

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 21, 2022

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 Reed Foley Council Member Chase Tramont Council Member Drew Bastian Vice Mayor Scott Stiltner Mayor Donald Burnette
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Also Present:	City Manager Wayne Clark City Attorney Matthew Jones City Clerk Robin Fenwick
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SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

4. Update from Pittman Law Group

Sean Pittman, Pittman Law Group, provided an update of the State's budget and legislative appropriations, as well as new bills that have passed or were vetoed. Council Members thanked Mr. Pittman and his team for their services.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

Robert Reinhausen, citizen, spoke regarding his concerns relating to the delay and custom reporting needs in Item #8(b) and found #8(c) confusing.

6. Agenda Approval

There were no changes requested by Council.

Motion to approve was made by Council Member Chase Tramont and Seconded by Vice Mayor Scott Stiltner. Motion carried unanimously by voice vote.

7. Approval of Minutes

a. June 7, 2022 - Regular City Council Meeting

8. Bid Awards and Contract Items

- a. Approval to Waive Formal Bidding Requirements and approve Professional Services Agreement with Pittman Law Group
- b. Approval of Amendment No. 1 to Dude Solutions, Inc. Piggyback Agreement for Community Development Permit Software Project (Smartgov)
- c. Amendment No. 1 to Bluebeam, Inc. Global Services Proposal and Addendum No. 1
- d. Approval of the Eighth Amendment to the Agreement Between the City of Port Orange and the County of Volusia Regarding the Provision of Fire Suppression Services to a Certain Service Area

Motion to approve the Consent Agenda as presented was made by Vice Mayor Scott Stiltner and Seconded by Council Member Reed Foley. Motion carried unanimously by voice vote.

PUBLIC PARTICIPATION (Agenda)

9. Presentation from Kris Smith, Governmental Affairs Director with MetroNet

Kris Smith, Governmental Affairs Director of MetroNet, provided information on MetroNet and their upcoming project in the City to provide internet and cable to residents and businesses.

10. Port Orange Railway Society - President Larry Powers

Larry Powers, President of the Port Orange Railway Society, spoke regarding their organization and donated a sign on the history of the Depot to be placed at Depot Park. He asked Council for approval to place a caboose they will purchase on the property with the train depot. He also asked for permission to use the City's logo in their fundraising and would like the City to match the funds they raise to purchase the caboose.

Council Member Chase Tramont asked for a timeframe on the purchase. He would need to review the ideas and requests presented before making a decision. Mr. Powers was unsure, but they would like to submit an offer as soon as possible. The price tag is \$12,500. Moving the car will be expensive. He's estimating the move would be approximately \$35,000.

11. William Seward - Complaint against Staff assessing the City's storm drainage system

William Seward, citizen, discussed his encounter with staff assessing the City's storm drainage system through his property. He asked that a policy be implemented to require staff to knock on a resident's door before proceeding to the back of the property.

Anonymous would like to know when the Annual Report for the Police Department will be filed.

COUNCIL COMMENTS

12. Comments/Concerns from Council Members

Council Member Reed Foley spoke regarding kiosks with sunscreen available at some parks in Boston.

Vice Mayor Scott Stiltner thanked City staff and KemperSports staff for the Mayor's Golf Tournament over the weekend.

Motion was made by Vice Mayor Scott Stiltner to authorize the City Manager and staff to look into the railway organization's request for future consideration by Council and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

Mayor Don Burnette congratulated Council Member Reed Foley, Vice Mayor Scott Stiltner, and Councilwoman-elect Kat Atwood for their unopposed election wins. He would like a workshop regarding smoking in parks.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

13. Citizen Advisory Committee for TPO

Bobby Ball, member of the CAC for TPO, provided an update from their recent meeting.

14. Environmental Advisory Board Appointments (x2)

Jackalyn Craven-Laughner introduced herself and spoke as to her desire to serve the City and is particularly interested in our environmental issues.

Shawn Goepfert also introduced himself and spoke as to his desire to serve the City in this capacity.

Council Member Reed Foley nominated Shawn Goepfert, which was seconded by Vice Mayor Scott Stiltner.

Council Member Drew Bastian nominated Michael Anderson.

All were in favor and the nominations carried unanimously by roll call vote.

PUBLIC HEARING

15. Second Reading - Ordinance No. 2022-4 - Sixth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development / Case No. 21-40000002

Mayor Don Burnette read Ordinance No. 2022-4.

ORDINANCE NO. 2022-4

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SIXTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-4 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

16. Second Reading - Ordinance No. 2022-11 - Small-Scale Comprehensive Plan Future Land Use Map Amendment/4085 and 4147 Ridgewood Avenue (Case No. 21-20000002)

Mayor Don Burnette read Ordinance No. 2022-11.

ORDINANCE NO. 2022-11

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 ±1.44 ACRES FROM COMMERCIAL TO MIXED USE CENTER FOR PROPERTY GENERALLY LOCATED AT 4085 and 4147 RIDGEWOOD AVENUE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-11 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Drew

Bastian. Motion carried unanimously by
roll call vote.

17. Second Reading - Ordinance No. 2022-12 - Rezoning and Restatement of the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Catfish Commons Planned Commercial Development (Case No. 21-65000002)

Mayor Don Burnette read Ordinance No. 2022-12.

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY ±1.88 ACRES FROM RIDGEWOOD DEVELOPMENT (RD) AND COMMUNITY COMMERCIAL (CC) TO CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT (PCD); APPROVING THE RE-STATED CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-12
was made by Vice Mayor Scott Stiltner
and Seconded by Council Member Drew
Bastian.

Mr. Reinhausen spoke regarding his concerns on the former gas station property. He is concerned there may be contamination.

Motion carried unanimously by roll call
vote.

18. Second Reading - Ordinance No. 2022-13 - Administrative Small-Scale Comprehensive Plan Future Land Use Map Amendment/5360 Dubois Ave. (Case No. 22-20000002)

Mayor Don Burnette read Ordinance No. 2022-13.

ORDINANCE NO. 2022-13

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 ±.81 ACRES FROM COMMERCIAL TO

URBAN MEDIUM DENSITY RESIDENTIAL (4-8 UNITS/ACRE) FOR PROPERTY GENERALLY LOCATED AT 5360 DUBOIS AVENUE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-13 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

19. Second Reading - Ordinance No. 2022-14 - Administrative Rezoning/4020 and 4096 Ridgewood Avenue, 215 and 411 Church Street, and 5360 Dubois Avenue (Case No. 22-60000003)

Mayor Don Burnette read Ordinance No. 2022-14.

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING +4.9 ACRES LOCATED AT 4020 RIDGEWOOD AVENUE, 4096 RIDGEWOOD AVENUE, AND 215 CHURCH STREET FROM PCD to COMMUNITY COMMERCIAL (CC); REZONING +.16 ACRES LOCATED AT 411 CHURCH STREET FROM COMMERCIAL INDUSTRIAL (CI) to NEIGHBORHOOD PRESERVATION (NP); ±0.81 ACRES LOCATED AT 5360 DUBOIS AVENUE FROM RIDGEWOOD DEVELOPMENT (RD) TO MOBILE HOME RESIDENTIAL (RMH); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-14 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Drew Bastian.

Council Member Reed Foley does not support the rezoning for 5360 Debois Avenue but supports the others.

Motion carried 4-1 by roll call vote with Council Member Reed Foley voting no.

20. Second Reading - Ordinance No. 2022-15 - Code of Ordinances Amendment/Chapter 42, Article IV - Noise and Light Regulations related to the Riverwalk, Down Under, and Ridgewood/Commonwealth Entertainment Districts (Case No. 22-25000003)

Mayor Don Burnette read Ordinance NO. 2022-15.

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY OF PORT ORANGE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 42, NUISANCES, ARTICLE IV, NOISE AND LIGHT REGULATIONS, SECTION 42-79 TO REPLACE THE TOURIST USE OCCUPANCY WITH COMMERCIAL USE OCCUPANCY; SECTION 42-80 TO ADDRESS VEHICLE NOISE REGULATION PREEMPTION; SECTION 42-81 TO ADDRESS VESSEL NOISE REGULATION PREEMPTION; SECTION 42-82 TO CREATE A PREEMPTION EXEMPTION; REPEALING SECTION 42-83 RELATED TO SPECIAL NOISE PERMITS, AND REPLACING WITH THE CREATION OF ENTERTAINMENT DISTRICTS WITH SPECIAL NOISE RESTRICTIONS; SECTION 42-84 AMENDING METHODS OF ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-15
was made by Vice Mayor Scott Stiltner
and Seconded by Council Member Reed
Foley.

Tim Burman, Community Development Director, provided details of the ordinance change.

Ms. Craven-Laughner spoke regarding her concerns with these changes, specifically the ripple effect and the timeframe extension. She suggested cutting off the timeframe at 10:00 p.m. not midnight.

Mary Halsey, citizen, agreed with Ms. Craven-Laughner. She's concerned with the noise level if she wants to open her windows.

Vice Mayor Scott Stiltner spoke regarding the closeness of the entertainment districts to residential areas. He would like to keep the time limits as they are now except for the Riverwalk District.

Motion to open public comments was
made by Council Member Drew Bastian
and Seconded by Council Member
Chase Tramont. Motion carried
unanimously by voice vote.

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Shane Snipes, owner of First Turn, spoke regarding his restaurant and the noise levels from his bands.

Elliott Robert Hoover, citizen, spoke against the noise levels being extended.

Council Member Reed Foley announced a conflict of interest as he has a contract to perform at First Turn, which is in one of the entertainment districts. He will abstain from voting.

Vice Mayor Scott Stiltner supported the noise limit change for the Riverwalk District through midnight but believes the Down Under and Ridgewood/Commonwealth Districts should end at 11:00 p.m. instead of midnight. Council Member Chase Tramont agreed.

Motion to approve Ordinance No. 2022-15 as presented was withdrawn by Vice Mayor Scott Stiltner.

Motion to amend the ordinance to extend the timeframe to 11:00 p.m. Thursday-Saturday only was made by Vice Mayor Scott Stiltner and Seconded by Council Member Chase Tramont. Motion carried 3-1-1 by roll call vote with Mayor Don Burnette voting no and Council Member Reed Foley abstaining.

Council recessed at 8:33 p.m. and reconvened at 8:42 p.m.

REGULAR AGENDA

21. Approval of Change Order No. 9 with Saboungi Construction, Inc. to Extend Time for The Rec Project QPC082

Motion to approve was made by Vice Mayor Scott Stiltner and Seconded by Council Member Chase Tramont.

Susan Lovallo, Interim Deputy City Manager, provided background on the REC Center project and the request from Saboungi Construction, Inc. and answered questions of Council.

Hassan Saboungi, Vice President of Saboungi Construction, Inc., discussed the project delays and their request for an extension.

There were no public comments.

Council Member Drew Bastian supported the motion on the table. Council agreed.

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

ADDITIONAL ITEMS

- 22. City Attorney
 - a. City Attorney Annual Evaluation

Council provided the City Attorney with feedback based on the past year's performance. Council discussed a change in compensation. Mayor Don Burnette suggested a 5% increase to be discussed during the Regular City Council meeting on July 19th.

Matt Jones, City Attorney, thanked his team for their work.

- 23. City Manager
 - a. City Manager Annual Evaluation

Council provided the City Manager with feedback based on the past year's performance. Council will also discuss a change in compensation for the City Manager at the regular meeting on July 19th.

Mr. Clark thanked City Staff and looks forward to continuing to build the leadership team and thanked Council for the opportunity.

COUNCIL COMMITTEE REPORTS

- 24. City Council Committee Reports
 - a. First Step Shelter - Council Member Chase Tramont had nothing to report.
 - b. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided details on upcoming events.

ADJOURNMENT - 9:52 p.m.

Attest:



Robin Fenwick, MMC, City Clerk



Mayor Donald O. Burnette

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Foley Jonathan Reed		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council	
MAILING ADDRESS 739 Horseman Dr.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY Port Orange	COUNTY Volusia	NAME OF POLITICAL SUBDIVISION: Port Orange	
DATE ON WHICH VOTE OCCURRED 6/21/22		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)