

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 16, 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.

OPENING

Invocation by pastor Sheila Turner of A Touch of HIS Hem Ministries

Pledge of Allegiance

Roll Call	Present:	Interim Council Member Jack Wiles Councilman Drew Bastian Councilman Scott Stiltner Vice Mayor Chase Tramont Mayor Donald Burnette
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Also Present: Assistant City Manager Alan Rosen
City Attorney Margaret Roberts
City Clerk Robin Fenwick

CITY RECOGNITION

4. Mary Wittmeyer - 35 Year Pin

Police Chief Thomas Grimaldi presented Mary Wittmeyer with a service pin for 35 years of service with the VIPS program. He and Council thanked her for her service.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

Savannah Weaver, citizen, expressed concerns regarding the fee reduction request from Andy Clark (Item #10).

Robert Reinhausen, citizen, does not agree with the reduction of fees for developers. He suggested making the fee schedule more flexible to avoid waiver and reduction requests.

Paul Rozar, citizen, does not believe there should be any waivers for a developer.

6. Agenda Approval

There were no changes requested.

Motion to approve the agenda as presented was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

7. Approval of Minutes
 - a. April 2, 2019 - Regular City Council Meeting
8. Bid Awards and Contract Items
 - a. Approval of the award of ITB #19-06 to G&G Outdoors for Hunt Club Lease, subject to approval and execution of the Lease
9. Resolution No. 19-13 - amending Resolution 18-18 to approve a Conservation Easement for additional wellfield lands for Gopher Tortoise Mitigation, including the conservation and management plan dated September 10, 2018
10. Approval of Fee Reduction Request from Andy Clark, Westport Storage LTD., relating to the 5th Amendment to the Westport Storage and Office Park PCD Master Development Agreement
11. Approval of the Proposed Maplewood Mobile Estates Subdivision License Agreement (1000 Chamberlin Blvd.)
12. Approval of Miscellaneous Accounts Receivable Write-off

Motion to approve the Consent Agenda as presented was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Andrew Burns, citizen, expressed his displeasure with the noise level from vehicles without proper mufflers. He asked Council for an ordinance regarding the noise.

Garrett Taynai, citizen, asked Council to save the tree in Raintree Subdivision.

Dave Vanthoff, citizen, would like the tree in Raintree Subdivision to be saved.

Oby Walker, citizen, discussed his concerns regarding flooding issues due to the construction at Masci Construction on Ridgewood Ave. He asked Masci be required to build an 8' wall to keep the noise out of the neighborhood.

Ms. Weaver asked Council to improve the notifications on their agenda, specifically relating to consent agenda process and ADA.

13. Comments/Concerns from Council Members

Councilman Drew Bastian thanked Staff for the weekend's events.

Vice Mayor Chase Tramont thanked Fire Chief Ken Fustin and Staff for the ambulance that was put into rotation this week.

Councilman Jack Wiles thanked Council for the opportunity to serve as an interim councilmember. He suggested Council consider combining the plan administrator duties for the pension plans. He suggested Council discuss the fee structure to avoid the fee waiver requests. Mayor Donald Burnette agreed and would like to have a workshop to discuss the fees.

Mayor Donald Burnette would like more information on enforcing noise complaints whether cars or businesses. He asked the Assistant City Manager to provide an update regarding the tree at Raintree Subdivision.

Lynn Stevens, Public Utilities/Work Director, advised the tree at Raintree Subdivision will remain and will be root pruned with repairs to the road.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

14. General Employees' Retirement Plan - David Leonard

David Leonard, Actuary with Foster & Foster, presented details of the 2018 performance of the General Employees' Retirement Plan and answered questions from Council. The Plan is 89.03% funded.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

15. Citizen Advisory Committee for TPO

Bobby Ball, member, provided details from the CAC for the TPO meeting recently held.

16. Environmental Advisory Board Appointments (X2)

Mayor Donald Burnette advised that Joe Fazzie withdrew his name due to scheduling conflicts. He asked each of the applicants to introduce themselves.

Michael Anderson introduced himself and explained why he'd like to serve.

Jonathan Foley introduced himself and discussed his qualifications and desire to serve.

Michael Arminio and Christina Berry were not present.

Motion to nominate Jonathan Foley to the Environmental Advisory Board was made by Council Member Drew Bastian. Motion carried 4-1 by roll call vote with Mayor Burnette voting no.

Motion to nominate Michael Anderson to the Environmental Advisory Board was made by Interim Council Member Jack Wiles. Motion carried unanimously by roll call vote.

PUBLIC HEARING

17. Second Reading - Ordinance No. 2019-6 - Amending Chapter 54 for relating to the General Employee Retirement Systems participation and 401(a) Plan contributions

Mayor Burnette read Ordinance No. 2019-6.

ORDINANCE NO. 2019-6

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 54-147 AND 54-162; PROVIDING FOR PENSION PARTICIPATION AND CONTRIBUTIONS PURSUANT TO PLAN DOCUMENTS FOR EACH 401(a) AND 457 PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-6 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

18. Second Reading - Ordinance No. 2019-14 - First Amendment to the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP), Case No. 19-40000001

Mayor Burnette read Ordinance No. 2019-14.

ORDINANCE NO. 2019-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR APPROXIMATELY +/- 1.53 ACRES GENERALLY LOCATED AT 4085 RIDGEWOOD AVENUE AND 4108 HALIFAX DRIVE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-14
was made by Vice Mayor Chase Tramont
and Seconded by Councilman Drew
Bastian.

Mr. Reinhausen doesn't understand the status of the event lawn and restaurant as the exhibit B reads differently than the document. He is also concerned with the set back of 5' and the floating dock spaces. He strongly recommends Council not approve the waiver of all future fees.

Motion carried unanimously by roll call
vote.

19. Second Reading - Ordinance No. 2019-15 - LDC Amendment/Chapter 9,
Article, II (Case No. 19-25000001)

Mayor Burnette read Ordinance No. 2019-15.

ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 9, RELATING TO UPDATING REQUIREMENTS FOR TREE SURVEY AND TREE MITIGATION PAYMENT REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-15
was made by Vice Mayor Chase Tramont
and Seconded by Councilman Drew
Bastian.

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Penelope Cruz, Planning Manager, provided a recap of the amendments being brought forward. This is part 2 of the amendments as requested by the Environmental Advisory Board and Council.

Vice Mayor Chase Tramont struggles because it's going to put a burden on businesses and not meet the intent of the Environmental Advisory Board.

Councilman Jack Wiles believes the current process is working as we are Tree City USA for 30+ years running. He doesn't believe the ordinance will work as intended to save trees.

Mr. Rozar spoke regarding the effect of the trees on the environment. He agrees with this ordinance.

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

20. Second Reading - Ordinance No. 2019-16 – Fifth Amendment to the
Westport Storage and Office Park PCD Master Development Agreement
(Case No. 19-40000002)

Mayor Burnette read Ordinance No. 2019-16.

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIFTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR WESTPORT STORAGE AND OFFICE PARK PLANNED COMMERCIAL DEVELOPMENT (PCD) AND CONCEPTUAL DEVELOPMENT PLAN FOR APPROXIMATELY +/-12.432 ACRES GENERALLY LOCATED AT 1415 – 5889, 5895, AND 5898 WILLIAMSON BOULEVARD; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-16
was made by Vice Mayor Chase Tramont
and Seconded by Councilman Drew
Bastian. Motion carried unanimously by
roll call vote.

Council recessed at 8:06 p.m. and reconvened at 8:16 p.m.

21. FY2018 Audit (CAFR)

Zach Chalifour, James Moore & Company provided details from the City's audit for the year ended September 30, 2018 and answered questions from Council. There was one significant deficiency found relating to year end close out. A journal entry was done to correct the issue. All prior comments were corrected this year. Council thanked Staff and James Moore & Company for the work on the audit.

ADDITIONAL ITEMS

22. City Attorney - There was nothing additional.

23. City Manager

Alan Rosen, Assistant City Manager, reminded Council of the Shade Meeting scheduled for 5:00 p.m. on April 23, 2019 followed by the Council's Workshop.

COUNCIL COMMITTEE REPORTS

24. City Council Committee Reports

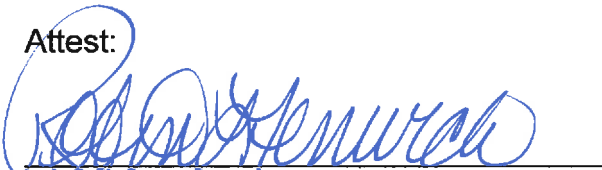
- a. Arthaus – No one serving until a new Council Member is elected.
- b. First Step - Vice Mayor Chase Tramont asked that the funding item for First Step be discussion and decided by Council on the May 7th agenda.
- c. Port Orange/South Daytona Chamber of Commerce - Mayor Donald Burnette provided details on upcoming events.
- d. Roundtable of Elected Officials - Mayor Donald Burnette provided details of the recent meeting.

ADJOURNMENT – 8:41 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk