

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 19, 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 Tracy Grubbs
Councilman Drew Bastian
Councilman Scott Stiltner
Vice Mayor Reed Foley
Mayor Donald Burnette

Also Present:

Wayne Clark, City Manager
Matthew Jones, City Attorney
Tracee Cody, Deputy City Clerk

4. Swearing-In Ceremony for Councilman Tracy Grubbs District 2

Councilman Tracy Grubbs was sworn in by Assistant City Manager/City Clerk, Robin Fenwick.

PROCLAMATIONS

5. Childhood Cancer Awareness Month

Mayor Donald Burnette read the proclamation for Childhood Cancer Awareness Month.

CONSENT AGENDA

6. Public Comments on Consent Agenda Items Only

There were none.

7. 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.

8. Approval of Minutes
 - a. September 5, 2023 - Regular City Council Meeting
 - b. September 6, 2023 - Special City Council Meeting
9. Bid Awards and Contract Items
 - a. Approval of Change Order No. 3 for Task Authorization No. 9 to TEDS/Stanley Consultants (SUN Trail design)
 - b. Approval of FDOT State-Funded Grant Agreement Time Extension No. 1 to Contract G2E34 for the St. John's River to Sea (SJR2C) Loop Trail SUN Trail design
 - c. Approval to Award RFP 23-15 for Disaster Monitoring and Grant Consulting to Thompson Consulting Services, LLC as the primary vendor, and Integrated Solutions Consulting and Tetra Tech, Inc. as alternates.
 - d. Approval of Extension No. 1 of the Animal Services and Trap Neuter Release (TNR) Agreement with Halifax Humane Society (HHS)
10. Approval of FY 2023 Utility Billing and Accounts Receivable Accounting Adjustment
11. Resolution No. 23-39 - Approval of Florida Division of Emergency Management Subrecipient Agreement for Hurricane Nicole
12. Resolution No. 23-40 - Support of the Volusia County Spruce Creek Dredging Project and Use of 6500 Spruce Creek Road as an Offload/Staging Site
13. Resolution No. 23-43 - Adopting Inventory List of Real Property to which City holds Fee Simple Title for Use as Affordable Housing (Required by Florida Statutes Section 166.0451)

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 (Agenda)

14. Spruce Creek Dredging Project Presentation by Niles Cyzycki, Activity Project Manager, with the Volusia County Coastal Division

Niles Cyzycki, Activity Project Manager, with the Volusia County Coastal Division provided details on the Spruce Creek Trestle Dredging Project being completed by Dredging & Marine Consultants, LLC. Mr. Cyzycki explained the execution process would be about six months due to the permitting process.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

Robert Lloyd, resident, spoke about the Spruce Creek remediation in years past and thanked Volusia County and Council's support of the dredging project

15. Comments/Concerns from Council Members

Councilman Stiltner asked Wayne Clark, City Manager, to provide an update on the progress of the conditions to the Dunlawton medians and thanked Volusia County for taking on the dredging project. All council members thanked Volusia County and Dredging & Marine Consultants, LLC, are in support of the project, and eager for its end results.

Vice Mayor Foley inquired about traffic flow along the route during the dredging project for either staff or Mr. Cyzycki to answer at a later time.

Councilman Tracy Grubbs commented on the upcoming Parks Bond initiative and would like to see biking and walking trails throughout the parks to connect within the city.

Mayor Burnette commented on the verdict of Officer Jason Raynor's case and encouraged citizens to acknowledge and support police officers. He also spoke about the fuel farm opposition near Ormond Beach and the Resolution of Support that he has requested be placed on the next meeting's agenda for consideration.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

16. Citizen Advisory Committee for TPO

Bobby Ball, member of CAC for TPO, provided an update from their recent meeting.

17. Environmental Advisory Board Report

John Macaluso, Vice Chair of the Environmental Advisory Board, provided details from their recent meetings.

PUBLIC HEARING

18. Second 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.

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

19. First Reading - Ordinance No. 2023-13 - 4th Amendment to the Master Development Agreement and Conceptual Development Plan for the Pavilion at Port Orange Planned Commercial Development (CASE NO. PRZA-23-0005)

Mayor Burnette read Ordinance No. 2023-13.

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FOURTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE PAVILION AT PORT ORANGE PLANNED COMMERCIAL DEVELOPMENT (PCD) AND CONCEPTUAL DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2023-13 was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner.

Penelope Cruz, Planning Manager, provided details of the proposed Ordinance and answered questions from Council regarding reducing traffic impact. Applicant, Steve Schlossberg of Splash Car Wash, also responded to Vice Mayor Foley's question about cross access and the flow of traffic.

Robert Reinhausen, resident, commented on the item that he feels there should be a policy that the City gets consideration from the developer in return for giving up a requirement to the Land Development Code.

Motion carried unanimously by roll call vote.

20. Variance from Chapter 16, Section 9(c)(8) of the Land Development Code (LDC) - Setback for a Camouflage Communication Tower/4500 Eastport Parkway (CASE NO. VARC-23-0006)

Motion to approve a variance from the Land Development Code (LDC) to reduce the north setback to 55 feet, east setback to 118 feet, and west setback to 59 feet for a camouflage monopine communications tower in lieu of the 165 feet setback required by the LDC as recommended by the Planning Commission at their August 24, 2023 meeting was made by Vice Mayor Reed Foley and seconded by Councilman Scott Stiltner.

Ms. Cruz provided details of the request.

Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

21. City Attorney

There was nothing further.

22. City Manager

Mr. Clark said Susan Lovallo, Parks & Recreation Director, will provide an update to the Parks Bond initiative at the October 17 Council meeting. Mr. Clark also mentioned that the Water & Sewer fees previously discussed at a Council workshop will not increase in October. The proposal to increase these fees will come before Council in November to become effective in January.

COUNCIL COMMITTEE REPORTS

23. City Council Committee Reports

a. General Employees' Pension Board - Councilman Scott Stiltner

Councilman Stiltner provided details from their last meeting.

b. Arthaus - Vice Mayor Reed Foley

Vice Mayor Foley had nothing to report as he has not had a meeting with Arthaus yet.

c. Roundtable of Elected Officials - Mayor Donald Burnette

Mayor Burnette provided details from their recent meeting.

d. Port Orange/South Daytona Chamber of Commerce - Mayor Donald Burnette

Mayor Burnette provided details from their recent meeting.

e. First Step Shelter - Mayor Donald Burnette

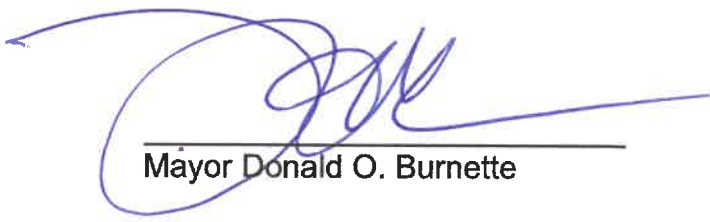
Mayor Burnette said the meeting will be on Monday, October 25, 2023.

ADJOURNMENT – 7:37 p.m.

Attest:



Robin Fenwick, MMC
City Clerk



Mayor Donald O. Burnette

