REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
August 21, 2018

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Donald O. Burnette at 6:30 p.m.

OPENING

1. Invocation provided by Pastor Tom Finken of Victorious Life Church
2. Pledge of Allegiance
3. Roll Call

Present: Councilman Bob Ford, Councilman Chase Tramont, Councilman Drew Bastian, Vice Mayor Scott Stiltner, Mayor Donald Burnette Absent: Also Present: City Manager Jake Johansson, City Attorney Margaret Roberts, City Clerk Robin Fenwick

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Mr. Johansson advised Council of a small typographical mistake on item 7.a. The item reads: “The award as proposed represents an estimated reduction in total premiums in slightly over $5,000 compared to FY18”. The amount that should have been stated is $95,000. The actual calculated savings is approximately $96,910 for all lines being considered.

5. Agenda Approval

There were no changes requested by Council.

6. Approval of Minutes
   a. August 8, 2018 - Regular City Council Meeting
7. Bid Awards and Contract Items

a. Award of RFP 18-22 Property and Casualty Insurance / Loss Control and Loss Prevention Services

SUMMARY: On May 31, 2018, the City issued its Request for Proposal for Property and Casualty Insurance / Loss Control and Loss Prevention Services. The RFP provided for an initial term of one year (10.01.2018 through 09.30.2019), with four optional one-year renewals. The RFP also afforded the City the flexibility to purchase all proposed lines of coverage as a package in whole or to purchase each line on a stand alone basis, subject to the vendor's requirement that specific lines be purchased together.

Two vendors submitted proposals: Brown & Brown of Florida, Inc. and Florida Municipal Insurance Trust. Comparisons of the lines of coverage included and proposed rates are attached. (It should be noted that Brown & Brown did not submit a quote on Executive Travel AD&D coverage.) Both vendors offer a two-year rate guarantee, with exposure changes and the NCCI experience modification factor applied on anniversary dates.

Both vendors were determined to be satisfactory in qualifications, experience and expertise, with no preference to either. Likewise, references were checked for each vendor and both were determined to be satisfactory, with no preference to either.

Since 2015, the City has been insured through Preferred Government Insurance Trust (through Brown & Brown) for its property lines, and through Florida League of Cities for its liability and worker’s compensation coverage.

Based on the rates quoted, the committee recommends council approve the award of RFP 18-22 Property, Casualty Insurance and Loss Control/Prevention Services as follows:

Brown and Brown: (1) Property; (2) Equipment Breakdown; (3) Inland Marine; (4) Crime; (5) General Liability; (6) Law Enforcement Liability; (7) Public Officials/Employment Practices/Cyber Liability; (8) Auto Liability; (9) Auto Physical Damage; (10) Workers’ Compensation.

Florida League of Cities: (1) AD&D for Police and Firefighters; and (2) Executive Travel AD&D.

The award as proposed represents an estimated reduction in total premiums of slightly over $5,000 compared to FY18.

Funding is subject to approval of the budget for the then-current fiscal year.

b. Approval of Amendment No. 2 to GFOA Contract for ERP Services

SUMMARY: The City entered into a contract with the Government Finance Officers Association (GFOA) for assistance with Enterprise Resource Planning (ERP) selection and implementation on July 28, 2017. The City executed an amendment to the contract on July 2, 2018 to include one additional process improvement, not included in the original contract.

The original contract is set to expire on November 30, 2018. However, staff does not expect to have chosen an ERP vendor and negotiate a contract until at least January 1, 2019. Therefore, in order to ensure that the contract with GFOA continues until their work is complete (which includes assistance with the negotiations), staff is requesting to extend the contract until such time as the City executes a contract with an ERP vendor.

This request only includes an extension for time and does not change the scope or price of the original contract.

c. Approval of the Cooperative Economic Development Agreement with Team Volusia Economic Development Corporation

SUMMARY: Team Volusia Economic Development Council (TVEDC) serves as a countywide public-private economic development agency. TVEDC coordinates economic development activities and prospects with City staff as well as the Volusia County Department of Economic Development. The annual contract amount of $29,812 ensures the City Manager a position on the Executive Board. TVEDC's primary purpose is to support business growth and recruit new businesses to the area. The contract requires them to report quarterly to the City Council.Funding for public agencies is based upon a rate of $0.50 per capita. The Bureau of Economic and Business Research (BEBR) April 1, 2017 Estimates of Population report was used to determine the estimated 2017 population. The estimated population of Port Orange in this most recent updated report was 59,625.Based on this information, the contract for FY 2019 is $29,812.50, however it has been rounded down to the nearest dollar ($29,812).

d. Approval of Contract Assignment - Taka Elevator Company (contract CA4489) has been acquired by Oracle Elevator Company

SUMMARY: Effective May 1, 2018, Oracle Elevator acquired the service contract of Taka Elevator Company for elevator maintenance and repairs at City Hall. A Contract Assignment is necessary to change the name on the Standard Contract for Services, CA4489, from Taka Elevator to Oracle Elevator Company. Same pricing, terms and conditions will apply and this contract will expire on September 30, 2018. A new contract will be obtained for October 1, 2018 forward.

8. Approval of Concurrency and Fair-Share Agreement for Arby's Restaurant Site Plan - 1058 Dunlawton Avenue

   SUMMARY: The Arby's restaurant is proposed to be located at 1058 Dunlawton Avenue, on the south side of Dunlawton Avenue, west of South Swallow Tail Drive. The development site is currently occupied with the former SunTrust Bank building which will be demolished to make way for the proposed Arby's restaurant. The proposed Concurrency Fair-Share Agreement has been prepared in conjunction with the site plan for the development of +/- 3,003 square-foot restaurant on approximately 1.58 acres, along with associated on-site and off-site improvements.

   The Trip Generation and Distribution Study completed by Traffic Planning and Design, Inc., projects impact to the Williamson/Taylor intersection and Taylor Road between Summer Trees Road and Crane Lakes Boulevard upon completion of the development. Based on the study prepared, the owner is required to make a $5,364.00 fair-share mitigation payment for the additional 15 PM peak hour trips generated per day from the redeveloping the site from a bank to a fast food restaurant. The Concurrency and Fair-Share Agreement is to document the number of vested trips being used by the proposed facility and to mitigate the impact of the new traffic generated from the development. The fair-share mitigation payment will be credited towards the Yorktowne Boulevard Extension and Summer Trees Road projects. The Concurrency and Fair-Share Agreement has been executed by the property owner and is attached for review.

9. <u>Resolution No. 18-25 -</u> Celebrating 50 Years of Home Rule

   SUMMARY: A Resolution to approve the City of Port Orange honoring 50 years of municipal home rule in the Florida Constitution and committing to an educational initiative to help Floridians understand this beneficial right.

10. <u>Resolution No. 18-26</u> - Budget Appropriation

    SUMMARY: *$5,770 Tree Mitigation Revenue
    *$388,246 Fire Insurance Premium Tax (pass-through)
    *$444,090 Police Insurance Premium Tax (pass through)
    *$22,000 Additonal External Legal Services
    *$337,104 Pre-Order 12 model year 2019 Police Ford Interceptor SUV's (2 from 001 General Fund and 10 from 505 Lease & Replacement Fund)
    *Repayment of Loan Pool Loans by the 103 Tax Increment Fund and the 503 Vehicle Maintenance Fund

11. Resolution No 18-27 - Support of Revised Volusia County & Municipal Floodplain Management Plan

    SUMMARY: A Resolution in support of the planning process for the development of the revised Volusia County & Municipal Floodplain Management Plan. The Floodplain Management Plan must be updated every five years to maintain compliance and will be updated this summer by the East Central Florida Regional Planning Council.

Motion to approve the Consent Agenda as presented was made by Vice Mayor Stiltner, and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)
Edith Shelley, citizen, addressed Council regarding the Port Orange Panthers success in the baseball tournament recently. They came in 9th overall. ??

COUNCIL COMMENTS

12. Comments/Concerns from Council Members

There were none.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

13. School Board Guardian presentation

Linda Cuthbert, Chairman of Volusia County School Board, ?? Greg Aiken, ?? of Volusia County Schools, discussed the School Board's need for armed guardians on school campuses and their request for financial support from municipalities. They are requesting 30% ($70,000) of the costs to fund the guardian program. Councilman Tramont asked questions and recussed himself from the vote as he is currently employed with the school board.Vice Mayor Stiltner asked questions and abstained from voting as his wife is an employee with the school board. Councilman Bastian had not additional questions but also abstained from voting as his brother is an employee of the guardian program.Ms. Cuthbert thanked Council, as did Mr. ??. Mr. Johansson advised Council he will work with the school board regarding offsetting costs.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

14. Citizen Advisory Committee for TPO

Bobby Ball, CAC Member, provided details from their recent meeting.

15. Parks & Recreation Advisory Board Report

Jack Wiles, Chairman, provided details from the recent meetings held. Topics included co-sponsorship and attendance issues.

16. Environmental Advisory Board Report

John Macaluso, Chairman, provided details from the recent meetings held.

17. Golf Advisory Board Report

Richard Lee was unable to attend. His report will be rescheduled.

<u>PUBLIC HEARING</u>

18. First Reading - Ordinance No. 2018-23 – Rezoning/6225 S. Williamson Boulevard (Case No. 18-60000003)

    SUMMARY: Planning Commission Action (7/26/18): Recommended Approval

    A proposal by the applicant to rezone the subject property from Planned Commercial Development (PCD) to Community Commercial (CC). The property is currently zoned PCD but does not have an active Master Development Agreement (MDA). The rezoning request is a shift from the negotiated PCD zoning district to a conventional commercial zoning district that uses the Land Development Code (LDC) to provide specific development regulations.

    The applicant believes that following the list of permitted uses in the CC zoning district and the development requirements in the LDC is a more efficient and transparent process to develop the site. The CC zoning district permits typical community scale commercial uses commonly found in shopping centers and outparcels of this type such as: retail stores, restaurants, personal services (hair salon, barber shop, nail salon, retail dry cleaning, etc.) offices, breweries, child care centers, convenience store/gas station, banks, and similar uses.

    According to the applicant, the property owner intends to develop the subject site with a child care facility, offices and retail space. The applicant does not anticipate deviating from the requirements in the LDC, therefore, the applicant selected to use a conventional zoning district and meet the requirements in the LDC. If the rezoning is approved, the applicant will have to submit development plans for staff review and proposed development will be reviewed to meet all architectural, landscape buffers, infrastructure, traffic/transportation, and site development requirements of the City's Land Development Code (LDC).

    The staff report is attached for more details.

Mayor Burnette read Ordinance No. 2018-23.

ORDINANCE NO. 2018-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING +/- 5.85 ACRES LOCATED AT 6225 SOUTH WILLIAMSON BOULEVARD FROM PLANNED COMMUNITY DEVELOPMENT (PCD) TO COMMUNITY COMMERICAL (CC); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-23 was made by Councilman Drew Bastian, and Seconded by Vice Mayor Scott Stiltner.

19. Change of Use for a Communications Tower at 651 Taylor Road (Case No. 18-32000001)

SUMMARY: AT&T, the applicant for the property owner (Port Orange United Church of Christ) is proposing to construct a 125-foot tall monopole communications tower at 651 Taylor Road. Currently, the subject property is developed with a house of worship (Port Orange United Church of Christ). The subject property is zoned Government/Public Use (GPU) and according to Chapter 17, Section 26 and Chapter 16, Section 9 of the Land Development Code (LDC), a monopole communications tower is a permitted use in the GPU zoning district. The subject property was rezoned from Planned Unit Development (PUD) to GPU in 1994 and in 1997 the LDC was amended and the monopole communications tower use was added to the list of a permitted use in the GPU zoning district.

Although a monopole communications tower is listed as a permitted use in the GPU zoning district, the LDC requires any listed permitted use being added to a property zoned GPU to be presented to the Planning Commission and City Council. The GPU zoning district is the only Port Orange zoning district that requires a permitted use to be presented to the Planning Commission and City Council as part of the development process.

According to AT&T, an official site plan and building permit application will be submitted to construct a 125-foot tall monopole communication tower within a 60' X 60' area on the west side of the subject property. AT&T intends to install one antenna on the monopole communication tower and lease the two additional antenna spaces to other network providers. At this time an official site plan for the monopole communication tower has not been submitted to the City. At the time a site plan and building permit are submitted, the applications will be reviewed for compliance with the Code of Ordinances, LDC, and Florida Building Code.

The staff report is attached for more detail.

Matthew Jones, Deputy City Attorney, advised Council there is no vote necessary on this item.

Mary Sotik, Legal Counsel for AT&T, advised Council she is doing their due diligence and believes they will meet the Land Development Code requirements. Mayor Burnette asked Ms. ?? to keep an open mind regarding the citizens concerns.

Motion to allow (2) presenters 10 minutes to present on behalf of the residents was made by ?? and Seconded by ??. Motion carried unanimously by voice vote.

Eugene "Trip" Healey, citizen, discussed the citizens concerns. He doesn't believe there is a need for the cell tower as there is no gap. He asked Council to reject the

20. First Reading - Ordinance No. 2018-21 - LDC Amendment/Chapter 3, 5, 6, 13, 16 and 17 (Case No. 18-25000005)

SUMMARY: Planning Commission Action (7/2618): Recommended Approval

The proposed amendment includes updates to Chapters 3, 5, 6, 13, 16 and 17 of the Land Development Code (LDC). The proposed amendments are intended to improve the content of the existing Code, as part of this on-going maintenance effort. The proposed amendments include clarifications, procedural and minor changes that are simple clean-up items that make the Code and the development review process more efficient and consistent, or amendments to address problems or issues encountered when applying the Code. The following are the proposed amendments to the LDC. The staff report is attached for more detail.

Summary List of the Proposed Amendments
Chapter 3
• Add text for an inactive development project to be withdrawn from the development review project list when there is no activity.
• Update requirement that computer-aided drafting (CAD) system files submitted to the City as part of the Final Inspection request for a site or subdivision be in State Plane Coordinates NAD83
• Add text that the resubmittal of final as-built drawings for a development project to address comments by staff shall be submitted to the City no later than thirty (30) days after issuance of Certificate of Occupancy and/or final acceptance of improvements.
• Remove the limit restriction for the number of large-scale comprehensive plan amendments submittals the City could submit to the State in a year.

Chapter 5
• Clarify that the developer of a commercial or residential subdivision or site development is required to purchase and install all required street identification and traffic control signs.
• Update the City's requirements for monumentation related to a subdivision plat and comply with the standard State requirements.
• Clarify the submittal quantity and signature requirements for a Subdivision Improvement Agreement and a Site Improvement Agreement. Subdivision Improvement Agreement and a Site Improvement Agreement The proposed amendment would clarify that one signed copy of the SIA is to be submitted to the City to be signed by the Mayor and attested by the City Clerk and recorded prior to issuance of a Development Order.

Chapter 6
• Modify the signature requirement for an Unity of Title Agreement to be consistent with a Site or Subdivision Improvement Agreement (SIA) The amendment would require the Unity of Title Agreement to be signed by the

REGULAR AGENDA

22. Request for Continuance of Resolution No. 18-17 – Partial Drainage Easement Vacation – Lot 86, Foxboro Phase II, 618 Ipswich Lane

Motion to continue September 4, 2018 was made by Councilman Chase Tramont, and Seconded by Councilman Bob Ford. Motion carried unanimously by voice vote.

21. Discussion Item: License Agreement for 3449 Shamrock Drive

SUMMARY: Staff is requesting feedback from Council on whether the license agreement should be terminated. Some residents in the area recently commented that the license is a benefit only to the applicants and a detriment to residents of Port Orange, specifically those residing in the Halifax Shores neighborhood. At least one resident has threatened legal action against the City if the license is not revoked. The current license agreement does give the City the right to terminate the license agreement to use the property for City purposes. The following options are available:

1. Terminate the license agreement and leave the dock and 4' aluminum fence in place as a public facility. The City may also choose to reimburse the owner of 3449 Shamrock Drive for the cost associated with constructing the dock and 4' aluminum fence. All residents of Port Orange, specifically those residing in the Halifax Shores neighborhood and the owner of 3449 Shamrock Drive, would have the ability to access and use the dock;
2. Terminate the license agreement and require the applicants to remove the dock and 4' aluminum fence and rebuild a 2.5' concrete block wall with a wooden gate as existed in March 2018;
3. Take no action and defend the potential legal challenge brought by neighbor(s).

Background: In September 2017, City Council approved a right-of-way license agreement application for a portion of the Shamrock Drive right-of-way frontage in front of 3449 Shamrock Drive to be used for access and construction of a private dock in an existing canal. The canal is located directly across the Shamrock Drive right-of-way from the applicant's home (3449 Shamrock Drive). The license agreement requires the applicants to maintain the portion of the Shamrock Drive right-of-way which includes the concrete area, landscaping, and sea wall in exchange for the license to enter onto the right-of-way and construct the dock and maintain the barrier along the canal.

In late May 2018, the City became aware of some concerns voiced by residents along Shamrock Drive, Coconut Row, and Venetian Circle regarding the license agreement and construction of a private dock and 4' aluminum rail fence along this portion of the Shamrock Drive right-of-way. According to some of the residents, the public right-of-way area in front of the 3449 Shamrock Drive residence was historically used by residents of the neighborhood, and with the approval of the license agreement, these residents' customary use of the public property was removed and given to one resident. They have also cited that the dock and 4' aluminum rail fence has prevented the regular use of this area by residents of the neighborhood that typically fished, cast net, and enjoyed the unobstructed view of the Halifax waterway from this portion of the right-of-way.

COMMENTS

23. City Attorney Comments

There were none.

24. City Manager Comments

There were none.

COUNCIL COMMITTEE REPORTS

25. City Council Committee Reports
    a. ArtHaus

Councilman Bob Ford provided details of upcoming events.

b. Port Orange/South Daytona Chamber of Commerce

Mayor Burnette announced upcoming events.

c. Roundtable of Elected Officials

They did not meet this month.

d. Police Pension

Councilman Bastian was not able to attend the meeting and had no report.

e. Fire Pension

Councilman Ford provided details from the meeting.

ADJOURNMENT
10:41 p.m.

____
Mayor Donald O. Burnette

Attest:

____
Robin Fenwick, CMC
City Clerk