

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 6, 2022

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Donald O. Burnette at 6:33 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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CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

Council Member Reed Foley asked to pull Item #10 for further discussion.

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

6. Approval of Minutes

a. August 16, 2022 - Regular City Council Meeting

7. Bid Awards and Contract Items

a. Ratification of the Emergency Request to Repair two (2) Aurora Vertical Turbine Pumps to Barney's Pumps, Inc.

b. Approval of the ArtHaus License Agreement

c. Approval of Amendment No 4 and Extension with Scotty Boy Landscaping and Maintenance, LLC (CA6626) relating to Facility Landscape Maintenance Services

d. Approval of Additional Time Contingency for the REC Center Project

- e. Approval of Contracts for RFP #22-12 - Building Inspection and Plan Review Services with ECS Florida, LLC and Universal Engineering Sciences, Inc.
- 8. Collaborative Solutions, LLC
 - a. Approval of Statement of Work (SOW) #4 for Workday Lean On Services with Collaborative Solutions, LLC
 - b. Approval of Statement of Work (SOW) #5 for Workday Staff Augmentation with Collaborative Solutions, LLC
- 9. Resolution No. 22-4 - Approving the grant agreement and accepting the award in the amount of \$383,834 from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) for Program Year 2020 (PY20).
- 10. Resolution No. 22-24 - Parks and Recreation Fees at the REC
- 11. Approval of Interlocal Agreement with Volusia County for Traffic Signal Maintenance
- 12. Amended Grant Award Agreement with Florida Communities Trust (FCT) for a portion of Riverwalk Park Property and the accompanying Release of Grant Award Agreement for the Marcantonio Property

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

Item #10 - Resolution No. 22-24 - Parks and Recreation Fees at the REC

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

Council Member Reed Foley asked why we have a 30% cost recovery. Wayne Clark, City Manager, advised it is a Council policy to collect 30% of the total costs for Parks & Recreation Department. Susan Lovallo, Parks & Recreation, explained the direction from Council vs. the direct costs recovered currently and discussed the fee changes included in the resolution. Council Member Reed Foley asked Council if they still support the 30% cost recovery direction. He supports the item but wants to discuss the policy in the future.

Motion carried unanimously by roll call vote.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

Ted Nofall, citizen, spoke regarding his candidacy.

13. Comments/Concerns from Council Members

Council Member Drew Bastian asked that Code Enforcement look at the Pavilion for violations that have been reported to him.

Vice Mayor Scott Stiltner spoke regarding Port Orange being ranked #1 best city to retire to on a \$3,000 a month income or less and thanked Allen Green for his service. Former Mayor Allen Green was recognized as a Wall of Honor recipient earlier tonight. Mayor Don Burnette and Council Member Chase Tramont thanked Allen Green for his service.

Council Member Reed Foley thanked Allen Green for his service, as well as the Parks & Recreation Department Staff for following through with the sunscreen samples at four of the City's parks.

PUBLIC HEARING

14. Second Reading - Ordinance No. 2022-21 - Eighth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (Case No. 22-40000002)

Mayor Don Burnette read Ordinance No. 2022-21.

ORDINANCE NO. 2022-21

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

Motion to adopt Ordinance No. 2022-21 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

15. Second Reading - Ordinance No. 2022-22 - LDC Amendment/Chapter 2 & Chapter 5 (Case No. 22-25000005)

Mayor Don Burnette read Ordinance No. 2022-22.

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 2 AND 5 TO PROVIDE DEFINITIONS FOR SPECULATIVE AND MODEL HOMES; UPDATE REQUIREMENTS FOR MODEL HOMES; CREATE PROVISIONS FOR THE DEVELOPMENT OF SPECULATIVE HOMES IN ORDER TO ALLOW THE CONSTRUCTION THEREOF PRIOR TO PLATTING IN AID OF MORE TIMELY DELIVERY OF HOMES AFTER PLATTING IS COMPLETE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-22 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

REGULAR AGENDA

16. First Reading - Ordinance No. 2022-23 - Prohibiting Smoking in City Parks

Mayor Don Burnette read Ordinance No. 2022-23.

ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES, TO ESTABLISH SECTION 50-40, PROHIBITING SMOKING OF TOBACCO IN PARKS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council Member Drew Bastian asked if vaping is included in the prohibition. Matt Jones, City Attorney, asked that the item be tabled to allow him time to research whether or not vaping can be included.

Motion to table until September 20, 2022 was made by Council Member Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

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During the City Attorney item, Mr. Jones advised he was able to complete the research relating to vaping in parks. He suggested pulling the item from the table and voting on it to include the prohibition of smoking *and vaping* in the City's parks.

Motion to remove Item #16 from the table was made by Council Member Reed Foley and Seconded by Council Member Drew Bastian.

Mayor Don Burnette re-read Ordinance No. 2022-23

Motion to amend the original motion to include no vaping in Ordinance No. 2022-23 was made by Council Member Chase Tramont and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

Motion to approve Ordinance No. 2022-23 as amended to include a prohibition on vaping carried unanimously by roll call vote.

17. Accept the Donation of a Caboose for Depot Park

Motion to approve and accept the donation of the caboose for Depot Park, subject to a donation agreement reviewed and approved by the City Manager and City Attorney, and authorize the City Manager and City Clerk to execute said agreement, and to authorize the City Manager and City Clerk to execute a license agreement on behalf of the City for the purpose of allowing the railway society to perform restoration work on city property was made by Council Member Drew Bastian and Seconded by Vice Mayor Scott Stiltner.

Ms. Lovallo spoke regarding the details of the donation and what's included in the City's responsibilities.

Larry Powers, Port Orange Railroad Society President, spoke regarding the details of the project.

Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

18. Discussion of City Manager and City Attorney Compensation

Mayor Don Burnette opened the discussion with a recap of the previous discussion held by Council and suggested a 5% increase.

Motion to approve a 5% increase for the City Attorney and City Manager effective October 1, 2022 was made by Council Member Drew Bastian and Seconded by Vice Mayor Scott Stiltner. Motion carried unanimously by roll call vote.

19. City Attorney

Mr. Jones had nothing further.

20. City Manager

There was nothing further from Mr. Clark.

COUNCIL COMMITTEE REPORTS

21. City Council Committee Reports

- a. River to Sea TPO - Council Member Reed Foley provided an update.
- b. Police Pension Plan - Council Member Drew Bastian provided an update.
- c. Fire Pension Plan - Council Member Reed Foley was unable to attend but will get the minutes and provide an update on September 20, 2022.

ADJOURNMENT - 7:35 p.m.



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk