

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 22, 2019

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.

Invocation by Pastor Austin Trammell / Salty Church New Smyrna Beach

Pledge of Allegiance

Roll Call

Present: Interim Council Member Jack Wiles
Councilman Drew Bastian
Councilman Scott Stiltner
Vice Mayor Chase Tramont
Mayor Donald Burnette

Also Present: City Manager Jake Johansson
City Attorney Margaret Roberts
City Clerk Robin Fenwick

CITY RECOGNITION

4. POPD Commendations/Awards Ceremony

Thomas Grimaldi, Police Chief, presented commendations and awards to staff members and citizens for their efforts.

5. Recognition for Graduates of the 2019 Youth Leadership Program

Alan Rosen, Assistant City Manager, presented certificates to the graduates of the 2019 Youth Leadership Program.

CONSENT AGENDA

6. Public Comments on Consent Agenda Items Only

There were no public comments and no changes requested by Council.

7. Agenda Approval

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

8. Approval of Minutes
 - a. May 7, 2019 - Regular City Council Meeting
9. Bid Awards and Contract Items
 - a. Intent to Award ITB 19-05 for the purchase of Anionic Polymer and Sodium Bisulfite for the Water Treatment Plant and the Water Reclamation Facility
 - b. Intent to award ITB 19-01 for the Police Shooting Range to Carr & Collier Inc.
 - c. Intent to Award ITB 19-09 Removal & Replacement of Fire Station 71 & 74 Kitchen Cabinets to A.G. Pifer Construction Company.
 - d. Approval of Task Authorization No 14 under the Master Contract for Engineering Services with Kimley-Horn & Associates for services relating to the Utility System Hydraulic Modeling.
 - e. Renewal of Environmental Legal Liability and Storage Tank Insurance with Aspen Specialty Insurance Company
 - f. Approval of Amendment to SunTrust Banking Services Contract
 - g. Approval of Change Order No. 1 to the Standard Contract for Services with Universal Engineering Sciences, Inc.
10. Resolution No. 19-14 - Budget Appropriation
11. Resolution No. 19-21 -Ratifying Election Results for the Primary Election held April 30, 2019
12. Approval of Memorandum of Understanding (MOU), Article 16 with the Police Benevolent Association Lieutenants (PBA Lt.)
13. Retirement of Loki and transfer of ownership to Greg Cook

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

CITIZEN PARTICIPATION (Agenda)

14. Feral Cats - Richard Scheibel

Richard Scheibel, citizen, expressed concern over the feral cats defecating in his yard and otherwise tearing it up. He doesn't believe he should be burdened and live with it because of the cats. He takes care of his dogs and cleans up after them, the same should be true for feral cats. Sherry Scheibel, citizen, discussed her concerns with the feral cats and rabies issues.

Shailesh Patel, business owner, agreed with the comments and explained the issues they are having at the businesses. He encouraged Council to change their policy on feral cats.

Councilman Drew Bastian asked if Council has options. Margaret Roberts, City Attorney, said yes, Staff is working with the Police Department on providing those options. Mayor Don Burnette agreed with the concerns mentioned and would like a

workshop to discuss the options. Jake Johansson, City Manager, asked for time to determine the options, while Staff addresses the nuisance aspect of the program and agreed a workshop is needed for long term solutions.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Robert Reinhagen, citizen, asked Council to reconsider the digitization of the quarterly newsletter. He believes citizens would be more informed if they were mailed to them.

Nancy Beth Goren, Port Orange/South Daytona Chamber of Commerce Economic Development Committee, is here to observe and take issues back to the committee as needed.

Andrew Burns, citizen, expressed his concerns on various issues including feral cats and the First Step Shelter. He asked if Council even looked more into the muffler noise issue. Mr. Johansson provided details of what the Port Orange Police Department can do as far as ticketing a motorist if the officer hears the loud muffler.

COUNCIL COMMENTS

15. Comments/Concerns from Council Members

Councilman Wiles had questions about the parking at the boat ramps at Dunlawton Causeway. Mayor Burnette didn't know the answers but will find out.

Councilman Bastian asked for an update on the work being done on the Dunlawton bridge.

Councilman Stiltner addressed the questions regarding parking at the Dunlawton Causeway. He explained the green areas have irrigation and parking on them break the heads. He met with Parks & Recreation Staff for options. One area was opened for additional parking and once the bridge work is completed, more spots will open back up.

Mayor Burnette asked Council to think about the price (\$85,000) to print and mail the quarterly newsletter, which is about a tenth of a mill. He recognized Amy Hall as Citizen of the Year for the Volusia League of Cities, as well as Frank Flagg, who has been selected for the Public Utilities/Works Service Award, and Josh Long and Robert Matassa, who have been selected as the Parks & Recreation Service Award winners.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

16. Annual Report from ArtHaus

Cameron Vincent, Executive Director of ArtHaus, provided details from the Annual Report. Council thanked them for their report and service to the community.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

17. Citizen Advisory Committee for TPO

Bobby Ball, CAC Member, provided an update from the recent meeting.

18. Planning Commission Appointment

Christina Berry introduced herself and provided her background details. She is trying to get involved in the community. She currently serves on the Civil Service Board for the City. Council thanked Ms. Berry for her current service and willingness to be involved.

Mayor Burnette asked for nominations.

Vice Mayor Chase Tramont nominated Richard Barker and Councilman Scott Stiltner seconded the nomination.

Councilman Drew Bastian nominated Jonathan Foley and Councilman Scott Stiltner seconded the nomination.

Councilman Jack Wiles nominated Stan Schmidt and Vice Mayor Chase Tramont seconded the nomination.

Written ballots were provided by the City Clerk, collected by the City Clerk and read aloud.

Stan Schmidt was appointed to the Planning Commission with Councilman Jack Wiles, Mayor Don Burnette, and Vice Mayor Chase Tramont voting to appoint Mr. Schmidt, and Councilmen Scott Stiltner and Drew Bastian voting to appoint Jonathan Foley.

PUBLIC HEARING

19. Appeal of Planning Commission denial of variance at 5807 Clover Lane.

Penelope Cruz, Planning Manager, provided details of the variance request, the code enforcement case as there is no permit, and the discussion and decisions by the Planning Commission. They approved an alternate option, but the applicant did not accept it.

Mark Belyus, applicant, spoke regarding his appeal and asked Council to approve the request for a variance.

Councilman Wiles would not entertain approving the variance without a permit.

Ms. Roberts advised Council can approve or deny the appeal or approve the amendment that the Planning Commission approved, and the applicant did not accept.

Motion to approve the appeal request
was made by Councilman Drew Bastian
and Seconded by Vice Mayor Chase

Tramont.

Councilman Scott Stiltner is concerned with creating an exception and others wanting to do the same. He wants to be consistent.

Motion failed 2-3 by roll call vote with Councilman Scott Stiltner, Councilman Jack Wiles, and Mayor Don Burnette voting no.

Motion to approve the modified option as approved by Planning Commission was made by Councilman Scott Stiltner and Seconded by Councilman Jack Wiles. Motion carried unanimously by roll call vote.

Applicant must accept or file for a new variance and pay the fees again as this is considered a new variance request.

20. Resolution No. 19-22 - 1389 Reed Canal Rd./Brownfield Area Designation Request

Mayor Burnette read Resolution No. 19-22.

RESOLUTION NO. 19-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, DESIGNATING THE PROPERTY LOCATED 1389 REED CANAL ROAD, IN THE CITY OF PORT ORANGE, AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION AND ECONOMIC DEVELOPMENT; DIRECTING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to consider Resolution 19-22 at a duly advertised public hearing on June 18, 2019 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Ms. Cruz provided details of the Resolution and the process of declaring a property as a Brownfield property.

Motion carried unanimously by roll call vote.

21. First Reading - Ordinance No. 2019-18 - Administrative Rezoning/119 Howes Street

Mayor Burnette read Ordinance No. 2019-18.

ORDINANCE NO. 2019-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +0.34 ACRES FROM VOLUSIA COUNTY R-5 (SINGLE-FAMILY RESIDENTIAL) TO NP (NEIGHBORHOOD PRESERVATION) LOCATED AT 119 HOWES STREET; AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-18 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Ms. Cruz provided details of the Ordinance.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

22. Discussion on Palmer College Bond Issue

Tom Tiemeier, Treasurer of Palmer College of Chiropractic, discussed the College's request for the City to serve as its conduit issuer for a proposed tax-exempt refinancing on behalf of the College.

Mr. Reinhagen believes the City should stay out of Palmer's business.

23. First Reading - Ordinance No. 2019-19 - Fire Assessment Procedure

Mayor Burnette read Ordinance No. 2019-19.

ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, FLORIDA, AMENDING CHAPTER 30 OF THE CITY OF PORT ORANGE CODE OF ORDINANCES TO ESTABLISH A NEW ARTICLE III RELATING TO THE FUNDING OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS THROUGHOUT THE INCORPORATED AREAS OF PORT ORANGE, FLORIDA;

AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE PROTECTION ASSESSMENTS AGAINST REAL PROPERTY; PROVIDING DEFINITIONS AND FINDINGS; ESTABLISHING A PROCEDURE FOR IMPOSING FIRE PROTECTION ASSESSMENTS; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; DESCRIBING THE PROCEDURE FOR ADMINISTERING THE FIRE PROTECTION ASSESSMENT FROM YEAR TO YEAR AND FOR CORRECTING ERRORS AND OMISSIONS; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-19
was made by Vice Mayor Tramont and
Seconded by Councilman Bastian.

Alan Rosen, Assistant City Manager, explained this ordinance allows the City to add a fire assessment fee but does not obligate it.

Motion carried 3-2 by roll call vote with
Councilman Wiles and Vice Mayor
Tramont voting no.

24. Use of First Step Funding

Move to approve the use of \$35,000.00,
previously provided to the First Step
Shelter, for Capital with no expectation of
additional funding from Port Orange
through at least the first year of
operations, subject to City Manager's
receipt and execution of a written
agreement was made by Vice Mayor
Tramont and Seconded by Councilman
Stiltner.

Vice Mayor Tramont doesn't believe the funds should be used for anything other than for capital.

Motion withdrawn by Tramont.
Seconded withdrawn by Stiltner. Died
for lack of motion.

25. City Manager Evaluation Debrief

Mayor Burnette asked Council if they have met with the City Manager. Most had not and will need to before any further debrief.

COMMENTS

26. City Attorney Comments - Annual City Attorney Evaluation

Ms. Roberts asked for questions as to the process for the City Attorney's evaluation for the previous year.

27. City Manager Comments

There was nothing further.

COUNCIL COMMITTEE REPORTS

28. City Council Committee Reports

- a. First Step - Vice Mayor Tramont reported on the recent happenings. Positive events have occurred recently to move the project forward.
- b. Port Orange/South Daytona Chamber of Commerce - Mayor Burnette provided details of upcoming events.
- c. Roundtable of Elected Officials - Did not meet in May.

ADJOURNMENT - 10:07 p.m.



Attest:

Robin Fenwick, CMC
City Clerk

Mayor Donald O. Burnette