

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
FEBRUARY 21, 2023

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 Pastor John Mazza of Family Worship Center

Pledge of Allegiance

Roll Call

Present:

Councilman Drew Bastian
Councilman Scott Stiltner
Vice Mayor Reed Foley
Mayor Don Burnette

Also Present:

City Manager Wayne Clark
City Attorney Matthew Jones
Assistant City Clerk Tracee Cody

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes requested by Council.

Motion to approve the agenda as presented was made by Vice Mayor Reed Foley and Seconded by Councilman Scott Stiltner. Motion carried unanimously by voice vote.

6. Approval of Minutes

a. February 7, 2023 - Regular City Council Meeting

7. Bid Awards and Contract Items

a. Approval to award ITB #22-10 for Water Reclamation Facility East Master Lift Station Upgrades to McMahan Construction Company

- b. Approval to award ITB #22-15 for Chemical Tank Replacements at Water Treatment Facilities to Odyssey Manufacturing Company
- c. Approval to award ITB #22-16 to Scotty Boy Landscaping for the Facility Landscape Maintenance Services
- d. Approval of Task Authorization No. 4 under the Master Contract for Professional Engineering Services with Mead & Hunt for Public Utilities and Environmental Services (CA7763) for Consent Order OCG No. 21-0734 Immediate Corrective Action Plan Inflow & Infiltration (I&I) Abatement
- e. Approval of Task Authorization No. 6 with Kimley Horn - Construction Administration services for the WRF East Master Lift Station Upgrades
- f. Approval of the Port Orange Community Trust Agreement
- 8. Resolution No. 23-05 - Reimbursement Resolution for Water Reclamation Facility East Master Lift Station Upgrades
- 9. Resolution No. 23-06 - FY2021 Edward Byrne Memorial Justice Assistance Subgrant Agreement for \$9,401.00 from the Florida Department of Law Enforcement for Radar and Speed Measurement Program
- 10. Resolution No. 23-11 - Calling for a Primary and Special Election to elect a Council Member for District 2 and providing for qualifying dates
- 11. Approval of Major Special Event Request from Giuseppe's Steel City Pizza at 3658 Nova Road for Bike Week
- 12. Approval of Major Special Event Request for The Doghouse Bar and Grill at 3400 S. Nova Road for Bike Week
- 13. Approval to submit the proposed project list for the River To Sea TPO 2023 Transportation Improvement Program Priority List
- 14. Approval of Pioneer Arms Corp Economic Incentive Agreement - Ch. 20 Targeted Business

Motion to approve the Consent Agenda as presented was made by Vice Mayor Reed Foley and Seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

Warren Carman, Chairman of the Port Orange Police Pension Board, provided details to Council about the pension plan.

COUNCIL COMMENTS

- 15. Comments/Concerns from Council Members

Councilman Scott Stiltner commented further about the rate of return for the Police Pension Plan.

Mayor Don Burnette thanked Carman Warren for the information and spoke about future Mayor/Manager breakfasts and Parks & Rec events.

SPECIAL REPORTS

16. Port Orange Community Trust Annual Report

Jennifer Marano, Port Orange Community Trust Executive Director, provided financial details and upcoming events.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

17. Citizen Advisory Committee for TPO

Bobby Ball, CAC member, provided an update from their most recent meeting.

PUBLIC HEARING

18. First Reading - Ordinance No. 2023-01 - Rezoning/662 Herbert Street
(Case No. REZONING-22-0001)

Mayor Don Burnette read Ordinance No. 2023-01.

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY +2.1 ACRES GENERALLY LOCATED AT 662 HERBERT STREET FROM TWO-FAMILY RESIDENTIAL (R-2D) TO SINGLE-FAMILY RESIDENTIAL (R-10SF); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2023-01 was made by Vice Mayor Reed Foley and Seconded by Councilman Scott Stiltner.

Penelope Cruz, Planning Manager, provided details on the proposed rezoning.

Motion carried unanimously by roll call vote.

REGULAR AGENDA

19. Approval of Major Special Event Request for Daytona's Original First Turn at 5164, 5204, and 5236 South Ridgewood Avenue for Bike Week

Motion to approve was made by
Councilman Drew Bastian and
Seconded by Councilman Scott Stiltner.

Vice Mayor Reed Foley abstained from the vote due to conflict. City Manager, Wayne Clark, asked for Council's consideration and discussed the request to extend the event an extra hour of outdoor music.

Shane Snipes, First Turn owner, spoke about his request for the extra hour and explained he's fully committed to cooperate with the City.

Motion carried 3-0-1 by roll call vote with
Vice Mayor Reed Foley abstaining.

20. Appointment of an Interim Council Member for District 2

Mayor Don Burnette explained the process for interviewing the applicants and voting for an Interim Council Member.

Applicants Corey Berman, Tracy Grubbs, Kevin Lewis, and Mark Gabriel introduced themselves and answered questions from Council (applicants Jason Powell and William Chippeaux were not in attendance and applicant Angelina Rossi withdrew her application).

Robert Reinhausen, resident, commented on Jason Powell living in District 3 and that he should not be allowed to apply for a different district seat.

Council recessed at 7:34 p.m. and reconvened at 7:44 p.m.

Motion to nominate Tracy Grubbs was
made by Councilman Scott Stiltner and
seconded by Councilman Drew Bastian.

Motion to nominate Mark Gabriel was
made by Councilman Drew Bastian and
seconded by Vice Mayor Reed Foley.

Robin Fenwick, Assistant City Manager, read the ballots with the following results:

Vice Mayor Reed Foley and Mayor Don Burnette voted for Mark Gabriel
Councilman Drew Bastian and Councilman Scott Stiltner voted for Tracy Grubbs

With the tie, Council asked more questions from Tracy Grubbs and Mark Gabriel.

Ms. Fenwick read the ballots with all Council members voting for Tracy Grubbs.

Mayor Don Burnette declared Tracy Grubbs as the Interim City Council Member for District 2 and Councilman Grubbs was sworn in by Mrs. Fenwick.

ADDITIONAL ITEMS

21. City Attorney

There was nothing further.

22. City Manager

Mr. Clark reminded everybody that a City Council Workshop will be held on Tuesday, February 28, 2023.

COUNCIL COMMITTEE REPORTS

23. City Council Committee Reports

a. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette provided details from their recent meeting.

ADJOURNMENT – 8:04 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

ST NAME—FIRST NAME—MIDDLE NAME <i>Foley, Jonathan Reed</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Council</i>	
MAILING ADDRESS <i>Horseman</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Port Orange</i>	COUNTY <i>Volusia</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>2/21/2023</i>		NAME OF POLITICAL SUBDIVISION: <i>Port Orange City Council</i>	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE	

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)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jonathan Reed Foley, hereby disclose that on February 21, 2023

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of First Turn, by _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item #19 - Approval of Major Special Event Request for Daytona's Original First Turn @ 5164, 5204, + 5236 S. Ridgewood Avenue for Bike Week as I have a contract with the business.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/21/23
Date Filed

J R Foley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.