REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JUNE 20, 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 given by Miguel Rodriguez 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

Ted Noftall, citizen, asked that Item #18 be pulled and public discussion held regarding the sale of City property being done without an appraisal.

Derek LaMontagne, citizen, asked for clarification regarding Item #14 relating to the "extensive time" for public records requests. He also discussed his concerns regarding Item #15 and the removal of a tree easement in Eastport.

5. Agenda Approval

Item #7(e) was pulled by Councilman Stiltner for further discussion. Vice Mayor Ford asked that Item #18 be pulled.

6. Approval of Minutes
    a. May 16, 2017 - Regular City Council Meeting
    b. May 30, 2017 - City Council Workshop
7. Bid Awards and Contract Items
    a. Change Order No. 2 to the Standard Multi-Year Contract for Services with CedarChem, LLC
    b. Bid Award of RFP #17-10 to Infosend for Utility bills printing and mailing
    c. Bid Award of ITB #17-26 to Flair Service Inc. for A/C replacement at the YMCA
    d. Bid Award of ITB #17-12 to Alford Timber, Inc. for Timber Harvesting

e. Ratification of Emergency Purchase of Generator for Fire Station #71 with Cummins

f. Rejection of all bids for ITB #17-13 for Garnsey Water Plant Sludge Feed Pumps & Filter Backwash Upgrades

g. Rejection of all bids for ITB #17-20 for Pre-owned Yard Spotter Truck (Yard dog) for the Water Reclamation Facility

h. Rejection of all bids for ITB #17-15 for Removal and Replacement of Kitchen Cabinets and Associated Work at Port Orange Fire Stations No. 71 & 74

8. Second Amendment and Extension to Smokey Hunt Club Lease
9. Resolution No. 17-20 - Temporary Waiver of Fees for Community Development Planning Applications for Annexation, Comprehensive Plan Future Land Use Amendment and Rezoning
10. Resolution No. 17-23 - Ratification and Restatement of Resolution No. 17-16 - Pavers
11. Resolution No. 17-24 - Ratification and Restatement of Resolution No. 17-17 - Amending Resolution No. 17-15 Temporary Waiver of Sewer Connection Fees
12. Resolution No. 17-25 - Parks & Recreation Fees
13. Resolution No. 17-26 – Easement Vacation – Lot 15, The Vineyards – Phase II
14. Resolution No. 17-27 - Revising Fees for Public Records Request Production and Other Services
15. Release of a Reservation of a Tree Conservation Easement
16. Release of Easement - Proposed Cornerstone Grove Subdivision
17. Dedication of right-of-way along the north side of Herbert Street, adjacent to 3567 Nova Road (Cumberland Farms)
18. Sale of Real Property located at 900 Swallowtail, Suite E (Unit 105) to Raymond and Patricia Adams
19. Denial of Utility Fee Reduction Request for 1161 Bayview Lane (Continued from 5/2/17)
20. Renewal of Environmental Legal Liability Insurance with Aspen Special Insurance Company
21. Approval of Updated Purchasing Manual
22. Designation of a Voting Delegate for the 91st Annual Florida League of Cities Conference

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

e. Ratification of Emergency Purchase of Generator for Fire Station #71 with Cummins

Councilman Stiltner asked for an explanation regarding the extra charge for generator installation since one is being removed. Jake Johansson, City Manager, advised there is a need to wire the generator differently than it was in the past so that the roll up at the fire station can be used manually in a power outage.

Motion to approve Item #7(e) was made by Councilman Stiltner, and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

18. Sale of Real Property located at 900 Swallowtail, Suite E (Unit 105) to Raymond and Patricia Adams

Vice Mayor Ford advised the Council approved the market price prior to the property being listed and the offer was reasonable. There was no need to pay additional funds for an appraisal.

Motion to approve Item #18 was made by Vice Mayor Ford, and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

CITIZEN PARTICIPATION (Agenda)

23. Derek LaMontagne - Save Spruce Creek - Wetland Resolution Draft Document and Basin Management Action Plan (BMAP) Discussion

Derek LaMontagne, resident, requested Council consider a resolution to help protect Spruce Creek and implement a BMAP.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There was none.

COUNCIL COMMENTS

24. Comments/Concerns from Council Members

Councilman Tramont asked if there is a plan for Nova Road area. He wants to make sure it doesn't become blighted. He asked if anything can be done to help beautify the quadruplexes at Nova Road and Madeline Avenue. He believes the same needs to be done along Clyde Morris Blvd. Mr. Johansson will provide the Comprehensive Plan to Council for reading and further consideration. He asked Council to continue with the redevelopment of Ridgewood Avenue first so resources aren't spread too thin. Staff will provide further options for discussion, as well. Councilman Tramont asked if Veteran's Park can be dressed up so it's clear to the public that it's actually for recognition of our veterans. Mayor Burnette asked for a workshop after the budget cycle.

Vice Mayor Ford asked for the status of the sign at Riverwalk. Mr. Johansson will provide an update from the developer.

Councilman Bastian advised that Council can elect an alternate to serve on the TPO Board should he not be able to attend.

Motion to appoint Vice Mayor Ford as the alternate was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

Mayor Burnette asked Staff to work with the County regarding maintenance of Clyde Morris Blvd. He asked for an update on the trimming of the Palm trees on Nova Road south from Dunlawton Ave. Mr. Johansson said the update is going to be in the City Manager's Weekly Update on Friday once information is gathered by Staff. Mayor Burnette asked that an item be placed on an upcoming meeting agenda to discuss the County's homeless shelter funding request. He would like to have a member on the Board if Council wants to help with the funding. Council agreed to a workshop on June 27, 2017 to hear from the City Manager and Chief of Police as to the specific issues in Port Orange.

Mayor Burnette has questions and thoughts relating to the presentation given by Derek LaMontagne. The County, New Smyrna Beach, and others have an interest in the waterways. The Roundtable of Elected Officials has a water committee. Mr. Johansson will talk to St. John's Water Management District and request that the item be added to the next water summit agenda. Mayor Burnette asked for a copy of the Management Plan from the County. Vice Mayor Ford advised the decisions made by Council previously were made legally and can't be changed at this point. He's in favor of looking at what Council can do legally but what's done is done. He would like to hear more about BMAPs. Mayor Burnette wants to discuss this topic with neighboring communities.

<u>SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS</u>

25. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided details from the April 2017 report on the golf course. Councilman Tramont asked if something can be done at Hole #2 to avoid the back-up. Mr. Duquette will look into it.

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

Patrick Donlan was not in attendance.

<u>BOARD APPOINTMENTS, INTERVIEWS, REPORTS</u>

27. Report on Citizen Advisory Committee for TPO

Bobby Ball, member, provided an update from the recent meeting held with the CAC.

28. Appointment - Youth Advisory Board

Joshua LeBeau introduced himself to Council. Council thanked him for his willingness to serve the community.

Motion to nominate Joshua LeBeau to the Youth Advisory Board was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

29. Appointment - Volusia Growth Management Commission Member

Debbie Connors, resident and current member of the Volusia Growth Management Commission, described her experience on the Commission and advised she is willing to continue to serve the City in this capacity.

Motion to re-appoint Debbie Connors to the Volusia Growth Management Commission was made by Vice Mayor Ford, and Seconded by Councilman Tramont. Motion carried unanimously by voice vote.

30. Appointment - Environmental Advisory Board

John Macaluso & Nancy Vaughn introduced themselves to Council.

Motion to appoint John Macaluso & Nancy Vaughn to the Environmental Advisory Board was made by Councilman Bastian, and Seconded by Councilman Tramont. Motion carried unanimously by voice vote.

31. Report from the Environmental Advisory Board's Special Meeting

Derek LaMontagne, Chairman, provided details from the Special Meeting held to discuss the Septic System Study with Wade Trim. He asked Council to send projects to the Board that have environmental impacts. Council would like the Board to review the tree ordinance and provide a recommendation if changes are needed.

PUBLIC HEARING

32. Second Reading - Ordinance No. 2017-18 – Rezoning/3813 S. Nova Road, Case No. 17-65000001

Mayor Burnette read Ordinance No. 2017-18.

ORDINANCE NO. 2017-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING +/-7.6 ACRES LOCATED AT 3813 SOUTH NOVA ROAD FROM PLANNED COMMUNITY DEVELOPMENT (PCD) TO COMMUNITY COMMERCIAL (CC); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2017-18 on second reading was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

33. Subdivision Replat for Clark Professional Center Phase 2, Case No. 16-50000005

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

34. Final Plat and Plans for Cornerstone Grove Subdivision, west side of Hidden Lake Drive, north of Yorktowne Boulevard, Case No. 17-50000002

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

REGULAR AGENDA

35. First 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 adopt Ordinance No. 2017-12 on first reading was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Discussion was held regarding the timeframe of the cone of silence which starts when the solicitation is posted and runs until the selection is made. Questions can still be asked as to procedures.

Motion carried unanimously by roll call vote.

36. First 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 adopt Ordinance No. 2017-20 on first reading was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Mr. Johansson explained the procedures regarding P-cards and the changes that were made internally for better controls.

Motion carried unanimously by roll call vote.

37. Resolution No. 17-19 - Budget Appropriation

Mayor Burnette read Resolution No. 17-19.

RESOLUTION NO. 17-19

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING OPERATING AND CAPITAL FUNDS TO BUDGET FOR BABE RUTH DISTRICT TOURNAMENT; EXTERIOR PAINTING OF LAKESIDE CENTER STORAGE FACILITY; FISCAL YEAR 2017 ACTIVITIES RELATED TO PORT ORANGE'S 150th CELEBRATION; FUNDS RECEIVED FROM OTHER MUNICIPALITIES FOR LAW ENFORCEMENT MARINE UNIT; FUNDS RECEIVED FROM COUNTRYSIDE HOA FOR ROAD REPAIRS; ADDITIONAL CITY COST FOR DUNLAWTON SIDEWALK AND STREET LIGHTING IMPROVEMENT PROJECT; INSURANCE PROCEEDS RECEIVED; GENERATOR AT FIRE STATION 71; TO ACCOUNT FOR LAW ENFORCEMENT FORFEITURE SETTLEMENTS RECEIVED; AND TO FUND THE PURCHASE OF A USED AMBULANCE FOR FIRE RESCUE, SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 17-19 was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Mr. Johansson asked Council for final consideration regarding the PLUS program and the purchase of an ambulance, which is included in this resolution. Councilmen Stiltner and Bastian supports the program. Vice Mayor Ford believes they should delay the purchase until things settle down with other cities withdrawing from the program. Councilman Tramont also doesn't support it as he hasn't seen the need to move to a program such as this. He wants the County to do their job.

Motion to remove the ambulance to vote separately was made by Vice Mayor Ford and Seconded by Councilman Tramont. Motion carried 3-2 with Councilmen Bastian and Stiltner voting no.

Motion to approve the purchase of the ambulance was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Robert Reinhagen, 1425 Dexter Drive, is still opposed to the City funding the program for an additional ambulance. He believes the County needs to fund it completely.

Councilman Bastian and Stiltner discussed their responsibility to the citizens of Port Orange and believes the program is necessary.

Sarah Jones, 44 Woodfield Drive, supported the program and believes it is in the best interest of the citizens whether it is profitable or not.

Vice Mayor Ford is concerned with the Port Orange ambulance being sent to other communities and not being available to our citizens as hoped.

Councilman Tramont hasn't seen the true need of the additional ambulance. If the need is demonstrated, he will support the request.

Alan Rosen, Assistant City Manager, explained the numbers received from the County regarding response times.

Motion to approve the PLUS Program and purchase an ambulance carried 3-2 by roll call vote with Vice Mayor Ford and Councilman Tramont voting no.

Motion to adopt Resolution No. 17-19 (without the ambulance portion) carried unanimously by roll call vote.

38. License Agreement – Lot 33, Laurelwood Mobile Estates Unit III

Wayne Clark, Community Development Director, explained the mistake made by the homeowner. The sidewalk being sealed is not following previous direction from Council. The sealant would require removal to be cleaned. The City's Risk Manager has visited the property and determined there is no additional risk of a slip and fall.

Marie Wheeler, 766 Greenfield Drive, homeowner, advised they will remove the sidewalk and replace it at the Council's wish. They didn't know they couldn't seal it.

Motion to approve the request was made by Vice Mayor Ford, and Seconded by Councilman Tramont. Motion carried 4-1 by roll call vote with Councilman Bastian voting no.

39. Utility Billing

a. First 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 adopt Ordinance No. 2017-21 on first reading was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Tracey Riehm, Finance Director, provided details of the resolution which incorporates refunding deposits, more accurate reads relating to the filling of swimming pools, etc.

Motion carried unanimously by roll call vote.

b. Resolution No. 17-21 - Utility Billing Resolution

Mayor Burnette read Resolution No. 17-21.

RESOLUTION NO. 17-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING AND ADOPTING UTILITY SERVICE FEES, RATES AND CHARGES AND REVISED PROCESSES; ESTABLISHING SCHEDULE OF MONTHLY WATER CHARGES; ESTABLISHING SCHEDULE OF MONTHLY SEWER CHARGES; ESTABLISHING CHARGES AND RATES FOR RECLAIMED WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 17-21 was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Ms. Riehm advised of the changes to clean up the billing. There is no change as to rates.

Motion carried unanimously by roll call vote.

<u>COMMENTS</u>

40. City Attorney Comments

There was nothing further from the City Attorney.

41. City Manager Comments

Mr. Johansson advised of the renovations coming up for Council Chambers. He asked Council to consider allowing Department Heads to reside outside of the City limits. There are three wanting to live close but not within the limits of Port Orange.

K. <u>COUNCIL COMMITTEE REPORTS</u>

42. City Council Committee Reports

a. ArtHaus – Vice Mayor Ford reported on the recent Fun and Funky Dinner. It was a success.

b. Port Orange/South Daytona Chamber of Commerce –Mayor Burnette thanked the Chamber for their help with the Ridgewood Ave. clean-up.

c. Roundtable of Elected Officials – Mayor Burnette reported on their recent meeting.

Mayor Burnette is meeting with Representative Tom Leek tomorrow and asked for items to discuss with him. Mr. Johansson asked that the idea of connecting our reclaimed water with Daytona Beach be discussed with Representative Leek in the future once Mr. Johansson has additional data. This project would help Daytona Beach reduce or eliminate the need to discharge into the Halifax River.

<u>ADJOURNMENT:</u> 9:11 p.m.

Mayor Donald O. Burnette

Attest:

Robin Fenwick, CMC
City Clerk