

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 5, 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 David Troxler of First Christian Church

Pledge of Allegiance

Roll Call	Present:	Councilman Tracy Grubbs Councilman Drew Bastian Councilman Scott Stiltner Vice Mayor Reed Foley Mayor Donald Burnette
	Also Present:	City Manager, Wayne Clark City Attorney, Matthew Jones Deputy City Clerk, Tracee Cody

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Robert Reinhagen, resident, commented on Item #11 and questioned how the City was going to spend the funds received from the purchase.

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. August 15, 2023 - Regular City Council Meeting
- b. August 28, 2023 - Special City Council Meeting

7. Bid Awards and Contract Items

- a. Approval of Change Order No. 1 with JBI Contracting, LLC for the Boggs Ford Drainage Improvement Project
- b. Approval of Task Authorization No. 8 with Kimley-Horn & Associates, Inc. for the Lowes / Gateway Lift Station Rehab Project

c. Approval of Task Authorization No. 9 with Kimley-Horn & Associates, Inc. for the Williamson Regional Lift Station Rehab Project

d. Approval of Amendment No. 1 to Task Authorization No. 24 with Mead & Hunt, Inc. for the Herbert and Nova Lift Station Rehabilitation Project Construction Engineering Services

e. Approval of Amendment No. 1 to Task Authorization No. 34 with Mead & Hunt, Inc. for the Water Reclamation Facility (WRF) Filter Rehabilitation Project

f. Approval of Caboose License Agreement with Port Orange Railway Society

g. Approval of Contractor Agreement for Disaster Debris Removal Services to Ceres Environmental as primary contractor and DRC Emergency Services, LLC and TFR Enterprises, Inc. as alternates.

h. Approval of the First Amendment to the Interlocal Agreement with Volusia County for Traffic Signal Maintenance

i. Approval of Task Authorization No. 2 with Hall & Ogle Architects, Inc. for the design of the Forestry Management Storage Building

8. Resolution No. 23-30 - Request for Inclusion of the City of Port Orange's Water Reclamation Facility Plan in the State Revolving Fund Loan Program

9. Resolution No. 23-35 - Acceptance of the \$20,053.12 grant from the University of North Florida/Institute of Police Technology and Management for Florida's Bicycle Pedestrian Focused Initiative

10. Resolution No. 23-36 - Ratifying the Results of the 2023 City Council Special Election for District 2

11. Approval of the Mitigation Bank Purchase Agreement between the City of Port Orange and County of Volusia

12. Approval of BeStrong USA, Inc. Economic Incentive Agreement – Ch. 20 Targeted Business Program

13. Approval of the Cooperative Economic Development Agreement with Team Volusia Economic Development Corporation

14. Approval of Contract to Purchase 5797 Devon Street

15. Bristol/Riverwalk items

a. Resolution No. 23-32 - Vacation of a portion of the Halifax Drive right-of-way; subject to approval of the Riveryard Master Development Agreement

b. Resolution No. 23-37 - Vacation of a portion of the Herbert Street right-of-way; subject to approval of the Riveryard Master Development Agreement

c. Temporary Construction Easement for property generally located at the Northeast Corner of Ridgewood Avenue and Dunlawton Avenue and 3641 Ridgewood Avenue (Dave's Pest Control Property); subject to approval of the Riveryard Master Development Agreement

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.

16. Dr. Rachel Hazel, Deputy Superintendent of Volusia County Schools

Dr. Rachel Hazel, Deputy Superintendent of Volusia County Schools and former Principal of Spruce Creek Elementary, provided statistics on the Volusia County School district and a legislative update on a new cell phone policy where they must be silenced during class. In response to Councilman Stiltner's question about new school construction, Dr. Hazel said, while there are no new schools being built, there are renovations underway to expand capacity at some schools.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

Barbara Ann Heegan, President and CEO of Port Orange South Daytona Chamber of Commerce, announced their upcoming job fair September 14, 2023 from 12-4 p.m. at the Riverside Pavilion, and also announced other events they are working on.

Debbie Kruck-Forrester, with the non-profit organization Ormond Strong, spoke about an upcoming community event "22 hours for the 44 a day" held at the VFW Post #3282 beginning September 15, 2023 at 10:00 a.m. through September 16, 2023 at 8:00 a.m.

Louise Chapman, resident, commented on drainage issues and is in support of the increase in the stormwater fee but also commended Council and staff for their clean-up efforts after Hurricane Ian.

Gina Hesch, resident, commented on the need for more stringent laws regarding the responsibilities of feral cat owners. Jeff Kromraj, resident, also commented on the feral cat situation in their neighborhood and the registered cat colony policies.

COUNCIL COMMENTS

17. Comments/Concerns from Council Members

Councilman Tracy Grubbs wanted to provide some clarity and education in response to social media posts regarding marijuana dispensaries in the City. Matt Jones, City Attorney, clarified the state law that passed allowed the cities to completely ban them or treat them as a regular pharmacy. The dispensaries are mandated to follow state regulations.

Vice Mayor Reed Foley congratulated Councilman Grubbs for winning the Special Election for District 2. He also commented on the Story Book Walk and would like to see these events at more parks.

Councilman Scott Stiltner encouraged residents to attend Port Orange University to understand how the City works. He piggybacked on Councilman Grubbs's comment and added the City does not have any input on the types of businesses that operate, it is based on zoning uses.

Councilman Drew Bastian spoke to Mr. Reinhagen's public comment and said some of the funds from the mitigation bank purchase agreement could be used toward the contract to purchase 5797 Devon Street to relocate the lift station.

Mayor Burnette thanked Mr. Clark and staff for their quick preparations before Hurricane Idalia and suggested residents still take precautions going into the hurricane season and not to throw out sandbags.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

18. Environmental Advisory Board Appointment

Glenn Smith, new Environmental Advisory Board applicant, introduced himself and expressed his interest in serving on the board.

Motion to nominate Glenn Smith to be appointed to his first term expiring on May 7, 2026 was made by Councilman Drew Bastian and seconded by Vice Mayor Reed Foley. Motion carried unanimously by roll call vote.

PUBLIC HEARING

19. Second Reading - Ordinance No. 2023-10 - Riveryard Master Development Agreement and Conceptual Development Plan

Mayor Burnette read Ordinance No. 2023-10.

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, AN ORDINANCE OF THE CITY OF PORT ORANGE, ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. R) DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2023-10 was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

20. Resolution No. 23-31 - Stormwater Drainage Utility Annual Stormwater Fee Rate Increase

Mayor Burnette read Resolution No. 23-31.

RESOLUTION NO. 23-31

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA ADOPTING A RATE SCHEDULE FOR THE ANNUAL STORMWATER UTILITY FEES IMPOSED BY THE CITY IN ACCORDANCE WITH CHAPTER 74, SECTIONS 156-164 OF THE CITY CODE OF ORDINANCES; DESCRIBING THE UNIT OF MEASUREMENT FOR THE STORMWATER FEES; PROVIDING FOR COLLECTION OF THE STORMWATER FEES AS NON-AD VALOREM ASSESSMENTS PURSUANT TO THE TAX BILL COLLECTION METHOD AUTHORIZED BY SECTION 197.3632, FLORIDA STATUTES; APPROVING THE NON-AD VALOREM ASSESSMENT ROLL FOR SUCH FEES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; DIRECTING CERTIFICATION OF SUCH ROLL TO THE VOLUSIA COUNTY TAX COLLECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Clark briefed Council on how the rate increase was brought about by Raftelis and staff and provided a presentation focusing on the city's drainage system, stormwater management and development, homes impacted by flooding, and how the revenue from the rate increase will be used for ongoing maintenance, short and long term improvements, and the stormwater master plan.

Mrs. Chapman, resident, made a note about grants and how the investment for the stormwater fee from the residents can help the City obtain more grant funding because it helps to cover the funding match that is often times required.

Janice Nixon, resident, supported the rate increase for the City to make the necessary improvements.

Move to approve Resolution No. 23-31 was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

Council recessed at 8:01 p.m. and reconvened at 8:10 p.m.

REGULAR AGENDA

21. First Reading - Ordinance No. 2023-09 - Amendment to Chapter 54, Article V, Police Pension Fund of the Code of Ordinances (Line of Duty Death)

Mayor Burnette read Ordinance No. 2023-09.

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE V, POLICE PENSION FUND, AMENDING SECTION 54-122, DEFINITIONS, ADDING A NEW DEFINITION FOR "DOMESTIC PARTNER" AND ADDING "PARTICIPANT" TO THE DEFINITION OF POLICE OFFICER; CREATING A NEW SECTION 54-132.5, BENEFITS PAYABLE IN THE EVENT OF A PARTICIPANT KILLED IN THE LINE OF DUTY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Assistant City Manager/Finance Director, John McKinney, provided a brief overview of the Ordinance.

Motion to approve Ordinance No. 2023-09 was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner. Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

22. City Attorney

There was nothing further.

23. City Manager

Mr. Clark announced Steve Parnell was promoted to Public Utilities Director and had him provide an update on the water main break that happened earlier in the day.

COUNCIL COMMITTEE REPORTS

24. City Council Committee Reports

a. River to Sea TPO - Vice Mayor Reed Foley

Vice Mayor Reed Foley provided details from their recent meeting.

b. Fire Pension Board - Vice Mayor Reed Foley

Vice Mayor Foley provided details from their recent meeting.

c. Police Pension Board - Councilman Drew Bastian

Councilman Drew Bastian provided details from their recent meeting.

ADJOURNMENT – 8:19 p.m.



Mayor Donald O. Burnette

Attest:


Robin Fenwick, MMC
City Clerk

