

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 19, 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 Calvin Gittner of Port Orange Presbyterian Church

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

There were none.

5. Agenda Approval

Motion to pull Items #7(b) and #9 was made by Council Member Marilyn Ford and Seconded by Council Member Scott Stiltner. Motion carried unanimously by roll call.

Motion to approve the agenda as amended was made by Council Member Scott Stiltner and Seconded by Vice Mayor Drew Bastian. Motion carried unanimously by voice vote.

6. Approval of Minutes

a. May 5, 2020 - Regular City Council Meeting

7. Bid Awards and Contract Items

a. Approval of Task Authorization No. 28 CA4619 with Mead & Hunt Inc. for Design and Bidding Assistance for Garnsey WTP Generator Upgrades

- b. Ratification of Emergency Purchase - Paymentus Contract for a fully hosted, single-vendor solution management of the City's Utility, Community Development, and other billings and payments.

Council Member Marilyn Ford asked for an explanation regarding the funding. Scott Neils, Finance Director, explained the IVR system was never purchased and it is included in Paymentus so the funds are available for other usage. Jake Johansson, City Manager, explained the funds not used for the IVR system are going to be moved and used at another time for another purpose.

Motion to approve Item 7(b) was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner. Motion carried 4-1 by roll call vote with Council Member Marilyn Ford voting no.

- c. Ratification of an Emergency Purchase Order to Logan Diving & Salvage for water main break under Halifax River
 - d. Waiver of Formal Bidding Procedures and Approval to Renew Environmental Legal Liability and Tank Storage Insurance with Aspen Specialty Insurance Company
8. Resolution No. 20-17 – Easement Vacation - Lot 91 Cross Creek I
9. Resolution No. 20-18 - Appropriate funds for parking lot repairs at Palmer Chiropractic College (Allen Green Center)

Mayor Don Burnette read Resolution No. 20-18.

RESOLUTION NO. 20-18

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING OPERATING FUNDS FOR THE FISCAL YEAR 2020 BUDGET; TO DESIGNATE FUND BALANCE IN THE AMOUNT OF \$20,000 IN THE GENERAL FUND (001) AND APPROPRIATE FOR MAINTENANCE AND REPAIRS WORK OF THE ALLEN GREEN CENTER (PALMER CLINIC) PARKING LOT AND; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 20-18 was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford.

Council Member Marilyn Ford asked if Staff has asked Palmer to pay for the repairs. Mr. Johansson said it is our responsibility in the contract.

Motion carried unanimously by roll call vote.

10. Resolution No. 20-19 - Appropriate Funds for Land Purchase (3641 Ridgewood Ave)
11. Resolution No. 20-21 - Expressing the City's Support and Intention to Create a PACE Program
12. Approval of Membership Agreements for the PACE Program

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

CITIZEN PARTICIPATION (Agenda)

13. Update by the property owner on the Williamson/Madeline (former church) property

Hassan Saboungi, Saboungi Construction, provided an update with pictures on the project being done at Williamson/Madeline. He advised they will not be done by May 31, 2020 and asked for a 30-day extension.

Motion to approve an extension to June 30, 2020 was made by Council Member Scott Stiltner and Seconded by Vice Mayor Drew Bastian. Motion carried 4-1 by roll call vote with Council Member Chase Tramont voting no.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

There were none.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Council Member Scott Stiltner recognized Staci Tramont for her efforts on her "Adopt a Senior" Campaign.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

15. Presentation of Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR) by the City's audit firm, James Moore, & Co. P.L.

Zach Chalifour, CPA with James Moore, provided details from the 2019 CAFR and answered questions from Council.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

16. Citizen Advisory Committee for TPO

Bobby Ball provided a written report to Council prior to the meeting.

17. Golf Advisory Board Update

Lance Green, Chairman, provided an update from recent Golf Advisory Board meetings.

PUBLIC HEARING

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

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 VEHICULAR 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 Chase Tramont.

Carl Thomas, owner of Country Inn and Suites, spoke against the amendment. He believes the amendment will adversely affect his investment.

Motion carried 4-1 by roll call vote with Mayor Don Burnette voting no.

19. Second 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/k/a 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 adopt Ordinance No. 2020-6 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried 3-2 by roll call vote with Council Member Scott Stiltner and Mayor Don Burnette voting no.

REGULAR AGENDA

20. First Reading - Ordinance No. 2020-8 - Emergency Preparedness and Response Ordinance

Mayor Don Burnette read Ordinance No. 2020-8.

ORDINANCE NO. 2020-8

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 26, SECTION 26-2 RELATED TO EMERGENCY MANAGEMENT TO ADD NEW DEFINITIONS; AMENDING CHAPTER 26 TO ESTABLISH A NEW ARTICLE IV RELATED TO EMERGENCY PREPAREDNESS AND RESPONSE; PROVIDING FOR DEBRIS TO BE CLEARED FROM RIGHTS-OF-WAY; PROVIDING FOR PENALTIES AND ENFORCEMENT; AMENDING CHAPTER 26 TO ESTABLISH A NEW ARTICLE V RELATED TO DISASTER DEBRIS REMOVAL FROM PRIVATE RIGHTS-OF-WAY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-8 was made by Vice Mayor Drew Bastian

and Seconded by Council Member
Chase Tramont.

Mr. Johansson provided details of the ordinance based on Hurricane Dorian experiences and answered questions from Council.

Motion carried unanimously by roll call
vote.

21. First Reading - Ordinance No. 2020-9 - Feral Cats / Community Cat
Program / Outdoor Feeding

Mayor Don Burnette read Ordinance No. 2020-9.

ORDINANCE NO. 2020-9

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 10, SECTION 10-3 OF THE CODE OF ORDINANCES, CITY OF PORT ORANGE, FLORIDA DEFINING "COMMUNITY CAT" and "FERAL CAT"; AMENDING CHAPTER 10, SECTION 10-11, RELATING TO REGULATIONS RELATED TO FERAL CATS; AMENDING CHAPTER 10 TO CREATE A NEW SECTION 10-21 REGULATING THE OUTDOOR FEEDING OF CATS AND DOGS; AMENDING CHAPTER 10 TO CREATE A NEW SECTION 10-22 ESTABLISHING THE AUTHORITY TO CREATE A COMMUNITY CAT PROGRAM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-9
was made by Vice Mayor Drew Bastian
and Seconded by Council Member
Chase Tramont.

Thomas Grimaldi, Police Chief, provided details on the proposed Ordinance. Alan Rosen, Assistant City Manager, provided details of the proposed TNR Program and answered questions from Council.

Shira Wild, citizen, spoke regarding her support of the program.

Mayor Don Burnette read comments submitted to the City Clerk via the online form.

Sarah Jones, citizen, spoke regarding the negative comments from the volunteers. She encouraged Council to work out the details and work with CCFAW.

Mr. Rosen spoke as to the comments and questions from the public.

Motion withdrawn by Vice Mayor Drew Bastian.

Motion to approve the ordinance with the removal of the reference for fees of the program Section 10-22(b) was made by Council Member Marilyn Ford and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

22. Resolution No. 20-20 - Establishing Animal License Tag Fees and Redemption Charges

Mayor Don Burnette read Resolution No. 20-20.

RESOLUTION NO. 20-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING ANIMAL LICENSE TAG FEES AND REDEMPTION CHARGES; SUPERSEDING PRIOR RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 20-20 was made by Council Member Marilyn Ford and Seconded by Council Member Chase Tramont.

Mr. Rosen provided details of the Resolution.

Motion carried unanimously by roll call vote.

23. Discussion regarding Panhandling Concerns and Ordinance

Council wants to do more but understands it is protected speech. Council asked the City Attorney to work with a Constitution attorney to provide them with options on handling issues with panhandling that do not infringe on the First Amendment.

Mayor Don Burnette read public comments into the record.

Motion to authorize the City Attorney to engage Michael Kahn to discuss options regarding panhandling in the City of Port

Orange was made by Council Member Chase Tramont and Seconded by Vice Mayor Drew Bastian.

Council Member Marilyn Ford spoke against the motion as it's a losing battle based on her discussions with Mr. Jones.

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

ADDITIONAL ITEMS

24. City Attorney Comments

Mr. Jones spoke regarding the code issues at 191 Gibson Way. He asked for the authority to bring injunctive action through a Court Order.

Motion to authorize an injunctive action against the property owner of 191 Gibson Way was made by Council Member Scott Stiltner and Seconded by Vice Mayor Drew Bastian. Motion carried unanimously by voice vote.

Mr. Jones advised the County submitted a plan to reopen vacation rentals, but the City can opt out of the County's plan. He asked Council to provide direction.

25. City Manager Comments

Mr. Johansson asked Council for direction regarding the July 4th event. Council agreed to postpone the event. Mr. Johansson provided details regarding summer camp issues and asked Council if they want to have a program this year or not. He would like to have a small program. Council agrees to move forward with summer camp as a smaller program if the logistics allow for it.

Mr. Johansson discussed the changes to the SAFER grant requirements. There is no longer a 25% match required from the City. He asked to increase the grant request to seven firefighters because four current firefighters are in DROP and will retire in the three years of the grant funding. Council agreed (3-2) to moving forward with up to seven positions.

Mr. Johansson asked Council for permission to move forward with the June event for Port Orange Community Trust that is scaled down to a food truck event with beer sales and vendors spaced out. Council agreed to allow the outdoor event with following CDC guidelines and the Governor's Executive Order.

Mr. Johansson discussed the rental waiver and deferral requests he has received from

the Port Orange Historical Trust and asked for support to waive the \$50 fee.

Motion to extend the meeting by 10 mins was made by Council Member Marilyn Ford and Seconded by Council Member Scott Stiltner. Motion carried unanimously by voice vote.

COUNCIL COMMITTEE REPORTS

26. City Council Committee Reports

- a. General Employees' Pension Plan - Council Member Scott Stiltner had nothing additional to report as their meeting was cancelled.
- b. Fire Pension Plan - Council Member Marilyn Ford provided an update from their recent meeting.
- c. First Step Shelter - Council Member Chase Tramont had nothing to report.
- d. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette thanked them for the re-opening guidelines provided.
- e. ArtHaus - Council Member Marilyn Ford provided an update from their recent meeting.

ADJOURNMENT - 11:06 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk

