

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 15, 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 Rev Susan McCaffrey from 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 City Clerk Robin Fenwick
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CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Robert Reinhausen, citizen, spoke regarding his questions and concerns on Items #9 and #11.

5. Agenda Approval

Motion to approve the agenda as presented 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. September 1, 2020 - Regular City Council Meeting
- b. September 3, 2020 - Special City Council Meeting
- c. September 9, 2020 - Special City Council Meeting

7. Bid Awards and Contract Items

- a. Ratification for the emergency repairs to the East Influent Pump Station located at the Water Reclamation Facility to Danus Utilities, Inc.
- b. Renewal of worker's compensation, property, auto, liability and surplus lines of insurance through Preferred Government Insurance Trust (PGIT)

c. Approval of Interlocal Agreement between the Town of Ponce Inlet and City of Port Orange for Fourth Amendment to Restatement and Amendment to Sewer Services

8. Resolution No. 20-31 - Approval of Volusia County Subrecipient Agreement for CARES Act Coronavirus Relief Fund Municipal Subrecipient Program

9. Resolution No. 20-43 - Designate Funds from Building Special Revenue Fund (109) available fund balance to Project Number ZMI057

10. Resolution No. 20-44 - Acceptance of Deed of Dedication for public purposes for the extension of Dairy Court, through the Oak Street Industrial Park project

11. Historic Tree Removal without a Residential Tree Removal Permit - 3612 Lex Court

12. Denial of Historic Tree Removal Request – 20 Gindy Lane (Lamplighter Mobile Home Park)

13. Approval of Residential Historic Tree Removal Request -110 Cambridge Drive

14. Approval of a Minor Special Event for the First United Methodist Church Annual Pumpkin Patch

15. Approval of Proposed Accounts Receivable Write-Off of Uncollectible Debts

Motion to pull Items #7(c) and #12 from the Consent Agenda for further discussion was made by Council Member Marilyn Ford and Seconded by Council Member Scott Stiltner. Motion carried unanimously by voice vote.

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

Item 7(c) - Approval of Interlocal Agreement between the Town of Ponce Inlet and City of Port Orange for Fourth Amendment to Restatement and Amendment to Sewer Services

Council Member Marilyn Ford discussed her concerns and asked why Port Orange residents are paying for the majority of the sewer services to Ponce Inlet. Lynn Stevens, Public Utilities/Public Works Director, discussed the details of the project and advised that Ponce Inlet is piggybacking a Port Orange project to save money but are covering their portion.

Motion to approve Item #7(c) was made by Council Member Chase Tramont and Seconded by Council Member Scott Stiltner. Motion carried unanimously by roll call vote.

Item #12 - Denial of Historic Tree Removal Request – 20 Gindy Lane (Lamplighter Mobile Home Park)

Council Member Marilyn Ford asked if there is enough enforcement if the property owner removes the tree even after Council denies the request. Tim Burman, Community Development Director, explained the penalties they would be required to pay should they decide to remove the tree after denial. This is a commercial property where Item #11 is a residential property. The tree ordinance to be considered later in this meeting addresses residential properties and will not change the outcome of this property.

Motion to approve the Item #12 was made by Council Member Scott Stiltner and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Agenda)

16. Chris Seilkop, President/CEO, Volusia/Flagler Family YMCA

Chris Seilkop, President/CEO Volusia/Flagler Family YMCA, described the challenges the YMCA is facing due to COVID-19 and requested a change in their lease with the City. He advised they are experiencing a \$171,000 loss each month. He asked for a two-month waiver of their rent this year and a decrease of 50% for next year. He assured Council they would increase the rent back once they are stable again.

Council discussion was held regarding the request. Mayor Don Burnette suggested approving but wants to add the payments to the FY22 lease. Council is not prepared to vote on this request and asked the City Manager to work out a plan for Council to consider. Council agreed to flexibility but wants to be re-paid (rather than a full waiver of the lease payments.)

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Mr. Reinhausen discussed the FDOT I-95 interchange meeting being held in New Smyrna Beach soon. He asked Council to ask for a full clover leaf at the interchange.

COUNCIL COMMENTS

17. Comments/Concerns from Council Members

Council Member Chase Tramont asked Parks & Recreation to be familiar with the YMCA programs in case they don't survive the pandemic.

City Council recessed at 7:27 p.m. to hold the Eastport and Town Center CRA meetings, minutes of which are under separate cover.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

18. Citizen Advisory Committee for TPO

Bobby Ball, CAC member, provided information on the most recent meeting held.

19. Environmental Advisory Board Report

Kristine Cunningham, Chair, provided an update of their recent meetings.

20. Planning Commission Appointments (x4)

Mayor Don Burnette asked each applicant to introduce themselves. Stan Schmidt and Tom Jordan were present, and both introduced themselves.

Council is happy with the make-up of the Commission at this time and believes it is well represented with different interests.

Vice Mayor Drew Bastian nominated the current four members to remain and Seconded by Council Member Scott Stiltner. Motion carried unanimously by roll call.

PUBLIC HEARING

21. Riverwalk Items

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

Mayor Don Burnette read Ordinance No. 2020-27.

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.

Motion to adopt Ordinance No. 2020-27 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried 3-2 by roll call vote with Council Members Chase Tramont and Scott Stiltner voting no.

b. Approval of Second Amendment to the Property Exchange and Escrow Agreement (Cardwell Funeral Home Property)

Motion to approve the Second Amendment to the Property Exchange and Escrow Agreement was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried 3-2 by roll call vote with Council Members Chase Tramont and Scott Stiltner voting no.

c. Approval of Second Amendment to the Economic Development Incentive Agreement

Motion to approve the Second Amendment to the Economic Development Incentive Agreement was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried 3-2 by roll call vote with Council Members Chase Tramont and Scott Stiltner voting no.

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

Motion to approve License Agreement for Temporary Off-Site Parking at 3571 Ridgewood Avenue was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried 3-2 by roll call vote with Council Members Chase Tramont and Scott Stiltner voting no.

e. Approval of Design Agreement for Riverwalk Park Trail Phase 3

Motion to approve Design Agreement for Riverwalk Park Trail Phase 3 was made by Vice Mayor Drew Bastian and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

22. Tree Ordinance

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

b. Resolution No. 20-45 - Approved Landscape Materials

Mayor Don Burnette read Resolution No. 20-45.

RESOLUTION NO. 20-45

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING A LIST OF APPROVED LANDSCAPE MATERIALS; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 20-45 was made by Vice Mayor Drew Bastian and Seconded by Council Member

Marilyn Ford. Motion carried
unanimously by roll call vote.

c. Resolution No. 20-46 - Historic Tree Mitigation for removal of a historic tree(s) on residential and non-residential property

Mayor Don Burnette read Resolution No. 20-46.

RESOLUTION NO. 20-46

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING MITIGATION TABLES FOR HISTORIC TREE REMOVAL ON RESIDENTIAL AND NONRESIDENTIAL PROPERTY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 20-46
was made by Vice Mayor Drew Bastian
and Seconded by Council Member
Marilyn Ford. Motion carried
unanimously by roll call vote.

23. Second 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 ORDINANCES 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.

24. First Reading - Ordinance No. 2020-31- LDC Amendment/Chapter 2 ,16, and 17 – Atypical fences and Special setbacks

Mayor Don Burnette read Ordinance No. 2020-31.

ORDINANCE NO 2020-31

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 2, 16 AND 17 UPDATING THE DEFINITION FOR ATYPICAL LOTS AND TYPE OF FENCING ALLOWED ON AN ATYPICAL LOT AND SPECIAL SETBACKS FOR A/C UNITS, PERGOLA AND GAZEBO; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-31 was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner.

Penelope Cruz, Planning Manager, provided details of the amendment being requested. Discussion was held regarding a pergola being allowed in the front yard.

Motion to amend the motion to change the prohibition of pergolas in the front yard to match the current code for porches in the front yard and remove the change in set-back for a/c was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner.

Tom Jordan, citizen, expressed his concerns that the Planning Commission and Council are approving these variances all too often and believes a change in the Code would make the process easier.

Motion to amend carried unanimously by roll call vote.

Main Motion carried unanimously by roll call vote.

25. First Reading - Ordinance No. 2020-32 - LDC Amendment – Chapter 16, Section 1; and Code of Ordinances Amendment – Sections 70-48 and 70-50/Residential Storage

Mayor Don Burnette read Ordinance No. 2020-32.

ORDINANCE NO 2020-32

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 16, SECTION 1(e)(1)(b) RELATING TO OUTSIDE STORAGE TO ADD A REGULATION FOR INOPERABLE, DISABLED, ABANDONED, AND UNREGISTERED/UNLICENSED RECREATIONAL VEHICLES AND EQUIPMENT; AMENDING THE CODE OF ORDINANCES SECTION 70-48 TO ADD A REGULATION PERTAINING TO INOPERABLE DISABLED, ABANDONED, AND UNREGISTERED/UNLICENSED RECREATIONAL VEHICLES AND EQUIPMENT AND TO ADD PRIVATE MOTOR COACHES TO THE DEFINITION OF RECREATIONAL VEHICLES; AMENDING THE CODE OF ORDINANCES SECTION 70-50 BY DELETING OBSOLETE PROVISIONS AND PROVIDING FOR GENERAL ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-32 was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner.

Mrs. Cruz provided details of the amendment being requested.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

26. Presentation of the 2020 Citizen Survey

Alan Rosen, Assistant City Manager, presented data from the 2020 Citizen Survey.

27. Approval to Renew the Annual Services Agreement with Halifax Humane Society for FY21

Motion to approve the agreement with Halifax Humane Society for FY21 was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott

Stiltner. Motion carried unanimously by
roll call vote.

ADDITIONAL ITEMS

28. City Attorney

There was nothing further.

29. City Manager

Mr. Johansson asked Council to skip the September workshop as there are no agenda items to discuss.

COUNCIL COMMITTEE REPORTS

30. City Council Committee Reports

a. ArHaus - Council Member Marilyn Ford provided details from their recent meeting.

b. First Step Shelter - Council Member Chase Tramont provided details from their recent meeting.

c. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided details from their recent meeting.

ADJOURNMENT - 8:46 p.m.

Mayor Donald O. Burnette

Attest:

Robin Fenwick, MMC
City Clerk

