

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JULY 16, 2024

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 Ken Sharp of High Point Pentecostal

Pledge of Allegiance

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

RECOGNITION AND PROCLAMATIONS

4. Parks and Recreation Month Proclamation

Mayor Don Burnette read the proclamation for Parks and Recreation Month and presented it to Susan Lovallo, Parks & Recreation Director, and the department.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

Robert spoke on item #8a specifically doesn't agree with the engineer making determinations.

6. Agenda Approval

No changes were requested by Council.

Motion to approve the agenda was made by Vice Mayor Scott Stiltner and seconded by Councilman Tracy Grubbs. Motion carried unanimously by voice vote.

Regular City Council Meeting

July 16, 2024

Page 2 of 7

7. Approval of Minutes
 - a. June 18, 2024 - Regular City Council Meeting
8. Bid Awards and Contract Items
 - a. Approval to Award ITB #24-13 for Jackson & Oak Street Drainage Improvements to GPS Civil Construction, Inc.
 - b. Approval of Task Authorization No. 6 with Zev Cohen & Associates for Construction Phase Services & Community Development Block Grant (CDBG) Compliance Monitoring relating to ITB #24-13 for Jackson and Oak Street Stormwater Improvement Project
9. Designation of Voting Delegate for Florida League of Cities Conference being held August 15-17, 2024
10. Approval of Volusia County Funding Allocation for the Edward Byrne Memorial Justice Assistance Grant Countywide (JAGC) Program
11. Resolution No. 24-19 - Stormwater Drainage Utility Annual Fee Rate Increase
12. Resolution No. 24-22 - Deed of Dedication for public purposes along the north side of Charles Street, adjacent to 1101 Charles Street (Sugar Mill Elementary)

Motion to approve the Consent Agenda as presented was made by Vice Mayor Scott Stiltner and seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

PUBLIC PARTICIPATION (Agenda)

13. Spruce Creek Presentation by Derek LaMontagne and Spruce Creek RiverWorks, Inc.

Derek LaMontagne, member of Spruce Creek RiverWorks, Inc., presented his opinions regarding impacts to Spruce Creek, the need for BMAPs, and State permitting issues for the I-95/Pioneer Trail interchange.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

Derek LaMontagne introduced himself as a candidate running for Port Orange Mayor and presented his vision and platform for running.

John Baker, resident of Debary, expressed his concern over the I95/Pioneer Trail interchange and the effects it can have on Spruce Creek.

Claire, Daytona Tortugas mascot Sheldon, announced the Port Orange/South Daytona game day on Friday, July 19.

Barbara Ann Heegan, President and CEO of Port Orange/South Daytona Chamber of Commerce, advocated for the Parks & Rec Bond that will be on the ballot August 20.

14. Comments/Concerns from Council Members

Councilman Tracy Grubbs commented on the 4th of July event and the floodplain letters being mailed to residents by Volusia County explaining flood insurance and FEMA. He also spoke regarding the churches being built in Port Orange.

Mayor Don Burnette also spoke about flood insurance after his parents were affected by the 2022 hurricanes.

Vice Mayor Scott Stiltner praised city personnel and Port Orange Community Trust volunteers on the 4th of July event and also mentioned Michael Booker, retired Daytona Beach Shores City Manager, passed away recently.

Mayor Don Burnette inquired about posting active solicitation permits on the City website so residents know who is valid. Wayne Clark said the Clerk's Office can start uploading them.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

15. Parks and Recreation Advisory Board Report

Bobby Ball, Chairman of the Parks & Recreation Advisory Board, gave an update on their recent meeting.

PUBLIC HEARING

16. Second Reading - Ordinance No. 2024-11 - First Amendment to the Restated Master Development Agreement for the Catfish Commons Planned Commercial (Case No. PRZA-24-0004)

City Attorney Matthew Jones read Ordinance No. 2024-11.

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE RESTATED MASTER DEVELOPMENT AGREEMENT FOR THE CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-11
was made by Vice Mayor Scott Stiltner
and seconded by Councilman Drew

Bastian. Motion carried unanimously by
roll call vote.

17. Second Reading - Ordinance No. 2024-01 - Chapter 74 - Utilities - Article V.
Stormwater

City Attorney Jones read Ordinance No. 2024-01.

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 74, ARTICLE V, STORMWATER UTILITY; AMENDING SECTION 74-156 TO ADD A DEFINITION FOR "EQUIVALENT DWELLING UNIT" AND DELETE UNUSED TERMS; AMENDING SECTION 74-159 TO DESCRIBE THE ASSIGNMENT OF EQUIVALENT DWELLING UNITS TO DEVELOPED RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES; AMENDING SECTION 74-161 TO ELIMINATE THE REQUIREMENT TO DESIGNATE BY RESOLUTION THE PERCENTAGE OF THE STORMWATER DRAINAGE UTILITY FEE INTENDED FOR CAPITAL IMPROVEMENTS, STREAMLINE THE PROVISIONS BY WHICH NON-RESIDENTIAL DEVELOPED PROPERTIES MAY RECEIVE CREDITS AGAINST THE AMOUNT OF THE STORMWATER DRAINAGE UTILITY FEE AS A RESULT OF ONSITE STORMWATER RETENTION FACILITIES, AND DESCRIBE THE AUTHORIZED USES OF STORMWATER FEE PROCEEDS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-01
was made by Vice Mayor Scott Stiltner
and seconded by Councilman Drew
Bastian. Motion carried unanimously by
roll call vote.

REGULAR AGENDA

18. First Reading - Ordinance No. 2024-10 - Amendment to Chapter 54, Article V,
Police Pension Fund of the Code of Ordinances

City Attorney Jones read Ordinance No. 2024-10.

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE V, POLICE PENSION FUND, AMENDING SECTION 54-122, DEFINITIONS, AMENDING THE DEFINITION OF "AVERAGE FINAL COMPENSATION"; AMENDING SECTION 54-126, PENSION BENEFITS, AMENDING THE NORMAL RETIREMENT AGE; AMENDING SECTION 54-127, FORM OF BENEFIT PAYMENTS, PROVIDING DROP ELIGIBILITY FOR CERTAIN MEMBERS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2024-10 was made by Vice Mayor Scott Stiltner and seconded by Councilman Drew Bastian.

City Attorney Jones provided a recap of the Ordinance details.

Motion carried unanimously by roll call vote.

19. Removal of Two Historic Live Oak Trees at 5005 S. Ridgewood Avenue - Port Orange Flea Market

Motion to approve the after-the-fact tree removal permit for two historic Live Oak trees along with the mitigation payment of \$16,604 to the City's Tree Bank as recommended by the Environmental Advisory Board, and payment of the \$10,000 penalty fee for the removal of two historic trees without a permit as required by the City's code was made by Vice Mayor Scott Stiltner and seconded by Councilman Drew Bastian.

Tim Burman, Community Development Director, provided details of the item, requirements of the Land Development Code, and penalties.

Andy Clark, property owner, apologized and said the tree contractor told him they would pull the permit to remove the trees.

Mr. LaMontagne commented that the owner should sue the tree contractor and would like the city to uphold the fines and penalties as recommended by the Environmental Advisory Board.

Shawn Goepfert, resident, believes the owner is being double fined and recommended Council reconsider the excessive fines and penalties.

Wayne Clark, City Manager, informed Council that the recommendation is based on the Ordinance and that the owner is not being double fined. Mr. Clark also informed Council that the property owner could have replanted trees to mitigate and reduce the penalty amount. Attorney Jones agreed.

Motion to amend the motion to reduce the \$10,000 penalty fee to \$5,000 was made by Councilman Tracy Grubbs and seconded by Vice Mayor Scott Stiltner. Motion to amend carried 3-1 with Vice Mayor Scott Stiltner voting no.

Motion as amended carried 3-1 with Vice Mayor Scott Stiltner voting no.

ADDITIONAL ITEMS

20. City Attorney

There was nothing further.

21. City Manager

There was nothing further.

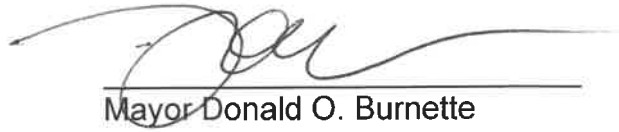
COUNCIL COMMITTEE REPORTS

22. City Council Committee Reports

- a. First Step Shelter - Mayor Don Burnette provided details from their recent meeting.
- b. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette asked Barbara Ann-Heegan to provide details on upcoming events.
- c. Arthaus - Councilman Tracy Grubbs provided details from their recent meeting and upcoming events.

ADJOURNMENT - 7:39 p.m.

Regular City Council Meeting
July 16, 2024
Page 7 of 7



Mayor Donald O. Burnette

Attest:



Robin Fenwick, MMC
City Clerk