

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
NOVEMBER 19, 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 Father Edgar Serrano of the Basilica of Saint Paul

Pledge of Allegiance

Roll Call	Present:	Councilman Jonathan Foley Councilman Tracy Grubbs Councilman Drew Bastian Vice Mayor Scott Stiltner Mayor Donald Burnette
	Also Present:	City Manager Wayne Clark City Attorney Matthew Jones Deputy City Clerk Amanda Bonin

PROCLAMATIONS AND RECOGNITION

4. Certificates of Recognition - Councilman Tracy Grubbs

Mayor Don Burnette presented certificates of recognition to four individuals.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

There were none.

6. Agenda Approval

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.

7. Approval of Minutes

a. November 6, 2024 - Regular Council Meeting

8. Bid Awards and Contract Items

- a. Request to Waive Formal Bidding Requirements for Water Treatment Facility Lime Disposal and Award a Contract to 4C Sod Farm, Inc.
- b. Approval of the Economic Incentive Agreement for Florida Volusia

Trust LLC (65 Dunlawton Avenue) - Chapter 20 Targeted Business Program

- c. Approval of the Economic Incentive Agreement for Mueta Business LLC (59 Dunlawton Avenue) - Chapter 20 Targeted Business Program

9. Resolution No. 24-46 - Budget Amendment - FY2023 - 2024 Final Year End True-Up

10. Resolution No. 24-47 - Capital Encumbrance and Project Balance Roll forward Budget Amendment for Fiscal Year 2024-2025

11. Resolution No. 24-48 - Accepting the grant award from the U.S. Department of Justice FY24 Patrick Leahy Bulletproof Vest Partnership Project in the amount of \$29,233.97.

12. Resolution No. 24-49 - Florida Green Finance Authority's Incorporation of Supplemental Statutory Requirements Pursuant to SB 770 for Florida's PACE Act

13. Resolution No. 24-50 - Master Lease Purchase Agreement for Public Safety and Public Works Equipment with Truist Commercial Equity, Inc.

14. Resolution No. 24-51 - Approval of Grant Agreement for \$750,000 from Florida Inland Navigation District (FIND) for construction of the South Causeway Boat Ramp and Floating Docks Improvements

15. Approval of an Amendment to the Administrative Code

16. Approval of the Purchase of Real Property from Bristol Port Orange Partners, LLC and Acceptance and Approval of Assignments of Purchase and Sale Agreements from Bristol Port Orange Partners, LLC to the City for Purchase of Real Property Parcels adjacent to the City and CRA-Owned Parcels in the Riverwalk Area

- a. Assignment of the Contract to Purchase 113 Herbert Street from Bristol Port Orange Partners, LLC to the City of Port Orange (Assignment #1)
- b. Assignment of the Contract to Purchase 3855 Ridgewood Avenue from Bristol Port Orange Partners, LLC to the City of Port Orange (Assignment #2)
- c. Assignment of the Contract to Purchase 3921 Ridgewood Avenue from Bristol Port Orange Partners, LLC to the City of Port Orange (Assignment #3)
- d. Contract to Purchase 3925 Ridgewood Avenue (Purchase #1)

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

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

Joseph Adazzio, resident, spoke regarding concerns within the Southwinds Subdivision. The first issue was limited sight visibility when exiting onto Madeline Ave. and the second was regarding drainage issues throughout the neighborhood. Mr. Adazzio asked for someone to check out these concerns and discuss them with the Homeowners Association.

Several residents spoke about development and flooding issues throughout the City.

Chuck Helman, resident, spoke regarding the hoarder who has moved back onto a vacant parcel in Sugar Forest subdivision. Mr. Helman is asking for help in getting this area cleaned up.

Karl Mandl, resident, brought up the property at 717 Dove Avenue in Laurelwood Estates. He explained how those living at the property have stolen power and water, had campfires in the backyard, code violations, and unsanitary conditions.

Keltie McCormick, resident, spoke about an upcoming member elect and a recent event that occurred and called for his resignation.

Eric Gregory, resident, advised he is on the Environmental Advisory Board and within the last 24-hours he was able to collect signatures for a petition to create a stormwater advisory board.

COUNCIL COMMENTS

17. Comments/Concerns from Council Members

Following public comments and concerns regarding flooding and the City's efforts, Wayne Clark, City Manager, provided an update on the Stormwater Master Plan.

Mayor Don Burnette asked for Mr. Clark to find out how we can address the flow of Nova Canal that goes through our City.

Mr. Clark discussed the major rainfall events over the last 100 years and explained there are challenges in the City that staff is working through in the Stormwater Master Plan.

Councilman Jonathan Foley asked Mr. Clark to explain the FEMA 50% rule, which he did.

Councilman Foley mentioned the flood zones are created by FEMA and the City has plans in place to follow the laws, which in turn will help the citizens. Councilman Foley also mentioned the Small Business Administration can help financially with possible loans to improve or repair homes.

Councilman Tracy Grubbs asked if there was common area land in the Sugar Forest subdivision that could possibly be tied in with land the City is buying to create drainage improvements.

Vice Mayor Scott Stiltner discussed the amount of rainfall we received during Hurricane Milton and how there were no mandates for stormwater infrastructure prior to 1990. The year 1924 was the last time we had a significant amount of rain similar to recent events. He further explained what a 100-year and 500-year storm actually means.

Vice Mayor Scott Stiltner also explained the process of the stormwater plan and the City will be in Tallahassee in January fighting for state dollars to help fund these projects.

Councilman Drew Bastian agreed with Vice Mayor Scott Stiltner and mentioned that the City has been successful in the past in asking for State funding and wants to get Sugar Forest some help in getting that area cleaned up due to the hoarding situation on one of the properties.

Vice Mayor Scott Stiltner mentioned the City will do everything they can to get the property in Sugar Forest cleaned up and touched on upcoming events that are being put on by the City's Parks and Recreation Department.

Councilman Tracy Grubbs mentioned Tiki Docs will be open November 25th and Officer McBride of the Port Orange Police Department took 1st place in the Top Dog category in a recent competition.

Mayor Don Burnette asked the City Attorney to look at the hoarder property and what the City has done before.

SPECIAL REPORTS

18. Capital Financing Discussion

Toby Wagner of Southeastern Investment Securities LLC and Joe Tindle of Hilltop Securities, Inc. provided presentations for the Capital Financing Discussion.

Mr. Clark indicated there will be infrastructure projects coming forth that will require funding.

Mayor Don Burnette expressed his thoughts on this debt and how it would make sense to move forward.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

19. Citizen Advisory Committee for TPO

Bobby Ball mentioned December's meeting has been canceled. The I-95 and pioneer project is out for bid. Construction is estimated to commence in 2025.

20. Planning Commission Board Appointments

Mayor Don Burnette stated there are three Planning Commission Board members that are up for re-appointment. Those members are Stan Schmidt, Bo Bofamy, and Maria Mills-Benat.

Motion to re-appoint all three current members was made by Councilman Drew Bastian and seconded by Councilman Jonathan Foley. Motion carried unanimously by roll call vote.

There were two applicants for the vacant member seat. Daniel Mallegol and Kayden Schaper, applicants, addressed Council and told them a little about themselves and their experience.

Mayor Don Burnette opened nominations.

Motion to nominate Daniel Mallegol was made by Vice Mayor Scott Stiltner and seconded by Councilman Drew Bastian. No other nominations were made. Motion carried by voice vote 4-1 with Councilman Jonathan Foley voting no.

PUBLIC HEARING

21. Second Reading - Ordinance No. 2024-19 - Second Amendment to the Riveryard Master Development Agreement (Case No. PRZA-24-0006)

Matt Jones, City Attorney, read Ordinance No. 2024-19.

ORDINANCE NO. 2024-19

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE RIVERYARD MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR APPROXIMATELY +/-11 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF DUNLAWTON AVENUE AND RIDGEWOOD AVENUE, AND INCLUDING PROPERTIES LOCATED AT 3641 RIDGEWOOD AVENUE AND 3840 RIDGEWOOD AVENUE, CLARIFYING PERMITTED USES, REVISING THE LOCATION OF PUBLIC PARKING, REVISING THE MULTI-FAMILY PARKING RATIO, AND UPDATING THE CONCEPTUAL DEVELOPMENT PLAN LAYOUT; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-19 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew

Bastian. Motion carried unanimously by
roll call vote.

22. Second Reading - Ordinance No. 2024-23 - Amending Code of Ordinances
Chapter 6, Article 1 - Alcoholic Beverages

Mr. Jones read Ordinance No. 2024-23.

ORDINANCE NO. 2024-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 6, 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 AND ESTABLISHING CERTAIN PARAMETERS FOR THE CONSUMPTION THEREOF; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-23
was made by Vice Mayor Scott Stiltner
and Seconded by Councilman Drew
Bastian. Motion carried unanimously by
roll call vote.

23. Second Reading - Ordinance No. 2024-24 - Amending Information
Technology Policies for City Boards and Commissions

Mr. Jones read Ordinance No. 2024-24.

ORDINANCE NO. 2024-24

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, ARTICLE III, BOARDS AND COMMISSIONS, DIVISION 1, ELECTRONIC INFORMATION SYSTEMS; AMENDING TERMINOLOGY TO BE CONSISTENT WITH RECENTLY ADOPTED INFORMATION TECHNOLOGY AND CYBERSECURITY POLICIES, EXPANDING APPLICABILITY, ADDING ADDITIONAL PROHIBITED USES, ADDRESSING SECURITY AND LICENSING ISSUES, AMENDING THE PUBLIC RECORDS REQUIREMENTS, ESTABLISHING A NEW SECTION

2-58 ADDING USE REQUIREMENTS, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2024-24 was made by Vice Mayor Scott Stiltner and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

REGULAR AGENDA

24. Arthaus Request to Paint Murals on the Eight Columns and Embankment Walls for the Dunlawton Avenue Bridge Located in the Down Under Area

Tim Burman, Community Development Director, provided a brief update and advised staff recommends approval.

Cameron Vintson, Executive Director of Arthaus, provided a presentation of their plan to paint murals under the Dunlawton Bridge.

Ms. Vintson discussed the economic impact to tourism, programs they provide at the Arthaus, and money they have raised and donated to give back to the community.

The funding plan for the Down Under Project will be completed in several ways. In an effort to not use tax payer dollars, they will be utilizing grants, sponsorship and donations. The entire project should take approximately two to three years.

Motion to approve Arthaus to Paint Murals under the Dunlawton Bridge was made by Councilman Tracy Grubbs and seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

25. City Attorney

There was nothing further.

26. City Manager

Mr. Clark, thanked Councilman Drew Bastian and Mayor Don Burnette for everything they have done for him and the community.

COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

a. Proposal for Advisory Board - Councilman Tracy Grubbs

Motion to create a Stormwater Advisory Board as presented was made by Councilman Tracy Grubbs and seconded by Vice Mayor Scott Stiltner.

Councilman Tracy Grubbs provided a recap of the advisory board plan he discussed at the November 6th City Council Meeting.

Vice Mayor Scott Stiltner appreciates the idea but stated he is resistant in doing anything that may slow down the process being made with the Stormwater Master Plan and staff. He welcomes any citizen with any expertise to bring their ideas forward.

Councilman Drew Bastian also appreciates the idea and Councilman Tracy Grubbs efforts but is also hesitant and commented on a time when he voted to create a committee, it went sour and it declined morale tremendously.

Councilman Jonathan Foley said the idea has some merit but he also shares some of the same concerns as Vice Mayor Scott Stiltner. He is concerned about creating a board for something so specific. He sees a potential benefit and where value could be added but also agreed with Vice Mayor Scott Stiltner, and said anyone who has ideas, should bring them forward. Councilman Jonathan Foley mentioned that he has faith in the City's staff.

Mayor Don Burnette mirrored Councilman Drew Bastian's views and also doesn't want processes to slow down. He suggested the motion and the second, be withdrawn so it can be brought back in the future if needed. If they don't withdraw, and it gets denied, this subject is done and doesn't come back.

Councilman Jonathan Foley asked what the City is missing that we would need to create a board and what data points that they don't have?

Councilman Tracy Grubbs withdrew his motion and Vice Mayor Scott Stiltner withdrew his second.

b. Arthaus - Councilman Tracy Grubbs

Councilman Tracy Grubbs provided a report and touched on Ms. Dunson's presentation.

c. Roundtable of Elected Officials - Mayor Don Burnette

Mayor Don Burnette touched on the introduction to City managers, Hurricane Milton updates, asked the City to keep promoting Transform 386 as it is a great resource, and asked that the City continue to collaborate on the Nova Canal.

d. First Step Shelter - Mayor Don Burnette

Mayor Don Burnette reported that the shelter is at approximately 90% capacity.

e. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette

Mayor Don Burnette mentioned the Tiki Adventure Zone had a ribbon cutting today.

f. Volusia Flagler TPO - Councilman Jonathan Foley

Nothing to report.

28. Mayor's Farewell Message

Councilman Drew Bastian expressed his appreciation to be able to serve the community and his appreciation to the City Manager.

Vice Mayor Scott Stiltner expressed his appreciation for Councilman Drew Bastian serving and dedicating his time to the community.

Mayor Don Burnette said it's been a joy and an honor to be the Mayor and expressed his thoughts and appreciation on both the community and working with his fellow council members.

ADJOURNMENT 9:20 p.m.

Attest:



Robin Fenwick, MMC
City Clerk



Mayor Donald O. Burnette