

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
AUGUST 15, 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
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Also Present:	Jake Johansson, City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk
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Mayor Burnette advised the audience the mini-storage and medical marijuana items will be heard in September 2017.

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes to the agenda order.

6. Approval of Minutes

a. August 1, 2017 - Regular City Council Meeting

7. Bid Awards and Contract Items

a. Award of RFP No. 17-31 to James Moore & Co for Professional Audit Services

b. Contract Assignment from Triple Crown Auto Parts, Inc. d/b/a NAPA Auto Parts to Wall Automotive Group, Inc. d/b/a NAPA Auto Parts.

8. Resolution No. 17-32 - Budget Appropriation

9. Police Benevolent Association Lieutenants (PBA Lt.) 2017-2020 Collective Bargaining Agreement Ratification.

Motion to approve the Consent Agenda
as presented was made by Councilman
Bastian, and Seconded by Councilman

Stiltner. Motion carried unanimously by
roll call vote.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

10. Senator Dorothy L. Hukill

Senator Dorothy Hukill asked Council to let her know if the City has any items for her to address during the Legislative Session. She also presented Council with a check for \$750,000 check for the flooding mitigation request that was funded by the State. The State provided a Resolution to the City for the 150th Anniversary of Port Orange. She thanked Council for the naming of the old Police Department Building. Mayor Burnette thanked Senator Hukill for her service.

11. Recognition of the 16U Port Orange Panthers All Star Team

Susan Lovallo, Parks and Recreation Director, introduced the 16U Port Orange Panthers All Star Team and congratulated them on their 5th place finish in the Babe Ruth World Series, as well as their receipt of the Sportsmanship Award. Mayor Burnette declared August 15, 2017 as Lady Panther Day in the City of Port Orange. Mike Belus, Coach, thanked Council for their support of the team and the travel to the World Series.

Mr. Johansson introduced Jane Davis who will be handling the ERP project.

12. Golf Advisory Board Report

John Cameron, Chairman, provided the report for the Golf Advisory Board, which included the conditions of the course and other issues affecting play. The Board is very concerned about the future of the golf course. They would like Council to allow Mr. Cameron to discuss the legal issues with the City Attorney's Office. Vice Mayor Ford doesn't believe there is any interest of this Council removing the golf course. He said the documents do not require the golf course be closed in 2023. Council agreed to allow Mr. Cameron to discuss the issue with the City Attorney's Office.

CITIZEN PARTICIPATION (Agenda)

13. Spruce Creek High School Athletic Director Fee Waiver

Mike Randow and Tony Plowden, Athletic Directors from Spruce Creek and Atlantic High Schools, respectively, asked for a fee waiver as to the police presence and fire and rescue for the varsity football games. They are renting bleachers and have other expenses. Mr. Randow asked for the usage of the signage on Clyde Morris Blvd. for the Spruce Creek vs. Atlantic High School game on September 1, 2017.

Councilman Tramont will abstain from the vote but is available for discussion. (Form 8B Memorandum of Voting Conflict is attached hereto.)

Councilman Stiltner believes these are Port Orange events, not just school events and wants to support their needs.

Councilman Bastian agreed but expenses are tight on the City's side. Mr. Randow advised they were hoping to have the expansion of the bleachers done by now but they've had to continue to rent them, which makes their finances tight.

Vice Mayor Ford supports the request. He asked if the Fire Department could be on stand-by. Mr. Randow said yes, they understand if there's a call, the Fire Department will need to go handle that call. He asked for the sign board during the Atlantic vs. Spruce Creek game on September 1, 2017.

Mr. Johansson asked that the school reach out to EVAC to volunteer their time during the games.

Vice Mayor Ford would like the Volusia County Sheriff's Office to provide another deputy.

Councilman Tramont asked how to quantify the in-kind payment from the players. Mr. Johansson will provide a list to the schools of the City's events for in-kind service.

Councilman Bastian suggested the schools put a sign on their fence with the game information.

Motion to approve the request (public safety & signage) was made by Councilman Stiltner, and Seconded by Vice Mayor Ford. Motion carried 3-1 by roll call vote with Councilman Bastian voting no.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Robert Reinhausen, 1425 Dexter Drive, discussed his concerns with the flooding at Yorktowne Blvd. He asked Council to direct the City Manager to review the Comp Plan to see where the breakdown occurred.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Vice Mayor Ford believes the finances for the City need to be budgeted for more than one year at a time.

Councilman Stiltner addressed some positive comments he has received from citizens relating to the Police Department. He thanked Chief Grimaldi for his efforts.

Mayor Burnette asked for some attention at Atlantic High School with drivers in and out of the school. He reminded Council of the new website launch on Monday, August 21, 2017. He asked Council to review the new website so they are familiar with it. He thanked Staff for the work on the Volusia League of Cities Dinner.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

15. Citizen Advisory Committee for TPO

Bobby Ball provided an update from the most recent meeting.

16. Environmental Advisory Board Report

Derek LaMontange, Chairman, and Newton White, Vice Chairman, were unable to attend the meeting to provide the report; however, Mr. LaMontange provided a written report via email, which was provided to the City Council by the City Clerk.

PUBLIC HEARING

17. Second 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.

18. Second 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 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. Motion carried unanimously by roll call vote.

19. First Reading - Ordinance No. 2017-27 - 15th Amendment to the Countryside PUD Master Land Use Plan, Case No. 17-40000003

Mayor Burnette read Ordinance No. 2017-27.

ORDINANCE NO. 2017-27

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIFTEENTH AMENDMENT TO THE COUNTRYSIDE PLANNED UNIT DEVELOPMENT MASTER LAND USE PLAN FOR APPROXIMATELY +/- 1.5 ACRES GENERALLY LOCATED ON SOUTHWEST CORNER OF DUNLAWTON AVENUE AND SOUTH SWALLOW TAIL DRIVE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2017-27 was made by Councilman Bastian, and Seconded by Councilman Stiltner.

Tim Burman, Planning Manager, explained the changes being requested.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

20. Quentin L. Hampton, Inc. - Change Order No 2 to QLH Task Authorization No 5 for the Garnsey Water Plant Sludge Feed Pumps and Filter Backwash Upgrades

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

Lynn Stevens, Public Utilities Director, explained the need for Change Order No. 2.

Councilman Stiltner is concerned with QLH handling the re-design when they were so off on the first design.

Motion carried 4-1 by roll call vote with Councilman Stiltner voting no.

21. Transportation Impact Fee Credit Agreement Request/Geosam Capital US LP (Geosam)

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

Wayne Clark, Community Development Director, provided details of the agreement being requested.

Dwight Durrant, Zev Cohen & Associates, explained the change of Yorktowne Blvd. as it relates to the County.

Mr. Reinhagen asked Council to vote no on this item.

Councilman Tramont is concerned with the road not being completed.

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

22. Targeted Business Agreement (Chapter 20)/Geosam Capital US LP

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

23. Resolution No. 17-33 - Approval of the CFY18 - FY23 Capital Improvement Plan (CIP)

Mayor Burnette read Resolution No. 17-33.

RESOLUTION NO. 17-33

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ADOPTING A SIX YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF PORT ORANGE FOR FY 2018-2023; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 17-33
was made by Councilman Bastian, and
Seconded by Councilman Tramont.

Council took a break at 8:30 p.m.

Tracey Riehm, Finance Director, asked Council to approve the CIP in concept. The final approval will occur at the September Council meetings. She reviewed the historical CIP funding sources.

Council discussed their concerns regarding the CIP and funding issues. There is concern regarding the unfunded drainage projects.

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

COMMENTS

24. City Attorney Comments - Engagement of Special Legal Counsels for Stormwater Rate Increase and for Moratorium relating to communication towers within the right of way

Margaret Roberts, City Attorney, explained the need for special legal counsel to assist with the proposed stormwater rate increase and moratorium relating to communication towners within the right of way. She asked Council to consider the engagement of Christopher Roe and Gary Resnick, as well as Attorney Maggie Shultz relating to the temporary liquor license for the restaurant at the golf course. The temporary liquor license is expected this week and the full liquor license to follow next week.

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

Ms. Roberts asked Council for approval to move forward with legal action as needed against The Tavern owners, subject to the City Manager's review and approval.

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

25. City Manager Comments

Mr. Johansson requested approval of Change Order No 2 to Premier Magnesia, LLC in the amount of \$50,000.

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

Mr. Johansson announced the resignations of the Public Works Director, Public Works Assistant Director, and Community Development Director and discussed his plans for their replacements. Lynn Stevens, Public Utilities Director, will serve as the Interim Public Works Director in addition to her current duties.

He explained the plan for the restaurant at the golf course. The food trucks have been on site. Council does not want KemperSports to handle the restaurant. Mr. Johansson asked for more flexibility with the next restaurant venture. He asked for approval to move forward to bridge a gap without competitively bidding until an RFP can be prepared.

Motion to approve the request to bridge the gap as requested was made by Councilman Tramont, and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

COUNCIL COMMITTEE REPORTS

26. City Council Committee Reports

a. ArtHaus – Vice Mayor Ford reported on the recent meeting. Mr. Johansson asked for an art wall for the Port Orange 150 from ArtHaus. He also advised that the art festival has been cut from the budget because there are no sponsors.

b. Port Orange/South Daytona Chamber of Commerce – Mayor Burnette reported on upcoming events.

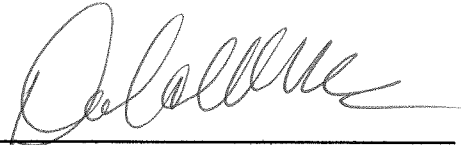
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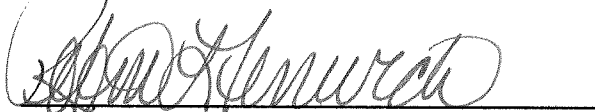
c. Roundtable of Elected Officials – Mayor Burnette advised the meeting was cancelled. The next meeting is in October.

ADJOURNMENT: 9:42 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Ramont, Chase		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council	
MAILING ADDRESS 1000 City Center Circle		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Port Orange	COUNTY Volusia	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED August 15, 2017		NAME OF POLITICAL SUBDIVISION: City of Port Orange	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.

The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Chase Tramont, hereby disclose that on August 15, 20 17 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☒ inured to the special gain or loss of Spruce Creek High School - Athletic Dept., by whom I am retained; or
- ☐ inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

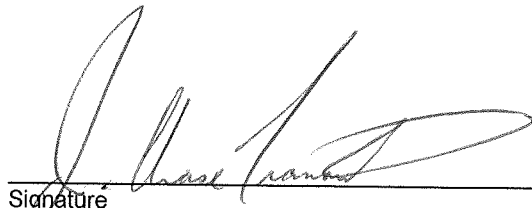
The Spruce Creek High School Athletic Director requested a waiver of fees associated with providing municipal safety personnel for football games. As the Head Coach of the Varsity Basketball Team, I have at least an apparent conflict, and therefore, must abstain from voting.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

8/15/17

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.