

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
AUGUST 1, 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 provided by Pastor Tom Nelson of First United Methodist Church

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 Robin Fenwick, City Clerk

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

7(d) was pulled by Mayor Burnette.

6. Approval of Minutes

- a. July 11, 2017 - Special City Council Meeting
- b. July 18, 2017 - Regular City Council Meeting
- c. July 25, 2017 - City Council Workshop

7. Bid Awards and Contract Items

- a. Mead and Hunt, Inc. request for assignment of contracts from Quentin L. Hampton & Associates pursuant to the merger
- b. Approval of Task Authorization No. 13 to Quentin L. Hampton Associates, Inc. n/k/a Mead and Hunt, Inc. for Engineering Services relating to the Engineering and Design of the South Commonwealth Water Main Improvement Project
- c. Approval of Amendment and Extension Agreement with KemperSports Management, Inc. for Golf Course Management Services
- d. Approval of Service Contract with Halifax Humane Society
- e. Approval of Addendum No. 13 to Quentin L. Hampton Associates, Inc. n/k/a Mead and Hunt, Inc. for Construction Engineering and Inspection (CEI) Services for the McDonald Road sidewalk project

f. Approval of Addendum No. 14 to Quentin L. Hampton Associates, Inc. n/k/a Mead and Hunt, Inc. for Construction Engineering and Inspection (CEI) Services for the Victoria Gardens sidewalk project

8. Approval of the 2017 CDBG Annual Action Plan (2nd Year)

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

7(d) - Approval of Service Contract with Halifax Humane Society

Mayor Burnette asked how much was spent with the Halifax Humane Society this year. Mr. Johansson advised that it has been more this year because of the issues with a particular home where 85 cats were removed. Mr. Johansson explained the Staff's efforts to find another option. This is the most efficient and financially feasible for the City. This contract is for \$65,000 and does not include the TNR program.

Councilman Tramont believes the City spends a lot of money on cats and nothing on homeless people. He would like Council to discuss this further. Mayor Burnette asked Councilman Tramont to discuss that under Council Comments.

Motion to approve the contract was made by Councilman Tramont, and Seconded by Councilman Bastian. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mark Dickinson, Herbert Street, advised Council he will hold his presentation until he hears from the City's insurance company who is re-evaluating his claim.

COUNCIL COMMENTS

9. Comments/Concerns from Council Members

Councilman Tramont would like Council to discuss the homelessness issue and discuss it while Staff is working on the budget. Mr. Johansson advised there is no money in the proposed budget for homeless projects. The \$65,000 just approved for the Halifax Humane Society is budgeted for next year. He advised the next budget discussion is scheduled for August 22, 2017. Council agreed to discuss this during the August 22, 2017 workshop.

Councilman Bastian doesn't believe there is money based on the maximum millage rate set by Council to include funds for homelessness this year.

Councilman Stiltner reminded Council the Halifax Humane Society funds are used in the interest of public safety. He also discussed his concerns with the debris in the river at Riverwalk that he would like to see cleaned up. Mr. Johansson said there is concern with the contractor that some of the items may interfere with the seawall but there are items that can be cleaned up. Councilman Stiltner asked for the status of the project in the medians on US 1. Mr. Johansson said there is a meeting tomorrow to discuss the project. The contract completion date is November 16, 2017.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

10. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided details from the June 2017 reports. He also announced the upcoming events.

11. Report from the Fire Pension Plan's Actuary - Patrick Donlan

Patrick Donlan, Actuary, provided details of the Plan's activities for the year.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

12. Parks & Recreation Advisory Board Report

Jack Wiles, Chairman, discussed the Board's recent meetings and their priorities. Their top two priorities: 1) Community Center and 2) Acquire land now for future complex.

13. Library Advisory Board Appointment

Motion to re-appoint Geraldine Bennett to the Library Advisory Board was made by Vice Mayor Ford and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

14. Environmental Advisory Board Appointment

Motion to re-appoint Newton White to the Environmental Advisory Board was made by Councilman Tramont and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

15. Charter Review Board Appointments

Motion to re-appoint Wayne Wilcox, Stan Hetrick, and Debbie Connors to the Charter Review Board was made by Vice Mayor Ford and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

16. Civil Service Board Appointments

Motion to re-appoint Wayne Wilcox and Maria Mills-Benat to the Civil Service Board was made by Councilman Bastian and Seconded by Councilman Tramont. Motion carried unanimously by voice vote.

TABLED ITEMS

17. Award of ITB #17-24 to Yellowstone Landscaping for Professional Landscaping Maintenance Service for Retention Ponds (Tabled on 7/18/17)

Motion to remove from the table was made by Councilman Tramont, and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

Councilman Stiltner is unclear as to the level of service of the retention ponds being covered in this contract. He believes the contractor isn't completing everything in the contract.

Mike Silvey, Assistant Public Works Director, advised that all retention ponds are being done in-house at this time. This contract is a request to contract out 30 of the 50 retention ponds. He advised Council that their new policy is to immediately advise the City Manager if there are any issues with the landscape contractors. He believes Yellowstone Landscaping has been the best landscaping contractor. They are quick to respond. Mr. Johansson will ensure the confusion is clarified and the high visibility areas will be covered more often. Councilman Stiltner doesn't agree that Yellowstone Landscaping has been "outstanding" as indicated.

Motion to approve the contract as presented was made by Vice Mayor Ford, and Seconded by Councilman Bastian.

Margaret Roberts, City Attorney, asked Council to consider allowing the City Manager the authority to approve the contract should changes be made to include tighter language regarding defaults. Mr. Johansson understands Council's expectations and accepts the responsibility to work through the contract.

Motion to amend the Motion to include the City Manager's authorization of possible contract language tightening was made by Vice Mayor Ford, and Seconded by Councilman Bastian, Motion to amend carried unanimously by roll call vote.

Motion as amended carried unanimously by roll call vote.

PUBLIC HEARING

18. Second Reading - Ordinance No. 2017-22 - 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; Case No. 17-25000004

Mayor Burnette read Ordinance No. 2017-22.

ORDINANCE NO. 2017-22

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ESTABLISHING A 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 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. 2017-22 was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Newton White, citizen, asked Council to consider the aesthetics during the moratorium.

Motion carried unanimously by roll call vote.

19. Second Reading - Ordinance No. 2017-23 - Adding subsection (g) to Section 2-262 of the Code - providing authority to follow federal and state guidelines for purchasing goods or services with federal or state grants.

Mayor Burnette read Ordinance No. 2017-23.

ORDINANCE NO. 2017-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-262 OF THE CODE OF ORDINANCES REGARDING PURCHASE AND SALES PROCEDURES TO ENSURE CONSISTENCY WITH STATE AND FEDERAL PROCUREMENT LAWS AS WELL AS THE TERMS AND CONDITIONS OF GRANTS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance NO. 2017-23 was made by Councilman Bastian, and Seconded by Councilman Tramont. Motion carried unanimously by roll call vote.

20. Second Reading - Ordinance No. 2017-24 - Maintenance, testing and inspection of backflow prevention devices

Mayor Burnette read Ordinance No. 2017-24.

ORDINANCE NO. 2017-24

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 74, ARTICLE VIII, SECTION 74-249, ESTABLISHING REGULATIONS FOR MAINTENANCE, TESTING AND INSPECTION OF BACKFLOW PREVENTION DEVICES; UPDATING STATUTORY REFERENCES; IDENTIFYING WHICH CERTIFICATES AND TRAINING PROGRAMS ARE RECOGNIZED FOR

CERTIFICATION OF BACKFLOW DEVICE TESTERS; AUTHORIZING A MONTHLY FEE FOR INSPECTION AND MAINTENANCE OF SINGLE-FAMILY RESIDENTIAL BACKFLOW DEVICES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-24 was made by Councilman Bastian, and Seconded by Councilman Tramont. Motion carried unanimously by roll call vote.

REGULAR AGENDA

21. First Reading - Ordinance No. 2017-25 - Amending Section 74-33 Regarding Utility Deposits

Mayor Burnette read Ordinance No. 2017-25.

ORDINANCE NO. 2017-25

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHARTER 74, SECTION 74-33, OF THE CODE OF ORDINANCES REGARDING DEPOSITS FOR WATER SERVICE, PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-25 was made by Councilman Bastian, and Seconded by Councilman Tramont. Motion carried unanimously by roll call vote.

22. First Reading - Ordinance No. 2017-26 - Revising Sections 2-240, 2-240.5, and 74-31 Related to Utility Billing and Collections

Mayor Burnette read Ordinance No. 2017-26.

ORDINANCE NO. 2017-26

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 74, ARTICLE VIII, SECTION 74-

249, ESTABLISHING REGULATIONS FOR MAINTENANCE, TESTING AND INSPECTION OF BACKFLOW PREVENTION DEVICES; AMENDING SECTIONS 2-240, 2-240.5, AND 74-31 OF THE CODE OF ORDINANCES RELATED TO UTILITY BILLING, ADJUSTMENTS AND DELINQUENT ACCOUNTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-26 was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Tracey Riehm, Finance Director, explained the changes included.

Motion carried unanimously by roll call vote.

COMMENTS

23. City Attorney Comments

There were none.

24. City Manager Comments

Mr. Johansson asked for a Special Meeting on September 12, 2017 at 5:30 p.m. to consider the stormwater rate increase. Council agreed. Mr. Johansson explained the ambulance purchase is in the process but he asked for guidance from Council as it relates to the budget and maximum millage rate set by Council.

Motion was made by Vice Mayor Ford, and Seconded by Councilman Stiltner to delay the purchase of the ambulance.

Ken Fustin, Fire Chief, explained the \$75,000 budget will be spent on the ambulance even though the bids came in lower. He doesn't believe the budget will allow the extra personnel to run the program. He doesn't support mandatory overtime for the department but could open it to voluntary overtime. He is a firm believer in the program and believes there is a need or he wouldn't have asked for the program.

Motion carried 3-2 by roll call vote with Mayor Burnette and Councilman Bastian voting no.

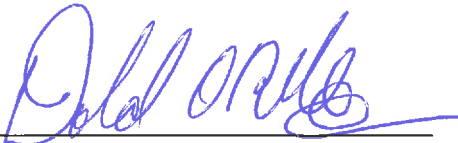
COUNCIL COMMITTEE REPORTS

25. City Council Committee Reports

a. River to Sea TPO – Councilman Bastian reported on the ranking of the TPO projects. The City has a fully funded project, ranked #6.

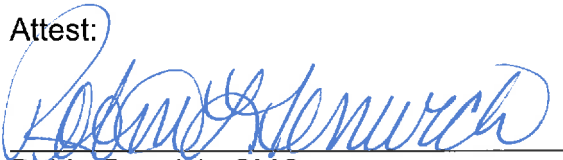
b. General Employees' Pension Plan – Councilman Stiltner was unable to attend the recent meeting but provided the rate of return.

ADJOURNMENT: 8:45 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk