

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 18, 2019

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.

OPENING

Invocation by Pastor Ken Sharpe / High Point Pentecostal

Pledge of Allegiance

Swearing in Ceremony - Councilwoman Marilyn Ford was sworn in by Pastor Ken Sharpe

Roll Call

Present: Councilwoman Marilyn Ford
Councilman Scott Stiltner
Vice Mayor Chase Tramont
Mayor Donald Burnette

Absent: Councilman Drew Bastian

Also Present: City Manager Jake Johansson
Deputy City Attorney Matthew Jones
Assistant City Clerk Shelby Field

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

There were no comments.

6. Agenda Approval

Motion to pull item #11 was made by Councilman Scott Stiltner and Seconded by Councilwoman Marilyn Ford. Motion carried unanimously by voice vote.

Motion to pull item #9 was made by Vice Mayor Chase Tramont and Seconded by Councilman Scott Stiltner. Motion carried unanimously by voice vote.

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

7. Approval of Minutes

a. June 4, 2019 - Regular City Council Meeting

8. Bid Awards and Contract Items

a. Reject All Bids - ITB 19-11 Pedestrian and School Signs

b. Intent to award ITB #19-10 to McConnie Enterprises, Inc. for baseball field work

c. Approval of Change Order No. 1 to Mead Hunt Task Authorization 11 for construction phase (post design) services for the Dunlawton Street Lighting Project

9. Resolution No. 19-25 - Residential Shade Tree Mitigation

10. Resolution No. 19-26 - Ratifying Election Results for the Run Off Election held June 11, 2019 for District 1

11. Resolution No. 19-27 - Budget Appropriation

12. Resolution No. 19-29 - Right-of-Way Vacation - Howes Street

13. Resolution No. 19-30 - Right-of-Way Vacation - Portion of Freeman Street

14. Resolution No. 19-31 - Right-of-Way Vacation - Portion of Orchard Street

15. Cost Participation Agreement - FPL/Canal View Blvd. Improvements

16. Major Special Event Request– Port Orange Family YMCA Triathlon at Aunt Catfish Restaurant at 4009 Halifax Drive.

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

Item # 9 – Vice Mayor Tramont does not support this Ordinance.

Motion to approve item #9 was made by Councilman Scott Stiltner and Seconded by Councilwoman Marilyn Ford. Motion carried 3-1 with Vice Mayor Tramont voting no.

Item # 11 – Councilman Scott Stiltner believes the amount of money for the replacement of the A/C at the Lakeside Community Center is too much.

Vote was taken without a Motion being made, this item will be coming to a special meeting on June 25, 2019.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Robert Reinhagen, citizen, expected to learn about the legal procedures involved with the city issuing bonds in the first reading of Ordinance No. 2019-17. He asked the Council to table the item until additional information is provided.

COUNCIL COMMENTS

17. Comments/Concerns from Council Members

Councilwoman Marilyn Ford thanked City staff for their efforts and years of dedication.

Vice Mayor Chase Tramont would like a workshop on the subject of “smart growth” and what it means as well as how the City of Port Orange is growing. He would also like to continue exploring closed captioning to make the City ADA compliant.

Mayor Don Burnette touched on the need for ADA compliance due to the recent lawsuits being filed around the state.

Jake Johansson, City Manager, gave an overview of the live streaming the City currently offers, and informed Council federal guidelines currently require 98% closed caption accuracy to be compliant. He provided some options the City has, and the financial possibilities associated with each.

Matt Jones, Deputy City Attorney, believes the risk would be lessened greatly if the city implemented live captioning but what has been tried so far was unsuccessful.

Councilman Scott Stiltner also requested to discuss smart growth further to inform citizens of the legal aspects of growth in the City. He is happy with the response time, use, and quality of use of the Port Orange ambulance but would like more information relating to the county and whether they are improving the ambulance service.

Mayor Don Burnette introduced the Finance interns Aliyah Jones and Matthew Meyer and thanked them for the help they are providing this summer.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

18. Citizen Advisory Committee for TPO

Bobby Ball, CAC member, provided an update from the recent meeting.

19. Environmental Advisory Board Appointment

Motion to nominate Christina Berry to the Environmental Advisory Board was made by Vice Mayor Chase Tramont and Seconded by Councilman Scott Stiltner.

Motion carried unanimously by roll call vote.

20. Construction Regulation Board Appointments (x5)

Richard Smith, applicant, informed Council he was asked by staff to apply for this board and is happy to serve.

Motion to nominate Ankeet Rama, Kent Kirton, Lance Green, Michael Anderson, and Richard Smith to the Construction Regulation Board was made by Vice Mayor Chase Tramont and Seconded by Councilwoman Marilyn Ford. Motion carried unanimously by roll call vote.

PUBLIC HEARING

21. Second Reading - Ordinance No. 2019-17 - Palmer Series 2019B Bond

Mayor Don Burnette read Ordinance No. 2019-17.

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, PROVIDING FOR AND AUTHORIZING THE ISSUANCE BY THE CITY OF ITS PRIVATE COLLEGE FACILITY REVENUE BONDS (PALMER COLLEGE OF CHIROPRACTIC PROJECT), SERIES 2019B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$19,000,000, AND FOR A LOAN BY THE CITY TO PALMER UNIVERSITY FOUNDATION, AN IOWA NOT FOR PROFIT CORPORATION, IN AN EQUAL PRINCIPAL AMOUNT, TO FINANCE THE COST OF REFUNDING THE OUTSTANDING CITY OF PORT ORANGE, FLORIDA TAXEXEMPT REVENUE NOTE, SERIES 2010 (PALMER COLLEGE PROJECT); PROVIDING THAT SAID REVENUE NOTE SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF THE CITY BUT SHALL BE PAYABLE SOLELY FROM THE REVENUES HEREIN PROVIDED; AUTHORIZING A NEGOTIATED SALE AND AWARD OF SAID BONDS TO U.S. BANK NATIONAL ASSOCIATION; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS; PROVIDING CERTAIN OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-17
was made by Vice Mayor Chase Tramont
and Seconded by Councilman Scott
Stiltner.

Mr. Johansson provided a recap of the first reading of the Ordinance.

Peter Dame, Bond Council to the City, also provided an overview on the benefits the
school receives using the City as a conduit.

Motion carried unanimously by roll call
vote.

22. Second Reading - Ordinance No. 2019-18 - Administrative Rezoning/119
Howes Street

Mayor Don Burnette read Ordinance No. 2019-18.

ORDINANCE NO. 2019-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA
COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF
APPROXIMATELY +0.34 ACRES FROM VOLUSIA COUNTY R-5
(SINGLE-FAMILY RESIDENTIAL) TO NP (NEIGHBORHOOD
PRESERVATION) LOCATED AT 119 HOWES STREET;
AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS;
AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-18
was made by Vice Mayor Chase
Tramont and Seconded by
Councilwoman Marilyn Ford. Motion
carried unanimously by roll call vote.

23. Second Reading - Ordinance No. 2019-19 - Fire Assessment Procedure

Mayor Don Burnette read Ordinance No. 2019-19.

ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT
ORANGE, FLORIDA, AMENDING CHAPTER 30 OF THE CITY OF
PORT ORANGE CODE OF ORDINANCES TO ESTABLISH A NEW
ARTICLE III RELATING TO THE FUNDING OF FIRE PROTECTION
SERVICES, FACILITIES, AND PROGRAMS THROUGHOUT THE
INCORPORATED AREAS OF PORT ORANGE, FLORIDA;
AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE

PROTECTION ASSESSMENTS AGAINST REAL PROPERTY; PROVIDING DEFINITIONS AND FINDINGS; ESTABLISHING A PROCEDURE FOR IMPOSING FIRE PROTECTION ASSESSMENTS; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; DESCRIBING THE PROCEDURE FOR ADMINISTERING THE FIRE PROTECTION ASSESSMENT FROM YEAR TO YEAR AND FOR CORRECTING ERRORS AND OMISSIONS; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to continue Ordinance No. 2019-19 to a time certain of July 16, 2019 was made by Councilman Scott Stiltner and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by voice vote.

24. First Reading - Ordinance No. 2019-20 - Small-Scale Future Land Use Map Amendment/904 and 908 Taylor Road

Mayor Don Burnette read Ordinance No. 2019-20.

ORDINANCE NO. 2019-20

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 +4.4 ACRES FROM OFFICE/RESIDENTIAL TRANSITION TO COMMERCIAL; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-20 was made by Councilman Scott Stiltner and Seconded by Vice Mayor Chase Tramont.

Motion to combine the discussion of Ordinance No. 2019-20 and Ordinance 2019-21 and adopt both ordinances was made by Councilman Scott Stiltner and

Seconded by Vice Mayor Chase
Tramont.

25. First Reading - Ordinance No. 2019-21 - Rezoning/904 and 908 Taylor Road

Mayor Don Burnette read Ordinance No. 2019-21.

ORDINANCE NO. 2019-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING +4.4 ACRES LOCATED AT 904 AND 908 TAYLOR ROAD FROM PROFESSIONAL OFFICE (PO) TO COMMUNITY COMMERCIAL (CC); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Penelope Cruz, Planning Manager, provided details of the ordinance change and rezoning request and answered questions from Councilmembers. She informed Council that due to it having to go through the Volusia Growth Management Commission Review the second reading will be on the August 6, 2019 agenda instead of the July 16, 2019 agenda.

Joey Posey, attorney for the applicant, gave a presentation and provided further information on the existing use and desired changes.

Thomas Jordan, citizen, believes this is a good thing based on the reduction of traffic counts.

Motion carried unanimously by roll call
vote.

26. Resolution No. 19-22 - 1389 Reed Canal Rd./Brownfield Area Designation
Request

Mayor Don Burnette read Resolution No. 19-22.

RESOLUTION NO. 19-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, DESIGNATING THE PROPERTY LOCATED 1389 REED CANAL ROAD, IN THE CITY OF PORT ORANGE, AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION AND ECONOMIC DEVELOPMENT; DIRECTING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OR SAID

DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Resolution No. 19-22
was made by Vice Mayor Chase Tramont
and Seconded by Councilman Scott
Stiltner.

Mrs. Cruz provided details of the Brownfield designation.

Motion carried unanimously by roll call
vote.

REGULAR AGENDA

27. First Reading - Ordinance No. 2019-22 - Trespassing on Public
Property

Mayor Don Burnette read Ordinance No. 2019-22.

ORDINANCE NO. 2019-22

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA
COUNTY, FLORIDA, AMENDING CHAPTER 58 OF THE CODE OF
ORDINANCES, TO ESTABLISH A NEW SECTION 58-4 SETTING
FORTH THE AUTHORITY AND PROCEDURES FOR THE
ISSUANCE OF TRESPASS WARNINGS FOR PUBLIC
PROPERTY; PROVIDING FOR CODIFICATION; PROVIDING FOR
REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-22
was made by Vice Mayor Chase Tramont
and Seconded by Councilman Scott
Stiltner.

Matthew Jones, Deputy City Attorney, provided details of the ordinance being
proposed.

Mr. Reinhagen asked for clarification about blocking the sidewalks.

Kim McNew, citizen, asked if this applies to people loitering in front of fire hydrants and
on the medians. She would like something to be done about aggressive loiterers.

Motion carried unanimously by roll call
vote.

ADDITIONAL ITEMS

28. City Attorney

There was nothing further.

29. City Manager

Mr. Johansson suggested appointing Councilwoman Marilyn Ford to some of the City Committees on July 16, 2019. He also asked council if they would be willing to investigate leasing motorcycles. Mr. Johansson updated council on the commercial property loophole relating to code compliance requirements and informed council that the church on Madeline Ave. is already working on being brought into compliance, but the city is going to push for the property owner to be held accountable.

Ms. McNew is upset that this property is never in compliance but doesn't get any liens placed against it.

COUNCIL COMMITTEE REPORTS

30. City Council Committee Reports

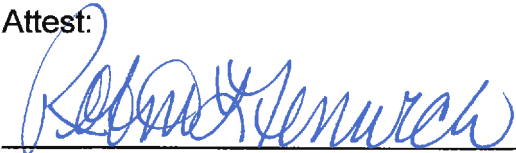
- a. First Step Shelter - Vice Mayor Chase Tramont provided an update on the shelter.
- b. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided an update on an upcoming event.
- c. Roundtable of Elected Officials - Mayor Don Burnette provided an update from the meeting held with the elected official

ADJOURNMENT – 8:30 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, CMC
City Clerk

