

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
AUGUST 7, 2018

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Donald O. Burnette at 6:37 p.m.

OPENING

Invocation by Rev. David Troxler of First Christian Church

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

Robert Rienhagen, citizen, spoke regarding his concerns with the Yorktowne Blvd Extension project. He doesn't believe the road needs to be 4-lane. He asked Council to table the item.

5. Agenda Approval

There was nothing pulled by Council.

6. Approval of Minutes

a. July 17, 2018 - Regular City Council Meeting

7. Bid Awards and Contract Items

a. Approval of Extension to Amendment 4 for Zev Cohen and Associates

b. Approval of Task Authorization No 9 to Kimley-Horn and Associates, Inc. for Water Reclamation Facility (WRF) Sludge Truck Parking Improvements.

c. 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)

- d. 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)
8. Approval of City Sale to U.S. Glass Holdings, LLC of Real Property at 4500 Eastport Parkway
9. Approval of Major Special Event Request from Remarkable River Race Series 5K/15K race at Aunt Catfish Restaurant 4009 Halifax Drive, 4085 Ridgewood Avenue & 4108 Halifax Drive
10. Approval to Submit Grant Applications for Derelict Vessel Removal
11. Approval of Administrative Code Change for Consolidation of Public Utilities and Public Works
12. Approval of for the North Segment of Yorktowne Boulevard Extension Agreement between the City and NLA Holdings, LLC, subject to conditions.
13. Resolution No. 18-24 - Intent to Adopt Moratorium - Personal Wireless Communications on Private Property

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

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Vice Chair Deb Denys, Volusia County Council, discussed the move of the Volusia County Human Services and Veterans Services.

Adam Clatterbuck, citizen, discussed the needs for the fire department/EMS relating to ambulance services. He supports the tax increase to handle the needs of the City.

Motion to add time to allow Mr. Clatterbuck to continue expressing his concerns was made by Councilman Drew Bastian and Seconded by Vice Mayor Scott Stiltner. Motion carried unanimously by voice vote.

Eric West, citizen, supported the comments of Mr. Clatterbuck. He also asked Council to consider calling a disinterested party to evaluate the needs of the City relating to the environment.

14. Comments/Concerns from Council Members

Vice Mayor Scott Stiltner discussed his concerns with the lack of sufficient service from the County's ambulance service. He explained an issue from last week where a cardiac patient had to wait for an ambulance from South Daytona. The patient did not survive. He thanked South Daytona for their assistance. He wants to keep the discussion going with the County and the City's FY19 budget talks. He has contacted all of the County officials again making note of his concerns. He encouraged the rest of Council and citizens to reach out to the County officials.

Councilman Bob Ford believes the response time meets the national standards. He has requested the data from the County. He doesn't believe the City taxpayers should pay for both the County and the City to provide the services.

Councilman Drew Bastian supports a City ambulance to enhance the public safety department because the County services are not sufficient.

Councilman Chase Tramont doesn't believe the City should be bailing the County out. He has heard from citizens who want the extra service.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

15. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided details from the June 2018 financial report.

16. ERP Project Update

Jane Davis, Project Manager, provided an update regarding the ERP project. Mayor Burnette thanked Ms. Davis and Staff for their work on this project.

PUBLIC HEARING

17. Second Reading - Ordinance No. 2018-14 - Annexation/1660 Anita Street, (Case No. 18-10000001)

Mayor Burnette read Ordinance No. 2018-14.

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING APPROXIMATELY +/-0.57 ACRES OF PROPERTY LOCATED AT 1660 ANITA STREET; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-14 was made by Councilman Drew Bastian and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

18. Second Reading - Ordinance No. 2018-15 - Small-Scale Future Land Use Map Amendment/1660 Anita Street (Case No. 18-20000004)

Mayor Burnette read Ordinance No. 2018-15.

ORDINANCE NO. 2018-15

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 +/- 0.57 ACRES FROM VOLUSIA COUNTY URBAN LOW DENSITY (ULI) TO CITY OF PORT ORANGE RURAL TRANSITION (0-2 UNITS/ACRE); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-15 was made by Councilman Drew Bastian and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

19. Second Reading - Ordinance No. 2018-16 - Rezoning/1660 Anita Street (Case No. 18-60000001)

Mayor Burnette read Ordinance No. 2018-16.

ORDINANCE NO. 2018-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING +/- 0.57 ACRES LOCATED AT 1660 ANITA STREET FROM VOLUSIA COUNTY RURAL AGRICULTURE (A-2) TO SINGLE FAMILY RESIDENTIAL (R-20); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-16 was made by Councilman Drew Bastian

and Seconded by Councilman Chase
Tramont. Motion carried unanimously by
roll call vote.

20. Second 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 Councilman Chase
Tramont.

Eric West, citizen, spoke regarding his concerns with this project. He asked that a bicycle lane be included in the project.

Mr. Johansson advised there will be a bicycle lane with this project.

Motion carried unanimously by roll call
vote.

21. Second 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 Drew Bastian and Seconded by Councilman Chase Tramont.

Cathy Josenhans, citizen, discussed her concerns with this project. She asked Council to consider the bus stops in the area. She believes a wall is needed to protect the neighborhood and is concerned with new flooding issues. There are also traffic concerns.

Elizabeth Miller, citizen, expressed her concerns regarding the recent flooding in the neighborhood. She believes the new road will cause more flooding.

Mr. Johansson explained the current zoning vs. the changes being requested. The design has not been completed. Staff will look into the flooding issues discussed.

Motion carried unanimously by roll call vote.

22. Second 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 Councilman Bob Ford. Motion carried unanimously by roll call vote.

23. Second 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 Bob Ford. Motion carried unanimously by roll call vote.

24. Second Reading - Ordinance No. 2018-13 - Telecommunications in Right-of-Way, Code of Ordinance Amendment, Case No. 18-25000001

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

REGULAR AGENDA

25. Resolution. No. 18-21 - Transmitting Communications Facilities in R/W Ordinance to County Council

Mayor Burnette read Resolution No. 18-21.

RESOLUTION NO. 18-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; TRANSMITTING THE CITY'S "COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY ORDINANCE" TO THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA FOR CONSIDERATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 18-21 was made by Councilman Drew Bastian and Seconded by Councilman Bob Ford. Motion carried unanimously by roll call vote.

26. Request for Continuance of Resolution No. 18-17 – Partial Drainage Easement Vacation – Lot 86, Foxboro Phase II, 618 Ipswich Lane

Motion to continue until the second meeting in September was made by Councilman Drew Bastian and Seconded

by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

27. Resolution No. 18-22 - Approval of FY19-FY24 Capital Improvement Plan (CIP)

Mayor Burnette read Resolution No. 18-22.

RESOLUTION NO. 18-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING A SIX YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF PORT ORANGE FOR FY 2019-FY 2024; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 18-22 was made by Councilman Drew Bastian and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

Break 8:01 p.m. reconvened at 8:11 p.m.

28. Resolution No. 18-23 - Expressing the City's Support and Intention to Create a PACE Program

29. Approval of Membership Agreements for the PACE Program

Motion to continue Items #28 & 29 until September 19, 2018 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Bob Ford. Motion carried unanimously by voice vote.

30. Intent to Award ITB #18-18 to Yellowstone Landscaping for City Facility Landscape Maintenance Services

Ms. Stevens discussed the intent to award ITB #18-18 to Yellowstone Landscaping instead of the lowest bidder, Scotty Boy due to a lack of reference.

Ms. Roberts asked for the motion to be subject to contract review and approval as well as the acceptance of a Payment and Performance Bond.

Motion to approve was made by Councilman Bob Ford and Seconded by Councilman Chase Tramont.

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Vice Mayor Scott Stiltner is concerned that the intent to award is not going to the lowest bidder, who is also a Port Orange company. Councilman Drew Bastian agreed.

Ms. Stevens expressed her concerns with having a company without the necessary.

Scott Mims, Scotty Boy, believes he is well qualified for the work. He has the necessary workers and equipment to do the work as requested in the RFP. He provided the quote himself. Council questioned Mr. Mims on his level of service.

John Cheney, citizen, expressed concerns regarding the recommendation. He doesn't believe the scope of work is being done completely now.

Barry Critcher, Yellowstone Landscaping, explained their work with Staff in the City. They have never experienced a fine from the City in the two years they have worked for the City. He believes they are fit for the job.

Vice Mayor Scott Stiltner doesn't see a reason not to award this to the lowest bidder.

Ms. Roberts provided an option to amend the contract with the current vendor regarding an automatic penalty.

Motion failed unanimously by roll call vote.

Motion to award to the lowest bidder, Scotty Boy was made by Councilman Drew Bastian and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

COMMENTS

31. City Attorney Comments

Margaret Roberts, City Attorney, discussed the request received to for a limited waiver with regard to the requirement that all charges on a utility account be brought current prior to reconnecting water services. The Lien will be paid at the time of closing.

Motion to approve was made by Councilman Bob Ford and Seconded by Councilman Chase Tramont. Motion carried unanimously by voice vote.

32. City Manager Comments

a. Approval to amend the 2018 Council Meeting Schedule

Mr. Johansson discussed the proposed schedule for August and September as follows:

Budget workshop on August 22, 2018 at 5:30 p.m.

Budget workshop back up on August 29 at 5:30 P.M.

Regular meeting on September 4, 2018 at 6:30 p.m.

Special Meeting on September 5, 2018 at 5:30 p.m. (1st reading of the budget) CRA's to meet as well.

Regular Meeting on September 19, 2018 at 6:30 p.m. (2nd reading of the budget)


Motion to approve was made by Councilman Drew Bastian and Seconded by Councilman Chase Tramont. Motion carried unanimously by roll call vote.

COUNCIL COMMITTEE REPORTS

33. City Council Committee Reports

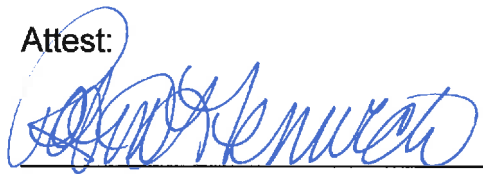
- a. River to Sea TPO - There was no July meeting.
- b. General Employees' Pension Plan - Vice Mayor Scott Stiltner discussed the details from the recent meetings.
- c. First Step Shelter - Councilman Chase Tramont reported on funding requests of the organization.

ADJOURNMENT - 8:54 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk