

PORT ORANGE CITY COUNCIL
SPECIAL MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
SEPTEMBER 20, 2016

THE CITY COUNCIL SPECIAL MEETING of the City of Port Orange was called to order by Mayor Green at 5:00 p.m.

Pledge of Allegiance

Silent Invocation

PRESENT: Councilman Bob Ford
Councilman Donald Burnette
Councilman Scott Stiltner
Vice Mayor Drew Bastian
Mayor Allen Green

ALSO PRESENT: Jake Johansson, City Manager
Margaret Roberts, City Attorney
Robin Fenwick, City Clerk

Portions of the Rules of Procedure as approved by City Council on May 3, 2016 were read by Robin Fenwick, City Clerk.

5. Update on Riverwalk Meeting Procedures and Project Overview

Margaret Roberts, City Attorney, provided details on the purpose of the meeting and the procedure to be followed. She explained the desire to discuss all items simultaneously to ensure all questions are answered.

Move to approve the procedures as presented was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

Ms. Roberts discussed minor revisions to a few documents that will be discussed throughout the meeting.

Motion for consideration of all items simultaneously was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

Ms. Roberts read Ordinance Nos. 2016-14 and 2016-15 and Resolution Nos. 16-42 and 16-43, as well as the subject lines for each of the remaining items to be discussed.

ACTION ITEMS

6. Second Reading - Ordinance No. 2016-14 - relating to the 2016 Amendment to the Port Orange Town Center (POTC) Redevelopment Plan, Case No. 16-15000001

ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING THE COMMUNITY REDEVELOPMENT AREA PLAN FOR PORT ORANGE TOWN CENTER; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-14 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.
Motion carried unanimously by roll call vote.

7. Second Reading - Ordinance No. 2016-15 – Riverwalk Amended and Restated Master Development Agreement and Conceptual Development Plan, Case No. 16-40000003

ORDINANCE NO. 2016-15

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE AMENDMENT AND RESTATEMENT OF THE RIVERWALK MARINA AND RIVERBOAT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR APPROXIMATELY 11.9 ACRES LOCATED WITHIN THE PLANNED COMMUNITY-PORT ORANGE RIVERWALK (PC-R) DISTRICT; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-15, subject to the modifications discussed by the City Attorney was made by Vice Mayor Bastian, and Seconded by

Councilman Burnette. Motion carried
unanimously by roll call vote.

8. Acceptance of the Deed of Dedication with Release of Encumbrances
(mortgages, liens)

Motion to approve and accept for
recording the Deed of Dedication and
Release of Encumbrances was made by
Vice Mayor Bastian, and Seconded by
Councilman Burnette. Motion carried
unanimously by roll call vote after no
public comments.

9. Resolution No. 16-42 - Vacating a portion of the Halifax Dr. right-of-way

RESOLUTION NO. 16-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT
ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION
OF THE HALIFAX DRIVE RIGHT OF WAY SUBJECT TO A
RESERVATION OF A 23 FOOT PUBLIC ACCESS TRAIL AND
PARK; AND SUBJECT TO A RESERVATION FOR A WATER,
SANITARY SEWER, RECLAIMED WATER AND STORMWATER
UTILITY CORRIDOR EASEMENT; AND SUBJECT TO A
LANDSCAPING EASEMENT WITHIN THE CORRIDOR
AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A
QUIT-CLAIM DEED FOR THE VACATED PORTION OF HALIFAX
AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE
DATE.

Motion to adopt Resolution No. 16-42
was made by Vice Mayor Bastian, and
Seconded by Councilman Burnette.

Ted Nofall, citizen, asked why Halifax Drive is being vacated. Ms. Roberts explained
that the whole road is not being vacated. Some will be retained for drainage and other
public interests.

Wayne Clark, Community Development Director, discussed the changes since the
August 11, 2016 Council meeting.

Parker Mynchenberg, Engineer for applicant, discussed the location of the current
utilities and the changes to come with this project. All utilities are located within the
utilities easement.

Motion carried unanimously by roll call vote.

10. Resolution No. 16-43 - Limiting vehicular access for a portion of Ocean Ave.

RESOLUTION NO. 16-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO THE CLOSING AND RESTRICTION OF APPROXIMATELY 340 FEET OF THE EASTERN SEGMENT OF THE RIGHT OF WAY, NOW KNOWN AS OCEAN AVENUE; PROVIDING THAT THE CLOSING AND RESTRICTION SHALL PROHIBIT MOTORIZED VEHICULAR USE; AND PROVIDING THAT THE CLOSING SHALL NOT RESTRICT USE BY UTILITY AND GOVERNMENTAL SERVICES; PROVIDING FOR PUBLIC NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-43 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

11. Economic Incentive Agreement

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

12. Exchange and Escrow Agreement for the Cardwell Funeral Home Property

The Exchange and Escrow Agreement for the funeral home property were provided as an update to Council; however, the Town Center CRA Board authorized the City Manager and City Attorney to approve the final documents.

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried

unanimously by roll call vote after no public comments.

a. Bond in the amount of average annual lease revenues

Ms. Roberts advised that a wire deposit has been received in the amount of \$48,000.00 to represent two (2) years of revenue from the funeral home.

Motion to approve and acknowledge the Developer's deposit of cash in the amount of \$48,000 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

13. Subdivision Replat and Plans - Riverwalk at Port Orange, Case No. 16-50000001

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

14. License Agreement for temporary off-site sign located at the intersection of Ridgewood Avenue and Dunlawton Avenue, 3999 Ridgewood Avenue

Motion to approve the use of the City Logo for the temporary off-site sign located at the intersection of Ridgewood Avenue and Dunlawton Avenue, 3999 Ridgewood Avenue subject to the approval of the Riverwalk Amended and Restate MDA and all associated Riverwalk agenda items was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

15. Temporary Construction Easement for Public Trail and Park

Motion to approve temporary construction easement for the public trail and park and authorize the City

Manager to implement and record the easement was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

16. Public Pedestrian Sight and Limited Access Easements on the point property

Ms. Roberts asked Council to review the document provided with the revisions as she discussed.

Motion to accept the permanent sight and access easement around the "point" was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Mr. Clark discussed the easement being presented, which includes the area around the "point" for pedestrians between 10:00 a.m. and 9:00 p.m. There are other provisions to allow the public access. The document will be corrected to be consistent throughout relating to the times.

Motion to amend to include "subject to the amendment to the hours as discussed" was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Mr. Nofall asked for clarification as to development rights. Ms. Roberts advised that the development rights begin once the MDA is recorded.

Amended Motion carried unanimously by roll call vote.

Ms. Roberts asked Council to authorize the City Manager to make minor changes (typos, etc.)

Motion to authorize the City Manager to make minor modifications to the documents to effectuate the purpose of the document, subject to compliance with all local and state laws was made by Vice Mayor Bastian, and Seconded

by Councilman Burnette. Motion carried
unanimously by roll call vote.

ADJOURNMENT – 5:45 p.m.



Mayor Allen Green

Attest:



Robin Fenwick, City Clerk