

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
NOVEMBER 19, 2019

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.

Silent Invocation

Pledge of Allegiance

Roll Call	Present:	Council Member Marilyn Ford Council Member Drew Bastian Council Member Scott Stiltner Vice Mayor Chase Tramont Mayor Donald Burnette
	Also Present:	City Manager Jake Johansson Deputy City Attorney Matthew Jones City Clerk Robin Fenwick

Mayor Don Burnette read a Proclamation for Small Business Saturday, November 30, 2019.

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

Motion to approve the agenda as presented with Item Nos. 15 & 16 being continued as requested by the applicant prior to the meeting was made by Vice Mayor Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried unanimously by voice vote.

Motion to remove Item #7d from the Consent Agenda for further discussion was made by Council Member Scott Stiltner and Seconded by Council Member Drew Bastian. Motion carried unanimously by voice vote.

Motion to remove Item #7b & 7c from the Consent Agenda for further discussion was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by voice vote.

6. Approval of Minutes

- a. November 5, 2019 - Regular City Council Meeting
- b. November 5, 2019 - Special City Council Meeting

7. Bid Awards and Contract Items

- a. Approval of Contract for Sale and Purchase of Real Property at 812 Lafayette Street
- b. Approval of Contract for Sale and Purchase of Real Property at Bruner Road

Vice Mayor Chase Tramont asked why the City is purchasing the property over the appraisal price. Jake Johansson, City Manager, explained the negotiated price was agreed upon prior to the appraisal being completed and the price is within the legal limits. It will be used as a debris management site during storms.

Motion to approve Item #7b was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by voice vote.

- c. Approval of Change Order No. 2 to the EJCDC Agreement with Carr & Collier Inc as it relates to ITB 19-01, Police Shooting Range (CNE009)

Motion to approve Item #7c was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Vice Mayor Chase Tramont asked for clarification regarding the full budgeted amount. Mr. Johansson advised this change order remains within the original budgeted amount.

Motion carried unanimously by voice vote.

- d. Approval of Amendment No. 1 with Sandy Point Progressive Sports

Motion to approve Item #7d was made by Council Member Scott Stiltner and Seconded by Vice Mayor Chase Tramont.

Council Member Scott Stiltner asked for more information regarding the lockers as they are large enough to store kayaks. Susan Lovallo, Parks & Recreation Director, explained they are looking to begin with only two lockers to see if there is a need. The lockers would become the property of the City and used by the City or another vendor on behalf of the City. She asked Council to provide direction if they would like anything specific. Mayor Don Burnette asked to include either payment or payment in-kind for the use of the property. Discussion was also held regarding the location of the lockers.

Motion withdrawn by Council Member Scott Stiltner so Staff can negotiate further and provide more details on location and renderings and Second withdrawn by Vice Mayor Chase Tramont.

8. Release of Access, Drainage, Utilities & Maintenance Easement for Howes Street, between FEC right-of-way and Orange Avenue

9. Resolution No. 19-71 - Budget Appropriation (Bruner Road purchase and Lafayette Street purchase)

Motion to approve the Consent Agenda as amended was made by Vice Mayor Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

10. Citizen Advisory Committee for TPO

Bobby Ball, CAC Member, provided an update of their recent meeting.

CITIZEN PARTICIPATION (Agenda)

11. Advent Health Welcome & Introduction Brief

David Weis, COO AdventHealth Daytona Beach, introduced himself and provided details of their upcoming project in Port Orange. Mr. Weis also answered questions from Council, who expressed concerns regarding traffic in the area of the project and access to the property.

12. Maria Velez - Potential venue for proposed concert

Maria Devila, Founder of Healthy Souls International, provided details of her upcoming event and would like to present again at another meeting when she can provide her presentation, which was not working at this meeting. She invited Council to attend her

Open House on December 15, 2019 from 5-7 p.m. They are collecting items for the Bahamas after they were devastated by the recent hurricane.

13. Request for a Refund from Elliot Meadows Certified Contractors, LLC

Elliot Meadows provided details of his mistake beginning work without a permit being issued and requested a refund of the \$500 penalty he paid in 2018. He asked for forgiveness and promised it will not happen again. He also asked for a refund for two homeowners for his staff's clerical error that resulted in these fines. Council discussed lowering the fines and setting a precedence if they grant the refund request.

Motion was made by Council Member Marilyn Ford to deny the contractor's request for a refund. Motion failed due to lack of a second.

Motion was made by Council Member Marilyn Ford to direct staff to review the fine structure for further consideration of Council and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by roll call vote.

Motion to reduce the contractor's fine from \$500 to \$250 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried 4-1 with Council Member Scott Stiltner voting no.

Council requested the Contractor ask the homeowners to attend and ask for their own refund.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Jim Cameron, Daytona Regional Chamber, discussed Volusia Days in Tallahassee, and the topics to be discussed.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Mayor Don Burnette asked if a traffic study (accident count) has been done on the area of Nova Road and Miles Road. Staff will take a look. Mayor Don Burnette asked for an assessment of the impact on minimum wage being potentially increased to \$15.00 per hour in 2020-2021. Mr. Johansson said Staff is reviewing that impact and will provide a report.

PUBLIC HEARING

15. First Reading - Ordinance No. 2019-38 - 19-1 Large-Scale Future Land Use Map Amendment/Fleur de Sol (Case No. 19-20000003)

16. First Reading - Ordinance No. 2019-39 - PUD Rezoning/Fleur de Sol PUD (Case No. 19-65000002)

The applicant requested a continuance of Item #15 and #16 until January 21, 2020. Council agreed.

17. Approval of Final Plat and Plans for the King's Landing Phase 2 Subdivision (Case No. 19-50000001)

Motion to approve the Final Plat & Plans for the King's Landing Subdivision, Phase 2 was made by Vice Mayor Chase Tramont and Seconded by Council Member Marilyn Ford.

Tim Burman, Community Development Director, provided details of the request and answered questions from Council.

Glen Storch, Attorney for the Developer, spoke as to the project.

Citizens spoke regarding their support and opposition of the project.

Motion carried unanimously by roll call vote.

Council took a 10-minute recess.

REGULAR AGENDA

18. First Reading - Ordinance No. 2019-31 - Recreational vehicles & equipment on residential lots

Mayor Don Burnette read Ordinance No. 2019-31.

ORDINANCE NO. 2019-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 70, SECTIONS 70-36 AND 70-48 LIMITING THE NUMBER AND LOCATION OF MOTOR VEHICLES, TRAILERS, RECREATIONAL VEHICLES AND EQUIPMENT PARKED ON RESIDENTIAL LOTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;

PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2019-31 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Thomas Grimaldi, Police Chief, discussed the changes being requested and answered questions of Council regarding the number of recreational vehicles being limited to three. Council would like more information as to the limit of recreational vehicles. They aren't comfortable limiting the number on a larger piece of property that could handle more than three.

Motion withdrawn to send back to staff was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by voice vote.

19. First Reading - Ordinance No. 2019-35 - Amending Chapter 16 of the Land Development Code for a Dog Friendly Dining Program

Mayor Don Burnette read Ordinance No. 2019-35.

ORDINANCE NO. 2019-35

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 16 MISCELLANEOUS REGULATIONS BY CREATING SECTION 16-11 DOG FRIENDLY DINING PROGRAM; ESTABLISHING PURSUANT TO SECTION 509.233, FLORIDA STATUTES, A LOCAL EXEMPTION TO CERTAIN PROVISIONS OF GENERAL LAW AND AGENCY RULES RELATING TO PUBLIC FOOD SERVICE ESTABLISHMENTS FOR THE PURPOSE OF PERMITTING PATRONS DOGS IN DESIGNATED OUTDOOR AREAS OF SUCH ESTABLISHMENTS; PROVIDING FOR IMPLEMENTATION AND ENFORCEMENT PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2019-35 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Penelope Cruz, Planning Manager, provided details of the ordinance being presented, which is to comply with Florida Statute and answered questions of Council.

Denise Hilliard, Owner of The Original First Turn, spoke in favor of the Ordinance.

Discussion was held regarding the fee for the permitting process. Council agreed to charge \$50.00. Ms. Cruz will present a fee resolution for Council's consideration in December.

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

20. First Reading - Ordinance No. 2019-40 - Amending Chapter 54 relating to the General Employees Retirement Plans - Modification to the General Employees Defined Contribution Plan (401A) Vesting Schedule and the participation in the Contract Defined Contribution Plan (401A) to allow City Attorney to continued participation

Mayor Don Burnette read Ordinance No. 2019-40.

ORDINANCE NO. 2019-40

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 54, ARTICLE VI, RELATING TO THE 2003 GENERAL EMPLOYEES RETIREMENT SYSTEM; AMENDING THE CODE SECTIONS 54-175 AND 54-47; PROVIDING FOR A MODIFICATION TO THE GENERAL EMPLOYEES 401(A) VESTING SCHEDULE IN ACCORDANCE WITH PLAN DOCUMENTS; PROVIDING FOR AN AMENDMENT TO THE PARTICIPATION OF THE CONTRACT 401(A) TO INCLUDE THE CITY ATTORNEY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2019-40 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Jamie Miller, Administrative Services Director, provided details of the requested changes.

Motion carried unanimously by roll call vote.

21. Resolution No. 19-72 - Budget Appropriation - FY19 Budget Execution Review - Final Year End True-Up

Mayor Don Burnette read Resolution No. 19-72.

RESOLUTION NO. 19-72.

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING OPERATING AND CAPITAL FUNDS FOR VARIOUS CITY OPERATIONS FOR FISCAL YEAR 2019; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 19-72 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Scott Neils, Finance Director, provided details of this Resolution, as well as Items #22 and 23, and answered questions from Council.

Motion carried unanimously by roll call vote.

22. Resolution No. 19-73 - Budget Appropriation - FY19 Carryover of Open Encumbrances and Project Budgets

Mayor Don Burnette read Resolution No. 19-73.

RESOLUTION NO. 19-73.

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING FUNDS FOR PROJECT CARRY OVER AND OPEN ENCUMBRANCE CARRY OVER FUNDS FROM FISCAL YEAR 2019 TO FISCAL YEAR 2020 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 19-73 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

23. Resolution No. 19-74 - Budget Appropriation - FY19 Additional Carryover

Mayor Don Burnette read Resolution No. 19-74.

RESOLUTION NO. 19-74.

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING ADDITIONAL PROJECT CARRY OVER FUNDS FROM FISCAL YEAR 2019 TO FISCAL YEAR 2020 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 19-74 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

24. Resolution No. 19-75 - Updating Standard Construction Details

Mayor Don Burnette read Resolution No. 19-75.

RESOLUTION NO. 19-75.

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING REVISED STANDARD CONSTRUCTION DETAILS; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 19-75 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

25. City Attorney

Matt Jones, Deputy City Attorney, advised Council the attorney's office has hired outside counsel regarding Click2Gov. He also discussed the opioids class action lawsuit. He recommended remaining in the class action lawsuit and asked Council to consider. Council agreed to remain in the class action lawsuit.

a. Approval of City Attorney Contract - Matthew Jones

Council Member Scott Stiltner has concerns with the amount of leave accruing. He would like to see a cap on the accrual as there is a severance package already included. Discussion was held regarding the cap. Mr. Jones agreed with a 1,200 cap with any overage being deposited into an IMCA account. He will work out the language

Council Member Marilyn Ford suggested paying for two professional memberships only. Mr. Jones explained his position on the professional organizations he currently belongs to and would like to remain involved in. Council would like it to remain the same but paragraph (b) should be cleaned up.

Robert Reinhausen, citizen, expressed a concern regarding an automobile allowance as Mr. Jones will also get reimbursement of travel expenses.

Motion to approve the contract with Matthew Jones with the changes as discussed was made by Council Member Scott Stiltner and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by roll call vote.

26. City Manager

Mr. Johansson advised Council their January 28, 2020 workshop was slated to discuss the TNR (feral cat) program; however, two Council Members will be absent. He asked Council whether they want to reschedule or keep it. Council agreed to hold the workshop on January 9, 2020 at 5:15 p.m. in Council Chambers.

COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

- a. ArtHaus - Council Member Marilyn Ford provided details from their recent meeting. Their meeting schedule is changing to odd months only in 2020.
- b. First Step Shelter - Vice Mayor Chase Tramont reported on the most recent meeting.
- c. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided information on upcoming events.
- d. Roundtable of Elected Officials - Mayor Don Burnette provided details of their recent meeting.

ADJOURNMENT - 10:00 p.m.



Mayor Donald O. Burnette

Attest:


Robin Fenwick, MMC, City Clerk