

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 17, 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 was provided by Pastor Dan Wagner of Cross Creek Community Church.

Pledge of Allegiance

Roll Call

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes requested by Council.

Motion to approve the Agenda as presented was made by Vice Mayor Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried unanimously by voice vote.

6. Approval of Minutes

- a. August 30, 2019 - City Council Special Meeting
- b. September 5, 2019 - Regular City Council Meeting

7. Bid Awards and Contract Items

- a. Intent to Award ITB 19-29 Police Motorcycle Lease - Gator Harley Davidson
- b. Award of ITB #19-25 Cured In Place Pipe for Stormwater Pipe Rehabilitation to LMR Construction
- c. Award of ITB #19-08 for Landscape Maintenance Service of the City Rights of Way to Yellowstone Landscape
- d. Award of ITB #19-18 of Major Thoroughfare Landscape Maintenance to VerdeGo LLC
- e. Approval of Interlocal Agreement with Volusia County for Municipal Services for Traffic Signal Maintenance
- f. Approval of Change Order No. 1 to A.G. Pifer Construction Company for Police Evidence Room Renovations & HVAC Upgrade

- g. Approval of Task Authorization No. 2 to Insituform Technologies LLC
- h. Approval of Employee Dental, Vision and Group Life Insurance with MetLife
- i. Approval of Property, Equipment Breakdown, Inland Marine, Crime, General Liability, Law Enforcement Liability, Public Officials/EPLI/Cyber, Auto Liability, Auto Physical Damage and Workers Compensation Insurance through Preferred Government Insurance Trust
- j. Approval to Renew Statutory AD&D for law enforcement and firefighters and Executive Travel AD&D insurance policies for FY2020
- k. Approval of Change Order No. 1 to the EJCDC Agreement with Carr & Collier Inc as it relates to ITB 19-01, Police Shooting Range (CNE009).
- l. Approval of Contract Renewal with Spectrum Enterprise for Internet and Phone Services through 2021
- m. Approval of FY20 Spending Authority with AT&T Mobility for Wireless Phone and Data Services
- 8. Approval of Concurrency and Fair-Share Agreement for Holiday Inn Express Hotel Site Plan
- 9. Approval of the First Amendment to the Property Exchange and Escrow Agreement for the Cardwell Funeral Home Property
- 10. Approval of the First Amendment to the Halifax River Partners (HRP), LLC Economic Development Incentive Agreement
- 11. Approval of the Parking Easement Agreement Between Halifax River Partners (HRP), LLC and City of Port Orange
- 12. Approval of the License Agreement for Temporary Off-Site Parking at 3571 Ridgewood Avenue (Cardwell Funeral Home Property)

Motion to approve the Consent Agenda as presented was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

TOWN CENTER CRA MEETING

EASTPORT CRA MEETING

Council recessed at 6:33 p.m. to hold the Community Redevelopment Agency for Port Orange Town Center and Eastport Business Center Community Redevelopment Agency meetings.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Marcey Kinney, citizen, spoke regarding Dolly Parton's Imagination Library to bring awareness to the program in Volusia County.

13. Comments/Concerns from Council Members

Council Member Marilyn Ford thanked Staff and citizens who are participating in Port Orange University.

Vice Mayor Chase Tramont shared appreciation from a citizen for Staff in Public Utilities/Works and Lynn Stevens, Director.

Council Member Scott Stiltner thanked Staff for the dedication of the Causeway Dock to Frank Scofield of the Volusia County Sheriff's Office who was tragically killed in June.

Mayor Don Burnette thanked Staff for the preparation and drill relating to Hurricane Dorian and reminded all that September is Go Gold for Childhood Cancer Awareness.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

14. Citizen Advisory Committee for TPO

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

PUBLIC HEARING

15. Second Reading - Ordinance No. 2019-26 - PCD Rezoning/The Palms at Ashton Lakes PCD Master Development Agreement and Conceptual Development Plan (Case No. 19-65000001)

Mayor Don Burnette read Ordinance No. 2019-26.

ORDINANCE NO. 2019-26

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY ±18.72 ACRES LOCATED ON THE EAST SIDE OF S. WILLIAMSON BOULEVARD, SOUTH OF OAKWATER LANE FROM CYPRESS HEAD PLANNED COMMERCIAL DEVELOPMENT (PCD) TO THE PALMS AT ASHTON LAKES PCD AND APPROVING A MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR THE PALMS AT ASHTON LAKES PCD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-26 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Penelope Cruz, Planning Manager, updated Council on the changes made based on feedback at first reading.

Walter Smith, President of Ashton Lakes HOA, thanked the applicant for the changes.

Motion carried unanimously by roll call vote.

16. Second Reading - Ordinance No. 2019-29 - Administrative Rezoning/415 Herbert Street (Case No. 19-60000006)

Mayor Don Burnette read Ordinance No. 2019-29.

ORDINANCE NO. 2019-29

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +0.64 ACRES FROM COMMERCIAL INDUSTRIAL (CI) TO GOVERNMENT/PUBLIC USE (GPU) LOCATED AT 415 HERBERT STREET; AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-29 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

17. Second Reading: Ordinance No. 2019-30 – First Amendment to the Riverwalk Amended and Restated Master Development Agreement (Case No. 19-40000004)

Mayor Don Burnette read Ordinance No. 2019-30.

ORDINANCE NO. 2019-30

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE RIVERWALK AMENDED AND RESTATED MASTER

DEVELOPMENT AGREEMENT (MDA); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-30 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

18. Final Plat and Subdivision Plans/Springs at Port Orange, Case No. 18-50000002

Move to approve the Final Plat and Subdivision Plans for the Springs at Port Orange, as recommended by the Planning Commission was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Mrs. Cruz provided details of the project. Jake Johansson, City Manager, spoke regarding "smart growth" and traffic concerns along Dunlawton Avenue.

Motion carried unanimously by roll call vote.

19. First Reading - Ordinance No. 2019-31 - Amending Chapter 42 Section 42-26 Relating to Standards for Maintenance of Properties and Chapter 70 Relating to the Number/Location of Recreational Vehicles on a Residential Lot

Mayor Don Burnette read Ordinance No. 2019-31.

ORDINANCE NO. 2019-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 42, SECTION 42-26 OF THE CODE OF ORDINANCES RELATING TO THE STANDARDS FOR MAINTENANCE OF PROPERTIES TO REQUIRE EDGING OF SIDEWALKS; AND CHAPTER 70, SECTIONS 70-36 AND 70-48 LIMITING THE NUMBER AND LOCATION OF MOTOR VEHICLES, TRAILERS, RECREATIONAL VEHICLES AND EQUIPMENT PARKED ON RESIDENTIAL LOTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;

PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-31 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Mr. Johansson explained the request for the code change. Council discussed the need for a code regarding edging grass from the sidewalks.

Robert Reinhausen, citizen, expressed his concerns regarding paragraph (d) on page 2. He'd like a definition of what constitutes a "larger lot" that could have a natural area.

Motion to withdraw the motion was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Motion to send the item back to Staff to rework the item and separate the chapters was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

20. First Reading - Ordinance 2019-32 - PUD Amendment/Colony in the Wood Planned Unit Development Amended and Restated Master Development Agreement and Conceptual Development Plan (Case No. 19-40000003)

Mayor Don Burnette read Ordinance No. 2019-32.

ORDINANCE NO. 2019-32

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE COLONY IN THE WOOD A PLANNED UNIT DEVELOPMENT AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT AND THE CONCEPTUAL DEVELOPMENT PLAN (CDP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-32 was made by Vice Mayor Chase Tramont

and Seconded by Council Member Drew
Bastian.

Mrs. Cruz discussed the details of the project.

Motion carried unanimously by roll call
vote.

21. First Reading - Ordinance 2019-33 - Small-Scale Future Land Use Map
Amendment/1793 Taylor Road (Case No. 19-20000004)

Mayor Don Burnette read Ordinance No. 2019-33.

ORDINANCE NO. 2019-33

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 +1.68 ACRES FROM
PUBLIC/INSTITUTIONAL TO RURAL TRANSITION (0-2
UNITS/ACRE); PROVIDING FOR CONFLICTING ORDINANCES,
SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-33
was made by Vice Mayor Chase Tramont
and Seconded by Council Member Drew
Bastian.

Mrs. Cruz asked Council to open item # 22 along with this item as they are related.
Council agreed. Mrs. Cruz discussed the details of the amendment and rezoning being
requested.

Glen Storch, Attorney for Applicants, explained the reason for the changes.

Mr. Reinhausen expressed concerns regarding the sewer lines available. He doesn't
want the property to have a septic system.

Motion carried unanimously by roll call
vote.

22. First Reading - Ordinance 2019-34 - Conventional Rezoning/Cracker Creek (1815, 1789, 1793, and 1795 Taylor Road) Case No. 19-60000005

Mayor Don Burnette read Ordinance No. 2019-34.

ORDINANCE NO. 2019-34

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING +24.53 ACRES LOCATED AT 1789 TAYLOR ROAD FROM PLANNED UNIT DEVELOPMENT (PUD) TO RURAL RESIDENTIAL (RR) AND FLOOD PLAIN-CONSERVATION (F-C); REZONING +1.68 ACRES LOCATED AT 1793 TAYLOR ROAD FROM PLANNED UNIT DEVELOPMENT (PUD) TO RURAL RESIDENTIAL (RR); REZONING + 16.51 ACRES LOCATED AT 1795 TAYLOR ROAD FROM PLANNED UNIT DEVELOPMENT (PUD) TO RECREATION (REC) AND FLOOD PLAIN-CONSERVATION (F-C); REZONING +9.76 ACRES LOCATED AT 1815 TAYLOR ROAD FROM PLANNED UNIT DEVELOPMENT (PUD) TO OFFICE/RESIDENTIAL TRANSITION (ORT) AND FLOOD PLAIN-CONSERVATION (F-C); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-34 was made by Vice Mayor Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

REGULAR AGENDA

23. Approval to Renew the Annual Service Agreement with Halifax Humane Society

Motion to approve was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

24. Resolution No. 19-43 - Cypress Head Golf Course Rules and Regulations

Mayor Don Burnette read Resolution No. 19-43.

RESOLUTION NO. 19-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ADOPTING REVISED RULES AND REGULATIONS RELATING TO THE MUNICIPAL GOLF COURSE; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 19-43 was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian.

Mr. Johansson explained the changes being requested.

Council Member Marilyn Ford expressed her concerns regarding the lack of enforcement of the current rules and wondered why they were changing them now. She doesn't believe the public who regularly play golf have been notified and given a chance to comment.

Susan Lovallo, Parks & Recreation Director, explained the Golf Advisory Board asked to review the Rules and requested the changes being requested. She explained the public meetings that were held, and the enforcement opportunities being included in the new rules.

Motion carried 4-1 by roll call vote with Council Member Marilyn Ford voting no.

ADDITIONAL ITEMS

25. City Attorney

There was nothing further.

26. City Manager

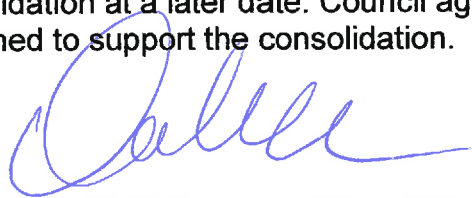
Mr. Johansson asked Council to discuss dates for the Council Workshop relating to the Community Center design. Council consensus was October 8, 2019 at 5:30 p.m. at Lakeside Community Center. Mr. Johansson discussed the changes to the recycling program. As of October 1, 2019, glass will not be recycled any longer. A brochure is going out in the utility bill, as well as a door knocker.

COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

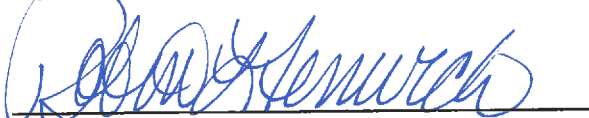
- a. ArHaus - Council Member Marilyn Ford provided details from the recent meeting.
- b. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided details of the recent meeting and upcoming events.
- c. Roundtable of Elected Officials - Mayor Don Burnette provided details of the recent meeting. He asked Council to hold a workshop or discussion regarding Fire consolidation at a later date. Council agreed to a discussion but was not inclined to support the consolidation.

ADJOURNMENT - 8:30 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk

