

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

Silent invocation

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:	Interim City Manager Alan Rosen City Attorney Matthew Jones City Clerk Robin Fenwick
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PROCLAMATIONS & RECOGNITION

4. Wall of Fame Recipient Dorothy Hukill

Mayor Don Burnette read a proclamation in honor of Dorothy Hukill, as the 2020 Wall of Fame recipient.

5. Awards ceremony for Police Department

Officer Calenda was unable to attend due to an emergency. The award will be rescheduled.

6. Fire Department Recognition

Fire Chief Ken Fustin recognized the Fire Crew at Station 74 for their work when a plane crashed into a pond in Venetian Bay on November 24, 2020.

CONSENT AGENDA

7. Public Comments on Consent Agenda Items Only

There were none.

8. Agenda Approval

There were no changes requested by Council.

Motion to approve the agenda as presented was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner. Motion carried unanimously by voice vote.

9. Approval of Minutes
 - a. Regular City Council Meeting - December 1, 2020
10. Bid Awards and Contract Items
 - a. Approval of Final Change Order 12 to to the construction contract with The New Florida Industrial Electric (FIE) for the Dunlawton Street Lighting Project
 - b. Intent to Award ITB #20-13 to Diamond Cleaners of Port Orange LLC for Dry Cleaning Services at the Police & Fire Departments
 - c. Approval of Change Order No 1 to the EJCDC Agreement (CA6846) with General Underground, LLC for additional scope of service to replace 12" PVC water main on Spruce Creek Road from Merrimac & Westminster Street
11. Resolution No. 20-71 - Partial Drainage Easement Vacation - Lot 98 Sterling Chase II (780 Foxhound Drive)
12. Resolution No. 20-72 - Appropriating \$20,000 of General Fund Fund Balance for Legal Service Expenditures
13. Resolution No. 20-73 - Appropriating \$50,000 of General Fund Fund Balance to Fund the City Manager Search Project
14. Resolution No. 20-74 - Appropriating \$29,000 of Fund Balance from the Capital Projects Fund to Fund Final Change Order for Dunlawton Street Lighting Project
15. Approval of Concurrency and Fair-Share Agreement for Halifax Health Port Orange (5440 S. Williamson Blvd.) - Case No. 20-80000005
16. Acceptance of the 2020 Annual Concurrency Management Report
17. Approval of Major Special Event Request – Port Orange YMCA LiveStrong 5K at Aunt Catfish's on the River Restaurant (4009 Halifax Drive) & La Cantina Cocina Mexicana (4085 Ridgewood Avenue) and 4108 Halifax Drive
18. Approval to demolish and clean up 5348 Landis Avenue pursuant to the Code Enforcement Special Magistrate's Order
19. Authorization for City Manager to sign permit application for the Osprey Pointe Apartments - SJRWMD Permit for work in the right-of-way, if required

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

CITIZEN PARTICIPATION (Agenda)

20. Spouses Backing the Blue 2nd Annual Golf Tournament Announcement

Officer Wayne Jean and Jenny Brashier were present to invite Council and the public to their 2nd Annual Golf Tournament, May 1, 2021.

21. Halifax Health Port Orange Update

Joni Hunt, Director of Government & Community Relations, provided an update from Halifax Health, along with Ann Martorano, Chief Communications Officer & Administrator of Halifax Health – Medical Center of Port Orange and Margaret Crossman, MD, Sr. Vice President & Chief Medical Officer.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Jennifer Card, Port Orange/South Daytona Chamber of Commerce, provided their fourth quarter report.

COUNCIL COMMENTS

22. Comments/Concerns from Council Members

Council Member Marilyn Ford thanked the Staff of the City of Port Orange for all they do for the citizens.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

23. Golf Advisory Board Update

Lance Green, Chairman, provided an update on their recent meetings.

24. Environmental Advisory Board Update

Kristine Cunningham, Chairperson, provided an update on their recent meetings. She asked Council to engage with them and requested feedback relating to their districts or concerns they are hearing from citizens. Mayor Don Burnette asked for a joint workshop in the first quarter of 2021.

25. Parks & Recreation Advisory Board Update

Mark Bowling, Chairman, was unable to attend. The City Clerk will reschedule.

PUBLIC HEARING

26. Second Reading - Ordinance No. 2020-34 - 20-2 Large Scale Future Land Use Amendment/3835 Clyde Morris Boulevard (Osprey Point Apartments) (Continued from December 1, 2020)

Mayor Don Burnette read Ordinance No. 2020-34.

ORDINANCE NO. 2020-34

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 +35 ACRES FROM OFFICE/RESIDENTIAL TRANSITION AND COMMERCIAL TO URBAN HIGH DENSITY RESIDENTIAL (8-16 UNITS/ACRE) FOR PROPERTY GENERALLY LOCATED ALONG CLYDE MORRIS BOULEVARD, SOUTH OF MADELINE AVENUE, BETWEEN CLYDE MORRIS BOULEVARD AND BRUNER ROAD; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-34 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Council Member Marilyn Ford asked for more information relating to the trips for this area. Penelope Cruz, Planning Manager, explained how trips are counted in a traffic study and how that relates to this project. Mrs. Cruz also advised a conservation easement to the north where they eliminated a proposed building and reduced density, and a 2' non-vehicular easement along the Bruner Rd. frontage to restrict access preventing a driveway that would allow cars to go north on Bruner Rd. have been received and will be recorded if these Ordinances are approved.

Robert Reinhausen, citizen, spoke regarding his concerns on this item.

Jeff Brock, Attorney for Applicant, spoke regarding the market study to address Council Member Marilyn Ford's questions.

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

27. Second Reading - Ordinance No. 2020-35 - Rezoning/3835 Clyde Morris Boulevard (Osprey Pointe Apartments) (Continued from December 1, 2020)

Mayor Don Burnette read Ordinance No. 2020-35.

ORDINANCE NO. 2020-35

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +35 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) TO MODERATE DENSITY MULTI-

FAMILY RESIDENTIAL DISTRICT (R-3M); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-35 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.

28. First Reading - Ordinance No. 2020-39 - 2020 Annual Capital Improvements Element (CIE) Update

Mayor Don Burnette read Ordinance No. 2020-39.

ORDINANCE NO. 2020-39

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR THE FY2021-2026 FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AND SUPPORTING DATA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-39 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont.

Mrs. Cruz provided details of the annual CIE update.

Motion carried unanimously by roll call vote.

Council recessed for a 10-minute break at 7:51 p.m.

REGULAR AGENDA

29. Approval of Amendment No.1 to the Restatement of City of Port Orange-YMCA Lease Agreement

Alan Rosen, Interim City Manager, provided details on the agreement reached with the YMCA being presented.

Council Member Marilyn Ford spoke regarding situations out of their control as mentioned in the contract (COVID-19, for example), as well as the City being able to place a lien against the YMCA's assets in the event of a default of the Lease Agreement and Amendment. City Attorney Matt Jones said the change can be added to the contract but Council Member Ford didn't believe that was necessary as long as the YMCA understood the provision could not be used under this new agreement, to which they agreed.

Motion to approve Amendment No. 1 to the Restatement of City of Port Orange- YMCA Lease Agreement was made by Council Member Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried 3-2 by roll call vote with Council Member Scott Stiltner and Mayor Don Burnette voting no.

30. Shortlist of City Manager Executive Search Firms

Jamie Miller, Administrative Services Director, asked Council how they would like to move forward with shortening the Executive Search Firms during a special meeting on January 5, 2021.

Mayor Don Burnette suggested a special meeting on January 5, 2021. Council Member Scott Stiltner asked if the short listing could take place tonight with the interviews on December 22, 2020 at 5:30 p.m. Mrs. Miller and Jim Tilman, Purchasing Manager, confirmed the timeline will work.

Council Member Marilyn Ford suggested interviewing Baker Tilly, Colin Baenzinger & Associates, and Mercer Group. All Council Members agreed.

Council Member Scott Stiltner asked Staff to provide their recommendations. Mrs. Miller agreed with the firms mentioned.

Motion to approve interviewing Baker Tilly, Colin Baenzinger & Associates, and Mercer Group on December 22, 2020 at 5:30 p.m. in a Special Meeting was made by Council Member Marilyn Ford and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

Council agreed to allow the firms to attend virtually in an effort to expedite the interviews.

31. Update on Patient Transport System

Fire Chief Ken Fustin provided an update on the patient transport system and the expectations for the coming years. Council asked the Interim City Manager to work with the County for approval to move to full time transport. Council agreed with the addition of three firefighters. A budget resolution will be presented if the County approves.

32. Discussion on Interim Council Member and Special Election for District 1 Council Member

Council agreed with the process and timeline presented for a Special Election. A Special Meeting will be held on Tuesday, December 22, 2020 at 5:30 p.m. to officially call the Special Election and determine the process for appointing an Interim Council Member.

Council Member Chase Tramont asked if the Interim Council Member is required to live in District 1 to be appointed. Mr. Jones said yes, the appointee must meet the same qualification rules as an elected officer.

Council discussed the application process and agreed applications and a resume are due to the City Clerk by noon on Wednesday, December 30, 2020 and a Special Meeting will be held on January 5, 2021 at 5:30 p.m. to interview and select an Interim Council Member to serve until the Special Election.

ADDITIONAL ITEMS

33. City Attorney

There was nothing further.

34. City Manager

Mr. Rosen provided details on the Legislative Update provided. He asked for items from Council they feel need to be discussed with the Legislature.

a. City Manager Recruitment Update

Mr. Rosen had nothing further on this item as it was thoroughly discussed under Item #30.

b. Discussion on Interim City Manager

Mr. Rosen asked Council if there is anything they need from Staff for the process they wish to proceed with should his contract be approved by the Lake County Commission on December 22, 2020.

Council prefers to consider all interested internal staff members first but also wants to know the voids it will create if someone is appointed internally. They also want to hear

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how it would go for outside candidates. A list of internal staff members interested, as well as other options available to Council will be provided at the December 22, 2020 Special Meeting.

COUNCIL COMMITTEE REPORTS

35. City Council Committee Reports

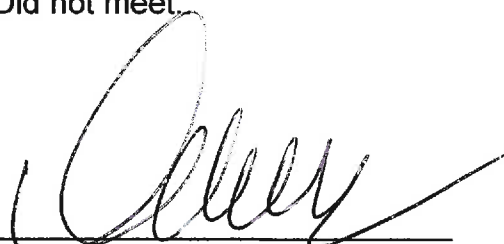
a. Arthaus - Council Member Marilyn Ford was unable to attend their recent meeting.

b. First Step Shelter - Council Member Chase Tramont did not have anything to update.

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

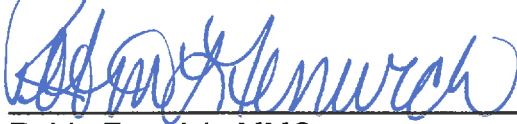
d. Roundtable of Elected Officials - Did not meet.

ADJOURNMENT - 9:20 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk

