

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
MARCH 28, 2017

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Don Burnette at 6:30 p.m.

Pledge of Allegiance

Invocation was provided by Rev. David Stork of Center for Spiritual Living.

Roll Call:	Present:	Councilman Chase Tramont Councilman Drew Bastian Vice Mayor Bob Ford Mayor Don Burnette
	Absent:	Councilman Scott Stiltner
	Also Present:	Jake Johansson, City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk

Council recessed to hold the Town Center CRA and Eastport CRA Meetings, minutes which are under separate cover.

TOWN CENTER CRA MEETING

EASTPORT CRA MEETING

Re-convened as the City Council at 6:57 p.m.

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

Items #9 and #13 were pulled for further discussion.

6. Approval of Minutes

- a. February 28, 2017 - Special City Council Meeting/Workshop
- b. March 7, 2017 - Regular City Council Meeting

7. Resolution No. 17-13 - Budget Appropriation

8. Resolution No. 17-14 - Economic Incentive Agreement Program for Town Center CRA

9. Resolution No. 17-15 - Temporary Waiver of Sewer Connection Fees

10. Resolution No. 17-16 - FIND Grant Application Boat Ramp and Floating Dock

11. Resolution No. 17-17 - FIND Grant Application T-Pier Reconstruction and Demolition of East Pier

12. Cypress Creek PTA Fee Waiver Request

13. Purchasing Manual Section 3.01 revision relating to Purchasing Authority

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

9. Resolution No. 17-15 - Temporary Waiver of Sewer Connection Fees

Margaret Roberts, City Attorney, provided details of the change in the end date.

Mayor Burnette read Resolution No. 17-15.

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

Vice Mayor Ford explained the positive impact on the waters by moving to sewer connections.

Councilman Tramont wants to ensure there is a solid communication plan for residents. Mr. Johansson confirmed Staff will be sending certified letters, as well as other media announcements as required by law.

Mr. Johansson requested the item be tabled to ensure the resolution matches Staff's intent. The original plan was for a 12-month incentive program with the first nine waiving the connection charge. The remaining three months would allow additional time before residents are held accountable to meet the Florida Statute. He's not sure the amended resolution matches the plan correctly. He asked Council to table the item or approve it subject to the resolution matching the plan.

Motion to amend to ensure the resolution matches the plan as stated by the City Manager was made by Vice Mayor Ford, and Seconded by Councilman Bastian. Motion to amend carried unanimously by roll call vote.

Motion to approve Resolution No. 17-15
as amended carried unanimously as
amended by roll call vote.

Ms. Roberts asked for Council direction regarding interest being charged on the loan amount. Mr. Johansson would not request an interest loan. Council agreed, no interest.

13. Purchasing Manual Section 3.01 revision relating to Purchasing Authority

Motion to approve as presented was
made by Councilman Tramont, and
Seconded by Councilman Bastian.

Vice Mayor Ford asked for clarification. Mr. Johansson explained his intent to delegate contract item up to \$15,000 to Department Directors. Ms. Roberts discussed the new Vendor Application process and Purchase Order policies. Vice Mayor Ford is concerned with loosening up the process to much.

Councilman Bastian suggested tabling the item until all members are present.

Councilman Tramont is concerned with too little controls and accountability. He supports the item because it eliminates bureaucracy.

Motion to table until April 4, 2017 was
made by Councilman Bastian, and
Seconded by Vice Mayor Ford. Motion
carried unanimously by voice vote.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

14. Citizen Advisory Committee for TPO

Bobby Ball provided details of the most recent CAC meeting although he was unable to attend.

15. Youth Advisory Board Appointment

Alyssa Christen introduced herself.

Motion to appoint Alyssa Christen to the
Youth Advisory Board was made by
Councilman Tramont, and Seconded by
Vice Mayor Ford. Motion carried
unanimously by voice vote.

16. Parks & Recreation Advisory Board Appointments

Those applicants present introduced themselves to Council and discussed why they would like to serve.

Motion to nominate Jack Wiles was made by Councilman Tramont, and Seconded by Vice Mayor Ford.

Motion to nominate Pat Barraco was made by Vice Mayor Ford, and Seconded by Councilman Bastian.

Motion to nominate James Richard was made by Vice Mayor Ford, and Seconded by Councilman Bastian.

Motion to Nominate Michael Navarra was made by Councilman Bastian, and Seconded by Councilman Tramont.

Nominations were closed by Mayor Burnette. Four nominations were made to fill four vacancies. Mayor Burnette called for the vote on all four nominations. Nominations carried unanimously by voice vote.

17. Golf Advisory Board Appointments

Those applicants present introduced themselves to Council and discussed why they would like to serve.

Motion to nominate John Cameron was made by Councilman Bastian, and Seconded by Vice Mayor Ford.

Motion to nominate Dennis Flesch was made by Vice Mayor Ford, and Seconded by Councilman Tramont.

Motion to Nominate Lance Green was made by Councilman Tramont, and Seconded by Councilman Bastian.

Nominations were closed by Mayor Burnette. Three nominations were made to fill three vacancies. Mayor Burnette called for the vote on all four nominations. Nominations carried unanimously by voice vote.

CITIZEN PARTICIPATION (Agenda)

18. One Church Easter Egg Hunt

There was no representative from the Church.

Councilman Bastian does not support the use of the City Logo. Council agreed.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There were none.

COUNCIL COMMENTS

19. Comments/Concerns from Council Members

Vice Mayor Ford met with the Chamber to discuss redevelopment in the Ridgewood Corridor.

Mayor Burnette would like the sign at US 1 and Dunlawton cleaned up and up to code. He would also like a code enforcement sweep throughout the Ridgewood Avenue Corridor.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

20. Report on Retirement Plans

Tracey Riehm, Finance Director, discussed the overall performance of each of the three (3) pension plans of the City and the fees associated with each. Mr. Johansson suggested Council consider consolidating the administration of the pension plans. It would be a cost saving.

21. Actuarial Report from Chad Little - Police Pension Plan

Chad Little, Police Pension Plan Actuary, provided details of the Actuarial Report. Discussion ensued with questions from Council.

PUBLIC HEARING

22. First Reading - Ordinance No. 2017-3 – Fifth Amendment to the Clark Professional Center and Wedding Chapel PCD Master Development Agreement and Conceptual Development Plan, Case No. 16-40000006

Mayor Burnette read Ordinance No. 2017-3.

ORDINANCE NO. 2017-3

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIFTH AMENDMENT TO THE CLARK PROFESSIONAL CENTER AND WEDDING CHAPEL PLANNED COMMERCIAL DEVELOPMENT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-3 on first reading was made by Councilman Bastian, and Seconded by Councilman Tramont.

Tim Burman, Planning Manager, discussed the details of the request.

Motion carried unanimously by roll call vote.

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

Penelope Cruz, Planner, requested that item #23 as well as item #24 be opened and discussed together. Council agreed.

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 LAND USE DESIGNATION FROM RURAL TRANSITION (0-2) UNITS/ACRE) TO OFFICE/RESIDENTIAL TRANSITION (+/-4.88 ACRES); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

24. First 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. 2017-4 on first reading was made by Councilman Bastian, and Seconded by Vice Mayor Ford.

Motion to approve Ordinance No. 2017-6 on first reading was made by Councilman Bastian, and Seconded by Vice Mayor Ford.

Ms. Cruz provided details of the request.

Motion to approve Ordinance No. 2017-4 carried unanimously by roll call vote.

Motion to approve Ordinance No. 2017-6 carried unanimously by roll call vote.

25. Economic Incentive Agreement with B.D.W. Land Holdings, LLC (Atlantic Marine)

Motion to approve the Economic Incentive Agreement for B.D.W. Land Holdings, LLC as recommended by the CRA Board was made by Councilman Bastian, and Seconded by Vice Mayor Ford. Motion carried unanimously by roll call vote.

26. Second Reading – Ordinance No. 2017-5 – Cornerstone Grove PUD Master Development Agreement and Conceptual Development Plan, Case No. 16-4000007

Mayor Burnette read Ordinance No. 2017-5.

ORDINANCE NO. 2017-5

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING CORNERSTONE GROVE PLANNED UNIT DEVELOPMENT A RESIDENTIAL PUD MASTER DEVELOPMENT AGREEMENT (MDA) AND THE CONCEPTUAL DEVELOPMENT PLAN (CDP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-5 on second reading was made by Councilman Bastian, and Seconded by Councilman Tramont.

Vice Mayor Ford is concerned with parking.

Motion carried 3-1 by roll call vote with Vice Mayor Ford voting no.

REGULAR AGENDA

27. Proposed projects for the River to Sea TPO 2017 Transportation Improvement Program Priority List

Mr. Burman discussed the priority list with Council and answered questions from Council. Staff recommended approval of the five projects and withdraw the Herbert Street sidewalk project (Jackson to FEC).

Motion to approve the priority list as recommended was made by Vice Mayor Ford, and Seconded by Councilman Tramont. Motion carried unanimously by roll call vote.

28. First Reading - Ordinance No. 2017-7 - City Logo/Seal Ordinance Amendment

Mayor Burnette read Ordinance No. 2017-7.

ORDINANCE NO. 2017-7

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE I, SECTION 2-3 RELATED TO THE USE OF THE OFFICIAL CITY SEAL AND LOGO; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES,

**PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY
AND PROVIDING AN EFFECTIVE DATE.**

Motion to approve Ordinance No. 2017-7
on first reading was made by Councilman
Bastian, and Seconded by Councilman
Tramont.

Ms. Roberts explained the reasoning for the amendment relating use of the City's seal. She suggested a review of the resolution for penalties as the fine is only \$53.00 for a first time occurrence.

Bobby Ball, Zev Cohen & Associates, asked if the logo can be used by companies doing business with the City or responding to bid requests for the City or other entities (when used as a reference). Ms. Roberts advised that the companies would need Council approval to use the logo as a reference with other entities but would be allowed to use the logo in conjunction with City business.

Motion carried unanimously by roll call
vote.

**29. First Reading - Ordinance No. 2017-8 - Minor Chapter 50 Clean-up
Amendment**

Mayor Burnette read Ordinance No. 2017-8.

ORDINANCE NO. 2017-8

**AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA
COUNTY, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTION
50-32 REGARDING THE PROHIBITION OF ADMISSION CHARGES AT
ATHLETIC FACILITIES; PROVIDING FOR CODIFICATION;
PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

Motion to approve Ordinance No. 2017-8
on first reading was made by Councilman
Bastian, and Seconded by Vice Mayor
Ford. Motion carried unanimously by roll
call vote.

30. FY2016 Audit (CAFR)

Zach Chalifour, James Moore & Co, presented the Comprehensive Annual Financial Report (CAFR) to Council. Council thanked the auditors, as well as Finance Staff for their work.

31. Financial Report-February 2017

Ms. Riehm thanked her Staff for their hard work and presented the Financial Report for February, 2017.

COMMENTS

32. City Attorney Comments

There were none.

33. City Manager Comments

Mr. Johansson thanked Tracey Riehm and all of the Finance Department, as well as all Staff for their work on this year's audit.

COUNCIL COMMITTEE REPORTS

34. City Council Committee Reports

- a. ArtHaus – Vice Mayor Ford reported on the recent meeting held.
- b. Port Orange/South Daytona Chamber of Commerce – Vice Mayor Ford is working with the Chamber on economic development within the US 1 Corridor.
- c. Roundtable of Elected Officials – There was no meeting in March.

ADJOURNMENT: 9:22 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk