

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

Invocation by Lowell Lucas of First Baptist of Daytona Beach

Pledge of Allegiance

Swearing-In Ceremony

The swearing-in ceremony of Council members Bob Ford, Chase Tramont, and Scott Stiltner was conducted by Judge Chris Kelly.

|           |               |                                                                                                                                  |
|-----------|---------------|----------------------------------------------------------------------------------------------------------------------------------|
| Roll Call | Present:      | Councilman Bob Ford<br>Councilman Chase Tramont<br>Councilman Drew Bastian<br>Vice Mayor Scott Stiltner<br>Mayor Donald Burnette |
|           | Also Present: | City Manager Jake Johansson<br>City Attorney Margaret Roberts<br>City Clerk Robin Fenwick                                        |

5. Election of Vice Mayor

Chase Tramont was nominated by Vice Mayor Scott Stiltner and Seconded by Councilman Bob Ford.

No other nominations were received.

Motion carried unanimously by voice vote.

6. Appointments to Council Committees for 2019

Current Council Member assigned to each committee:

ArtHaus – Councilman Ford  
City Investment Committee – Vice Mayor Stiltner  
General Employees Retirement Trust Fund – Vice Mayor Stiltner  
River to Sea Transportation Planning Organization – Councilman Bastian  
Municipal Firefighters Pension Board – Councilman Ford

## Regular City Council Meeting

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Municipal Police Officers Retirement Trust – Councilman Bastian

Port Orange-South Daytona Chamber of Commerce – Mayor Burnette (months 3, 6, 9, and 12) and Councilman Ford (all others)

Roundtable of Elected Officials - Mayor Burnette

Golf Advisory Board - Vice Mayor Stiltner

First Step - Councilman Tramont

Mayor Burnette suggested removing the Council person appointment to the Golf Advisory Board. He believes it is redundant. Councilman Scott Stiltner agreed and said he is always available for the Board as the golf course is in his district.

Councilman Stiltner believes the City Investment Committee is a debriefing and any decisions made are brought to the Council. Jake Johansson, City Manager, agreed. He doesn't believe a Council Member is needed on the Committee, but they are always welcome to attend.

### 2019 Appointments:

Arthaus – Councilman Ford

General Employees Retirement Trust Fund – Councilman Stiltner

River to Sea Transportation Planning Organization – Councilman Stiltner

Municipal Firefighters Pension Board – Councilman Ford

Municipal Police Officers Retirement Trust – Councilman Bastian

Port Orange-South Daytona Chamber of Commerce – Mayor Burnette (months 3, 6, 9, and 12) and Councilman Ford (all others)

Roundtable of Elected Officials - Mayor Burnette

First Step – Vice Mayor Tramont

### CONSENT AGENDA

#### 7. Public Comments on Consent Agenda Items Only

Robert Reinhausen, citizen, doesn't understand the methodology regarding the mitigation amounts listed in Items #12 and #13. He asked for copies of the Exhibits mentioned in the agenda item. Mr. Johansson will look into it and have the copies provided.

#### 8. Agenda Approval

Item #13 was removed by Staff to be continued to a later date.

#### 9. Approval of Minutes

- a. November 13, 2018 - Regular City Council Meeting

#### 10. Bid Awards and Contract Items

- a. Intent to Reject all bids for ITB #18-32 Concrete Installation, Repairs, and Replacement
- b. Report on Certain Contracts Approved by the City Manager

- c. Award of Bid #18-31 to Aumiller Pools LLC. for repairs to the YMCA Pool
  - d. Award of ITB 18-32 to Genset Services, Inc for generator repair and maintenance
  - e. Approval of Task Authorization No. 17 under the Master Contract for Engineering Services with Mead and Hunt, Inc. for the Water Reclamation Facility (WRF) Barscreen Replacement Projects.
- 11. Approval of the 2019 City Council Meeting Calendar
  - 12. Approval of Concurrency and Fair-Share Agreement for the Lazul at Crystal Lake Site Plan - Case No. 18-80000004
  - 13. Approval of Concurrency and Fair-Share Agreement for the Spring's at Port Orange Site Plan - Case No. 18-80000008
  - 14. Approval of Contract for Sale and Purchase of Real Property at Fox Place
  - 15. Major Special Event Request – Port Orange YMCA LiveStrong 5K at Aunt Catfish Restaurant located at 4009 Halifax Drive and 4085 Ridgewood Avenue.
  - 16. Resolution No. 18-56 - Acceptance of Carlisle Drive from County of Volusia
  - 17. Resolution No. 18-57 - Supplemental Local Agency Program (LAP) Agreement for SR421 (Dunlawton) Lighting Phase 1
  - 18. Resolution No. 18-58 - Two (2) separate 30-day Extensions to the Moratorium on Personal Wireless Communications Governed by Chapter 16, Section 9 of the Land Development Code

Motion to approve the Consent Agenda as amended (minus #13) was made by Vice Mayor Chase Tramont and Seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

#### CITIZEN PARTICIPATION (Agenda)

##### 19. Fee Waiver Request from Spruce Creek High School Softball Team

Cameron McClelland, Softball Coach, asked for a fee waiver for their events at Coraci Fields. Mr. Johansson advised the matrix was provided as an option, but he has spoken with the Superintendent Tom Russell who doesn't believe the team should be asking for a waiver as the funds are provided by the school board.

Vice Mayor Tramont advised that he will abstain from any vote on this subject as he works for the school.

Coach McClelland advised that Dr. Russell has not paid for anything for his program. The team has always raised the funds they need.

Mr. Johansson advised that the Superintendent has been invited to the January 22, 2019 workshop where they can discuss this issue in detail. Council would like to have the discussion with the Superintendent before agreeing to waiver fees.

20. Request by Tarik Dalaq from Door Master DBA Overhead Doors of America to waive or reduce a \$500 work without permit fee.

Mayor Burnette advised that this item has been continued to January 8, 2019.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There were none.

COUNCIL COMMENTS

21. Comments/Concerns from Council Members

Mayor Burnette read the obituary of Tracey Riehm, Finance Director. Council Members reflected on Tracey's life and her contributions to the community and county.

Councilman Scott Stiltner thanked Staff for the holiday events over the weekend.

Mr. Johansson provided an update on the water main break and road closure on Taylor Road.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

22. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided an update on the golf course for October 2018.

PUBLIC HEARING

23. First Reading - Ordinance No. 2018-27 - Shopping Carts (Continued from 10/16/18 & 11/7/18 and Revised)

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 AND ON-SITE RETENTION MEASURES; PROVIDING PROCEDURES FOR SHOPPING CARTS FOUND ON PUBLIC PROPERTY;

PROVIDING FOR ENFORCEMENT AND 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 Councilman Drew Bastian  
and Seconded by Councilman Scott  
Stiltner.

Mr. Johansson provided details of the revisions made since the ordinance was first presented to Council. The revisions were based on public feedback.

Mark Dickinson, citizen, suggested a violation for the violator.

Adam Millis, Store Manager at Lowes, thanked Council for listening to their requests.

Matt Hughes, BJ's, thanked Council for revising the ordinance and listening to their concerns. He asked if the ordinance can be changed to allow just the business's name and not a number if there is only one business. Mr. Johansson will talk to the Deputy City Attorney to make that change for second reading.

Motion carried 4-1 by roll call vote with  
Vice Mayor Chase Tramont voting no.

24. First Reading - Ordinance No. 2018-33 – 3rd Amendment to the Journey's  
End Planned Commercial Development Master Development Agreement,  
Case No. 18-40000002

Mayor Burnette read Ordinance No. 2018-33.

ORDINANCE NO. 2018-33

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE JOURNEY'S END (f/k/a THE PEACOCK WAY) PLANNED COMMERCIAL DEVELOPMENT (PCD) AND THE CONCEPTUAL DEVELOPMENT PLAN (CDP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-33  
was made by Councilman Drew Bastian  
and Seconded by Vice Mayor Chase  
Tramont.

Penelope Cruz, Planner, discussed the changes made to the PCD that resulted in the need to change the number of panels on the signage.

Motion carried unanimously by roll call vote.

25. First Reading – Ordinance No. 2018-34 - Amending Chapter 2 of the Code of Ordinances pertaining to Code Enforcement Lien Reduction Program

Mayor Burnette read Ordinance No. 2018-34.

ORDINANCE NO. 2018-34

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 2- 226 OF THE CODE OF ORDINANCES RELATED TO CODE ENFORCEMENT LIEN REDUCTION PROGRAM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-34 was made by Councilman Drew Bastian and Seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

REGULAR AGENDA

26. Approval of Change Order #3 to AG Pifer for remodeling project at Dorothy L. Hukill City Annex

Motion to approve was made by Councilman Drew Bastian and Seconded by Vice Mayor Chase Tramont.

Mr. Johansson explained the issues that have happened during the renovations.

Susan Lovallo, Parks & Recreation Director, provided further details of the project and the need for this third change order.

Councilman Scott Stiltner expressed his concerns with another change order request on this project. Councilman Bob Ford gave staff the benefit of the doubt because the building was oddly constructed and sat empty for so long. There was no way to tell what was going to be uncovered during the renovation. Vice Mayor Chase Tramont is concerned any time a change order is requested.

Motion carried unanimously by roll call vote.

**27. Resolution No. 18-59 - Electing to Use the Uniform Method of Collecting Non-Ad Valorem Special Assessments**

Mayor Burnette read Resolution No. 18-59.

**RESOLUTION NO. 18-59**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Resolution No. 18-59 was made by Councilman Drew Bastian and Seconded by Councilman Scott Stiltner.

Alan Rosen, Assistant City Manager, explained what this resolution will do and not do. It reserves the option to implement a special assessment for fire fees but does not require Council to move in that direction.

Vice Mayor Chase Tramont was interested in this process if Amendment #1 had passed. He's less interested now. Mr. Johansson advised that this can still reduce the millage rate if Council decides to move forward with an assessment.

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

**COMMENTS**

**28. City Attorney Comments**

Margaret Roberts, City Attorney, requested Council authority to participate in the challenge of the State's legislation adopted in 2017, regarding telecommunication facilities located within city rights of way. The cost to the City is currently expected to be modest and will involve only current personnel.

Motion to approve was made by Councilman Drew Bastian and Seconded

by Vice Mayor Chase Tramont. Motion  
carried unanimously by roll call vote.

29. City Manager Comments

The fire assessment options will be brought to a Council Workshop in the spring.

COUNCIL COMMITTEE REPORTS

30. City Council Committee Reports

- a. River to Sea TPO – Councilman Bastian was unable to attend. Mr. Johansson provided an update.
- b. General Employees' Pension Plan – Vice Mayor Stiltner had nothing to report. Mr. Johansson provided updates on changes to the members.
- c. Fire Pension Board – Councilman Ford had nothing to report. Everything is fine.
- d. Police Pension Board – Councilman Bastian reported on the recent meeting held.

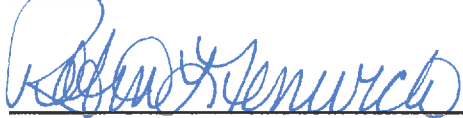
Vice Mayor Chase Tramont reported on the First Step meeting held last night. He asked Ms. Roberts to research the need for a safe zone for homeless when the First Step Shelter opens.

ADJOURNMENT – 8:50 p.m.



\_\_\_\_\_  
Mayor Donald O. Burnette

Attest:



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Robin Fenwick, CMC  
City Clerk