

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JULY 18, 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

Silent Invocation

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

Ted Noftall, citizen, expressed his objection to the increase in the stormwater fee. He would like to see an accounting of the fund first.

5. Agenda Approval

The following items were pulled for further discussion: #13 and 7(a).

Margaret Roberts, City Attorney, advised Council of the minor revisions of the contract to match the agenda item.

Councilman Bastian asked that Item #20 be moved up on the agenda prior to the Public Hearing. Mayor Burnette expressed a concern with moving items around on the agenda because it pushes others down that may be present for an item.

6. Approval of Minutes

a. April 25, 2017 - Joint Workshop with City Council & Parks & Recreation
Advisory Board

b. June 20, 2017 - Regular City Council Meeting

c. June 27, 2017 - City Council Workshop

7. Bid Awards and Contract Items

a. Award of ITB #17-24 to Yellowstone Landscaping for Professional
Landscaping Maintenance Service for Retention Ponds

b. Award of ITB #17-27 to Commercial Construction, Inc. for HVAC replacement at the Allen Green Center

c. Approval of Agreement and Easement with FPL for permanent power at Riverwalk Park 1B

8. Resolution No. 17-28 – Easement Vacation – Lot 33, Waters Edge – Phase XII

9. Resolution No. 17-30 - Budget Appropriation

10. Notice of Tentative Increase of Non-Ad Valorem Stormwater Utility Assessment Rate

11. Request for Major Special Event – Remarkable River Run 5K/15K @ Aunt Catfish Restaurant at 4009 & 4108 Halifax Drive and 4085 Ridgewood Avenue

12. Request for Major Special Event – Volusia Flagler Family YMCA River Sprint Triathlon @ Aunt Catfish Restaurant at 4009 & 4108 Halifax Drive and 4085 Ridgewood Avenue

13. Request for Approval of Amendment to CDBG FY 2014 Annual Plan

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.

Motion to move Item #20 to be heard after the Consent Agenda was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

7(a) - Award of ITB #17-24 to Yellowstone Landscaping for Professional Landscaping Maintenance Service for Retention Ponds

Councilman Stiltner asked Council to postpone the award for further research. He is concerned with awarding additional work to the contractor.

Motion to table to August 1, 2017 was made by Councilman Stiltner, and Seconded by Councilman Tramont. Motion carried unanimously by roll call vote.

13. Request for Approval of Amendment to CDBG FY 2014 Annual Plan

Vice Mayor Ford is concerned with the paving being done before the approval of Council.

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

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Mr. Nofall expressed his concerns regarding lack of conversation between citizens and Council during Council meetings and the inability of citizens to pull Consent Agenda items for further discussions.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Councilman Tramont thanked IT Staff for their work on the Council Chambers equipment.

Mayor Burnette asked for some updates on outstanding items. Mr. Johansson provided same.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

15. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided the monthly update for the golf course.

PUBLIC HEARING

16. Second Reading - Ordinance No. 2017-12 - Section 2-279 Cone of Silence

Mayor Burnette read Ordinance No. 2017-12.

ORDINANCE NO. 2017-12

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 TO ESTABLISH SECTION 2-279, CONE OF SILENCE; PROVIDING FOR DEFINITIONS, PROHIBITED COMMUNICATIONS, EFFECTIVE DATES, NOTICE, PERMITTED COMMUNICATIONS, VIOLATIONS AND APPEAL PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

17. Second Reading - Ordinance No. 2017-20 - Revision to City Code Section 2-261 - Petty Cash Funds; authorization and procedures

Mayor Burnette read Ordinance No. 2017-20.

ORDINANCE NO. 2017-20

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-261, REGARDING PETTY CASH FUNDS AUTHORIZATION AND PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

18. Second Reading - Ordinance No. 2017-21 -Revision to Section 2-240-Utility billing, delinquent accounts, liens and adjustments

Mayor Burnette read Ordinance No. 2017-21.

ORDINANCE NO. 2017-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING SECTION 2-240 RELATED TO UTILITY AND MISCELLANEOUS SERVICES BILLING, ADJUSTMENTS, DELINQUENT ACCOUNTS AND LIENS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

19. First Reading - Ordinance No. 2017-22 - Moratorium on the submittal, processing, and issuance of any permit for wireless facilities, communication towers, and wireless support structures in the rights-of-way and on private property in the City of Port Orange; Case No. 17-25000004

Ms. Roberts advised of the revisions provided which relate only to the right of way and not the private property. She recommends another Ordinance to address the private property.

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 as presented with the revision was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

REGULAR AGENDA

20. First Reading - Ordinance No. 2017-19 - Increasing Police Pension Board Terms to Four Years

Mayor Burnette read Ordinance No. 2017-19.

ORDINANCE NO. 2017-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE PORT ORANGE POLICE PENSION FUND TO PROVIDE FOR FOUR-YEAR TRUSTEE TERMS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Karan Rounsavall, Plan Administrator, explained the reason for the request to increase the terms of the trustees. She has found that the two (2) year terms do not allow trustees enough time to be fully trained.

Councilman Stiltner asked if the current members would be extended. Ms. Rounsavall said no. The terms are up in October 2017. Council would like to see staggered terms.

Ms. Roberts suggested the Ordinance be changed to include the changes as discussed. She will revise the Ordinance and bring it back for another first reading.

Motion to return to staff for revisions was made by Councilman Stiltner, and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

Motion to approve the ordinance was withdrawn by Councilman Bastian.

21. First 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 was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

22. First 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.

Ms. Roberts advised of a minor addition to add language recognizing the City does inspections on City properties.

Motion to approve was made by
Councilman Bastian, and Seconded by
Councilman Stiltner.

Vice Mayor Ford asked if this is a new program or something that is already done. Lynn Stevens, Public Utilities Director, advised that it is a program that is already in place.

Mr. Nofall has questions on the changes being made to residential properties and if it's required on all homes. He doesn't believe his home has a backflow preventer. Vice Mayor Ford said it is added to the water bill and said everyone has backflow preventers. Mr. Johansson asked that Mr. Nofall meet with the Public Utilities Director for answers to his specific questions.

Motion carried unanimously by roll call
vote.

23. Resolution No. 17-31 - Naming of the Old Police Department

Mayor Burnette read Resolution No. 17-31.

RESOLUTION NO. 17-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; NAMING THE FORMER

POLICE DEPARTMENT BUILDING, LOCATED AT 1395 DUNLAWTON AVENUE IN HONOR OF STATE SENATOR DOROTHY L. HUKILL, FORMER CITY OF PORT ORANGE MAYOR AND COUNCILMEMBER; PROVIDING THAT THE BUILDING BE NAMED THE "DOROTHY L. HUKILL CITY CENTER ANNEX"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve was made by Councilman Stiltner, and Seconded by Vice Mayor Ford. Motion carried unanimously by roll call vote.

24. FY18 Budget Presentation

Alan Rosen, Assistant City Manager, provided information on economics and revenue impact analysis. He reminded Council the maximum millage rate is due to the Property Appraiser no later than August 1, 2017. The maximum millage rate can go down but cannot go any higher. For each 0.1 mill change in the tax rate, the revenue will change by about \$280,000.

Tracey Riehm, Finance Director, discussed the proposed revenues, trends, and difference between FY17 Budget vs. FY18 Budget at Rollback. Ms. Riehm discussed the new large items included in the budget that makes up the \$1.5 increase.

Council discussed their concerns with the large millage rate increase being requested but understand the items being requested are needed and most were cut in previous years.

Mr. Johansson explained the balancing act he and Staff have worked on due to the direction of the Council throughout the year.

Mayor Burnette suggested a Special Meeting be scheduled with the Workshop for Tuesday, July 25, 2017.

Mr. Nofall would like to know the clear direction the Council is providing to Staff on the direction of the City.

COMMENTS

25. City Attorney Comments

Ms. Roberts advised that she and staff are working on the legal aspects of the stormwater fee revisions. She is utilizing the services of outside legal counsel. There will be a Special Meeting on September 12, 2017 to consider the Resolution revising the stormwater rate.

a. City Attorney Evaluation

Ms. Roberts thanked Council for their feedback and constructive criticism. Council is pleased with the City Attorney and her staff. They believe there has been improvement.

26. City Manager Comments

a. Medical Marijuana Dispensaries

Mr. Johansson discussed the two options for dispensaries. They can be banned completely from the City or they must meet the same requirements, and not more requirements, than a drugstore. He asked Council for direction for an ordinance change to come before them on August 1, 2017.

Vice Mayor Ford is concerned with any future changes that the State may make regarding to placement.

Council's consensus was to not ban the dispensaries.

b. Animal Cruelty Resolution

Council agreed to follow the lead of Daytona Beach Shores' resolution.

COUNCIL COMMITTEE REPORTS

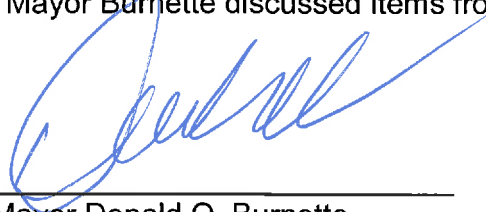
27. City Council Committee Reports

a. ArtHaus – Vice Mayor Ford reported on the art show held recently.

b. Port Orange/South Daytona Chamber of Commerce – Mayor Burnette encouraged Council to attend the After Hours with the Chamber on Thursday, July 20, 2017.

c. Roundtable of Elected Officials – Mayor Burnette discussed items from the recent meeting held.

ADJOURNMENT: 9:56 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk