

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 16, 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 Tom Nelson of First United Methodist 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
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Also Present:	City Manager Jake Johansson City Attorney Matthew Jones City Clerk Robin Fenwick
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CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes requested by Council.

Motion to approve the Agenda as presented was made by Council Member Marilyn Ford and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

6. Approval of Minutes

- a. June 2, 2020 - Regular City Council Meeting

7. Bid Awards and Contract Items

- a. Approval of Ponce Inlet Interlocal Agreement - Emergency Water Distribution Assistance
- b. Award ITB #20-07 for Disaster Debris Monitoring (FEMA) to Thompson Consulting Services and Tetra Tech, Inc.
- c. Award Bid #20-06, Disaster Debris Removal and Disposal (FEMA)
- d. Award ITB#19-28 to Security and Fire Electronics for City Hall Fire Alarm Replacement

8. Approval of CDBG Amended Action Plan for Program Year 2019 and CDBG Amended Citizen Participation Plan

9. Resolution No. 20-24 - Approval for creation of Grant Fund within Workday

10. Resolution No. 20-25 - Supporting Volusia County's Local Mitigation Strategy

11. Resolution No. 20-26 - Appropriate funds for ECHO grant

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

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

There were no comments from the public.

COUNCIL COMMENTS

12. Comments/Concerns from Council Members

Council Member Marilyn Ford provided details of the ArtHaus summer program being offered.

Council Member Chase Tramont asked about paint on the sidewalks in Town Park Subdivision due to the tree roots. Jake Johansson, City Manager, provided details of the project and advised Staff will work to ensure there is proper paint and warnings.

Mayor Don Burnette asked Police Chief Thomas Grimaldi to discuss how officers are trained relating to de-escalation and their policies relating to intervening. FDLE requires biased training, but the City holds this training annually.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

13. Citizen Advisory Committee for TPO

Bobby Ball provided an update from the recent meeting of the CAC.

14. Environmental Advisory Board Appointments (x3)

Mayor Don Burnette opened the floor for nominations.

Nomination to appoint Kristine Cunningham, John Macaluso, and Nancy Vaughn was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner. Motion carried unanimously by voice vote.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

15. Victoria Fahlberg of First Step Shelter

Dr. Victoria Fahlberg of First Step Shelter provided an update of the shelter construction, as well as the help provided for residents.

PUBLIC HEARING

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

Mayor Don Burnette read Ordinance No. 2020-7.

ORDINANCE NO 2020-7

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 2, 12, AND 17 RELATING TO DEFINITIONS AND INTERPRETATIONS, ROADS AND VEHICULAR USE AREAS, AND ZONING DISTRICT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-7 was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford.

Robert Reinhausen, citizen, spoke as to the vision of the growth in the City and the balance between the east and west sides of Port Orange. He asked Council to reject the item.

Motion carried unanimously by roll call vote.

17. Second 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. Motion carried unanimously by roll call vote.

18. Second 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.

Alan Rosen, Assistant City Manager, provided a brief overview of the ordinance. Volunteers can start the program immediately, but any penalties will be assessed after 90 days. There is a requirement to attend a class. Registration is required through the Police Department. Mayor Burnette asked Staff to monitor the number of volunteers. He doesn't want to lose volunteers. Council Member Marilyn Ford asked for a quarterly report for the first year regarding the volunteers.

Shira Wild, citizen, is outraged by this ordinance and the new program rules.

Darlene Kochendoerfer, citizen, spoke regarding the volunteers and the workings of the program.

City Clerk Robin Fenwick read public comments from Rebecca Buchanan and Pat Mihalik.

Mr. Johansson advised the Staff is open to funding for all cats that have their ears tipped.

Motion carried unanimously by roll call vote.

19. Second Reading - Ordinance No. 2020-10 - Causeway Park Parking

Mayor Don Burnette read Ordinance No. 2020-10.

ORDINANCE NO 2020-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES TO ESTABLISH A NEW SECTION 70-51 RELATED TO PARKING REGULATIONS; ENFORCEMENT AND INCREASED FINE FOR PARKING AT THE CAUSEWAY PARK; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-10 was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried 4-1 by roll call vote with Council Member Chase Tramont voting no.

20. First Reading - Ordinance No. 2020-11 - Small-Scale Future Land Use Map Amendment/All Aboard Storage Taylor Road (Case No. 19-20000005)

Mayor Don Burnette read Ordinance No. 2020-11.

ORDINANCE NO 2020-11

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE

DESIGNATION FOR +4.07 ACRES FROM VOLUSIA COUNTY URBAN LOW INTENSITY (ULI) TO CITY OF PORT ORANGE OFFICE/RESIDENTIAL TRANSITION (ORT); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-11 was made by Council Member Marilyn Ford and Seconded by Vice Mayor Drew Bastian.

Penelope Cruz, Planning Manager, asked Council to open this item, along with Item #21 to be discussed together. Council agreed. Mrs. Cruz provided details of the request to change the FLU and the zoning amendment.

Tom Silk and Bill Hawkins, citizens, spoke regarding his opposition to this project due to traffic issues.

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

21. First Reading - Ordinance No. 2020-12 - PCD Rezoning/All Aboard Storage Taylor Road Master Development Agreement and Conceptual Development Plan (Case No. 19-65000003)

Mayor Don Burnette read Ordinance No. 2020-12 and the item was discussed with Item #20.

ORDINANCE NO 2020-12

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +10.2 ACRES FROM PLANNED COMMERCIAL DEVELOPMENT (PCD) AND VOLUSIA COUNTY A-2 (RURAL AGRICULTURE) TO ALL ABOARD STORAGE TAYLOR ROAD PLANNED COMMERCIAL DEVELOPMENT (PCD) AND APPROVAL OF ALL ABOARD STORAGE PLANNED COMMERCIAL DEVELOPMENT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-12 was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried 4-1 by roll call vote with Mayor Don Burnette voting no.

22. First Reading - Ordinance No. 2020-13 - Annexation/6156 Williamson Blvd. - Thrive Community Church (Case No. 20-10000001)

Mayor Don Burnette read Ordinance No. 2020-13.

ORDINANCE NO 2020-13

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING APPROXIMATELY ±8.2 ACRES OF PROPERTY LOCATED AT 6156 WILLIAMSON BOULEVARD; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-13
was made by Vice Mayor Drew Bastian
and Seconded by Council Member
Chase Tramont.

Mayor Don Burnette also opened Ordinance No. 2020-14 and Ordinance No. 2020-15 to be discussed together with this item.

Mrs. Cruz provided details of the annexation, amendment to the FLU Map, and the rezoning of 6156 Williamson Blvd. (Items #22, 23, and 24)

Pastor Pete Kirstead, Thrive Community Church, spoke on the project and is looking forward to having their own building.

Motion carried unanimously by roll call
vote.

23. First Reading - Ordinance No. 2020-14 - Small-Scale Future Land Use Map Amendment/6156 Williamson Blvd. - Thrive Community Church (Case No. 20-20000001)

Mayor Don Burnette read Ordinance No. 2020-14.

ORDINANCE NO 2020-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE DESIGNATION FOR +8.2 ACRES FROM VOLUSIA COUNTY URBAN LOW INTENSITY (ULI) TO CITY OF PORT ORANGE RURAL TRANSITION (0-2 UNITS/ACRE); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-14 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

24. First Reading - Ordinance No. 2020-15 - Rezoning/6156 Williamson Blvd. - Thrive Community Church (Case No. 20-60000001)

Mayor Don Burnette read Ordinance No. 2020-15.

ORDINANCE NO 2020-15

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING +8.2 ACRES LOCATED AT 6156 WILLIAMSON BOULEVARD FROM VOLUSIA COUNTY RURAL AGRICULTURE (A-2) TO CITY OF PORT ORANGE GOVERNMENT/PUBLIC USE (GPU); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-15 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

25. First Reading - Ordinance No. 2020-16 - 4th Amendment to the Home Depot Planned Commercial Development Master Development Agreement and Conceptual Development Plan (Case No. 20-40000001)

Mayor Don Burnette read Ordinance No. 2020-16.

ORDINANCE NO 2020-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FOURTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE PORT ORANGE HOME DEPOT 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. 2020-16 was made by Vice Mayor Drew Bastian

and Seconded by Council Member
Chase Tramont.

Mrs. Cruz provided details of the 4th Amendment to allow outdoor display of merchandise.

Council Member Marilyn Ford is concerned there may not be enough room in the traffic lanes. Mrs. Cruz explained the requirement to maintain enough distance to allow for traffic to pass.

Peter Van Rens, Kimley-Horn, spoke regarding the project and thanked Staff for their work.

Motion carried unanimously by roll call
vote.

26. First Reading - Ordinance No. 2020-17 - Administrative Rezoning/4035 Nova Rd., 5245, 5279 and 4050 Nova Rd. (Case No. 20-60000002)

Mayor Don Burnette read Ordinance No. 2020-17.

ORDINANCE NO 2020-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +0.95 ACRES FROM PLANNED COMMERCIAL DEVELOPMENT (PCD) TO COMMUNITY COMMERCIAL (CC) PROFESSIONAL OFFICE (PO); +2.36 ACRES FROM COMMONWEALTH PLAZA PLANNED COMMERCIAL DEVELOPMENT (PCD) TO COMMUNITY COMMERCIAL (CC); AND +17.9 ACRES FROM PROFESSIONAL OFFICE (PO) AND HIGH DENSITY RESIDENTIAL (R-3H) TO GOVERNMENT PUBLIC USE (GPU); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-17
was made by Vice Mayor Drew Bastian
and Seconded by Council Member
Chase Tramont.

Mrs. Cruz provided details of the administrative rezoning of properties on Nova Road.

Motion carried unanimously by roll call
vote.

27. Approval of Subdivision Replat/Altamira Shopping Village Partial Replat
(Case No. 19-50000002)

Motion to approve subdivision replat as presented was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Tim Burman, Community Development Director, provided details of the replat and answered questions from Council.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

28. Approval of Contract with Halifax Humane Society for Spay/Neuter Services

Motion to approve the contract as presented was made by Council Member Chase Tramont and Seconded by Council Member Scott Stiltner.

Mr. Rosen provided details of the contract and answered questions from Council.

Discussion was held regarding the budgeted amount in the contract and the capacity of Redinger Clinics. Council Member Marilyn Ford would like to use the full budget on solving the issue. Mr. Johansson will consider that option should it be needed as that would fall under his authority amount, but he advised that plan doesn't change the contract with Halifax Humane Society that is up for consideration.

Ms. Wild suggested working with the volunteers and offered her services. She is saddened that the volunteers who work with the feral cat program were not consulted for the new program. She'd like to know where the funds have gone that were budgeted since the program was discontinued in January. She is also concerned with ear tipping as people don't want to adopt an ear tipped kitten; microchip is a better option.

Robin Wissen, citizen, expressed her concerns with ear tipping.

Ms. Kochendoerfer also expressed her concerns with the program and asked Council and Staff to work with CCFAW.

Mr. Rosen addressed the ear tipping vs. microchip as the information was provided to him, which would have cost the City an additional \$16.00 per animal.

Motion carried unanimously by roll call vote.

29. First Reading - Ordinance No. 2020-18 - Amending Section 5.04 of the Charter - Primary Election Date

Mayor Don Burnette read Ordinance No. 2020-18.

ORDINANCE NO 2020-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING SECTION 5.04 OF THE CITY CHARTER RELATING TO THE DATE FOR THE PRIMARY ELECTION; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-18 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

30. City Attorney

a. City Attorney Evaluation

Council provided feedback regarding his performance. Positive remarks were made regarding his availability, knowledge, transparency, and honesty.

31. City Manager

Shade meeting was scheduled for Tuesday, June 23, 2020 at 6:45 p.m.

a. City Manager Evaluation

Council provided feedback on the City Manager's performance. Mayor Don Burnette will meet with the City Manager before providing his feedback.

COUNCIL COMMITTEE REPORTS

32. City Council Committee Reports

a. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided an update on upcoming events.

b. First Step Shelter - Report provided by Victoria Fahlberg previously.

c. Roundtable of Elected Officials - Mayor Don Burnette advised they are postponed until September.

ADJOURNMENT - 9:47 p.m.



Attest:

Shelly Field *for*

Robin Fenwick, MMC
City Clerk

Mayor Donald O. Burnette