

REGULAR CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA  
FEBRUARY 5, 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.

Invocation by Pastor Jeffrey Birch of Spruce Creek Presbyterian Church

Pledge of Allegiance

Roll Call	Present:	Councilman Drew Bastian Councilman Scott Stiltner Vice Mayor Chase Tramont Mayor Donald Burnette
	Also Present:	City Manager Jake Johansson City Attorney Margaret Roberts City Clerk Robin Fenwick

Motion was made by Councilman Stiltner to add the presentation of awards for the Police Department to the agenda and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by voice vote.

Thomas Grimaldi, Police Chief, presented the awards to employees and citizens for their commitment to the community and cooperation in the apprehension of suspects.

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Robert Reinlagen, citizen, commented on Item #11 and the waiver of the surety bond request.

5. Agenda Approval

Mayor Don Burnette would like to discuss Items #11 and 12 and asked for a motion to pull them from the Consent Agenda.

Motion to pull item #11 and 12 for further discussion was made by Vice Mayor Chase Tramont and Seconded by Councilman Scott Stiltner.

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

6. Approval of Minutes
  - a. January 22, 2019 - Regular City Council Meeting
7. Resolution No. 19-5 - Adopting Local Rules and Repealing Resolution No. 01-36 - Public Participation Policy
8. Approval of Rental of a Belt Press from H&A Resource Management for the Water Reclamation Facility
9. Major Special Event Request – 4Ever Fitness 5K Run/Walk & 1-Mile Kids Fun Run located at 4Ever Fitness, 4639 Clyde Morris Boulevard
10. Major Special Event Request – All Aboard Storage Go Make a Difference 5K Run/Walk located at the Clark Office Building, 5111 S. Ridgewood Avenue.
11. Major Special Event Request – Bike Week: First Turn Steakhouse & Lounge – 5236, 5204 & 5164 South Ridgewood Avenue
12. Resolution No. 19-10 - 30-day Extension to the Moratorium on Personal Wireless Communications Governed by Chapter 16, Section 9 of the Land Development Code

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

Item #11 - Major Special Event Request – Bike Week: First Turn Steakhouse & Lounge – 5236, 5204 & 5164 South Ridgewood Avenue

Mayor Burnette asked Council if they were interested in discussing the waiver request of the surety bond. Council members agreed to continue denying the waiver requests for Bike Week events.

Motion to approve item #11 by Vice Mayor Chase Tramont and Seconded by Councilman Scott Stiltner. Motion carried unanimously by voice vote.

Item #12 - Resolution No. 19-10 - 30-day Extension to the Moratorium on Personal Wireless Communications Governed by Chapter 16, Section 9 of the Land Development Code

Motion to table this item until after Item #17 is heard as it is contingent upon the

outcome of Item #17 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

#### CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Kelly Malina, citizen, spoke regarding the water department requiring an additional deposit of \$140.00 when they already have \$175.00. Mayor Burnette asked if it is possible for Staff to help Ms. Malina. Mr. Johansson will look at the details and reach out to Ms. Malina.

Shawn Goepfert, Port Orange/South Daytona Chamber of Commerce, thanked Council for their support. He announced upcoming events. Councilman Stiltner thanked Mr. Goepfert for his service.

Susan Weatherly, citizen, is concerned with the crumpling wall next to her house at 1145 Harms Way. Mr. Johansson explained the issues Staff is having as the wall belongs to the City. Staff will be contacting neighbors soon.

Wendall DallaRosa, citizen, offered to assist Kelly Malina through Halifax Urban Ministries.

#### COUNCIL COMMENTS

##### 13. Comments/Concerns from Council Members

Councilman Drew Bastian thanked Chief Ken Fustin for the Wash Down/Push In event.

Councilman Scott Stiltner thanked the City Manager and Staff for the FAQs regarding the Halifax Trail.

Vice Mayor Chase Tramont recognized Gary Nelson who was a teacher at Spruce Creek High School who passed away recently. He also recognized Jade Ryan who is a 2011 Spruce Creek High School Graduate and is competing on Jeopardy tonight. Desiree & Adam Haller, Port Orange residents, appeared on Shark Tank and sealed a deal.

Mayor Burnette recognized and remembered Dennis Burns of United Way who passed away suddenly.

#### SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

##### 14. Parks & Recreation Advisory Board Report

Jack Wiles, Chairman, provided details from the most recent meetings held.

15. Environmental Advisory Board Report

John Macaluso, Chairman, was unable to appear. The City Clerk will reschedule with him.

PUBLIC HEARING

16. Second Reading - Ordinance 2019-2 - LDC Amendment/Chapter 13  
- Landscaping Requirements for Residential Lots (Case No. 18-25000009)

Mayor Burnette read Ordinance No. 2019-2.

ORDINANCE NO. 2019-2

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 13 RELATING TO LANDSCAPING REQUIREMENTS FOR RESIDENTIAL LOTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-2 was made by Councilman Drew Bastian and Seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

17. Second Reading - Ordinance 2019-5 - LDC Amendment/Chapter 2, 16,  
and 18 - Siting of Personal Wireless Communication Facilities (Case No. 18-25000010)

Mayor Burnette read Ordinance No. 2019-5.

ORDINANCE NO. 2019-5

AN ORDINANCE OF THE CITY OF PORT ORANGE, FLORIDA AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF PORT ORANGE TO AMEND CHAPTER 2, SECTION 2 DEFINITIONS; TO REPEAL AND REPLACE CHAPTER 16, MISCELLANEOUS REGULATIONS, SECTION 9, PERSONAL WIRELESS COMMUNICATIONS, WITH A NEW CHAPTER 16, MISCELLANEOUS REGULATIONS, SECTION 9, ENTITLED WIRELESS COMMUNICATIONS FACILITIES SITING, WITH THE FOLLOWING SUBSECTIONS: PURPOSE; GENERAL SITING PREFERENCES; PROCEDURAL REQUIREMENTS; SPECIFIC REGULATIONS AND PROCEDURES FOR PROPOSED FACILITIES MODIFICATION APPLICATIONS; PROTECTION OF

THE PUBLIC; AMATEUR RADIO ANTENNAS; ENFORCEMENT; AMENDING CHAPTER 18, SECTION 3(b)(25) ADDRESSING SPECIAL REQUIREMENTS FOR COMMUNICATIONS TOWERS IN RESIDENTIAL DISTRICTS; AMENDING CHAPTER 16, SECTION 4 ADDRESSING HEIGHT; AMENDING CHAPTER 16, SECTION 5 ADDRESSING SPECIAL SETBACKS; AMENDING CHAPTER 17, ZONING REGULATIONS, SECTION 1, IN GENERAL, TO REFERENCE THE WIRELESS COMMUNICATIONS FACILITIES SITING REGULATIONS SET FORTH IN CHAPTER 16, SECTION 9; AMENDING CHAPTER 17, ZONING REGULATIONS, TO REMOVE ALL REFERENCES TO ANTENNAS, CAMOFLAGED ANTENNAS, AND CAMOFLAGED, GUYED, LATTICE AND MONOPOLE COMMUNICATION TOWERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE TERMINATION OF MORATORIUM ADOPTED PURSUANT TO ORDINANCE NO. 2018-25; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-5 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Tim Burman, Community Development Director, provided details of the changes made to the definition of "camouflage".

Paul Kern, citizen, thanked Staff and Council for preparing the robust Ordinance. He asked Council to include the following text:

"No new cell towers or antennae shall be located closer than 1500 feet to a residential home, house of worship, day care center or school."

Mr. Kern also provided examples of precedence.

Katie Cole, Attorney for Crown Castle, thanked Council for updating the Ordinance and expressed her continued concerns as to hierarchy.

Paul Rozar, citizen, wanted to ensure the protected birds on the towers continue to be protected.

Matthew Jones, Deputy City Attorney, discussed the request for additional set backs and the City's position and answered questions from Council.

Motion carried unanimously by roll call vote.

Motion to remove from the table was made by Councilman Drew Bastian and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by voice vote.

This Resolution was no longer needed as Item #17 was adopted.

Motion to remove from the agenda was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

#### REGULAR AGENDA

18. First Reading - Ordinance No. 2019-7 - Amending Section 50-58 of the Code of Ordinances relating to the Parks & Recreation Advisory Board

Mayor Burnette read Ordinance No. 2019-7.

#### ORDINANCE NO. 2019-7

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 50, ARTICLE III, SECTION 50-58, CODE OF ORDINANCES, TO REDUCE THE NUMBER OF MEMBERS ON THE PARKS AND RECREATION BOARD; AMENDING SECTION 50-59, CODE OF ORDINANCES, TO PROVIDE FOR INITIAL APPOINTMENT TERMS; AMENDING SECTION 50-61, CODE OF ORDINANCES, TO REDUCE THE NUMBER OF BOARD MEMBERS NECESSARY TO FORM A QUORUM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-7 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

#### ADDITIONAL ITEMS

19. City Attorney Reports for Council consideration

Margaret Roberts, City Attorney, had nothing additional.

20. City Manager

Jake Johansson, City Manager, provided an update on the FDEP consent order with a warning and request for how the City will mitigate the possible impacts to the damage received by Staff.

Motion to authorize the City Manager to sign the FDEP consent order was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

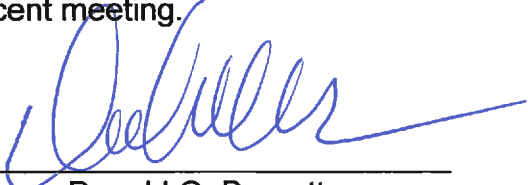
Mr. Johansson introduced the new Finance Director, Dr. Scott Neils and provided his background experience. Council welcomed Dr. Neils.

COUNCIL COMMITTEE REPORTS

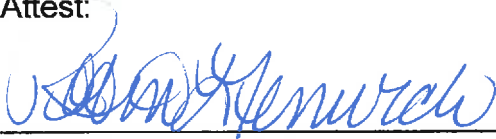
21. City Council Committee Reports

- a. River to Sea TPO - Councilman Scott Stiltner reported on the recent meeting, which was his first meeting on the committee.
- b. General Employees' Pension Board – Councilman Scott Stiltner provided a report from the recent meeting.

ADJOURNMENT – 7:53 p.m.

  
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Mayor Donald O. Burnette

Attest:

  
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Robin Fenwick, CMC  
City Clerk

