

SPECIAL CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JANUARY 21, 2021

THE SPECIAL 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:	Interim Council Member Jonathan Foley 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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DISCUSSION / ACTION

4. Panhandling Ordinance Discussion and Testimony

Michael Kahn, Counsel for the City, provided a review of the exhibits presented on December 8, 2020 and continued the presentation of evidence to support the need to regulate aggressive panhandling in the City.

Mr. Kahn called Ashlee Malone, City of Port Orange GIS Employee, who was sworn in by Jane O'Brien, Register Diplomate Reporter, who testified as to the mapping services Mr. Kahn asked her to provide. Ms. Malone also answered questions from Council.

David Potochnick, Port Orange McDonald's Franchise Owner, was sworn in by Ms. O'Brien and testified as to his experiences with aggressive panhandlers at his businesses in Port Orange and answered questions from Council.

Julie Mialki, Port Orange resident and Giuseppe's Pizza restaurant owner, was sworn in by Ms. O'Brien and testified as to her experiences with aggressive panhandlers at her business and answered questions from Council.

Shan Queen, Port Orange resident and owner/operator of Chic-Fil-A, was also sworn in by Ms. O'Brien and testified as to the aggressive panhandlers at his restaurant and answered questions from Council.

Tracy Grubbs, Port Orange resident and owner/operator of Spruce Creek Scuba, was also sworn in by Ms. O'Brien and testified as to the aggressive panhandlers in the parking lot of his business and answered questions from Council.

Mr. Kahn called Jim Cameron, Sr. Vice President Government Relations Daytona Beach Chamber of Commerce, was sworn in by Ms. O'Brien and testified as to the effects of the panhandling ordinance in the City of Daytona Beach.

Council took a 10 minute recess at 7:24p.m.

Mr. Kahn recalled Mr. Cameron for additional testimony.

Dr. Steven Miles, Owner of a medical practice on Dunlawton Avenue, was sworn in by Ms. O'Brien and testified as to the medical studies relating to open urination and defecation and answered questions from Council.

Council had no further questions for Mr. Kahn and thanked him for his work on the ordinance.

5. First Reading - Ordinance No. 2021-5 - Panhandling

Mayor Don Burnette read Ordinance No. 2021-5.

ORDINANCE NO. 2021-5

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES TO CREATE ARTICLE V; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED CONDUCT, PROXIMITY AND LOCATION RESTRICTIONS FOR PANHANDLING, SOLICITATION, OR BEGGING; PROVIDING FOR PENALTIES; REPEALING SECTION 18-122 PROHIBITING BEGGING; REPEALING DIVISION 3 OF CHAPTER 18, ARTICLE VI REGULATING CHARTIABLE AND RELIGIOUS SOLICITATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

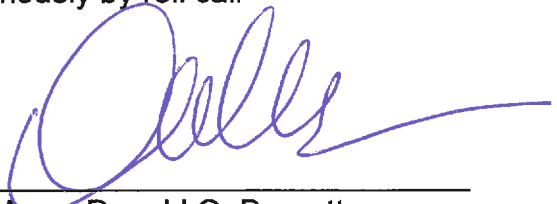
Motion to adopt Ordinance No. 2021-5
was made by Vice Mayor Drew Bastian
and Seconded by Council Member Scott
Stiltner.

Council asked questions of Mr. Kahn specifically relating to the proposed ordinance.

Robert Reinhausen, citizen, spoke regarding his thoughts on the ordinance and the tools the police officers already have available. He opposes this ordinance and believes a social worker should respond with the police officers to provide resources.

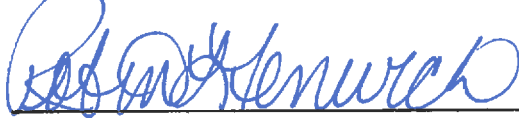
Motion carried unanimously by roll call vote.

ADJOURNMENT - 8:24 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk

