

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JULY 16, 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.

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

Pledge of Allegiance

Roll Call	Present:	Council Member Marilyn Ford Councilman Drew Bastian Councilman Scott Stiltner Vice Mayor Chase Tramont 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

Motion to pull consent agenda items 7d, e, and g for further discussion was made by Councilman Scott Stiltner and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by voice vote.

Motion to approve the agenda as amended was made by Vice Mayor Chase Tramont and Seconded by Councilwoman Marilyn Ford. Motion carried unanimously by voice vote.

Mayor Don Burnette asked for an update as to the change orders being requested. Jake Johansson, City Manager, provided the update on the issues found under the roadway during construction.

Motion to approve Item #7d and 7e was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

Item 7g - Mayor Don Burnette advised the agreement with the baseball club (item #b8) has a scrivener's error. The new partner fee should actually be \$6,866 rather than \$6,688.

Motion to approve Item 7g was made by Vice Mayor Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

6. Approval of Minutes
 - a. June 18, 2019 - Regular City Council Meeting
 - b. June 25, 2019 - Special City Council Meeting
 - c. June 25, 2019 - City Council Workshop
7. Bid Awards and Contract Items
 - a. Award of ITB 19-22 Landscape Services Retention Ponds to Scotty Boy Landscaping & Maintenance LLC
 - b. Approval of Commercial License Agreement with AT&T for Sauls and McDonald Crosswalk Flashing Beacon Solar Panel Relocation
 - c. Approval of Contract to Vintage Painting Inc. for exterior painting of the YMCA building
 - d. Approval of Change Order Nos. 1-5 to the construction contract with The New Florida Industrial Electric (FIE) for the Dunlawton Street Lighting Project
 - e. Approval of Change Order No. 2 to TEDS for CEI services for the Dunlawton Lighting Project
 - f. Approval of Amendment One to the Pop Warner Agreement
 - g. Approval of Amendment One to the Port Orange Baseball Club agreement
 - h. Approval of Change Order #4 to Standard Contract for Services with Remedy Intelligent Staffing, LLC.
8. Resolution No. 19-32 - Acceptance of Deed of Dedication for public purposes along the south side of Herbert Street, adjacent to 415 Dunlawton Avenue
9. Resolution No. 19-33 - Budget Appropriation
10. Designation of a Voting Delegate for the 2019 Annual Florida League of Cities Conference
11. Approval of License Agreement for 3 Cedar St.
12. Approval of Lease Agreement for 4505 Clyde Morris Blvd/Rita L. Gray

Motion to approve the Consent Agenda

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

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

13. Envirothon Team and Josh Platt Recognition

Nancy Vaughn, citizen, introduced County Council Woman Debbie Denys, who presented the Spruce Creek High School Envirothon Team a proclamation from the County Council for their winning the state competition.

14. Parks and Recreation Month Proclamation

Mayor Don Burnette read the Proclamation for Parks & Recreation Month.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Jim Scholtz, citizen, addressed Council with his concerns regarding fluoridation in the water and thanked Council for keeping Sugar Mill Gardens.

COUNCIL COMMENTS

15. Comments/Concerns from Council Members

Vice Mayor Chase Tramont asked what can be done to require a business license from panhandlers. Margaret Roberts, City Attorney, will provide a report on the subject. Mr. Johansson advised that the rules apply to everyone and cannot be enforced against certain people because they don't like what they are doing. He also discussed the things people can't do, such as walking in the road or median and can't harass citizens.

Mayor Don Burnette asked for data as to the turnaround time for permitting. Staff will provide. He also asked for an update on the Special Magistrate's ruling on the church on Williamson Blvd. Mr. Johansson provided details of the decision.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

16. Council Member Appointments

- 1) Fire Pension Board Appointment
- 2) ArtHaus

Motion to nominate Marilyn Ford to both boards was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

PUBLIC HEARING

17. Second Reading - Ordinance No. 2019-19 - Fire Assessment Procedure
(Continued from June 18, 2019)

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 adopt Ordinance No. 2019-19
was made by Vice Mayor Chase
Tramont and Seconded by Councilman
Drew Bastian.

Discussion was held by Council regarding notification to citizens of changes in the fee should it be implemented in the future. Councilwoman Marilyn Ford asked that language regarding notification to citizens be included in the ordinance. Ms. Roberts said the language discussed can be added if approved by Council.

Matt Jones, Deputy City Attorney, explained the fee will be set in a resolution approved by Council.

Motion to table the ordinance until
Council directs Staff to bring the item

back for consideration was made by Councilwoman Marilyn Ford and Seconded by Vice Mayor Chase Tramont. Motion failed 2-3 by roll call vote with Council Member Marilyn Ford and Vice Mayor Chase Tramont voting yes and Council Members Scott Stiltner and Drew Bastian and Mayor Don Burnette voting no.

Motion to approve the Ordinance as presented carried 3-2 by roll call vote with Council Member Marilyn Ford and Vice Mayor Chase Tramont voting no.

18. Second 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 Drew Bastian.

Brendan Galbreath, citizen, discussed his situation of harassment at his restaurants. He doesn't believe the ordinance as written covers the issues he sees at his businesses.

Tom Jordan and Jonathan Foley, citizens, encouraged Council to pass the ordinance.

Motion carried unanimously by roll call vote.

Mayor Don Burnette announced a 10 minute recess at 8:10 p.m.

19. First Reading - Ordinance No. 2019-23 - Small-scale Future Land Use Map Amendment/Harbor Landings (Case No. 18-20000008)

Mayor Don Burnette read Ordinance Nos. 2019-23 and 2019-24 and asked Council to discuss the items together before voting separately.

ORDINANCE NO. 2019-23

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 +4.26 ACRES FROM OFFICE/RESIDENTIAL TRANSITION TO URBAN MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-23 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Penelope Cruz, Planning Manager, provided details of the amendment being requested. Parking issues were discussed as a concern.

Michael D. Chiumento III, Esq., Attorney for applicant, provided further details of their project.

Motion carried unanimously by roll call vote.

20. First Reading -Ordinance No. 2019-24 - PUD Rezoning and Harbor Landings Master Development Agreement and Conceptual Development Plan (Case No. 18-40000004)

Mayor Don Burnette read Ordinance No. 2019-24.

ORDINANCE NO. 2019-24

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY ±4.74 ACRES LOCATED ON THE WEST SIDE OF RIVERSIDE DRIVE, EAST OF RIDGEWOOD AVENUE FROM PLANNED UNIT DEVELOPMENT (PUD) AND R-7SF (SINGLE-

FAMILY RESIDENTIAL) TO PUD AND APPROVING A MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR THE HARBOR LANDINGS PUD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-24 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

REGULAR AGENDA

21. Presentation of 2019 Citizen Survey Report

Alan Rosen, Assistant City Manager, provided details from the 2019 citizen survey.

COMMENTS

22. City Attorney Comments

a. Proposed FY 2020 Budget for CBL/BM Port Orange West CDD

Ms. Roberts asked Council if they had any questions regarding the budget presented by the CDD. They did not.

b. Proposed FY 2020 Budget for SWI CDD

Ms. Roberts asked Council if they had any questions regarding the budget presented by the CDD. They did not.

23. City Manager Comments

a. Feral Cat Discussion

Mr. Johansson provided an update on the feral cat (TNR) program in place with CCFAW. Based on feedback from citizens, recent complaints at council meetings and first-hand evidence, staff is finding that the current management of the Feral Cat Program is insufficient in addressing the control of feral cats. Staff would like to discuss recent findings and trends before recommending a strategy for the future which may include; internal or contract management of the program, Trap, Neuter, and Release (TNR), Trap, Neuter, and return to field (RTF), the "Feral Freedom" program, development of enforceable ordinances, and other strategies that will assist the City of Port Orange develop a more effective program. He asked Council for their thoughts on moving forward.

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Councilman Scott Stiltner wants a program with enforcement so residents are protected. Mr. Johansson will bring this to the August workshop after discussions with CCFAW. Council agreed to a workshop.

Pat Mahilk, CCFAW, believes the program is a good one but everyone needs to be onboard. She spoke regarding the program in Jacksonville.

COUNCIL COMMITTEE REPORTS

24. City Council Committee Reports

a. First Step Shelter

Vice Mayor Chase Tramont reported on the recent meeting.

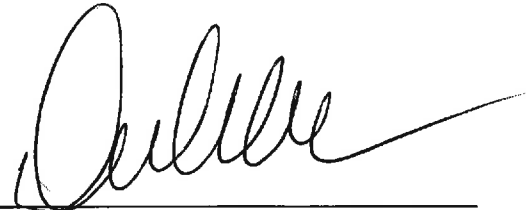
b. Port Orange/South Daytona Chamber of Commerce

Mayor Don Burnette provided an update from their recent meeting and upcoming events.

c. Roundtable of Elected Officials

Mayor Don Burnette advised they did not meet.

ADJOURNMENT - 9:43 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk

