

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
OCTOBER 17, 2017

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

Invocation was provided by Chaplain Farzad Nourian of Florida Memorial Hospital

Roll Call: Present: Councilman Chase Tramont
Councilman Drew Bastian
Councilman Scott Stiltner
Vice Mayor Bob Ford
Mayor Donald Burnette

Also Present: Jake Johansson, City Manager
Margaret T. Roberts, City Attorney
Michelle Cusella, Sr. Administrative Assistant

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

Item #7e and 10 were pulled for further discussion.

6. Approval of Minutes

- a. October 3, 2017 - Regular City Council Meeting

7. Bid Awards and Contract Items

- a. Award of ITB #17-38 to Ring Power Corporation for Purchase of a Pre-Owned Forklift
 - b. Award of ITB #17-06 for McDonald Road and Victoria Gardens Boulevard Sidewalks
 - c. Award of ITB #17-36 to Cubco, Inc. for T-shirts, Staff Shirts, and Sporting Uniforms
 - d. Approval of Amendment No. 1 for Government Finance Officers Association (GFOA)
 - e. Authorization of FY18 Expenditure for Superion, Inc. (formerly SunGard Public Sector, Inc.)
8. Resolution No. 17-55 - Ratifying and Accepting \$99,729.00 for Victims of Crime Act (VOCA) Grant
9. Resolution No. 17-57 - Ratifying Application and Accepting Grant Funds from Volusia County Coastal Division for the Derelict Vessel Removal Program

10. Resolution No. 17-58 - Establishing and Approving an Early Retirement/Separation Program for Fiscal Year 2018
11. Approval of Historic Tree Removal – 3454 County Walk Drive
12. Approval of Utility Service and Miscellaneous Receivable Write-offs for FY18

Motion to approve the Consent Agenda as amended was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

7e. Authorization of FY18 Expenditure for Superior, Inc. (formerly SunGard Public Sector, Inc.)

Mr. Johansson advised Council of the data breach within Superior in Ormond Beach, which caused the suspension of online bill pay and auto bill pay until there is notice that Port Orange accounts are safe, but recommends approval of the expenditure.

Motion to approve as written was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

10. Resolution No. 17-58 - Establishing and Approving an Early Retirement/Separation Program for Fiscal Year 2018

Councilman Bastian questioned the list of eligible employees and if Public Safety was included or not eligible.

Jamie Miller, Administrative Services Director, explained to Council that no one in the Public Safety Division meets the criteria of the 80+ years of combined service and age, but is working with outside legal counsel to try to set different parameters in the future.

Councilman Stiltner suggested allowing City employees after one year of retirement to be eligible for re-hire within the City, but not in the same department.

Motion to approve with modification to section 3d eligibility after one year of retirement to reapply for employment within the City in a different department was made by Councilman Stiltner, and Seconded by Councilman Tramont.

Mr. Johansson asked Council to leave the option of whether to rehire within the same department up to Staff.

Councilman Stiltner withdrew his motion

Councilman Tramont withdrew his second.

Motion to approve with modification to section 3d eligibility after one year of retirement to reapply for employment within the City was made by Councilman Stiltner, and Seconded by Councilman Tramont. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Agenda)

13. Cameron McClelland - Waiver of Rental Fees for Coraci fields

Cameron McClelland asked Council to consider waiving the rental fee for a temporary fence as well as the concession fees at Coraci fields for the upcoming 7th Annual Battle at the Beach Tournament.

Mr. Johansson advised Council due to recent budget constraints and the need to deduct an additional \$222,272 in additional line item costs, the city is not in a position to waive any fees for service delivery and a \$700 waiver is just not in the current budget.

Councilman Stiltner asked about other concession options and setting up their own fences.

Mr. Johansson believes this may not be an option because of liability reasons.

Councilman Tramont announced a conflict and will abstain from voting.

Motion to approve the waiver of fees was made by Vice Mayor Ford, and Seconded by Councilman Stiltner. Motion carried 3-1 with Councilman Bastian voting no.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Wendell Dallarosa, Citizen, asked Council if any decision or discussion was made yet on his presentation from last City Council Meeting and advised them on a situation that happened between him and a Port Orange Police Officer.

Ted Noftall, Citizen, asked Council to get rid of civil asset forfeiture.

Dianne Gardner, Citizen, questioned what case law is in place for the homeless and the City Police Officers dealing with a request to check on the well-being of the homeless person.

Dr. James Young, Business Owner and Citizen, thanked the City Council, City Manager, uniformed officers, and serviceman for the excellent jobs they are doing within the City.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Councilman Tramont denounced the recent KKK flyers that were distributed throughout the City.

Vice Mayor Ford would like to set up a workshop discussing policies to manage the traffic with the cities growth.

Councilman Bastian questioned the debris that was at the City Annex. He also asked Chief Fustin to explain the lapse in time of EVAC arrival on scene at an accident where a pedestrian was struck on the sidewalk.

Chief Fustin explained the Volusia County EMS owned up to their miscommunication mistake on this call.

Mayor Burnette asked Council if there is any action they would like to take on Mr. Dallarosa's presentation from the previous Council Meeting. Councilman Bastian does not believe there is such a thing as overreaction on any safety concern.

Council recessed for five minutes.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

15. Florida City Government Week 2017 Proclamation

Mayor Burnette read the proclamation for Florida City Government Week 2017.

Christine Martindale, Public Information Officer, explained to the citizens what Port Orange University is and how it works.

Ann Pintiliano, Port Orange/South Daytona Chamber of Commerce, introduced three members of the Leadership 2017 group.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

16. Citizen Advisory Committee for TPO

Bobby Ball provided an update from the recent meetings held.

17. First Reading - Ordinance No. 2017-30 – Rezoning/3518 Nova Road, Case No. 17-60000002

Mayor Burnette read Ordinance No. 2017-30.

ORDINANCE NO. 2017-30

AN ORDINANCE OF THE CITY OF PORT ORANGE REZONING +/- 1 ACRE LOCATED AT 3518 NOVA ROAD FROM MODERATE DENSITY MULTIFAMILY RESIDENTIAL (R-3M) TO COMMUNITY COMMERCIAL (CC); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-30 on first reading was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Penelope Cruz, Planner, advised Council of the need for this administrative rezoning application, which is to correct a longstanding inconsistency with the zoning and the actual use of the property.

Motion carried unanimously by roll call vote.

I. REGULAR AGENDA

18. Ratification of Emergency Generator rental with Ring Power Corporation and Electrical Services with Economy Electric

Mr. Johansson provided details of the need for an emergency generator rental at the Water Reclamation Facility.

Motion to ratify the emergency purchase was made by Vice Mayor Ford, and Seconded by Councilman Tramont. Motion carried unanimously by voice vote.

19. Financial Report - August 2017

Tracey Riehm, Finance Director, provided details from the August 2017 financial report.

COMMENTS

20. City Attorney Comments

Ms. Roberts discussed Ashbritt debris management.

Motion to authorize the City Manager to execute Amendment #2 to Task Authorization #2 was made by Vice Mayor Ford and Seconded by Councilman Bastian. Motion carried 4-1 with Councilman Stiltner voting no.

21. City Manager Comments

Mr. Johansson asked Council to consider unfreezing additional personnel from the 2018 budget list: PD CSO, PD Officer, Community Development Administrative Assistant, and Public Utilities new positions. All of which Mr. Johansson believes are important to public safety and/or are not impacting or decreasing pressure on the FY18 general fund.

Motion to approve the unfreezing of the proposed positions was made by Councilman Tramont, and Seconded by Councilman Bastian. Motion carried unanimously by roll call vote.

a. Report on the intent to award a Sole Source Purchase to Sunstate Meter & Supply, Inc.

b. Report on intent to award of a Sole Source to Core & Main (formerly HD Supply Waterworks)

Mr. Johansson advised Council that these two items are on the agenda for transparency purposes. The purchases can be done without Council approval but with the history of the meters, he wanted Council to be aware.

Mr. Johansson stated AquaHawk information is still being vigorously advertised to citizens.

Councilman Tramont commended the City Manager on the call to suspend the online bill pay because of the breach in Ormond Beach as a precautionary measure.

COUNCIL COMMITTEE REPORTS

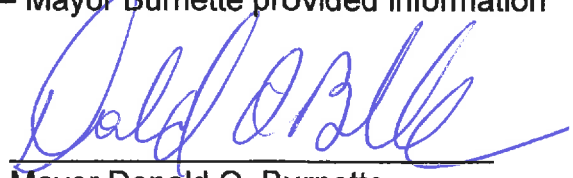
22. City Council Committee Reports

a. ArtHaus – Vice Mayor Ford provided details of upcoming and recent events.

b. Port Orange/South Daytona Chamber of Commerce – Mayor Burnette provided details of upcoming and recent events.

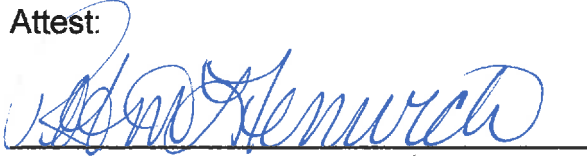
c. Roundtable of Elected Officials – Mayor Burnette provided information from the recent meeting.

ADJOURNMENT: 8:31 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, Chase		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council	
MAILING ADDRESS 1000 City Center Circle		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 October 17, 2017		NAME OF POLITICAL SUBDIVISION: City of Port Orange	
		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, Chase Tramont, hereby disclose that on October 17, 20 17 :

(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, _____;
- ☒ inured to the special gain or loss of Spruce Creek High School - Athletic Dept., 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:

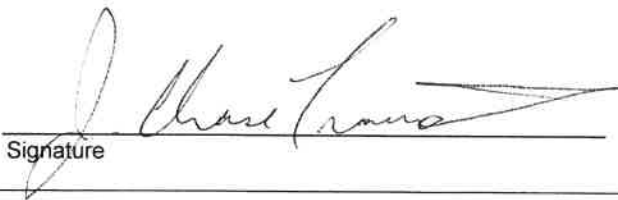
The Spruce Creek High School Head Softball Coach requested a waiver of fees associated with the use of Coraci Park. As the Head Coach of the Varsity Basketball Team, I have at least an apparent conflict, and therefore, must abstain from voting.

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.

Date Filed

10/17/17

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.