

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 2, 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.

Invocation by Chaplain Loreal Moise of AdventHealth

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
-----------	----------	--

	Also Present:	City Manager Wayne Clark City Attorney Matthew Jones City Clerk Robin Fenwick
--	---------------	---

SPECIAL REPORTS

4. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager for Kemper Sports, provided an overview of the financial reports for May and June 2022. He announced his retirement on September 30, 2022. Council thanked him for his work and that of his team for getting the course in great condition.

5. Golf Advisory Board Report

Lance Green, Chairman, provided details from their recent meeting. He thanked Mr. Duquette for his work at the golf course.

CONSENT AGENDA

6. Public Comments on Consent Agenda Items Only

Robert Reinhausen, citizen, spoke regarding Item #9(b). He would like to be involved in the review of the plan for the water supply.

7. Agenda Approval

There were no changes requested by Council.

Motion to approve was made by Vice
Mayor Scott Stiltner and Seconded by

Council Member Chase Tramont. Motion
carried unanimously by voice vote.

8. Approval of Minutes
 - a. July 19, 2022 - Regular City Council Meeting
 - b. July 25, 2022 - City Council Budget Workshop
9. Bid Awards and Contract Items
 - a. Approval to Increase the Contingency Authorization for The REC Project (QPC082) with Saboungi Construction, Inc.
 - b. Approval of Task Authorization No. 14 under the Kimley Horn and Associates, Inc. Contract for the Preparation of the State Required Update to the City's Water Supply Work Plan and Corresponding Comprehensive Plan Amendments
10. Resolution No. 22-18 - Approval of Third Quarter Budget Amendments for Fiscal Year 2021-2022
11. Resolution No. 22-19 - Declaring Council Members for District 1, 2, and 4
12. Resolution No. 22-20 - Partial Easement Vacation - Lot 18, River Oaks Subdivision (6204 Oak River Terrace)
13. Resolution No. 22-21 - Approval of HUD CDBG Plan Year 2022 Annual Action Plan

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

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

There were none.

COUNCIL COMMENTS

14. Comments/Concerns from Council Members

Council Member Reed Foley thanked Mr. Duquette for his service.

Mayor Don Burnette congratulated Scott Stiltner, Reed Foley, and Kat Atwood for their election/re-election to serve on Council.

PUBLIC HEARING

15. Second Reading - Ordinance No. 2022-17 - Seventh Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (Case No. 22-40000001)

Mayor Don Burnette read Ordinance No. 2022-17.

ORDINANCE NO. 2022-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SEVENTH 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. 2022-17 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. 2022-18 - Rezoning/950 Madeline Avenue (Case No. 22-60000004)

Mayor Don Burnette read Ordinance No. 2022-18.

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +8.3 ACRES FROM MULTI-FAMILY RESIDENTIAL (R-3M) TO COMMUNITY COMMERCIAL (CC); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-18 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Drew Bastian.

Joey Posey, Attorney for the Applicant, spoke regarding the current zoning and the change being requested which lowers the density and decreases the impact on the area.

Kat Atwood, Council Member-elect, asked if there would be a sidewalk. Mr. Posey said yes.

Phillip Hollis, developer, spoke as to the project and the design to provide buffers. Mayor Don Burnette thanked him for his honesty at the neighborhood meeting.

Vice Mayor Scott Stiltner asked questions of Tim Burman, Community Development Director, relating to the comprehensive plan and usage of the property moving forward.

Mr. Burman advised a new owner could keep the property the same.

Motion carried 3-2 by roll call vote with Council Member Chase Tramont and Vice Mayor Scott Stiltner voting no.

17. Approval of Special Exception for Extra Space Storage – 950 Madeline Avenue (Case No. 22-70000001)

Motion to approve was made by Vice Mayor Scott Stiltner and Seconded by Council Member Drew Bastian. Motion carried 3-2 by roll call vote with Council Member Chase Tramont and Vice Mayor Scott Stiltner voting no.

18. Second Reading - Ordinance No. 2022-19 - Amendment/Chapters 13 and 17 of the Land Development Code (Case No. 22-25000004)

Mayor Don Burnette read Ordinance No. 2022-19.

ORDINANCE NO. 2022-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 13 AND 17 TO ALLOW FLEXIBILITY IN THE DESIGN LAYOUT OF A PARKING LOT FOR USES IN LIGHT INDUSTRIAL (LI) AND COMMERCIAL INDUSTRIAL (CI) ZONING DISTRICTS; ADDING WHOLESALERS AND DISTRIBUTORS AS PERMITTED USES IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-19 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

19. Second Reading - Ordinance No. 2022-20 - Amending Chapter 2, Article VI, Division 3, Relating to Submission of Budget

Mayor Don Burnette read Ordinance No. 2022-20.

ORDINANCE NO 2022-20

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, RELATING TO SUBMISSION OF BUDGET AND CONTENTS THEREOF, AMENDING SECTION 2-291 RELATING TO THE TIMING REQUIREMENTS OF THE BUDGET SUBMISSION TO CITY COUNCIL; AMENDING SECTIONS 2-293 AND 2-295 RELATING TO THE CONTENT REQUIREMENTS OF THE BUDGET SUBMISSION TO CITY COUNCIL; REMOVING SECTIONS 2-296 AND 2-297 RELATED TO THE BUDGET SUBMISSION TO CITY COUNCIL BY REMOVING REDUNDANT AND OBSOLETE SECTIONS; AMENDING SECTION 2-298 BY REMOVING REDUNDANT AND OBSOLETE LANGUAGE; AMENDING SECTION 2-299 BY UPDATING THE LANGUAGE RELATED TO BUDGET AMENDMENT AUTHORITY CONSISTENT WITH STATE LAW; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2022-20 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

REGULAR AGENDA

20. Debt Issuance Process presented by Southeastern Investment Securities, LLC

John McKinney, Finance Director, provided details of previous debt the city had issued.

Toby Wagner, Southeastern Investment Securities, LLC, provided information on the process of how the city goes about the issuance of different debt instruments. The next step for them is to bring back a financial plan for Council's consideration, in connection with the rate study being done now.

Mark Galvin, Hilltop Securities, spoke to the interest rates being higher than they've been in recent years, but believes they are still at a reasonable rate.

21. ITB #22-07 Garnsey Water Treatment Plant Generator Project

- a. Intent to award construction contract to Chinchor Electric, Inc for ITB #22-07 Garnsey Water Treatment Plant Generator Installation

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

Lynn Stevens, Public Works/Utilities Department Director, spoke as to the age of the generator and the price of the proposals that were received, as well as the need for the backup power required for the water treatment plant. She answered questions from Council regarding the size of the generator and what's included in the project.

Motion carried unanimously by roll call vote.

b. Resolution No. 22-22 - Reimbursement Resolution for ITB #22-07
Garnsey Water Treatment Plant Generator Installation

Motion to adopt Resolution No. 22-22 was made by Vice Mayor Scott Stiltner and Seconded by Council Member Drew Bastian. Motion carried unanimously by roll call vote.

22. Setting Maximum Operating Millage Rate for Fiscal Year 2022-23

Mr. McKinney discussed the process of setting the maximum millage rate and the advantages of setting it higher than expected to be passed during the budget hearing process in case of an emergency.

Council Member Drew Bastian supported a millage rate of 4.92 with the direction to reduce the rate before the tentative and final budget hearings.

Discussion was held regarding fuel costs and the fluctuation of fuel prices. Staff has adjusted the proposed budget to take the fluctuation into account.

Council Member Chase Tramont would support a millage rate no higher than 4.75 although he understands costs are higher than in previous years.

Vice Mayor Scott Stiltner asked for the fuel cost being budgeted. Staff will provide that information tomorrow. He would support a millage rate of 4.875 at the highest.

Mayor Don Burnette is supportive of 4.90. He spoke as to the amount of the budget that covers personnel. He does not support any cuts in personnel.

Andy Baldwin, employee, spoke regarding an investment in the City's #1 asset, the employees. He asked them for flexibility in the budget to negotiate with the unions. He spoke as to the strain on employees because positions stay unfilled for too long or employees are trained just to leave for a higher paying job at another city.

Cory Westberry-Miller, Port Orange citizen and employee, also spoke regarding the quality of service being provided by employees for citizens and the fact that employees can't afford to live off their salaries. Most have second and third jobs and most employees can't even afford to live in Port Orange.

Rick Gerlone, Fire Department employee and Port Orange citizen, agreed with what has been said previously. Repairs and improvements are behind other cities. He encouraged Council to take care of the employees before they are gone.

Dave Vanthoff, Port Orange citizen and employee, asked Council to set a millage rate to take care of all employees, not just police and fire.

Move to approve a maximum millage rate of 4.920 for Fiscal Year 2022-23 and set the public hearing dates to be held on Wednesday, September 7, 2022 and Wednesday, September 21, 2022 beginning at 5:30 p.m. was made by Council Member Drew Bastian and Seconded by Council Member Reed Foley. Motion failed 1-4 with Council Member Drew Bastian voting yes.

Move to approve a maximum millage rate of 4.875 for Fiscal Year 2022-23 and set the public hearing dates to be held on Wednesday, September 7, 2022 and Wednesday, September 21, 2022 beginning at 5:30 p.m. was made by Vice Mayor Scott Stiltner and Seconded by Council Member Reed Foley. Motion failed 2-3 with Councilmen Reed Foley, Chase Tramont, and Drew Bastian voting no.

Move to approve a maximum millage rate of 4.9072 for Fiscal Year 2022-23 and set the public hearing dates to be held on Wednesday, September 7, 2022 and Wednesday, September 21, 2022 beginning at 5:30 p.m. was made by Council Member Drew Bastian and Seconded by Council Member Reed Foley. Motion failed 2-3 with Council Member Reed Foley, Council Member Chase Tramont, and Vice Mayor Scott

Stiltner voting no.

Move to approve a maximum millage rate of 4.90 for Fiscal Year 2022-23 and set the public hearing dates to be held on Wednesday, September 7, 2022 and Wednesday, September 21, 2022 beginning at 5:30 p.m. was made by Council Member Drew Bastian and Seconded by Council Member Reed Foley. Motion failed 2-3 with Council Member Reed Foley, Council Member Chase Tramont, and Vice Mayor Scott Stiltner voting no.

Move to approve a maximum millage rate of 4.75 for Fiscal Year 2022-23 and set the public hearing dates to be held on Wednesday, September 7, 2022 and Wednesday, September 21, 2022 beginning at 5:30 p.m. was made by Council Member Chase Tramont and Seconded by Council Member Reed Foley.

Motion was withdrawn by Council Member Chase Tramont after discussion relating to cuts that would be required at this millage rate.

Council Member Reed Foley discussed inflation and the increased cost the City is facing as well as citizens. With inflation at 9.1%, he would support the same increase.

Move to approve a maximum millage rate of 4.8610 for Fiscal Year 2022-23 and set the public hearing dates to be held on Wednesday, September 7, 2022 and Wednesday, September 21, 2022 beginning at 5:30 p.m. was made by Council Member Reed Foley and Seconded by Vice Mayor Scott Stiltner. Motion carried 4-1 with Council Member Chase Tramont voting no.

ADDITIONAL ITEMS

23. City Attorney

There was nothing further from the City Attorney.

24. City Manager

There was nothing further from the City Manager.

ADJOURNMENT - 8:45 p.m.



Mayor Donald O. Burnette

Attest.



Robin Fenwick, MMC
City Clerk