

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 17, 2020

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 Mike Swingle of First Baptist Church of Harbor Oaks

Pledge of Allegiance

Roll Call

Present:

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

Also Present:

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

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Robert Reinhausen, citizen, spoke regarding Item #7(b) and suggested bringing the scanning services in-house. He also spoke regarding Item #14-Acceptance of the Ambulance from Edgewater. He would prefer to see it go to the County for them to provide the service as they are required to do.

5. Agenda Approval

Mayor Don Burnette advised Item #13 - Approval of Major Special Event Request - 2020 Special Olympics Florida Law Enforcement Torch Run hosted by the Port Orange Police Department has been cancelled and removed from the agenda.

Motion to approve the Agenda as amended was made by Council Member Scott Stiltner and Seconded by Council Member Marilyn Ford. Motion carried unanimously by voice vote.

6. Approval of Minutes

- a. March 3, 2020 - Regular City Council Meeting

7. Bid Awards and Contract Items

- a. Intent to Award ITB #20-02 - Garnsey Water Treatment Plant Filter Media Placement to Intercounty Engineering, Inc.

- b. Intent to Award ITB #19-30 REBID for Scanning Services to Advanced Data Solutions, Inc.
 - c. Approval of the Memorandum of Understanding (MOU) with National Association of Government Employees (NAGE)
 - d. Approval of Memorandum of Understanding (MOU) with the International Association of Fire Fighters (IAFF)
- 8. Resolution No. 20-7 - Florida Inland Navigation District Grant Application- Design of Water Related Features for South Portion of Riverwalk Park
 - 9. Resolution No. 20-8 - Appropriate Fund Balance from Water and Sewer Fund (401) to cover River Water Main Repairs - Project URP011
 - 10. Resolution No. 20-9 - General Fund - Revenue - Tree Mitigation and FDLE JAG Grant
 - 11. Resolution No. 20-10 - Appropriate Fund Balance (Funds 301 and 312) to purchase property located at 4190 Spruce Creek Rd
 - 12. Resolution No. 20-11 - Quit-Claim Deed - Overlook Trail Frontage
 - 13. Approval of Major Special Event Request - 2020 Special Olympics Florida Law Enforcement Torch Run, hosted by the Port Orange Police Department
 - 14. Acceptance of an Ambulance Donation from Edgewater Fire Department

Motion to approve the Consent Agenda Items #6-12 and Item #14 (to include the revised Item #9 as posted today) was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

EASTPORT CRA MEETING

TOWN CENTER CRA MEETING

Council recessed at 6:36 p.m. to hold the Eastport CRA & Town Center CRA meetings, minutes of which are under separate cover.

Council reconvened at 6:46 p.m.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

There were none.

COUNCIL COMMENTS

15. Comments/Concerns from Council Members

Council Member Marilyn Ford would like Council to discuss the Pittman Law Groups' contract for lobbying.

Motion to move item #24 up on the agenda after Item #15 was made by Council Member Marilyn Ford and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

Council Member Scott Stiltner asked for a discussion item at a workshop regarding the vision of the River District to determine if any changes are needed.

Mayor Don Burnette asked about enforcement for the bars and nightclubs that need to close based on the Governor's Executive Order. Matthew Jones, City Attorney, explained the City's enforcement authority.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

16. Proclamation for Government Finance Professionals Week

Mayor Don Burnette read the Proclamation for Government Finance Professionals Week and thanked our Finance Department Staff for their work.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

17. Citizen Advisory Committee for TPO

Bobby Ball, CAC Member, was unable to attend. He provided information via email, which the Mayor read into the record showing his support with the TPO project list to be discussed by Council later in this meeting.

18. Fire Pension Board Trustee Reappointment of Chris Taylor as the Fifth Member

Motion to re-appoint Chris Taylor as the Fifth Member on the Fire Pension Board was made by Council Member Marilyn Ford and Seconded by Vice Mayor Drew Bastian. Motion carried unanimously by roll call vote.

PUBLIC HEARING

19. Second Reading - Ordinance No. 2020-4 - Ex Officio Duties of City Council

Mayor Don Burnette read Ordinance No. 2020-4.

ORDINANCE NO. 2020-4

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING CHAPTER 2, ARTICLE II OF THE CODE OF ORDINANCES TO ESTABLISH SECTION 2-33 PROVIDING FOR THE EX OFFICIO DUTIES OF CITY COUNCIL; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-4 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

20. First Reading - Ordinance No. 2020-5 - Small-Scale Comprehensive Plan Ordinance Amendment/Journey's End Planned Commercial Development - Trip Cap Removal (Case No. 19-20000006)

Penelope Cruz, Planning Manager, asked Mayor Burnette to open Item #20 and #21 for discussion together.

Mayor Don Burnette read Ordinance No. 2020-5.

ORDINANCE NO. 2020-5

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING ORDINANCE 2008-9 TO REMOVE THE VEHICUALR TRIP CAP AS APPLIED TO + 6.71 ACRES OF THE SUBJECT PROPERTY LOCATED AT 5840 AND 5850 JOURNEY'S END WAY; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-5 was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford.

Ms. Cruz provided details of the project, specifically relating to the trip cap.

Rob Merrell, Attorney for applicant, spoke regarding the project and why they are requesting the change. They have worked with the neighboring property owners to ease concerns.

Sans Lassiter, Traffic Engineer, spoke regarding the funding opportunity available with

Mayor Burnette read a letter from Carl Thomas, owner of Country Inn & Suites, objecting to the rezoning.

Tom Clapsaddle, Country Inn & Suites Manager, does not support the change to the Fourth Amendment to the Master Development Agreement and Conceptual Development Plan.

Jake Johansson, City Manager, spoke regarding impact fees collected to assist in designing projects for the TPO project list, which requires "shovel ready" projects. It's projects like this that help fund the project listed that are important to the City for traffic relief and other issues.

Motion carried unanimously by roll call vote.

21. First Reading - Ordinance No. 2020-6 - Fourth Amendment to the Master Development Agreement and Conceptual Development Plan for the Journey's End Planned Commercial Development (Case No. 19-40000006)

Mayor Don Burnette read Ordinance No. 2020-6.

ORDINANCE NO. 2020-6

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FOURTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR JOURNEY'S END (f/ka THE PEACOCK WAY) 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 approve Ordinance No. 2020-6 was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford.

Ms. Cruz provided details of the project to add hotel to the list of approved uses.

Motion carried 3-2 by roll call vote with Council Member Scott Stiltner and Mayor Don Burnette voting no.

22. First Reading - Ordinance No. 2020-7 - LDC Amendment/Chapter 2, 12, and 17 - PC-A Workplace District - Senior Independent Living Community (Case No. 20-25000001)

Motion to continue Item #22 to the April 7, 2020 City Council Meeting at the request of the applicant was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

23. Special Exception for private recreational facility in the Floodplain-Conservation (F-C) zoning district (Case No.20-70000001)

Motion to approve the Special Exception request to allow one private dock as a private recreational facility on a ±3-acre portion of a spoil island in the Halifax River (Parcel ID 6311-00-00-0140), subject to all other applicable local, regional, state and/or federal permits or easements being obtained before issuance of a City building permit for a dock was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Mrs. Cruz provided details of the request and advised the Planning Commission denied this request. Staff recommends approval as outlined in the motion and agenda materials.

Victoria Zinn, Attorney for applicant, spoke regarding the project and answered questions from Council.

Emilio Cirelli, property owner, discussed the navigation of the canals and general area.

Mary Law, adjacent property owner, expressed her concerns with the dock structure after Mayor Don Burnette read an email into the record from Susan Law Bostwick.

Council expressed concerns with the request and believes it causes safety concerns for boaters.

Motion failed 0-5 by roll call vote.

24. Economic Incentive Agreement with Dunlawton Village, LLC (Dunlawton Village)

Motion to approve the Economic Incentive Agreement for Dunlawton Village LLC was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

REGULAR AGENDA

25. Authorization to submit the proposed project list for the River to Sea TPO 2020 Transportation Improvement Program Priority List

Motion to authorize staff to submit applications for the 2020 Priority Project ranking for transportation improvements to the River to Sea Transportation Planning Organization (R2CTPO) as listed on the Staff Report included in the agenda packet was made by Council Member Marilyn Ford and Seconded by Vice Mayor Drew Bastian.

Mr. Burman discussed the projects listed. Council Member Marilyn Ford asked if Accessible Pedestrian Signals can be added to the Miles Road and Nova Road on the list. Mr. Burman said yes.

Motion carried unanimously by roll call vote.

26. Approval of Task Authorization No. 16 for Consumptive Use Permit Services with Kimley Horn & Associates (CA4621)

Motion to approve Task Authorization No. 16 for \$129,700.00 to the Master Contract for Engineering Services (CA4621) with Kimley Horn and Associates Inc. for the Consumptive Use Permit renewal and authorize the Mayor and City Clerk to execute all contract documents was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford.

Lynn Stevens, Public Utilities/Works Director, provided details on the request and advised the permit renewal process typically takes 12-24 months to complete so they

Motion carried unanimously by roll call
vote.

ADDITIONAL ITEMS

27. City Attorney

There was nothing further.

28. City Manager

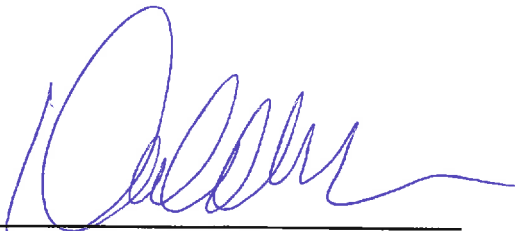
Mr. Johansson addressed Council's comments about the Pittman Law Group contract and contracts in general. He will schedule the Riverwalk visioning discussion for a meeting or workshop in the near future as requested by the Mayor.

COUNCIL COMMITTEE REPORTS

29. City Council Committee Reports

- a. First Step Shelter - Council Member Chase Tramont had nothing to report.
- b. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette reported on the upcoming events.
- c. Roundtable of Elected Officials – Mayor Don Burnette reported on their recent meeting.

ADJOURNMENT - 9:13 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk