

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

Silent Invocation

Pledge of Allegiance

Roll Call

Present:

Council Member Marilyn Ford
Council Member Drew Bastian
Council Member Scott Stiltner
Vice Mayor Chase Tramont
Mayor Donald Burnette

Also Present:

City Manager Jake Johansson
City Attorney Matthew Jones
City Clerk Robin Fenwick

4. Senator Tom Wright

Senator Tom Wright spoke regarding the issues within the county that he is working on with the Legislature, as well as those that have been accomplished.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

There were none.

6. Agenda Approval

There were no changes requested by Council.

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

7. Approval of Minutes

a. December 3, 2019 - Regular City Council Meeting

8. Bid Awards and Contract Items

a. Change Order No. 7 to the construction contract with The New Florida Industrial Electric (FIE) for the Dunlawton Street Lighting Project for a 114-day time extension.

- b. Change Order No. 3 to the TEDS Task Authorization 2 for Construction Engineering Inspection (CEI) services for the Dunlawton Street Lighting Project
9. Resolution No. 19-78 - Supporting the Tomoka Farm Road & Pioneer Trail Improvements
 10. Resolution No. 19-79 - Budget Appropriation
 11. Acceptance of the 2019 Annual Concurrency Management Report
 12. Approval of Major Special Event Request – Port Orange YMCA LiveStrong 5K - January 18, 2020
 13. Adoption of the 2020 Public Hearing and Development Review Calendars
 14. Approval of CDBG Plan Year 2018 Consolidated Annual Performance and Evaluation Report (CAPER)

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

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Kelly Grainger, citizen, expressed concern regarding a potential AirBnB coming next to their property.

COUNCIL COMMENTS

Shawn Goefert, outgoing President of the Chamber of Commerce, thanked Council for their support throughout the year.

15. Comments/Concerns from Council Members

Council wished all a Merry Christmas, happy New Year, and happy holidays.

Council Member Scott Stiltner thanked Council for passing the Resolution (#19-78) supporting the Tomoka Farms Road & Pioneer Trail improvements.

Council Member Marilyn Ford supported Resolution #19-78 but she doesn't believe an agenda item may have been necessary. She also spoke on the CDBG CAPER approved under Consent Agenda. She supported it but is uncomfortable with the First Step Shelter not being "Pottinger" compliant as she doesn't believe Council's intent was to help fund a project unless it solved the City's homelessness concerns.

Mayor Don Burnette asked Council to review the Annual Concurrency Management Report in detail regarding the traffic report. He thanked Staff for their work on the Tree Lighting event and Christmas parade.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

16. Environmental Advisory Board Report

Nancy Vaughn, Vice Chair reporting on behalf of Chairman John Macaluso, provided an update from their latest meeting and recent/upcoming activities.

17. Golf Advisory Board Report

Rich Lee, Chair, provided an update from the recent meeting held by the Gold Advisory Board.

PUBLIC HEARING

18. Second Reading - Ordinance No. 2019-35 - Amending Chapter 16 of the Land Development Code for a Dog Friendly Dining Program

Mayor Don Burnette read Ordinance No. 2019-35.

ORDINANCE NO. 2019-35

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 16 MISCELLANEOUS REGULATIONS BY CREATING SECTION 16-11 DOG FRIENDLY DINING PROGRAM; ESTABLISHING PURSUANT TO SECTION 509.233, FLORIDA STATUTES, A LOCAL EXEMPTION TO CERTAIN PROVISIONS OF GENERAL LAW AND AGENCY RULES RELATING TO PUBLIC FOOD SERVICE ESTABLISHMENTS FOR THE PURPOSE OF PERMITTING PATRONS DOGS IN DESIGNATED OUTDOOR AREAS OF SUCH ESTABLISHMENTS; PROVIDING FOR IMPLEMENTATION AND ENFORCEMENT PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-35 was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford.

Matthew Jones, City Attorney, advised Council of a change to the Ordinance to include the establishment of a resolution setting the fees for the permit.

Motion carried 4-1 by roll call vote with Council Member Chase Tramont voting no.

19. First Reading – Ordinance No. 2019-41 - Comprehensive Plan Capital Improvements Element - 2019 Annual Update (CASE NO. 19-27500001)

Mayor Don Burnette read Ordinance No. 2019-41.

ORDINANCE NO. 2019-41

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR THE FY2020-2025 FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AND SUPPORTING DATA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-41 on first reading was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Penelope Cruz, Planning Manager, provided details of the requirement to amend the CIE to include projects from the Capital Improvement Plan and answered questions from Council.

Robert Reinhausen, citizen, discussed the well replacement project mentioned in the report. He has questions regarding the project and suggested a study be done regarding drinking water. Mr. Johansson advised the evaluation of the water is, at least in part, included in this year's budget.

Motion carried unanimously by roll call vote.

20. Approval of the King's Landing Subdivision Variance Request

Motion to approve the subdivision variance to allow Phase 1 of the King's Landing Subdivision to be developed without extending Rocko Road into the King's Landing subdivision was made by Council Member Chase Tramont and Seconded by Council Member Marilyn Ford.

Tim Burman, Community Development Director, provided details of the variance request. The request, if approved, would still need to meet current codes.

Glen Storch, Attorney for Applicant, spoke regarding the variance being requested. The residents of Rocko Road do not want to see the connection. He asked for conditions to be added with the approval of the request, including no additional lots and landscaping at the end of Rocko Road where the road would have gone.

Beth & Jack Goldey, citizens, spoke regarding their concerns with the request.

Kevin Kling and Jeff Swartz, citizens, spoke in favor of the variance request.

Eric Gill, citizen, expressed his concerns with the request to omit the access point at Rocko Road.

Sarah Jones, citizen, asked Council to consider their obligation to the City as a whole, not just a few residents.

Mr. Reinhagen believes the road should go through as intended.

Brendan Galbreath, citizen, believes it's a neighborhood issue for those on Rocko Road, not King's Landing.

Motion to amend the motion to include the conditions offered by the applicant was made by Council Member Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

Motion as amended carried unanimously by roll call vote.

REGULAR AGENDA

21. Resolution No. 19-80 - Dog Friendly Dining Permit Fee

Mayor Don Burnette read Resolution No. 19-80.

RESOLUTION NO. 19-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING DOG FRIENDLY DINING PERMIT FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 19-80 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Council Member Marilyn Ford suggested an increase to the permit fee from \$50 to \$100 as the impact on City resources will increase.

Motion to amend the Resolution to increase the permit fee and renewal fee to \$100 was made by Council Member Marilyn Ford and Seconded by Council Member Chase Tramont.

Council Member Scott Stiltner is comfortable with \$50.00 but not opposed to \$100.00. He'd prefer to see it even lower. Vice Mayor Drew Bastian agreed.

Amended Motion failed 2-3 by roll call vote with Council Members Marilyn Ford and Chase Tramont voting yes.

Motion carried (\$50.00) 4-1 by roll call vote with Council Member Marilyn Ford voting no.

22. I-95 Gateway Signage Update

Margaret Tomlinson, Engineering, provided details of the final design and asked Council for input and any requested changes. Council authorized moving forward with the permitting process by the designer.

ADDITIONAL ITEMS

23. City Attorney

Mr. Jones updated Council on the Click2Gov security issue. There was a security issue and a notice will be sent to approximately 5,600 utility customers. He asked for feedback on the proposed notices he provided to Council. There were no changes provided. Mr. Jones introduced Carly Meeks, Assistant City Attorney.

24. City Manager

Mr. Johansson discussed the agenda process. Agenda items are placed on the next available Council agenda once they are ready for consideration.

COUNCIL COMMITTEE REPORTS

25. City Council Committee Reports

- a. First Step Shelter - Council Member Chase Tramont provided information from their recent meeting. Council's position is still that the shelter needs to be "Pottinger" compliant.

- b. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided details of recent and upcoming events.
- c. Roundtable of Elected Officials - Mayor Don Burnette did not meet in December. Council agreed to endorse the half cent sales tax for 2022 rather than 2020. Mr. Johansson suggested gathering a citizen committee right away in case the topic is added to the 2020 ballot.
- d. Fire Pension Board - Council Member Marilyn Ford provided details from the recent meeting. She suggested increasing the annual contribution. A proposal was made to change the annual COLA to October 1 each year instead of their birthday.
- e. General Employees' Pension Plan - Council Member Scott Stiltner provided details from their meeting.
- f. Vice Mayor Drew Bastian provided details on the Police Pension Plan meeting held recently.

ADJOURNMENT - 9:11 p.m.



Attest:

Robin Fenwick, MMC
City Clerk

Mayor Donald O. Burnette