

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
JULY 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.

Invocation - Pastor Sheila Turner - A Touch of HIS Hem Ministries

Pledge of Allegiance

Roll Call

Present: Councilman Bob Ford
Councilman Chase Tramont
Councilman Drew Bastian
Vice Mayor Scott Stiltner
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

Mayor Burnette advised that Staff has pulled items 7(e) & (f) from the agenda. Both items will roll to August 7, 2018 pending concurrence from FDOT.

6. Approval of Minutes

- a) June 18, 2018 - Joint Workshop with Parks & Recreation Advisory Board
- b) June 18, 2018 - City Council Workshop
- c) June 19, 2018 - Regular City Council Meeting
- d) July 11, 2018 - City Council CIP Budget Workshop
- e) July 12, 2018 - City Council General Fund Budget Workshop

7. Bid Awards and Contract Items

- a) Approval of Change Order #1 to AG Pifer Construction Co. Inc.
- b) Approval of Change Order No. 1 to Task Authorization 11 to Mead & Hunt, Inc. for Wetlands Mitigation Bank Credit Conversion to UMAM
- c) Approval of a Piggyback Agreement and Task Authorization No 1 with Insituform Tech LLC for Sanitary Sewer Lining.

- d) Approval of Renewal No. 1 and Change Order No. 2 to Alford Timber Inc.
 - e) Approval of Bid Award - ITB #17-32 to New Florida Industrial Electric, Inc. for SR 421 (Dunlawton Ave.) Lighting from Spruce Creek Road to SR 5 (US 1)
 - f) Approval of Task Authorization No. 2 to Traffic Engineering Data Solutions (TEDS) for Construction Engineering Inspection (CEI) of SR 421 (Dunlawton Ave.) Lighting from Spruce Creek Road to SR 5 (US 1)
 - g) Approval of Change Order No. 1 to the Sparks Concrete, LLC contract for McDonald Road and Victoria Gardens Boulevard Sidewalk Projects
 - h) Ratification of Emergency purchase order with Shen-Line LLC to repair of two (2) storm water pipes
8. Resolution No. 18-15 - Supporting the repurposing of Halifax Drive from the southern boundary project limits line of the Linear Park described as "Public Trail and Park" in Official Records Book 7306, Page 1188, Public Records, Volusia County, Florida, Project No. 16-40000003, to Commonwealth Boulevard (+/-1.53 miles) as a one-way street
 9. Resolution No. 18-18 - Enable Expansion of Gopher Tortoise Long-Term Recipient Site with Phases IV & V.
 10. Resolution No. 18-19 - ECHO Grant Application for Recreational, Educational, and Cultural (REC) Center
 11. Approval of Major Special Event – Volusia Flagler Family YMCA Sprint Triathlon at Aunt Catfish Restaurant at 4009 & 4108 Halifax Drive and 4085 Ridgewood Avenue
 12. Approval of Minor Special Event for the First United Methodist Church Pumpkin Patch
 13. Designation of a Voting Delegate for the 2018 Annual Florida League of Cities Conference
 14. Report on Pension Plans for plan year ended 9/30/17
 15. Approval of HUD CDBG Annual Action Plan for PY18 (October 1, 2018-September 30, 2019)
 16. Approval of License agreement with Hoffman and Capell, LLC
 17. Approval of Release of a Reservation of a Tree Conservation Easement - Lot 6, Eastport (Case No. 18-35000002)

Motion to approve the Consent Agenda as amended was made by Councilman Chase Tramont, and Seconded by Councilman Bob Ford. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Agenda)

18. Derek LaMontagne - Yorktowne Blvd Extension Concerns and City Environmental Issues

Derek LaMontagne expressed his concerns regarding the Yorktowne Blvd. extension.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

20. Golf Advisory Board Report

Richard Lee, Chairman, provided details from the most recent Board meeting, including the conditions of the golf course, the restaurant, meeting with the City Manager, Councilman Tramont, and the HOA, and marketing. All positive remarks.

PUBLIC HEARING

21. Second Reading - Ordinance No. 2018-17 - Annexation/1389 Reed Canal Road (Case No. 18-10000002)

Mayor Burnette read Ordinance No. 2018-17.

ORDINANCE NO. 2018-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING APPROXIMATELY +/- 9.91 ACRES OF PROPERTY LOCATED AT 1389 REED CANAL ROAD; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-17 was made by Councilman Drew Bastian, and Seconded by Vice Mayor Scott Stiltner. Motion carried unanimously by roll call vote.

22. Second Reading - Ordinance No. 2018-19 - Port Orange Police Pension Plan Increasing Equities Investment Limit

Mayor Burnette read Ordinance No. 2018-19.

ORDINANCE NO. 2018-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE PORT ORANGE POLICE PENSION FUND TO INCREASE THE INVESTMENT LIMIT ON EQUITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-19 was made by Councilman Drew Bastian, and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

23. First Reading - Ordinance No. 2018-13 - Telecommunications in Right-of-Way, Code of Ordinance Amendment, Case No. 18-2500001

Mayor Burnette read Ordinance No. 2018-13.

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE CITY OF PORT ORANGE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ORANGE BY AMENDING CHAPTER 58, ARTICLE II, ENTITLED CONSTRUCTION IN RIGHTS-OF-WAY, SECTIONS 58-31, 58-32, 58-34, 58-35 and 58-37 OF THE CITY CODE; CREATING NEW CHAPTER 58, ARTICLE IV, SECTIONS 58-70 – 58-85, ENTITLED “COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY,” SECTIONS 58-70 THROUGH 58-85, AS PROVIDED HEREIN; CREATING THE “PORT ORANGE COMMUNICATIONS RIGHTS-OF-WAY ORDINANCE;” PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR CONSTRUCTION METHODS; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-13 was made by Councilman Drew Bastian, and Seconded by Councilman Chase Tramont.

Matthew Jones, Deputy City Attorney, presented the details for the change. The ordinance requires specific distances between the boxes. He spoke regarding other safeguards being proposed.

Motion carried 4-1 by roll call vote with Vice Mayor Stiltner voting no.

Council recessed at 8:15 p.m. and reconvened at 8:30 p.m.

24. First Reading - Ordinance No. 2018-18 - Adoption of 18-1 Comprehensive Plan Amendments/Williamson Boulevard-Willow Run Boulevard Site (Case No. 18-20000002)

Mayor Burnette read Ordinance No. 2018-18.

ORDINANCE NO. 2018-18

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 +/- 34.5 ACRES FROM URBAN HIGH DENSITY RESIDENTIAL (8-16 UNITS/ACRE), URBAN MEDIUM DENSITY RESIDENTIAL (4-8 UNITS/ACRE) AND SUBURBAN RESIDENTIAL (2-4 UNITS/ACRE) TO MIXED USE CENTER FOR PROPERTY GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF WILLIAMSON BOULEVARD AND WILLOW RUN BOULEVARD; WITH TEXT AMENDMENT ADDING FUTURE LAND USE ELEMENT POLICY 5.1.5, TO PROVIDE DENSITY/INTENSITY LIMITS ON THE SUBJECT PROPERTY ; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-18 was made by Councilman Drew Bastian, and Seconded by Vice Mayor Scott Stiltner.

Tim Burman, Community Development Director, provided details of the amendment. The design will come later in the process. Staff recommends approval.

Robert Reinhagen, citizen, provided his thoughts on the project and suggestions rather than commercial zoning.

Mr. LaMontagne would like to see some open space remain open space/park lands in this area when the design comes before Council.

Mr. Johansson advised the property is private property and they have rights to develop the property. Staff has worked with them to decrease the density.

Mr. Collins doesn't believe there is a need for Yorktowne Blvd. extension.

Dwight Durrant, Zev Cohen & Associates, spoke on behalf of the applicant regarding the codes met for this project.

Motion carried unanimously by roll call vote.

25. First Reading - Ordinance No. 2018-20 - Adoption of the 18-2 Comprehensive Plan Amendments (Case No. 18-20000003)

Mayor Burnette read Ordinance No. 2018-20.

ORDINANCE NO. 2018-20

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE ELEMENT; AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT; AMENDING THE COASTAL ZONE MANAGEMENT ELEMENT; AMENDING THE CONSERVATION ELEMENT; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-20 was made by Councilman Drew Bastian, and Seconded by Vice Mayor Scott. Motion carried unanimously by roll call vote.

26. Resolution No. 18-20 – Transmittal of 18-3 Comprehensive Plan Amendments/Colony in the Wood (Case No. 18-20000005)

Mayor Burnette read Resolution No. 18-20.

RESOLUTION NO. 18-20

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. 18-20 was made by Councilman Drew Bastian, and Seconded by Councilman Chase Tramont.

Penelope Cruz, Planning Manager, provide details of the amendment.

Motion carried unanimously by roll call vote.

27. Second Reading - Ordinance No. 2018-20 - Adoption of the 18-2 Comprehensive Plan Amendments (Case No. 18-20000003)

This item was mistakenly added to this agenda rather than the August 7, 2018 agenda. Second reading is scheduled for August 7, 2018.

REGULAR AGENDA

28. First Reading - Ordinance No. 2018-22 - Administrative Utility Billing Adjustments

Mayor Burnette read Ordinance No. 2018-22.

ORDINANCE NO. 2018-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING SECTION 2-240 OF THE CODE OF ORDINANCES RELATED TO ADMINISTRATIVE UTILITY BILLING ADJUSTMENTS FOR THE INADVERTENT TRANSPOSITION OF NUMBERS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-22 was made by Councilman Drew Bastian, and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

29. Setting Maximum Operating and Debt Millage Rate for Fiscal Year 2019

Tracey Riehm, Finance Director, provided information regarding the proposed maximum millage rate for Council's consideration. The maximum operating millage of 4.9960 and maximum debt rate of 0.2923 for Fiscal Year 2019 is being requested to fund the base budget, along with other needs. The Recreation Impact fees will pay for the REC Center.

Chief Grimaldi discussed his needs. He agreed to change the Evidence Supervisor to a Clerk and pay for the unmarked vehicle for LT reclass with forfeiture monies that were earmarked for training in order to retain the Crime Analyst position. Council agreed.

Beau Gardner, Fire Marshal, discussed the Fire Department's needs. Council would like to apply for a SAFER Grant to fund the additional firefighters.

Unfunded CIP projects were discussed by Mr. Johansson. He suggested Council consider using millage to fund some of the CIP projects this year because it will be a one-time project and won't be needed next year. Council declined.

Mayor Burnette asked for a workshop. Councilman Ford will get the information from the County regarding transport data that Council is looking for.

Motion to approve the maximum operating millage of 4.8157 and maximum debt rate of 0.2923 for Fiscal Year 2019 along with the budget hearings to be held on Wednesday, September 5, 2108 and Wednesday, September 19, 2018 beginning at 5:30 p.m. was made by Councilman Drew Bastian, and Seconded by Vice Mayor Scott Stiltner. Motion carried 3-2 by roll call vote with Councilman Bob Ford and Councilman Chase Tramont voting no.

COMMENTS

30. City Attorney Comments - There were none.

31. City Manager Comments - There were none.

COUNCIL COMMITTEE REPORTS

32. City Council Committee Reports

- a) ArtHaus - Councilman Ford is attending a meeting this week.
- b) First Step - Councilman Tramont provided details from the meeting.
- c) Port Orange/South Daytona Chamber of Commerce - Mayor Burnette provided details of upcoming events.
- d) Roundtable of Elected Officials - Mayor Burnette said they did not meet and won't until September 2018.

ADJOURNMENT - 10:45 p.m.

Attest:



Robin Fenwick, CMC, City Clerk



Mayor Donald O. Burnette