

8. Approval of Concurrency and Fair-Share Agreement for Arby's Restaurant Site Plan - 1058 Dunlawton Avenue
9. Resolution No. 18-25 - Celebrating 50 Years of Home Rule
10. Resolution No. 18-26 - Budget Appropriation
11. Resolution No 18-27 - Support of Revised Volusia County & Municipal Floodplain Management Plan

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

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Edith Shelley, citizen, addressed Council regarding the Port Orange Panthers success in the baseball tournament recently. They came in 9th overall nationally in Cooperstown.

COUNCIL COMMENTS

12. Comments/Concerns from Council Members

There were none.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

13. School Board Guardian presentation

Linda Cuthbert, Chairman of Volusia County School Board, Greg Aiken, Volusia County Schools, discussed the School Board's need for armed guardians on school campuses and their request for financial support from municipalities. They are requesting 30% (\$70,000) of the costs to fund the guardian program. Councilman Tramont asked questions and recused himself from the vote as he is currently employed with the school board. Vice Mayor Stiltner asked questions and abstained from voting as his wife is an employee with the school board. Councilman Bastian had not additional questions but also abstained from voting as his brother is an employee of the guardian program. Ms. Cuthbert thanked Council, as did Mr. Aiken. Mr. Johansson advised Council he will work with the school board regarding offsetting costs as authorized in the current rules of the City.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

14. Citizen Advisory Committee for TPO

Bobby Ball, CAC Member, provided details from their recent meeting.

15. Parks & Recreation Advisory Board Report

Jack Wiles, Chairman, provided details from the recent meetings held. Topics included co-sponsorship and attendance issues.

16. Environmental Advisory Board Report

John Macaluso, Chairman, provided details from the recent meetings held.

17. Golf Advisory Board Report

Richard Lee was unable to attend. His report will be rescheduled.

PUBLIC HEARING

18. First Reading - Ordinance No. 2018-23 – Rezoning/6225 S. Williamson Boulevard (Case No. 18-6000003)

Mayor Burnette read Ordinance No. 2018-23.

ORDINANCE NO. 2018-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING +/- 5.85 ACRES LOCATED AT 6225 SOUTH WILLIAMSON BOULEVARD FROM PLANNED COMMUNITY DEVELOPMENT (PCD) TO COMMUNITY COMMERCIAL (CC); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-23 was made by Councilman Drew Bastian and Seconded by Vice Mayor Scott Stiltner.

Penelope Cruz, Planning Manager, discussed the zoning request.

Motion carried unanimously by roll call vote.

19. Change of Use for a Communications Tower at 651 Taylor Road (Case No. 18-3200001)

Matthew Jones, Deputy City Attorney, advised Council there is no vote necessary on this item.

Mary Sotik, Legal Counsel for AT&T, advised Council they are doing their due diligence and believes they will meet the Land Development Code requirements. Mayor Burnette

asked Ms. Sotik to keep an open mind regarding the citizens' concerns.

Motion to allow two presenters 10 minutes to present on behalf of the residents was made by Councilman Chase Tramont and Seconded by Councilman Bob Ford. Motion carried unanimously by voice vote.

Eugene "Trip" Healey, citizen, discussed the citizens' concerns. He doesn't believe there is a need for the cell tower as there is no gap. He asked Council to reject the application when it comes before them.

Council doesn't believe it's a good location.

Paul Kern, 997 Smokerise Blvd., discussed issues he sees with the request.

Motion to extend Mr. Kern's time by five minutes was made by Councilman Tramont and Seconded by Councilman Bastian. Motion carried unanimously by voice vote.

Mr. Kern continued with issues relating to environmental issues and airport concerns as well as safety issues to the public.

Several members of the public spoke expressing their concerns regarding the children attending the elementary school and daycare across the street, the aesthetics of the city, the actual need for the added service for AT&T at this location,

Mr. Johansson said Staff will research the items discussed by the citizens and provide Council with further information.

Council would like a better location found.

Councilman Tramont asked for legal advice as to stalling the communications tower. Mr. Jones advised there is no way to stall it, this is the process. Mr. Johansson asked for a chance to meet with AT&T to potentially find a solution.

Motion to advise Staff that City Council will provide the necessary resources for Community Development and Legal to review the cell tower application was made by Councilman Bob Ford and Seconded by Councilman Drew Bastian.

Mr. Johansson reminded Council there is no site plan submitted.

Motion carried unanimously by roll call vote.

Council recessed at 9:19 p.m. and reconvened at 9:35 p.m.

20. First Reading - Ordinance No. 2018-21 - LDC Amendment/Chapter 3, 5, 6, 13, 16 and 17 (Case No. 18-25000005)

Mayor Burnette read Ordinance No. 2018-21.

ORDINANCE NO. 2018-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 3, 5, 6, 13, 16, AND 17 RELATING TO CODE ADMINISTRATION, SUBDIVISION AND SITE PLAN REGULATIONS, LANDSCAPING AND BUFFERS, HOME OCCUPATIONS, RESIDENTIAL OUTDOOR STORAGE AND PC-A INDIVIDUAL ZONING DISTRICT DISCLOSURE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2018-21 was made by Councilman Drew Bastian and Seconded by Vice Mayor Scott Stiltner. Motion carried unanimously by roll call vote.

REGULAR AGENDA

21. Discussion Item: License Agreement for 3449 Shamrock Drive

Mr. Johansson provided the background details of the License Agreement. He explained the options the City has as neighbors have complained about access to the dock and area. Terry Rowe, 3449 Shamrock Drive, obtained permits for the fence and dock and he believes the City has provided him the same rights as many others along the same area. He asked Council to support him as he has followed the rules. Lisa Park, 8 Coconut Road, discussed her concerns with the License Agreement and the dock that was built.

Motion to extend her time up to 10 minutes was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

Ms. Park continued her discussion and concerns with the lack of public access. The majority of the neighbors believe the dock and fence are off limits to them.

Mr. Rowe explained his efforts to make things right and do things appropriately. He said the City did not give him property, but he has taken care of the area based on the License Agreement.

Councilman Tramont has questions and would like to explore those questions and issues before making a decision tonight. He asked the parties to meet again and try to compromise.

Motion to table the decision to allow the parties to discuss a compromise and provide answers to the questions posed was made by Councilman Tramont and Seconded by Councilman Bob Ford.

Mr. Johansson asked for leeway on the timing of bringing it back to Council; mid-October. Council agreed with the October 16, 2018 meeting.

Motion carried 3-2 by roll call vote with Councilman Bastian and Mayor Burnette voting no.

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

Motion to continue September 4, 2018 was made by Councilman Chase Tramont and Seconded by Councilman Bob Ford. Motion carried unanimously by voice vote.

COMMENTS

23. City Attorney Comments - There were none.

24. City Manager Comments - There were none.

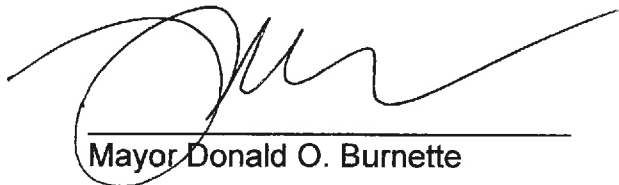
COUNCIL COMMITTEE REPORTS

25. City Council Committee Reports

- a. ArtHaus - Councilman Bob Ford provided details of upcoming events.
- b. Port Orange/South Daytona Chamber of Commerce - Mayor Burnette announced upcoming events.
- c. Roundtable of Elected Officials - They did not meet this month.

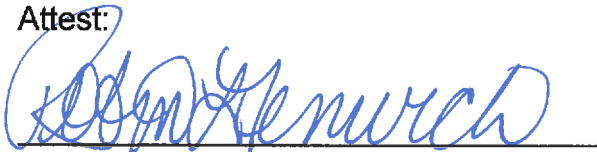
- d. Police Pension - Councilman Bastian was not able to attend the meeting and had no report.
- e. Fire Pension - Councilman Ford provided details from the meeting.

ADJOURNMENT - 10:41 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk