

REGULAR CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FL. 32129  
OCTOBER 16, 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 – Reverend Glenn Rice, Port Orange United Church of Christ.

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  
   Deputy City Attorney Matthew Jones  
   City Clerk’s Office Deanna Massey

Mayor Burnette introduced the 2018 Port Orange Commerce Leadership Class. He thanked the class for visiting.

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) October 2, 2018 -Regular City Council Meeting
7. Bid Awards and Contract Items
  - a) Approval of Addendum No. 2 to engagement Letter with Gray Robinson Relating to Wireless Communication Towers and Facilities.
  - b) Approval of FY2019 Expenditures for CentralSquare Technologies, Inc. (f/k/a Superion, Inc./ SunGard Public Sector, Inc.) and delegating authorization to the City Manager for execution of all related documents.
  - c) Approval of FY2019 Expenditure Authorization for AT&T Mobility Wireless Communication Services & Equipment.

8. Resolution No. 18-44 – Approval of Grant Agreement for \$644,250 from Federal Emergency Management Agency for the Virginia Avenue and Monroe Street Drainage and Water Quality Project.
9. Resolution No. 18-45 – Approval of Grant Agreement for \$750,000 from Florida Department of Environmental Protection for the Port Orange Flooding Mitigation and Stormwater Improvements.
10. Resolution No. 18-48 – Ratifying and Accepting \$3,000 grant from Target Corporation for Shop with A Cop Program.
11. Resolution No. 18-49- Budget Appropriation (FY2018)
12. Resolution No. 18-50- Acceptance of Deed of Dedication for public purposes along the North side of Herbert Street, adjacent to 3658 Nova Road.
13. Major Special Event- Christmas Tree Sales at Dunlawton Square Shopping Center located at 3813 Nova Road.
14. Renewal #1 of the License Agreement with Sandy Point Progressive Sports LLC for water recreation services at Riverwalk Park.
15. Approval of a License Agreement at 215 Fox Place
16. Approval to Submit Grant Application for Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant Direct (JAGD) Program.
17. Approval to Submit Grant Application for Federal Emergency Management Agency's Assistance to Firefighters Program.

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

#### CITIZEN PARTICIPATION (Agenda)

18. Request for Utility Lien Reduction for 5204 Sydney Street.

Tia Graves, a representative from the JNG Property Group, advised Council that on October 17, 2017, JNG Property Group purchased this property at a tax deed sale. The proceeds of the sale were applied to outstanding balances associated with the property, leaving a balance due on the utility lien of \$4,450.25 as of June 1, 2018. Application of the tax deed proceeds are detailed in the City's letter to JNG Properties dated May 25, 2018. Per diem charges are accruing at a daily rate of \$1.06 which includes availability fees, interest, and penalties. On September 18, 2018 the amount due had increased to \$4,565.72 per the City's account analysis. JNG Property Group LLC is seeking a lien adjustment for both the utility and code enforcement liens on this property.

Mayor Burnette asked the City Manager what the code enforcement appeal process was for liens. Jake Johansson, City Manager, replied that this property was heard and ruled on by the Special Magistrate. The City had a hard time getting ahold of JNG Property Group.

Ms. Graves asked that the City consider removing the interest part of the lien on the property.

Mayor Burnette has a concern about reducing utility liens because it can have a negative impact on the City's bond status.

Councilman Tramont appreciates what she is doing by cleaning up the properties but doesn't like to waive fees due to the possible tax increase to other customers.

Mr. Johansson stated that staff maintains the bond rating, and whatever is waived from the general fund, the City will have to cover.

Motion to approve the utility lien reduction for 5204 Sydney Street was made by Vice Mayor Scott Stiltner and seconded by Councilman Chase Tramont. Motion failed unanimously by roll call vote.

Motion to reduce the property lien for 5204 Sydney Street to \$1,000.00 for the code enforcement violation was made by Councilman Bob Ford and seconded by Vice Mayor Scott Stiltner. Motion carried 4-1 with Councilman Bob Ford, Councilman Drew Bastian, Vice Mayor Scott Stiltner, and Mayor Donald Burnette voting yes and Councilman Chase Tramont voting no.

#### CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Jim Schultz, citizen, presented information regarding sepsis as a public service announcement.

Patricia Gadbow spoke on behalf of the League of Women Voters of Volusia County regarding Amendment 10 and their concerns regarding a threat to local control of our County governmental structure.

#### COUNCIL COMMENTS

##### 19. Comments/Concerns from Council Members

Councilman Tramont complemented the City's staff on the grants they have obtained recently.

Mayor Burnette complemented the City's new Grants Manager Amanda Lasecki and how great of a job is being done.

Councilman Bastian spoke on Biketoberfest and reminded everyone to be aware of the bikers and to be safe.

Mayor Burnette spoke on how well the Family Days event went and how clean the staff kept the grounds. He mentioned the passing of Senator Dorothy Hukill.

#### BOARD APPOINTMENTS, INTERVIEWS, REPORTS

##### 20. Citizen Advisory Committee for TPO.

Bobby Ball provided an update on the Committee. He invited the City to a few workshops that are coming up.

#### PUBLIC HEARING

##### 21. Second Reading - Ordinance No. 2018-26- LDC Text Amendment Chapter 17, Section 26 – GPU Zoning District.

Mayor Burnette read Ordinance No. 2018-26.

#### ORDINANCE NO. 2018-26

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE CITY OF PORT ORANGE LAND DEVELOPMENT CODE; AMENDING CHAPTER 17, SECTION 26, TO REMOVE THE CHANGE OF USE PUBLICATION AND HEARING PROCEDURE FOR PERMITTED USES IN THE GOVERNMENT/PUBLIC USE ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion to adopt Ordinance No. 2018-26 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. 2018-27 - Port Orange Police Pension Plan Increasing Equities Investment Limit

Mayor Burnette read Ordinance No. 2018-27

ORDINANCE NO. 2018-27

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 18, TO ESTABLISH A NEW ARTICLE XIV ADOPTING SHOPPING CART REGULATIONS RELATED TO SIGNAGE, ONSITE RETENTION MEASURES, AND RETRIEVAL PLANS; PROVIDING PROCEDURES FOR SHOPPING CARTS FOUND ON PUBLIC PROPERTY; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2018-27 was made by Councilman Drew Bastian and seconded by Vice Mayor Scott Stiltner.

Adam Miller, Store Manager at Lowes Department Stores, asked for more time and research to be done.

Councilman Stiltner believes it is important for retailers to help by working with the City.

Councilman Ford suggested this method but to re-visit it and discuss any problems that may arise, if any arise.

Councilman Tramont is not a fan of creating any burden to businesses and would be interested in learning more.

Mayor Burnette stated this is meant to correct a behavior not to make money off anyone.

Mr. Johansson stated the research has been done and there are a lot of cities that already do this. Day after day the same shopping carts are left around the City and the big box companies do not come and pick them up.

Mr. Miller feels his store takes care of their shopping carts; therefore, they shouldn't have to pay for others. He mentioned Lowes will have to make a large investment if this Ordinance passes.

Matthew Hughes, General Manager for BJ's, spoke on his primary concern of monitoring the carts. They count their carts every 60 days and rarely have any missing.

Councilman Tramont asked for clarification on who would be fined if someone steals the cart from the store.

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Mr. Jones clarified the Ordinance and stated it asks the retailers to put measures in place which would not allow the carts to be taken off the property.

Mr. Johansson spoke on structuring the Ordinance in a way where the city can give warnings to businesses first before issuing a fine.

Motion to withdraw the motion to approve Ordinance No. 2018-27 was made by Councilman Drew Bastian and seconded by Vice Mayor Scott Stiltner.

Motion was made to continue Ordinance No. 2018-27 to November 7, 2018 was made by Councilman Drew Bastian and seconded by Councilman Chase Tramont. Motion carried unanimously by voice vote.

REGULAR AGENDA

23.3349 Shamrock Drive- License Agreement (Dock).

Mr. Johansson spoke on the License Agreement with 3349 Shamrock Drive. He stated the agreement was approved in the fall of 2017. The applicant did everything correctly; however, it became apparent that the community was not aware of the License Agreement or changed their minds. He spoke on a meeting that was held on October 3, 2018 with approximately 45 residents in the neighborhood. It was recommended by staff that the dock be disassembled by the City and the City reimburse the applicant providing he has receipts.

Mr. Johansson stated the following people support staff's recommendations; Lawrence and Pamela Bean, Elmer and Barber Most, Sandy and Kevin London, Jim and Judy Bowen, William and Tammy Graves, Richard Patterson, Amre Sammakia, Patricia Gadbow, Dennis and Lisa Park.

Vice Mayor Scott Stiltner stated that the City doesn't always get it right, and when they don't they will fix it.

Citizens expressed their concerns with the dock.

Terry Rowe, 3349 Shamrock Drive, doesn't own the land; he owns the dock. He feels the City made a mistake and he shouldn't have to bear the burden and cost after spending four years on this project.

Motion to authorize the City Manager to terminate the License Agreement in accordance with the License Agreement,

remove the improvements installed in accordance with the License Agreement, and reimburse Mr. and Mrs. Rowe for the costs of permitting and constructing those improvements subject to their execution of a full release prepared by the City Attorney's Office as recommended by Staff was made by Vice Mayor Scott Stiltner, and Seconded by Councilman Drew Bastian.

Councilman Bastian stated after the applicant went through the entire process it seems like a waste for the City to take it down. Vice Mayor Stiltner advised the dock is restricting access to the canal.

Councilman Tramont stated this is a hard decision for him. He would rather be right than consistent.

Councilman Ford did not originally understand the impact it would have when they voted on the two docks.

Motion carried 4-1 with Councilman Bob Ford, Councilman Chase Tramont, Vice Mayor Scott Stiltner, and Mayor Burnette voting yes and Councilman Drew Bastian voting no.

## COMMENTS

24. City Attorney Comments - There were none.


25. City Manager Comments - There were none.

## COUNCIL COMMITTEE REPORTS

26. City Council Committee Reports

- a) ArtHaus - Councilman Ford spoke on the street art that was done during the Family Days event and stated ArtHaus has been asked to join the expansion in the Echo Grant with the recreation department.
- 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 stated they did not meet this month.

ADJOURNMENT – 8:20 p.m.



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Mayor Donald O. Burnette

Attest:



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Robin Fenwick, CMC, City Clerk