

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
MAY 1, 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.

Invocation provided by Pastor Tom Finken of Victorious Life Church

Pledge of Allegiance

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

 Absent: Councilman Bob Ford

 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

Mike Gardner, citizen, asked that Items #7(a) and 7(d) be pulled for questions.

5. Agenda Approval

Motion to pull Item #7(d) was made by Vice Mayor Stiltner, and Seconded by Councilman Tramont.

Motion to pull item #7(a) was made by Councilman Bastian, and Seconded by Councilman Tramont.

Both Motions carried unanimously by voice vote.

- 6. Approval of Minutes**
- a. April 17, 2018 - Regular City Council Meeting
- 7. Bid Awards and Contract Items**
- a. Approval of Change Order No 1 to the Standard Contract for Services (CA6390) to Sanders Company, Inc.

- c. Approval of Change Order No. 2 to Piggyback Agreement (CA6019) for Annual Paving Program FY17 to Halifax Paving
- d. Reject all bids for ITB 18-15 - Hunt Club Lease
- 8. Resolution No. 18-9 - Parks and Recreation Fees
- 9. Concurrency and Fair-Share Agreement for Acorn Mini Storage Site Plan - Case No. 17-80000017

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

Item #7(a) - Approval of Change Order No 1 to the Standard Contract for Services (CA6390) to Sanders Company, Inc.

Motion to approve Change Order No. 1 was made by Vice Mayor Scott Stiltner, and Seconded by Councilman Drew Bastian.

Lynn Stevens, Public Utilities/Works Director, explained the need for the Change Order to Sanders Company, Inc. All lift stations are Smith & Loveless pumps.

Motion carried unanimously by roll call vote.

Item #7(d) - Reject all bids for ITB 18-15 - Hunt Club Lease

Motion to approve the rejection of all bids was made by Vice Mayor Scott Stiltner, and Seconded by Councilman Drew Bastian.

Alan Rosen, Assistant City Manager, discussed the request to reject all bids for the hunt club lease. Staff will go out to bid next year.

Ander Goiriena, G&G Outdoors, spoke regarding their bid proposal which was \$50,000 higher than other bids.

Bob Thomas, Jr., Smokey Hunt Club representative, discussed an issue with the bid. They will maintain the same standard they have had for the past twenty-seven years.

Mr. Gardner asked if citizens could access the property. He had issues searching the City's Website for further information regarding this and other items.

Councilman Tramont asked why citizens are unable to access the property. Jake

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Johansson, City Manager, addressed the security issues with the property due to the wellfields and the website

Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Jerry Harris, citizen, discussed National Remembrance Week for fallen officers is May 13, 2018. He asked for a Proclamation for the Police Department.

Jose Echavarria, citizen, asked for a waiver of fees for a utility lien in the amount of \$2,249 at a property he recently purchased - 117 Aloha Terrace. Mr. Johansson will discuss with Staff and report back to Council.

Robert Reinhagen, citizen, asked if the City about the court case between the county and a municipality regarding the payment of property taxes.

Mr. Gardner thanked Council for implementing AquaHawk. He received an alert prior to a leaky toilet created a large bill. He also believes the signs regarding speed issues is helpful. He is concerned with the transparency on the website regarding Finance expenses. He would like to see that function added back to the website.

Sarah Jones, citizen, discussed her concerns regarding transparency on the website.

Wendell Dallarosa, citizen, asked for Council's assistance to meet with the City Attorney and Risk Manager regarding his complaints against the City Manager and Chief of Police. He asked what the City's Policy is regarding carrying concealed weapons.

Mayor Burnette authorized the City Attorney to meet with Mr. Dallarosa if he submits the complaint against the City Manager in writing.

COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Councilman Bastian said the medians on US 1 need attention.

Vice Mayor Stiltner discussed ways for citizens to provide complaints and compliments. The information/request needs to be given to the correct people, which would be through Citizen Connection so that Staff can take action. He asked citizens to bring issues to their attention in a positive way so they can be taken care of.

Councilman Tramont advised he will be out of the state on June 5, 2018 and will miss the meeting.

Mayor Burnette reminded residents this weekend is River Fest at Riverwalk. He also

asked them to be careful regarding skimmers found at a local gas station on Dunlawton Avenue.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

11. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, discussed details from the March 2018 financial reports for the golf course.

12. Presentation of Actuarial Report for General Employees' Pension Plan

David Leonard, Actuary, provided details from the 2017 actuarial report.

13. ERP Project Update

Jane Davis, ERP Project Manager, provided an update on the ERP Project.

14. Monthly Financial Report

Tracey Riehm, Finance Director, provided details from the financial report.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

15. Environmental Advisory Board - One Removal/Two Appointments

Motion to remove Danielle Elwood from the Environmental Advisory Board was made by Councilman Drew Bastian, and Seconded by Vice Mayor Scott Stiltner. Motion carried unanimously by voice vote.

Motion to appoint Joe Fazzie was made by Councilman Chase Tramont, and Seconded by Councilman Drew Bastian.

Joe Fazzie introduced himself and expressed his desire to serve.

Motion carried unanimously by voice vote.

Motion to re-appoint Phil Klema was made by Councilman Chase Tramont, and Seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

16. Charter Review Board Appointments

Motion to re-appoint Newton White and Willie Scales to the Charter Review Board was made by Vice Mayor Scott Stiltner, and Seconded by Councilman Chase Tramont. Motion carried unanimously by voice vote.

TABLED ITEMS

17. Contract Discussions for Charter Officers (Tabled on April 17, 2018)

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

Margaret Roberts, City Attorney, requested a salary adjustment as is already budgeted, which is \$10,000.

Vice Mayor Stiltner would like to move toward the salary of the Ormond Beach City Attorney. He supports the request to split the \$10,000 into salary increase and retirement.

Motion was made to increase the City Attorney's salary in the amount of \$4,609 and a contribution into her ICMA 457 plan in the amount of \$5,391 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian. Motion carried 3-1 by roll call vote with Mayor Donald Burnette voting no.

Discussion was held regarding the City Manager's wages for October 1, 2018. Mayor Burnette believes the City Manager deserves an increase. He suggested 5% beginning October 1, 2018.

Motion to increase the City Manager's salary by 3.64% plus the FY2019 average increase for employees not to exceed 7% to be effective October 1, 2018 was made by Vice Mayor Scott Stiltner, and Seconded by Councilman Chase Tramont.

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Mr. Johansson asked Council to consider his performance in relation to his salary. He doesn't want a cost of living increase.

Motion carried unanimously by roll call vote.

Council recessed at 8:40 p.m. and reconvened at 8:48 p.m.

PUBLIC HEARING

18. Second 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 Chase Tramont, and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

19. Second 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 Drew Bastian, and Seconded by Vice Mayor Scott Stiltner. Motion carried 3-1 by roll call vote with Councilman Chase Tramont voting no.

20. Second 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 Drew Bastian, and Seconded by Vice Mayor Scott Stiltner. Motion carried unanimously by roll call vote.

21. Second 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 Drew Bastian, and Seconded by Vice Mayor Scott Stiltner. Motion carried unanimously by roll call vote.

22. First Reading - Ordinance No. 2018-10 - Angler's Cove Small-Scale Comprehensive Plan Amendment (Case No. 18-20000001)

Mayor Burnette read Ordinance No. 2018-10.

ORDINANCE NO. 2018-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE DESIGNATION FOR +/-1.3 ACRES FROM URBAN HIGH DENSITY RESIDENTIAL (8-16 UNITS/ACRE) TO SUBURBAN RESIDENTIAL (2-4 UNITS/ACRE); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-10 was made by Councilman Drew Bastian, and Seconded by Vice Mayor Scott Stiltner.

Penelope Cruz, Planner, asked that item #23 be opened together. Council agreed. See discussion under Item #23.

Motion carried unanimously by roll call vote.

23. First Reading - Ordinance No. 2018-11 – PUD Rezoning and Angler's Cove Master Development Agreement and Conceptual Development Plan (Case No. 18-65000001)

ORDINANCE NO. 2018-11

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +/-1.3 ACRES LOCATED AT 3626 SOUTH PENINSULA DRIVE, SOUTH OF THE ADMIRALTY CLUB CONDOMINIUM FROM R-3H (MULTI-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) AND APPROVING A MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR THE ANGLER'S COVE PUD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-11 was made by Councilman Drew Bastian, and Seconded by Vice Mayor Scott Stiltner.

Ms. Cruz provided details of the project. Staff recommends approval.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

24. Event Waiver request Food Truck Wars

Susan Lovallo, Parks & Recreation Director, explained the request. The matrix approved by Council shows a 100% fee payment from the applicant.

Liz Otts, Food Truck Crazy, discussed their event and requested a waiver of the fees.

Council is glad to see the event coming to Riverwalk but doesn't support a fee waiver. They support sticking to the matrix.

25. Approval of Extension to the Standard Contract for Services (CA5316) with Yellowstone-Southeast, LLC

Ms. Stevens discussed the request to extend the Yellowstone-Southeast, LLC contract for a one-year term. There is no additional work being added to the contract.

Vice Mayor Stiltner believes landscaping needs to be done in-house to save money and improve performance.

Discussion was held regarding a different term of renewal. Ms. Stevens advised that

Staff is currently analyzing the costs to bringing the mowing in-house.

Motion to approve was made by Councilman Chase Tramont, and Seconded by Councilman Drew Bastian. Motion passed with Councilman Drew Bastian, Mayor Donald Burnette, Councilman Chase Tramont voting yes, Vice Mayor Scott Stiltner voting no.

26. First Reading - Ordinance No. 2018-12 - Repealing the Library Advisory Board Ordinance No. 1996-29

Mayor Burnette read Ordinance No. 2018-12.

ORDINANCE NO. 2018-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REPEALING ORDINANCE 1996-29; DISBANDING THE LIBRARY ADVISORY BOARD OF THE CITY OF PORT ORANGE, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2018-12 was made by Councilman Drew Bastian, and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

COMMENTS

27. City Attorney Comments

Ms. Roberts thanked Council for the increase in salary and thanked her staff for their work.

28. City Manager Comments

Mr. Johansson advised Council the TVEDC Quarterly update is scheduled for May; however, they are providing us with a presentation in June and staff will combine the May report with the June presentation.

COUNCIL COMMITTEE REPORTS

29. City Council Committee Reports

- a. River to Sea TPO - Councilman Bastian was unable to attend.
- b. General Employees' Pension Plan - Covered by the actuary.

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- c. First Step Shelter - Councilman Tramont provided an update from the recent meeting.

Mayor Burnette reported on the Special Meeting of the Roundtable of the Elected Officials. They discussed the sales tax increase item that will probably not be on the ballot this year.

ADJOURNMENT – 9:41 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk