

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 4, 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.

Pledge of Allegiance

Roll Call:	Present:	Councilman Chase Tramont Councilman Drew Bastian Councilman Bob Ford Vice Mayor Scott Stiltner Mayor Donald Burnette
	Also Present:	Jake Johansson, City Manager Margaret T. Roberts, City Attorney Deanna Massey, City Clerk's Office

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Robert Reinhagen, citizen, expressed his concerns on writing off a loan used to renovate the golf course.

Citizens asked Councilman Ford to pull Resolution No. 18-28 from the consent agenda for further discussion.

5. Agenda Approval

Councilman Ford requested Council pull Item #8 - Resolution No. 18-28 from the consent agenda for further discussion, which is below the Consent Agenda approval.

6. Approval of Minutes

- a. August 7, 2018 - City Council Workshop
- b. August 21, 2018 - Regular City Council Meeting
- c. August 22, 2018 - City Council Workshop

7. Bid Awards and Contract Items

- a. Renewal of Wright National Flood Insurance
- b. Approval of the Intent to Award ITB 1828 Police Evidence Room Renovations and HVAC Upgrades to A.G. Pifer
- c. Approval of Change Order #2 to A.G. Pifer for the City Annex Renovation project
- d. Approval of the Fifth Amendment to Agreement between the City of Port Orange and the County of Volusia Regarding the Provision of Fire Suppression Services to a Certain Service Area

8. Resolution No. 18-28 - Budget Appropriation
9. Major Special Event Request – Lighthouse Loop Half Marathon & 5K at the access road to Our Deck Down Under at 78 E. Dunlawton Avenue and Aunt Catfish Restaurant at 4009 & 4108 Halifax Drive and 4085 Ridgewood Avenue
10. Major Special Event Request Biketoberfest: First Turn Steakhouse & Lounge 5236, 5204 & 5164 South Ridgewood Avenue
11. Approval of the Kennick Settlement (Case No. 201731147CICI) (CA5248&5429)

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

Item #8 - Resolution No. 18-28 - Budget Appropriation

Councilman Ford spoke on the elements of budgeting. He stated the City needs to come to a realization that the golf course will not break even and not be able to pay their debt back.

(In reviewing the audio for recording these minutes, the motion and second for consideration of this item was unclear. The subsequent roll call vote passed 5-0. Staff brought this item back to Council on September 19, 2018 for reconsideration and clarification of the motion, second, and vote.)

CITIZEN PARTICIPATION (Agenda)

12. Steve Miller, Retired Water Production Manager/Public Utilities

Steve Miller spoke on the process of his grievance against the City Manager. He stated he was threatened by the City Manager and expressed concern about the way Jamie Miller, Director of Administrative Services, conducted her investigation.

Councilman Ford asked Mr. Miller to leave this meeting with his head held high. He spoke on how much he appreciates him and all the great work he has done while employed by the City.

Mayor Burnette thanked Mr. Miller for his service to the City.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mike Gardner, 618 Ruth Street, spoke on his concerns with getting public records requests from the City when it comes to certain topics.

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Connie Van Orden, 37 Holly in The Wood, expressed the need for a light in front of Colony in The Wood. She spoke on her concerns with yard sale permits and the City taking down their signs.

Mayor Burnette spoke on the City's Ordinance regarding yard sale permits. The permits are for the yard sale not for the signs.

Councilman Ford stated the City will reach out to the County regarding the light.

Tom Menocal, 985 Countryside W. Blvd, expressed his concerns with searching for documents on our City website. The new version the city is currently using is hard to navigate.

Jake Johansson City Manager, stated he will have staff take a look at this issue and make it easier for citizens to search the website.

Ted Nofall, 857 Chickadee Dr., spoke on public participation, Florida State Statues, and his concerns on the projections from KemperSports regarding the golf course. He spoke on administrative time taken off by staff and stated Mr. Miller had to pay back \$14,000.00 to the City for vacation pay out.

Councilman Ford clarified there was an issue two years ago in regard to employees using paid vacation time and getting overpaid with additional time. This issue had been corrected and employees paid back their time.

Steve Miller, citizen, stated while working with the City his time was tracked and anytime he needed to take time off for something like a doctor's appointment he would put in for a couple hours during the day but found that other salary employees were not doing this.

COUNCIL COMMENTS

13. Comments/Concerns from Council Members

Councilman Tramont commented on issues with having citizens putting yard sale signs out. He would like to discuss this further and talk about possible changes that can be made. He thanked the voters for re-electing him and thanked his opponent Sarah Jones.

Councilman Ford spoke on the City's tax increase. He stated the poor citizens usually are the ones living in mobile homes and apartments and when the taxes are increased they are the ones most affected because there are no exemptions for them. He would like Council to keep those citizens in mind when talking about increased taxes.

Councilman Bastian spoke on the mowing of the right-a-way on Clyde Morris Blvd. He stated the grass has been cut but the weeds were not being taken care of.

Mr. Johansson stated this is County property and he would reach out to them and find out why they have not taken care of the weeds.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

14. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided an overview of the finance report ending on July 31, 2018.

PUBLIC HEARING

15. Second Reading Ordinance No. 2018-21 - LDC Amendment/Chapter 3, 5, 6, 13, 16 and 17 (Case No. 1825000005)

Mayor Burnette read Ordinance No. 2018-21.

ORDINANCE NO. 2018-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 3, 5, 6, 13, 16, AND 17 RELATING TO CODE ADMINISTRATION, SUBDIVISION AND SITE PLAN REGULATIONS, LANDSCAPING AND BUFFERS, HOME OCCUPATIONS, RESIDENTIAL OUTDOOR STORAGE AND PC-A INDIVIDUAL ZONING DISTRICT DISCLOSURE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2018-21 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

16. Second Reading Ordinance No. 2018-23 – Rezoning/6225 S. Williamson Boulevard (Case No. 1860000003)

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

COMMERCIAL (CC); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2018-23 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

17. First Reading Ordinance No. 2018-24 - Annexation/1727 & 1737 Fern Park Drive; (Case No. 1810000003)

Mayor Burnette read Ordinance No. 2018-24.

ORDINANCE NO. 2018-24

AN ORDINANCE OF THE CITY OF PORT ORANGE VOLUSIA COUNTY, FLORIDA, ANNEXING APPROXIMATELY ±15.3 ACRES OF PROPERTY LOCATED AT 1727 AND 1737 FERN PARK DRIVE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2018-24 was made by Vice Mayor Scott Stiltner, and Seconded by Councilman Chase Tramont

Penelope Cruz, Planner, provided an overview of the annexation of the property located at 1727 and 1737 Fern Park Dr. to repeal conflicting ordinances.

Councilman Tramont asked what the future outlook is for this property and what is allowed on the property right now.

Ms. Cruz replied the applicant intends to provide a 50-foot paved road off their property working in partnership with the property owner to the left. The site plans have not yet been submitted. The property is currently low density under Volusia County, and the applicant would like to double the current density.

Coleen Miles, applicant, clarified they are not asking for double the density. They are asking for six acres and it is currently four acres.

Mayor Burnette asked Ms. Cruz if any other properties have access to that road.

Ms. Cruz replied there are currently many properties that use the roads access.

Motion carried unanimously by roll call vote.

18. First Reading Ordinance No. 2018-25 - Moratorium on Personal Wireless Communications Governed by Chapter 16, Section 9 of the Land Development Code.

Mayor Burnette read Ordinance No. 2018-25.

ORDINANCE NO. 2018-25

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ESTABLISHING A MORATORIUM ON THE SUBMITTAL OF APPLICATIONS FOR SITE PLANS, SUBDIVISIONS, CONDITIONAL USES, SPECIAL EXCEPTION USES, AND CHANGE OF USE, AND ALSO THE ISSUANCE OF DEVELOPMENT ORDERS, BUILDING PERMITS, ZONING VERIFICATION LETTERS, SPECIAL EXCEPTIONS, CONDITIONAL USE, AND CHANGE OF USE ZONING APPROVALS FOR COMMUNICATION TOWERS, ALTERNATIVE SUPPORT STRUCTURES, ANTENNAS, AND OTHER COMMUNICATIONS FACILITIES USED IN SUPPORT THEREOF GOVERNED BY CHAPTER 16, SECTION 9 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR INTERPRETATION; PROVIDING DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2018-25 was made by, Councilman Drew Bastian and seconded by Vice Mayor Scott Stiltner.

Tim Burman, Community Development Director, provided an overview of establishing a moratorium on submittals for applications.

Motion carried unanimously by roll call vote.

Council took a brief recess and reconvened at 7:53p.m.

REGULAR AGENDA

19. Resolution No. 18-17 - Partial Drainage Easement Vacation – Lot 86, Foxboro Phase II, 618 Ipswich Lane.

Mayor Burnette read Resolution No.18-17.

RESOLUTION NO. 18-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF THE REAR YARD DRAINAGE EASEMENT LOCATED AT 618 IPSWICH LANE ON LOT 86 OF THE FOXBORO SUBDIVISION – PHASE II; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 18-17 as recommended by staff was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian.

Margret Tomlinson, Construction and Engineering Manager, provided an overview of Resolution No. 18-17. The applicant is requesting to vacate seven and a half feet of the 50-foot drainage easement. The drainage was created to protect a swale that runs behind the properties on Ipswich Lane and Touro Drive. After some analysis the City can support a partial vacation but would require ten feet on each side of the fence for a total of twenty feet to work with which is the standard for the City.

Lynn Steven, Director of Public Utilities and Public Works, stated the easement has a six-inch depth so it operates as a dry pond not as a ditch and is not designed to hold water. If the City needs to get in the area for maintenance, we would ask other property owners to move their fence.

Larry Vancini, 618 Ipswich Ln, provided an overview of his request. He stated there has never been any drainage concerns on his property or in his area. He understands the City's concerns in regard to drainage issues but is requesting to be allowed to put in a pool. He believes his request is reasonable.

Mayor Burnette commended Mr. Vancini for making an effort to improve his home. He believes this shows his interest in continuing to reside here in Port Orange.

Councilman Bastian doesn't see a problem with putting in a pool on his property.

Vice Mayor Scott Stiltner doesn't have a problem with the property owner putting in a pool. He pointed out an important factor as a homeowner is communicating with your neighbors.

Councilman Ford stated that the City has been rough on easements. He spoke on the concerns addressed by staff and stated he is inclined to agree with them on this issue.

Margret Roberts, City Attorney, wanted to remind the Council that a drainage easement impacts a whole subdivision and what they do for one applicant in a subdivision may have to be repeated.

Mr. Johansson clarified the standard for the City is 10 feet on each side for a total of 20 feet. The applicant is asking for 7.5 feet on each side. He stated that the easement is there for a reason and moving it could cause some issues in the future.

Motion to amend Resolution No. 18-17 to include the additional easement requested by the applicant was made by Vice Mayor Scott Stiltner and seconded by Councilman Drew Bastian.

Motion to withdraw the motion to approve and motion to amend Resolution No. 18-17 was made by Vice Mayor Stiltner and seconded by Councilman Drew Bastian.

Motion to approve applicants request to vacate 7.5 feet and up to 15 feet wide Easement on their lot to construct an inground pool as shown and a concrete deck in their rear yard was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian. Motion passed 4-1 with Council Member Drew Bastian, Mayor Donald Burnette, Vice Mayor Scott Stiltner, Council Member Chase Tramont voting yes and Councilman Ford voting no.

20. First Reading Ordinance No. 2018-27 –Shopping Carts

Mayor Burnette read Ordinance No. 2018-27.

ORDINANCE NO. 2018-27

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 18, TO ESTABLISH A NEW ARTICLE XIV ADOPTING SHOPPING CART REGULATIONS RELATED TO SIGNAGE, ONSITE RETENTION MEASURES AND RETRIEVAL PLANS; PROVIDING PROCEDURES FOR SHOPPING CARTS FOUND ON PUBLIC PROPERTY; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-27
was made by Vice Mayor Scott Stiltner
and Seconded by Councilman Chase
Tramont.

Thomas Grimaldi, Chief of Port Orange Police Department, asked Council to approve Ordinance No. 2018-27. He stated this is an attempt to reduce the amount of shopping carts being removed from shopping centers.

Vice Mayor Stiltner spoke on the importance of having communication with the businesses to help us help them and this Ordinance is in no way trying to make more work for them. Carts are being removed from businesses costing them money, and they are being left all over the City.

Chief Grimaldi would like to address this issue to deter it from leading to a more serious offense.

Ms. Roberts stated it is a great point to communicate with the businesses and believes it strengthens the Ordinance. She suggested Council add an amendment to the Ordinance on communicating with the business owners.

Mr. Menocal spoke on geotagging. He stated it is simple and quick to use which would allow for businesses to locate and retrieve their lost carts.

Mark Dickinson, citizen, stated this Ordinance would punish businesses. He feels the City will create more problems by approving this Ordinance.

Ms. Roberts suggested adding a whereas paragraph that recognizes that the commercial business owners have been notified and given an opportunity to bring forward their comments and concerns.

Motion to amend Ordinance No. 2018-27
with City Attorney suggestion was made
by Vice Mayor Scott Stiltner and
Seconded by Councilman Chase
Tramont. Motion Carried unanimously by
roll call vote.

Motion to adopt Ordinance No. 2018-27
as amended carried unanimously by roll
call vote.

21. First Reading Ordinance No. 2018-28 - RV Parking Code Amendment

Mayor Burnette read Ordinance No. 2018-28.

ORDINANCE NO. 2018-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 70-48 OF THE CODE OF ORDINANCES RELATING TO PARKING OF RECREATIONAL VEHICLES AND EQUIPMENT IN RESIDENTIAL AREAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-28 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian.

Chief Grimaldi stated there is some conflicting language in our City's current code. This Ordinance will provide clearer language for the Code Enforcement Officers and will give the citizens two additional feet to park their RV'S without being in violation of the City's code.

Motion passed 4-1 with Councilman Drew Bastian, Councilman Bob Ford, Vice Mayor Scott Stiltner, Council Member Chase Tramont voting yes and Mayor Donald Burnette voting no.

22. Guidance on Fund Ownership of Riverwalk Property

Mr. Johansson stated the City believes we should transfer property ownership to the CRA.

Tracy Riehm, Finance Director, provided an overview of the Fund Ownership of the Riverwalk Property.

Motion to transfer the properties from the general fund to the Town Center CRA was made by Vice Mayor Scott Stiltner and Seconded by Councilman Bob Ford. Motion carried unanimously by roll call vote.

Mr. Johansson stated staff recommends zero percent interest.

Mayor Burnette agreed that the City shouldn't add additional interest to something the City will have a difficult time paying back. He doesn't see any issues with leaving it at zero percent interest.

Motion to maintain the interest rate at zero percent was made by Councilman Bob Ford and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

23. Discussion of City Attorney Work Performance

Mayor Burnette asked the Council to give honest feedback and ask Council how they would prefer to give their feedback.

Councilman Bastian commented that we recently approved a raise for the City Attorney.

Councilman Ford feels individual feedback would be best.

Mayor Burnette stated the Council would provide feedback to the City Attorney individually and bring this back up publicly possibly sometime in October.

Ms. Roberts thanked the Council Members. She will schedule time with each member to meet individually.

Vice Mayor Stiltner appreciates Ms. Roberts and all of her staff for the work that they do.

Councilman Bastian recognized the City Attorney and her staff for doing great work.

COMMENTS

24. City Attorney Comments - Update on contract for ITB 18-18 City Facility Landscape Maintenance Services

Ms. Roberts spoke on the contract for the landscape maintenance services. The bid was for a two-year contract. The bonding agency was willing to commit to a one-year bond with no assurance on the second year. She recommended an amendment to the contracts language before it is fully executed to include a one-year contract with the right to renew for an additional one-year contract subject to bonding.

Motion to amend the contract for ITB #18-18 City facility landscape maintenance services as suggested by the City Attorney was made by Vice Mayor Scott Stiltner and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

25. City Manager Comments

a. DMS Site Lease Agreement

Mr. Johansson stated that Frank Costas has allowed the City to utilize his property on Hensel Road as a temporary debris management site if needed for disaster cleanup. Due to active construction this site will likely not be available for the next hurricane season.

Ms. Roberts stated the City would seek multiple sites to always have the appropriate backups and this lease provides for our nonexclusive right to do so.

Council Members authorized Mr. Johansson to sign the DMS Site Lease Agreement.

Mr. Johansson stated Staff is well aware of the current salary employee administrative policies with regard to taking time off. He keeps open communication with Department Heads and is aware of where they are. He doesn't believe that hourly employees are abusing their time off and if anything comes to light it will be dealt with appropriately.

COUNCIL COMMITTEE REPORTS

26. City Council Committee Reports

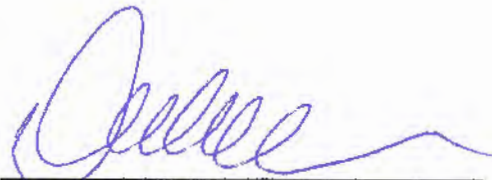
- a. River to Sea TPO - Councilman Ford stated there is not much concern at this time.
- b. General Employees' Pension Plan - There were no comments on the general employees' pension plan.

Mayor Burnette stated the Volusia League of Cities dinner is coming up and would like someone from Council to attend because he is unable to attend.

Councilman Tramont spoke on an issue in regard to estimates and increased costs from the City of Daytona Beach from 2.5 million to 5.3 million for the homeless shelter.

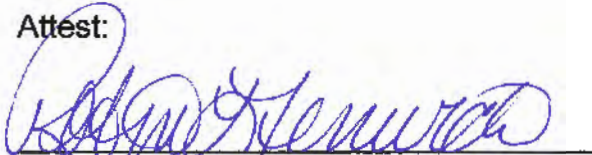
Mr. Johansson stated the City of Port Orange already contributed in fiscal year 2017 and is not currently involved with the project.

ADJOURNMENT – 9:05 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk