

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 15, 2019

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Donald O. Burnette at 6:33 p.m.

OPENING

Invocation by Pastor Mike Swingle of First Baptist Church of Harbor Oaks

Pledge of Allegiance

Roll Call	Present:	Council Member Marilyn Ford Council Member Drew Bastian Vice Mayor Chase Tramont Mayor Donald Burnette
	Absent:	Council Member Scott Stiltner
	Also Present:	City Manager Jake Johansson Deputy City Attorney Matthew Jones Assistant City Clerk Shelby Field

PROCLAMATIONS

4. Florida City Government Week

Mayor Don Burnette read the Proclamation for Florida City Government Week.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

There were none.

6. Agenda Approval

No changes were requested by Council.

Motion to approve the agenda as presented was made by Council Member Marilyn Ford and Seconded by Council Member Drew Bastian. Motion carried unanimously by voice vote.

7. Approval of Minutes
 - a. September 30, 2019 - City Council Special Meeting
 - b. October 1, 2019 - Regular City Council Meeting
 - c. October 8, 2019 - City Council Workshop
8. Bid Awards and Contract Items
 - a. Approval of Memorandum of Understanding (MOU) with Ring, LLC on behalf of the City of Port Orange and Port Orange Police Department.
 - b. Intent to Award ITB #19-24 to VerdeGo LLC for Public Utilities Landscape Maintenance
 - c. Approval of Task Authorization No. 26 to Mead & Hunt, Inc. for the design of Ridgewood Water Main Replacement from Farmbrook Road to Niver Street
9. Resolution No. 19-51 - Revised Fee Matrix Authority
10. Resolution No. 19-60 - Volusia County ECHO Grant Application- Recreational, Educational, and Cultural (REC) Center Phase II
11. Approval of Major Special Event – Christmas Tree Sales at Dunlawton Square Shopping Center located at 3813 Nova Road
12. Approval of 10-foot wide easement to Florida Power & Light from City of Port Orange and County of Volusia as joint property owners of the land where the Port Orange Shooting Range is built.

Motion to pull item 8a for further discussion was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by voice vote.

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

Item 8a. Approval of Memorandum of Understanding (MOU) with Ring, LLC on behalf of the City of Port Orange and Port Orange Police Department.

Vice Mayor Chase Tramont asked Matthew Jones, Deputy City Attorney, for clarification on what is being asked for with Ring LLC. Mr. Jones explained the item is to allow the Port Orange Police Department to receive voluntary data directly from Ring users when requested.

Motion to approve item 8a was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by voice vote.

13. Request by The Vineyards Homeowners Association to reduce the application fee to actual cost for a Variance application.

Mike Magargee, The Vineyards of Port Orange Homeowner's Association, Inc.'s Treasurer, spoke on behalf of the HOA and the email correspondence from their property manager.

Peggy Komishock, The Vineyards of Port Orange Homeowner's Association, Inc.'s Property Manager, asked Council for a reduction in the application fee for a variance application relating to their request to remove shade trees and waive tree mitigation requirements due to damage to the HOA subdivision infrastructure and sidewalk. They have a plan to replace the trees with a landscape buffer.

Motion to refund a portion of the application fee in the amount of \$224.82, was made by Council Member Drew Bastian and Seconded by Vice Mayor Chase Tramont. Motion failed 2-2 with Council Member Drew Bastian and Vice Mayor Chase Tramont voting yes and Council Member Marilyn Ford and Mayor Don Burnette voting no.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Robert Reinhausen, citizen, thanked the Council for holding the rec center workshop and letting the citizens participate. He would like to suggest adding solar panels to the roof of the building.

Chris Scilkop, citizen, introduced himself to Council as the new CEO of the YMCA.

Tami Roland, citizen, spoke on behalf of the Port Orange/South Daytona Chamber of Commerce, to express appreciation for Council keeping Port Orange a great City.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

There were none.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

15. Citizen Advisory Committee for TPO

Bobby Ball, CAC Member, provided an update on their most recent meeting.

PUBLIC HEARING

16. Second 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 Marilyn Ford. Motion carried unanimously by roll call vote.

17. First Reading - Ordinance No. 2019-36 - 9th Amendment to the Port Orange Gateway Center Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) (Case No. 19-40000005)

Mayor Don Burnette read Ordinance No. 2019-36.

ORDINANCE NO. 2019-36

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE NINTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT FOR PORT ORANGE GATEWAY CENTER PLANNED COMMERCIAL DEVELOPMENT (PCD) 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. 2019-36
was made by Vice Mayor Chase
Tramont and Seconded by Council
Member Drew Bastian.

Penelope Cruz, Planning Manager, presented details of the request and answered questions from Council.

Glen Storch, Attorney for the applicant, provided a presentation and answered questions from Council.

Motion carried unanimously by roll call
vote.

REGULAR AGENDA

18. First Reading - Ordinance No. 2019 -37 - Per Diem and Travel
reimbursement rates as published by the General Services Administration
(GSA)

Mayor Don Burnette read Ordinance No. 2019-37.

ORDINANCE NO. 2019-37

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA
COUNTY, FLORIDA; ESTABLISHING UNIFORM STANDARDS
FOR TRAVEL AND PER DIEM USE AND EXPENSE
REIMBURSEMENT FOR CITY OFFICIALS, EMPLOYEES AND
OTHER AUTHORIZED PERSONS; PROVIDING FOR TRAVEL
AND PER DIEM REIMBURSEMENT RATES, PROCEDURES,
EXCEPTIONS AND OTHER LIMITATIONS; PROVIDING FOR
RATIFICATION OF THE TRAVEL AND PER DIEM RELATED
EXPENDITURES COMMENCING ON OCTOBER 1, 2019
CONSISTENT WITH THIS ORDINANCE; PROVIDING FOR
CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY
AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-37
was made by Vice Mayor Chase
Tramont and Seconded by Council
Member Drew Bastian.

Scott Niels, Finance Director, and Jake Johansson, City Manager, provided details of the request from Staff and answered questions from Council. This item has been discussed in previous meetings relating to the budget changes.

Council Member Marilyn Ford asked to remove the words “standards substantially similar” in the second whereas clause to provide clarification and avoid confusion. Council agreed.

Motion withdrawn by Vice Mayor Chase Tramont.

Motion to adopt Ordinance No. 2019-37 with a language amendment in the second whereas clause was made by Council Member Marilyn Ford and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by roll call vote.

19. City Attorney Vacancy

Discussion was held regarding Council's expectations and direction moving forward to replace the City Attorney.

The majority of the Council Members would be satisfied with Mr. Jones filling the City Attorney vacancy. Council Member Marilyn Ford expressed interest in offering Mr. Jones the interim position for a period of time and allowing for a search in the future if need be. Mayor Don Burnette is not in favor of doing a search and believes Mr. Jones is qualified for the position. Matt Jones, Deputy City Attorney, expressed an interest in being appointed and serving the City in this capacity.

Motion to offer Matthew Jones the position of City Attorney effective December 2, 2019 subject to review of the contract between Mr. Jones and Mayor Don Burnette was made by Vice Mayor Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

20. City Attorney

There was nothing further.

21. City Manager

Mr. Johansson informed Council of his meeting with Strategic Materials who recycles glass and his continued investigation into recycling glass in the future. He also informed

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Council of the intention to move forward with purchasing the software to provide subtitles to meet ADA compliance standards.

COUNCIL COMMITTEE REPORTS

22. City Council Committee Reports

a. ArHaus - Council Member Marilyn Ford provided an update from their recent meeting.

b. Port Orange/South Daytona Chamber of Commerce - Debbie Connors and the 2019 Leadership members introduced themselves to Council.

c. Roundtable of Elected Officials - Mayor Don Burnette provided information from their recent meeting.

ADJOURNMENT – 8:20pm



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk

