

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
DECEMBER 19, 2019

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Vice Chair Mills-Benat at 5:30pm.

Pledge of Allegiance

Silent Invocation

Roll Call

Present: John Junco
Darrel “Bo” Bofamy
Lance Green
Newton White
Stan Schmidt
Maria Mills-Benat, Vice Chair

Absent: Thomas Jordan, Chairman (excused)

Also Present: Shannon Balmer, Assistant City Attorney
Shelby Field, Assistant City Clerk

B. DISCUSSION/ACTION

4. Consideration of Minutes

Motion to approve the minutes as presented from November 21, 2019 was made by Commissioner White and Seconded by Commissioner Schmidt. Motion carried unanimously by roll call vote.

Vice Chair Mills-Benat read Commissioner White’s voting conflict form into the record. He is declaring a conflict for item # 6 on this agenda.

5. Case No. 19-90000007
Variance/1631 Taylor Road

A request by the applicant for a variance from the Land Development Code (LDC) to reduce the Taylor Road right-of-way landscape buffer from 50 feet to 10 feet.

STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676 brking@port-orange.org

Brianna Conlan-King, Senior Planner, discussed details of the variance request and answered questions from the Commissioners.

Moe Fatemi, applicant, spoke further to the variance request and the work he hopes to do. At this point none of his attempts at communication with Walgreens to create a connection between the properties have been met.

Motion to approve Case No. 19-90000007 subject to staff recommendations and review on the approved landscape buffer designs and all other LDC required site and building improvements prior to issuance of a Certificate of Occupancy, was made by Commissioner White and Seconded by Commissioner Junco. Motion carried unanimously by roll call vote.

6. Case No. 19-40000007

16th Amendment to the Countryside Planned Unit Development

A request by the applicant for the 16th Amendment to the Countryside Planned Unit Development (PUD) to add "retail sales and services" as a permitted use for 1090 Dunlawton Avenue.

STAFF CONTACT: Briana Conlan-King, Senior Planner (386) 506-5676/brking@port-orange.org

Ms. Conlan-King discussed details of the amendment request and answered questions from the Commissioners.

Sarah Jones, citizen, believes it is a good opportunity for the City.

Elmer Davis, citizen, stated that Port Orange already has a medical marijuana dispensary close to this location and asked if this goes through the Countryside HOA to be voted on. The Commission responded that no this is not an HOA issue, this just changes the permitted use allowed for the subject property.

Motion to approve Case No. 19-40000007 was made by Commissioner Green and Seconded by Commissioner Bofamy. Motion carried unanimously by roll call vote with Commissioner White abstaining.

C. OTHER BUSINESS

7. Commissioner Comments

Commissioner Green thanked staff for a productive year and asked Tim Burman, Community Development Director, about the Click2Gov shut down and the impact to building inspections. Mr. Burman responded they are currently in the process of looking for their own program but right now are working on scheduling building inspections primarily through calls and emails.

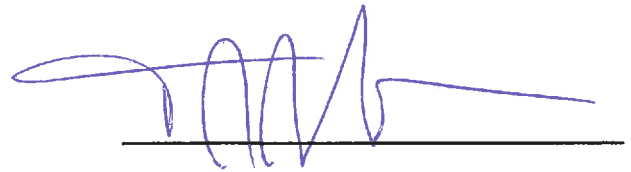
8. Staff Comments

Mr. Burman wished everyone Happy Holidays.

D. PUBLIC COMMENTS

Ms. Jones asked if the PogTV was fixed after it went down before the Council meeting Tuesday December 17, 2019. Vice Chair Mills-Benat responded no it has not been fixed yet and the meeting tonight will not be broadcast as a result. Ms. Jones requested a recording of the meeting. The City Clerk's Office will provide it.

E. ADJOURNMENT – 6:00pm

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid black horizontal line.

Chairman Thomas Jordan

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Newton White</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning Commission</i>	
MAILING ADDRESS <i>510 Renner rd.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Port Orange</i>	COUNTY <i>Volusia</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>12/19/19</i>		NAME OF POLITICAL SUBDIVISION: <i>Port Orange</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Newton White, hereby disclose that on December 19, 20 19:

(a) A measure came or will come before my agency which (check one or more) may

☐ inured to my special private gain or loss;

☒ inured to the special gain or loss of my business associate, Adams Cameron;

☐ inured to the special gain or loss of my relative, _____;

☐ inured to the special gain or loss of _____, by whom I am retained; or

☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item # 6
16th Amendment to the Countryside Planned
Unit Development
Case no. 19-40000007

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

December 19, 2019

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.