

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JANUARY 16, 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 was provided by Father Chris Hoffman of Our Lady of Hope Catholic Church

Pledge of Allegiance

Roll Call:	Present:	Councilman Chase Tramont Councilman Drew Bastian Councilman Scott Stiltner Vice Mayor Bob Ford Mayor Donald Burnette
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Also Present:	Jake Johansson, City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk
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CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Derek LaMontagne, citizen, addressed Council regarding questions he has on Item 7(c). He asked Council to pull the item and not approve it. He is concerned that the item was not discussed at the Environmental Advisory Board.

5. Agenda Approval

There were no changes requested by Council.

6. Approval of Minutes

a. January 4, 2018 - Regular City Council Meeting

7. Bid Awards and Contract Items

- a. Award of ITB #18-07 to Alterations by Lucy and Crisp & Clean Dry Cleaning and More LLC for dry cleaning & alterations of Uniforms
- b. Halifax Paving-Change Order No. 1 to Piggyback Agreement CA6019-Annual Paving Program FY17
- c. Alford Timber, Inc. (ITB17-12) Timber Harvesting - Changer Order No 1 to the Timber Harvesting and Sale Agreement, dated June 20, 2017.
- d. Mead & Hunt, Inc. - Change Order No 1 to Task Authorization No 2 for the Howes Street Stormwater Improvement Project

8. Major Special Event Request – 4Ever Fitness 5K Run/Walk & 1-Mile Kids Fun Run located at 4Ever Fitness, 4639 Clyde Morris Boulevard.
9. Major Special Event Request - Remarkable River Race 5K at Aunt Catfish Restaurant at 4009 Halifax Drive & Panhead's Pizzeria located at 4085 Ridgewood Avenue.

Motion to approve Consent Agenda as presented was made by Vice Mayor Stiltner, and Seconded by Councilman Bastian.

Councilman Ford would like to discuss Item #7(c). Mayor Burnette advised a Motion to Amend would be needed since there is a motion on the table.

Motion to amend the Motion to pull Item #7(c) for further discussion was made by Councilman Ford. There was no second and the motion failed.

Original Motion carried 4-1 by roll call vote, with Councilman Ford voting no.

Councilman Ford asked if Council can pull items from the Consent Agenda. Mayor Burnette explained that there was a motion on the table that needed to be addressed but advised that the project under Item #7(c) to trim trees is to clear them from the power lines. Power was lost at the wellfield during Hurricane Irma and power was out for a few days. Margaret Roberts, City Attorney, advised that Staff will be monitoring for compliance.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. LaMontange addressed Council regarding a project with retention ponds and tree plantings. He asked Council for their support.

Tom Jordan, citizen, expressed his opinion regarding the half cent sales tax being proposed by the County this year. He asked Council to help educate citizens as to the specific projects that will be funded with the increase.

COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Councilman Tramont discussed his visit to Tallahassee where he lobbied for regulations relating to smoking in City parks. FEMA reimbursement for Hurricane Matthew should be processed within 3-4 weeks.

Councilman Ford received calls of concern regarding the potential removal of some trees in City Center Complex. He believes a policy is needed for a periodic assessment of trees within the City. Mayor Burnette suggested the Environmental Advisory Board (EAB) discuss the tree maintenance in public spaces and provide recommendations to Council. Mr. Johansson confirmed the request for the EAB is to discuss opportunities to include volunteering.

Mayor Burnette said Horizon Elementary was severely vandalized overnight. He asked the public to spread the word to help catch the suspects. He would also like to help the school through the Chamber of Commerce Education Committee. Donations can be given to the Chamber. He discussed the recent meeting with the Roundtable of Elected Officials where they discussed the half cent sales tax proposal.

ANNUAL MEETING OF CORPORATIONS

Council recessed at 7:03 p.m. to hold the annual meetings, minutes of which are under separate cover.

11. Port Orange Property Development, Inc. Joint Annual Meeting of the Members, Directors and Design Review Board

12. City Center Corporate Park Property Owner's Association, Inc. Joint Annual Meeting of Members and Directors

City Council reconvened at 7:08 p.m.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

13. Citizen Advisory Committee for TPO

Bobby Ball, CAC for TPO member, provided details of the most recent meeting held. They discussed the interchanges at I-95 and safety targets. Councilman Ford asked if there's any attempt for the sales tax to work with the TPO. Mr. Ball believes the projects will be pulled from the priority list already approved by the TPO.

14. Parks & Recreation Advisory Board Appointments

Mayor Burnette advised Council that he had spoken to Julie Day regarding re-appointment and she would like to be considered. He asked for a motion to reappoint all five (5) to the Parks & Recreation Advisory Board.

Motion to reappoint all five (5) expiring to the Parks & Recreation Advisory Board was made by Councilman Ford, and Seconded by Councilman Bastian.

Motion carried unanimously by voice vote.

John Macaluso was not appointed at this time.

PUBLIC HEARING

15. Reconsideration of First Reading - Ordinance No. 2017-34 - Eighth Amendment to the Master Development Agreement and Conceptual Development Plan for the Port Orange Gateway Center Planned Commercial Development / Case No. 17-40000001 (Continued from January 4, 2018)

Mayor Burnette read Ordinance No. 2017-34.

ORDINANCE NO. 2017-34

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE EIGHTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT FOR PORT ORANGE GATEWAY CENTER 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 approve Ordinance No. 2017-34 on first reading was made by Councilman Bastian, and Seconded by Vice Mayor Stiltner.

Glen Storch, Attorney for applicant, provided details of the project and discussed the proposal to minimize traffic impacts for the development. There will be an exclusion of any drive-thru facility and no further access points into the property. He also discussed providing \$70,000 to the City to pay for a traffic study of the area. These proposals will be included in the MDA voluntarily.

Debbie Connors, Port Orange/South Daytona Chamber of Commerce, thanked Council for supporting the project. She believes this project will have a positive impact on the business community in the area.

Mr. LaMontange asked for access to the traffic studies. Mayor Burnette advised Mr. LaMontange to check the agenda back up materials and then let the City Clerk know of any other items he may need.

Motion carried unanimously by roll call vote.

16. First Reading - Ordinance No. 2018-1 – In Land We Trust Planned Unit Development Master Development Agreement and Conceptual Development Plan, Case No. 17-40000005

Mayor Burnette read Ordinance No. 2018-1.

ORDINANCE NO. 2018-1

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; APPROVING IN LAND WE TRUST PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT (MDA) AND THE CONCEPTUAL DEVELOPMENT PLAN (CDP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2018-1 on first reading was made by Vice Mayor Stiltner, and Seconded by Councilman Tramont.

Tim Burman, Community Development Director, provided details of the request. Staff recommends approval.

Robert Reinhausen, 1425 Dexter Drive, asked for clarification as to the requirement for a bridge.

Mr. LaMontagne discussed his conversations with the residents along Yorktowne Blvd. All of the residents opposed the extension of four-lanes of Yorktowne Blvd. and have signed a petition. He suggested a wall or natural wall barrier.

Motion carried unanimously by roll call vote.

17. First Reading - Ordinance No. 2018-2 - Six Month Extension to the Moratorium on the issuance of permits for construction of wireless facilities, communication towers, wireless support structures, and other communications facilities used in support of wireless services in the rights-of-way of the City of Port Orange

Mayor Burnette read Ordinance No. 2018-2.

ORDINANCE NO. 2018-2

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; EXTENDING THE EXISTING MORATORIUM ON THE ISSUANCE OF PERMITS FOR CONSTRUCTION OF WIRELESS FACILITIES, COMMUNICATION TOWERS, WIRELESS SUPPORT STRUCTURES, AND OTHER COMMUNICATIONS FACILITIES USED IN SUPPORT OF WIRELESS SERVICES WITHIN THE RIGHTS-OF-WAY OF THE CITY OF PORT ORANGE; PROVIDING FOR THE DURATION OF THE EXTENSION; 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. 2018-2 on first reading was made by Councilman Bastian, and Seconded by Councilman Tramont. Motion carried unanimously by roll call vote.

REGULAR AGENDA

18.American Cancer Society - Relay for Life fee waiver request

Susan Lovallo, Parks & Recreation Director, advised of the request to waive the rental fees at Riverwalk Park for the annual Relay for Life event by the American Cancer Society. The applicant has agreed to pay the \$250.00 staff costs and provide insurance.

Motion to approve the fee waiver as presented was made by Councilman Ford, and Seconded by Vice Mayor Stiltner.

Cheryl Shaw, Volunteer Event Leader for Relay for Life, asked for a reduction in the fees if Council is not inclined to waive the fees.

Councilman Tramont asked if he needs to abstain because his wife volunteers on the event committee. Ms. Roberts recommended he abstain.

Phil Madson, business owner, asked if the park is meant to be a money maker. Mr. Johansson explained the fee resolution to offset the expenses of the facilities.

Sarah Jones, citizen, expressed her thoughts regarding waiving fees and asked Council to support this waiver.

Motion carried 3-1-1 by roll call vote with
Councilman Bastian voting no and
Councilman Tramont abstaining.

COMMENTS

19. City Attorney Comments

There was nothing further to report.

20. City Manager Comments

Mr. Johansson discussed the trees in front of the Dorothy L. Hukill City Annex that are marked for possible removal. City Staff will be providing several options to Council for discussion. He advised Council that Staff entered into a Piggyback Agreement with the City of Tampa regarding light bars for the police cars. There was only one proposal received by Tampa but the cost was competitive. A bid will be released for next year's cars. He asked Council to begin working on his evaluation which is due in February. The evaluation will be discussed at the February Council Workshop.

COUNCIL COMMITTEE REPORTS

21. City Council Committee Reports

- a. ArtHaus - Councilman Ford urged the public to attend the upcoming art shows. January 18-February 9, 2018 is the kindergarten art exhibition.
- b. Port Orange/South Daytona Chamber of Commerce - Mayor Burnette announced the upcoming events.
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ADJOURNMENT – 8:23 p.m.

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Attest:

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REGULAR AGENDA

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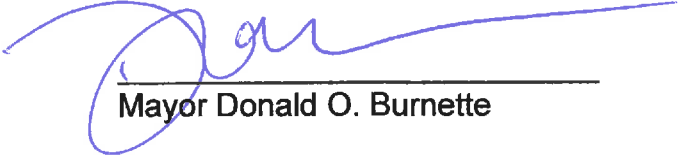
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ADJOURNMENT – 8:23 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME TRAMONT JUSTIN CHASE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PORT ORANGE CITY COUNCIL	
MAILING ADDRESS 3781 GROVE VIEW LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PORT ORANGE	COUNTY VOLUSIA	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED JANUARY 16, 2018		NAME OF POLITICAL SUBDIVISION: CITY COUNCIL	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JUSTIN CHASE TRAMONT, hereby disclose that on JANUARY 16, 20 18:

(a) A measure came or will come before my agency which (check one or more)

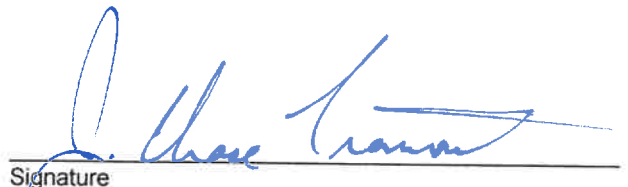
- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Staci Tramont;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ITEM #18 - AMERICAN CANCER SOCIETY - RELAY FOR LIFE FEE WAIVER REQUEST
My wife volunteers on the committee for the Relay for Life event.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1/31/18
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.