

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
July 20, 2021

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 Miguel Rodriguez of First United Methodist Church of Port Orange

Pledge of Allegiance

Roll Call	Present:	Council Member Jonathan Foley Council Member Chase Tramont (arrived at 6:53pm), Council Member Scott Stiltner Vice Mayor Drew Bastian Mayor Donald Burnette
	Also Present:	City Manager Wayne Clark City Attorney Matthew Jones City Clerk Robin Fenwick

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

4. Update from Pittman Law Group

Sean Pittman, Pittman Law Group, thanked Council for their support and work at the State level. He, Jasmyne Henderson, and Evan Steinberg spoke regarding appropriations, policies, preemptions, and the 2022 Legislative Session. Mayor and Council thanked them for their work.

5. Parks & Recreation Advisory Board Report

Mark Bowling, Chair, provided an update of the recent meeting held by the Board. Mayor Don Burnette asked the Board to discuss disc golf.

TOWN CENTER CRA JOINT SPECIAL MEETING

6. Approval of a Real Estate Brokerage Agreement with Colliers International Florida, LLC to market and list for sale property owned by the City of Port Orange and the Port Orange Town Center Community Redevelopment Agency (CRA) and authorizing the City Manager to sign as authorized representative for the Port Orange Town Center CRA.

The Council meeting was recessed to hold the Joint Meeting with the Town Center CRA. Mayor Don Burnette called the joint meeting to order at 7:05 p.m. Robin Fenwick, City Clerk, called the roll with all in attendance.

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Wayne Clark, City Manager, provided information on the need for a real estate brokerage firm for this area.

Mr. Ken Krasnow, Colliers International, provided details of their services and the market, as well as answered questions of Council and the CRA.

Robert Reinhausen, citizen, spoke regarding the vision of the Riverwalk area as sold to the public in 1998. He wants to see the City stay with the shoreline being open to the public.

Debbie Connors, citizen, supports the direction Riverwalk is going and believes commercial is the way to go.

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

CRA: Motion to approve as presented was made by Member Chase Tramont and Seconded by Member Michael Benedict. Motion carried unanimously by roll call vote.

No further business was brought before the Members of the Town Center CRA and City Council and the joint meeting was adjourned at 7:31 p.m.

CONSENT AGENDA

7. Public Comments on Consent Agenda Items Only

There were none.

8. Agenda Approval

There were no changes to the agenda.

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

9. Approval of Minutes

- a. June 15, 2021 - Regular City Council Meeting
- b. June 22, 2021 - City Council Workshop

- c. July 13, 2021 - City Council Workshop
- 10. Bid Awards and Contract Items
 - a. Approval of Task Authorization No. 30 to Mead and Hunt for Design and Bidding Assistance for Police Department Generator Replacement
 - b. Approval to Waive Formal Bidding Requirements and approve Professional Services Agreement with Pittman Law Group
 - c. Award of ITB #21-15 for Street Striping to Better Barricades, Inc. and Aspen Services, Inc.
- 11. Resolution No. 21-27 - Ratifying all emergency actions taken by the City Manager during the Local State of Emergency relating to COVID-19
- 12. Approval of Proportionate Fair-Share Agreement for the Osprey Pointe Apartments Site Plan - Case No. 20-80000010
- 13. Approval of a Lien Recovery Agreement for 45 Elda Lane, Parcel ID 6315-08-00-0450
- 14. Approval of Memorandum of Understanding (MOU) with Southeast Volusia Regional Special Weapons and Tactics Team

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

CITIZEN PARTICIPATION (Agenda)

- 15. Update from the Conklin Davis Center for the Visually Impaired
- Representatives did not appear. The City Clerk will follow up and re-schedule.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Lisa Hassell, citizen, spoke regarding two incidents of a special needs child being assaulted at the skate park.

COUNCIL COMMENTS

- 16. Comments/Concerns from Council Members
- Council Member Jonathan Foley spoke regarding a complaint he received regarding trapped animals being released at Seabird Island. He has spoken with Staff already.
- Council Member Scott Stiltner advised the Executive Director has resigned from the TPO Board effective July 30, 2021. An interim will be appointed on July 23rd and the Board will begin the search for a new Executive Director.
- Mayor Don Burnette thanked Staff and all involved for the 4th of July event.

17. Second Reading - Ordinance No. 2021-15 - Land Development Code (LDC)
Clean-up Amendment 2021-2/Chapters 3, 13, 16 and 17 (Case No. 21-25000003)

Mayor Don Burnette read Ordinance No. 2021-15.

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 3 UPDATING EXEMPTIONS TO REQUIRED DEVELOPMENT ORDER; CHAPTER 13 CLARIFYING SUBDIVISION ROADWAY LANDSCAPE BUFFER REQUIREMENTS; CHAPTER 16 AMENDING COMMERCIAL OUTDOOR STORAGE REQUIREMENTS; AND CHAPTER 17 ESTABLISHING DIMENSIONAL REQUIREMENTS FOR THE GOVERNMENT/PUBLIC USE ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2021-2 was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner. Motion carried unanimously by roll call vote.

18. Second Reading – Ordinance No. 2021-16 – Rezoning/3704 Nova Rd. (Case No. 21-60000001)

Mayor Don Burnette read Ordinance No. 2021-16.

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +/-5.55 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) TO HIGHWAY COMMERCIAL (HC); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2021-16 was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner. Motion carried unanimously by roll call vote.

19. First Reading - Ordinance No. 2021-18 - Rezoning and Approval of the Dunlawton Storage Planned Commercial Development Master Development Agreement and Conceptual Development Plan (Case No. 21-65000001)

Mayor Don Burnette read Ordinance No. 2021-18.

ORDINANCE NO. 2021-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY ±6.2 ACRES LOCATED AT 720 DUNLAWTON AVENUE, AT THE SOUTHWEST CORNER OF DUNLAWTON AND SPRUCE CREEK ROAD FROM AGRICULTURE (A) TO PLANNED COMMERCIAL DEVELOPMENT (PCD) AND APPROVING A MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR THE DUNLAWTON STORAGE PCD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2021-18 was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner.

Penelope Cruz, Planning Manager, provided details of the request. Staff recommends approval subject to the allowance of 60% specimen tree preservation.

Rob Merrill, Cobb Cole Law Firm, thanked Staff for their work and he and his team are available for questions.

Motion carried unanimously by roll call vote.

Council recessed for a break at 7:54 p.m. and reconvened at 8:05 p.m.

REGULAR AGENDA

20. Request for a Waiver of Species of Animals

Motion to approve the waiver with the Animal Control Authority's recommended conditions and safeguards was made by Council Member Chase Tramont and Seconded by Council Member Jonathan Foley.

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William Proctor, Interim Police Chief, provided details of the request and expectations of the owners. Staff recommends approval with the conditions and safeguards outlined, which the owners have agreed to abide by.

Council agreed with the approval, but Mayor Burnette is concerned with setting a precedent. Mayor Don Burnette asked the City Attorney to discuss the precedent being set and how things could be handled in the future under different circumstances. Should the owners not meet with the conditions presented, the waiver can be withdrawn. Matt Jones, City Attorney spoke regarding same and read the conditions into the record.

Lyssa Baca, owner of Groot, spoke regarding their care and love for the pig.

Motion carried 4-1 by roll call vote with
Mayor Don Burnette voting no.

21. Designation of a Florida League of Cities Conference Voting Delegate during the Annual Conference being held August 12-14, 2021

Mayor Don Burnette advised he will be attending the Florida League of Cities Conference and volunteered to serve as the voting delegate.

Motion to nominate Mayor Don Burnette to serve as the voting delegate at the Florida League of Cities Conference was made by Council Member Chase Tramont and Seconded by Vice Mayor Drew Bastian. Motion carried unanimously by voice vote.

ADDITIONAL ITEMS

22. City Attorney

There was nothing further.

23. City Manager

There was nothing further.

COUNCIL COMMITTEE REPORTS

24. City Council Committee Reports

a. ArtHaus - Council Member Chase Tramont will provide a written update as he missed the meeting unexpectedly today.

b. First Step Shelter - Council Member Chase Tramont provided details of their recent meetings.

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c. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided details of the recent and upcoming events.

d. Roundtable of Elected Officials - Mayor Don Burnette provided information on the recent meeting held.

ADJOURNMENT - 8:38 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk

