

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 20, 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 Chaplain James Brooks of Advent Health Mission and Ministry

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 Attorney Matthew Jones City Manager Wayne Clark Administrative Assistant Meghan Meyer

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Robert Reinhagen, resident, commented on agenda Items #7a and #7b and inquired if a tear-down grant option would be available to homeowners in Port Orange and if there are any residents who would be interested in taking part in it.

5. Agenda Approval

Councilman Tracy Grubbs asked to pull Item #7g for further discussion.

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

6. Approval of Minutes

a. June 6, 2023 - Regular City Council Meeting

7. Bid Awards and Contract Items

a. Approval of Task Authorization No. 1 with Pegasus Engineering, LLC for grant management services for the FEMA Hazard Mitigation Grant Program (HMGP) Application for Flood Prone Home Elevations under Hurricane Ian (DR-4673-FL)

b. Approval of Task Authorization No. 2 with Pegasus Engineering, LLC for grant management services for the FEMA Hazard Mitigation Grant Program (HMGP)

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Application for Flood Prone Home Demolition and Reconstruction under Hurricane Ian (DR-4673-FL)

c. Ratification of the Emergency Standard Contract for Services CA8115 with Danus Utilities, Inc. for the emergency repair of a 4-inch sewer lateral located at 5435 Dubois Avenue

d. Approval of a Mitigation Credit Reservation and Purchase Agreement with Miami Alternatives, LLC for the transfer and sell of mitigation credits for the Port Orange Field Operations Facility development project

e. Approval of a Standard Contract for Services to Verdego, LLC for landscaping services for retention ponds

f. Approval to award ITB #23-05 for Officials and Scorekeepers to American Sports Officials, Inc

g. Approval to award ITB #23-01 for Athletic Field Pest Control and Fertilization Services to TruGreen

8. Ratification of actions taken during Hurricane Ian and Nicole

a. Resolution No. 23-21 - Ratification of Emergency Powers Taken During Hurricane Ian, Temporarily Extending the Waiver of Certain Permit Fees, and Temporarily Allowing for the use of Recreational Vehicles (RV)

b. Resolution No. 23-22- Ratification of Emergency Powers Taken During Hurricane Nicole, Temporarily Extending the Waiver of Certain Permit Fees, and Temporarily Allowing for the use of Recreational Vehicles (RV)

Motion to approve the Consent Agenda Items #6, #7a-f, #8a and #8b as presented was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

Item #7g – Approval to award ITB #23-01 for Athletic Field Pest Control and Fertilization Services to TruGreen.

Motion to approve Item #7g was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner.

Councilman Grubbs commented that he would like bids available on all media streams so local companies are aware.

Motion carried unanimously by roll call vote.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

Kris Cunningham, resident and Chair of the Environmental Advisory Board, spoke about the recent rains and potential flooding areas. She would like more communication with the public, such as through social networking, to get feedback from the public if they are

Kristin Johansson, with the South Daytona/Port Orange Chamber of Commerce, thanked Council for their continued support and participation in the Youth Civic Leadership Experience two weeks ago. She mentioned that the Port Orange staff had been very supportive and helpful.

Allen Green, former Mayor of Port Orange, talked about the passing of employee Frank Flagg and his life working for the City and around the community. He would like Frank to receive some recognition in the Rec Center for how much work he put into the building.

COUNCIL COMMENTS

9. Comments/Concerns from Council Members

Councilman Scott Stiltner also said a few words about Frank Flagg and how he will be missed. He also touched on Ms. Cunningham's comment about flooding and expressed the many challenges the City faces when trying to prevent future flooding. Despite these challenges, he pointed out how the City is constantly working on improvements and the funding received from Tallahassee for flood mitigation projects. At Councilman Stiltner's request, Tim Burman, Community Development Director, provided an update on the Nova Road & Miles intersection project plan where frequent accidents (some fatal) have occurred. Mr. Burman explained that a project study was done by the Department of Transportation and a traffic light was warranted at the intersection and provided the projected time frame.

Vice Mayor Reed Foley also spoke on the intersection project and agrees this is an important area to focus on improvements. He extended his condolences to Frank Flagg's family. He also briefly discussed the Mayor's golf tournament and thanked all of the participants and the Parks & Recreation staff.

Councilman Drew Bastian noted that the Florida Department of Transportation has begun cleaning up debris and overgrowth in the Nova Canal in South Daytona .

Councilman Tracy Grubbs brought up concerns about blowing grass clippings down drains. He reminded citizens to please blow them back into their yard and to utilize the City's SeeClickFix app for any other issues they see around the City.

Mayor Don Burnette spoke on the stormwater Master Plan that was discussed at the previous Workshop and urged residents to view the meeting on YouTube or attend Coffee with the Mayor. He also mentioned the legislative appropriations that were awarded to the City for improvements.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

10. Citizen Advisory Committee for TPO

Bobby Ball, member of CAC for TPO, provided an update from their recent meeting and will provide an update on the I-95 interchange when available from the Department of Transportation. He stated July's meeting has been canceled.

11. Environmental Advisory Board Appointment (x3)

Motion to re-appoint Kristine Cunningham, John Macaluso and appoint Angelina Rossi to her first term was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

PUBLIC HEARING

12. First Reading - Ordinance No. 2023-04 - Code of Ordinances
Amendment/Chapter 58, Article III - Special Events

Mayor Don Burnette read Ordinance No. 2023-04

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING CHAPTER 58, ARTICLE III OF THE CODE OF ORDINANCES RELATING TO SPECIAL EVENTS; AMENDING SECTION 58-1 TO MAKE MINOR CHANGES TO THE DEFINITION OF MAJOR SPECIAL EVENT; AMENDING SECTION 58-53 TO ALLOW FOR SPECIAL EVENT SALES ASSOCIATED WITH LEGAL HOLIDAYS AND SEASONAL EVENTS AND TO PROVIDE AN INCREASE IN THE AMOUNT OF DAYS FOR A SPECIAL EVENT WITHIN THE RIVERWALK AND DOWN UNDER ENTERTAINMENT DISTRICT REGARDLESS OF PARCEL SIZE; AMENDING SECTION 58-56 TO REMOVE THE BOND REQUIREMENT FOR MAJOR SPECIAL EVENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING AN EFFECTIVE DATE.

Penelope Cruz, Planning Manager, provided further details of the proposed Ordinance.

Motion to approve Ordinance No. 2023-04 was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote

13. First Reading - Ordinance No. 2023-05 - Fourth Amendment to the Master Development Agreement for the Woodhaven Planned Unit Development (Case No. PRZA-23-0003)

Mayor Don Burnette read Ordinance No. 2023-05

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FOURTH AMENDMENT TO WOODHAVEN PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF; AND PROVIDING AN EFFECTIVE DATE.

Mrs. Cruz provided further details of the proposed Ordinance. Dick Smith with ICI Homes was also present to answer any questions from Council members; however, there were none.

Motion to approve Ordinance No. 2023-05 was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

14. First Reading - Ordinance No. 2023-06 - Second Amendment to the Master Development Agreement for the Southwinds Center Planned Commercial Development (Case No. PRZA-23-0002)

Mayor Don Burnette read Ordinance No. 2023-06

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FOURTH AMENDMENT TO SECOND AMENDMENT TO THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT FOR SOUTHWINDS CENTER PLANNED COMMERCIAL DEVELOPMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF; AND PROVIDING AN EFFECTIVE DATE.

Mrs. Cruz provided further details of the proposed Ordinance.

Motion to approve Ordinance No. 2023-06 was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

15. Approval of the Development Order Modification for the Final Plat for Phase 2 of the Woodhaven Subdivision (Case No. SUBD-23-0003)

Mrs. Cruz provided further details of the proposed Ordinance.

Motion to approve was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

REGULAR AGENDA

16. First Reading - Ordinance No. 2023-07 - Amendment to Chapter 54, Article IV, Fire & Rescue Pension Fund of the Code of Ordinances

Mayor Don Burnette read Ordinance No. 2023-07

ORDINANCE 2023-07

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE IV, FIRE AND RESCUE PENSION FUND, BY AMENDING SECTION 54-77, DEFINITIONS; AMENDING SECTION 54-104, BENEFITS AND CONTRIBUTION FOR MEMBERS HIRED ON OR AFTER DECEMBER 4, 2012; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Matt Jones, City Attorney, provided further details of the proposed Ordinance. Council approved a Memorandum of Understanding in February and now that an impact statement has been completed by the actuary and noticed by the State, we can move forward with codification of our City Code of Ordinances.

Motion to approve Ordinance No. 2023-07 was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by

roll call vote.

ADDITIONAL ITEMS

17. City Attorney

There was nothing further.

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. Councilman Drew Bastian suggested a 7.5% increase for a total annual compensation of \$160,000.00 effective October 1, 2023.

Motion to approve a 7.5% annual increase, for a total annual compensation of \$160,000.00, for the City Attorney, effective October 1, 2023, was made by Councilman Drew Bastian and seconded by Councilman Scott Stiltner. Motion carried 4-1 by roll call vote with Councilman Tracy Grubbs voting no.

18. City Manager

Wayne Clark, City Manager, spoke further on the legislative appropriations awarded to the City, which totaled 3.5 million dollars, and thanked Senator Tom Wright, Representative Chase Tramont, Lobbyist Sean Pittman and Assistant City Manager Robin Fenwick. He also spoke in detail about stormwater maintenance crew members being active in the neighborhoods to explain the pipe and drainage systems to residents.

a. Designation of Voting Delegate for Florida League of Cities Conference

Motion to appoint Mayor Don Burnette as the voting delegate for the Florida League of Cities Conference was made by Councilman Scott Stiltner and seconded by Vice Mayor Reed Foley. Motion carried unanimously by voice vote.

COUNCIL COMMITTEE REPORTS

19. City Council Committee Reports

a. First Step Shelter - Mayor Don Burnette

Mayor Don Burnette provided details from their recent meeting.

b. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette

Mayor Don Burnette introduced Barbara Ann Heegan, President and CEO of the Port Orange/South Daytona Chamber of Commerce, to provide details on upcoming events.

ADJOURNMENT – 7:58 p.m.

Attest:

A handwritten signature in blue ink, appearing to read "Robin Fenwick", written over a horizontal line.

Robin Fenwick, MMC
City Clerk

A large, stylized handwritten signature in blue ink, likely belonging to Mayor Donald O. Burnette, written over a horizontal line.

Mayor Donald O. Burnette