

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 7, 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 Roxanne Dwyer of Relevant Church

Pledge of Allegiance

Roll Call

Present:

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

Also Present:

City Manager, Wayne Clark
City Attorney, Matt Jones
Assistant City Clerk, Tracee Cody

RECOGNITION AND PROCLAMATIONS

4. Flood Awareness Week Proclamation

Mayor Don Burnette read the proclamation for Flood Awareness Week.

5. American Red Cross Month Proclamation

Mayor Burnette read the proclamation for American Red Cross Month.

Council recessed at 6:36 p.m. to hold the Joint Meeting with the Town Center CRA Board, minutes of which are under separate cover.

CITY COUNCIL/TOWN CENTER CRA JOINT SPECIAL MEETING

Council reconvened at 6:56 p.m.

CONSENT AGENDA

6. Public Comments on Consent Agenda Items Only

There were none.

7. Agenda Approval

Councilman Scott Stiltner asked to pull Items #9b, #9d, and #9e for further discussion.

Motion to approve the agenda as amended was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

8. Approval of Minutes
 - a. February 21, 2023 - Regular City Council Meeting
9. Bid Awards and Contract Items
 - a. Approval of an extension to the Standard Contract for Services (CA6963) with VerdeGo LLC for the SR421/Dunlawton Avenue Median Improvement Maintenance
 - b. Approval to purchase an auxiliary Cat Genset 1000kw generator from Ring Power
 - c. Approval of Amendment No. 2 to the Amended and Restated Agreement CA00674 with G.E.L. Corporation for recyclable materials
 - d. Approval and consent to the assignment of the Motorcycle Lease Agreement CA6953 with Rossmeyer Daytona Motorcycles Inc d/b/a Bruce Rossmeyer's Daytona Harley Davidson Motorcycle (ITB 19-29) to EMAG Daytona HD LLC d/b/a Teddy Morse's Daytona Harley-Davidson
 - e. Approval of Contract with Advanced Roofing for Roof Repair & Replacement Services (RFSQ 22-14)
 - f. Approval to Waive Bidding Requirements for HVAC Services
10. Approval of Sanctuary on Spruce Creek Traffic Enforcement Agreement
11. Approval of the Central Florida Child Abduction Response Team (CART) Mutual Aid Agreement with the Florida Department of Law Enforcement
12. Approval of City of Daytona Beach Shores Automatic License Plate Reader Memorandum of Understanding (MOU)

Motion to approve the Consent Agenda Items #8, #9a, #9c, #9f, and #10-12 was made by Councilman Scott Stiltner and seconded by Vice Mayor Reed Foley. Motion carried unanimously by voice vote.

Item #9b - Approval to purchase an auxiliary Cat Genset 1000kw generator from Ring Power

Motion to approve Item #9b was made by Councilman Scott Stiltner and seconded by Vice Mayor Reed Foley.

Councilman Stiltner questioned the costs among buying a generator from 2007 versus renting or buying a brand new one. Wayne Clark, City Manager, clarified the financial

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logic of buying the 2007 one rather than continuing to rent it until the new one is available.

Motion carried unanimously by roll call vote.

Item #9d - Approval and consent to the assignment of the Motorcycle Lease Agreement CA6953 with Rossmeyer Daytona Motorcycles Inc d/b/a Bruce Rossmeyer's Daytona Harley Davidson Motorcycle (ITB 19-29) to EMAG Daytona HD LLC d/b/a Teddy Morse's Daytona Harley-Davidson

Motion to approve was made by Councilman Scott Stiltner and seconded by Vice Mayor Reed Foley.

Councilman Tracy Grubbs abstained from the vote due to conflict of interest as he does business with the Harley Davidson dealership.

Motion carried 4-0-1 by roll call vote with Councilman Grubbs abstaining.

Item #9e - Approval of Contract with Advanced Roofing for Roof Repair & Replacement Services (RFSQ 22-14)

Motion to approve Item #9e was made by Councilman Drew Bastian and seconded by Vice Mayor Reed Foley.

Councilman Stiltner asked for clarification on the Florida statute E-verify requirement. City Attorney, Matt Jones, clarified that every Florida municipality can only accept bids if they meet the E-verify requirements.

Motion carried unanimously by roll call vote.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

There were none.

COUNCIL COMMENTS

13. Comments/Concerns from Council Members

Mayor Burnette reminded citizens about the Port Orange Community Trust's Spring Brew & Fest 2023 event being held the last weekend of March.

PUBLIC HEARING

14. Second 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 adopt Ordinance No. 2023-01 was made by Vice Mayor Reed Foley and seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

15. Approval of the Madeline Commons Final Subdivision Plat and Plans (Case No. 22-50000003)

Motion to approve was made by Vice Mayor Reed Foley and seconded by Councilman Drew Bastian.

Penelope Cruz, Planning Manager, provided details on the request and answered questions from Council.

Eric Gill, resident, expressed his concerns that this would create excessive traffic along Dunlawton. Councilman Stiltner commented that Dunlawton is owned by the State and hopes residents will help advocate with Council to State partners. He also mentioned the changes in the project that reduced density.

Motion carried 3-2 by roll call vote with Councilman Scott Stiltner and Mayor Don Burnette voting no.

REGULAR AGENDA

16. Approval of Lease Agreement with Flagsticks Bar & Grill Inc. for Food and Beverage Service at Cypress Head Golf Course

Motion to approve was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner.

Susan Lovallo, Parks & Recreation Director, provided further details of the agreement and introduced Kevin Hannah, owner, and John Springer, the prospective new owner. Mr. Springer explained his future ideas for the bar & grill and answered questions from Council.

Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

17. City Attorney

There was nothing further.

18. City Manager

Mr. Clark introduced Sharon Kraynik as the new Human Resources Director.

COUNCIL COMMITTEE REPORTS

19. City Council Committee Reports

a. River to Sea TPO - Vice Mayor Reed Foley

Vice Mayor Foley provided details from their recent meeting.

b. Fire Pension - Vice Mayor Reed Foley

Vice Mayor Foley provided details of their recent meeting and expressed his concerns regarding the plan.

c. Police Pension - Councilman Drew Bastian

Councilman Bastian provided details from their recent meeting.

d. General Employee's Pension - Councilman Scott Stiltner

Councilman Stiltner provided details from their recent meeting.

ADJOURNMENT – 7:51 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 Grubbs, Tracy		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Port Orange City Council	
MAILING ADDRESS 1000 City Center Circle		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Port Orange	COUNTY Volusia	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED March 7, 2023		NAME OF POLITICAL SUBDIVISION: City of Port Orange	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE (Interim)	

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, Tracy Grubbs, hereby disclose that on March 7, 20 23:

(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, Billy R Grubbs;
- ☐ inured to the special gain or loss of _____, 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:

My father is employed by EMAG Daytona HD LLC d/b/a Teddy Morse's Daytona Harley-Davidson who has purchased the assets of Rossmeyer Daytona Motorcycles, Inc. and is requesting assignment of the lease for the City's police motorcycles.

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.

March 7, 2023

Date Filed

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.