

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 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.

OPENING

Invocation by Rev. Glen Rice of Port Orange United Church of Christ

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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4. Novel Coronavirus 2019 (COVID-19) Proclamation

Mayor Donald Burnette read the proclamation relating to COVID-19 and encouraged citizens to wear masks when appropriate.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

Robert Reinhausen, citizen, commented on Item 8(b). He is concerned relating to the sole source justification.

6. Agenda Approval

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

7. Approval of Minutes

- a. July 31, 2020 - City Council Special Meeting
- b. August 4, 2020 - Regular City Council Meeting

8. Bid Awards and Contract Items

- a. Approval of the Port Orange/South Daytona Chamber of Commerce Services Agreement

b. Intent to Award Purchase Contract for New Brush Truck to Ten-8 Fire Equipment

9. Resolution No. 20-32 - Plat Note Vacation on Lot 31, Bentwood Phase II Subdivision

10. Resolution No. 20-33 - Plat Note Vacation on Lot 32, Bentwood Phase II Subdivision

11. Approval to Designate the Riverwalk Trail as the Robert E. Ford Trail

12. Reinstatement of years of service for Matthew Marchisio

Motion to remove Item #11 from the Consent Agenda was made by Council Member Scott Stiltner and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

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

11. Approval to Designate the Riverwalk Trail as the Robert E. Ford Trail

Motion to approve Item #11 was made by Council Member Scott Stiltner and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

The City Council Regular Meeting recessed at 6:42 p.m. to hold the Joint Meeting with Town Center CRA Meeting.

TOWN CENTER CRA & CITY COUNCIL JOINT MEETING

13. First Reading - Ordinance No. 2020-27 - Second Amendment to the Riverwalk Amended and Restated Master Development Agreement (Case No. 20-40000004)

Community Development requested that all items be opened together for purposes of discussion. Mayor Don Burnette advised that City Council will only be voting on Item #13, First Reading of Ordinance No. 2020-27. All other items are for City Council discussion only; however, City Council will vote on all items at second reading.

Mayor Don Burnette read Ordinance No. 2020-27 and opened all four (4) items for the Joint Meeting.

ORDINANCE NO. 2020-27

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE RIVERWALK AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

14. Second Amendment to the Property Exchange and Escrow Agreement (Cardwell Funeral Home Property)

15. Second Amendment to the Economic Development Incentive Agreement

16. License Agreement for Temporary Off-Site Parking at 3571 Ridgewood Avenue (Former Cardwell Funeral Home Property)

Tim Burman, Community Development Director, presented the items for consideration and discussion and answered questions from Council and the CRA Board.

Jeff Brock, Attorney for Developer, also provided details of the request and answered questions from Council and the CRA Board.

There were no public comments.

Vice Chairman Stan Schmidt asked for a motion from the CRA Board regarding Item #13, Ordinance No. 2020-27.

Motion to recommend approval of Ordinance No. 2020-27, approving the Second Amendment to the Riverwalk Amended and Restated Master Development Agreement, as recommended by the Planning Commission was made by Member Drew Bastian and Seconded by Member Marilyn Ford. Motion carried 4-2 by roll call vote with Member Scott Stiltner and Member Chase Tramont voting no.

Mayor Don Burnette asked for a motion from City Council regarding Item #13, Ordinance No. 2020-27.

Motion to approve Ordinance No. 2020-27, approving the Second Amendment to the Riverwalk Amended and Restated Master Development Agreement, as recommended by the Planning Commission and Port Orange Town Center CRA was made by Council

Member Marilyn Ford and Seconded by Vice Mayor Drew Bastian. Motion carried 3-2 by roll call vote with Council Member Scott Stiltner and Council Member Chase Tramont voting no.

Item #14 - Vice Chairman Stan Schmidt asked for a motion by the CRA Board on Item #14, Second Amendment to the Property Exchange and Escrow Agreement (Cardwell Funeral Home Property.)

Motion to approve Item #14 as presented was made by Member Marilyn Ford and Seconded by Member Drew Bastian. Motion carried 4-2 by roll call vote with Member Scott Stiltner and Member Chase Tramont voting no.

Item #15 - Vice Chairman Stan Schmidt asked for a motion by the CRA Board on Item #15, Second Amendment to the Economic Development Incentive Agreement.

Motion to approve Item #15 as presented was made by Member Drew Bastian and Seconded by Member Marilyn Ford. Motion carried 4-2 by roll call vote with Member Scott Stiltner and Member Chase Tramont voting no.

Item #16 - Vice Chairman Stan Schmidt asked for a motion by the CRA Board on Item #16, License Agreement for Temporary Off-Site Parking at 3571 Ridgewood Avenue (Former Cardwell Funeral Home Property.)

Motion to approve Item #16 as presented was made by Member Marilyn Ford and Seconded by Member Drew Bastian. Motion carried 4-2 by roll call vote with Member Scott Stiltner and Member Chase Tramont voting no.

Mayor Don Burnette asked if there was any further business to be brought before the Members of the Town Center Redevelopment Agency and City Council. There being none, the Joint Meeting of the Town Center CRA And City Council adjourned at 7:19 p.m. and the City Council reconvened their regular meeting.

17. Michael Scudiero - Executive Director Coastal Florida Police Benevolent Association

Michael Scudiero, Executive Director of Coastal Florida PBA, spoke to Council regarding wages for the Police Department.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Mayor Don Burnette advised Council of the number of citizens who have signed up to speak and asked if Council is interested in extending the time allotted.

Motion to extend the public comment time by ten mins was made by Council Member Marilyn Ford and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

Citizens spoke regarding their displeasure with the proposed millage rate and tax increase, as well as the low wages for the Police Department. Some spoke regarding the lack of training within the Police Department.

City Clerk Robin Fenwick read public comments into the record that were received prior to the deadline. These comments relate to funding of the Police Department.

COUNCIL COMMENTS

18. Comments/Concerns from Council Members

Council Member Chase Tramont spoke regarding his position against raising taxes but supports raises for staff including police.

Council Member Marilyn Ford spoke regarding the demonstration in support of the Police Department raises held tonight under the rumor of the Council potentially defunding the police. She supports the Police Officers and does NOT support defunding them.

Council recessed for five minutes at 8:23 p.m.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

19. Report from Port Orange South Daytona Chamber of Commerce

Debbie Connors, President of the Port Orange/South Daytona Chamber of Commerce, provided their quarterly report. Jennifer Card, Chair of Chamber Board, thanked Council for their support.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

20. Citizen Advisory Committee for TPO

Bobby Ball, CAC member, provided an update from their recent meeting.

PUBLIC HEARING

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

22. First Reading - Ordinance No. 2020-28 - Land Development Code Amendment/Chapter 9, Article II and Chapter 13

Mayor Don Burnette read Ordinance No. 2020-28.

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 9, ARTICLE II AND CHAPTER 13 RELATING TO UPDATING REQUIREMENTS FOR TREE PROTECTION AND PRESERVATION, AND LANDSCAPING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-28 was made by Vice Mayor Drew Bastian

and Seconded by Council Member
Chase Tramont.

Penelope Cruz, Planning Manager, provided details of the changes and answered questions from Council and citizens regarding penalties for removing diseased trees in an emergency basis.

Motion carried 4-1 by roll call vote with
Council Member Chase Tramont voting
no.

23. Second 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
Marilyn Ford. Motion carried
unanimously by roll call vote.

REGULAR AGENDA

24. Panhandling Discussion

Michael Kahn, Attorney, has been engaged by the City Attorney at the direction of the City Council to provide regulatory options for panhandling in the City and provided a plan of action and options to Council. Mr. Kahn answered questions from Council.

Mr. Reinhausen spoke regarding his concerns with passing an ordinance.

City Clerk Robin Fenwick read public comments submitted by the deadline.

Matthew Jones, City Attorney, asked for direction to move forward with preparation of the ordinance.

Motion to move forward with Mr. Kahn to prepare an ordinance as discussed was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner. Motion carried 3-2 by roll call vote with Council Members Marilyn Ford and Chase Tramont voting no.

25. First Reading Ordinance No. 2020-29 - Amending Chapter 42, Article II, Section 42-26 Lot maintenance regardless of size

Mayor Don Burnette read Ordinance No. 2020-29.

ORDINANCE NO. 2020-29

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCE CHAPTER 42, ARTICLE II, SECTION 42-26 (d) & (e) BY DELETING REFERENCE TO ONE ACRE OR LESS; PROVIDING FOR AN OWNER OF A LOT TO MAINTAIN IT REGARDLESS OF THE SIZE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-29 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

26. Approval of Interlocal agreement with Volusia County Animal Services

Motion to approve the Interlocal Agreement with Volusia County for animal control services was made by Council Member Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

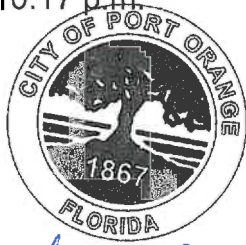
27. City Attorney - There was nothing further.

28. City Manager - There was nothing further.

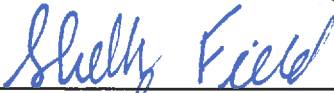
29. City Council Committee Reports

- a. First Step Shelter - Council Member Chase Tramont provided details from their recent meeting.
- b. Port Orange/South Daytona Chamber of Commerce - Report given by Debbie Connors.

ADJOURNMENT - 10:17 p.m.



Attest:



Robin Fenwick, MMC
City Clerk

for



Mayor Donald O. Burnette