

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

Invocation by Pastor Calvin Gittner of Port Orange 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

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes.

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

6. Approval of Minutes

a. February 5, 2019 - Regular City Council Meeting

7. Resolution No. 19-6 - Budget Appropriation

8. Approval of Utility Account Write-Offs

9. Approval to submit a VOCA Grant Application

10. Change Order No. 4 for Stantec contract to Perform Stormwater Fee Analysis

11. Major Special Event Request – Bike Week: The Last Resort Bar – 5812 S. Ridgewood Ave.

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

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Lilly Wiggins, Port Orange Stallions, asked for a waiver regarding the number of Port Orange residents required and wants to remain a park partner even though they do not meet the requirement. Mayor Burnette asked Mr. Johansson and Staff to provide more information.

William Dwyer, No Dough Volkswagen Show, asked to be grandfathered into the old fee structure. He wants to continue with the previous fees.

Cheryl Henchar, Port Orange Economics Committee, explained the committee and offered to answer questions.

Mike Navarro, President of Port Orange Baseball Club, expressed his concerns with the practice schedule provided by Staff.

Dennis Hoffman, citizen, discussed his thoughts relating to the police department.

Motion to extend time for one minute was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

Mr. Hoffman continued with his kudos to Sgt. Burd for his interaction during an audit that was videotaped and posted to the internet.

COUNCIL COMMENTS

12. Comments/Concerns from Council Members

Councilman Scott Stiltner would like to meet with the School Board at least once a year, if not twice a year. He asked for Council to consider changing the date of the March 19, 2019 meeting so they can attend Volusia Days in Tallahassee. Discussion was held to move the meeting to March 26, 2019 with the CRA meetings instead of the 26th being a workshop. Council consensus was to allow Staff to provide options after the needs are assessed.

Mayor Burnette discussed panhandling and the issues since Daytona Beach passed a new ordinance. He assured citizens that Port Orange is actively pursuing complaints.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

13. Citizen Advisory Committee for TPO

Bobby Ball, CAC Member, provided details from the recent meetings held. There has been a call for projects that Staff is working on currently.

PUBLIC HEARING

14. Second 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 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.

15. First Reading - Ordinance No. 2019-11 - Woodhaven PUD/Small-Scale Comprehensive Plan Future Land Use Amendment (Case No. 18-20000007)

Mayor Burnette read Ordinance No. 2019-11.

ORDINANCE NO. 2019-11

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 FOR +6.3 ACRES FROM CONSERVATION TO MIXED-USE CENTER; PROVIDING FOR CONFLICTING

ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-11 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Penelope Cruz, Planner, discussed the Woodhaven project amendments as they relate to item numbers 15 and 16.

Robert Reinhagen, citizen, expressed concerns with the buffer trees.

Mr. Rozar expressed his concerns regarding the buffer changes. He believes the language is vague.

Motion carried unanimously by roll call vote.

16. First Reading - Ordinance No. 2019-12 - Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan (Case No. 18-40000003)

Mayor Burnette read Ordinance No. 2019-12.

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT (PUD) MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN (CDP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-12 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

17. First Reading - Ordinance No. 2019-13 - Amending Chapter 2, Article VI, Section 2-273 of the Code of Ordinances, Finance

Mayor Burnette read Ordinance No. 2019-13.

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 2, SECTION 2-273 RELATING TO FINANCE PURCHASE AND SALE PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-13 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Mr. Johansson explained the need for the change to requiring Council's approval of a purchasing manual prepared and amended pursuant to the Council's approval of ordinances. Council supports changes that help with efficiencies.

Motion carried unanimously by roll call vote.

18. Bella Oaks Subdivision

- a. Release of six easements to Gatlin Two, LLC

Items 18(a) and (b) were opened together for discussion and voting.

- b. Approval of Final Plat and Plans for the Bella Oaks Subdivision, west side of Clyde Morris Boulevard, between Pickwick Village and Colony in the Woods, Case No. 18-50000004

Motion to approve the release of the easements as presented and approve the Final Plat and Plans for the Bella Oaks Subdivision was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Ms. Cruz provided details of the need to release the following easements:

- 1) Tree Conservation Easement
- 2) Access, Maintenance & Drainage Easement
- 3) Ingress & Egress Easement
- 4) Perpetual Access, Maintenance & Drainage Easement
- 5) On-Site Utilities & Facilities Easement
- 6) Temporary Access, Utilities & Drainage Easement

Motion carried unanimously by roll call vote.

REGULAR AGENDA

19. First Reading - Ordinance No. 2019-9 - Amending Section 2-186 through 2-189 relating to Administrative Officials

Mayor Burnette read Ordinance No. 2019-9.

ORDINANCE NO. 2019-9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING AND RESTATING THE CODE OF ORDINANCES, SECTION 2-186 THROUGH 2-189, INCLUSIVE, RELATING ADMINISTRATIVE OFFICIAL REGULATIONS, REQUIREMENTS, EMPLOYMENT, TERMINATION, RIGHTS, BENEFITS, COMPENSATION AND EVALUATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-9 was made by Vice Mayor Chase Tramont and Seconded by Councilman Scott Stiltner.

Jamie Miller, Administrative Services Director, explained the changes being requested.

Mr. Rozar believes Port Orange residents should get first preference over someone from out of town.

Motion carried unanimously by roll call vote.

20. Resolution No. 19-7 - Approving the Revised Investment Policy of the City

Mayor Burnette read Resolution No. 19-7.

RESOLUTION NO. 19-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING THE CITY'S INVESTMENT POLICY; SUPERSEDING PRIOR RESOLUTIONS; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 19-7 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

City Council took a brief recess.

21. Discussion Regarding Fire Service Fees

Alan Rosen, Assistant City Manager, introduced Sandi Walker of Government Services Group, Inc. This discussion is a step in the process in case Council does want to implement a Fire Service Fee.

Ms. Walker discussed the case law requirements to a fire assessment fee program and the methodology used. She also provided a timeline and sample amounts of fees to the residents and businesses.

Mark Dickinson, citizen, is concerned with too many taxes and being taxed out of the city as a resident.

Mr. Reinhagen doesn't believe the burden is equitable house to house.

Councilman Drew Bastian wants to keep the option available.

Council agreed the institutional buildings (government and churches) would be exempt and authorized Staff to move forward with an Ordinance.

Motion to proceed with an Ordinance to keep this option available was made by Councilman Drew Bastian and Seconded by Councilman Scott Stiltner. Motion carried 3-1 by roll call vote with Vice Mayor Chase Tramont voting no.

22. Dangerous Dog Procedures Update

- a. First Reading - Ordinance No. 2019-10 - Amending the City's Regulations of Dangerous Dogs

Mayor Burnette read Ordinance No. 2019-10.

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 10, SECTION 10-3,

CODE OF ORDINANCES, TO REVISE THE DEFINITION OF DANGEROUS DOG; AMENDING SECTION 10-9, CODE OF ORDINANCES, REGARDING THE CONFINEMENT REQUIREMENTS FOR A DANGEROUS DOG; AMENDING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-10 was made by Councilman Drew Bastian and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by roll call vote.

- b. Resolution No. 19-3 - Revising Dangerous Dog Procedures for Hearings

Mayor Burnette read Resolution No. 19-3.

RESOLUTION NO. 19-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING DANGEROUS DOG PROCEDURES FOR HEARINGS; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 19-3 was made by Councilman Drew Bastian and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by roll call vote.

- 23. Approval of Interlocal Agreement to participate in the CARE Program with Volusia County

Motion to approve was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian.

Details of the Interlocal Agreement with Volusia County to participate in the CARE program was presented by Mr. Johansson.

Questions from Council were addressed by the City Manager and City Attorney.

Motion carried unanimously by roll call vote.

COMMENTS

24. City Attorney

There was nothing further.

25. City Manager

Mr. Johansson asked Council for authorization to demolish 3900 Halifax Drive as well as the Adult Annex on Halifax Drive.


Motion to authorize the demolition was made by Vice Mayor Chase Tramont and Seconded by Councilman Draw Bastian. Motion carried unanimously by roll call vote.

COUNCIL COMMITTEE REPORTS

26. City Council Committee Reports

- a. First Step Shelter – There was no meeting since the last update.
- b. Port Orange/South Daytona Chamber of Commerce – Mayor Don Burnette provided details of the upcoming events.
- c. Arthaus – Mayor Don Burnette provided details of recent and upcoming events.
- d. Fire Pension Board – Councilman Scott Stiltner provided a report from the meeting held this month.

ADJOURNMENT - 9:38 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk