

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JULY 21, 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 Fr. Rick Burhans of Grace Episcopal 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 Assistant City Clerk Shelby Field
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B. 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 Chase Tramont and
Seconded by Council Member Marilyn Ford.
Motion carried unanimously by voice vote.

6. Approval of Minutes

- a. June 16, 2020 - Regular City Council Meeting
- b. June 23, 2020 - City Council Special Meeting/Workshop
- c. July 14, 2020 - Special City Council Meeting

7. Bid Awards and Contract Items

- a. Approval of Lease Extension and Increase with Clear Channel Outdoors for Billboards on I-4
- b. Intent to Award ITB #20-08 to Meeks Plumbing Inc. and Cloud 9 Services Inc for Septic Sewer Pumping (FEMA)
- c. Approval of Hunting Lease Addendum #1 with G&G Hunt Club and Volusia County

- d. Approval of Change Order No. 1 to Task Authorization No. 14 with Kimley-Horn and Associates
 - e. Approval of Hurricane Dorian Federally Funded Subaward and Grant Agreement
 - f. Approval of Addendum #1 to Contract with Halifax Humane Society to Include Administrative Fee
 - g. Approval to Renew the Interlocal Agreement with the Utilities Commission, City of New Smyrna Beach
 - h. ITB #20-06, Disaster Debris Removal and Disposal Services - Cancel Contract Award to Ceres Environmental Services and award to Graham County Land Co and Phillips & Jordan Inc.
8. Approval to Submit Grant Application for the 2020 Florida Department of Law Enforcement Coronavirus Emergency Supplemental Funding (CESF) Program

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.

C. CITIZEN PARTICIPATION (Agenda)

9. Port Orange Economic and Environmental Issues - Derek LaMontagne

Derek LaMontagne, citizen, provided a presentation about local environmental and economic issues and ways the city can improve.

D. CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Shawn Goepfert, Port Orange/South Daytona Chamber of Commerce, provided an update on upcoming events. Mayor Don Burnette thanked them for the recent PPE giveaway the Chamber participated in. Mr. Goepfert stated they provided PPE to over 600 people.

Assistant City Clerk Shelby Field read public comments from Pat Mihalic and Jacklean Kibler.

Jake Johansson, City Manager, read public comments from Mary Suarez, Kelly Ryder and Jonna Scott.

Sarah Jones, citizen, spoke regarding the mask mandate and supports Port Orange issuing one.

E. COUNCIL COMMENTS

10. Comments/Concerns from Council Members

Council Member Bastian sends his condolences to Don Large's family, former Daytona Beach Shores Mayor.

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

Tom Silk, citizen, discussed the Crane Lakes association meeting held in July. He is against the project.

Mr. LaMontagne requests denial of the project or if it is built to preserve more land.

Steve Boust, citizen, is concerned with the quality of life of the project.

Brian Spies, citizen, agrees with all complaints.

Mr. Geopfert currently has his office at an All Aboard Storage location and believes this is a good location. He believes what the developer has done has been good for the community.

Mike Dewul, citizen, is against the project.

Andy Clark, All Aboard Storage, responded to citizen concerns and the need for the additional storage units.

Sans Lassiter, LTG Engineer, addressed traffic concerns.

Nancy Anderson, citizen, doesn't understand why every piece of land has to have a building on it.

Council Member Stiltner addressed citizen concerns regarding government building all over town, finding the right location for a project, and crime rates in Port Orange.

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

15. Second 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.

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

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

17. Second 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.

18. Second 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.

Mayor Burnette called a 6-minute recess at 8:25pm

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

20. Second 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.

Mr. Spies asked if Council knows what is going in here yet. Mayor Don Burnette said no.

Motion carried unanimously by roll call
vote.

21. First Reading - Ordinance No. 2020-19 - Third Amendment to the Woodhaven PUD
Master Development Agreement (Case No. 20-40000003)

Mayor Don Burnette read Ordinance No. 2020-19.

ORDINANCE NO. 2020-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA
COUNTY, FLORIDA, APPROVING THE THIRD AMENDMENT TO
THE WOODHAVEN PLANNED UNIT DEVELOPMENT MASTER
DEVELOPMENT AGREEMENT; PROVIDING FOR REPEAL OF
CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-19
was made by Vice Mayor Drew Bastian
and Seconded by Council Member
Chase Tramont.

Penelope Cruz, Planning Manager, discussed the proposed amendment and answered
questions from Council.

Dick Smith, ICI Homes, spoke to the item and answered questions from Council.

Council Member Marilyn Ford inquired about the number of people this could add to the
neighborhood. Mr. Smith stated there will be 56 townhome units.

Mr. Reinhausen discussed what was already approved in phase 1 and what will be part of
the new units. He believes the developer has had plenty of time to redesign the plans.

Mr. Geopfert believes ICI is doing a good job and supports the amendment.

Motion carried unanimously by roll call
vote.

22. First Reading - Ordinance No. 2020-20 - First Amendment to the New Port Apartments Planned Unit Development Master Development Agreement (Case No. 20-40000002)

Mayor Don Burnette read Ordinance No. 2020-20.

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE NEW PORT APARTMENTS PLANNED UNIT DEVELOPMENT (A RESIDENTIAL PUD) MASTER DEVELOPMENT AGREEMENT (MDA); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-20 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Mrs. Cruz discussed the proposed amendment and answered questions from Council.

Jeff Brock, applicant, provided information and answered question from Council.

Motion carried unanimously by roll call vote.

23. First Reading - Ordinance No. 2020-21 - Annexation/4057 Bruner Road

Mayor Don Burnette read Ordinance No. 2020-21.

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING APPROXIMATELY ±18.7 ACRES OF PROPERTY LOCATED AT 4057 BRUNER ROAD ALONG WITH A PORTION OF THE ADJACENT WELLFIELD ROAD AND BRUNER ROAD RIGHTS-OF-WAY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-21 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Mrs. Cruz asked to open items 23, 24, and 25 together. Council agreed.

Mrs. Cruz discussed the annexation request, proposed amendment and proposed rezoning and answered questions from Council

Mr. Johansson explained the city may need to extend Bruner Rd to the proposed to DMS site as a city used road but does not have plans to extend to Clyde Morris at this time.

Motion carried unanimously by roll call vote.

24. First Reading - Ordinance No. 2020-22 - 20-1 Large-scale Future Land Use Map Amendment/4057 Bruner Road (Case No. 20-20000003)

Mayor Don Burnette read Ordinance No. 2020-22.

ORDINANCE NO. 2020-22

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 +18.7 ACRES FROM VOLUSIA COUNTY URBAN LOW INTENSITY (0.2-4 UNITS/ACRE) TO CITY OF PORT ORANGE PUBLIC/INSTITUTIONAL FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF BRUNER ROAD, NORTH OF THE CITY'S WATER TREATMENT AT 4057 BRUNER ROAD; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-22 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. 2020-23 - Administrative Rezoning/4057 Bruner Road and 4505 Clyde Morris Boulevard (Case No. 20-60000004)

Mayor Don Burnette read Ordinance No. 2020-23.

ORDINANCE NO. 2020-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF

APPROXIMATELY +18.7 ACRES FROM VOLUSIA COUNTY RURAL MOBILE HOME (MH-3 AND MH-4) AND +8.1 ACRES FROM CITY OF PORT ORANGE MULTI-FAMILY RESIDENTIAL (R-3L) TO GOVERNMENT PUBLIC USE (GPU); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-23 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

26. First Reading - Ordinance No. 2020-24 - Land Development Code Amendment/Chapter 20 - Ridgewood Corridor Targeted Businesses (Case No. 20-25000003)

Mayor Don Burnette read Ordinance No. 2020-24.

ORDINANCE NO. 2020-24

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 20 RELATING TO RIDGEWOOD CORRIDOR TARGETED BUSINESSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-24 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Mrs. Cruz discussed the proposed amendment and answered questions from Council.

Motion carried unanimously by roll call vote.

27. Approval of the Conditional Use Request from Christ the King Church for 6015 Spruce Creek Road

Motion to approve the Conditional Use Request from Christ the King Church with staff recommendations was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Tim Burman, Community Development Director, provided information on the Conditional Use request and answered questions from Council.

Council Member Stiltner acknowledge the work that has been done on the property so far and how this outdoor use has been working.

Scott Kirshner, applicant, provided supplemental information and answered questions from Council.

Mr. Spies is against the Conditional Use and stated the property is already being utilized in this way. He is upset about the sign usage on the property and how it looks with the tents up. He would like more oversight from Council on this item.

Nicole Kocsis, citizen, is in support of the church. When her church was closing its doors due to COVID, Christ the King was opening its door and she is thankful for the support it has been providing to families in this time.

Bobby Smith, citizen, agrees with Council Member Stiltner about the positive progress of the Church. He believes it looks beautiful even with the tents up. He supports this item.

Lorisa Hilburn, citizen, spoke about the positive aspects of change and the community she has now thanks to the church.

Mr. Kirschner responded to concerns raised by Mr. Spies.

Motion carried unanimously by roll call vote.

I. REGULAR AGENDA

28. First Reading - Ordinance No. 2020-25 - Amending Section 2-267 to Remove the Procurement of Lobbyist Services from the List of Exempt Purchases

Mayor Don Burnette read Ordinance No. 2020-25.

ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING SECTION 2-267 OF THE CODE OF ORDINANCES REMOVING THE PROCUREMENT OF LOBBYIST SERVICES FROM THE LIST OF EXEMPT PURCHASES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-25 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Mr. Johansson discussed the proposed amendment to Section 2-267 to remove the Procurement of Lobbyist Services from the List of Exempt Purchases.

Motion carried unanimously by roll call vote.

J. ADDITIONAL ITEMS

29. City Attorney

There was nothing further.

30. City Manager

Mr. Johansson provided information on the changes to Family Days and staff's recommendation to cancel the Mayor's Golf Tournament. He informed Council of his ability to sign executive orders to cancel major events has lapsed and has asked for the ability to sign an order through December. Council agreed.

a. Axon Enterprise Inc. - Five-year contract

Mr. Johansson explained that this item is currently under his authority to sign but is a large amount of money, so he wanted to come before Council to get their consensus. Council is in consensus. This item will remain in the FY2021 budget.

Mr. Johansson requested a shade meeting July 22, 2020 at 5:00pm.

K. COUNCIL COMMITTEE REPORTS

31. City Council Committee Reports

- a. Port Orange/South Daytona Chamber of Commerce – no further updates.
- b. First Step Shelter – Council Member Chase Tramont advised they have a meeting this week.
- c. Roundtable of Elected Officials - Mayor Don Burnette advised they are postponed until September.
- d. General Employees' Pension Plan (June 22, 2020) – Council Member Stiltner advised they have a little bit of recovery but no further updates.
- e. Police Pension Plan (June 17, 2020) – there were no updates.

Regular City Council Meeting

7/21/2020

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Council Member Scott Stiltner read public comments submitted by Shira Wild after the deadline for submission.

L. ADJOURNMENT – 10:20 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk

