

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
NOVEMBER 14, 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.

Silent Invocation

Pledge of Allegiance

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

PROCLAMATIONS

4. Small Business Saturday

Mayor Don Burnette read the proclamation for Small Business Saturday and presented it to Barbara Ann Heegan, CEO and President of Port Orange/South Daytona Chamber of Commerce.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

There were none.

6. Agenda Approval

Matt Jones, City Attorney, recommended removal of Item #9 to discuss necessary revisions. Mayor Don Burnette removed Item #9.

Motion to approve the Agenda as amended, with the removal of Item #9, was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

7. Approval of Minutes
 - a. November 7, 2023 - Regular City Council Meeting
8. Bid Awards and Contract Items
 - a. Ratification of Task Authorization No. 3 to Meeks Plumbing, Inc. for emergency pumping services rendered during rain event on September 30, 2023
 - b. Approval of Change Order No. 1 to the Engineers Joint Contract Document (EJCDC) Agreement CA7442 (ITB 21-09) with U.S. Water Services Corporation as it relates to the Herbert and Nova Master Lift Station Improvements
 - c. Approval of Extension No. 2 of the Animal Services and Trap Neuter Release (TNR) Agreement with Halifax Humane Society (HHS)
 - d. Approval of Amendment No. 1 to Task Authorization No. 9 with Pegasus Engineering, LLC for grant application development for the FEMA Flood Mitigation Assistance (FMA) Application for the Acquisition and Demolition of Flood-Prone Homes
 - e. Sixth Addendum to the Wholesale Service Agreement for Wastewater services to Daytona Beach Shores
9. Resolution No. 23-26 - Establishing and Adopting Water, Wastewater, Reclaimed and Other Miscellaneous Utility Fees
10. Resolution No. 23-60 - Budget Amendment - FY2022 - 2023 Final Year End True-Up
11. Resolution No. 23-61 - Capital Encumbrance and Project Balance Roll forward Budget Amendment for Fiscal Year 2023-2024
12. Resolution No. 23-64 - FEMA Flood Mitigation Assistance (FMA) Application to Request Funds to Acquire and Demolish 7 Homes

Motion to approve the Consent Agenda Items #7-8e and #10-12 was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

Item #9 - Resolution No. 23-26 - Establishing and Adopting Water, Wastewater & Reclaimed Utility Service Fees

Motion to approve Resolution No. 23-26 was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian.

John McKinney, Finance Director/Assistant City Manager, provided details on the revisions needed within the Resolution. The changes to the amounts were listed in the backup documentation correctly but were not converted to the Resolution correctly. The revised amounts coincide with the amounts discussed previously by City Council.

Motion carried unanimously by roll call vote.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

Penni Arthur, resident, asked for information on dams that supposedly broke during the 2022 hurricanes that caused flooding in the City.

COUNCIL COMMENTS

13. Comments/Concerns from Council Members

Wayne Clark, City Manager, spoke in regard to the public comment about the "dam" which is not a dam. It was the Cambridge Basin pump station retaining wall. Mr. Clark briefly explained how it was affected by the hurricanes and the actions taken to repair the issues.

Councilman Scott Stiltner spoke about the passing of former Parks & Recreation employee Veronica "Ronnie" Roberts who worked at the City for 21 years until retirement but continued to serve the department as Mrs. Claus in the Christmas parade.

Mayor Don Burnette spoke about Cops for Christmas and had Susan Lovallo, Parks & Recreation Director, provide an overview of the upcoming Christmas events. Mayor Burnette also asked Mr. Clark for an update on the street lights that are out on Nova Road between Herbert and Dunlawton. Mr. Clark advised that the FPL is aware of the issue and is still working on the repairs.

SPECIAL REPORTS

14. Overview of Florida Fish & Wildlife Commission (FWC) Derelict Boat Removal Program

Port Orange Police Chief Manny Marino provided an overview of the FWC's Derelict Boat Removal Program.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

15. Environmental Advisory Board Report

Kristine Cunningham, Chair of the Environmental Advisory Board, provided details from their recent meetings.

PUBLIC HEARING

16. First Reading - Ordinance No. 2023-11 - Amending Chapter 2 Administration - Finance - Payments for Utilities

Mayor Don Burnette read Ordinance No. 2023-11.

ORDINANCE NO. 2023-11

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, SECTION 2-240 RELATED TO PAYMENTS FOR UTILITIES TO REVISE THE LATE PAYMENT PENALTY, ESTABLISH A DELINQUENT FEE, AND EXPAND THE AUTHORITY OF THE CITY MANAGER TO MAKE UTILITY BILLING ADJUSTMENTS; ESTABLISHING A NEW SECTION 2-242 AUTHORIZING DELINQUENT ACCOUNT PAYMENT PLANS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2023-11 was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian.

Mr. McKinney provided a brief overview of the Ordinance and answered questions from Council.

Motion carried unanimously by roll call vote.

17. First Reading - Ordinance No. 2023-16 - Land Development Code Amendment/Chapter 21 - Update to City Impact Fees (Case No. DCAM-23-0001)

Mayor Don Burnette read Ordinance No. 2023-16.

ORDINANCE NO. 2023-16

AN ORDINANCE OF CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING AND CONSOLIDATING CERTAIN PROVISIONS OF CHAPTER 21 OF THE CITY'S LAND DEVELOPMENT CODE RELATED TO IMPACT FEES IMPOSED BY THE CITY OTHER THAN WATER AND SEWER DEVELOPMENT FEES; PROVIDING FOR UNIFORMITY AND CONSISTENCY OF IMPACT FEE ADMINISTRATION AND PROCEDURES; PROVIDING FOR REORGANIZATION, REVISIONS, ADDITIONS AND DELETIONS TO EFFECTUATE CONSOLIDATION OF THE IMPACT FEE CODE PROVISIONS; ADOPTING UPDATED SCHEDULES OF FIRE/RESCUE IMPACT FEES, TRANSPORTATION IMPACT FEES, AND PARKS AND RECREATION IMPACT FEES; PROVIDING FOR THE

IMPOSITION OF POLICE IMPACT FEES; ADOPTING A SCHEDULE OF POLICE IMPACT FEES AND CLASSIFYING USES OF PROPERTY SUBJECT TO SUCH IMPACT FEES; PROVIDING DEFINITIONS, RULES OF CONSTRUCTION AND FINDINGS; PROVIDING FOR THE USE OF IMPACT FEE MONIES COLLECTED; PROVIDING FOR EXEMPTIONS IN CONNECTION WITH IMPACT FEES; PROVIDING FOR THE CALCULATION OF ALTERNATIVE IMPACT FEES; PROVIDING FOR CHANGES OF SIZE AND USE; PROVIDING FOR PAYMENT AND COLLECTION OF IMPACT FEES; PROVIDING FOR IMPACT FEE CREDITS; REQUIRING PERIODIC REVIEW OF IMPACT FEE STUDIES AND THIS ORDINANCE; DECLARATION OF EXCLUSION FROM THE ADMINISTRATIVE PROCEDURE ACT; PROVIDING FOR NOTICE OF THE UPDATED SCHEDULES OF FIRE/RESCUE IMPACT FEES, TRANSPORTATION IMPACT FEES, AND PARKS AND RECREATION IMPACT FEES AND FOR THE IMPOSITION OF POLICE IMPACT FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2023-16 was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian.

Tim Burman, Community Development Director, provided details of the Ordinance and answered questions from Council.

Motion carried unanimously by roll call vote.

18. First Reading - Ordinance No. 2023-17 - Second Amendment to Restated First Amendment to the Master Development Agreement for Nova Depot Planned Commercial Development

Mayor Don Burnette read Ordinance No. 2023-17.

ORDINANCE NO. 2023-17

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO RESTATED FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT NOVA DEPOT PLANNED COMMERCIAL DEVELOPMENT; PROVIDING FOR THE REPEAL

OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2023-17 was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian.

Penelope Cruz, Planning Manager, provided details of the Ordinance and answered questions from Council.

Motion carried unanimously by roll call vote.

19. First Reading - Ordinance No. 2023-18 - Land Development Code Amendment/Chapters 2, 3, 9, and 10 - Code Clean-Up Amendment (CASE NO.: DCAM-23-0002)

Mayor Don Burnette read Ordinance No. 2023-18.

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTERS 2, 3, 9, AND 10 RELATING TO DEFINITIONS AND INTERPRETATIONS, CLAIRFYING DEVELOPMENT APPLICATIONS CONSIDERED TO BE MAJOR DEVELOPMENTS; ADJUSTING RESUBMITTAL TIMEFRAMES; CLARIFYING REQUIREMENTS FOR MEETINGS AND MEMEBERSHIP OF STAFF DEVELOPMENT REVIEW COMMITTEE (SDRC); RENAMING CHANGE OF GRADE PERMIT TO MINOR ENGINEERING PERMIT AND CLARIFYING WHAT IS INCLUDED; REMOVING OUTDATED REFERENCES TO STORMWATER MANAGEMENT PERMIT AND WETLANDS ALTERATION PERMIT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2023-18 was made by Councilman Scott Stiltner and seconded by Councilman Drew Bastian.

Ms. Cruz provided details of the Ordinance and answered questions from Council.

Robert Reinhausen, resident, commented on the definitions for the minor engineering permit and the wetlands alteration permit.

Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

20. City Attorney

There was nothing further.

21. City Manager

There was nothing further.

COUNCIL COMMITTEE REPORTS

22. City Council Committee Reports

a. First Step Shelter - Mayor Donald Burnette

Mayor Don Burnette provided details from their recent meeting.

b. Roundtable of Elected Officials - Mayor Donald Burnette

Mayor Don Burnette provided details from their recent meeting.

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

Mayor Don Burnette had Ms. Heegan provide details of upcoming events.

d. Arthaus - Vice Mayor Reed Foley

There was no report as Vice Mayor Reed Foley was absent.

ADJOURNMENT – 7:50 p.m.



Attest:


Mayor Donald O. Burnette


Robin Fenwick, MMC
City Clerk

For:

Tracee Cody, Deputy City Clerk