

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
NOVEMBER 15, 2016

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

Pledge of Allegiance

Invocation given by Pastor Scott Kirschner of Christ the King Community Church

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

Portions of the Rules of Procedure as approved by City Council on May 3, 2016 were read by Robin Fenwick, City Clerk.

AGENDA APPROVAL

Item #14 was deleted as it is a duplicate item to Item C and will be considered during the Special Meeting of Golf Club at Cypress Head, Inc., Item C.

Motion to approve agenda as amended
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.
Motion carried unanimously by voice
vote.

SPECIAL MEETING OF GOLF CLUB AT CYPRESS HEAD, INC.

Council recessed to hold the Special Meeting of the Golf Club at Cypress Head, Inc., minutes of which are under separate cover.

5. Second Reading - Ordinance No. 2016-20 – Pinnacle PUD Small-Scale Comprehensive Plan Amendment; Case No. 16-20000001

Mayor Green read Ordinance No. 2016-20.

ORDINANCE NO. 2016-20

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/ACRES) TO SUBURBAN RESIDENTIAL (2-4 UNITS/ACRE); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2016-20 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 4-0-1 by roll call vote with Mayor Green abstaining due to a conflict.

6. Second Reading - Ordinance No. 2016-21 – First Amendment to the Pinnacle Master Development Agreement and Conceptual Development Plan; Case No. 16-40000004

Mayor Green read Ordinance No. 2016-21.

ORDINANCE NO. 2016-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE PINNACLE 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. 2016-21 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried 4-0-1 by roll call vote with

Mayor Green abstaining due to a conflict.

7. First Reading - Ordinance No. 2016-24 – Cracker Creek PUD Small-Scale Comprehensive Plan Amendment, Case No. 16-20000002

Mayor Green read Ordinance No. 2016-24.

ORDINANCE NO. 2016-24

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 PUBLIC/INSTITUTIONAL TO OFFICE/RESIDENTIAL TRANSITION (+/- 7.5 ACRES); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2016-24 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Penelope Cruz, Planner, asked Council to open Item 7 & 8 together to discuss both Ordinances. Council agreed and Mayor Green read Ordinance No. 2016-25.

8. First Reading - Ordinance No. 2016-25 – First Amendment to the Cracker Creek PUD Master Development Agreement and Conceptual Development Plan, Case No. 16-40000005

ORDINANCE NO. 2016-25

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE CRACKER CREEK PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR APPROXIMATELY 56 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF TAYLOR ROAD AND NORTH OF SPRUCE CREEK; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2016-25 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Ms. Cruz provided details of both proposed ordinances. Staff recommends approval of both. She discussed the traffic study regarding number of trips.

Michael Woods, Cobb Cole Law Firm, provided details regarding the requests. There will be no more trips with any development than another because there is a cap of just over 1800. The ALF will be less trips than what is approved currently for that area. He has reviewed the concerns from the Planning Commissioners and are working to remove the variance request regarding parking prior to the second reading of the ordinances.

Glen Storch, Attorney for Cracker Creek, advised that the owners of Cracker Creek will be the neighbors to this ALF and they fully support the project.

Shawn Goephart, resident, supports the project. He lives close to the area and believes it is truly needed in Port Orange.

Jill Williams, resident, business owner, and neighbor of the proposed project. She supports this project.

Motion to approve Ordinance No. 2016-24 carried unanimously by roll call vote.

Motion to amend Motion to approve Ordinance No. 2016-25 subject to the MDA and CDP being amended prior to the second reading to reflect the parking requirements in the LDC was made by Councilman Stiltner, and Seconded by Vice Mayor Bastian. Motion to amend carried unanimously by roll call vote.

Motion to approve Ordinance No. 2016-25 as amended carried unanimously by roll call vote.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

9. Citizen Advisory Committee for TPO

Bobby Ball was unable to attend this meeting but will provide the written summary to the City Clerk for distribution.

CITIZEN PARTICIPATION (Agenda)

10. Lakeside Community Center Fee Waiver Request - Sarah Good

Sarah Good addressed Council regarding her request for a fee waiver of \$639 to use Lakeside Community Center for the Ryan P. Bassett scholarship fundraiser, as well as the insurance requirements. She explained the need for the fundraiser and how the funds will be used. The family awards a \$1,000 scholarship in honor of Ryan Bassett to a Spruce Creek High School senior every year. With the fee and insurance waiver, 100% of the fundraiser will go to the foundation.

Councilman Stiltner has concerns because there are so many organizations wanting to use the facility. He suggested finding a sponsor to pay the fees.

Vice Mayor Bastian had some of the same concerns and donated \$100 to the scholarship fund.

Councilman Burnette is sympathetic and wants to help as well.

Councilman Ford wants a policy to address these requests.

Donations can be made to the Ryan P. Bassett Memorial Scholarship Fund through Spruce Creek High School, ATTN: Accounting Department.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Shawn Goephart, resident and Port Orange/South Daytona Chamber of Commerce representative, invited Council to the Business After Hours on Thursday. He thanked Mayor Green for his service and congratulated Councilman Burnette and Councilman-Elect Chase Tramont.

COUNCIL COMMENTS

11. Comments/Concerns from Council Members

Councilman Burnette thanked Mayor Green for his service to the community.

Vice Mayor Bastian also thanked Mayor Green for his service. He thanked the Fire Department for their volunteer hours after the hurricane in helping others tarp their roofs.

Councilman Stiltner thanked Mayor Green for his time given to the community on Council and out in the community. He also thanked Amy LaBosco Hall for her efforts with the Thanksgiving Basket Brigade.

Mayor Green thanked John Mica for his service to the State of Florida.

CONSENT AGENDA

12. Approval of Minutes
 - a. November 1, 2016 - Regular City Council Meeting
13. U.S. Department of Justice Bulletproof Vest Partnership (BVP)
- ~~14. Update Corporate Information for the Golf Club at Cypress Head, Inc.~~
15. Application for FEMA AFG Grant for Purchase of P25 Compliant Radios and diesel particulate removal systems.

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

REGULAR AGENDA

16. Resolution No. 16-76 - FY16 Budget Execution Review

Mayor Green read Resolution No. 16-76.

RESOLUTION NO. 16-76

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING OPERATING AND CAPITAL FUNDS FOR VARIOUS CITY OPERATIONS; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 16-76 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Tracey Riehm, Finance Director, provided details relating to the resolution. She discussed the amounts being moved and the reason behind each.

Motion carried unanimously by roll call vote.

17. Resolution No. 16-77 - FY17 Budget Encumbrance and Project Carryover Appropriation

Mayor Green read Resolution No. 16-77.

RESOLUTION NO. 16-77

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING ADDITIONAL PROJECT CARRY OVER FUNDS FROM FISCAL YEAR 2016 TO FISCAL YEAR 2017 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 16-77
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.

Ms. Riehm discussed the details of the carry over funds for projects.

Motion carried unanimously by roll call
vote..

18. Resolution No. 16-78 - FY17 Budget Appropriation - Budget Additional
Carryover

Mayor Green read Resolution No. 16-78.

RESOLUTION NO. 16-78

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING ADDITIONAL PROJECT CARRY OVER FUNDS FROM FISCAL YEAR 2016 TO FISCAL YEAR 2017 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 16-78
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.

Ms. Riehm explained the unusual item of a vehicle transfer, which wouldn't normally be included but it was out of production by the time our order was placed.

Motion carried unanimously by roll call
vote.

19. Port Orange Stallions Agreement

Motion to approve the agreement as
presented was made by Vice Mayor
Bastian, and Seconded by Councilman

Burnette. Motion carried unanimously by roll call vote.

20. Performance Measurement Annual Report for FY 2016

Alan Rosen, Assistant City Manager, provided an update of the annual performance measurement report for FY 2016.

COMMENTS

21. City Attorney Comments

Matthew Jones, Deputy City Attorney/Police Advisor, on behalf of the City Attorney's Office, thanked Mayor Green for his service.

22. City Manager Comments

a. Town of Ponce Inlet Water Impact Fee Discussion

Mr. Johansson discussed the impact fee charged to the Ponce Inlet resident who owns 119 Beach Street. The fee appears to have been charged but shouldn't have been and the resident is requesting a refund. Mr. Johansson feels that, absent proof otherwise, the assumption is the impact fees were paid by the previous resident of the home that was previously demolished and that the current homeowner should not have paid the new impact fees. Council agreed with the request as presented.

b. Resolution No. 16-75 - Ratifying FEMA Request Letter and Indemnification

Mr. Jones read Resolution No. 16-75.

RESOLUTION NO. 16-75

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RATIFYING THE CITY'S REQUEST LETTER TO FEMA RELATING TO REMOVAL OF STORM DEBRIS GENERATED BY HURRICANE MATTHEW LOCATED ON PRIVATE RIGHT OF WAYS, AND PROVIDING FOR INDEMNIFICATION AS REQUIRED BY FEMA REGULATIONS TO AUTHORIZE AND FUND DEBRIS REMOVAL ON SUCH ROADS, AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 16-75 was made by Vice Mayor Bastian, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

COUNCIL COMMITTEE REPORTS

23. City Council Committee Reports

a. Arthaus – Councilman Burnette reported on the recent and upcoming events.

b. Port Orange/South Daytona Chamber of Commerce - Councilman Burnette reported on the recent and upcoming events.

c. Roundtable of Elected Officials – Mayor Green was unable to attend.

ADJOURNMENT: 8:04 p.m.

Attest:

A handwritten signature in blue ink, appearing to read "Robin Fenwick", written over a horizontal line.

Robin Fenwick, CMC
City Clerk

A handwritten signature in blue ink, appearing to read "Allen Green", written over a horizontal line.

Mayor Allen Green

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

LAST NAME—FIRST NAME—MIDDLE NAME GREEN, ALLEN		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PORT ORANGE CITY COUNCIL	
MAILING ADDRESS P.O. DRAWER 290126		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 NOVEMBER 15, 2016		NAME OF POLITICAL SUBDIVISION:	
		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, ALLEN GREEN, hereby disclose that on NOVEMBER 15, 20 16 :

(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, LANCE GREEN;
- ☐ inured to the special gain or loss of _____, 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:

Second Reading - Ordinance No. 2016-20 – Pinnacle PUD Small-Scale Comprehensive Plan Amendment; Case No. 16-20000001

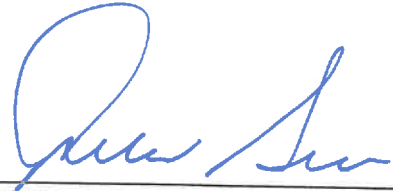
AND

Second Reading - Ordinance No. 2016-21 – First Amendment to the Pinnacle Master Development Agreement and Conceptual Development Plan; Case No. 16-40000004

My son, Lance Green, works for the builder, Paytas Homes, of the above referenced project.

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.

11-18-16
Date Filed


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.