

REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS - CITY HALL
1000 CITY CENTER CIRCLE
MAY 15, 2007

The REGULAR MEETING of the City Council of the City of Port Orange was called to order by Mayor Allen Green at 7:00 p.m.

Pledge of Allegiance

Silent Invocation

Roll Call: Present: Councilman George Steindoerfer
Councilman Bob Pohlmann
Councilman Dennis Kennedy
Vice Mayor Mary Martin
Mayor Allen Green

Present: Councilman George Steindoerfer
Councilman Bob Pohlmann
Councilman Dennis Kennedy
Vice Mayor Mary Martin
Mayor Allen Green

Also Present: Kenneth W. Parker, City Manager
Margaret T. Roberts, City Attorney
Shirley M. Kelly, Deputy City Clerk
Glenda Leftwich, Recording Secretary

SPECIAL RECOGNITION AND PROCLAMATIONS

4. Special Recognition Award - Carmen Miller and Ruth McCarty

Police Chief Gerald Monahan introduced Carmen Miller and Ruth McCarty. Mayor Green presented a Proclamation to Ms. Miller, who was named 2007 Victim Advocate of the Year for the Volusia/Flagler region of the Victim Advocates Coalition. Mayor Green presented to Ruth McCarty a Proclamation, recognizing her as Volunteer Victim Advocate of the Year.

5. Special Recognition Award - Officer Thomas Aiken

Jerry Wells, Chapter Director of the Gold Wing Road Riders Association, Chapter FL1-H, recognized Officer Thomas Aiken as the Association's choice for 2007. Each year they recognize a traffic motorcycle officer in Volusia and Flagler Counties as Motor Officer of the Year. Officer Aiken received a "traveling plaque". Debbie Bowers presented a plaque and proclamation.

6. Recognition of Port Orange Elementary Schools Art Contest Winners

Winners of the Port Orange Elementary Schools Art Contest were recognized. The Port Orange Police Department in cooperation with Wal-Mart promotes crime prevention by sponsoring a contest each year among the five elementary schools. The first place winners from each of the schools were presented with a certificate and a new bicycle. Chief Monahan said they had 1,860 entries. He thanked those who served on the Judging Committee.

CITIZEN PARTICIPATION (Non-Agenda - 15 Minutes)

None

CONSENT AGENDA

7. Scope of Service and Fee Proposal with GMB Engineers & Planners, Inc. for Professional Transportation Services - Altamira Traffic Analysis (Yorktowne)
8. Change Order No. 2 - Harbor Oaks B-23 Canal Dredging & Seawall Rehabilitation
9. Monthly Development Activity Report and the Building Activity Report for March and April 2007

Motion made by Councilman Steindorfer, seconded by Vice Mayor Martin, to approve the Consent Agenda. Motion carried unanimously by voice vote.

TABLED ITEMS

10. First Reading - Ordinance No. 2007-17 - Annexation - Wal-Mart (tabled 3/27/07)

Remains on the table.

11. First Reading - Ordinance No. 2007-18 - Approving a Master Development Agreement and Conceptual Development Plan for the Port Orange Nova Road/Madeline Avenue Wal-Mart (tabled 3/27/07)

Remains on the table.

AMENDMENT TO THE AGENDA

Mr. Parker, City Manager, asked that the Agenda be amended to add Item 28 – Acceptance of the Bid Award by the County of Volusia for Williamson Boulevard Phase I Related to the Joint Project Agreement with the City of Port Orange, and Agenda Item 29 – Resolution No. 07-40 – Issuance of Debt for Land Acquisition and Construction of Public Infrastructure – Port Orange Town Center (continued to date certain of May 15, 2007).

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to revise the Agenda as requested by the City Manager, adding Item Nos. 28 and 29. Motion carried unanimously by voice vote.

REPORT FROM ADVISORY BOARD

12. Citizen Advisory Committee for MPO Report

Bobby Ball said bids were opened on the South Williamson Boulevard Project. The low bid was \$6.2 million. The County's estimate was \$8.5 million.

COMMUNITY DEVELOPMENT

13. Second Reading - Ordinance No. 2007-20 - Amending Section 5 of Chapter 16 of the Land Development Code Relating to Special Setbacks for a Structure or Building Feature

Planning Commission recommends approval.

ORDINANCE NO. 2007-20

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING SECTION 5 OF CHAPTER 16, RELATING TO SPECIAL SETBACKS FOR A STRUCTURE OR BUILDING FEATURE; PROVIDING FOR CONFLICTING ORDINANCES;

PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.

Motion made by Councilman Steindorfer, seconded by Vice Mayor Martin, to adopt Ordinance No. 2007-20 on second and final reading.

Mike Disher, Planning & Development Manager, gave the staff report. He said this has gone way beyond what staff anticipated regarding the screening of fuel tanks and generators. He spoke regarding the implications of screening that could be required if carried to the extreme. As proposed it will include air conditioners and this is another level of staff review and separate permitting. Staff anticipates it would increase the number of variance requests and that is what staff was attempting to reduce. Screening is an additional standard. Staff does not receive many, if any, complaints. He recommended the ordinance be amended to not apply to air conditioners, and that screening be limited to fuel tanks and generators. Mayor Green agreed that it is not needed for air conditioners.

Motion made by Vice Mayor Martin, seconded by Councilman Pohlmann, to refer Ordinance No. 2007-20 back to staff for tweaking of language regarding new screening requirement for fuel tanks and generators, and to remove the screening requirement for air conditions. Motion carried unanimously by voice vote.

14. Second Reading - Ordinance No. 2007-21 - Rezoning - From R-3L to GPU - 4545 Clyde Morris Boulevard

Planning Commission recommends approval.

ORDINANCE NO. 2007-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ADMINISTRATIVELY REZONING PROPERTY CONSISTING OF APPROXIMATELY 7.147 ACRES LOCATED AT 4545 CLYDE MORRIS

BOULEVARD FROM R3-L (LOW DENSITY MULTI-FAMILY RESIDENTIAL) TO GPU (GOVERNMENT PUBLIC USE); ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to adopt Ordinance No. 2007-21 on second and final reading. Motion carried unanimously upon roll call vote.

15. Second Reading - Ordinance No. 2007-22 - Amending Chapter 4, Sections 3 and 4 of the Land Development Code Relating to Concurrency

Planning Commission recommends approval.

ORDINANCE NO. 2007-22

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 4, SECTION 3, RELATING TO ADOPTED LEVEL-OF-SERVICE STANDARDS; AMENDING CHAPTER 4, SECTION 4, RELATING TO FACILITY SPECIFIC REQUIREMENTS; PROVIDING FOR CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to adopt Ordinance No, 2007-22 on second and final reading. Motion carried unanimously upon roll call vote.

Mike Disher, Planning and Developer Manager, asked that the next three items be discussed simultaneously, however, separate votes be taken on each after the presentation.

16. First Reading -Ordinance No. 2007-23 - Administrative Rezoning - From Volusia County R-4 (Urban Single-Family Residential) to City of Port Orange R-7SF (Single Family Residential) East of Ridgewood Avenue, North of Winifred Place

Planning Commission recommends approval.

ORDINANCE NO. 2007-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ADMINISTRATIVELY REZONING PROPERTY CONSISTING OF APPROXIMATELY 10.54 ACRES LOCATED IN THE ALLANDALE RESIDENTIAL AREA, EAST OF RIDGEWOOD AVENUE AND NORTH OF WINIFRED PLACE, FROM VOLUSIA COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) TO CITY OF PORT ORANGE R-7SF (SINGLE FAMILY RESIDENTIAL); ESTABLISHING BOUNDARIES; AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Councilman Steindorfer, seconded by Vice Mayor Martin, to approve Ordinance No. 2007-23 on first reading.

17. First Reading – Ordinance No 2007-24 – Administrative Rezoning - From Volusia County R-5 (Urban Single-Family Residential) to City of Port Orange R-7SF (Single Family Residential) South of Fleming Avenue, North of Niver Street, East of Isabelle Avenue

Planning Commission recommends approval.

Motion made by Councilman Steindorfer, seconded by Councilman Pohlmann, to approve Ordinance No. 2007-24 on first reading.

18. First Reading – Ordinance No. 2007-25 – Administrative Rezoning – From Volusia County MH-1 (Mobile Home Park) to City of Port Orange RMH (Residential Mobile Home) South of Commonwealth Boulevard, North of Niver Street

Planning Commission recommends approval.

Motion made by Councilman Pohlmann, seconded by Councilman Kennedy, to approve Ordinance No. 2007-25 on first reading.

Mike Disher, Planning & Development Manager, gave the staff report. This involves an administrative proposal to rezone approximately 54 acres of the "Allandale Residential Area" from Volusia County "R-4" and "R-5" to City of Port Orange "R-7SF" (Single Family Residential) and from Volusia County "MH-1" to City of Port Orange "RMH" (Residential Mobile Home). The property consists of 51.5 acres. If approved, the City will assume full regulatory authority over the permitted uses and development standards for the area. The properties are located in east Port Orange along Ridgewood Avenue, west of the Halifax River, south of Fleming Avenue, East of Isabelle Avenue and north of Niver Street. The area known as Allandale was annexed by the City in 2000 through voter referendum. An amendment to the Comp Plan was approved in 2001 changing the future land use of the Allandale commercial area to City of Port Orange Commercial and the residential area to the City's Urban Low Density Residential Designation. In 2003 the City rezoned the commercial properties along Ridgewood Avenue to City of Port Orange "RD" (Ridgewood Development). The residential properties still need to be rezoned.

The proposed area to be rezoned contains 197 lots. Twenty-seven lots consist of about 11.4 acres and are proposed to be rezoned to City of Port Orange "R-7SF" (single Family Residential). One hundred seventy lots are proposed to be rezoned to Port Orange "R-7SF". Three lots are proposed to be rezoned to Port Orange "RMH" (Residential Mobile Home). Some lots contain more than one zoning, which is why the total number from each zone actually adds up to 200, this zoning excludes four lots. These will be rezoned at a future date since they will require amendments to the future land use map.

The "R-7SF" and "RMH" zoning designations are compatible with the future land use category. Regarding rezoning to City "R-7SF", the existing property consists mostly of single-family homes. The intent of the County zoning is to provide for

medium-density residential development and preserve the character of existing small-lot residential subdivisions. Staff believes that the most appropriate and suitable City zoning is "R-7SF". This zoning is intended to provide for medium-density, smaller-lot residences in existing neighborhoods located near urban activity centers. This district was created specifically when the Harbor Oaks area was annexed into the City. That area also had a combination of Volusia County "R-4" and "R-5" zoning. The City's "R-7SF" is intended to match the County districts.

In Port Orange the most comparable zoning for single-family development is "R-7SF" which requires a minimum of 1,000 square feet of heating living area. Of 149 lots improved with a single family home, the average heated living area is 1,142 square feet. Staff has analyzed whole parcels that have unique parcel identification numbers. Some parcels are subdivided into multiple lots. Seventy eight percent or 158 out of the 197 parcels proposed for "R-7SF" zoning, have over 5,000 square feet of minimum lot size. This fits with the proposed zoning. The County's "R-4" zoning requires a minimum lot size of 7,500 square feet for new lots, but also accommodates smaller lots of at least 5,000 square feet. The "R-5" zoning requires a minimum lot size of 5,000 square feet. A number of the Allandale properties currently zoned "R-5" are less than 5,000 square feet because they are non-conforming lots. The County established the "R-4" and "R-5" zoning in 1980, after a majority of the residential Allandale was platted in 1913. A table comparing dimensional requirements between the County and the City for this area was provided in the backup material. The "RMH" district is intended to provide for the establishment of mobile home dwellings in suburban environments. The purpose, intent, and use of both the County "MH-1" and City "RMH" zoning designations are comparable.

The minimum setbacks under the Schedule of Dimensional Requirements of the LDC will not apply to the area rezoned to "RMH" within the Allandale area. Special provisions were created in the LDC for mobile home parks in the Harbor Oaks and Allandale areas. Setback requirements that will be in effect for the newly rezoned areas were reviewed. In terms of setback requirements, replacement mobile homes in non-conforming parks shall meet the minimum separation distance standards of the National Fire Protection Association. No setback encroachment shall be permitted for accessory structures such as screen rooms, porches, carports, sheds, or other improvements attached to the mobile home. The NFPA separation distance standards are side to side – 10 feet; end to side – 8 feet; and end to end is six feet. Units and accessory structures shall maintain a three-foot front yard distance from internal access drive, a five-foot side yard distance from adjacent park boundaries of property lines, and a three-foot rear yard distance from adjacent boundaries or property lines. All units and structures shall be spaced within the park so as to allow

sufficient room for a 20-foot wide two-way internal access drive, or a 14-foot wide one-way internal access drive. Mr. Disher referenced two areas left out and why. Mr. Disher provided historical information as to zoning proposed. The way the zoning district is set up now allows for a variety of uses, single-family, duplex, multi-family, up to whatever is the underlying land use. The City Council previously directed staff to create a new zoning district. Before it was created it was Neighborhood Preservation. Staff will be working on a separate item as far as the affordable housing initiatives.

Discussion followed among Council Members regarding lot sizes, affordable housing, application to newly created lots, combining lots, fees to subdivide, lots platted at 33 feet and if combined to make 66 feet it is normally elective, and when a unity of title would be required. Pete Atwood, Planning Commission Member, feels that this is the only area in Port Orange where you will get any cost effective housing.

Main motion to approve Ordinance No. 2007-23 carried unanimously upon roll call vote.

Main motion to approve Ordinance No. 2007-24 on first reading carried unanimously upon roll call vote.

Main motion to approve Ordinance No. 2007-25 carried unanimously upon roll call vote.

19. Resolution No. 07-41 - Proposed Easement Vacation - Cross Creek Phase I Subdivision, Lot 57 (4667 Hidden Lake Drive)

RESOLUTION NO. 07-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF PLATTED DRAINAGE AND UTILITY EASEMENT FOR LOT 57, CROSS CREEK PHASE I; AUTHORIZING THE MAYOR AND CITY MANAGER TO

EXECUTE A QUIT CLAIM DEED; AND
PROVIDING AN EFFECTIVE DATE.

Mike Hill, Community Development Engineer, gave the staff report. The request is made in connection with vacating a portion of the easterly rear yard 10.00-foot wide Drainage and Utility Easement. The owners propose to build an in ground pool, deck, and screened pool enclosure. Total allowable lot coverage has not been exceeded and the building permit for the pool will contain a grading requirement stating that an existing swale in the easement is to remain functional. City Departments have reviewed the request and have no outstanding concerns. There are currently planned additional drainage or utility improvements proposed for this area in the future. The easement may be vacated to the extent that enough easement area will remain for the existing swale.

Mayor Green commented he thought the City had tried to establish a footprint so that these types of requests could be handled by staff. Ms. Roberts, City Attorney, said Council has to review them by State Statute. Councilman Kennedy asked about the lot line. Mr. Hill said it is within the subject property. It is five feet from the edge of the lot line to the pool. The rear is opposite of where the address is.

Motion made by Vice Mayor Martin,
seconded by Councilman Pohlmann, to
adopt Resolution No. 07-41. Motion
carried unanimously upon roll call vote.

20. Resolution No. 07-42 - Proposed Easement Vacation - Sugarmill
Subdivision, Lot 15 (3572 Sugarplum Lane)

RESOLUTION NO. 07-42

A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF PORT
ORANGE, VOLUSIA COUNTY,
FLORIDA, VACATING A PORTION OF
PLATTED DRAINAGE AND UTILITY
EASEMENT FOR LOT 15, SUGAR
MILL SUBDIVISION; AUTHORIZING
THE MAYOR AND CITY MANAGER TO
EXECUTE A QUIT CLAIM DEED; AND
PROVIDING AN EFFECTIVE DATE.

Mike Hill, Community Development Engineer, gave the staff report. Mayor Green voiced concerned about flooding. Vice Mayor Martin said that has been taken into account. Mr. Hill said other properties along the same side have pools. Staff does not believe this will be a problem. Mr. Parker, City Manager, said Bio is where it primarily floods. Sugarplum has retention within the area. Ms. Roberts, City Attorney, said the Resolution has a protective clause. Council voiced concern regarding drainage in the area, and implications of placing permanent structures in drainage easements.

Motion made by Councilman Steindorfer, seconded by Vice Mayor Martin, to adopt Resolution No. 07-42. Motion carried unanimously upon roll call vote.

21. Resolution No. 07-43 - Proposed Easement Vacation - The Vineyards Phase II Subdivision, Lot 20 (5485 St. Regis Way)

RESOLUTION NO. 07-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF PLATTED DRAINAGE AND UTILITY EASEMENT FOR LOT 20, THE VINEYARDS, PHASE II; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

Mike Hill, Community Development Engineer, gave the staff report. This is a request to vacate a portion of the westerly rear yard 20.00-foot wide Drainage Easement. There is a proposed pool, deck, and screened pool enclosure to be constructed in to the easement. Total allowable lot coverage has not been exceeded. The building permit for the pool will contain a grading requirement stating that an existing swale in the easement is to be graded to remain functional. Other City Departments have no outstanding concerns. There are no currently planned additional drainage or utility improvements proposed for this

area in the future. The easement may be vacated to the extent that enough easement area will remain for the existing swale.

Vice Mayor Martin asked about releases. Mr. Hill said this is only a drainage easement.

Motion made by Vice Mayor Martin,
seconded by Councilman Steindorfer,
to adopt Resolution No. 07-43. Motion
carried unanimously upon roll call vote.

22. Resolution No. 07-44 - Proposed Easement Vacation - Viking Subdivision - II, Lots 47 and 48 (1138 Viking Drive)

RESOLUTION NO. 07-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF THE PLATTED ADJACENT SIDE YARD 7.5 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS FOR LOTS 47 AND 48, VIKING SUBDIVISION – II; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Vice Mayor Martin,
seconded by Councilman Steindorfer,
to adopt Resolution No. 07-44.

Mike Hill, Community Development Engineer, gave the staff report. The request is made in connection with the proposed Viking Minor Subdivision (Case No. 07-5500002). The common side lot line for the two lots is being relocated to the east resulting in the need to vacate the easements along the original lot line and the need to convey easements along the relocated lot line. Total allowable lot coverage will not be exceeded. There are no currently planned drainage or utility improvements proposed for the easement areas. Other City Departments have no outstanding concerns. The easements may be vacated to the extent that they are not being used.

Ms. Roberts, City Attorney, spoke regarding unity of title, re-establishing easement along new lot lines, one lot having a home and accessory buildings

and one lot being vacant. It is family owned. Staff has reviewed the survey documents. Tim Burman, Senior Planner, said there is a house on both lots. The lot line is being moved instead of moving a shed. Councilman Kennedy asked if a variance will be required. Mr. Burman said no.

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to amend Resolution No. 07-44, subject to re-establishing the vacated easements on the adjacent property through the minor subdivision under review. Motion carried unanimously upon roll call vote.

23. Proposed License Agreement for Countryside PUD Subdivision

Mike Hill, Community Development Engineer, said this is a request to install a new subdivision sign and re-install a light post in the median of Village Trail, a 100-foot wide City right-of-way. The sign will be located so as not to block the line of sight for drivers and pedestrians using the crosswalk.

Vice Mayor Martin asked if they do an electrical light post will the HOA be responsible for it. Joe Allen, Countryside, said it will be lighted per City Code.

Motion made by Vice Mayor Martin, seconded by Councilman Steindorfer, to approve the proposed License Agreement for Countryside PUD Subdivision. Motion carried unanimously upon roll call vote.

24. Subdivision Variance - Victor Vanlancker

Tim Burman, Senior Planner, gave the staff report. This is the first step in officially subdividing the property. Mayor Green and Mr. Parker, City Manager, acknowledged they have spoken to the applicant regarding this. Mr. Parker said the property is next to the elementary school. When Madeline goes through you may be able to reconfigure it for retention. This has not been evaluated. Under normal conditions the City would be requiring the dedication of the 80 feet. In this case the McDonald's had already sold the property and subdivided. Staff has been trying for about two years to get it brought forward. The reason staff is recommending it is the McDonald's are still negotiating with Volusia County and have no desire to see this property go any other way. They are not in agreement to dedicate the property to the City or to the County at this point. When Mr.

Vanlancker bought the property he was not aware that the McDonald's had already sub-divided once before on this property. That is why he is in a "catch 22". The McDonald's did sign the application so that he could proceed forward. Ms. Roberts, City Attorney, said the condition for approval of the variance should be subject to the dedication and transfer of the retention area. Mr. Burman said the first subdivision being done is what the variances are for. He pointed out on the overhead the original 4.3-acre parcel. After this gets approved, the applicant will be able to submit for a minor subdivision variance to create basically parcel 1 and parcel 2. Once parcel 2 has been created, the applicant can then apply for the variance for the lot width requirement and then another minor subdivision. At that time is when the dedication of the back portion would occur. The information provided in Mr. Vanlancker's May 15th letter is what will be forthcoming in the future. It does not really pertain to the request right now. Ms. Roberts, City Attorney, said it should be a condition of approval. It does not have to be transferred now. It can be transferred prior to some other point in time. Mr. Parker suggested it be transferred in fee simple, to which Ms. Roberts agreed. Mr. Vanlancker said he was trying to keep from having to attend so many future meetings.

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to approve the variance request from the Land Development Code to waive the platting and review process for the subject property and to waive the requirement to dedicate land toward the ultimate 80-foot right-of-way for McDonald Road, subject to the condition that the applicant shall transfer a parcel of land of approximately 200' x 177.80' opposite the rear side of the applicant's property on McDonald Road, and to waive the application fee for the two minor subdivisions. Motion carried unanimously upon roll call vote.

PARKS AND RECREATION

25. Waiving Fees for YMCA's Summer Sports Camp

Mr. Parker, City Manager, does not recommend approval. Susan Lovallo, Interim Parks & Recreation Director, said they are trying to cover rental fees.

Motion made by Vice Mayor Martin, seconded by Councilman Pohlmann, to charge the standard fees to the YMCA for use of one City field, four days a week for 3.5 hours per day to run the Summer Sports Camp. Motion carried unanimously upon roll call vote.

ADMINISTRATION

26. Final Plat - Eastport Business Park, Unit II Subdivision

Donna Steinebach, Assistant to the City Manager, said this involves fourteen acres to be divided into 7 lots to be used by a major medical labeling manufacturer. It is located in the Eastport Business Park.

Motion made by Vice Mayor Martin, seconded by Councilman Steindorfer, to approve the Final Plat for Eastport Business Park, Unit II Subdivision. Motion carried unanimously upon roll call vote.

27. Annexation Amendment to Declaration of Covenants, Conditions and Restrictions - Eastport Business Park, Unit II Subdivision

Donna Steinebach, Assistant to the City Manager, said this is a companion to the above item. Upon approval by the City Council the annexation amendment will place it under the jurisdiction of the Eastport Business Park Owner's Association, Inc. and it will be subject to the same covenants, conditions, and restrictions as Unit I. When the property exchange is finalized Enduprop will own or control all but one lot in Unit II.

Motion made by Vice Mayor Martin, seconded by Councilman Steindorfer, to approve the Annexation Amendment to Declaration of Covenants, Conditions and Restrictions for Eastport Business Park, Unit II Subdivision. Motion carried unanimously upon roll call vote.

Buzz Anderson, Cunningham and Anderson, said to date they have sold Lots, 1, 2, 3, 6, 7, 8, 11, 12 and 13.

28. Acceptance of the Bid Award by the County of Volusia for Williamson Boulevard Phase I Related to the Joint Project Agreement with the City of Port Orange

Mr. Parker pointed out additional material on the dais. He recommends that Council accept the bid award for County Project #4740-1 by the County of Volusia to Masci Corporation for the Joint Project Agreement between the City of Port Orange and the County of Volusia for Williamson Boulevard Phase I (utility improvements) for an amount not to exceed \$1.5 million.

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to accept Bid Award by the County of Volusia for Williamson Boulevard Phase I related to the Joint Project Agreement between the City of Port Orange and County of Volusia for Williamson Boulevard, Phase I (utility improvements). Motion carried unanimously upon roll call vote.

Mayor Green suggested staff look at what it would cost to bury primary electric lines. Mr. Parker will check with FPL.

29. Resolution No. 07-40 – Issuance of Debt for Land Acquisition and Construction of Public Infrastructure – Port Orange Town Center
(Continued to date certain of May 15, 2007)

Mr. Parker, City Manager, recommended this be continued to date certain of June 26, 2007.

Motion made by Vice Mayor Martin, seconded by Councilman Kennedy, to continue Resolution No. 07-40 to date certain of June 26, 2007. Motion carried unanimously upon roll call vote.

COUNCIL COMMENTS

30. Comments/Concerns from Council Members

Councilman Steindorfer said the City has until May 25, 2007 to drop out of WAV. Mr. Parker said this will be placed on the Council Agenda for May 22, 2007. Vice Mayor Martin led a discussion regarding the Spruce Creek Preserve and a funding mechanism to purchase acreage. Kent Donahue, Special Assistant to the City Manager, will be able to assist in grant requests. Mr. Parker said FDOT does not need additional right-of-way in this area but retention is needed. Vice Mayor Martin reminded Council Members of the My Regions.org request and the need to decide where we want our City to be in the out years. Councilman Pohlmann asked if Wal-Mart has submitted any additional information. Mr. Parker said no. They have until the last meeting in June. Councilman Kennedy is being asked what will happen about sidewalks on Williamson by elementary schools. Mr. Parker pointed out that is a Volusia County road. He will check on it. Mayor Green asked that the individual who has been cleaning up on Airport Road on his own be invited to a Council Meeting and given a Proclamation. He suggested signs be erected regarding littering being illegal. Mayor Green suggested a sound system for the pavilion. Ms. Roberts, City Attorney, commented on easement vacations and the LDC. You may be able to amend the Ordinance to allow up to a certain width in easements. Mayor Green said he received a call from Larry Fornari regarding a possible deal in Eastport related to property.

ADJOURNMENT: 8:55 P.M.

Mayor Allen Green

Attest:

Kenneth W. Parker, City Manager