

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 6, 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 Sheila Turner of A Touch of HIS Hem Ministries

Pledge of Allegiance

Roll Call	Present:	Councilman Tracy Grubbs Councilman Drew Bastian Councilman Jonathan Foley Vice Mayor Scott Stiltner Mayor Donald Burnette
	Also Present:	City Manager Wayne Clark City Attorney Matthew Jones Assistant City Manager Robin Fenwick

Council recessed to hold the Town Center CRA and Eastport CRA meetings, minutes of which are under separate cover.

TOWN CENTER CRA REGULAR MEETING

EASTPORT CRA REGULAR MEETING

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

Robert Reinhagen, citizen, spoke regarding the payment method options being presented in the First Amendment to Wrecker Service Agreement with J&A Balboa Enterprises, Inc. d/b/a Arrow Service &Towing.

5. Agenda Approval

There were no changes requested by Council.

Motion to approve the agenda as presented was made by Vice Mayor Scott Stiltner and seconded by Councilman Drew Bastian. Motion carried unanimously by voice vote.

6. Approval of Minutes

a. July 16, 2024 - Regular City Council Meeting

- b. July 23, 2024 - Special City Council Meeting
- 7. Bid Awards and Contract Items
 - a. Approval to Award RFQ for Custodial Services at City Hall to Southern Cleaning Service, Inc.
 - b. Approval of Contract with Hydro-Dyne for replacement of the Water Reclamation Facility Influent Bar Screens
 - c. Approval of First Amendment to Wrecker Service Agreement with J&A Balboa Enterprises, Inc. d/b/a Arrow Service & Towing
- 8. Approval of Coastal Crisis Negotiations Team (CCNT) Mutual Aid Agreement
- 9. Resolution No. 24-23 - Approval of Third Quarter Budget Amendments for Fiscal Year 2023-2024
- 10. Resolution No. 24-24 - Housing and Urban Development Community Development Block Grant (CDBG) Plan Year 2024 Annual Action Plan and Second Amendment to Plan Year 2021
- 11. Resolution No. 24-25 - Approval of Grant Subcontract in the amount of \$18,987.28 from University of North Florida Training and Services, Institute Inc., d/b/a Institute of Police Technology and Management for Florida's Bicycle Pedestrian Focused Initiative: Communication and High Visibility and Enforcement Project
- 12. Resolution No. 24-26 - Approval of the Vulnerability Assessment Grant Agreement for \$164,650.00 from the Florida Department of Environmental Protection

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

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

There were none.

COUNCIL COMMENTS

13. Comments/Concerns from Council Members

Vice Mayor Scott Stiltner read the obituary of Michael Booker into the record and acknowledged his service to the community of Daytona Beach Shores. He also spoke regarding the shooting of a juvenile in July and the press release issued today. Vice Mayor Stiltner asked for an update on the Dunlawton Ave. median, specifically weeds and trimming.

Councilman Tracy Grubbs spoke regarding the public comments on the wrecker service agreement. He thanked staff and the community for being prepared for Tropical Storm Debby. He encouraged citizens to check the drains in their neighborhoods. He provided information on the bond initiative on the ballot.

Councilman Jonathan Foley provided a list of drains to the City Manager where he saw residents had piled debris. He asked residents to be aware and be sure to leave them clear.

Mayor Don Burnette asked residents to retain the sandbags for the entirety of the hurricane season. He thanked staff for their work at the sandbag location.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

14. Environmental Advisory Board Report

Kristine Cunningham, Chair, was unable to attend and will provide the report at another time.

PUBLIC HEARING

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

City Attorney Matt 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 adopt Ordinance No. 2024-10 was made by Vice Mayor Scott Stiltner and seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

16. Second Reading - Ordinance No. 2024-12 - Small-Scale Future Land Use Map Amendment - 890 Taylor Road (Case No. CPAM-24-0002)

City Attorney Matt Jones read Ordinance No. 2024-12.

ORDINANCE NO 2024-12

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE DESIGNATION FOR +0.7 ACRES FROM OFFICE/RESIDENTIAL TRANSITION TO RURAL RESIDENTIAL (0-2 UNITS/ACRE); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-12 was made by Vice Mayor Scott Stiltner and seconded by Councilman Tracy Grubbs. Motion carried unanimously by roll call vote.

17. Second Reading - Ordinance 2024-13 - Second Amendment to the Altamira Shopping Village Planned Commercial Development (PCD) and Master Development Agreement (MDA) (Case No. PRZA-24-0003)

City Attorney Matt Jones read Ordinance No. 2024-13.

ORDINANCE NO 2024-13

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR ALTAMIRA SHOPPING VILLAGE PLANNED COMMERCIAL DEVELOPMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-13 was made by Vice Mayor Scott Stiltner and seconded by Councilman Tracy Grubbs. Motion carried unanimously by roll call vote.

18. First Reading - Ordinance No. 2024-14 - First Amendment to the Riveryard Master Development Agreement (Case No. PRZA-24-0005)

City Attorney Matt Jones read Ordinance No. 2024-14.

ORDINANCE NO 2024-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO

THE RIVERYARD MASTER DEVELOPMENT AGREEMENT;
PROVIDING FOR THE REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY OF; AND
PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-14
was made by Vice Mayor Scott Stiltner
and seconded by Councilman Tracy
Grubbs.

Tim Burman, Community Development Director, provided details of the interim uses
being proposed and answered the questions of Council.

Charles Carlisle, Bristol Development Group, spoke regarding their plans for the interim
uses. Michael Benedict, Dunes Brewing, spoke regarding his group's vision to activate
the area until the full project is built.

Council members expressed their support and excitement about the plans.

Councilman Foley advised he has a current contract to play music for a business with
Mr. Benedict and will need to abstain from voting.

Joe Mailki, citizen, supports the project but is concerned about panhandling at the site.

Mr. Reinhagen has concerns with a private developer using the property without any
rental fees and suggested having the Parks and Recreation Department run the project
for interim uses.

Motion carried 4-0-1 by roll call vote with
Councilman Foley abstaining.

19. First Reading - Ordinance No. 2024-15 - Chapter 6 - Alcoholic Beverages -
Article 1. In General of the Code of Ordinances

City Attorney Matt Jones read Ordinance No. 2024-15.

ORDINANCE NO 2024-15

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA
COUNTY, FLORIDA, AMENDING SECTION 6-3 RELATING TO
THE LIST OF PROPERTIES EXEMPT FROM THE GENERAL
PROHIBITION OF POSSESSION AND CONSUMPTION OF
ALCOHOL ON PUBLIC PROPERTY OWNED OR CONTROLLED
BY THE CITY OF PORT ORANGE; PROVIDING FOR
CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-15
was made by Vice Mayor Scott Stiltner
and seconded by Councilman Drew
Bastian.

Mr. Burman explained the details of the change in the ordinance.

Motion carried unanimously by roll call
vote.

ADDITIONAL ITEMS

20. City Attorney

There was nothing further.

21. City Manager a. Budget Discussion

Wayne Clark, City Manager, provided answers to the Council's questions from the
previous meeting relating to the millage rate and fund balance amounts.

Mayor Burnette thinks 30% fund balance is sufficient. Councilman Bastian believes a
range of 30-35% has been working and doesn't think moving to a strict 30% is
necessary. Consensus that 30% is the lowest fund balance amount.

Staff will target 4.975 mills with additional revenues being used for sidewalk repairs,
striping, etc.

COUNCIL COMMITTEE REPORTS

22. City Council Committee Reports a. River to Sea TPO - Councilman Reed Foley had nothing to report.

ADJOURNMENT - 7:37 p.m.


Mayor Donald O. Burnette

Attest:


Robin Fenwick, MMC, City Clerk



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Foley, Jonathan Reed		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Port Orange City Council	
MAILING ADDRESS 1000 City Center Circle		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Port Orange	COUNTY Volusia	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED August 6, 2024		NAME OF POLITICAL SUBDIVISION: City of Port Orange	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Johnathan Reed Foley, hereby disclose that on August 6, 2024 : (a) A measure

came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☒ inured to the special gain or loss of Michael Benedict, by whom I am retained; or

☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am currently retained by Michael Benedict to perform at his establishment later this year and have abstained from a vote that may inure to his special gain.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8-6-24

Date Filed

Signature

[Handwritten Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.