

REGULAR CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA  
OCTOBER 2, 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 - Pastor Mike Swingle - First Baptist Church of Harbor Oaks

Pledge of Allegiance

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

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

Motion to pull Items #7(d) and #11 was made by Councilman Bob Ford and Seconded by Councilman Chase Tramont. Motion carried unanimously by voice vote.

6. Approval of Minutes

- a. September 19, 2018 - Regular City Council Meeting
- b. September 25, 2018 - Joint Workshop w/Parks & Recreation Advisory Board
- c. September 25, 2018 - City Council Workshop

7. Bid Awards and Contract Items

- a. Approval of Change Order No 1 to Task Authorization No 13 with Mead and Hunt, Inc. for the South Commonwealth Water Main Improvement Project in the amount of \$17,626; revised Task Authorization amount not to exceed \$185,026.
- b. Intent to Award ITB 18-23 Master Lift Station Cleaning

- c. Approval to Award ITB #18-27 - Causeway Park North Boat Ramp to Brothers Construction, Inc.
  - d. Approval to Renew the Annual Service Agreement with Halifax Humane Society
  - e. Approval of Task Authorization No. 11 with Kimley Horn for ADA Transition Plan - Phase 1
  - f. Intent to Award ITB #18-29 to A.G. Pifer Construction Company, Inc. as it relates to the Public Works Administration Building Roof Replacement.
- 8. Resolution No. 18-46 - Ratifying and Accepting \$98,579.00 for 2018-2019 Victims of Crime Act (VOCA) Grant
  - 9. Approval of Foster Settlement
  - 10. Approval to Submit Grant Applications for Transport Start Up Equipment
  - 11. Approval of an "After the fact" Historic Tree Removal Permit for 713 Kristina Court

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

Item 7(d) - Approval to Renew the Annual Service Agreement with Halifax Humane Society

Councilman Bob Ford asked for an update as to the amount being spent. Jake Johansson, City Manager, provided details regarding the monies spent. Halifax Humane Society is the most economic option.

Motion to approve Item #7(d) was made by Councilman Bob Ford and Seconded by Councilman Chase Tramont. Motion carried unanimously by voice vote.

Item #11 - Approval of an "After the fact" Historic Tree Removal Permit for 713 Kristina Court

Councilman Bob Ford asked why no fine was being charged for cutting down a tree without a permit. Mr. Johansson advised the current code does not include a fine. The tree ordinance is coming to Council on October 23, 2018.

Motion to approve Item #11 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Bob Ford. Motion carried unanimously by voice vote.

There were none.

COUNCIL COMMENTS

12. Comments/Concerns from Council Members

Mayor Don Burnette asked Council to share their thoughts on Senator Dorothy Hukill's passing, which they did.

Mayor Don Burnette asked Chief Thomas Grimaldi to provide an update regarding the DUI checkpoint held last weekend. Chief Grimaldi advised there was one DUI arrest and lots of education to drivers. The grant and the entire process was a success.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

13. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided details of the financial report from August 2018 and recent events held at the golf course. The course was voted the best course in Volusia County for the 9<sup>th</sup> year in a row, as well as the Best of the Best for Volusia/Flagler area.

PUBLIC HEARING

14. Second Reading - Ordinance No. 2018 - 24 - Annexation/1727 & 1737 Fern Park Drive; (Case No. 18-10000003)

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 adopt Ordinance No. 2018-24  
was made by Councilman Bob Ford and  
Seconded by Vice Mayor Scott Stiltner.

Robert Rienhagen, citizen, expressed his concerns with the annexation and wetlands.

Motion carried unanimously by roll call  
vote.

15. First Reading - Ordinance No. 2018-26 - LDC Text Amendment Chapter 17, Section 26 - GPU Zoning District

Mayor Burnette read Ordinance No. 2018-26.

ORDINANCE NO. 2018-26

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE LAND DEVELOPMENT CODE; AMENDING CHAPTER 17, SECTION 26, TO REMOVE THE CHANGE OF USE PUBLICATION AND HEARING PROCEDURE FOR PERMITTED USES IN THE GOVERNMENT/PUBLIC USE ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-26 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Chase Tramont.

Penelope Cruz, Planning Manager, provided details regarding the requested changes. The site plan process will provide review and action by Council. This public hearing requirement does not allow for action to be taken on the item.

Motion carried unanimously by roll call vote.

16. Second Reading - Ordinance No. 2018-29 - Adoption of 18-3 Comprehensive Plan Amendments/Colony in the Wood (Case No. 18-20000005)

Mayor Burnette read Ordinance; No. 2018-29.

ORDINANCE NO. 2018-29

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE DESIGNATION FOR +/- 24.7 ACRES FROM OFFICE/RESIDENTIAL TRANSITION TO URBAN MEDIUM DENSITY RESIDENTIAL (4-8 UNITS/ACRE) FOR PROPERTY GENERALLY LOCATED IN THE FRONT PORTION OF THE COLONY IN THE WOOD MOBILE HOME PARK AT 4000 S. CLYDE

MORRIS BOULEVARD; PROVIDING FOR CONFLICTING  
ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-29  
was made by Vice Mayor Scott Stiltner  
and Seconded by Councilman Chase  
Tramont. Motion carried unanimously by  
roll call vote.

REGULAR AGENDA

17. Temporary Urban Chicken Pilot Program Update

Ms. Cruz provided an update on the pilot program for urban chickens. It is set to expire in January 2019. She asked Council for direction.

Motion to make the program permanent  
was made by Councilman Bob Ford and  
Seconded by Councilman Chase  
Tramont.

Councilman Chase Tramont asked for details from the program participants, complaints, etc. Ms. Cruz explained there was only one (1) complaint and they have not had any issues with the five (5) permits issued.

Vice Mayor Scott Stiltner expressed concerns regarding the program. He believes there may be some properties where it's acceptable but other neighborhoods not. Mr. Johansson suggested notifying the homeowner's associations, so they can determine whether they want to change their covenants and restrictions.

Councilman Bob Ford is concerned with limiting the rights of homeowners.

Mayor Don Burnette doesn't believe the one noise complaint he received is significant.

Mark Dickinson, citizen, asked Council to approve the continuation of the program.

Sharon Herr, citizen, supports the program and has enjoyed having the chickens.

Scott Pontius, 806 Wildwood Circle, asked Council to continue the program.

Carol Banning, 1431 Chamale Lane, explained the details of the program and asked Council to continue it. She believes it has been successful.

Motion was withdrawn by Councilman  
Bob Ford.

18. Contract Amendment - City Manager

Mayor Don Burnette provided details of the changes being requested.

Motion to approve the amendment contract was made by Vice Mayor Scott Stiltner and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

19. Financial Report August 2018

Tracey Riehm, Finance Director, provided Council with an update of the financial position of the City.

Mayor Don Burnette asked Ms. Riehm to watch for the need of incremental increases to avoid larger increases in the future.

COMMENTS

20. City Attorney Comments

Margaret Roberts, City Attorney, advised Council Scotty Boys Landscaping has begun their work. They have requested reimbursement for the 2% bond refund as required.

Motion to approve was made by Vice Mayor Scott Stiltner and Seconded by Chase Tramont.

21. City Manager Comments

Mr. Johansson asked Chief Grimaldi to discuss the FDLE investigation against Captain Kimberly Kilpatrick. Chief Grimaldi advised the complaint was unfounded by FDLE.

Mr. Johansson advised he will be meeting with the citizens at Shamrock relating to the dock. He's hoping to come to an agreement with the neighbors.

COUNCIL COMMITTEE REPORTS

22. City Council Committee Reports

- a. River to Sea TPO – Councilman Bob Ford attended in Councilman Drew Bastian's absence and provided an update.
- b. General Employees' Pension Plan - Vice Mayor Scott Stiltner provided an update from the recent meeting of the General Employees' Pension Board.

ADJOURNMENT – 7:58 p.m.

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

Attest:

  
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Robin Fenwick, CMC, City Clerk