice shall detail the grounds for appeal. Upon receiving a notice of appeal, the city clerk shall schedule the item for city council review on the next regularly scheduled meeting of city council. The decision of city council shall be final.
- ~~(c)~~(d) For clarification Upon approval of a parks and recreation partner and in accordance with the parks and recreation partner agreement, the department shall provide the following assistance services without charge to parks and recreation partners sponsored groups:

 - (1) Provide facilities for activity on a first-priority use basis, other than when the facility is used by the department for its programs.
 - ~~(2) Provide leadership assistance and clerical service in photocopying announcements and material.~~
 - (2)(3) Assist in promoting and publicizing the organization's club's program; this includes listing the activities in brochures, announcements, releases to the press, etc.

- ~~(3)(4)~~ Provide leadership assistance, consultation and other aid as needed, ~~insofar as possible.~~
- (d) ~~It is expected that the sponsored organization will~~ Parks and recreation partners shall adhere to the department's policies and procedures, as follows:
- (1) Provide open membership to the public and give this membership priority to city residents.
 - (2) Promote the parks and recreation partner and its services to the best interest of the partner, the city, the department and the public.
 - (3) Follow the rules and regulations outlined in the parks and recreation partner agreement with the recreation department. ~~Seek advice and consultation of the department relative to preparation of the organization's constitution and bylaws, which must be given final approval by the department.~~

SECTION 6. The City Council of the City of Port Orange, Florida hereby repeals Section 50-34 of the Code of Ordinances in its entirety.

~~Sec. 50-34. Facility use categories—Recreation facilities.~~

- ~~(a) Community centers will be used primarily for physical, social and cultural activities for youth and adults directly under the operating responsibility of the recreation department. Recognizing that suitable indoor facilities for meetings and activities for established recreation groups are extremely limited in the city, these centers may be made available to recognized self-governed recreation groups and community service organizations when not in conflict with the department's activities to help ensure that the facilities are fully utilized.~~
- ~~(b) Rental fees and charges for recreation facilities and equipment shall be established by resolution of the city council based on the following categories:~~
- ~~(1) Category I.~~
 - ~~a. Recognized youth sports organizations cosponsored by the recreation department using the facilities for business meetings,~~

~~registration and other activities directly related to their primary purpose.~~

~~b. Volusia County school board programs and activities outlined in the joint use agreement.~~

~~c. Homeowners organizations within the city using the facilities for meetings and activities directly related to their primary purpose.~~

~~d. Crime watch organizations within the city using the facilities for meetings and activities directly related to their primary purpose.~~

~~(2) Category II. Any individual residing in the city or nonprofit charitable or civic organization located in the city using the facilities to conduct a public community service activity for which no admission is charged or donation accepted.~~

~~(3) Category III. Any individual residing in the city or nonprofit charitable, civic or fraternal organization, including churches, located in the city using the facilities to conduct a private function or an activity to gain monetary benefits for charity or to maintain a nonprofit organization.~~

~~(4) Category IV. Any individual residing in the city or commercial or business organization located in the city using the facilities to conduct an activity to gain monetary benefits for noncharitable purposes or to obtain publicity or advertising.~~

~~(5) Category V. Any individual not residing in the city or organization not located in the city.~~

~~(c) Category I shall be exempt from rental fees and charges for facilities and equipment. Category I shall be charged cleaning deposits and staff time if the facility is used weekdays during normal business hours.~~

~~(d) Category IV may be charged 15 percent of the gross monetary benefits, if such amount exceeds the rental fee for the facility.~~

~~(e) Category V shall be charged the rental fee for the facility applicable to category II, III or IV plus an additional 30 percent.~~

SECTION 7. The City Council of the City of Port Orange, Florida hereby repeals Section 50-35 of the Code of Ordinances in its entirety:

~~Sec. 50-35. — Same — Athletics/sports.~~

- ~~(a) — Rental fees and charges and security deposits for athletic and sport facilities and equipment shall be established by resolution of the city council.~~
- ~~(b) — Any individual not residing in the city or organization not located in the city shall be charged the rental fee for the facility or equipment plus an additional 30 percent.~~

SECTION 8. The City Council of the City of Port Orange, Florida hereby repeals Section 50-36 of the Code of Ordinances in its entirety:

~~Sec. 50-36. — General rules and regulations — Community centers. Modified~~

- ~~(a) — Permits for groups composed of minors will be issued only to adults who accept responsibility for supervising them throughout the period covered by the permit.~~
- ~~(b) — No tickets are to be sold at the door or no admission charges, donations or other money-raising methods shall be made except as expressly authorized by the director of recreation and the city manager or so noted on the permit.~~
- ~~(c) — Use of the kitchen and/or serving of food for the function shall be authorized and approved on the permit.~~
- ~~(d) — No group shall conduct any activity causing undue extra work for the custodian unless previous agreement has been made for work reimbursement.~~
- ~~(e) — Decorations shall not be installed in any manner or form without the approval of the center director.~~
- ~~(f) — Alcoholic beverages shall not be possessed or consumed in or on any of the municipal facilities operated by the parks and recreation department, unless expressly permitted in accordance with section 6-3 of the Code.~~
- ~~(g) — Control of the lights, thermostats, equipment and the locking or unlocking of doors of the centers are the responsibilities of the staff member assigned to the facility at the time of the function.~~

- ~~(h) — Chairs, tables and other furnishings or building equipment may not be removed from the building except with approval of the staff member.~~
- ~~(i) — Permits are not transferable to another party, individual or group.~~

SECTION 9. The City Council of the City of Port Orange, Florida hereby repeals Section 50-36 of the Code of Ordinances in its entirety:

~~Sec. 50-37. — Same — Athletics/sports.~~

- ~~(a) — Persons or groups holding permits shall assume full responsibility for any breakage or damage to properties of the city and for the negligent conduct of those in the group using the facility.~~
- ~~(b) — Rules and regulations adopted by the recreation department shall be adhered to, and any infraction of these rules or city ordinances will cause cancellation of the event in progress as well as permits for future events.~~
- ~~(c) — Public facilities administered by the department may not be used for private instruction or financial gain.~~
- ~~(d) — Distribution of pamphlets, sales education articles, promotional campaign material or commercial demonstrations for monetary gain in any way shall not be permitted.~~
- ~~(e) — Lights are not to be turned on until needed and are to be turned off ten minutes after the last game of the evening is over.~~
- ~~(f) — No signs are to be erected without departmental permission.~~
- ~~(g) — The city manager or his designee will consider requests for animal shows and similar activities and shall issue a permit to conduct such activity. Fees for the use of the recreation facility for approved animal shows and similar activities shall be as set forth in the appropriate user fee resolution.~~
- ~~(h) — Athletic/sports facilities shall be used for games, sports and other recreational activities. Those requesting a facility for other uses must obtain written permission from the city's recreation director and the city manager.~~

SECTION 10. The City Council of the City of Port Orange, Florida hereby amends Section 50-38 of the Code of Ordinances to read as follows:

Sec. 50-38. Sec. 50-34. - Nonresident fees; waiver of fees.

- (a) Due to rising maintenance costs, it has become necessary to charge fees to those people using facilities and athletic fields and who do not reside, own property, or operate a business within the corporate limits of the city.
- (b) Non-residency fees shall be charged as outlined in the fee resolution established by council for youth sport activities, gym access and summer camp. ~~for each specific activity for only the duration of the class/activity with no use privileges of other facilities.~~
- (c) The city manager is hereby authorized to waive non-resident fees for city employees and their families.
- (d) All fees provided for or required under this article shall be in amounts as established by resolution of the city council.

SECTION 11. The City Council of the City of Port Orange, Florida hereby repeals Section 50-39 of the Code of Ordinances in its entirety:

Sec. 50-39. - Kenneth W. Parker Performing Arts Center use policies and procedures.

- ~~(a) The object of this section is to establish policies and procedures for use of the Kenneth W. Parker Performing Arts Center by private persons or groups of persons.~~
- ~~(b) Restrictions on center use shall be as follows:
 - ~~(1) Programs must be open to the public with no admission charge.~~
 - ~~(2) The center is designed for multi-purpose use and not as a designated permanent site for continuous or frequent rentals, i.e., more than once a month.~~
 - ~~(3) Rental rates shall be established by resolution of the city council. All rental rates are subject to state sales tax. Rental rates do not include fees for city staff (including, but not limited to, police, fire and public works), city~~~~

~~services and city contractors. Rental times shall include set up and clean up time.~~

- ~~(4) A person or an organization desiring to use the center shall not be allowed to rent the center if, at the time of application, such person or organization is delinquent in payment of any money due to the city.~~
- ~~(5) Cancellation of the event by the person or organization responsible for the event (event producer) for reasons other than inclement weather shall require no less than seven days notice prior to the event. Upon cancellation of the event based on such notice, or if the city manager or his designee agrees that inclement weather prevents safe use of the center, the event producer shall be entitled to a return of all monies paid less the nonrefundable deposit, if the event cannot be rescheduled to the mutual satisfaction of the event producer and the city.~~
- ~~(6) The event producer shall obtain all necessary licenses and permits and shall comply with all applicable city ordinances, including Chapter 42 of this Code relating to noise.~~
- ~~(7) Performance hours shall be between 7 a.m. and 10 p.m., unless specifically waived by the city council. The event producer shall ensure that the noise level from the event does not exceed 65 decibels as measured at Clyde Morris Boulevard, at the north entrance of the parking lot of the church adjacent to the center.~~
- ~~(8) No items may be sold without the prior approval of the city manager or his designee. Promotional distribution of free merchandise in sample amounts may be permitted; however, items will not be approved for sale or distribution unless they are related to the event on stage, all concession and vending permits are obtained and fees are paid as required, and the event producer has provided an open application period for local vendors as specified in subsection (c) of this section.~~
- ~~(9) No cooking/warming of food is allowed within the confines of the center's seating/stage area under any circumstances. The city manager or his~~

~~designee shall have final approval as to the location of any cooking/warming of food.~~

~~(10) The event producer shall not have paid radio or television broadcasting facilities, films, recordings or video tapes made of the event or any performance during the event located on the center premises without prior written permission by the city manager or his designee.~~

~~(11) The event producer's conduct is specifically governed by the provisions of F.S. § 847.013, relating to the exposure of minors to harmful motion pictures, exhibitions, shows, presentations or representations.~~

~~(12) The event producer shall be required to execute and comply with the terms and conditions of the center use agreement, as further described in subsection (d) of this section.~~

~~(13) The city council may waive one or more of the requirements listed above if the city council cosponsors the event as further described in subsection (h) of this section.~~

~~(c) All event producers having vending as part of the event shall be required to provide an open application period to allow merchants licensed within the city an equal opportunity to apply to the event producer to supply vending services for the event. This shall be implemented by posting a notice in the parks and recreation department administration office and the city clerk's office no later than 90 days before the event.~~

~~(d) The event producer shall be required to provide a signed copy of the center use agreement available at the parks and recreation department administration office and the city clerk's office and, unless waived by the city due to city cosponsorship, a rent deposit of 20 percent of the minimum rent required in order to reserve a firm date for the center. The rent deposit shall not be refundable. The city shall not accept a signed center use agreement form or rent deposit for use of the center from any event producer who is prohibited from using the center for the reasons described above, or whenever the center is already reserved for use on that date/time. The center use agreement form, in addition to requiring payment of rent, shall require the event producer to:~~

- ~~(1) Provide a damage deposit in an amount established by resolution of the city council;~~
- ~~(2) Provide insurance with the city named as co-insured, with the amount of coverage acceptable to the city, which shall be in a minimum amount of \$500,000.00 for bodily injury and \$100,000.00 for property damage; provided, however, that the city's risk manager may require these amounts to be increased for activities involving greater risk;~~
- ~~(3) Indemnify the city;~~
- ~~(4) Refrain from making alterations to the electrical, lighting, sound and structural components of the center without prior written consent of the facility supervisor; and~~
- ~~(5) Comply with the requirements of this section and the policies and procedures implementing this section promulgated by the city manager or his designee.~~

~~The event producer shall provide the balance of the rent, the insurance required, and the damage deposit as specified in the center use agreement no later than seven days before the event.~~

- ~~(e) The center use agreement shall not be deemed to be a lease. The city does not relinquish the right to control the management of the center, or to enforce all necessary laws, rules and regulations. Duly authorized representatives of the city may enter the premises at any time, and all areas shall be under the control of the city. The city retains the right to cause the interruption or termination of any performance in the interest of public safety and likewise cause the termination of any performance when in the sole judgment of the city such act is necessary to protect public interest.~~
- ~~(f) The city may cancel a center use agreement if use of the center shall in any way conflict with federal, state or local laws; if the event shall operate to discredit the city; or if the event producer is in default of the center use agreement. An event producer shall be in default of the center use agreement if the event producer:~~
 - ~~(1) Supplies false or misleading information;~~

- ~~(2) — Fails to complete the application or to supply other required information or documents by the time required;~~
- ~~(3) — Demonstrates inability to comply with terms or conditions contained in the center use agreement;~~
- ~~(4) — Dissolves or ceases doing business as a going concern or becomes insolvent or bankrupt;~~
- ~~(5) — Fails to pay any amounts due to the city for the event or for a previous event;~~
- ~~(6) — Breaches any provision of the center use agreement; or~~
- ~~(7) — Violates any applicable laws or ordinances, including this section, or the policies and procedures implementing this section, during use of the center.~~
- ~~(g) — No revisions or adjustments to the center use agreement or related items may be made without prior written notification to and written approval from the city manager or his designee with written notice to the city council. The event producer may file a written request to appeal any ruling canceling the center use agreement or finding the event producer in default by submitting such request in writing to the city manager within three working days of such ruling. The city manager shall schedule the appeal for review by the city council at the next appropriate city council meeting after receipt of the request. The city council may reverse, modify or sustain the ruling. The decision of the city council shall be deemed to be final administrative action. However, in any event, such decision shall be at the sole discretion of the city. In such cases, the event producer's only legal remedy shall be for a refund of the rental fees.~~
- ~~(h) — City cosponsored center events are community based and not for profit events held at the center which are free to the public, appeal to the broadest segment of the community, and which, at the time that cosponsorship is applied for, have involved significant use of city personnel or resources. Examples include center events held in conjunction with Port Orange Family Days, Fourth of July, and holiday craft shows.~~

- ~~(1) — Application for cosponsorship must be made to the city manager in writing at least 90 days before the event date. The application letter shall set forth justification for cosponsorship based on the criteria set forth above, and shall detail the requirements imposed by this section for which waivers are sought. The city manager shall review the application and schedule it, along with his recommendations, for city council review at the next appropriate city council meeting.~~
- ~~(2) — The city council shall have discretion whether to cosponsor a center event. If the city council cosponsors a center event, the city council may waive one or more of the requirements set forth in this section.~~
- ~~(3) — Cosponsorship shall allow the city to actively participate in the decision-making on all phases of the cosponsored center event. Any use of official city identification on advertising, marketing or public relations materials for a cosponsored event must be approved by the city prior to distribution. The city seal shall not be used on such publications. The event producer shall be required to submit copies of all such materials and all media clippings to the city manager or his designee no later than 30 days after the event date.~~

SECTION 12. The City Council of the City of Port Orange, Florida hereby repeals Section 50-40 of the Code of Ordinances in its entirety:

Sec. 50-40. — Prohibiting smoking tobacco at publicly owned parks and youth athletic activities.

- ~~(a) — *Definitions.* For purposes of this section the terms listed shall have the following meaning:~~

~~*Youth athletic activity* shall mean any event, game or other activity with participants who are less than 17 years of age, and shall include 15 minutes before and after the activity.~~

~~*Public property* shall mean all land, bleachers, seating, all recreational facilities and structures, parking lot, and playing area owned by the city or the Volusia County School District.~~

~~(b) — It shall be unlawful for any person to possess any ignited tobacco product or to consume by smoking any tobacco product on any portion of the public property in the city described as follows:~~

~~(1) — Kenneth W. Parker Amphitheater — City Center Circle.~~

~~(2) — Spruce Creek Road Park, including All Children's park, pavilion and picnic facilities.~~

~~(3) — Airport Road Park.~~

~~(4) — City of Port Orange Skate Board Park.~~

~~(5) — Port Orange Gymnasium, and all property and parking facilities within 300 feet.~~

~~(6) — Volusia County School District Schools and Recreational Facilities.~~

~~(c) — It shall be unlawful for any person at a youth athletic activity to possess any ignited tobacco product or to consume by smoking any tobacco product on any portion of the public property where the youth athletic activities occur in the city described as follows:~~

~~(1) — City Center Sports Complex.~~

~~(2) — Southwinds Soccer Complex.~~

~~(3) — Willow Run Park Facilities.~~

~~(4) — Spruce Creek Road Park, including Fields and Courts.~~

~~(5) — White Place Fields and Facilities.~~

~~(6) — Allen Green Civic Center Fields and Spectator Facilities.~~

~~(d) — The director of the parks and recreation department for the city shall display one or more signs prohibiting smoking at the parks and youth athletic fields as specified in this section.~~

SECTION 13. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Port Orange and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 14. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 15. 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 the 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 16. This ordinance shall become effective immediately upon final passage by the City Council.

MAYOR ALLEN GREEN

ATTEST:

Robin L. Fenwick, City Clerk

Passed on first reading on the day of _____, 2015

Passed and adopted on second and final reading on the day of _____, 2015

Reviewed and Approved: _____
Assistant City Attorney



Staff Report

Request: Update Chapter 50 of the Code of Ordinances relating to Parks & Recreation

Applicant: City of Port Orange Parks & Recreation

Staff Recommendation: Discussion

Staff Contact: Susan L. Lovallo, Parks & Recreation Director

City Council Date: March 1, 2016

Introduction: Chapter 50 of the Code of Ordinances relating to Parks and Recreation has not been comprehensively updated since its adoption in 1981. Most changes are simply clean ups in the code and combining sections that were duplicated. These changes are shown by striking out what was eliminated and underlining what was added. The changes reflect one of three categories; **Administrative changes (A)** that will clean up the code to meet the current practices and delete any duplication, **Enforcement (E)** that will strengthen our code to make infractions more enforceable and **Regulatory (R)** aligns our code with State and County regulations.

Discussion:
Section:

- (A) 50-1 Definitions this section is new and was added to provide definitions of terms used throughout the code.
- (E) 50-2 Property and Equipment This was added to ensure enforcement
- (A) 50-5 Animals Prohibited Code clean up- current code states pets are not allowed in any parks. Current practice; we allow pets in all parks on leash. Only prohibition is splash pads, playgrounds and athletic facilities.
- (E) 50-6 Park hours This was added to ensure enforcement.
- (E) 50-7 Camping This section was added to ensure enforcement.
- (A) 50-31 Recreation Facilities

- a. Change community center to Recreation facility and moved from section 50-34 to combine community centers and Recreation facilities. Created use priorities to mimic 50-32.
- b. Requires a permit for reservation
 - c-g. Clean up and section transfer.
 - h. Extended reservation time.
 - i-j. Code clean up
 - k-l. Code clean and section transfer.
- (A) 50-32 Athletics/sports
 - a. 1-5 code clean up. Developed priorities for use.
 - b. Requires a permit for reservation.
 - c. Added to require users to abide by department policies.
 - d. 1-7 clean up to meet current practices.
 - e-g. Added to meet current practices.
 - h. 1-9 code clean up to meet current practices.
 - Old e. eliminated. We do not rent sports equipment to public.
- (A) 50-33 Parks and Recreation partners Changed Co- sponsor group to Park and Recreation Partner to include not just sport groups and be more uniformed throughout department; Code clean up.
- (A) 50-34 Facility use deleted from this section and pertinent items combined with section 50-31
 - a. deleted from this section and pertinent items combined with section 50-31
 - b. 1-5 eliminated does not meet current fee structures.
 - c-e eliminated.
- (A) 50-35 Athletic/ Sports deleted was duplicated with section 50-32
- (A) 50-36 General rules and regulations- Community Centers pertinent sections combined with 50-31
- (A) 50-37 Athletic /sports deleted was duplicated with section 50-32
- (R) 50-38 **Re numbered 50-34 Nonresident fees; waiver of fees.**

The city has traditionally charged these fees for programs and rentals to people who reside outside the city limits. It has been brought to staffs attention recently that part of the agreement to accept Volusia ECHO dollars for renovating and building new facilities we are prohibited from charging these fees. Staff needs council's direction on how to proceed with updating this section. **Option one:** strike through this entire section and delete the fee. **Option two:** update this section to reflect that we will only charge the differential fee to people who reside outside of Volusia County. **Option Three:** Keep section as is and charge the fee for programs and facilities that have not received Volusia ECHO dollars for renovations or construction. **Staff recommends either option one or two due to management of the code.**
- (A) 50-39 Kenneth W. Parker Amphitheater policies deleted this section and pertinent items combined with section 50-31

(R) 50-40 Prohibiting smoking tobacco at parks and youth activities

The regulation of smoking tobacco is preempted by the state. This section
Has been deleted.

Recommendation: Discussion item



PLEASE BE
COURTEOUS,
YOUNG LUNGS
AT PLAY