

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
MAY 2, 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 O. 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

There were no changes to the agenda as presented.

6. Approval of Minutes

- a. April 4, 2017 - Regular City Council Meeting
- b. April 18, 2017 - Regular City Council Meeting

7. Bid Awards and Contract Items

- a. DJ Design-Task Authorization No. 3-Port Orange City Hall HVAC Upgrades-Architectural Design and Planning-Project OBM008
- b. Addendum No. 11 to Quentin L. Hampton Associates, Inc. contract for inspection services

8. Settlement for Thomas DuBrule

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

CITIZEN PARTICIPATION (Agenda)

9. Waiver of Fees Request for 1161 Bayview Lane

Ms. Capps was not present.

Motion to table the item was made by Councilman Stiltner, and Seconded by Councilman Tramont. Motion carried unanimously by voice vote.

Motion to remove the item from table as the homeowner appeared was made by Councilman Stiltner, and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

Morgan Whitney Capps, homeowner, requested a waiver of the lien for the water used by a previous homeowner at 1161 Bayview Lane. William Piper, Ms. Capps husband, addressed Council regarding the outstanding invoice which was addressed to Keith Russell. The current amount due is \$4,173.65. They would like the interest waived.

Mayor Burnette would like to see the delinquent billing history before he makes a decision.

Vice Mayor Ford asked about the water shut offs at the property. Mr. Johansson confirmed Staff went to the property on March 9, 2017 and March 13, 2017 and the meter was straight piped.

Mayor Burnette asked for further information to include the billing history and the connections that were made that appear to be done illegally. Council will revisit the request when further information is received from Staff.

10. Update from the Port Orange Historical Trust

Mark Pierson, President of Port Orange Historical Trust, discussed their involvement in the community and their desire to be more involved with City Staff and Council. They will be working with the City's Public Information Officer for the 150th Celebration. He thanked the City for their recent move. They have a lot of new members on the Board. Mayor Burnette asked that he coordinate with the City for a Founder's Day celebration. Councilman Tramont would like to locate historic areas that can be marked with a sign depicting the history.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There was none.

COUNCIL COMMENTS

11. Comments/Concerns from Council Members

Councilman Tramont thanked Cindy Rivera, Executive Assistant to the City Manager; Alan Rosen, Assistant City Manager; and Robin Fenwick, City Clerk for their work alongside the City Manager. He asked what the impact will be if the additional \$25,000 homestead exemption is approved by Congress.

Vice Mayor Ford asked for Staff to discuss the synchronization of the traffic lights on Dunlawton Avenue with the County. They are particularly bad right now, he believes.

Mayor Burnette asked for an update on the walk lights on Dunlawton Avenue. Mr. Johansson said the LAP Agreement with FDOT is on the May 16, 2017 Council agenda. A contract award should happen in August 2017.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

12. Proclamation for Teacher Appreciation Week

Mayor Burnette read a Proclamation for Teacher Appreciation Week.

13. Environmental Advisory Board Update

No one was in attendance to provide the report.

14. Golf Advisory Board Update

John Cameron, Chair, provided an update of the recent meetings. Residents in the Cypress Head community are concerned with the PUD Agreement that could affect the neighborhood in 2023. The Board unanimously believes the golf course should remain a golf course beyond 2023. They have provided KemperSports with suggestions to increase sales at the pro shop.

15. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided details from the March 2017 reports.

PUBLIC HEARING

16. Second Reading – Ordinance No. 2017-4 – Benton House Assisted Living and Memory Care Facility Small-Scale Comprehensive Plan Amendment, Case No. 16-20000003

Mayor Burnette read Ordinance No. 2017-4.

ORDINANCE NO. 2017-4

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE UND USE DESIGNATION FROM RURAL TRANSITION (0-2 UNITS/ACRE) TO OFFICE/RESIDENTIAL TRANSITION ($\pm$ 4.88 ACRES); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-4 was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

17. Second Reading – Ordinance No. 2017-6 – PUD Rezoning and Benton House Master Development Agreement and Conceptual Development Plan, CASE NO. 16-65000001

Mayor Burnette read Ordinance No. 2017-6.

ORDINANCE NO. 2017-6

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE REZONING OF +/- 4.88 ACRES FROM R-20 SINGLE FAMILY RESIDENTIAL ("R-20") TO PLANNED UNIT DEVELOPMENT ("PUD") AND THE BENTON HOUSE PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN LOCATED ON THE WEST SIDE OF AIRPORT ROAD, SOUTH OF WHISPERING WOODS CONDOMINIUMS; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-6
was made by Councilman Bastian, and
Seconded by Councilman Stiltner.

Penelope Cruz, Planner, advised of the change in the developer who is now the current owner.

Motion carried unanimously by roll call
vote.

18. Second Reading – Ordinance No. 2017-10 – Rezoning/6080 Deerfeed Trail,
Case No. 17-60000001

Mayor Burnette read Ordinance No. 2017-10.

ORDINANCE NO. 2017-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +/- 0.77 ACRES LOCATED AT 6080 DEERFEED TRAIL FROM FLOOD PLAIN-CONSERVATION (F-C) TO RURAL RESIDENTIAL (RR); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-10 was made by Councilman Bastian, and Seconded by Councilman Stiltner.
Motion carried unanimously by roll call vote.

19. First Reading – Ordinance No. 2017-16 – LDC Amendments/Chapters 2, 12, 16, 17, and 18 – Tattoo Establishments, Case No. 17-25000001

Mayor Burnette read Ordinance No. 2017-16.

ORDINANCE NO. 2017-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, 2, TO ADD A DEFINITION FOR "TATTOO ESTABLISHMENT" AND AMEND THE DEFINITION OF "PERSONAL SERVICE"; CHAPTER 12, SECTION 4, TO ESTABLISH PARKING REQUIREMENT FOR TATTOO ESTABLISHMENTS; CHAPTER 16, SECTION 2, TO PROHIBIT TATTOO ESTABLISHMENTS AS A HOME OCCUPATION; CHAPTER 17, SECTION 22, 22.5, AND 25, ADDING TATTOO

ESTABLISHMENTS AS A PERMITTED USE IN THE HIGHWAY COMMERCIAL (HC), INTERCHANGE COMMERCIAL DEVELOPMENT (ICD), AND RIDGEWOOD DEVELOPMENT (RD) ZONING DISTRICTS, AND REMOVING TATTOO ESTABLISHMENTS AS A SPECIAL EXCEPTION USE IN THE RIDGEWOOD DEVELOPMENT (RD) AND HIGHWAY COMMERCIAL (HC) ZONING DISTRICTS; CHAPTER 17, SECTION 29, REMOVING TATTOO ESTABLISHMENTS AS A PROHIBITED USE IN THE PLANNED COMMUNITY AGRICULTURAL (PC-A) ZONING DISTRICT; AND CHAPTER 18, SECTION 3, REMOVING THE SPECIAL REQUIREMENTS FOR TATTOO ESTABLISHMENTS AS A SPECIAL EXCEPTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-16 was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Tim Burman, Planning Manager, provided details of the Ordinance change due to the Supreme Court's decision that tattoo parlors are protected by the First Amendment.

Motion carried 3-2 by roll call vote with Councilman Tramont and Vice Mayor Ford voting no.

20. First Reading – Ordinance No. 2017-17 – LDC Amendments/Chapters 12, 17, and 18 – Adult Entertainment Establishments, Case No. 17-25000002

Mayor Burnette read Ordinance No. 2017-17.

ORDINANCE NO. 2017-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT CODE: CHAPTER 12, SECTION 4, TO ADD "ADULT THEATER OR ADULT PERFORMANCE" PARKING REQUIREMENT; CHAPTER 17, SECTION 22, TO REMOVE ADULT ENTERTAINMENT FROM THE LIST OF SPECIAL EXCEPTION USES IN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT; CHAPTER 17, SECTION 23, ADDING ADULT ENTERTAINMENT AS A SPECIAL EXCEPTION USE IN THE COMMERCIAL INDUSTRIAL (CI) ZONING DISTRICT; AND CHAPTER 18, SECTION 23, TO SPECIFY MEASUREMENT OF SEPARATION REQUIREMENTS; PROVIDING FOR REPEAL OF

CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.

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

Mr. Burman discussed the change being requested to the Land Development Code. The City can regulate adult entertainment facilities but cannot completely ban them. He explained the possible properties currently available as a Special Exception.

Motion carried 4-1 by roll call vote with
Mayor Burnette voting no.

REGULAR AGENDA

21. Approval of Temporary Contract Position to Serve as ERP Project Manager

Alan Rosen, Assistant City Manager, discussed the need for a temporary contract position to serve as the Project Manager for implementation of the new ERP system.

Discussion was held regarding the need for a Project Manager outside of Staff.

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

22. Approval of Professional Services Contract with GFOA for Assistance in ERP
Selection

Mr. Rosen discussed the need for assistance in selecting an ERP system.

Motion to approve as requested subject
to City Attorney approval of the contract
was made by Councilman Bastian, and
Seconded by Councilman Stiltner.
Motion carried unanimously by roll call
vote.

23. First Reading - Ordinance No. 2017-11 - Revision to City Code Sec. 2-267 -
Bidding Requirements

Mayor Burnette read Ordinance No. 2017-11.

ORDINANCE NO. 2017-11

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, SECTION 2-267, RELATING TO BIDDING REQUIREMENTS FOR PURCHASES; PROVIDING FOR PROCEDURES FOR SINGLE RESPONSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-11 was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Tracey Riehm, Finance Director, explained the guidance being requested in Ordinance No. 2017-11. Council's questions were answered by Ms. Riehm.

Motion carried unanimously by roll call vote.

24. First Reading - Ordinance No. 2017-13 -Sec. 2-278 Professional Services and Consultants' Competitive Negotiation Act (CCNA)

Mayor Burnette read Ordinance No. 2017-13.

ORDINANCE NO. 2017-13

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 TO ESTABLISH SECTION 2-278 REGARDING PROFESSIONAL SERVICES AND CONSULTANTS' COMPETITIVE NEGOTIATION ACT, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-13 was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

25. First Reading - Ordinance No. 2017-14 -Section 2-269 Performance and payment bonds.

Mayor Burnette read Ordinance No. 2017-14.

ORDINANCE NO. 2017-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 SECTION 2-269 REGARDING PAYMENT AND PERFORMANCE BONDS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Margaret Roberts, City Attorney, discussed a slight change within the ordinance relating to the delegation of authority to the City Manager.

Motion to approve Ordinance No. 2017-14 was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

26. First Reading - Ordinance No. 2017-15 - Sec. 2-262 Purchase and Sales Procedures

Mayor Burnette read Ordinance No. 2017-15.

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 SECTION 2-262 REGARDING ADDITIONAL REGULATIONS AND PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-15 was made by Councilman Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

27. Financial Report March 31, 2017

Ms. Riehm provided details from the March 2017 Financial Report.

COMMENTS

28. City Attorney Comments

There were none.

29. City Manager Comments

Mr. Johansson asked Council for approval of a temporary employee, no benefits for three (3) months in Finance to assist while an employee is on maternity leave.

Motion to approve a temporary employee in Finance was made by Councilman Tramont, and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

Mr. Johansson explained the need for a Task Authorization for \$44,250 for 550 hours of estimated work from Tetra Tech to help complete the FEMA work necessary from the hurricane. The cost is reimbursable at 75%.

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

a. Purchasing Manual Discussion

Mr. Johansson asked Council to review the proposed Purchasing Manual and provide him with feedback prior to the May 16, 2017 agenda packet distribution when it will be presented for final approval. The Code of Silence language is subject to change until an Ordinance change is approved. Mayor Burnette would like the ordinance to be completed in May.

COUNCIL COMMITTEE REPORTS

30. City Council Committee Reports

- a. River to Sea TPO – Councilman Bastian reported on the recent meeting.
- b. General Employees' Pension Board – Nothing new to report.

Regular City Council Meeting
May 2, 2017
Page 11 of 11
ADJOURNMENT: 9:33 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk