

REGULAR CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FL  
APRIL 17, 2018

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.

Pledge of Allegiance

Silent Invocation

Roll Call: Present: Councilman Chase Tramont  
Councilman Drew Bastian  
Councilman Bob Ford  
Vice Mayor Scott Stiltner  
Mayor Donald Burnette

Also Present: Jake Johansson, City Manager  
Margaret T. Roberts, City Attorney  
Robin Fenwick, City Clerk

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes requested by Council.

6. Approval of Minutes
- a. April 3, 2018 - Regular City Council Meeting
  - b. April 10, 2018 - City Council Workshop
7. Bid Awards and Contract Items
- a. Approval of One Year Extension of Contract with Clear Waters Long Leaf Forest for Land Management Services
  - b. Approval for Renewal of Employee Health Insurance (RFP 18-12) with Florida Health Care Plans
  - c. Approval of the Sixth Amendment Closest Unit Response (East Volusia Municipalities) Agreement
  - d. Award of ITB #18-16 to Trident Surfacing Inc. for Gym Floor Resurfacing
  - e. Intent to Award ITB18-21- DG Meyer, Inc. - Police Department removal and replacement of chillers (ratification)
8. Approval of Amendment to CDBG FY 2017 Annual Plan

9. Resolution No. 18-7 - City Attorney's Office Representation of Code Enforcement

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

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There were none on non-agenda items.

COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Vice Mayor Stiltner discussed issues with aggressive solicitors and garbage and debris (i.e.: carts) being left on private property. He has talked with the City Manager on how to help the property owners clean up these issues. Councilman Tramont agreed and suggested a review of St. Augustine's new law. Vice Mayor Stiltner congratulated Jenny Enslin on running in the Boston Marathon.

Mayor Burnette announced upcoming events: Jazz Festival at City Center this weekend, Earth Day on Sunday at Riverwalk, and Riverfest at Riverwalk on May 4, 2018. Florida Planning and Zoning Association presented the City of Port Orange with the Sustainability Award for Riverwalk Park. He also mentioned this Friday is Student Government Day at City Hall.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

11. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided details from the February 2018 reports. Mayor Burnette asked them to look into the inventory at the pro shop.

12. Actuarial Report from Patrick Donlan for the Fire Pension Plan

Patrick Donlan, Actuary, presented details from his 2017 report.

13. Actuarial Report from Chad Little for the Police Pension Plan

Chad Little, Actuary, presented details from his 2017 report.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

14. Citizen Advisory Committee for TPO

Bobby Ball, CAC Member, provided details from the most recent meeting.

PUBLIC HEARING

15. Second Reading - Ordinance No. 2018-4 - Increasing Fire Pension Board Terms to Four Years.

Mayor Burnette read Ordinance No. 2018-4.

ORDINANCE NO. 2018-4

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 54-79(a) RELATING TO THE FIRE PENSION FUND BOARD OF TRUSTEES TERM OF OFFICE; PROVIDING FOR STAGGERED TERMS OF FOUR YEARS FOR EACH TRUSTEE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-4 was made by Councilman Bastian, and Seconded by Vice Mayor Stiltner. Motion carried unanimously by roll call vote.

16. Special Exception to allow off-site parking at 708 Orange Avenue for an office at 301 Dunlawton Avenue (Case No.18-70000001)

Motion to approve was made by Councilman Bastian, and Seconded by Vice Mayor Stiltner.

Penelope Cruz, Planner, provided details of the request. Staff recommended approval subject to installation of the sidewalk.

Motion carried unanimously by roll call vote.

17. First Reading Ordinance No. 2018-5 - LDC Text Amendment/PC-A Zoning District (Case No. 18-25000002)

Mayor Burnette read Ordinance No. 2018-5.

ORDINANCE NO. 2018-5

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 17, SECTION 29 TO INCREASE THE PERCENTAGE OF THE PLANNED COMMUNITY-AGRICULTURE (PC-A) WORKPLACE DISTRICT ALLOWED TO BE DEVELOPED AS MULTI-FAMILY; TO AMEND THE REAR BUFFER REQUIREMENT TO INCLUDE LANGUAGE THAT IF A LANDSCAPE BUFFER PROVIDED IS 50 FOOT WIDE OR GREATER THEN A BERM AND OPAQUE FENCE IS NOT REQUIRED; AND TO REDUCE THE MINIMUM LIVING AREA REQUIREMENT FOR A MULTI-FAMILY DWELLING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-5 was made by Councilman Bastian, and Seconded by Vice Mayor Stiltner.

Ms. Cruz discussed the background of the zoning and amendments thereof, as well as the LDC Amendment being requested. The site plan has not been submitted yet but is planned upon approval of this item. The site plan review will go through the regular process.

Rob Merrill, Attorney for Applicant, highlighted the changes within Port Orange which have changed the climate and necessitated this amendment.

Chris Moore, Continental Properties, discussed the company and project being proposed.

Council asked questions and made comments regarding the target market, pricing, buffering, traffic concerns, and impact of commercial vs. residential.

Public comments were heard. Citizens are concerned about the height of the fence around the property, added traffic, too much growth too fast, infrastructure, and public safety.

Jack McVaugh, citizen, addressed Council in support of the project. He asked that the fence height be addressed (6 foot is being requested). He also asked that mature vegetation be added to the buffer.

Motion carried unanimously by roll call vote.

Council recessed at 8:39 p.m. and reconvened at 8:53 p.m.

18. First Reading - Ordinance 2018-6 - LDC Text Amendment/Chapter 17, Section 1 (Case No. 18-25000003)

Mayor Burnette read Ordinance No. 2018-6.

ORDINANCE NO. 2018-6

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 17, SECTION 1 TO CODIFY THE CITY'S POLICY FOR INTERIM AGRICULTURE USES ON PROPERTIES REZONED TO A NON-AGRICULTURE ZONING DISTRICT FOR FUTURE DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-6  
was made by Councilman Bastian, and  
Seconded by Vice Mayor Stiltner.

Ms. Cruz explained the historical policy and the need to codify that policy and to be more transparent.

Councilman Ford has an issue with this policy as it transfers the tax burden onto others. He believes the property owners should pay the full tax bill unless it is a real farm.

Mayor Burnette is concerned with property owners who buy agricultural property to develop it and it doesn't get approved for development, the property then remains agricultural and is taxed accordingly.

Dwight Durrant, Zev Cohen, explained the difference between agricultural zoning vs. agricultural exemption taxes.

Motion passed 5-1 by roll call vote with  
Councilman Ford voting no.

19. First Reading - Ordinance No. 2018-7 - First Amendment to the Restated First Amendment Master Development Agreement Nova Depot Planned Commercial Development and Conceptual Development Plan, Case No. 18-40000001

Mayor Burnette read Ordinance No. 2018-7.

ORDINANCE NO. 2018-7

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE RESTATED FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT NOVA DEPOT PLANNED COMMERCIAL DEVELOPMENT (PCD) AND CONCEPTUAL DEVELOPMENT PLAN (CDP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-7 was made by Councilman Bastian, and Seconded by Vice Mayor Stiltner.

Tim Burman, Community Development Director, provided details of the project. Staff recommends approval.

Michael Woods, Cobb, Cole, PA, explained the plans for the project.

Motion carried unanimously by roll call vote.

20. Resolution No. 18-8, Transmittal of 18-1 Comprehensive Plan Amendments/Williamson Boulevard-Willow Run Boulevard Site (Case No. 18-20000002)

Mayor Burnette read Ordinance No. 18-8.

RESOLUTION NO. 18-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ACCEPTING PROPOSED AMENDMENTS TO THE CITY OF PORT ORANGE COMPREHENSIVE PLAN AND AUTHORIZING SUBMITTAL TO THE STATE LAND PLANNING AND OTHER AGENCIES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 18-8 was made by Councilman Bastian, and Seconded by Vice Mayor Stiltner.

Mr. Burman explained the details of this Resolution and Mr. Durrant and Sans Lassiter, Traffic Engineer, discussed the project.

Motion carried 4-1 with Councilman Bastian, Mayor Burnette, Councilman

Ford, and Vice Mayor Stiltner voting yes  
and Councilman Tramont voting no.

21. First Reading - Ordinance No. 2018-8 – Administrative  
Rezoning/Williamson Boulevard-Willow Run Boulevard Site, Case No. 18-  
60000001

Mayor Burnette read Ordinance No. 2018-8.

ORDINANCE NO. 2018-8

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +34.5 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) TO MIXED-USE CENTER (MXC) AND +5 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) TO COMMUNITY COMMERCIAL (CC) LOCATED AT THE SOUTH SIDE OF WILLOW RUN BOULEVARD, EAST OF WILLIAMSON BOULEVARD; AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-8  
was made by Councilman Bastian, and  
Seconded by Vice Mayor Stiltner.  
Motion carried 4-1 by roll call vote with  
Councilman Tramont voting no.

REGULAR AGENDA

22. First Reading - Ordinance No. 2018-9 - Local Communications Services  
Tax

Mayor Burnette read Ordinance No. 2018-9.

ORDINANCE NO. 2018-9

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 66 RELATING TO TAXATION BY REPEALING AND REPLACING SECTION 66-2 RELATING TO PUBLIC SERVICE TAX ON TELECOMMUNICATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-9  
was made by Councilman Bastian, and

Seconded by Councilman Tramont.

Margaret Roberts, City Attorney, explained the need for the changes to bring the City's Code up to date with State Statute.

Motion carried unanimously by roll call vote.

### 23. Contract Discussions for Charter Officers

Mayor Burnette asked Council to discuss wage adjustments for the City Attorney and City Manager.

Ms. Roberts thanked Council for their support and the funding resources for her department.

Discussion was held regarding raises given for the City Manager and the City Attorney. Mayor Burnette asked for further information.

Motion to table the discussion for the City Attorney's wage adjustment until May 1, 2018 was made by Councilman Ford, and Seconded by Councilman Tramont. Motion passed 4-1 by roll call vote with Vice Mayor Stiltner voting no.

Council discussed wage adjustments for the City Manager beginning October 1, 2018 because it was not budgeted this year. The average increase for all employees was 3.64% this year. Council discussed matching that for the City Manager.

Motion to table the City Manager's wage adjustment discussion until May 1, 2018 was made by Vice Mayor Stiltner, and Seconded by Councilman Tramont. Motion carried unanimously by roll call vote.

## COMMENTS

### 24. City Attorney Comments

There was nothing further.

### 25. City Manager Comments

Alan Rosen, Assistant City Manager, discussed the Cambridge Canal project. The project came in under budget and was completed early. He asked Council for a motion



Regular City Council Meeting

April 17, 2018

Page 9 of 9

to approve the deductive change order so the contractor can be paid in a timely manner. Council doesn't want this to be a standard procedure. They want the items on the agenda.

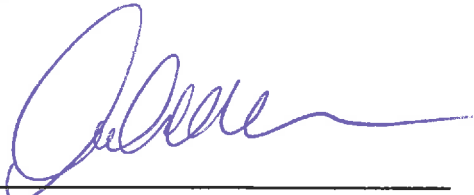
Motion to approve was made by Councilman Ford, and Seconded by Vice Mayor Stiltner. Motion carried unanimously by roll call vote.

COUNCIL COMMITTEE REPORTS

26. City Council Committee Reports

- a. ArtHaus - Councilman Ford reported on the upcoming events.
- b. Port Orange/South Daytona Chamber of Commerce - Mayor Burnette reported on the upcoming events.

ADJOURNMENT – 10:11 p.m.



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Mayor Donald O. Burnette

Attest:



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Robin Fenwick, CMC  
City Clerk